

Clerical error blamed for zoning battle

By Mike Burge
Staff Writer

NATIONAL CITY — A yearlong legal tussle between the city and a businessman here over zoning and permits has turned up a mistake in the city regulations.

As a result, the city has dropped charges against the businessman, Herman Baca, owner and operator of Aztec Printing. Baca had been charged by the city with operating a business against zoning ordinances.

The case came to a head last Friday when the city's attorney, George Eiser, asked a Municipal Court judge to dismiss the charges after Baca's lawyer pointed out a discrepancy between the city's municipal code and its zoning regulations.

Planning Director Roger Post attributed the discrepancy to a clerical error.

The case began when Baca relocated his shop to 710 East Third Street from a Highland Avenue site in April of last year. Baca at that time applied for a conditional use permit to operate his business.

He said the conditions of the permit set down by the city included removal of an olive tree on a lot next

door and landscaping the same lot around the corner along G Avenue. Baca claimed the conditions were unreasonable because they would require him to trespass on another person's property.

He also said the city required that he remove a curb damaged by the tree's roots. Baca contended that was the city's problem.

City Planning Director Post said the zoning ordinance "addresses lots, properties, — not people," and said Baca's printing shop is on the same lot as adjacent houses, so the conditions were not unreasonable.

Post said the City Council offered to remove the offending tree with its own work crews, and requested only that Baca pay \$15 for a replacement tree.

Tom Homann, Baca's attorney, said that despite the city's error, the conditions were unreasonable.

"He (Baca) had no interest in the house next door," Homann said. "I think they were imposing absurd conditions."

Post said the error in the zoning codes occurred during a revision of city zoning ordinances in 1983. "We changed the names of some zones

and zoning requirements for others, and apparently one chart was missed," he said.

"The first thing we're going to do is clear up the error in the code."

City Attorney Eiser said the designation affected only printing and engraving shops.

Baca, who heads the Committee of Chicano Rights, said yesterday that he intends to file suit against the city

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as owner and operator of Aztec Printing.

"I will be filing a possible multimillion-dollar punitive lawsuit against the city of National City for violations of my right to conduct business and carry out commerce," he said.

Baca charged the city was attempting to force small businesses "to pay a bribe to conduct business in National City."

Rising Illegal Alien Crime a Touchy Issue

New Breed of Commuter Criminals Blamed for Increasing Burglaries

By TOM GORMAN, Times Staff Writer

Ed Sergott and Jack Tussey are undercover San Diego detectives who say they might as well be shoveling sand against the tide.

Their assignment is "special investigations." These days, that means trying to catch car thieves and burglars who work San Diego County's residential neighborhoods in pairs and threesomes and then take their loot downtown to be hawked at a fraction of its value—like \$500 video cassette recorders for \$25.

Sergott and Tussey say that, with 100 arrests under their belts, they can personally confirm what the police brass has been saying in recent months, and which new figures appear to substantiate:

There is a new character joining the ranks of criminals in San Diego County. Although his crimes still represent only a small portion of all those committed, he is confounding police and may be virtually unstoppable, because he holds little regard for the American criminal justice system.

This person, police say, is in his teens or early 20s. He doesn't live in this community, but catches the trolley from the border for a ride into downtown San Diego, where he gets on a public bus for a ride to the neighborhood of his choosing.

He carries a screwdriver as his tool. He prowls San Diego's neighborhoods for automobiles and homes with open doors or windows, or ones that can easily be jimmed. Finesse is not his style, but he's quick.

Jail is not a deterrent to this criminal because if he is caught, at least he'll sleep warm and will be fed—which may be a better alternative than what he'd face as a free man that night. And if he is caught, chances are he will be treated as a first-time offender because he'll use a different name and may slip through the system unnoticed as a repeat offender. If convicted and jailed in San Diego, he may be behind bars only for a few months or less, because in jails already

brimming over, burglars and thieves are bounced out prematurely to make room for those who are considered more dangerous to society—those who are suspected or convicted of committing violent crimes against other people.

These new criminals are undocumented aliens from Mexico, some of whom live here but many of whom sleep in their native land and cross daily into the United States to commit their crimes. At the end of their workday, they go back into Mexico with a few dollars to show for their efforts.

'My problem with these reports is that they're concerned with 20% of the crime being committed by so-called illegal aliens. My question is, why aren't these police chiefs worried about the other 80%?'

That's the scenario offered by street cops and police brass from throughout the county, who acknowledge that their conclusions are unsettling and may have racist overtones. Indeed, Latino activists say they are troubled by this picture drawn by police. They complain that immigrants are once again being unfairly stigmatized.

Herman Baca, chairman of the Committee on Chicano Rights, characterized as "racist, plain and simple" statements by police that illegal aliens are responsible for crime.

"They're not categorizing individuals, but a group of people," Baca said. "An 'illegal alien' in this society is a code word for Mexican, so they're indicting every person of Mexican ancestry, which is something they don't do with the white community, black community,

Vietnamese community or any other community."

Roberto Martinez, chairman of the Coalition for Law and Justice, a group of attorneys and community and Chicano activists, said he is also bothered by how undocumented workers have recently been targeted by police as the reason for increases in local crime.

"My problem with these reports is that they're concerned with 20% of the crime being committed by so-called illegal aliens. My question is, why aren't these police chiefs worried about the other 80%?"

Roberto Martinez

Chairman of the Coalition for Law and Justice

And the attention being given to alien crime "adds to the stigmas that already are on the immigrants. First they (border authorities) say they're coming across the border to steal jobs, and now they're responsible for 20% of the crime. What's next?"

Police officials say they are sensitive to their statements' racial overtones, and they quickly add that aliens as a whole are not considered criminally suspect.

"We don't want to instill that kind of fear in the public," said Capt. Robert DeSteunder, commander of the Sheriff's Department's substation in Vista. "Most of our undocumented aliens, while here illegally, want to find work and earn money. The illegal aliens who are criminals are no different to us than any other undesirable element who is in this country

legally."

Said Escondido Police Chief Jim Conrole: "We're not looking with a jaundiced eye at every alien. We're attacking the crime problem regardless of race, color and creed."

But police insist that the facts as they know them cannot be denied: Crime by illegal aliens from Mexico is rising, and the trend shows no signs of reversing.

"It's so easy to cross the border and it's so easy to break into a home. These guys know how to play the game and even if they get caught, it's still so easy," said Sergott. "There is ease of getting away with it. And the word is spreading down there, so we'll be getting more."

Police say the trolley and public buses are the favorite modes of getting around the county by these commuting criminals.

"When we interrogate them, the ones who will talk to us tell us how they used the trolley to get up here, and how they'll get on the buses to go where they want to go," said Lt. Claude Gray, who heads the burglary detail of the San Diego Police Department's Central Division.

While police say virtually no neighborhood in San Diego is safe from these criminals, they generally are attracted to the more affluent ones that can be reached by bus, Gray said. "A lot of these guys have been coming up here for years, and they know their way around town."

Lt. Nancy Goodrich of the department's Northern Division said there is "a particular problem in La Jolla" with illegal alien criminals, but said she was unsure whether La Jolla is attractive because of its affluence or because of the convenient bus connections between there and downtown.

"We had an officer ride the bus one day and he said a considerable number of what appeared to be illegal aliens rode the bus to the end of the line in La Jolla," she said.

Tussey recalled one time when,

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CRIME: Thefts by Illegal Aliens on the Increase

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on a hunch, he and Sergott tailed two Latinos getting on a bus at Broadway and 10th Street. When the bus got to Rancho Bernardo, the men—with the two detectives behind them—boarded another bus to Escondido, where they transferred to a third bus.

"We ended up following them into a rural area of Escondido, where we observed them attempting to break into a house," Tussey said. "That's when we busted them."

But Gray said police have no authority to stop and question a Latino just because he may be in this country illegally—which is a federal, not a state, crime. "Unless an individual is engaged in what we consider possibly criminal activity, we can't just stop that individual," Gray said.

Generally, police say, these criminals will unload their stolen merchandise before they get on the trolley for the return trip south. But some criminals are less than discreet in the process, Tussey said.

"We've seen them carry color TVs on downtown streets," he said. "We saw one guy get off the bus with three rifles wrapped in a blanket. He didn't even try to break them down [disassemble them] before getting on the bus."

These commuter criminals, police say, have little in common with migrant farm workers looking for a decent job so they can send money back home, or who are trying to establish illegal—but otherwise crime-free—housekeeping in this country.

And the nature of the crime is changing, too. If an illegal alien broke into a home 5, 10 or 15 years ago, chances are he would target the refrigerator, looking to satisfy a hungry stomach on his journey north, police and Border Patrol agents say.

The new criminal is looking for small, expensive and easy-to-fence merchandise—things he can hide in a suitcase or duffel bag and then openly sell along the sidewalks and bus stops on the edges of downtown San Diego. Stereo components, video equipment, computers, jewelry, cameras. Sergott and Tussey tell of how one alien settled on \$200 for a \$5,000 German-built Hasselblad camera, how another sold a pair of \$1,300 two-way radios for \$30, and how another accepted \$25 because he had no idea what he had stolen—computerized telephone equipment valued at \$5,000, taken from the trunk of a salesman's rental car.

"There are places in downtown San Diego that look like afternoon swap meets," Tussey said, naming Broadway between 11th Avenue and 13th Street and Market Street between 14th and 16th streets as examples. "They walk up and down the street dealing their goods."

They'll keep the stolen guns and money for themselves.

While police can set up fencing stings—phony businesses to buy stolen goods from thieves—that practice won't work when illegal

aliens are the suspects, Tussey and Sergott said.

"We've operated stings where we've operated for three months, then gone out and made 32 arrests on one day because we knew where they all lived. But those were local people. You can't do that with illegal aliens because you don't know where they live—and you can't bust them one at a time in a sting because after the first arrest, the word's out and you've blown your cover," Tussey said.

So, the two detectives work the streets of downtown San Diego and respond to calls from businessmen who see aliens walking from business to business, bus stop to bus stop, opening their duffel bags to show their stolen wares to passers-by.

While these criminals don't seem bent on violence, they may panic and turn violent if confronted or feel cornered, authorities say. Seventeen-year-old Genaro Villanueva, who stabbed actor David Huffman to death in Balboa Park a year ago this month after being caught trying to break into a motor home, is such a case.

Figures that quantify the amount of crime in San Diego County that can be blamed on illegal aliens are hard to come by because there is no countywide system for keeping track of such information. While police arrest reports include a box marked "undocumented person," those records are not tabulated by computer and that information is obtained only if a department chooses to manually review its arrest records.

Indeed, not until recently have police even cared about whether a suspect was an illegal alien because police do not arrest people simply for being illegal aliens. The concern about whether the suspect was an illegal alien would come into play later, when bail would be set or when the U.S. Border Patrol or Immigration and Naturalization Service checked jails to identify, and place deportation holds, on certain inmates.

But because of concern that illegal aliens are committing an increasing share of crime in San Diego County, some agencies have reviewed arrest reports and have concluded that a disproportionate number of arrests are of illegal aliens.

Assistant San Diego Police Chief Bob Burgreen said that during the month of December within the city of San Diego, 26% of all persons arrested for thefts were illegal aliens, compared to 21% last spring, and that 29% of all people

arrested for auto thefts in December were illegal aliens, compared to 23% last spring. Those were the only two specific categories studied.

He said 16% of all felony arrests in December were of illegal aliens, and 10% of all misdemeanor arrests were of illegal aliens. (No similar figures were available for last spring.)

DeSteunder, commander of the Vista sheriff's station, said that of 1,821 arrests made by his deputies during the 1984-85 fiscal year, 555—or 30%—were of undocumented aliens.

Among the specific crime categories:

• Of 118 arrests for burglary, 33—or 28%—were undocumented aliens.

• Of 42 arrests for receiving or being in possession of stolen property, 7—or 17%—were aliens.

• Of 37 arrests for assault with a deadly weapon, 6—or 16%—were aliens.

• Of 58 arrests for weapons violations, 12—or 21%—were aliens.

• Of 94 arrests for felony and misdemeanor theft, 24—or 26%—were aliens.

At the County Jail in Vista, which holds prisoners on behalf of all of North County's local law enforcement agencies, 18% of the 391 inmates on Jan. 28 were illegal aliens, according to jail Capt. John Burroughs, citing information provided to him by the U.S. Border Patrol. The Border Patrol daily checks the jail population in Vista to identify those who are in this country illegally so that when their court proceedings are concluded, they can be deported.

The illegal alien jail population figure usually runs upwards of 20%, Burroughs said.

In Escondido, police Lt. Mike Stein said that of 2,765 people arrested in 1985, 349—or 13%—were undocumented aliens.

Stein said illegal aliens accounted for 43% of all robbery arrests, 13% of all aggravated assault arrests, 26% of all burglary arrests, 19% of all theft arrests, 12% of all auto theft arrests and 57% of all hit-and-run driving arrests. On the other hand, illegal aliens were responsible for 4% of all narcotics arrests, 5% of all simple assault arrests and 9% of all drunken driving arrests—the largest single category of arrests.

Stein said of three homicide arrests during 1985, two were of illegal aliens—and the victims were themselves illegal aliens.

Relating arrest figures to population figures is difficult because authorities do not know how many illegal aliens live in San Diego County, or come here daily from across the border.

Some senior police officers say the flow of illegal aliens across the border is so out of control that, in terms of fighting crime, Tijuana and San Diego might as well be considered one huge megalopolis. "We have a small police department for a city the size of San Diego, yet our citizens are being subjected to crime from two cities. We're frustrated," said Burgreen, the assistant San Diego police chief.

The state Department of Finance's office of population research estimates that about 24,000 of the county's full-time residents are undocumented aliens. But that figure, the state warns, does not include other aliens who are simply passing through to points north, or who live here on a transient basis.

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Police officers, meanwhile, are making 41% more felony arrests, Kolender said Wednesday. But people apprehended for lesser crimes are being ticketed and let go because there's not enough jail space to hold them, Kolender said.

"The jail is unable to accept all of the suspects brought by police officers," Kolender said. "For January to June, 1986, there were 8,845 of these suspects cited with booking. . . . These include suspects arrested for offenses like being under the influence of drugs, thefts and—the one that still gets me—for failure to appear warrants."

Kolender's report provided the perfect prelude for yet another presentation by County Supervisor George Bailey, who appeared before the committee Wednesday seeking support for a proposed half-cent sales tax increase.

The increase, proposed by the county, will appear on the November ballot and would pay for doubling the amount of courts downtown and tripling the amount of jail space throughout the county, Bailey said.

"We must be known as an area that is tough on crime," Bailey told council members. "Unless we are, with the other attractions in this area, we'll have a booming crime problem in the next few years."

Council committee members voted, 5-0, to endorse the sales tax increase. The full council will now vote on the endorsement.

A law enforcement official in the border town of Brownsville, Tex., agreed with Kolender that the combination of drug trafficking and illegal aliens can translate into an increase of crime.

"We're seeing a tremendous increase in the amount of crimes committed, not by illegal aliens who come and go back to Mexico, but by illegal aliens coming in employed by the dopers to carry the dope across the river," said Cameron County Deputy Sheriff Carlos Tapia.

The result has been a marked increase in homicides in Brownsville, which he estimated has a population of 120,000. The city borders Matamoros, Mexico, with an estimated population of 300,000.

Tapia said there were two or three homicides in all of 1985. But during the first six months of 1986 there have been 14, he said.

RISE: Major Crime Is Up 15.2% in '86

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gravated assaults increased from 1,430 to 1,926—a 35% increase that Kolender said resulted, in part, from a new state law that requires that all cases of domestic violence be reported.

Robberies were up 34%, with the department handling 500 more cases than the comparable period last year. Car thefts went from 4,704 to 6,272—a 33% hike.

As he has in the past, Kolender blamed the bleak statistics—particularly robberies—on a growing web of drug dealers and addicts, as well as the influx of illegal aliens and transients to San Diego.

"This is due to drug users needing money to buy drugs, to drug deals that go bad and turn into robberies [and] to the increased number of robberies of aliens by other aliens at the border," Kolender said.

The chief also said a "hard core" of illegal aliens is using "public transportation to commit crimes in all parts of the city. It is relatively easy for certain criminals to take the bus to more affluent areas, accomplish a burglary and return by bus."

Kolender's report raised objections from Herman Baca, chairman of the Committee on Chicano Rights, a human rights organization in San Diego.

Baca said Kolender's blaming illegal aliens, in part, for San Diego's crime problem is racist and a "cheap tactic to increase the racist hysteria in the community."

"It manifests that Bill Kolender is no longer in control of his department and he's using scapegoating tactics to cover up his incompetency in dealing with the issue of crime in the community," Baca said.

Traffic back to normal at border now

By Joe Gandelman
Staff Writer

SAN YSIDRO — Traffic returned to normal at the San Ysidro international border yesterday as Customs officials presented new information in an attempt to resolve contradictory explanations on why traffic had been snarled.

By yesterday morning, what on Monday had been a two-hour wait for northbound travelers had shrunk to 20 minutes. Both Customs and INS officials said the border wait should remain normal throughout the week-end.

Allan Rappoport, Customs director in San Diego, said yesterday's traffic was smoothed during the early morning hours when INS opened an additional eight lanes, increasing to 13 the number of open lanes.

James Turnage, INS district director in San Diego, said extra INS in-

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Border: Traffic back to normal after crossing snarl

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spectors were in the area to man gates to avoid a repeat of early Tuesday morning when traffic was "a horrendous back-up, with people getting out of their cars, screaming and shouting."

Meanwhile, Rappoport remained embroiled in continuing controversy over why traffic was slowed in the first place.

Earlier in the week he and Gurdit Dhillon, chief customs officer in San Ysidro, attributed delays to new anti-drug inspections sparked by Mexico's role as chief supply point for drugs to the United States. That explanation was contradicted Thursday by Customs Commissioner William Von Raab, who told a House Appropria-

tions subcommittee that Customs triggered recent traffic delays at the San Diego-Tijuana border to force INS to beef up its staffing.

"I stand by everything that I and Gurdit Dhillon have said," Rappoport said yesterday. "Everything I said was true and accurate."

Further clarification about Von Raab's comments would have to come from Customs in Washington, Rappoport said. A spokesman for U.S. Customs in Washington, Dennis Murphy, denied there was any contradiction at all.

"The wrong signals are being given here," Murphy said. "This is not a special enforcement operation and nothing to get excited about."

Murphy said Von Raab was right:

Customs and INS were supposed to split primary inspections 50-50, and in recent months Customs had diverted officers from drug enforcement to help INS. In December 1984, Customs staffed 50 percent of the lanes. Three months later, its share rose to 63 percent, he said.

But Murphy said Rappoport also was right: by pulling agents back from primary lanes staffing to originally agreed-upon levels, Customs now could spend more time on drugs.

"So it is correct there is more enforcement, but the staffing issue is also paramount," Murphy said.

Von Raab's comments had angered INS western regional commissioner Harold Ezell.

"Their commissioner is saying that

INS is not holding up its end of the deal," Ezell said Wednesday on his car telephone as he headed toward San Ysidro for a hastily called press conference. "We're ticked off as hell."

At the Wednesday press conference, Ezell labeled the slowdowns as part of "a well-planned, well-executed media campaign" by Customs designed to fill "vacant positions they wanted funded and filled."

Customs spokesman Murphy refused to comment on Ezell's remarks yesterday.

In San Diego, Otto Bos, director of public communications for Sen. Pete Wilson, sent the senator a report outlining the situation.

"Having been in government, I

know there's always a bit of gamesmanship at budget time, but the public should not suffer," Bos said.

Herman Baca, chairman of the Committee on Chicano Rights, said he sent a letter to Sen. Alan Cranston urging an immediate investigation.

"It amazes us that the United States government would permit two-bit bureaucrats like ... Ezell and ... Rappoport ... to disrupt the economy of both San Diego and Tijuana," the letter said in part.

Several tourists have canceled reservations in Baja California because of long border lines, said Gina Cord, president of the Mexico Tourism Organization and U.S. manager for the Tijuana Tourism and Convention Bureau and for Baja California.

El Comité Pro Derechos Chicanos Pidió que se Investigue Origen de la Operación Intercepción

TIJUANA.-El Comité Pro Derechos Chicanos pidió a los Senadores por California Pete Wilson y Alan Cranston una investigación del Congreso de los Estados Unidos sobre el origen de la "Operación Intercepción" que se impuso la semana anterior y demandarán la destitución de los Comisionados Regionales de Migración y Aduanas.

Herman Baca, presidente de la agrupación chicana, señaló que el gran conflicto que afectó a San Diego y Tijuana durante más de una semana, fue un pleito que se originó entre Alan Rappoport, Comisionado de Aduanas y Harold Ezell, Comisionado de

Migración, porque ambos están peleando más fondos federales y la autorización de más personal para

sus respectivas agencias.

Esa actitud de arrogancia de los dos funcionarios federales causó grandes daños económicos y afectó la vida de millares de personas de ambos lados de la frontera, lo que no debe volver a suceder, agregó el líder chicano.

Baca dijo que es urgente que el Senado y los Congresistas de Estados Unidos hagan una investigación del incidente, porque no es posible que dos funcionarios causen tantos problemas a dos pueblos y afecten las relaciones de las dos Naciones.

Asimismo señaló que el Comité Pro Derechos Chicanos está rechazando las temerarias declaraciones de Rappoport, refiriéndose a que México es el principal abastecedor de drogas de los Estados Unidos,

sobre todo porque ese fue el motivo para que esas dos agencias promovieran el "paro temporal" en la línea.

Baca agregó que esa postura se cayó, cuando el mismo Director General de Aduanas en Washington William Von Raab, negó su dicho y refirió que la presión se originó en California por ganar más fondos federales.

Finalmente Baca, señaló que el Congreso de los Estados Unidos no debe permitir esos "juegos" que hacen los funcionarios, porque con ello se afecta al público y que no se violen también los derechos de nadie. Ni siquiera por el hecho de que peleen más recursos, porque no se justifica de ninguna manera una presión de ese tipo.

Border jams prompt community call for action

By Joe Tash and Cheryl McKinnon
Staff writers

Slowdowns at the San Ysidro and Otay Mesa border crossings earlier this week causing hot tempers among people waiting to cross have prompted demands for action from South Bay business and community leaders.

"We have to have, no matter what the excuses are, a free flow of commerce" across the border, said Paul Clark, president of the San Ysidro Chamber of Commerce.

While delays were originally proclaimed the result of increased anti-drug activity by U.S. Customs agents, attention on them has brought to light a rift between administrators of Customs and the Immigration and Naturalization Service, agencies that jointly man the border gates.

Delays at both the San Ysidro and Otay Mesa crossings reached a peak of two hours Monday morning. They had been reduced to 20 minutes at San Ysidro and five minutes at Otay Mesa by

Friday.

Clark helped put together a meeting Friday between business leaders from the South Bay, Tijuana and San Diego to look at the problem.

"We all agreed that we have a problem at the border," Clark said. "Sure it's over...the problem is they can do this whenever they want."

"We've got to have a final solution so that when they have a (drug) crackdown, they have more gates open," Clark said. "Is it money, is it manpower, is it Customs or is it INS?"

At the meeting, it was reported by an aide of Rep. Bill Lowery, R-San Diego, that U.S. Customs Commissioner William Von Raab will immediately send nine more Customs officers to work San Diego area gates, and that Von Raab will visit San Ysidro personally within 60 days to look into staffing problems there.

The slowdown has prompted

calls for a congressional investigation from other quarters in the South Bay.

Herman Baca, a National City printer and chairman of the Committee for Chicano Rights, this week sent a letter to U.S. Sen. Alan Cranston, calling for an investigation.

Baca's letter said the slowdown "has resulted in the disruption of the daily lives of thousands of people at the border."

Meanwhile, INS Western Regional Commissioner Harold Ezell called the current relationship between his agency and Customs "a marriage where one spouse is out running around doing their thing while the other learns about it from a third party." Ezell blasted Customs officials this week, saying his department wasn't going to be saddled with the blame for the traffic delays.

In a hastily called press conference at the Port of Entry

building in San Ysidro late Wednesday, Ezell said statements made earlier in the day by Customs officials in Washington, D.C., were incorrect.

"The INS is doing its job," Ezell said. "This is just their (Customs) way of drawing media attention to themselves in an effort to show they need more people."

Earlier in the week, San Diego Customs Director Allan Rapoport said delays were the result of a crackdown of drug smuggling.

Ezell said Customs was "playing a game" that was giving the general public a false impression of what was really happening at the Port of Entry between San Diego and Tijuana.

While both agencies acknowledge staffing is supposed to be evenly divided, INS District Director James Turnage said his people are definitely doing their work.

Both Ezell and Turnage said they were told by their counterparts at Customs that a drug crackdown was under way.

Legislation sought to ease immigrant crush

(This is the fourth in a series on undocumented workers in the South Bay.)

By Ellen B. Holzman
Staff Writer

The U.S. House of Representatives and the Senate have been struggling since 1981 to deal with the crush of illegal immigrants.

A Senate bill passed last September, but House legislation is still in committee with no signs of being brought to a vote.

Officials of the Immigration and Naturalization Service (INS),

alarmed at the tremendous influx of illegal immigrants recently urged passage of the legislation, which would make it illegal to knowingly hire undocumented workers.

Debate on new law has centered on four issues: amnesty, eligibility of resident aliens for federal benefits, employer sanctions and a guest-worker program.

Amnesty

Amnesty for undocumented immigrants who have established lives in the U.S. is one of the ma-

ior proposals in both House and Senate legislation.

Immigration consultant Ernie Azhocar of National City said the amnesty programs have not considered the impact of the right to appeal.

"All those thousands who might benefit from this legislation could be denied eligibility by the Immigration and Naturalization Service (INS), and then they can ask for their day in court."

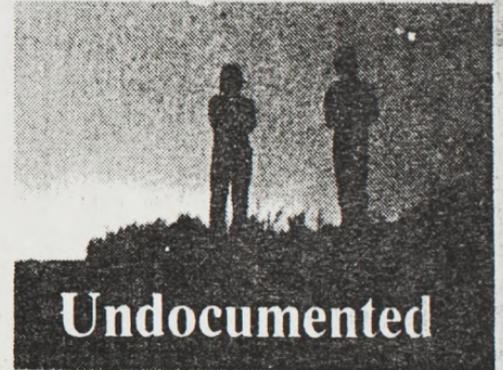
Azhocar said the courts are already backed up one to two years on appeals by illegal im-

migrants seeking resident status.

Herman Baca of the Committee on Chicano Rights, based in National City, agreed. He said, "The INS is backlogged 10 years in processing residency for those who apply (and are not in the U.S. illegally). So how will the INS document all the people who request amnesty? By the 21st century you might get processed."

Federal aid

Taxation without representation, once the battle cry of America's founding fathers, could be revived for un-



documented workers who would be ineligible for federal benefits under proposed legislation.

The Senate bill would maintain
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STARNEWS

Legislation: Laws aimed at immigrants debated

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the status quo barring undocumented workers who are given temporary or permanent resident status from any federal aid, such as food stamps.

Under current law, Azhocar said, resident aliens are barred from accepting federal aid for five years, and a violation could result in a forfeit of immigration status.

He added, however, that this is rarely enforced unless an immigrant "goes on the dole" immediately after receiving resident status.

The House bill would allow those given amnesty to apply for emergency medical care and aid to the aged, blind and handicapped.

Baca and Azhocar question the constitutionality of both versions of immigration reform.

Since resident aliens would be required to pay work-related taxes, such as Social Security, they labeled the proposals "taxation without representation."

Discrimination

The civil rights of workers might also be threatened by pro-

posed employer sanctions.

Sections of both bills in Congress would require employers to verify employees through documents like birth certificates and Social Security cards. This would protect employers from penalties for knowingly hiring undocumented workers.

Hispanic advocacy groups are concerned that rather than ask for such documents, employers will use the verification requirements as an excuse to discriminate against Hispanics.

Both bills in Congress attempt to protect U.S. workers from discrimination.

The Senate bill would direct the president to monitor and evaluate the verification program and make necessary changes in regulations to block discrimination.

The bill also would limit the use of the verification program to enforcement of immigration law, prohibiting its use for any other law enforcement program.

But the Senate bill could also result in the use of a national identification card, a document that opponents believe could lead to a U.S. system of apartheid. South Africa's apartheid system requires blacks to carry identification in order to limit their movements in the country.

The House bill would establish a special counsel in the Department of Justice to review complaints of discrimination and bring them before an administrative law judge.

Azhocar does not believe the verification programs would lead

to discrimination because, "Businessmen as a whole won't discriminate. They are going to worry about whether the man can deliver, not whether the man is black, white or yellow."

He believes the requirements will encourage businessmen to make a good faith effort to hire U.S. citizens and resident aliens instead of undocumented workers.

Baca, however, believes that entrusting businessmen who have traditionally exploited Mexican labor with what amounts to enforcement of immigration policy is like asking the wolf to guard the sheep.

Arturo Oosterveen, an immigration consultant in National City, said that checking birth certificates and Social Security cards is not likely to stop the employment of undocumented workers.

Oosterveen said many undocumented as well as legal workers from Mexico pass on their documents to relatives and friends when they leave the U.S.

Guest worker

To shield farmers from the loss of undocumented workers, both houses of Congress have proposed an agricultural guest worker program that would allow up to 350,000 Mexican farm laborers into the U.S.

Farmers say they are forced to employ undocumented workers because U.S. workers are unwilling to accept minimum wage or do stoop labor.

But Minnie Ybarra of the United Farm Workers Service Center in San Ysidro said many

Mexicans already have resident status and are willing to work.

These people, who by law must be paid at least minimum wage and who are more willing to join a union, have been seriously displaced by undocumented immigrants, Ybarra said.

"On the one hand Congress is authorizing 350,000 guest workers, and on the other hand the INS revokes green cards for workers who haven't worked in six months through no fault of their own."

The INS may revoke resident alien status for those who choose not to live in the U.S. but come across the border to work, if they been unemployed for six months.

Another beef against the guest worker program is what some believe is its potential for exploitation of workers.

Baca said the proposal is similar to the old bracero pro-

gram that brought in temporary farm workers from Mexico from 1942 to 1964.

(Next: one farmer's experience.)

Martinez indictment sparks political courting in 8th District

By Vicki Torres

and Jeff Ristine

Tribune Staff Writers

Although community activists in Councilman Uvaldo Martinez' 8th District reacted with dismay to the news of his indictment on 28 felony charges, they also say jockeying has begun among potential replacements.

"I've had people coming to me and paying me visits," said Bertha Alicia Gonzalez, publisher of *Ahora Now*, a bilingual newspaper in San Ysidro.

Gonzalez said about four people, whose names she declined to give, have already privately put themselves forward as qualified replacements.

Celia Ballesteros, an attorney who in 1983 won more votes than Martinez in the primary election but lost in the citywide general election by less than 6 percent, also reported visitors attempting to persuade her to run for office again.

While Ballesteros said she has refrained from making any comment, the indictment of Martinez yesterday



CELIA BALLESTEROS
Among likely candidates

"puts a whole new color on this."

"I don't know what I'm going to be doing," she said, citing her responsibilities to her clients and to the California State University system,

which she serves as a trustee.

Others mentioned as possible contenders for Martinez's job are Paul Clarke, president of the San Ysidro Chamber of Commerce, and Ruth Schneider, chairwoman of the Otay Nestor Community Planning Group. They could not be reached for comment.

Martinez was appointed to the council in December 1982 and won election the next year. He would be forced from office if convicted of a felony.

Meanwhile, the response at City Hall was one of hunkering down for another cycle of political uncertainty and public suspicion.

"I feel like I've been through this before for some reason," Councilman William Jones said.

Yesterday's events seemed to bring a replay of the atmosphere surrounding Roger Hedgecock through 1984 and 1985 as he fought the conspiracy and perjury charges that eventually forced him from the mayor's office.

Mayoral candidate Maureen

O'Connor called for Martinez's resignation, saying the city needs a "full-time council member" in the office.

"Hopefully, he will resign and be able to pursue his avenues as a private citizen to defend himself," she said.

Others expressed sympathy for Martinez and his family, a willingness to wait for the judicial process to run its course and a general reluctance to entertain questions about possible successors to Martinez.

Because the council has tightened up spending policies in the months since Martinez's expenses came under scrutiny, there were no widespread suggestions for additional reform.

Council members noted that the current opening in the mayor's office means their strength will be reduced from nine members to only seven if courtroom appointments keep Martinez away from City Hall for prolonged periods.

"You're always worried about it when a district isn't represented," said Bill Cleator, one of Martinez's

closest friends on the council.

Cleator stopped short of calling for Martinez's resignation, saying, "I would have a hard time telling him what to do."

Jones was concerned. "This is a crucial time in the history of that district," he said, mentioning wide-ranging redevelopment efforts downtown and in Otay Mesa.

"There needs to be attention paid to that region daily," he said, "and that requires representation on the council."

Councilwoman Abbe Wolfsheimer predicted Martinez will "be here a goodly portion of the time" while defending himself and "things will be running fairly much the way they normally would."

Community activists had stronger reactions, some expressing anger that their district would be ignored in the coming months of Martinez's legal battles.

"They have the opportunity to spend and nobody told them how much to spend and how much not to spend, and now they make a big issue

of it," publisher Gonzalez said.

"How much money is going to be spent on that?" she asked. "How much effort and how much sorrow, and meanwhile the community is lingering?"

"It angers me."

Added Ballesteros: "This hurts a lot. Because I'm a Hispanic I want us to succeed so much. Sometimes these things tend to diminish the work that so many (Hispanic) people do, and other people tend to focus on the negative."

Herman Baca, head of the Committee for Chicano Rights, called the indictment a "sad commentary for the system which was responsible for his selection and election."

"That's their boy," Baca said, adding that Martinez has failed to address the problems of unemployment, housing and health care in the district because he has been busy courting political support from developers.

The Fresno Bee

FRESNO, CALIFORNIA, Saturday Morning, March 29, 1986

25¢

Rights activist denounces immigration bill

By **CARLOS CORDOVA**
Bee staff writer

Chicano leader Herman Baca says immigration legislation is a guise by politicians to keep the Chicano community disenfranchised.

Baca, chairman of the Committee on Chicano Rights, was in Fresno Friday to denounce the Simpson-Rodino immigration bill that is pending in Congress and an amendment to the bill by California Sen. Pete Wilson that would allow guest workers into the country during the peak harvest season.

"Why is there this much of a con-

tradiction?" Baca said. "Simpson-Rodino is saying we've lost control of the border, that there's a brown invasion. On the other hand, Wilson is approving importation of 350,000 foreign workers."

The legislation would offer amnesty to many workers who are in the country illegally and would curb further immigration by imposing fines on employers who knowingly hire undocumented workers.

Wilson's amendment would allow undocumented workers into the country to harvest perishable crops.

"We don't see the immigration issue as an immigration issue," Ba-

ca said. "We see it as a labor issue.

"If it's immigration, do what every other country does, but don't be hypocritical and bring in 350,000 workers."

Baca said the legislation is, instead, a guise to hide a twofold problem facing the country. He said the country will have zero population growth by the year 2000 and will need to import 10 million workers. At the same time, the Chicano community will become the majority population in the Southwest and will have to be denied the vote so it won't gain political power, he said.

"The outcome of the legislation is

crucial," Baca said. "If it passes, a South African apartheid system will be developed in the Southwest where the minority rules the majority."

"If it is defeated, I think you'll see the Chicanos here taking their rightful place in society and becoming the key to understanding the 700 million to 900 million people in the South, all the way through Mexico and South America."

Baca said the United States must meet with countries that are sending undocumented workers across

See Immigration, Page A15

Immigration

Continued from Page A13

the borders and make bilateral agreements that will offer import incentives in exchange for stopping the immigration flow.

He said the labor issue could be solved by offering undocumented workers immigration status in return for becoming tax-paying members of the country.

But Baca, a leader in the Chicano movement of the 1960s, believes that the Chicano people in the United States need to control their own destiny.

"This is not being aimed at the white man but at our people," Baca said. "Hey, what are we going to do

about it? That's the only issue to me."

Baca said that Chicanos are a divided people and that the division can be seen in the different terms used to describe people of Mexican descent.

But he believes it's the numbers that will allow Chicanos to make their own decisions and influence government.

"There are two kinds of power," Baca said. "There is money power and there is people power. You have to educate people as to who they are and what they are.

"We who are the most affected have to get the word out," Baca said. "It's like the old saying, 'A single person can't fight city hall.'"

Metro

Chicano leader Herman Baca says immigration legislation is a guise by politicians to keep the Chicano community disenfranchised. Page A13.

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3/20/86

OMAHA WORLD-HERALD

Immigration Bill Criticized

Californian Blasts 'Slavery' Plan

By Daryle Glynn Brown

World-Herald Staff Writer

The Simpson-Rodino immigration bill before Congress could lead to "the slavery issue of the 20th century," a California Hispanic leader said Wednesday in Omaha.

Herman Baca, national chairman of the San Diego-based Committee on Chicano Rights, criticized a provision of the bill that would establish a "foreign importation worker program."

Under the program, about 350,000 Mexicans could legally come to the United States to work but would not be guaranteed the rights of citizens, Baca said in an interview.

Baca compared the provision to the segregation practiced under the South African system of apartheid. The provision, Baca said, would deprive workers of their political and economic rights.

"It's the same reason why there was a Revolutionary War," he said. "It's manipulation. It's an effort to institu-



Baca

tionalize the exploitation (of alien workers) and is a violation of human rights. The effort is nothing short of slavery."

Baca said employers in restaurants, hotels and motels, agriculture and the garment industry are exploiting illegal aliens of Latin origin.

The immigration bill, formerly called Simpson-Mazzoli, died in Congress in 1984. It was designed to protect most aliens in the United States while reducing economic incentives for others thinking of entering the country.

Sen. Alan Simpson, R-Wyo., and Rep. Peter Rodino, D-N.J., are sponsoring a new version of the bill.

A new immigration policy is needed, Baca said, but he said it should be "one that is fair, just and humane."

"It's ironic that a nation of sons and daughters of immigrants won't alter their opinion and attempt to resolve the problem. Basically, what they're saying what was said years before: 'Let's keep our daddies out of here.'"

Baca said that although people of Latin origin are the fastest growing ethnic group in the country, "They have no power." California, the state with the highest proportion of Hispanics, has no state elected officials who are Hispanic, he said.

"We have to seek political power and

economic power in order to change the issues," Baca said.

Baca's visit was part of Hispanic Recruitment Day at the University of Nebraska at Omaha. He also spoke Wednesday night at UNO's Eppley Auditorium with about 40 people attending, a UNO spokesman said.

Sponsors of the event were the UNO Hispanic Organization, the Chicano Awareness Center, UNO Multicultural Programming Committee and UNO's College of Public Affairs and Community Service.

Activist Baca gives talks at Nebraska sites

By Joe Tash
Staff Writer

Although he's not running for political office, National City Chicano rights activist Herman Baca has been doing some stumping lately.

Baca, who runs the Aztec Print shop on 3rd Street, returned this week from Fresno, where he spoke to Chicanos about the Simpson-Rodino immigration legislation, which was approved last fall by the U.S. Senate and now awaits consideration by the House.

Baca was in Nebraska the week before, where he spoke to university students and inmates at a state prison on topics such as the immigration legislation and the history of those with Mexican ancestry in the United States.

Baca said the Fresno trip was part of a campaign he planned last summer when the newest immigration reform bill was under discussion in the Senate.

At that time, he promised to travel California and promote his

view of the legislation and an amendment to it by U.S. Sen. Pete Wilson.

"Immigration is the slave issue of the 20th Century," Baca said this week in an interview at his National City business. "We know what it took to resolve it last century."

Baca said he finds a major contradiction between the proposed immigration bill, which would establish sanctions against employers who knowingly hire illegal aliens, and the Wilson amendment, which calls for a guest worker program of up to 350,000 foreign workers.

He said that the main bill is a response to claims that the United States has lost control of its borders, while the Wilson amendment acknowledges a need for field workers from Mexico and other foreign countries.

Baca called the Wilson amendment a "step backwards to slavery."

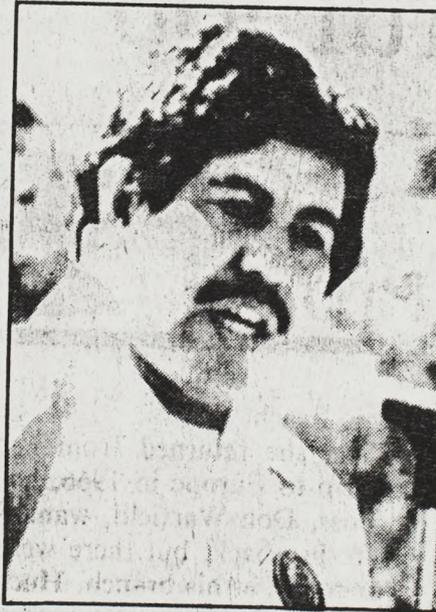
The trip to Fresno was an ef-

See Baca, page A-4

A-4^{NC}

STRAW
4-3-86

Baca: Activist speaker for Nebraska students, prisoners



Speaker Herman Baca

Continued from page A-1

fort by Baca to share his views on the Simpson-Rodino bill and Wilson amendment with Chicano voters there.

"It is imperative that legislators understand the sentiments of the community that this legislation will affect most," Baca said.

In Nebraska the week before, Baca said his remarks took a different tack. He was invited there by Chicano students at the University of Nebraska, who wanted him to help in a recruiting drive for high school students.

"I spoke to them (the high

school students) about the need for them to understand their responsibility to the community," Baca said. He said his remarks included an admonishment that the opportunities of education for Chicano students weren't always available, and that they could be taken away if not used.

"I told them they could be the last generation to see those doors open for a long, long time," Baca said.

At the Nebraska State Prison, Baca said he spoke to a cultural organization made up of inmates.



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April 11, 1986

Wilson - Duffy Border Statements Appalling!

Chicano Leaders Call Statements "Stupid And Ignorant"!

by: Daniel L. Muñoz

California Senator Pete Wilson (R) stated, this week, that Marines should be used along the San Ysidro-Tijuana border areas in order to stem the flow of illegal aliens into the U.S.

Joining Senator Wilson in the press conference was Sheriff John Duffy who supported the concept and called for U.S. Marines to be stationed every 15 to 20 feet along the entire border in order to stop everyone from crossing the border.

Originally Senator Wilson had been invited to the border area, by the International Chamber of Commerce and the Mexican Chambers, to assess the problems being caused to the business communities of both sides of the border by massive slow downs at the border crossings (Otay Mesa and San Ysidro).

"Senator Wilson's remarks came as a shock to us. We invited him to come and the only ones he talked to were the INS/Border Patrol and Customs. He didn't speak with the business community or the Chambers of either side of the border," said Alberto Garcia, president of the International Chamber of Commerce.

"We wanted him to investigate the recent slow downs caused by the infighting between the Customs and INS

departments on the border. We are concerned over the effect that the manipulation of the border, for departmental gain, had on the business communities of both countries. Wilson only looked at one side of the story. This is not adequate," said Garcia.

"The Senator jumped the gun in asking for further militarization of the border. He should have talked to the business community, the organizations and the community, he didn't," said Garcia.

Garcia indicated that they are use to Sheriff John Duffy making what he terms "ignorant" statements about issues he knows little about. "Sheriff Duffy has always been a racist a 'gestapo' ignorant of reality. He lacks the information or facts to make the kind of statements that he did," said Garcia.

Herman Baca of the Committee on Chicano Rights accused Senator Pete Wilson and San Diego Sheriff John Duffy of fomenting racist hysteria and of falsely raising the specter of the "Brown Peril".

"Their proposals are dangerous and a further step in the escalation of the militarization of the U.S./Mexican border," said Baca. "This," continued Baca, "is in direct violation of the Treaty of Guadalupe Hidalgo and may

be viewed as a step towards declaring 'war,' as a policy of resolving the immigration issue."

According to Baca, Senator Wilson, in recent sessions of Congress, not only proposed that 350,000 new workers be allowed into the United States but was instrumental in his proposal being voted on and passed in the Senate during the Simpson/Rodina debate.

"Wilson is a hypocrite," said Baca. "In San Diego, he proposes the use of U.S. Marines to guard the Border to keep out the undocumented worker. In Washington, he proposes an amendment to import 350,000 or more Mexican workers to the U.S. as slaves under a Bracero Foreign workers programs. Would the real Pete Wilson please stand up?," asked Baca.

"Duffy is a hypocrite," Jesse Navarro, State Secretary of the Hispanic Chamber of Commerce stated. "He sits on the Advisory Committee of the Mexican American Foundation, supposedly as a friend of the Mexican and Mexican American communities, joins in their functions and then turns around and insults the Mexicans and Mexican Americans of both sides of the border. But this is not the first time that Duffy has slandered our people, Duffy is a racist," said Navarro.

That Senator Pete Wilson

would also slander the Mexican and Mexican American people, Navarro found totally inappropriate.

"It is strange that Wilson would say what he did in a state in which over 5 million Latinos live. He also represents them! The United States is supposedly attempting to improve relations with Latin America. As a representative of the United States Senate to suggest such a solution is appalling," pointed out Navarro. "The simplicity of the Senator's statements only matches that of Sheriff Duffy," he said. "The Senator's actions and statements will be brought to the attention of the state board of directors of the Hispanic Chamber of Commerce," concluded Navarro.

The Committee on Chicano Rights questioned the stupidity of Duffy's statements. "That Duffy would ask that Marines be used as a 'white-gloved' gatekeepers dressed in camouflage fatigues and placed every 15 or 20 feet along the border, day and night represents the height of irresponsibility and stupidity," stated Herman Baca.

Facts handed out by the Committee on Chicano Rights indicate that if Sheriff Duffy's recommendations were carried out it would require a force of 2,059,200 Marines to man their post every 15 feet, in three eight hour shifts.



Sheriff John Duffy - Chastized!

Currently the total U.S. Armed Forces has only 2,138,000 men on active duty throughout the world!

"What I would like to have is the white glove trade in this kind of a deal. But this is what happens when a 2-bit local law enforcement official, like Duffy, is allowed to use his public position to address

issues which are completely out of his comprehension or jurisdiction," concludes Baca.

All three organization leaders agree that no meaningful solutions can be reached as long as the issue is treated as an "immigration" problem. "It is a labor issue and not an immigration problem," they said.

Metro news

150-foot buffer zone along border gaining support

By Claude Walbert

Tribune Staff Writer

A Border Patrol proposal to create a 150-foot buffer zone along San Diego County's 60-mile border with Mexico is expected to be supported by county planning officials.

Although no decision has been made on the future legal status of the additional land required for the strip, county planners are considering a prohibition against permanent structures in the buffer zone. The strip would be used only for grazing or storage so that Border Patrol agents could detect movements visually or by sensors.

Along about half of the county's border with Mexico, Senior Planner Mike Fagan said, the federal government

owns a 60-foot-wide strip. In other places, federal ownership varies from one to 10 feet.

To create the buffer zone from the Pacific Ocean to the Imperial County line, 90 feet or more would have to be added to the width of the federally owned strip. The border fence, where one exists, is just inside the U.S. boundary.

"There's a whole series of people who see the need to have a wider setback," said Fagan, who added that some small landowners oppose the wider zone, fearing loss of use of a substantial portion of their land.

Fagan said the county has no plans to buy the land. Instead, its use would be controlled through zoning regulations, he said.

The need for a buffer is decided by the sector chief, said Gene Smithburg, assistant chief of the Border Patrol's San Diego sector.

He said yesterday that he had been meeting for a year with the city-county Border Corridor Subcommittee to discuss a wider buffer in Otay Mesa.

"We're just in a crisis, and we need all the help we can get," Smithburg said.

He said that 64,000 apprehensions for illegal entry were made last month and that 70,000 are expected this month. The largest previous total was 60,000.

In Otay Mesa, plans for a automobile race track adjacent to the border have caused concern among Border Patrol officials, who fear that huge crowds drawn to the

track would disguise illegal border crossings despite a planned 150-foot-wide buffer strip.

Planning Director Walt Ladwig said that yesterday the Border Patrol appealed a recent decision by the Planning and Environmental Review Board to allow the race track.

Planning for a wider strip is farther along in the rugged eastern part of the county, where planners are revising the Mountain Empire plan.

Ed Gerber, the Border Patrol's acting agent in charge of the Campo station, said he had met with East County community groups to explain why the buffer is needed.

The proposal and possible county options for controlling use of the strip were presented to Tecate's community planning group this week.

Opinion

Call out the Marines

County Sheriff John Duffy has been taken to task by activist Chicanos and South Bay artists for his assinine suggestion that Marines be stationed every 15 to 20 feet along the U.S.-Mexican border to stop the flow of illegal aliens.

Herman Baca of the Committee on Chicano Rights did the calculations: that's 2,059,200 Marines, assuming three shifts a day at 15-foot intervals.

He took the arithmetic further to come up with the number of white gloves the Marines would need. And artists David Avalos and Michael Schnorr, in their art piece for Southwestern College's Cockatoo Grove Show, went one step beyond the ridiculous, figuring it would take 75,000 illegal aliens in garmet factories to make the necessary white gloves.

The entire exercise, while carrying the proposal to absurdity, points up a critical problem: our lawmakers — and law enforcers — are so frustrated with the task of stopping illegal aliens that they are going beyond logic.

Sheriff Duffy is not the first to suggest manning the border with the U.S. military; he was just the first to stand them fingertip-to-fingertip. Senator Pete Wilson, as well as Republican candidates in the current Senatorial race, has proposed using the military to protect the borders.

Baca, however, reminds that the use of the military would be illegal under the Treaty of Guadalupe Hidalgo. In fact, the Border Patrol was created to get around that treaty agreement.

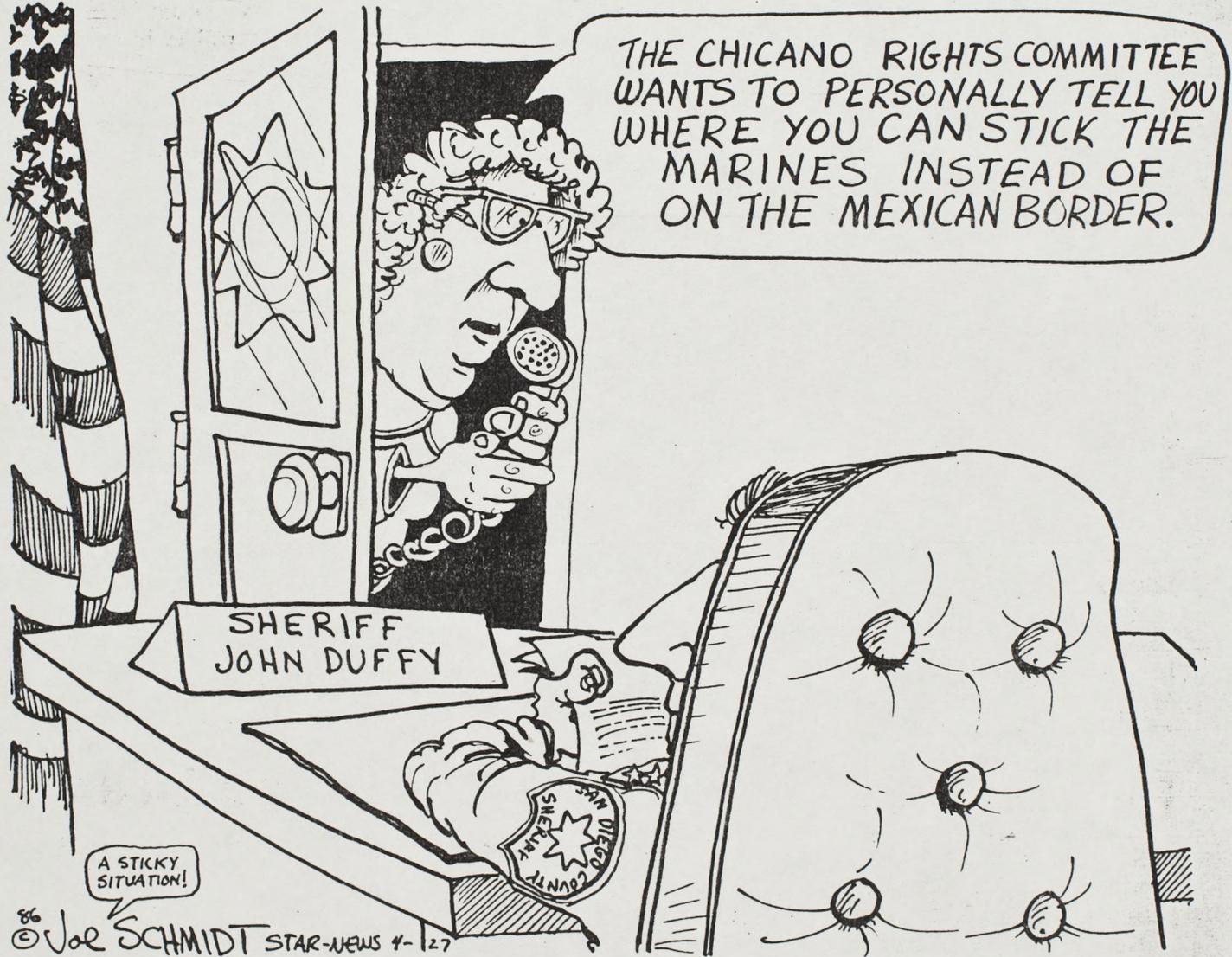
Moreover, the nightly invasion by illegal aliens is not a military problem, it is an economic one. More enlightened politicians treat it as such.

Several lawmakers have suggested a multi-pronged attack against illegals, but the first step is not shooting them down, as has been done in HongKong to stop the influx of Chinese from the mainland.

Sanctions against U.S. employers who knowingly hire illegal aliens and a guest worker program are cornerstones to most immigration packages. However, the third phase of any immigration program seems to us the most important: working with the Mexican government to create jobs in Mexico to keep the workers at home. The lack of jobs drives the immigrants to leave their country in search of work. If the jobs were closer to their families, they would stay at home.

We are not certain how jobs can be infused into the Mexican economy, considering its instability. But we do know that is a better answer to the problem than standing Marines 15 feet apart along the border.

Gary K. Shorts, Publisher
Johnnie Lou Rosas, Executive Editor



© Joe SCHMIDT STAR-NEWS 4-127

Marines on border 'not a bad idea'

In regard to your editorial in the Sunday edition, April 27, 1986, titled "Call out the Marines."

Aliens entering the United States illegally or legally have never been understandable except in economic terms. Depending on the economic status of the world, labor tends to migrate (a pun, of course) in the direction of the highest potential economic reward. Barring physical restrictions on migration, labor will flow toward economically successful areas. Since the United States has been the possessor of the most expansive and successful economy in the world over the period of the last 150 years, there has been a continuous flow of labor into the United States.

The conditions necessary to generate a super industrial economy that the United States possesses are vastly complex beyond simple understanding, explanation and duplication. The concept of creating

economic conditions in Mexico (jobs, according to your editorial) that would cause the flow of Mexicans to stop is so wildly unrealistic and uninformed of economic understanding as to make ones eyes' water.

"Jobs" cannot be bought at the local feed store like packages of carrot seeds, planted, watered and be expected to grow given sufficient sun light. Capital, industrial capacity, natural resources, managerial ability, social systems, and so on cannot be crated and shipped into an area possessing an agrarian economy such as Mexico has.

Cheap labor always drives out scarce or expensive labor if cheap labor can perform, the functions of the other type. The displacement of labor is unquestionably disruptive and destabilizing.

The citizens are finally becoming wise to the absurd situation at the border. While it may seem "assinine" to the

editor of The Star-News to suggest using Marines to secure our borders, please note the source of it was the county sheriff. If the officials charged with providing protection for the citizens cannot do anything about the problem, the government won't act, the special interest groups prevent resolution of the problem, then calling in the Marines sounds like just the ticket.

Incidentally, Mr. Baca reminds "us" in error that the Treaty of Guadalupe Hildago makes it illegal to use military forces at the border. The presumption of the treaty is that both the United States and Mexico will act politically and diplomatically in such a way to prevent the need for military forces at the border, something the Mexican government is patently not doing. The Marines may not be a bad idea after all.

TOM DAVIS
Chula Vista

STARNEWS
5/18/86

LA 12615A
5/9/76

Senator Pete Wilson's Alter-ego Answered!

Bos Speaks for the "Boss"

Editor:

A simple telephone call to this office would have avoided the following factual errors in your April 11 story, "Wilson-Duffy Border Statements Appalling!"

1) Senator Wilson did not hold a press conference with Sheriff Duffy.

2) Senator Wilson did not suggest that U.S. Marines be used to patrol the border. Sheriff Duffy did.

3) Senator Wilson said he wanted to give immigration reform a chance before something as drastic as placing Marines at the border should be considered.

4) Senator Wilson toured the border area on the day in question and discussed border-related issues with a number of organizations and agencies, including all levels of government.

5) The "guest workers" program that offends Mr. Baca so provides exactly the same kind of decent health, housing, and safety requirements now afforded American workers. It is right in the bill for anyone to read.

6) Mr. Bustamante, whom I do not know, but who did bother to ascertain the facts called Senator Wilson's position on the border,

"statesmanlike," and recognized that he is attempting to sort out what is obviously a major problem.

Instead of inflammatory rhetoric, it would be far better if cooler heads tried to solve the problems rather than create more of them.

We would appreciate you setting the record straight.

Otto J. Bos

Director of Communications and Public Affairs

(Editors Note: As a matter of policy, we prefer to respond to an elected officials comments rather than to their employees letters. However, Mr. Otto J. Bos' arrogant letter prompt us to reply.)

Mr. Bos is referring to comments made in the original story in points #1,2,3, by individuals quoted. To refresh Mr. Bos' and the Senators memory we quote:

Chula Vista Star News April 27, 1986 (Editorial by Publisher Gary Shorts) "Sheriff Duffy is not the first to suggest manning the border with the U.S. military...**Senator Pete Wilson**, as well as Republican candidates in the current Senatorial race, has proposed using the military to protect the borders" (Opinion article by

Publisher Gary K.

San Diego Union Apr. 6, 1986, (story by Joe Gandelman, staff writer) "**Sen. Pete Wilson**, said yesterday that if the border situation further deteriorates and proposed immigration reform does not help he would support the idea of having Marines help the Border Patrol along the Border."

San Diego Tribune April 24, 1986

"Use of military personnel to help control illegal border crossing was supported in different degrees three weeks ago by San Diego County Sheriff John Duffy and **Sen. Pete Wilson** (R) Calif." (story by Robert Dietrich, Tribune military writer)

Really Mr. Bos are, we all "misquoting" the Senator?

La Prensa does not feel that is responsible for statements made by Mexican functionaries as in pt. 6. Mr Bustamante is to be commended for trying to "ascertain" the facts. Unfortunately for you and the Senator WE KNOW THE FACTS!

As for the Senator touring the border as noted in pt. 4,...our quote came from **Albert Garcia**, President of the International Chamber of Commerce, who issued the invitation for the Senator to tour the area to note the impact

upon border business being caused by the intentional slow down, searches, and closures of border lanes by the Customs and Border Patrol. Mr. Garcia noted that the Senator enjoyed a tour sponsored by the border patrol and customs and failed to even give a courtsey call to those that invited him: The chamber from both sides of the border!

As for your defense of the "Bracero" type program offered by Senator Wilson in pt. 5, we shall let Mr. Herman Baca, Chairman of the Committee on Chicano Rights answer that point, in as much as he was making those comments.

In fact, Mr. Bos the RECORD WAS STRAIGHT as originally printed. Next time we suggest your separate "propaganda from fact" before commenting to the media.

Editors.

Senator Wilson's Guest Worker Program DeBunked

To: Otto J. Bos

Re: "Guest Worker Program"

This open letter is to respond to your statement to *La Prensa* newspaper that:

"The 'Guest Workers' Program that offends Mr Baca
(See Community pg 4)

Community Responds To Otto Bos

provides the same kind of decent health, housing, and safety requirements now afforded American workers. It is in the bill for anyone to read."

Let me first state that I stand by my statement that your boss Senator Pete Wilson is a "Hypocrite" for proposing the stationing of U.S. Marines, along with Sheriff John Duffy, to keep out undocumented workers. Meanwhile in Washington, D.C., he proposed an amendment in the U.S. Senate (which was approved) to import 350,000 or more Mexican workers, to work in a Slave like "BRACERO" program. This Mr Bos makes your boss the biggest individual "COYOTE" in the history of this country immigrant issue. In response to your absurd statement that Wilsons "guest worker" i.e. "Bracero" program would provide Mexican workers the same right as American workers, let me answer you with the following article which was written by an expert who preside over the Bracero program of the '60s.

That program also supposedly provided Mexican workers the same rights as American workers.

Even at 72, a retired and comfortable Lee G. Williams is haunted by the memories of the bracero program he once ran, a program he says was nothing short of "legalized slavery."

Bracero.

Even the word rankles Williams. And his strong, resonant voice takes on an unexpected bitter tone as he recalls the plight of the 4 million hungry Mexicans who began flooding into the United States in 1942.

Bracero means the "strong-armed ones" in Spanish.

The thought of renewing the program, or revamping it, angers and frightens Williams, who as a U.S. Labor Department executive oversaw the day-to-day operation of the program from 1959 until its demise in 1964. Before that, he served for 20 years as

general counsel and director of the Texas Employment Commission.

"I pray they don't reinstate this type program," he said.

"The bracero program was nothing but a way for big corporate farms to get a cheap labor supply from Mexico under government sponsorship," he said.

"It was purely a money-grabbing scheme by the corporate farms and the sugar interests. . . The whole thing was supposed to be humanistic, but it was far short of what it should have been."

While he admitted the words "legalized slavery" are strong, Williams insisted they are accurate.

"They were so fearful of being away from home and not being able to send money to their families that they felt pretty much in bondage," he said. . .

Under the bracero program, Mexican workers, unable to find jobs in their own country, were allowed to enter the United States to replace the farmers who had traded their plows for rifles. In return, the Mexicans — most of them illiterate — were to receive a fair wage, decent housing, nutritious food and the protections of the law afforded American citizens.

But it didn't work out that way, Williams recalled last week.

"The braceros were hauled around like cattle in Mexico and treated like prisoners in the United States," he said.

Despite efforts by the U.S. Department of Labor, the big corporate farmers managed to keep bracero wages "unconscionably low," Williams said. And housing and diet requirements were circumvented with acquiescence of the state agencies responsible for enforcing them.

"The employment service here was notoriously in league with the farmers," he said.

After World War II, a lot of returning GIs abandoned the farms to seek their fortunes in the cities. And the big planters, anxious to retain the ready

supply of cheap, willing workers from Mexico, managed to keep the program going until 1964.

In addition to subjecting the Mexican laborers to abuse, the program hurt American workers by depressing wages along the border Williams said.

"I personally did a wage survey beginning in California at the border to Brownsville," he said, "and found that wages, not only of agricultural workers but of carpenters, butchers and others, were affected adversely within 200 miles of the Mexican border."

And he said the program resulted in exploitation of the Mexican worker on both sides of the border.

For the Mexican worker to get into the program, he had to pay off officials in his own country, Williams said.

"They (the officials) demanded mordida — you know, 'the bite.'" he said.

"It was a chain of officials, and the bracero didn't get on that list to the U.S. unless he paid in advance."

Williams, whose job included setting the wages that the Mexicans were to receive — based on the "prevailing" wages of the area in which they were to work — said farmers complained bitterly when wages were set higher than they wanted.

Williams bristles at the contentions of farmers and businessmen who hire illegal aliens today that they have no choice because American workers refuse to take the dirty, low-paying jobs, especially when it is so easy to get on welfare instead of working.

"They could get someone to work if they would pay a fair wage," Williams said. "When they would come to me and say they couldn't find American workers, I'd say, 'Why don't you offer them some (decent) wages.' And they would say that would put them out of business."

Williams said he does not have a solution, but he is confident a program like the bracero program is not the

answer.

"I do have one answer: the bracero program is no answer. It would no more stop the flow of illegal aliens than they are presently being stopped."

*The Dallas Morning News
April 30, 1980*

In concluding Mr Bos how much is the Mega Buck Agri-Business contributing to your bosses campaign for ramroding the Bracero amendment to the Simpson/Rodino Immigration legislation????

Herman Baca, Chairman
— Committee on Chicano Rights

Border agents arrest 30 alleged alien-smugglers

S.D. 57107
5/16/85

Associated Press

EL PASO, Texas — A six-month operation by the U.S. Border Patrol has broken up an alleged alien smuggling ring that operated out of a truck stop in this West Texas city, officials say.

Dubbed "Operation Chevron," the agency's investigation resulted in the arrest of 30 alleged smugglers and 97 illegal aliens, said James Selbe, associate chief patrol agent in charge of the Border Patrol's anti-smuggling division in El Paso.

Selbe said the alleged smugglers generally used commercial truck drivers to transport illegal aliens.

Of the 30 people arrested on smuggling-related charges during the past six months, 17 were truck drivers, Selbe said. The 13 others were Mexican nationals who allegedly brought the aliens across the Rio Grande into the United States.

All the illegal aliens were from

Mexico, Selbe said.

The Border Patrol said it learned last November that a smuggling operation was based at the truck stop. Several tips were received, leading the agency to dispatch undercover agents to mingle with the alleged smugglers, Selbe said.

Most often, he said, groups of two, five or six aliens were transported to the truck stop, where they would wait for designated trucks. They would stay in the sleeping compartments of the vehicles while being transported, he said.

Other times, Selbe said, truck drivers would pick up aliens at other sites.

He added that the usual price charged for each alien to be smuggled into the United States was \$150.

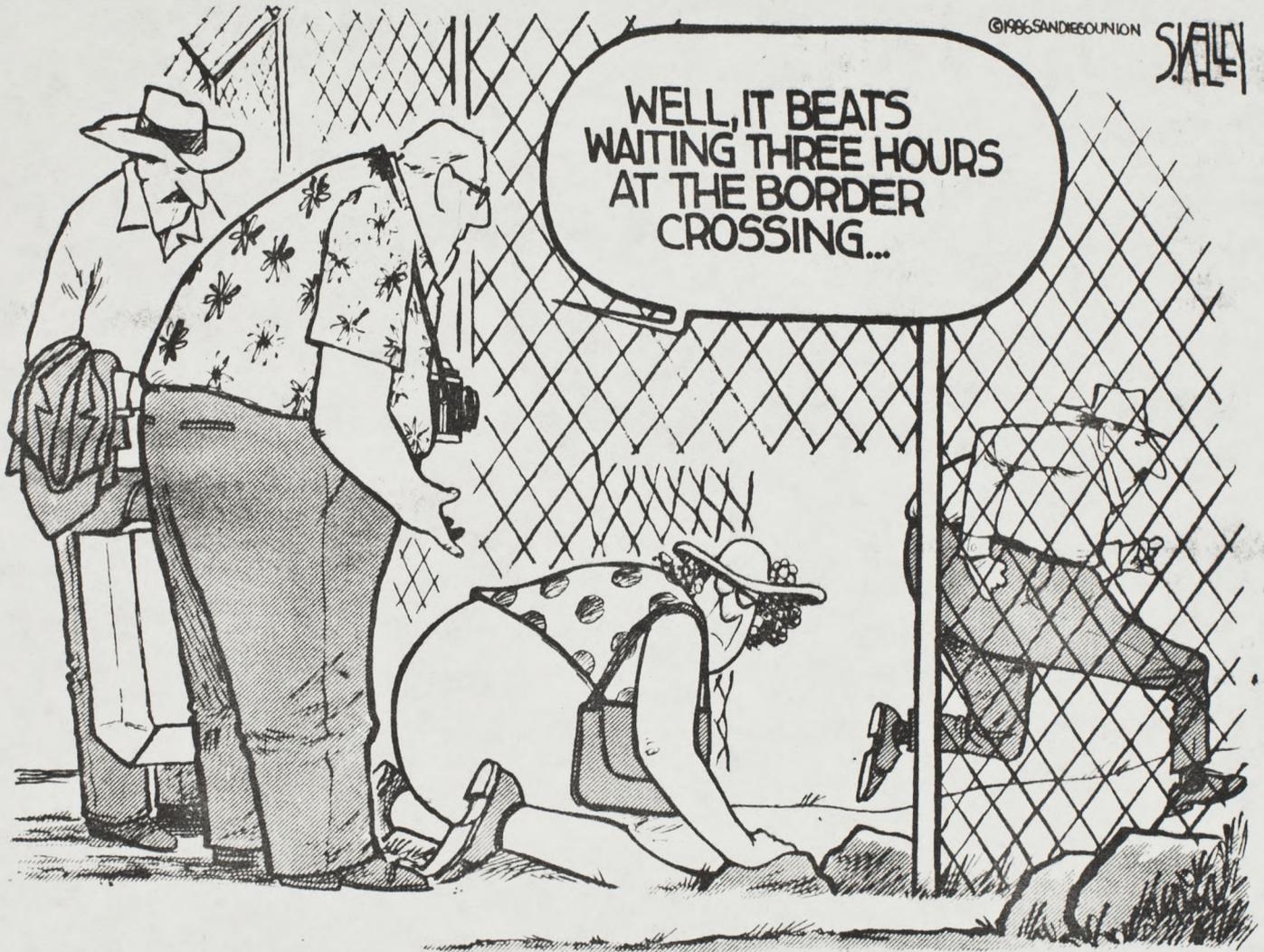
"Most of the truck drivers were opportunists. They saw a chance to make some money, tax-free," he said.

5/28/86 *WCA*

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SKALEY

WELL, IT BEATS
WAITING THREE HOURS
AT THE BORDER
CROSSING...



Student arrested

BONSALL — An 18-year-old Fallbrook High School student last Friday was arrested for allegedly assaulting a federal officer during an early-morning raid at San Luis Rey Downs.

5/25/78
1066
Gabriela Rocha yesterday said she was detained and released more than 12 hours later from the Metropolitan Correctional Center in San Diego.

Rocha, who has lived with her family on the grounds here for 12 years, was one of several individuals who complained yesterday about the way the raid was conducted.

About 50 Border Patrol and Immigration and Naturalization Service agents, armed with a federal search warrant, raided the horse-training facility at 1 a.m. last Friday and apprehended 119 undocumented aliens.

Rocha said that after agents searched her family's mobile home, she discovered that two friends had been taken into custody.

She said family members tried to explain that the friends, who do not speak English, had legal papers. But Rocha said the agents started pushing the members of the family out of the way.

"When they started pushing my mom and (two) sisters, I told them they better let go," said Rocha. She said an agent grabbed her and that she "pulled from his grasp."

Rocha was arrested and must appear at a hearing June 12.

Border Patrol spokesman Ed Pyeatt said that waking people in the middle of the night is an unfortunate aspect of the agency's effort to apprehend undocumented aliens.

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BORDER VIOLENCE

Has The INS Crossed
The Thin Line?



The Thin Line



The Border: It's called *la linea*, the imaginary boundary that separates the United States from Mexico, and it's the job of the Immigration and Naturalization Service to hold that line against an increasing tide of illegal immigrants. But its critics charge the INS itself has crossed another boundary—the thin, ephemeral line that divides authority from brutality.

By Martin Hill

Photographs by Richard Steven Street



IN THE mid-afternoon of April 18, 1985, U.S. Border Patrolman Edward 'Ned' Cole leveled his service revolver and, from a small knoll in the brush-covered area just east of the San Ysidro Port of Entry, fired three shots across the international boundary into Mexico. Two of the shots struck a stone wall bordering a cobblestone street that runs along the boundary line on the Mexican side. The third shot struck 12-year-old Humberto Estrada Carrillo in the back, high up on the left shoulder, then careened off a rib and lodged near his right shoulder blade. It was a traumatic but, fortunately, non-fatal wound.

These are the indisputable facts. But the events leading up to the youth's shooting are still disputed, and which version you get largely depends on whom you ask. The official version, as determined by state, county and San Diego police investigators and put forward by Border Patrol officials is that Cole fired his weapon into a rock- and bottle-throwing crowd of Mexicans to keep them from injuring or even killing two fellow patrolmen and Humberto's teenage brother, whom they were forcibly trying to arrest for illegally crossing the border.

But those on the Mexican side of the border saw the shooting differently. Witnesses quoted by newspapers shortly after the near tragedy, and a lawsuit filed in federal court on Humberto's behalf earlier this year, maintain that no crowd appeared on the Mexican side of the border and no rocks or bottles were thrown until after the youth was shot. According to this version of the event, Cole fired at Humberto as the boy—angered by the border agents' beating of his brother—searched for something to throw at them. The rock-throwing crowd formed after-

Editor's note: This is the first of two stories examining the activities of the Immigration and Naturalization Service. The second feature will appear next month.

ward, as local residents left their houses to investigate the sound of gunfire, then became outraged at the sight of the wounded child.

The disparities in these versions of the shooting illustrate the climate of charges and countercharges that exists today as increased enforcement of U.S. immigration laws by the Immigration and Naturalization Service draws more and more dissent around the country. Critics of the INS complain that its enforcement tactics are heavy-handed, unconstitutional and sometimes brutal. The common analogy made is to Hitler's dreaded secret police, the Gestapo. Those complaints are not new. "In 1920 they were making the same allegations that they're making today," says Duke Austin, an INS spokesman in Washington. "The only difference is they call us Gestapo now. Back then, they called us Cossacks because there was no Gestapo at that point."

But a three-month investigation by San Diego Magazine shows criticism aimed at the INS and its various enforcement divisions is reaching a new crescendo, resulting in a number of court decisions and mounting local government alienation that INS officials claim hampers their ability to cope with the rapidly increasing tide of illegal immigration. And while much of the criticism issued against the government agency stems from traditional sources, such as minority groups and civil-rights organizations, more complaints now are being issued from unexpected sources such as city and county governments, prosecutors and politicians.

County and federal court records and federal government reports, together with interviews with activists, city officials from three states, former and current federal prosecutors, county prosecutors, former law-enforcement officers, congressional aides and investigators, private attorneys and INS officials, show, among other things, that:

—Besides increased allegations of physical and legal abuses, the INS has suffered from widespread internal corruption. Immigration officials like to

point to the INS Office of Professional Responsibility (OPR), its internal-affairs division, as evidence of their concern for "cleaning house." But investigators from that office complain of chronic understaffing and interference from higher-ups that cripple their internal investigative efforts.

—Legal loopholes make it difficult to determine jurisdiction and, therefore, to prosecute federal officers such as INS personnel. In some cases, indicted personnel may not have been prosecuted to the fullest potential of available laws because misconduct that might be tried as felonies under state law are tried only as misdemeanors under federal statutes.

—The discovery, through internal investigations, of INS enforcement personnel with criminal records that went undetected during their pre-employment background investigations. Though the number of such officers detected is quite small, an OPR investigator voiced his concern that it might be only the tip of a much bigger internal problem.

The job done by the Border Patrol has never been a particularly popular one, and within the last decade it has become even more unpopular as economic woes in Mexico have forced illegal immigration to all-time highs. In fiscal year 1985, which ended last October, the Border Patrol thwarted 1.2 million illegal entries across the U.S.-Mexico border, most of them along the Southern California border. In the first three months of this current fiscal year, their apprehensions were already 40 percent above that, and immigration officials project that border agents will catch nearly two million illegal immigrants before their budget year is out.

In response to the skyrocketing illegal crossings, the INS boosted its border force with an additional 850 new patrol agents in the last fiscal year. Nearly half of them were assigned to California and Arizona, where the Border Patrol's busiest sectors are located.

Illegal immigration has always been a highly charged, emotional issue, and its overwhelming increase has raised con-

"If there's violence at the border," says Baca, "it's because the government hasn't given a damn about it."





Undocumented aliens caught in Otay Mesa and waiting at the "Soccer Field" for their night crossing.



troversial proposals for its solution from both sides of the political spectrum. They range from the radical—such as providing a completely open border with no impediment of immigration—to the absurd—such as posting U.S. Marines at intervals along the boundary line the Mexicans call *la linea*.

Political views aside, however, the fact remains that any inhabitant of this country, lawful or unlawful, is guaranteed the same rights and protections under the U.S. Constitution as an American citizen.

THE SHOOTING of 12-year-old Humberto across the international border in April 1985 was not the first time Border Patrol agents were involved in controversial shootings. In July 1974, a border agent shot and wounded a 30-year-old Mexican alien in Calexico, then returned the injured man across the border without medical aid. Mexican authorities leveled charges against the patrol officer, but no U.S. charges were ever filed.

In early 1979, Supervisory Patrol Agent Dan Cole shot two handcuffed Mexican men, killing one, as they allegedly struggled with him. Then—U.S. Attorney Mike Walsh concluded the shooting was justified and did not file charges. San Diego County District Attorney Ed Miller, however, determined that the shooting “was not justifiable under the color of law” and that Cole had “acted unreasonably.” However, no charges were filed.

Five months before young Carrillo was shot, a Border Patrol agent shot a suspected alien smuggler in the back as he attempted to run for the Mexican border. The wounded suspect, Ricardo Gastellum-Almeida, allegedly fought with the arresting officer before breaking free and making a dash toward the border. Gastellum, who had previous arrests for illegal entries, was cited with the same charge again, as well as smuggling and assaulting a federal officer.

But the latter two charges were dropped in court, and Gastellum was allowed to plead guilty to entering the

country illegally. According to Federal Defenders of San Diego, an indigents' legal-aid firm that represented Gastellum, the assault charge was dropped because the shooting was considered too questionable. A lawsuit over the incident is now being prepared, according to Gastellum's private attorney, Michael Padilla.

Last year, a series of violent episodes not involving gunfire followed the Carrillo shooting in rapid succession. In May 1985, less than a month after young Carrillo was shot, Dr. José Cisneros was arrested by Border Patrol agents while he was target practicing outside the Calexico city limits. The agents claimed Cisneros fired at them. The physician alleges the agents beat him while he was handcuffed. He was later released without charge.

This May, a federal grand jury handed down an indictment against Border Patrol agents Kevin W. Jarvis, 30, William A. Bowen, 38, and Brawley private investigator George F. Bonsall, 44, charging them with civil-rights violations and conspiracy in connection with that beating.

Again in May 1985, an unidentified INS agent allegedly grabbed Sergio Hernandez Alonso of Lemon Grove and put him in a choke hold as Alonso left a restroom at the Interstate 5 rest area near San Clemente. The INS agent allegedly thought Alonso, an Army reservist returning from weekend training and still wearing his uniform, was an illegal alien. A lawsuit demanding \$1.05 million in damages was filed by Alonso's attorney, Jack Turner, this April.

On June 2, rookie Border Patrol Agent Robert Ferrick was arrested by Calexico police on charges he kidnapped and assaulted a 14-year-old Mexican youth who had entered the country illegally. Ferrick later pleaded guilty to kidnapping the teenager in return for having the other charges dropped.

THESE INCIDENTS are extremes in the volley of accusations that have been fired at the local Border Patrol sectors in San Diego—the force's largest and busiest sector—and in El Centro. A review of

dozens of complaints either received or filed with the INS by minority or civil-rights groups showed the majority involved the use of simple strong-arm tactics in the apprehension of suspected illegal aliens.

Others were more serious, involving reported beatings of detained aliens and, in some cases, lawful aliens and U.S. citizens of Mexican descent. In February, for instance, a Tijuana police officer traveling to Hollywood was arrested by Border Patrol agents at the San Clemente freeway rest stop despite the fact he showed the patrolmen his visa and his police credentials. According to the complaint he filed with the INS, the police officer was detained for 24 hours, verbally harassed and physically beaten, then forced back across the border. According to supporting medical documents, the policeman's injuries required 15 days of rest before he was able to return to duty. An internal INS investigation into the incident is being conducted.

Other cases involved the illegal deportation of legal foreign residents and American citizens, often by forcing them through intimidation or the use of threatened or applied force to sign voluntary departure forms waiving deportation hearings.

Similar complaints also have been alleged in areas far removed from the border area. Chicago's Human Relations Commission, for instance, reports receiving several allegations of abusive treatment at the hands of INS agents, which they have passed on to legal-aid groups.

Testimony presented at a public hearing on INS abuses held by the Santa Cruz County supervisors and Representative Leon Penata (D—Monterey) last year included several stories of unwarranted force used by INS agents. One woman testified she witnessed an INS officer use his pistol to threaten a young Mexican female with legal alien status as he stood her up against a wall and took away her green card. Several lawsuits filed against the INS in recent years also contain

CONTINUED ON PAGE 252

Patrol agents say they suffer the same frustrations GIs did in Vietnam—the feeling of fighting a no-win war against a shadowy enemy.





Maintenance of such a huge area is, of course, a back breaker, and water pumped from wells can cost up to \$60 an acre-foot—if you're fortunate enough to have water underground. To buy it costs some \$380 an acre-foot. About 80 percent of the county courses have some well water.

Little wonder then that courses have to have expensive homes, condos or resorts built around them unless a remarkable amount of free venture capital is generated by memberships. The trend is to "real estate courses," which allow the public to play until enough homes are sold or memberships obtained. Since people purchase such homes with the idea of eventually having a private course to play on, this can get sticky if the course remains public.

There are many other concerns, such as drought. The American Golf Corporation took over six New York City courses and was struck by a paralyzing water shortage—not to mention having to remove dead bodies from the dying tall grass. There are financial depressions that inhibit sales of second homes for the purchase of memberships, and the threat of Congress closing tax writeoffs on the investment, as well as on three-martini luncheons at the clubhouse and business

trips to a golf paradise.

Owners of golf-course property get rich if the land becomes too valuable for its present use, but the golfing public suffers. When Stardust's lease is up in 1994, this so-convenient private course no doubt will be a goner. Its function as a greenbelt will be a great loss to everyone, as would the loss of La Jolla Country Club if this exclusive club ever sold its valuable property.

What is the future of golf in the San Diego area? Continued population growth should guarantee more real estate, resort and privately operated (if not municipal) courses open to the public. As courses go private, new ones needing public support at first should take their places. The three big pro tournaments here—the Andy Williams, the Tournament of Champions and the Kyocera Inamori Golf Classic—should continue to hype local interest in the sport. The San Diego County Junior Golf Association program, under the presidency of Norrie West, should continue to produce a bumper crop of well-mannered young golfers every year as well as hopefuls on the PGA and LPGA tours.

Golf should continue to be a major factor in public recreation, vacation plan-

ning, conventions, resort growth and even in the purchase of homes. As Tom Morgan says, "Weather will always lure people out on the links. Mile for mile, you can't beat California for golf."

As for getting on courses, when we fulfill what seems our destiny to become another Los Angeles, we may have to resort to such ploys as making short courses longer by using a soft golf ball, hitting off multiple tees to offer a variety of challenges on a single course (the new Carmel Mountain Ranch has four tees with total yardage varying from 5,800 to 6,700). Extending Daylight Savings Time by five weeks allegedly would allow 19 million more rounds of golf nationally.

But whatever the adversity, golfers will find a way to get out on the course, and the spirit of the Dawn Patrol at Torrey Pines will prevail. The indomitable urge to play what Peter Dobreiner has called "the loneliest game" and pursue what Bernard Darwin has called "the defiant secret of golf," is perhaps best expressed by a thigh-slapper from a 1904 edition of Punch. The old Scot tells Alfred, "We must gie it up."

"What, gie up gowff?," Alfred asks.

"Nae, nae, mon. Gie up the meenistry." ■

B O R D E R P A T R O L

continued from page 98

allegations of agents using unnecessary force in rounding up suspected undocumented aliens.

Yet these could be only a fraction of the abuses the immigration service's harshest critics say probably are occurring. The INS provides all undocumented aliens apprehended with forms written in English and Spanish detailing their rights, including the right to swear out a complaint against an offending officer. The Border Patrol's San Diego Sector, headquartered in San Ysidro, even provides office space for a member of the Mexican consulate to monitor those complaints. Still most are probably never reported.

"It's kind of an abiding problem involving a class of victims who are not likely to pursue redress," says Gregory Marshall, an attorney with the San Diego office of the American Civil Liberties Union, which monitors allegations of abuse here and elsewhere. "More likely

than not, when an undocumented worker gets roughed up they don't report it to anyone. That's one of the problems in trying to get a handle on it. These people are living a shadowy existence as it is. The last thing they want to do is call attention to themselves."

An INS internal-affairs investigator agrees. "To be perfectly honest, the aliens' biggest concern is to make money," he says, speaking on the condition he not be identified. "If they get hit upside the head, that was not right. That's a crime. But a lot of them will tell you that's the chance they take. If it means they spend a couple of days here in jail waiting to talk to us, or to come on up here and make money—they'll come back up to make money and not even talk to us."

REPORTS OF ABUSES, however, have put additional strain on the diplomatic relations between the United States and

Mexico. The Mexican government protested the Carrillo shooting twice and demanded punishment for the agent who fired the shots. The U.S. State Department replied that Cole had been exonerated, though the incident is still being investigated by the internal-affairs unit of the INS, the Office of Professional Responsibility.

Javier Escobar, Mexican consul general in San Diego, confirmed that his office has been receiving abuse complaints from Mexican citizens and processing them through the Mexican Embassy in Washington. The consul general declined further comment, as did embassy officials.

The Border Patrol seems to take the rebukes in stride. "We expect the criticism, especially from the groups that chronically criticize us," says patrol spokesman Ed Pyeatt, a supervisory agent in the San Diego Sector. "We're doing a job that's certainly not popular

with a number of rights agencies and minority-interest groups. To be honest with you, we just feel it goes with the territory."

Immigration officials urge that the number of complaints, founded and unfounded, be viewed in context with the number of people the INS enforcement divisions apprehend. Western Regional Commissioner Harold Ezell points out the San Diego Border Patrol sector alone made 64,000 arrests in March. "There's no other law-enforcement agency in the nation that handles as many people as we do. And to have so few complaints, I think, speaks well of the caliber of people we've got."

But those who look at the situation from a historical perspective worry that the situation could forebode greater violence in the near future. Former federal prosecutor David Doyle compares the current situation to a similar era of complaints that occurred in the late 1970s and early 1980s. The public airings of Border Patrol abuses caused severe morale problems on the force, and the atmosphere along both sides of the border was charged with heightened tension and anger. Charges of violence against both aliens and patrol agents increased. At one point, there were rumors that a bounty had been placed on the heads of border officers.

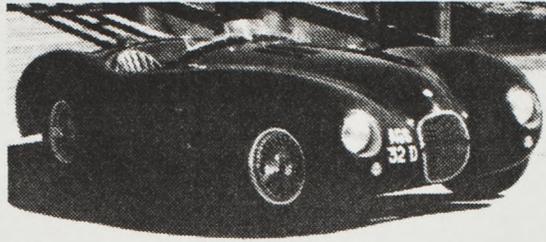
That period also produced the first prosecutions in federal court of Border Patrol agents charged with misconduct committed in line with their official duties. Two groups of agents—one stationed at the border and the other at the San Clemente checkpoint—were charged with civil-rights violations stemming from assaults made on detained Mexicans.

Doyle helped prosecute those landmark cases. Now a private attorney, Doyle says he still holds the Border Patrol in high regard despite the trials, but he also fears the current atmosphere along the border may be signaling new frustration within the border force that could rupture into a new round of violence.

"It seems to be cyclical," he says. "It seems to be building to a sort of crisis level, which seemed to be the situation in 1979-80. Complaints were being made on a more frequent basis than could be normally accepted as just a few people

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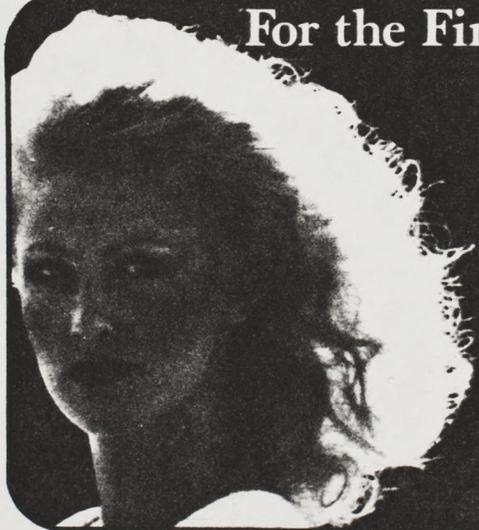


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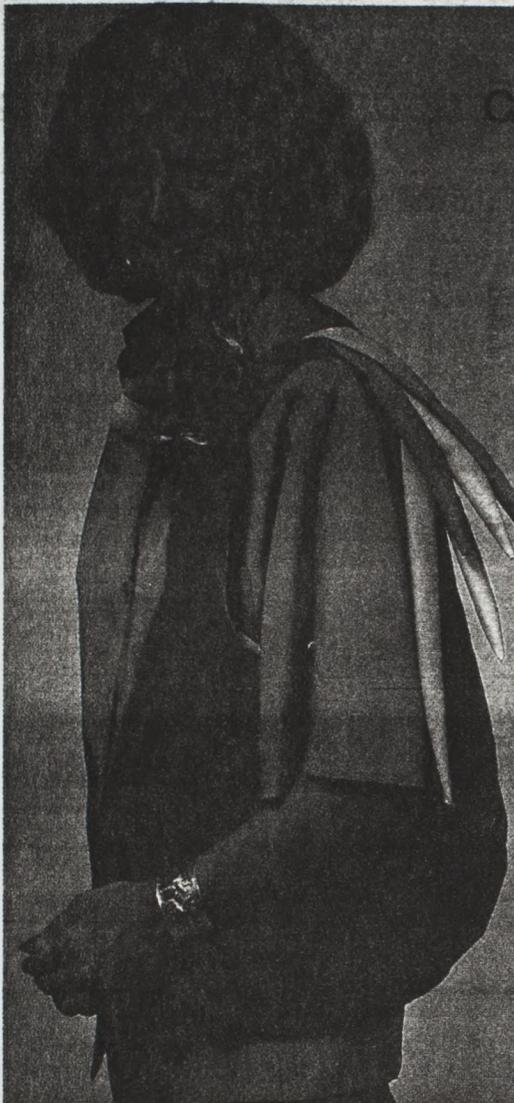
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grumbling."

Alberto Garcia, a San Ysidro businessman and activist, believes the border problems are peaking. Garcia took a lead role in congressional hearings held in San Diego in 1972 to review complaints of harassment and abuse of border crossers by U.S. Customs and INS inspectors at the San Ysidro Port of Entry. He also served on the now-defunct Citizens Border Affairs Advisory Council that was formed following those hearings. Referring to those earlier accusations, he says, "It's worse now than it was 15 years ago."

THE CONDITIONS around the border have been compared to Vietnam. The nights are filled with danger. Six Border Patrol agents have been shot in the last two years, four in gunfights with bandits while serving on the border-crimes task force with San Diego police officers. Patrol agents, many of them veterans of the Vietnam war, say they suffer the same frustrations as they did in Southeast Asia—the feeling of fighting a no-win war against a shadowy enemy with little or no support from the politicians in Washington, D.C.

Border Patrol spokesman Pyeatt denies that kind of situation exists. "I think the Vietnam parallel is antiquated," he says. "I think five years ago when we had tremendous violence on the border levies where we were the victims of rock and bottle attacks, had shots fired at us every night from both sides of the border, then it was a little more accurate. There's still the potential for violence, especially with the bandits or some of the smuggling entities. But it's not a war zone."

Support from Washington in the form of increased manpower, technology and equipment has been "pretty damn good," Pyeatt adds. "I think we're in the best shape we've ever been in. I think morale here is the best I've seen in ten years."

Hal Gross, a legislative aide to Senator Alan Cranston (D-California), investigated INS abuses two years ago and saw the border situation differently. "We found very frustrated Border Patrol officers with an impossible mandate to carry out," he says.

That frustration is fostered by many different factors. While Border Patrol agents are provided generous health and retirement benefits, their wages are on



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BORDER PATROL

the low end of the government pay scale. Work hours are long and erratic, and the large amount of overtime they put in each month is paid in straight-time dollars. Added to this is the effect the "revolving door" of illegal immigration has on the morale of the border force. Then, of course, there are the allegations of abuse.

Even Pyeatt admits that a "feeling like you're playing on a football team that has no home stadium" pervades the border force. "We don't get to play any home games," he explains. "In a police department, they at least feel like they're protecting their citizens, and some of the citizens feel like they're being protected. They kind of feel that they're on their side. Down here in San Ysidro, we've even been called bad neighbors by city councilmen in years past."

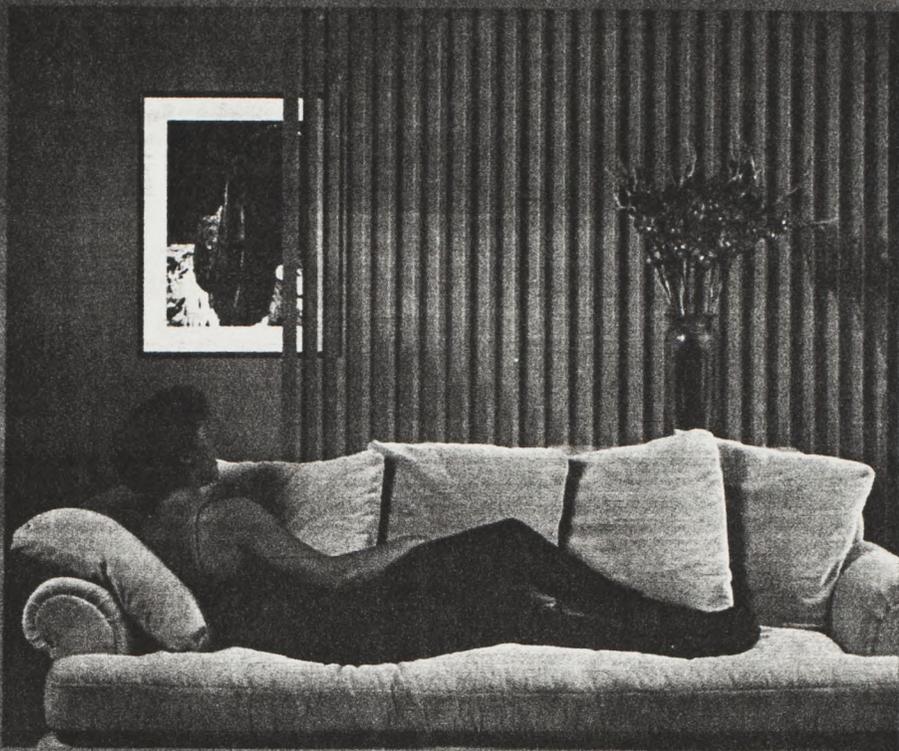
Such frustration can easily account for the high turnover in Border Patrol units. Pyeatt says the San Diego Sector loses 40 percent of its new officers each year, some moving to other duties in the INS or to other federal agencies, others just leaving completely.

Many believe the frustration factor accounts for many of the alleged abuses, especially when a patrol agent encounters an unusually uncooperative alien. Still, frustration is no reason for the use of excessive force. "No matter what conditions exist down there," says Doyle, "there's no excuse for abusive treatment."

Since the Carrillo shooting, the quality of training Border Patrol officers undergo has come under questioning. Immigration attorney Raymond Buendia recalls a local newspaper article about the Border Patrol's training center in Glynco, Georgia, which reported the use of such racial slurs as "wetback" in the training. "If that's true, then I'm sure you've already got a negative concept of who you're dealing with when going into the field as a Border Patrol agent or INS inspector," he says.

Mario Conte, chief trial attorney for Federal Defenders, agrees. Conte taught a course for new federal defense attorneys at the Glynco facility about three years ago. A former Air Force fighter pilot with two combat tours in Vietnam behind him, Conte is no prude when it comes to military activities, but he thought the militaristic emphasis he saw at the Border Patrol school was not "ap-

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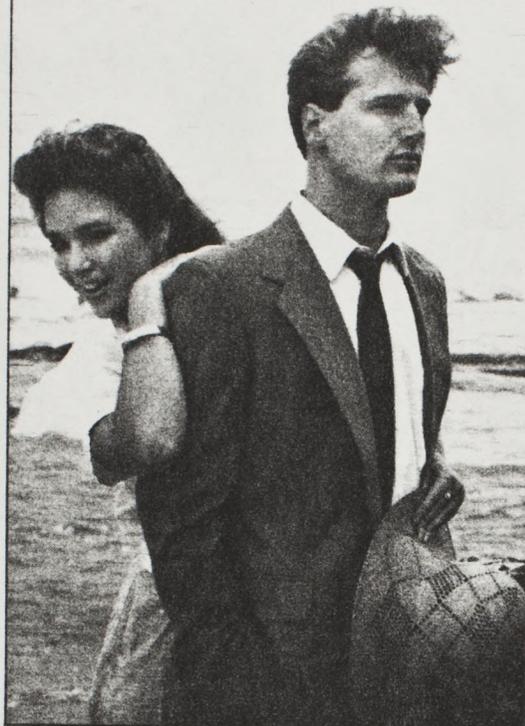
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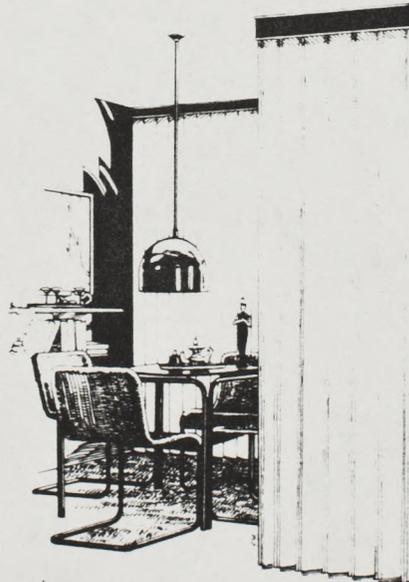


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propriate for law enforcement."

"The training I saw at Glynco was geared toward us-against-them situations," he explains. "I felt that it created the potential for violence too quickly. I don't see the situation for that kind of training with the majority of the migrant workers being docile."

A former San Diego-area police captain who has worked with Border Patrol agents in the past also felt their training was too militaristic and lacked adequate emphasis in legal procedures. He says he has seen Border Patrol agents make vehicle stops that not only were illegal but also were unnecessarily dangerous for the officers.

"Every police academy I've ever seen is a para-military academy," says Pyeatt. "I can't imagine anybody who has any perspective whatever believing that the Border Patrol's semi-military style is any different than any other police training." He points out that trainees are schooled in statutory law and Spanish at the academy and then spend one of five working days in classes throughout their probationary year in the field. And, Pyeatt adds, "They're out here on the line making more felony arrests in a year than most regular police officers do in a lifetime."

ALL APPLICANTS for the Border Patrol or other INS enforcement divisions are subjected to background investigations followed by an oral screening process to determine their eligibility and aptitude for law enforcement work. The background probes, once conducted by the FBI but now by the Civil Service Commission, are aimed at ferreting out past criminal convictions. Usually, even a misdemeanor criminal offense will disqualify an applicant for employment.

But in recent misconduct investigations, OPR agents have found INS officers with criminal convictions in their past that went undetected during the screening process. In two local cases—one involving the rape of a Mexican woman by an INS detention officer (IDO), the other the acceptance of sexual favors in return for the release of the woman's husband from detention—internal investigators found the suspects had been previously convicted of crimes.

In the 1983 rape case, investigators found the accused IDO had civilian and military convictions for motorcycle

BORDER PATROL

theft, assault, larceny and sexual misconduct that went undetected by background investigation. In the bribery case, the suspect not only had a criminal background, he also tried to rejoin the INS in another part of the country after resigning from the service locally, following his indictment. Because his resignation cited only "personal reasons" for its cause, he was nearly rehired. Only a chance phone conversation with a local INS clerk who knew of the indictment tipped off the accused agent's prospective "new" employers. Both men were convicted in federal court on their charges and sentenced to prison.

Other instances involve a Border Patrol agent suspected of aiding narcotics smugglers and whom OPR investigators discovered had been previously convicted of drug smuggling, and a border agent with a past conviction for assault and battery on a police officer. OPR investigators fear that what they've discovered so far could be just the tip of the proverbial iceberg.

"We don't know how many more agents could have some kind of criminal convictions," the internal-affairs investigator says. "When you're trying to stop not only the flow of aliens but also narcotics over the border, as far as I'm concerned, the one person you don't want is somebody who has been caught smuggling narcotics."

Several minority and civil-rights groups throughout California have been trying to document abusive treatment at the hands of Border Patrol agents and other INS officers. They feel frustrated in their attempts to convince government officials that this is a matter that needs immediate attention. About three years ago, Herman Baca, chairman of the Committee for Chicano Rights in San Diego, submitted 1,000 pages of newspaper clippings, affidavits and documents about INS abuses to the Reagan Administration and the House Judiciary Committee. "Nothing was ever done about it," he laments.

Last January, Roberto Martinez, chairman of the Coalition for Law and Justice, composed of about 26 minority, legal and religious groups concerned about abuse aimed at illegal aliens, appeared before a local hearing of the House Select Committee on Narcotics and presented attending congressmen a packet of official

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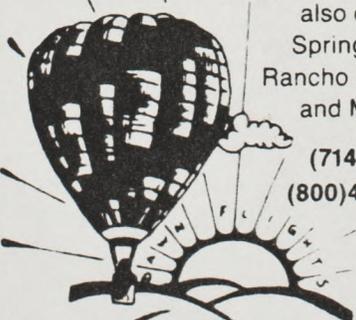
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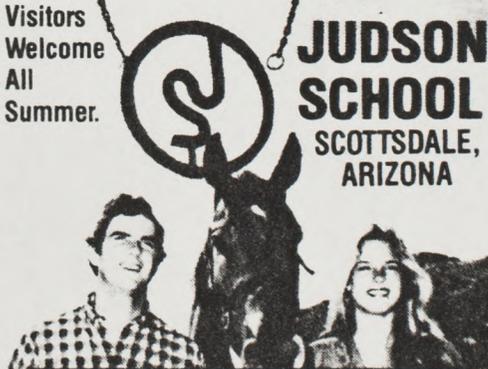
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BORDER PATROL

complaints he has filed with the OPR on behalf of abused aliens. He is still waiting for a reply.

Steve Teixeira of California Rural Legal Assistance (CRLA) says INS officials were uncooperative when his group tried to end a practice they felt contributed to a series of drownings involving migrant workers throughout the state. Fourteen drownings have been recorded in a ten-year period, most of them occurring between 1982-83. A CRLA investigation showed they usually happened when INS officers raided a farm field but sealed off only three sides of the field, using nearby irrigation canals as natural barriers for the fourth side. Many aliens tried to escape by swimming the canals, only to drown in the rapidly churning waters as their fellow workers and INS agents stood by helplessly.

INS officials repeatedly refused to carry rescue equipment, Teixeira says. "It was only after a lot of heat came from local community groups, the CRLA and the bishop of Stockton that the Border Patrol reversed itself."

Locally, the Coalition for Law and Justice is concerned about the number of "rundowns" in which aliens have been struck by Border Patrol vehicles along the border. At least nine Mexican nationals have been hit in the San Diego and El Centro sectors since 1983—four occurring just since March. Three victims have died.

All of the "rundowns" have been ruled accidental, though one agent in Imperial County could have faced vehicular manslaughter charges under "civilian" circumstances stemming from one of two such accidents in which he was involved in as many months, according to a California Highway Patrol accident report. The Mexican government announced in April that it would conduct its own probe into the latest accidents.

Martinez says the lack of government action in cases like these and the Carrillo shooting only encourages abusive behavior. "They act this way because they know they can get away with anything," he says. "When they can shoot a kid and the worst thing that happens to them is being transferred somewhere else, this shows them they can get away with anything."

Duke Austin, an INS spokesman in Washington, says such criticism is totally

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unwarranted, though there is little the immigration service can do to change the way its critics feel. "There are people who will take total exception to what really happened in specific instances and totally disagree with the Border Patrol's actions, even though they've been investigated and justified by totally disinterested parties," he says. The Carrillo shooting, he says, "was investigated by the San Diego district attorney's office and the U.S. attorney's office, and they said it was justifiable. But there are people who will never agree that it was justifiable. Now, how do you ameliorate that feeling? You can't."

Indeed, less than 4 percent of the complaints filed by groups like the Coalition are ever substantiated by internal investigations, according to the OPR investigator. Most of the substantiated complaints the office gets are filed from within the immigration service. "I feel it's because they're more timely," the investigator says. "We get them when the incidents happen or shortly after they happened. Whereas, when we get complaints from groups, we'll get one in 1985 about something that happened in 1984 or maybe the latter part of 1983. And when you try to locate everybody, you can't find them or they've changed their story or they don't want to get involved anymore."

The investigator also said many complainants drop their charges when they're informed they could be sued for defamation of character by the accused officers if their complaints turn out to be false.

BUT NOT ALL of the criticism comes from the traditional sources such as minority groups or civil-rights organizations. When Border Patrol Agent Robert Ferrick was sentenced to six months in the Calexico county jail for kidnapping, Imperial County Deputy District Attorney Chuck Yeager told reporters he hoped the conviction would be "a message to Border Patrol agents that they can't manhandle illegal aliens."

Ferrick was charged with kidnapping a 14-year-old Mexican boy with a history of illegal entries, taking him to an isolated part of the desert, beating the youth, hacking off his hair, forcing him to strip, cutting up his sneakers, then firing a shot at him before leaving the teenager alone in the desert heat. Yeager's message was aimed at Border Patrol

agents who had told him during his investigation that what the rookie agent did was not unusual.

"There was indirect argument from some sources in the Border Patrol that what Ferrick did—taking an alien out to the desert, beating him around a bit and chopping up his clothes—that this was not unusual," the assistant prosecutor says. "They said up to the point of shooting the gun next to the boy's head, it was just business as usual."

Yeager says his office had heard stories of abuses in the past, but the case involving Ferrick was the first time they ever had hard evidence to take to trial. In light of what he was told, it may not be the last time, he says. "We've taken the position that if these were not unusual activities, then they better change or there will be other prosecutions."

In the San Diego Sector's headquarters in San Ysidro, Ed Pyeatt regarded the Ferrick incident with distaste. "We couldn't get rid of him fast enough," he says. But his response to what Yeager says he was told was filled with even more distaste. "Bull. I've never done that, nor have I ever seen or heard of anybody doing that," says the ten-year Border Patrol veteran. "Obviously, that's ridiculous, sick behavior."

Federal Defenders of San Diego, which represents a large number of the aliens caught by the Border Patrol and charged with illegal entry, routinely photographs many of their clients after they've been arrested by border agents. The photos are used to document beatings that chief trial attorney Mario Conte says take place with increasing frequency.

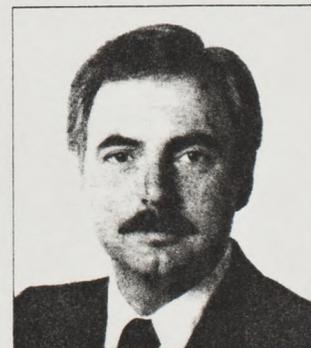
"Normally, we take a close look at people charged with assault," he explains. "Usually the fellow who's charged with assaulting a Border Patrol agent is in worse shape than the agent who claims he was assaulted. It's hard to believe that these five-foot-two guys are beating up on these large Border Patrol types."

Conte produced two groups of Polaroid photos of two Hispanics arrested by the Border Patrol on the weekend of March 22-23. One man had a large horizontal gash across his chin where he allegedly took a blow from a patrolman's flashlight. The man's tongue was also badly lacerated. The second group of pictures showed a man in worse condition.

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His left eye was blackened and swollen shut. His back and chest were covered with contusions and what appeared to be long cuts. His arms were bruised and also cut.

The first man was charged with alien smuggling following a high-speed chase. The second allegedly was caught smuggling drugs through the San Ysidro crossing. Charges against the first suspect later were dropped, Conte says, because the court recognized that the arresting Border Patrol agent had overreacted.

Most of the alleged beatings that Federal Defenders sees occur after high-speed chases. Many law enforcement agencies throughout the country are putting limits on when officers can engage in high-speed chases because of the danger it poses to the public. Conte questions the wisdom of Border Patrol agents chasing at high speeds a person who is suspected of what normally would be misdemeanor charges of illegal entry or alien smuggling. "I'm not excusing the persons running away," he says. "But the chase simply exacerbates the hazards of the situation."

IN JANUARY, U.S. Attorney Peter Nuñez announced his office would begin prosecuting alien-smuggling charges as misdemeanors rather than felonies. The decision, involving the "flip-flop" nature of alien smuggling that allows it to be prosecuted either way depending on the absence or presence of aggravating circumstances, was made to free up more federal prosecutors for other criminal cases. Since then, however, Conte's office has seen an increase in the number of cases involving high-speed chases and allegations of assaults on Border Patrol agents. In many cases, says Conte, the allegations filed against different suspects are "mirror copies" of each other.

Conte was asked if he thought agents were engaging in chases or inciting assaults to raise the ante on charges filed against suspected smugglers. "It's crossed my mind," he answered. "We haven't seen this many chases and assaults before, so it has crossed my mind."

That thought has also crossed the minds of INS internal investigators who have opened investigations into some of the cases. "I don't know if it's a result of Pete's letter or what, but there do seem to be more of these cases," confides the

source at OPR. "We are aware of them, and we are investigating. I don't know if there is a substantial number [under investigation], but there's three or four, at least."

INS officials admit they, like any other law enforcement organization, may have a few abusive officers on the force. After his investigation two years ago, Hal Gross, Cranston's aide, felt assured that, for the most part, these bad officers are booted out once they are found. "When they discover these people, they throw them out," he says.

Pyeatt agrees. "We have bad pickles in the barrel," he admits. "We have 3,000-odd Border Patrol agents nationwide. As selective as our process is, maybe you will find a bad one here and a bad one there. And as an agency, we want them out." (See accompanying story.)

One of the obstacles to the remedy, however, is the traditional loyalty law enforcement—and for that matter, most other professions—have for their own kind that may make them turn a blind eye to misconduct by fellow officers despite regulations requiring them to report it. "My personal opinion is a lot of people don't want to be considered a rat or a squealer," the OPR investigator says. "Just like the outside world, you have this brotherhood of law enforcement officers. You may not report it, but you may not do it yourself. As long as you don't do it yourself, then you're not involved yourself. Which is wrong, admittedly. But this is the way an awful lot of them feel."

Even when abusive Border Patrol agents and other INS officers are charged with criminal abuse, the punishment they face is not too extreme. Under federal statutes, a federal law-enforcement officer accused of physical abuse will face only a misdemeanor civil-rights charge. By comparison, a city police officer accused of the same misconduct could face a felony charge with a much stiffer penalty.

In the Cisneros case, for instance, Patrolman Jarvis is accused of "kicking, striking and assaulting" the Calexico physician. The charge stemming from those actions, however, is the deprivation of civil rights, a misdemeanor.

U.S. Attorney Nuñez admits his office has prosecuted federal agents in the past on misdemeanor charges where he felt

felony charges were more appropriate. "In those instances," he says, "it would have been better if we had some felony statutes on the federal side. Even if some of the charges weren't life threatening, it would have been more appropriate if we had a felony charge."

In most of the past abuse cases involving Border Patrol or INS officers, the accused agents faced felony charges stemming from other related actions, such as conspiracy to cover up an offense or lying to investigators or the federal grand jury. The agents and the private detective recently indicted are all charged with felony counts of conspiracy to defraud the United States by giving false and misleading information to OPR investigators. Bonsall, the detective, also is charged with falsely stating that Jarvis passed a lie detector test, another felony.

Still, in the absence of such auxiliary charges, Nuñez would prefer to see abuse cases tried under state law, where penalties are stiffer. "If we had a case now that we thought had to be a felony, we'd see that the district attorney's office handles it," he says.

THE LACK OF federal statutes in this area is one reason San Diego police and district-attorney investigators are called in to investigate Border Patrol shootings. That, however, has created a jurisdictional problem District Attorney Ed Miller has grown tired of facing. In a May 1, 1985, letter to San Diego Police Chief Bill Kolender outlining the D.A.'s findings in the Carrillo shooting, Miller lamented the necessity of his office taking jurisdiction over such incidents—particularly in light of the international nature of the Carrillo shooting.

"This situation arises not from any lack of resolve on the part of the United States attorney in this district, who would willingly undertake such reviews," Miller wrote. "Instead, it arises from his having no statutory authority to involve himself in such matters and the review falls on me by virtue of federal default."

"This situation can be rectified only, and must be rectified, by federal authorities; specifically, the Congress must enact a federal statute providing meaningful federal review of alleged felonious conduct by federal officials."

Miller made a similar lament in his

review of the findings in the 1979 shooting by Patrolman Dan Cole and cited the jurisdictional problem in his decision not to pursue prosecution.

Representative Jim Bates (D-San Diego) introduced a bill last year that would make assaults by federal officers a felony. The bill, however, has been stuck in committee since its introduction, and no movement on it is expected in the foreseeable future.

Nuñez and Miller co-authored similar legislation that is now being reviewed by the Department of Justice. "It's essentially the same thing, but we sensed some gaps and weaknesses in Bates' bill," says Nuñez. The biggest difference is that it was written to remove the fear among federal law-enforcement people that, under Bates' proposal, even the most minor infraction could cause them to face felony charges. "Ours defines the crime in different degrees," Nuñez explains. "The more serious the crime, the more serious the penalty. The less serious the crime, the less serious the penalty."

Another obstacle to prosecuting errant federal officers is the need to establish in court the victim's status as an "inhabitant" of the United States, thus recognizing the case as a civil-rights matter and fixing the federal court's jurisdiction. "I think the federal system should not be so dependent on the status of the victim, but on the status of the defendant," Nuñez explains. He points out that the status of a defendant accused of assaulting a federal officer does not need to be established to proceed with a trial. "We think it should be a two-way street."

IN THE COMING MONTHS, public attention will again be focused on the actions of Border Patrol officers as trials begin for the two indicted border agents, and for a lawsuit filed earlier this year against the INS for the shooting of young Humberto Carrillo. That suit, asking \$3 million in damages, promises to raise even more questions about the Border Patrol and the INS.

Evidence expected to be introduced in the suit by San Fernando attorney Marco Lopez includes photographs taken by a Mexican press photographer drawn to the scene of the shooting by a low-flying, siren-blaring Border Patrol helicopter. The photos purportedly show the Mexican side of the border fence immediately

before and after the shots were fired. They show a street empty of anyone, save young Humberto. As the sequence progresses, they show the wounded boy crumpled on the ground as people begin leaving their homes to investigate the sound of gunfire. They show neighbors carrying Humberto across the border into the United States in search of medical aid as three border agents, two on foot and another driving a van, appear to retreat toward the port of entry, refusing to give aid. In effect, they contradict the official story of the justified shooting.

Law enforcement officials who reviewed the photos or similar photos say they questioned the time sequence of the shots, and so they failed to change the findings of the local investigation, according to D.A. spokesman Steve Casey. The OPR investigator, in defense of the border agents, says the photos don't show that after retreating from the rock-throwing crowd, they retraced their steps to pick up the injured boy after he was left on the U.S. side of the boundary by those who carried him across.

The suit also alleges that the INS was negligent in allowing Patrolman Edward Cole to remain on duty while he was receiving psychiatric care for "violent and psychotic tendencies" stemming from another shooting in which the agent was involved in 1982. In that incident, Cole fired toward a rock-throwing crowd after he was struck in the head with a rock. No one was struck by gunfire in that incident, according to the Border Patrol.

As the trials progress, it can be expected that new wounds will be opened along the border among the Border Patrol and those who oppose them. Ed Pyeatt emphasizes that those who man "the thin green line" are subject to the same human frailties as the rest of us. "We're dealing with people, and we are people. And that's what few people realize," he says. Illegal immigration, he says, is "a problem of human misery and human compassion, and our guys deal with it every day. It kind of bothers them, I think, that they would be the target of such negative input from individuals and organizations."

But Herman Baca maintains government inaction has created the problem, and only government action can solve it. "They're creating a very ugly situation here that's going to get uglier very soon,"

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he says. "If there's violence at the border, it's because the government hasn't given a damn about it." ■

INVESTIGATIONS

continued from page 100

It also questioned the failure of the INS to properly discipline what it termed "serious administrative misconduct by regional and district management" in preferential employment practices uncovered by an OPR probe.

"The unsatisfactory integrity situation at INS must be addressed by ensuring that a wholly independent and fully staffed Office of Professional Responsibility is able to exercise its entire investigative jurisdiction over both administrative and criminal misconduct without any undue interference," the report concluded.

Such interference continues today, according to the OPR investigator. He cited several examples of interference reach-

ing up to the top echelons of the service, but none could be independently verified. He notes, however, that the 1984 annual Main Justice report on internal affairs operations has never been publicly released. Speculation within INS OPR is that U.S. Attorney General Ed Meese will not release the report because it cites further examples of INS management interference in internal investigations.

DOJ spokesman John Russell confirmed the 1984 report is "sitting in the AG's office somewhere," but added that the OPR speculation is "an incorrect assumption." He refused to comment further, other than to say the report would be released "in a couple of months." However, a General Accounting Office report released in February found similar interference in other internal-affairs units of agencies under the Main Justice umbrella. The GAO concluded that "Justice's audit and internal-investigations units' structure and management lack organizational independence and that this may inhibit independent, objective assessments

and reporting to the Attorney General and Congress."

According to the INS internal-affairs investigator, interference with OPR investigations occurs "far too frequently."

"As far as I'm concerned, if it happens once, it's far too frequent," he says. "Because all they're basically saying is, 'We're going to do what we want to do regardless of internal affairs.' That type of attitude is prevalent.

"I've had cases where we've sustained the case and because the people in that area do not want to take any action against 'a good ol' boy,' they find fault with the report or with the way the investigator conducted his investigation. Never mind what the employee did. Let's switch everything around and attack the investigation and the way it was written up."

The unreleased 1984 report is expected to include suggestions on changing the current INS disciplinary process, which leaves administrative punishment to the discretion of regional management of-

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Por Falta de Recursos no se Puede Militarizar la Frontera: H. Baca

TLJUANA.- Si el Servicio de Migración y Naturalización estadounidense, dispusiera de personal y equipo suficiente, seguramente ya se habrían concretado los primeros pasos de militarización de la frontera entre México y Estados, aseguró ayer Herman Baca, Presidente del Comité Pro-Derechos Chicanos en San Diego.

En una entrevista telefónica con EL MEXICANO, el líder chicano denunció que políticos republicanos del sector más conservador de la Administración Reagan, como el Senador Pete Wilson, o el Sheriff de San Diego, Jhon Duffy, insisten en buscar una solución policia-ca, a un problema económico y políticos como es la inmigración de ilegales a la Unión Americana.

Sobre la insistencia de que podría ser militarizada la frontera con México a lo largo de 3 mil kilómetros, para tratar de recuperar un poco del control perdido sobre ella, Herman Baca consideró que si esto no se ha intentado es porque la Patrulla Fronteriza, no dispone del personal ni del equipo técnico requeridos, para realizar una acción de esta índole.

Informó sin embargo, que el próximo 23 de los corrientes, estará en la vecina ciudad de San Diego, Herv Temple, Mayor General de la Guardia Nacional norteamericana, para confirmar personalmente el estado que se guarda actualmente en la línea fronteriza Tijuana-San Diego.

Advirtió asimismo el entrevistado que hay una fuerte presión ante el Congreso Norteamericano, de parte

de algunos prominentes funcionarios de la actual administración porque se militarice la frontera con México, sin embargo es una postura a la que los chicanos nos oponemos firmemente.

“Este tipo de soluciones nos hacen mucho daño a la población de origen mexicano, ya que se afectan a nuestros derechos constitucionales, y se buscan soluciones de fuerza a problemas que son económicos y

políticos”, insistió.

Señaló que ante la presión que están ejerciendo senadores como Pete Wilson, para que se vote en pro del anteproyecto de Ley Simpson-Rodino, no queda más que recordarles que el Plan de Trabajadores Huéspedes, ya quedó de manifiesto durante el programa de braceros que se implantó hace muchos, que este alienta la esclavitud y la injusticia, de los trabajadores del campo.

Hunter Asks for National Guardsmen Along Border

By PATRICK McDONNELL,
Times Staff Writer

A San Diego congressman suggested Monday that National Guard troops be stationed along the U.S.-Mexico border in an effort to combat illegal immigration, drug trafficking and the threat of terrorism.

"It's clear that we still don't have the control of our border," said U.S. Rep. Duncan Hunter, a Republican whose district includes the California border area.

Hunter acknowledged at a news conference in San Diego that his plan would require approval of both federal and state officials. He said he had spoken about the matter to Gov. George Deukmejian and to National Guard officials in Washington but had not submitted a formal proposal.

Kevin Brett, a spokesman for the governor, said policy makers were reviewing the suggestion but had yet to take a position. The governor would have veto power over deployment of the state's 26,000 guardsmen, Hunter said.

On Monday evening, Hunter was scheduled to tour the border area with Army Maj. Gen. Herb Temple, a top National Guard official.

Hunter's proposal comes at a time when a number of federal agencies have stepped up enforcement efforts along the border in an attempt to crack down on illegal immigration and drug trafficking. Some officials have publicly called for the deployment of U.S. troops.

Critics have condemned such suggestions as extreme and unworkable, and Hunter's plan was quickly assailed on similar grounds. Herman Baca, chairperson of the Committee on Chicano Rights, called the idea of posting National Guardsmen along the border "a very simplistic and dangerous proposal."

"It's doomed to be a policy of failure," said Baca, whose group favors bilateral discussions with Mexico on border problems.

Under Hunter's proposal, guardsmen would serve their two-week stints assisting officers of federal agencies such as the U.S. Border Patrol, Customs Service and Drug Enforcement Administration, which operate along the border. The congressman suggested that the guardsmen might assist in manning border inspection booths or radar stations.

Will Guard join watch at border?

By Robert Dietrich
Tribune Military Writer

The commander of the nation's National Guard units says he is ready to recommend that his troops join U.S. Customs, Border Patrol and Drug Enforcement Administration forces to tighten access at the U.S.-Mexico border.

"If every American citizen could see what I saw in the past two days, there would be national concern," Maj. Gen. Herbert Temple said last night after accompanying air and ground patrols along California's border with Mexico.

"My major concern is the potential for terrorists coming across that border by land or air," said the 58-year-old Temple, a Los Angeles native who started his National Guard career as a private in the Korean War.

"There are areas that cannot now be controlled," Temple said.

The tour was arranged by Rep. Duncan Hunter, R-Coronado, whose constituency includes the state's entire border area. He said it has not been determined how elements of the state's 26,000-member Army and Air Guard could be utilized to help plug the border.

Please see BORDER, A-8

★Border

Continued From Page 1

"Right now, we are capturing an estimated 2 percent of the narcotics smuggled across the California border," Hunter said. He added that Congress was recently presented documentation that Nicaragua's Sandinista regime and communist guerrilla factions allied with narcotics exporters in Colombia are major sources of drugs smuggled into this country.

"We also have documentation that there is a direct relation between drug smugglers and terrorists."

Hunter said he believes Guardsmen, earning an average of \$7,000 to \$8,000 yearly in Defense Department pay, could spend their required annual two weeks of active duty on border protection missions.

"This would be a pilot project. I think that Arizona, New Mexico and Texas would follow California."

The congressman, an Army Ranger officer in the Vietnam War, said he is proposing that selected Guardsmen, following special training, wear the uniforms of the Border Patrol or Customs Service — or the plainclothes of DEA agents while on the special duty.

"Guard personnel manning mobile radar sites would wear their own uniforms," Hunter added.

He said he had a telephone conversation with Gov. Deukmejian concerning the border role for the state Guard.

"The governor wants to see the report Gen. Temple submits before making a decision," Hunter said.

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Baca criticized for remarks on illegals

S/N
7/24/86

It always amazes me when The Star-News gives front page coverage to the utterings of Herman Baca. His contention — that the apprehensions of illegals reported by the Border Patrol is not correct because the same people are caught repeatedly — simply isn't true.

He fails to take into account the hundreds of thousands who slip through undetected. The

Border Patrol's hands are tied since so much paperwork is required to process each illegal caught. When one smuggling ring, broken up recently, was smuggling a thousand aliens a week, I think it's time for U.S. citizens to become hysterical.

Baca would like to have an open border — that would suit his purposes. But why should the U.S. become a Third World

country?

He never addresses the problems of rapes, robberies and murders committed by Mexican citizens against the illegals. His main concern is to muddy the waters and cast aspersions on the Border Patrol. Personally, I think Baca is full of bull.

MARVEL LANKFORD
Chula Vista

Two armed men shot by border crime unit

S/N
7/24/86

Two men armed with knives attempted to rob members of the Border Crime Prevention Unit and were shot by the officers early one morning this week.

Four Border Patrol Agents and two San Diego Police Officers patrolling the Otay River bottom southwest of the end of Palm Avenue encountered the two armed robbers.

The men said, "Throw yourselves on the ground" in Spanish. The officers ordered the men in Spanish and English to drop their weapons, according to Lt. Dean Girdner of the Chula Vista Police Department, which is investigating the case. One of the men lunged at an agent so officers opened fire.

Ignacio Valencia Gonzalez, 31, of Colima, Mexico was taken by ambulance to Mercy Hospital where he is in stable condition

and Leonardo H. Guzman, 18, of Ensenada was taken by Life Flight to University of California at San Diego Medical Center, where he is in fair condition, according to hospital spokeswomen.

The two men were charged with six counts of attempted robbery and six counts of assault with a deadly weapon, Girdner said.

Major Crime Is Up 15.2% in 1st Half of '86

L.A. Times
8/7/86

By RALPH FRAMMOLINO,
Times Staff Writer

Major crime in San Diego rose 15.2% during the first six months of 1986—the biggest jump in at least 15 years, San Diego Police Chief Bill Kolender reported Wednesday.

Kolender, appearing before the City Council's Public Services and Safety Committee, called the trend discouraging and blamed the escalating rate on several factors, including increased drug trafficking, the influx of illegal aliens and transients, and overcrowded county jails.

"We're just shoveling sand against the tide," Kolender said about his department's efforts to fight crime.

The double-digit increase represents a dramatic change for San Diego, according to Police Department statistics. If it continues unabated, the crime rate will show the steepest incline since the Police Department recorded a 14.6% jump in 1974, Assistant Chief Bob Burgreen said.

During the early 1980s, crime actually dropped. But it began to pick up slightly and increased 5.5% last year before it took off during the first half of 1986.

While homicides in 1986 remained steady compared to the first six months of last year, robberies, rapes, aggravated assaults and car thefts jumped appreciably, Kolender said.

Rapes increased 20.5%. And ag-

Please see RISE, Page 3

Los Chicanos Piden la Renuncia del Comandante Koelender por Intromisión

- *Pretende Culpar a Indocumentados de los Actos de Violencia*
- *Puede Decretarse Nueva Ley de Inmigración, Dice Herman Baca*

SAN DIEGO, California.-El Comité Pro Derechos de los Chicanos demandó ayer la destitución del Comandante de la Policía Bill Koelender, por estar invadiendo funciones de Inmigración, con el objeto de desprestigiar a los ascendientes de mexicanos, reveló ayer Herman Baca.

El líder chicano, reveló que ante la impotencia de Koelender para contener la ola de crímenes que afectan a San Diego, ha dado instrucciones a los agentes de la Policía de San Diego, que cuestionen a todas las personas que detengan, sobre si son indocumentados o ciudadanos, buscando llevar una estadística de la incidencia en las detenciones.

Baca, destacó que pretenden culpar a los indocumentados y ciudadanos de ascendencia mexicana, sobre la ola de violencia que se ha registrado en este puerto, aprovechando "la histeria que existe contra los latinos".

Explicó que desde 1977, Koelender trató de inmiscuirse en asuntos de inmigración y el Procurador de Justicia de los Estados Unidos, les señaló que ese era un asunto de

competencia federal.

Ahora, desde el 28 de julio, Koelender envió un oficio a la Policía de San Diego, señalando que los agentes investigarán sobre el origen de las personas que arresten, con el objeto de llevar una estadística de los de origen latino.

Por otra parte Baca, consideró que la junta de los Presidentes Miguel de la Madrid y Ronald Reagan, tendrán consecuencias posteriores, especialmente en favor de los Estados Unidos.

Concretamente señaló que es la primera vez que no se informa abiertamente sobre los acuerdos que celebraron sobre el conflicto de la inmigración de indocumentados, lo que hace suponer que el Gobierno de Washington implantará la nueva Ley de Migración.

Pero aparte están previendo que se establecerá el Programa de Trabajadores Huéspedes, que no es otra cosa que un programa de braceros, tal y como está estudiando actualmente la Cámara de Representantes.

T.C.B.

8/14/82

Question for Baca

I'm sure Herman Baca doesn't consider himself prejudiced when he demands Police Chief Kolender be fired for keeping statistics concerning illegal aliens and crime. I'm also sure Baca believes himself to be a public-spirited, civic-minded citizen. This being the case, I expect him to call for the ouster of Uvaldo Martinez and Ray Ortiz any day now. How 'bout it Herman?

—OZZIE OLSON
Borrego Springs

Policy change wins backing of Hispanics

*Police no longer to detain
undocumented aliens for
agents of Border Patrol*

By Richard Core
Tribune Staff Writer

TCB
8/23/82

Hispanic leaders are commending the San Diego Police Department for changing its policy on holding undocumented aliens for deportation, but they say they will not be satisfied until all other law-enforcement agencies in the county follow suit.

"I see it as a major victory for the constitutional rights of the 350,000 persons of Mexican ancestry who live, work and pay taxes in San Diego County," said Herman Baca, chairman of the Committee on Chicano Rights.

Al Ducheny, chairman of the Harborview Community Council in Barrio Logan, said: "It's a positive step for the San Diego Police Department, but now we have to bring the rest of the county into line."

The two were responding to an announcement from police officials yesterday that the department had joined almost every other city along the border by dropping its policy of turning over undocumented aliens who have not committed a crime to the U.S. Border Patrol for deportation.

The change in policy, which took effect yesterday morning, was debated among deputy chiefs and commanders this week and has been criticized by Border Patrol officials, Chief Bill Kolender said. The possibility that San Diego police might change the policy was announced last week by Deputy Chief Manuel Guaderrama.

Assistant Chief Border Patrol Agent Gene Smithburg said the decision would have a profound effect on the patrol and San Diego.

"It's going to make our job more difficult," Smithburg said. "It is probably going to have an impact on the citizens of the city because there probably will be a large (increased) presence of illegal aliens in the city."

Until yesterday, police policy stated that patrol officers would hold undocumented aliens for 20 minutes if, when they were arrested as a suspect in a crime or stopped for a traffic violation, there wasn't enough evidence to press charges, Assistant Chief Bob Burgreen said.

Police in El Paso, Texas, are the only remaining force along the border that holds aliens for the Border Patrol, Burgreen said.

The San Diego policy was eliminated because it showed separate and different treatment to people of Hispanic origin and because it took officers away from more important police calls, Burgreen said.

Guaderrama had said that the aliens released by police to the Border Patrol would simply be taken to Tijuana and would sneak back into San Diego the next day.

"All they were doing was giving him a free ride to Tijuana," Guaderrama said. "We were just spinning our wheels."

Though the policy was to wait for 20 minutes for the Border Patrol to arrive, in practice some officers were waiting up to an hour. Others were spending 30 to 45 minutes away from their beats to take the alien from the scene of arrest to the San Ysidro Border Patrol headquarters, police officials said.

"Our concern is that we're not immigration officers and we are taking away service to the public when we detain people for the Border Patrol," Kolender said.

Despite the San Diego department's decision to change, Ducheny said heads of other law-enforcement agencies throughout the county told him this week that they would continue the policy.

Baca and Ducheny also said that they are continuing to fight what they consider to be gathering of false information on undocumented aliens by other law-enforcement agencies in the county.

San Diego police rescinded last week an interdepartmental memorandum regarding information gathering.

According to the memo, officers were to ask an arrested person whether he was a U.S. citizen, though officers would not have been required to get proof or confirmation of the suspect's undocumented status. The memo also instructed officers to check an "undocumented person" box on police forms when an undocumented alien was arrested.

Nakasone — and minorities

The insulting remarks made by Prime Minister Nakasone of Japan toward America's minorities are all too akin to attitudes and beliefs held by many within our own borders. That blacks, Mexicans, and Puerto Ricans possess less intellectual prowess than other groups is an outdated shibboleth founded in bigotry and ignorance.

When discussing minorities in American society, one must not forget that it has been less than a quarter-century since blacks and other minorities have been accepted in the mainstream of our society. Before the late 1960s, separate and unequal was the status quo.

It is all too sad that the myth Mr. Nakasone is perpetuating had its origins right here at home. It is damn-right infuriating when we are told we didn't understand what he meant.

MONSELL B. LAURY
San Diego

Japan's Prime Minister Nakasone said blacks, Puerto Ricans and Mexicans in America have a low level of literacy or intelligence (depending on how one chooses to interpret or semanticize). It is a matter of record that Japan is one of the most, if not the most, racist nation in the world ... prides itself on its ethnic purity ... and does not employ blacks, Puerto Ricans and Mexicans in its government, schools or industries.

Therefore, when blacks, Puerto Ricans, Mexicans and other minorities buy Japanese products instead of those made in America ... thus causing members of their own ethnic groups to be without jobs or submit to poverty wages ... does that prove Nakasone is right? Are you listening, Herman Baca?

GUS R. STELZER
Rancho Santa Fe

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EL GRITO *Sureño*

A Chicano Community Publication

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October 1986

Congreso pasa ley "anti-mexicana"; millones los afectados

Baca denounces proposed law; calls it racist, anti-Mexican

The lives of millions of undocumented workers and U.S. citizens of Mexican descent will be profoundly affected by the Oct. 17, congressional passage of the Simpson-Rodino Immigration Reform Act.

Sent to the president on a 63-24 Senate vote, the legislation represents to most, a historic compromise between corporate industry, organized labor, and representatives of the Hispanic interest. To many in the Chicano community, however, it represents a historic sell-out by those who have long claimed to represent the aspirations of working class Raza.

According to its proponents the central provisions of the bill are employer sanctions, resident amnesty and a guest worker program. Employer sanctions threaten industries, shopkeepers, and homeowners with up to \$10,000 and/or a possible jail term for knowingly hiring undocumented workers. Amnesty offers legal status to the undocumented who have lived in the United States since before Jan. 1, 1982. The guest worker program will import Mexican workers to fill any labor demands not met by documented workers in this country.

Many Chicano organizations oppose the Simpson-Rodino bill as well as its predecessor the Simpson-Mazzoli bill, because it was legalized exploitation, racial discrimination and false promises.

"What the U.S. Senate has just passed is not immigration reform, but labor legislation," said Herman Baca, chairman of Committee on Chicano Rights. "Under the Simpson-Rodino labor legislation, the U.S. Congress has just re-legalized slavery by agreeing to import 350,000 or more Mexican workers to undercut those already here."

continued on page 11



FILE PHOTO



Herman Baca, jefe del comite de derechos chicanos

Baca denuncia ley propuesta; dice que es racista

Las vidas de millones de trabajadores indocumentados y ciudadanos norteamericanos de descendencia mexicana serán profundamente afectados debido a la legislación Simpson-Rodino, pasada por el congreso el 17 de octubre.

Mandada al Presidente Ronald Reagan con un voto del senado de 63-24, la legislación representa para muchos un compromiso histórico entre la industria privada, las organizaciones de trabajo y representantes de intereses hispanicos.

Sin embargo, para muchos de la comunidad chicana esto representa una terrible derrota después de 15 años de lucha en contra de una legislación de inmigración racista y una tradición para esos que desde hace mucho se han dicho ser representantes de los ideales de la clase trabajadora de la raza.

De acuerdo a Herman Baca, jefe del comité de derechos chicanos, muchas organizaciones chicanas se han opuesto a la propuesta de ley Simpson-Rodino, como en la propuesta anterior Simpson-Mazzoli, porque no es más que legislación para facilitar la explotación, discriminación racial y promesas falsas.

"Lo que el senado de Estados Unidos ha pasado no es una reforma de inmigración pero una legislación de trabajo," dijo Baca. "Bajo la legislación de trabajo Simpson-Rodino el congreso de los Estados Unidos ha re-legalizado la esclavitud acordando importar 350 mil o más trabajadores mexicanos para socavar al los que ya estan aquí."

Las provisiones centrales de esta propuesta de ley son:

- sanciones a los patrones
- amnistía de residencia a los trabajadores
- programa de braceros.

vea pagina 3

Police tactics draw protest

By BENNY RIVERA,
El Grito staff writer

More than 50 protestors from the Chicano community demonstrated in front of the San Diego Police Department headquarters Oct. 18, to bring attention to alleged discriminatory and abusive tactics in area policing.

Shouting slogans against police chief Bill Kolender the protestors were closely watched by 20 officers, including two riflemen stationed in the headquarters' bell tower.

The protestors said they were concerned with the continued trend of violence and harassment by the police department and other law enforcement agencies against the Chicano/Mexicano and Black communities.

"Our people are being brutalized by the police and we're not taking it lightly," said Ernesto Bustillos, spokesperson for Raza Coalition Against Police Terrorism, organizers of the demonstration. "We have become the target of a racist campaign to negatively stereotype and scapegoat or Raza," said Bustillos.

By creating drug, alien, and gang hysterias police agencies are

able to justify the use of lethal force, illegal searches, harassment, selective enforcement, as well as the promoting of ordinances that reflect an attempt to establish White only areas in San Diego, according to Bustillos.

He cited 30 reported cases of police abuse on area Chicanos since 1983, including the Sept. 22 shooting of Jose Oscar OscarEsqueda, 24, who was shot in the face by officer Tom Staley while patrolling for what police call "gang related activity."

Esqueda's attorney denies his client has any "gang" affiliation and claims police put up an illegal roadblock and planted weapons in Esqueda's vehicle while in police storage.

During the demonstration protestors chanted in unison as they denounced the police's alleged abusive practices of gang labeling, arbitrary searches and unnecessary lethal force.

roadblocks at the exit road," said protestor Raymond Ortiz, a Southeast San Diego resident and

Bustillos also cited the March 23 shooting of George Balboa by patrolman Stephen Williamson, an officer with a history of violent confrontations with citizens as a

further example of lawless police action.

Balboa was shot twice by Williamson after he allegedly assaulted Williamson with a tire iron. Several eye-witnesses have since refuted Williamson's account.

In an interview, Lt. Nancy Goodrich of the San Diego Police Department' Northern Division, which oversees the Mission Bay areas, denied that such practices as road blocking and gang labeling occur.

"Those charges are a lot of baloney," said Goodrich. "We never blockade parking lots. If we are called in on a disturbance we often close the beach, but we never blockade."

"Often if a crime is committed, officers will search for a suspect, and if a suspicious person is spotted, they will be stopped. But as far as officers arbitrarily stopping and searching vehicles on the basis of the ethnicity or appearance of its occupants it is not done."

Police claim an increased number of what they believe to be "gang related" activity occurred on area beaches, and, according to see page 12



Jesse Sanchez / El Grito

Protestors demonstrate Oct. 18 outside San Diego Police Department

ley

continua de pagina 1

Sanciones a los patrones de industrias, tiendas y dueños de propiedad con una multa máxima de 10 mil dólares y con posibilidad de cárcel por contratar a los indocumentados. La amnistía ofrece posición legal a los indocumentados que han vivido en los Estados Unidos antes del primero de enero de 1982. El programa de braceros importara trabajadores mexicanos para satisfacer la demanda de trabajadores no satisfecha por trabajadores de este país.

De acuerdo a Baca la frustración, sobre el abandono de las fuerzas tradicionalmente liberales fue igualado por una gran escala de vendidismo entre la representación Hispanica de Washington.

Cinco de los 11 miembros del caucus Hispanico votaron por la propuesta cuando había pasado por la casa de los representantes. Significativamente, el concilio nacional de la raza, un servicio social chicano en Washington, publicamente apoyó la propuesta, haciendo pública una nota de prensa alabando al representante Esteban Torres como el único Hispanico de California que votó por la propuesta.

"La comunidad chicana ha empezado a cuestionar a quien son los que representan esos grupos hispánicos," dijo Baca. "Bajo la última sesión del congreso el explotador del país (servicio social) hace cola por el dinero de la así llamada amnistía, y la propuesta no ha pasado aún," dijo Baca.

Bajo la cláusula de amnistía de la legislación trabajadores indocumentados que han vivido en los Estados Unidos antes del primero de enero de 1982 pueden solicitar residencia temporal, esos que solicitan residencia temporal pueden solicitar residencia permanente después de 18 meses y pueden ser eligibles para los servicios de ayuda social (welfare) para el año 1992. Lo más pronto que un residente viviendo continuamente en los Estados Unidos puede llegar a ser ciudadano es el primero de noviembre de 1993. El gobierno federal por lo menos dará 4 billones de dólares a gobiernos locales y estatales para sufragar los

gastos de la legislación.

El antes alcalde de San Diego, senador Pete Wilson, R-Calif., exitosamente representó los intereses de los granjeros del oeste, logrando incluir su programa de trabajadores — similar a un programa de braceros — en la dicha propuesta de ley. El sindicato de trabajadores AFL-CIO y el partido democrático pro-labor, que en el pasado se ha opuesto a cualquier legislación de braceros como anti-labor y opresiva, en el final se doblego para levantar presión pública y retiro su oposición en el congreso.

De acuerdo a Baca este aspecto de la Simpson-Rodino es muy significativo, ya que los derechos civiles constitucionales y el trabajo en los Estados Unidos como totalidad serán las últimas víctimas de la propuesta. Baca predice que los derechos humanos básicos serán pisoteados bajo la "casi-nazi" tácticas enforzadas en los Estados Unidos. El trabajador será sujeto a reducción de salarios, deplorables condiciones de trabajo, la destrucción de un contrato colectivo de trabajo y la protección de salarios. La retirada de las organizaciones de trabajo de la oposición junto con el abandono de los liberales demócratas — como son el senador Alan Cranston, D-Calif. — que votaron por la propuesta, marco, de acuerdo a Baca, una capitulación masiva por esos intereses bajo la tremenda presión de la corriente anti-mexicana que está barriendo este país.

"El partido demócrata será responsable por la traición a los intereses de 20 millones de chicanos y latinos en esta nación," dijo Baca. "Bajo el corriente plan ciertos sectores e intereses de los Estados Unidos crearán un sistema apátrida como el de sud-africa para 20 millones de chicanos," dijo Baca. "Tiene que ser entendido que lo que esta legislación hace es delegar cada patrón, pequeños propietarios y jefes de negocios como agentes de la migra. Ellos ahora separarán personas de apariencia mexicana para preguntarles por su documentación," dijo Baca. Cuando se le preguntó qué sería la función de las agencias sociales dentro del programa de amnistía, Irma

vea pagina 12



Barrio Logan, a neighborhood in Martinez' 8th district

Martinez votes to appoint replacement in council

By BENNY RIVERA,
El Grito staff writer

Uvaldo Martinez, disregarding popular opinion in the Chicano community voted Oct. 15 for a direct council appointment to replace his 8th district seat which includes the largely Chicano San Ysidro and Logan Heights neighborhoods. Martinez pleaded guilty Oct. 1 to two felony counts of misusing a city credit card and must resign before Nov. 1.

Several community leaders and members of the city council had said they would support Mayor Maureen O'conner's proposal for an advisory vote in the district. Several of the more conservative Republican council members and city officials, however, said they opposed such an election, favoring a direct council appointment. When the vote was taken,

Martinez, who is a Republican, sided with this block in a 5-4 vote.

According to Councilman Bill Cleater, one of the council's strongest advocates of a direct interim appointment, an advisory district election would have been too costly and inconsistent with the City Charter.

City Attorney John Witt had also entered the debate when he said publicly that an advisory election would be fundamentally unfair and probably illegal.

The City Charter requires that the council make a good faith effort to appoint a replacement within 30 days of a vacancy. If a replacement cannot be chosen, the council may call a special election. The charter makes no mention of an advisory vote.

Community leaders say that the fairest way to get a representative

councilmember for the district would be through a district-wide election. They say they believe objections to a district-wide vote were politically motivated against the Chicano community and that Martinez did not vote in the interest of community.

"I think Martinez voted in his own interest not the community's," said Irma Castro executive director of the Chicano Federation. "I still feel that a special district vote would serve the best interest of the community right now. There have been too many appointments over the years (in the 8th district), and I think it is time we selected our own representative."

Since 1975 the 8th district council seat has been filled by 3 appointments, including Martinez, who has never carried his district in an election since

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Nicaragua

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of imperialism had sharpened to the degree of shooting off a world-wide tide of revolutionary activity.

It is critical to see the colonial nature of the United States, internally as well as externally. The creation of the United States, an illegal nation, demanded the theft of indigenous land and the consequent genocide and imprisonment of millions of Indian peoples, the kidnapping and enslavement of millions of Africans, and the theft of one half of Mexico.

Consequently the Indian/Chicano Mexicano and African peoples find themselves imprisoned within the boundaries of the United States. Somehow the national liberation character of their respective struggles has been strategically misguided to give an illusion of an "American society." The use of settler colonialism, where the colonizer destroys the life and culture of what existed before and replaces it with its own should be seen as an essential facet in the exploitation of the resources and labor of the host peoples. The colonization of Aztlan, of the African peoples, and the Indian nations is the foremost contradiction here as it is in El Salvador, South Africa, the Philippines.

The traditional Northamerican left has always challenged the domestic colonial theory because, in essence, it questions their presence in this part of the world and their role in revolutionary activity. Their inheritance of the imperialist status, in other words, the fact that their living standard is extremely higher than that of a colonized worker, has created a class peace between them and the ruling class. They have historically had a vested interest in the continuance of imperialism since

without the exploitation of the third world peoples their standard of living would dramatically decline: This is not to say that the white working class cannot support the struggle, but if it is to be honest it must do so under the leadership of the most oppressed sector of the working class: the colonized peoples. Just like we don't expect the U.S. left to tell the FSLN what to do, they should not dictate to the Africans, Indians and Chicanos what to do.

The point here is that the U.S. left has had no problem in identifying U.S. colonialism as the evil that haunted Nicaragua, but here within the borders of the U.S. they deny the anti-colonial struggle. Apparently, it's safe to deal with the contradiction of colonialism far away, but not at "home," where it may open up another can of worms. What the left fails to understand is that we cannot even attempt to change the structure of this society without first decolonizing ourselves. Without acquiring freedom and self-determination of the host people's, the historic error of European colonization would not be corrected and thus we would not be able to truly destroy capitalism. The FSLN revolutionized Nicaragua through anti-colonial activity and following independence, as a natural sequence of events the FSLN began laying down the foundation for an economic system of distribution which counters the reactionary characteristics of U.S. and European capitalism.

With the understanding that colonial imperialism is a natural extension of capitalism, the FSLN by struggling against colonialism was actually struggling against

capitalism. To reiterate what was said earlier, the mechanisms of capitalism are so destructive that revolutions like the Sandinista's are unstoppable throughout the

oppressed continents. The fact that Nicaragua was triumphant is indicative of imperialism's downfall, and the fact that it is dying, but unfortunately not yet dead. What we should be well aware of is the vital role of the vanguard in revolutionary struggle. The FSLN has brought the Nicaraguan masses together, ideologically and practically, under the flag of revolutionary nationalism, known in Nicaragua as Sandinismo. The power of revolution lies in the organized potential of the masses, as it did in Nicaragua. Victory could not have been possible without that organized structure. The FSLN is the generator of the revolution, and must continue to organize to bring about literacy, health campaigns, vaccinations, etc. It is the responsibility of the Nicaraguan people through its vanguard to consolidate and defend the revolution.

It is crucial to understand the power and manipulative tactics of U.S. controlled international capitalism over the Third World. As was said earlier, capitalism is completely dependent on imperialism, therefore the Sandinista revolution poses a symbolic threat to the future of U.S. and European economies. Consequently the Nicaraguan revolution has found itself in the vices of an imperialist mechanism determined to reestablish neo-colonialism in Nicaragua.

The next part of this series will deal with two different aspects of Nicaragua's future involving the colonial mechanisms of the United States and western Europe and the support and contributions of the socialist camp in the economic development of Nicaragua. I will also briefly assess the revolutionary ties between Nicaragua and the Chicano/Mexicano liberation movement.

The author of this commentary requested anonymity

Bill

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A former San Diego mayor, Sen. Pete Wilson, R-Calif., successfully represented the interests of the western agribusiness by having his bracero-like guest worker program included in the final draft of the bill. The AFL-CIO labor union and the pro-labor, pro-civil rights Democratic Party, which have in the past opposed any bracero-like legislation, bowed to rising public pressure and withdrew its opposition and lobbying efforts.

According to Baca, this aspect of the Simpson-Rodino is most significant since rights and American labor as a whole will be the ultimate victims of the bill. He predicts basic civil and human rights will be trampled under "Nazi-like" enforcement tactics, and U.S. labor will be subjected to wage undercutting, deplorable working conditions and the destruction of collective bargaining and wage protection.

The withdrawal of organized labor opposition along with the final compromises of such liberal democrats as Sen. Alan Cranston, D-Calif., who voted for the bill, marked a massive capitulation by those interests under the tremendous pressures of the current "anti-Mexican hysteria" that is sweeping the country, according to Baca.

"The Democratic Party will be held responsible for betraying the interests of this nation's 20 million Chicanos and Latinos," said Baca. "Under the current plan certain sectors and interests of the U.S. will now get to create a South African-like apartheid system for 20 million Chicanos. It must be understood that what this legislation does is deputize every employer, small businessman, and homeowner as agents of the border

patrol. They will now be singling out Mexican-looking people to ask them for their passport."

According to Baca, frustration over the abandonment of traditional liberal support was at least equalled by the large-scale "sell-out" of Hispanic representation in Washington.

Five of the 11 members of the House Hispanic Caucus voted for the bill when it earlier passed the House of Representatives. Just as significant, the National Concilio de La Raza, a national Chicano social service lobby group in Washington, publicly supported the bill, issuing a press release lauding Rep. Esteban Torres, the only California Hispanic to vote for the bill.

"The Chicano community has to start questioning who these so-called Hispanic groups actually represent," said Baca "During the last session (of Congress) poverty pimp (social service) agencies were already lining up for the so-called amnesty monies, and the bill had not even yet passed," said Baca.

Under the amnesty provision of the legislation, undocumented workers who have lived in the United States since before Jan. 1, 1982 can apply for temporary resident status. Those applying for temporary residency can apply for permanent status after 18 months and may be eligible for most federal welfare benefits by May 1992. The earliest date a legalized resident living in the United States continuously for five years, can be granted full citizenship is Nov. 1, 1993. At least \$4 billion in federal monies will be made available to local state governments to defray the increased legalizations costs.

When asked what her agency's role would be in the amnesty program, Irma Castro, director of the Chicano Federation, a San

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Diego affiliate of National Concilio de La Raza said, "I'm not sure what our role will be. I suppose some monies may be offered us for legalization services, but at this point we just don't

Ley — continua de pagina 3

Castro, directora de la federación chicana, una organización afiliada con el concilio nacional de la Raza, dijo: "No estoy segura que será nuestra función. Supongo que algunos dineros serán ofrecidos por nosotros para servicios de legalización. Pero en este punto no sabemos."

Según Castro, la provisión de amnistía es confusa y por esa razón dijo que no está segura si la federación va a trabajar con el programa de amnistía.

"Si van a tratar de hacer que las agencias de servicios sociales sean agentes del INS (el departamento de inmigración), si eso es lo que va a ocurrir, olvidense de eso."

En respuesta a preocupaciones que las agencias de servicio sociales se han vendido en Washington, Castro dijo, "Yo no sé que posiciones tomaron en Washington, pero si apoyaron Simpson-Rodino, nosotros obviamente estamos de desacuerdo."

Dijo ella que el NCDLR ha tomado posiciones controverciales en la comunidad chicana. Dijo que es necesario analizar la relación que tiene la federación con ese grupo. También dijo que su organización no fue consultada por el NCDLR sobre el voto.

know."

According to Castro it is real difficult to talk about amnesty right now because she said she fears increased border patrol sweeps could render amnesty unnecessary.

According to her the amnesty provision of the legislation is very unclear at this time, and she is uncomfortable saying that amnesty is something the federation would like to be involved with.

"If they're going to try to get the social service agencies to be INS agents, if that's what's going to

happen, forget that," Castro said.

When asked about reports of a sellout by social service lobbyists in Washington, Castro said, "I don't know what position they took in Washington, but if they supported Simpson Rodino we obviously disagree."

According to Castro, the NCDLR has been known to take positions that are unpopular in the Chicano community, and she said she feels there is a need to more closely analyze their relationship with that lobby. She said the federation was not consulted by NCDLR on a Simpson-Rodino vote.

SAN DIEGO MECHA CENTRAL



For meeting times and locations at your campus, call 265-6541 or 230-2712.

Soto

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depth of his philosophical considerations of the meaning of order or chaos in the universe; all these and more persuade us of the stature attained already (with more promised) by Soto between the publication of *The Elements of San Joaquin* and *Small Faces*.

It almost goes without saying that he is widely considered by many critics of Chicano literature as the foremost Chicano poet at present. Now with Soto's recent foray into prose, although it is clearly poetic prose, the sphere of influence exercised by Soto will be further expanded. Possibly, Soto may move further, from the basis in memory and autobiographical reminiscing in *Living Up the Street* and *Small Faces* to the fertile fields of fiction, the short story, and perhaps then novel form.

Soto's narratives already give the feeling of compact, well-integrated memoir-episodes that much resemble short stories. Likewise the development of a volume like *Living Up the Street* seems to trace the same kind of trajectory as a novel. In fact, *Living Up the Street* follows the chronological evolution of Soto, from childhood on, detailing his circumstances, family, social situation, and the tone of the times in poetic evocation. In short, we see what it was like to grow up Chicano in Fresno in the 50s.

Soto treats themes such as Catholic school and church, baseball and other childhood and also more grown up games and pranks, puppy love, the drab workday world, inter-ethnic relations, a burglary, poverty, police brutality, family life, friendships, etc. Some themes are framed with a brown consciousness, at times wryly humorous, delightfully playful, or candid and serious, at times dispassionate in

the face of sorrows.

Soto is always honest and sincere. Therefore, he tells the truth of poverty and oppression but also of love and family warmth. Soto is unblinking, always trying to establish how it really was, what actually happened, and what feelings truly were expressed (and not just supposed to, stereotypically). The idea is to be as exact, true, and honest as possible. A corollary to this is that no clichés are allowed, no conventional, formulaic non-individualized, stereotypical, fixed means and standard patterns of communication are permitted. It is admirable how Soto gains our confidence, our conviction that what he has written was and is true, and therefore poignant, noble, or depressing, and, tragic — yet, overall persuading us of his

The truth about Soto is that in the last 10 years he seems to have mellowed, his pessimism tempered by a certain deeper understanding of life. The Gary Soto of the earlier collections of poetry seemed to present us with a bleak world, a hard life, desolation, grinding poverty, a set of hostile circumstances, suffering and anguish unrelieved, an empty spirituality.

Now in *Black Hair*, Soto, while not forgetting or conveniently overlooking despair and oppression, manages to break through and he offers us a world where he finds joy with his daughter, and his, feeling of banality and meaninglessness are transcended by the power of creativity, love, empathy, and imagination.

In the title poem, of *Black Hair*, he, who has "black torch of hair," as an 8-year-old, admires a Chicano (Latino) baseball player,

who provides a model of excellence to not only admire but also to emulate, to serve as an inspiration. The poem seeks to transcend the death of the boy's father and the mother's desperation in the midst of poverty and want: "And mother was the terror of mouths, twisting hurt by butter knives." It is with this kind of striking imagery that the highly disciplined Soto expresses himself.

The difficulties of young Soto's life are very real and pressing. Still, imagination triumphs, and in the end the boy identifies thoroughly with the Latino player (a substitute father — image) and rises above all the harsh hostility, the hard work and hard times.

He images rounding the bases with Hector Moreno in a burst of exuberance: "... my face flared, my hair lifting/ Beautifully, because we were coming home/ To the arms of brown people. compassion, love, and understanding.

The exaltation of triumph, the expansive kinship felt with Chicanos, the overcoming of obstacles — all this point to Soto as more than an important Chicano poet and as recently emerged writer of prose poem memoirs but also as a role model, a positive, constructive influence on others.

Gary Soto learned by trial and error that the creation of literary works requires craft and work, learning and progress. The old romantic idea of a great gift and an automatic, sustained outpouring of genius is far from the real world. Similarly, life, success, happiness, is what it would seem, Soto has been working on, according to his three most recent books. Life, like literature, requires a great deal of work — this seems to be clear in the life and work of a leading Chicano writer.

prop. 63

continued from page 2

be effectively excluded from communicating with and participating in government in all its forms."

Democratic opposition in Sacramento is being led by Assembly Speaker Willie Brown with a statewide political address to the problems of illiteracy and poor English skills.

Prop. 63 is sponsored by the California branch of U.S. English, a national group acting to halt what it calls "delution of English in America."

Promoted by former California Republican Senator S.I. Hayakawa, U.S. English has established an agenda to reduce what it sees as "a separation of American culture."

Stanley Diamond, a Prop. 63 spokesman, said proponents did not intend to undercut programs dealing with public health, safety and justice, but he said there was no guarantee that the courts wouldn't use the proposal to eliminate those types of programs.

The amendment was designed, Diamond said, "to maintain the unity and unifying force of the English language, which is getting fragmented ... We want a shared language so we can talk to each other."

Literature supporting Prop. 63

police

continued from page 3

San Diego Police Gang Detail, have staked out scattered areas.

Gang Detail commander Sgt. John Madigan recently told the *San Diego Union* that blacks tend to use the parking lot of the south jetty while Chicanos use the parking lot at Leisure Lagoon.

According to Roberto Martinez, chairman of the Coalition on Law and Justice, an increasing number of citizens are reporting cases to his office of discriminatory police abuse, particularly at the beaches.

"Regardless of the outcome of these particular cases the underlying and ongoing issue of police stopping and detaining people simply on the basis of ethnicity or appearance needs to be addressed. This practice is racist, unjustifiable, and gives license to selective law enforcement and further abuse."

According to police at the scene, the protest was an attempt to

has argued that bilingual education and other services discourage immigrants from learning English.

California Senator Pete Wilson (D-San Diego) echoed this belief in the *San Diego Union* when he said bilingual education may be necessary for some younger students but is "a real disservice" to older ones who need to "gain proficiency in the language in which business and public debate are conducted."

Other states have adopted English-only measures and some have been overturned by federal courts. Proposition 63 is unique because of the enforcement provisions written into it.

The initiative would require the legislature to "take all steps necessary to insure that the role of English as the common language of the state is preserved and enhanced," enforce it with new laws and enact no new laws "which diminishes or ignores the role of English as the common language."

Opponents of Prop. 63 have further questioned U.S. English motives because of expressed concerns about uncontrolled immigration and the increasing number of Latinos and Asians in the United States.

attract media attention.

"The department believes the people have a right to free speech, however, we don't agree with their position on this matter," said Officer Rick Amo. "We are investigating the shootings, but there doesn't appear to be any wrongdoing."

According to Bustillos, other protests are going to be held until the problem is solved. Letters of protest have been unanswered by the police department and city council and protests will be lodged with the United Nations and Mexico if the problem continues, said Bustillos.

"We received a threatening phone call from the police about this protest. They said their intelligence people were keeping tabs on us, and if you noticed they were taking pictures of us today," said Bustillos. "But we are not going to be intimidated by the police."

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Immigration bill will fail, activist says

Baca predicts bias against Hispanics

By CARLOS CORDOVA
Bee staff writer

Chicano rights activist Herman Baca says the immigration reform law will be a failure and used as a scapegoat to discriminate against Hispanics in the United States legally.

"How can you have immigration reform?" Baca said. "If people continue to get shot and killed in Central America they are going to flee. If people are starving and there are no jobs in Mexico they are going to continue to cross the border."

In Fresno this weekend to denounce the immigration bill, Baca continued his theme that the law is not an immigration issue but a labor issue. Baca is chairman of the Committee on Chicano Rights, a constant critic of immigration reform during the last decade.

The immigration law was signed by President Reagan on Nov. 6 and calls for sanctions against employers who knowingly hire undocumented workers, and grants legal status, or amnesty, to those who can prove they have lived in this country continuously since Jan. 1, 1982.

Baca said the bill does not address the root cause of illegal immigration, which is economic and political domination of Third World countries by powerful nations. Instead, he said, the bill is a "sell-out" to the agriculture, garment, hotel and restaurant industries which rely on cheap labor imported from Mexico.

"What the U.S. Congress has stated to the world is that the Mexican worker is an integral part of the economy, and it can't survive without these workers," Baca said. "The government has become the biggest coyote."

Baca said that employer sanctions will work in reverse, and instead become sanctions against people of Mexican descent living in this country legally. He said the sanctions will exacerbate racist tendencies in people, causing them to try to get anyone who appears to be of Mexican descent deported.

"The sanctions deputize every housewife and every store owner into becoming an arm and extension of the Border Patrol," he said.



Fresno Bee
12/8/86

HERMAN BACA
— Chicano rights activist

Baca continued his attacks on the Border Patrol and the Immigration and Naturalization Service, calling the Border Patrol the modern-day "Texas Rangers" and the INS the most "incompetent and racist agency in the whole bureaucracy."

Baca said that he doesn't see anyone being granted amnesty until the 21st century, because the INS has a nine-year backlog of immigration applications. He said the INS will delay and resist efforts at granting amnesty, and the Border Patrol will continue operating as "business as usual." He said the workers should not trust this agency.

"This is the same organization that has served as a private army supporting the secondary-labor force," Baca said. "If the blacks were gaining amnesty, would they trust the KKK? Would the Jews trust the Gestapo?"

Baca called the churches, social agencies and attorneys who are establishing amnesty centers for undocumented workers "hypocrites", and asked why they are not establishing centers for people of non-Mexican descent if immigration reform is a national policy.

He said that a large portion of undocumented workers who have been in the United States since 1982 are seasonal workers, returning to Mexico after the harvests. He said it will be impossible for them to prove continued residency.

"Since 1982, an undocumented worker has been trying to prove that he wasn't here so he wouldn't be deported," Baca said. "Now he's

being asked to prove that he was here."

The biggest irony, Baca said, is that a worker who applies for amnesty is required to register for the draft. He said a worker may be killed in a war defending this country before he is ever granted amnesty.

He said his organization is telling undocumented workers not to identify themselves to the INS or sign voluntary departure forms, and not to pay "one red cent" to have their applications processed because it is unclear whether they will ever have amnesty.

There will be widespread hysteria when the country realizes that immigration reform was a failure, Baca said, and the southern United States will become reminiscent of a "South African apartheid system" with Hispanics being more discriminated against because of the law's failure.

The ultimate victim will be the American labor force, Baca said, because immigration reform would have been used as a means to lower wages, deteriorate working conditions, and destroy collective bargaining and unionizing efforts.

The only solution for Hispanics is to attain political and economic power, Baca said, and for them to understand culturally who they are and why they're in this country.

Call Issued For Removal Of INS As Implementer Of Amnesty Program

The Committee on Chicano Rights today called for the U.S. Congress to remove the Immigration and Naturalization Service (INS/Border Patrol) from control of the recently enacted Amnesty program. "We are calling for the creation and empowerment of a new agency to administer the \$600 million "Amnesty" provisions of the recently passed Simpson-Rodino immigration legislation," said Herman Baca, chairman of the committee (CCR).

"Our organization has sent a letter to Congressman Jim Wright (D*-Texas), the incoming Speaker of the House of Representatives, requesting that the INS be removed from administering the Amnesty program. Under the INS, the legalization provision of the Simpson-Rodino Immigration law will be condemned to becoming yet another failed attempt to resolve the U.S.-Mexico immigration issue," said Baca.

Concerns have been raised by Chicano organizations in the affected areas whether the INS, with its past sordid history of oppression, violence and hostility against persons of Mexican and Hispanic ancestry can fairly and humanely administer the Amnesty Program. That proof the INS is totally incompetent to carry out the administrative requirements of the implementation phase of the Amnesty Program, is demonstrated by virtue of the fact that the INS is currently running nine (9) years behind on just

maintaining visa applications. "How can Congress entrust and agency which has not even completed the paperwork for thousands of applicants who wish to enter this country legally? They are just beginning to take a look at those that apply in 1977! How can Congress believe that they now will be able to process and administer the millions of potential amnesty applicants during the next 18 months?" asked Baca.

The new Amnesty Program requires that the undocumented worker, who has been working in the U.S. and meets the residency requirements report to the INS/Border Patrol for processing. After decades of brutality and harassment against these very same people, questions have risen whether they will be willing to trust the oppressor. The INS, on the other hand is faced with the very serious and embarrassing situation. Can it administer a program where

the potential beneficiaries do not come forward? At stake are hundreds of millions of dollars that will have to be appropriated by the Congress in order to carry out the new legalization program. These funds are monies that the INS/Border Patrol would love to have in their control. The new legalization program in fact presents a back door to the check book of the United States.

Recognizing that it will be very difficult to shift from an Agency whose sole function for the past 50 years has been to hunt down illegal aliens stop in-migration, and act as the nations police force against millions of potential Mexican and other Latinos wishing to enter the country, to one charged with the humane, professional task of admitting undocumented who now qualify under the Simpson-Rodino immigration law to remain in this country, the INS

(See Removal Pg 4)

Removal Of INS Called

For

has begun a campaign to incorporate Mexican American organizations and respected Church groups to front for the INS.

To convince Chicano groups and church leaders that the INS is not intent on conducting a "sting" operation, they have scheduled a series of meetings in various cities to "explore various aspects of the legislation, set goals, and establish a strong foundation of communication, interaction, and education. Such a meeting was held in Los Angeles November 4th.

INS Commissioner Alan Nelson said that the meetings to be held across the country are designed to provide the agency with ideas and recommendations on implementing the law. The agency plans to spend January and February drafting the regulations which, Nelson said, will be published in late February. After publication in the Federal Register, the public will get a chance to comment on them again, he said.

A final draft of the regulations will then be prepared to begin active implementation of the law in May, 1987, he said. At that time, the agency will begin fully enforcing sanctions against employers who knowingly hire illegal aliens and, for a year beginning next May, applications for amnesty will be accepted at INS legalization offices. Aliens who can prove they have lived in the United States continuously since Jan. 1, 1982, will be eligible for amnesty.

INS officials said they are counting on the cooperation of voluntary community agencies, which will be officially designated by the INS, to prescreen aliens' applications. The agencies will act as buffers between potential applicants and the agency, traditionally feared in immigrant communi-

ties. Agreements with these agencies will be signed sometime in February and March.

A similar meeting is being held today at the San Diego Convention and Performing Arts Center, Copper Room commencing at 9 a.m.

Is it such meetings that are being pointed at by Chicano Activists as evidence that the INS/Border Patrol is now making a strong effort to get Chicano and Church organizations to become the front organizations to collect the data they want. Such data will then be given to the INS with no guarantees that it will not be used to further persecute the undocumented workers.

"It is clear that immigrants and undocumented workers will not be willing to trust the INS/Border Patrol and will not come forth because of the decade long history of racism, deception and mistreatment," said Baca.

Baca wondered whether Howard Ezell, who is one of those conducting the state wide meetings, can really change his spots. "This is a person who refers to the undocumented as "wetbacks" and who publicly stated "if we catch 'em we should be able to skin 'em and fry 'em. . . Who publicly proclaims that regardless of Simpson-Rodino, deportations will continue as usual. "Do not report to the INS service" Baca caution prospective applicants. Do not sign voluntary departure forms and do not pay a red cent to any of these so call Centros, whether church related or not, or to Notary publics or any others who claim that they can legalize you. "We don't even know what the law is vet," concluded Baca.

Alluding to reports of widespread fear and skepticism over the new law, William King, the Immigration and

Naturalization Service's western regional director for the law, assured participants that "this is not a sting operation."

"We are genuinely interested in attracting people to step forward and receive the benefits they may qualify for under the law," he said.

Mayor Violencia Contra Indocumentados en E.U.

Demanda del Comité pro Derechos Humanos

● *Dependencia Especial Para Manejar el Nuevo Programa de Amnistía en EU*

NATIONAL CITY.- El Comité Pro Derechos Humanos demandó ayer al Congreso Estadounidense que se cree una dependencia especial para manejar el nuevo Programa de Amnistía, ya que son conocidos los procedimientos "racistas y la incompetencia" manifiesta empleada por el SIN y la Patrulla Fronteriza en contra de los trabajadores ilegales.

Así lo denunció ayer el Presidente de dicho comité, Herman Baca, quien en conferencia de prensa efectuada a las 13 horas aquí, reveló que se envió una carta al influyente Congresista Estadounidense, Jim Wrieth, para que interceda ante la Cámara de Representantes del vecino país, en este sentido.

[PASA A LA PAG. 4]

Dependencia Especial Para... (Viene de la Primera Página)

Aseguró asimismo el luchador chicano, que la nueva Ley Simpson-Rodino, que ya fue firmada por el

Presidente Reagan, se dirige a "un fracaso inminente", en el esfuerzo por resolver los continuos problemas que se originan en la Aduana Estadounidense, y que ha tensado las relaciones entre los dos países vecinos.

Herman Baca aseguró en el mismo sentido que con el recrudecimiento de la violencia en contra de los trabajadores ilegales de origen mexicano, por parte de elementos de la nefasta Bordel Patrol y acentuada con la burocracia del Servicio de Migración y Naturalización, seguramente resultará totalmente opuestas "las campañas de relaciones públicas" que estas dos agencias estadounidenses efectúan para tratar "de persuadir" a los mexicanos de las supuestas bondades de la Ley de Inmigración, cuando está visto que ninguna de las dos podrán administrar el Programa de Amnistía de una manera "justa y humana".

Indicó en el mismo orden de ideas que estos conceptos están expresados en la misiva que el Comité Pro Derechos Chicanos envió al Senador Jim Wrigth, y abundó que esta incompetencia se evidencia claramente si sólo se recuerda la incapacidad del SIN para completar la cantidad de visas que se requirieron durante 1981. Esta misma situación habrá de suceder en los próximos 18 meses en que entrará en vigor la Ley Simpson-Rodino, dijo, pues se proyectan asignar millones de aplicaciones, que se encuentra inhabilitado para cumplir,

Agregó que si se atiende a la historia de vejaciones en contra de los ilegales por parte de estas dos dependencias, se evidencia que el Programa de Braceros que comprendió los años que van de 1942 a 1964, sólo se esclavizó al trabajador que ahora se designa como "huésped". También se corroboró en la famosa operación "de espaldas mojadas", en los años que van de 1950 al 55, en la que el ejército emprendió una insólita campaña de deportación a más de 4 millones de ilegales.

Por último, dicha situación quedó también de manifiesto en el sonado caso de "las Cartas Silva", abundó, que en el periodo que comprende 1966-1981, causaron la pérdida de nacionalidad a 25 mil niños, pese a que poseían el derecho de ciudadanía, apuntó en el mismo sentido.

Al insistir en la demanda de que se cree "una agencia" específica para atender el Programa que involucra al Derecho de Amnistía y que sea ajeno al SIN y a la Patrulla Fronterizo, manifestó que entre las principales recomendaciones que están haciendo a los trabajadores ilegales que venden su fuerza de trabajo en los campos de labor estadounidenses, figuran las siguientes:

- 1).- Que éstos no se presenten a firmar su "salida voluntaria" en los casos en que hayan sido aprehendidos por la Bordel Patrol;
- 2).- No se presenten a las oficinas del SIN, ni
- 3).- Paguen dinero a abogados o notarios públicos, que con el pretexto de "arreglarles su residencia permanente", los harán víctimas de coyotaje, toda vez que la Ley de Inmigración Simpson-Rodino, todavía no entra en vigor, finalizó.

A REPORTER AT LARGE

TWINS

AN outbreak of malaria in San Diego County last summer took most people by surprise. Not that it hadn't happened before. Every year, about a dozen cases are reported in the area, but usually they are scattered through the county and don't make local headlines or get talked about on the evening news programs. This time, however, it was reported, on August 16th, that eleven people had been infected pretty much during the same period and probably at the same spot—the eastern side of a swampy lagoon named the Agua Hedionda, near the town of Carlsbad.

Malaria victims in Southern California often turn out to be either people who have just returned from trips to tropical Third World countries or visitors from those countries. It is unusual for stay-at-home residents to contract the illness, even though the climate and the terrain of that part of the state are favorable for the survival of the anopheles mosquito, the insect that transmits the disease from one person to another. The coastline of this southernmost section of California consists essentially of mountains and mesas, with a series of small streams flowing intermittently down through narrow valleys and emptying into saltwater lagoons protected from the ocean by dunes. During the dry months, from April to November, the rivulets dry up and the lagoons stagnate, producing a harvest of insect life that feeds a startling variety of migratory birds. Before the development of insecticides, malaria was not uncommon in the region, but for the past thirty years there had been very few local outbreaks, and none apparently stemming from a single small section of one lagoon. Although Dr. Georgia P. Reaser, the acting county health officer, declared that she still lacked "conclusive evidence" of the origin of the reported cases, she decided to act. The

authorities began fogging the lagoon area, in order to kill the adult mosquitoes, and spraying for larvae.

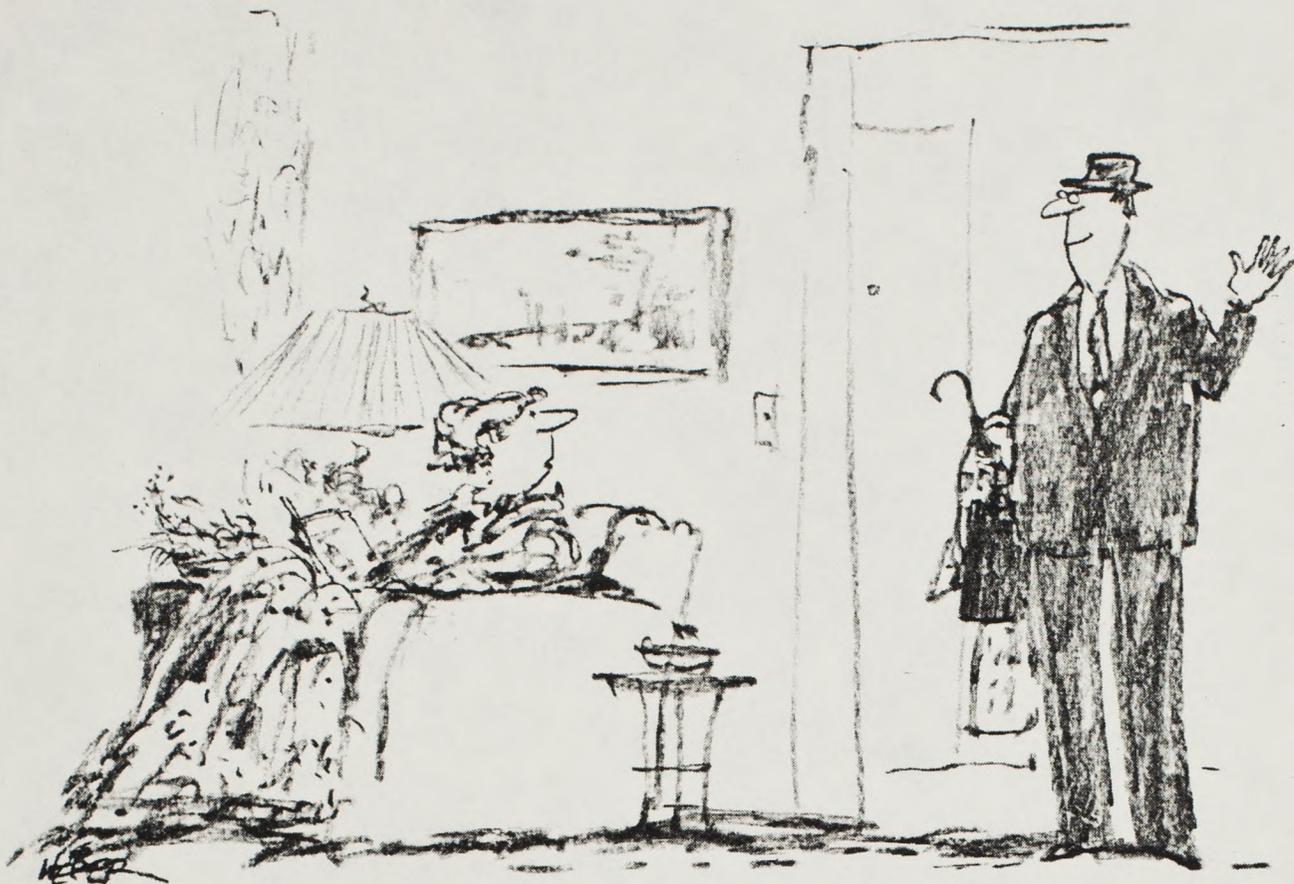
No one became unduly alarmed, partly because the type of malaria afflicting the eleven victims was a mild form called vivax, which is rarely fatal and, at worst, produces high fevers, chills, and headaches. It is usually successfully treated over a span of about two weeks. The surprise expressed by people in the area had to do solely with the fact that such a concentrated outbreak of the disease could occur at all in a part of the world considered safe from such primitive afflictions. What no one commented on, or was in the least astonished by, was the identity of the majority of the victims. Two of them were people who lived near the lagoon, one of whom, it was reported, liked to stroll along the shoreline at dusk to observe the animal life in the vicinity. The nine others, however, were Mexican men from the Oaxaca and Cuernavaca areas, who were described as "field workers." They lived near the south side of the lagoon in a cluster of shacks, lean-tos, and hovels without plumbing or other facilities. None of the stories about the malaria outbreak commented on the fact that all of them were almost certainly aliens, who had crossed the border

illegally from Mexico in order to find jobs. The presence of a great many Mexican nationals scrounging for work in Southern California has long been an accepted fact of life there, as much a part of the landscape and as intrinsic to its continued development as the thousands of American citizens moving into San Diego County every month.

Nobody knows exactly how many Mexicans are living illegally in the county. During March, for example, the Border Patrol, an enforcement arm of the United States Immigration and Naturalization Service (I.N.S.), reported that it had arrested 64,475 "undocumented aliens" in the area and that at least as many were evading capture. Since then, the numbers have been steadily on the increase. The influx of aliens is part of a nationwide phenomenon that has been described by various public figures and commentators as an incipient disaster. Donald Huddle, a professor of economics at Rice University, in Houston, maintains that there are now about nine million illegal immigrants in the country as a whole, about two-thirds of them employed, mostly in menial jobs. According to Huddle, they are a drain on the economy, because several billion dollars a year is spent on them



"To sentient beings everywhere!"



"Yes, dear, you shall return. I know."

remind the legislators that Congress would soon be asked to deal with several bills aimed at slowing down the tidal wave of illegal immigration. Over the years, Ezell had supported all such measures, including the one passed by the Congress last fall and signed into law by the President in November, which will soon legalize the presence of many aliens already in the country and provide for fines and other penalties against people who knowingly employ those who are newly arrived and undocumented. There is considerable confusion about how this law, with its complicated amnesty provisions and special dispensations for agricultural workers, will eventually be implemented and whether it can be

in unemployment and welfare benefits and in educational and other government services, and because, he says, they displace American workers. One of his studies on the subject declares that for every hundred jobs filled by undocumented aliens sixty-five Americans lose theirs.

Governor Richard D. Lamm, of Colorado, and Gary Imhoff, a writer who specializes in immigration issues, have written about the problem in a book called "The Immigration Time Bomb." In it they point out that the United States can no longer take in all the people all over the world who want to come here. The nation simply doesn't have the space to accommodate so many immigrants, and they foresee a future in which foreigners and native-born Americans struggle bitterly to survive in an ambience similar to the one portrayed in the movie "Blade Runner"—a smog-enshrouded, run-down urban environment teeming with predatory human refuse. "It will take perhaps seventy-five per cent of the work force to do one hundred per cent of the work," Lamm recently told an interviewer. "We'll have more people than we have jobs—a terrifying imbalance. At the same time, the Third World will be bankrupt and all those people will want to come here." According to Lamm, who is a Demo-

crat, this dreary scenario will become a reality largely because of an unlikely alliance of old-fashioned liberals, Hispanic groups myopically focussed on preserving their civil rights, and unscrupulous businessmen and farmers bent on exploitation. "Americans must rid themselves of the dream of unrestricted immigration and must face the reality behind the dream," Governor Lamm declared. "Illegal immigration is the greatest thing for American business since slavery."

This point of view is fervently endorsed by the federal officials most heavily involved in immigration problems. Harold Ezell, the Western regional commissioner for the I.N.S., evidently believes we are under invasion. He was recently outraged by the sight of several hundred people he described as "illegals at the border just standing there, laughing and talking, on American property, eating tacos," and he added, "They don't have any respect for America. They don't care about us." To prove his point, Ezell invited senators and representatives from Arizona, Nevada, Hawaii, and California to spend part of the September congressional recess touring the border with him and his embattled officers. "The problem is so severe that they need to see it firsthand," he told the press. The invitation was timed to

made to work at all. (There has always been a brisk trade in counterfeit documentation going on along the border.) Furthermore, it is hardly likely to prevent continued illegal immigration by mostly desperate people and is certain to cause problems, primarily for Americans and United States residents of Hispanic descent, who may have a harder time finding work because of it. Politicians in border states understand this situation very well, and have always trimmed their sails to whichever way the wind was blowing. In Southern California, Americans of Hispanic descent are well organized and vocal about protecting their rights. They are quick to react to any hint of racism by the Anglo establishment and are articulate about what they perceive to be abuses by the I.N.S. and other government agencies in the name of safeguarding the frontier. "He's politicking on taxpayers' money," Herman Baca, the chairman of a San Diego group called the Committee on Chicano Rights, declared in response to Ezell's attempt at border tourism. "If he wants to politick, let him politick on his nickel, not on the taxpayers'. What is this, Disneyland?"

Such reactions have tended in the past to make the people's representatives cautious about whom they of-

fended. Chicanos vote, and in many California communities they constitute a majority. There are well over a hundred thousand Americans of Mexican descent in San Diego. No local politician wants to be caught endorsing actions that his constituents could find offensive. The I.N.S. and the Border Patrol are aggressive in their attempts to catch illegal aliens, and they are frequently under attack from civil-rights organizations and from minority groups, whose members often find themselves being detained, questioned, and, occasionally, actually deported simply because the color of their skin makes them suspect and they happen not to be carrying identifying documents, such as a Social Security card or a driver's license.

Last summer, San Diego's police chief, William Kolender, decided that his department would no longer cooperate in the hunt for illegal aliens. In the past, officers apprehending people who were suspected of having committed a crime were asked to check a box on their standard arrest forms marked "Undocumented Person" if for any reason they believed their charges to be illegal aliens. If the suspects could not speak English or give a local address, they would be detained for twenty minutes or so even for such violations as jaywalking, to allow agents of the Border Patrol to come and pick them up. The practice had been under constant fire from the American Civil Liberties Union and the Chicano community, and their protests may have been what finally caused Kolender to abandon it. His action followed an earlier decision by Roger Snoble, the general manager of San Diego Transit, not to permit the city's bus drivers to inform the Border Patrol about passengers they suspected of being illegal aliens, as some of them had been in the habit of doing. "We are not a law-enforcement agency," Snoble said in pointing out that his drivers were not trained for the task and that some legal residents had found themselves being grilled by the Border Patrol as a result of having been erroneously singled out. Southeast San Diego abounds with citizens of Mexican descent, and they are understandably touchy about what they perceive to be discrimination on the part of their public officials.

Chief Kolender's decision angered

Alan Eliason, who, as the head of the Border Patrol in San Diego, is regarded as the area's top immigration-enforcement officer. He announced that he would withdraw his special unit, of about twenty agents, from downtown, despite recent complaints about "marauding bands of illegal aliens who are responsible for burglary, auto theft, and break-ins." San Diego, he declared, had its head buried in the sand, and seemed to be indifferent to the problem. "We need a flow of information," he said. "We will do the best we can to stop the onslaught at the border, but those who get past us and into the city will be free to do their own thing."

There are indications that this alarmist view of the situation is shared by an increasing number of Americans, including people who don't live in downtown San Diego or in communities with large populations of Latinos.

For months, the local press and television news stations have been regularly running stories of one sort or another that feature the presence of what are usually referred to as "illegals," "transients," and "undocumented migrants." In some of these pieces, as in the report of the malaria outbreak, the aliens emerge as victims, but most often now they are central figures in a drama of growing crime. They are accused of being involved in everything from burglary and auto theft to drug smuggling, rape, and murder. "MIGRANTS LINKED TO CRIME RISE" is a typical recent headline; it ran in the *San Diego Union* over a story about a City Council meeting in Encinitas, a newly incorporated town about twenty-five miles up the coast from San Diego. The area is one in which large numbers of men like the nine malaria sufferers have been living, mostly in undeveloped scrubby terrain beginning a mile or two inland. According to the story, Mayor-Elect Marjorie Gaines, whose house had recently been burglarized by a couple of men who had stopped at her door to inquire about work, presided over the session, at which a number of witnesses testified to having been similarly victimized. "After the first three burglaries, I felt sick and violated," a woman named Karen Klock had written earlier in a letter to the *Union*. "However, words cannot describe the total fury I felt at

opening my door for the fourth time to find my home torn apart."

Encinitas, like Carlsbad, is one of a string of small towns in the so-called North County area which are rapidly being developed into mostly white suburban bedroom communities. The Latinos in North County do not constitute a large voting block, and so the residents there are not as circumspect as their officials in commenting on what they perceive to be a crisis.

"I felt like driving to the nearest illegal's encampment . . . and burning their hillside hovels to the ground," Klock wrote.

"I'm surprised that there have not been more complaints," a sheriff's lieutenant named Pat Kerins observed during the meeting. "The sheer numbers involved are staggering."

During the past year, the network news programs have brought the issue before the American public by broadcasting special reports on the topic, and viewers across the country have become used to the sight on their screens of Border Patrol agents hunting down fleeing men caught in the glare of spotlights as they attempt to cross the Mexican frontier, or intercepting them at checkpoints, sometimes with suitcases full of contraband or drugs. The general impression being conveyed is that of a small, heroic band of dedicated Customs and Border Patrol officers trying to hold the line, like the Spartans at Thermopylae, against a vast horde of invading foreigners, many of whom are criminals bent on mayhem and committed to subverting the American way of life.

The discontent manifesting itself in the North County area is beginning to penetrate the indifference normally displayed by most San Diegans in regard to the presence of aliens—especially Mexicans—in their midst. (Southern Californians, like other Americans, are well aware that refugees from other nations besides Mexico are trying to find sanctuary and work here, but in this part of the state the word "alien" immediately conjures up the image of a shabbily dressed Mexican man laboring in a field or standing on a street corner waiting for someone to pass by and offer him a day's employment.) The discontent is also becoming a political question. Assemblywoman Lucy Killea, whose district encompasses mostly middle-class sections of San Diego, inhabited by relatively few Latinos, has found her constituents showing increasing concern over the situation. "There is a



general attitude in areas of San Diego that we ought to build a Berlin Wall," she recently said to me. "There's a feeling that it's going to be the ruin of San Diego if we don't stop the illegals." While campaigning for reelection to office in November, she discovered that she had to be extremely cautious about expressing even moderate views on the complexity of the problem: "It's become a really emotional issue, and very hard to deal with in a rational way. Most people say, 'We've got to do something about this.'"

Less scrupulous politicians than Ms. Killea have been quick to wave the flag, and to call for a possible closing of the frontier. California's Senator Pete Wilson, an ex-mayor of San Diego, recently declared that this policy seemed an acceptable "last resort" if Mexico proved unable or unwilling at least to slow down its nationals' rate of illegal emigration. "Our options are limited," Wilson said. "What we are looking at is a situation where the ideal solution—the ability of the Mexican economy to employ its own people—is not likely to come about, both because the Mexican government has not taken steps to bring it about and who knows how many years [it would take] anyway." He expressed doubt that the legislation then being considered in Congress could deal with the magnitude of the problem. The border situation is "out of control," he said, and he added that shutting down the border, though "politically repugnant" and "extraordinarily painful," might soon have to be tried.

No one seems to know exactly how that could be managed. The border with Mexico is 1,933 miles long and adjoins the southern rims of four states—Texas, New Mexico, Arizona, and California. Obviously, building a wall, or even a high fence with manned watchtowers, would be both impractical and incredibly costly. Wilson himself has admitted that he has no clear idea how to accomplish a border closing. "Some sort of barriers, some sort of manned group," he has suggested. Other public officials have proposed calling out the Marines or the National Guard, but, as a few cooler-headed observers have pointed out, not even a million men, strategically placed and supplied with the latest technological hardware and electronic detecting equipment, would be able to control such an extended area. And there is also the question of what sort of spectacle this would present to the rest of the world—especially in the

aftermath of our celebration of liberty in New York Harbor last July. Besides, as Ms. Killea observed, "the only purpose of moving armed troops to the border is to shoot people."

Still, the sentiment for doing something drastic is prevalent in many quarters. At least three times before in the nation's history, Americans have reacted violently to mass immigration, with vigilantism, deportations, and violations of civil rights. According to Professor Wayne Cornelius, of the University of California at San Diego, who is an expert on the topic, we are on the edge of another such manifestation—if, indeed, it hasn't actually begun. As a symptom of what may be in store, he and others have mentioned such indications as a proposed constitutional amendment being sponsored by Senator Steven Symms, of Idaho, and Representative Norman Shumway, of California, both Republicans, to establish English as the nation's official language. (Although such legislation had failed to pass before and Governor George Deukmejian had declared himself opposed to any such measure in California, an initiative called Proposition 63, making English the official tongue of California, was overwhelmingly adopted by the voters last November.) Citing a duality of languages as one of the ills afflicting such countries as Canada and Belgium, Senator Wilson had commented, "As a national question, I think we should have English as the official language, because I think we ought to discourage any thought that we will have a duality."

DURING the three terms he served as San Diego's mayor, from 1971 to 1983, no one can remember Wilson's expressing concern about the corrupting influence of the Spanish being spoken on the streets of his city. He was the most popular mayor in San Diego's history, having twice been reelected practically by acclamation, with over sixty per cent of the vote in the primaries. A slender man with brown hair and bright-blue eyes, Wilson projects an aura of WASP respectability that perfectly symbolizes San

Diego's traditional view of itself, as a conservative, easygoing area inhabited largely by the white middle class, including a sizable representation of retired persons, and dominated by the presence of the military. (The city is a major port of the United States Pacific Fleet, as well as the site of several large Marine Corps and Navy bases.) Before Wilson's election, the image that San Diego projected was so bucolic and relaxed that a reporter writing about the city in the *Los Angeles Times* described it as "a body of land surrounded on two sides by water, on two sides by mountains and on all sides by apathy."

Wilson's tenure in office, however, coincided with an explosive growth in population. Attracted to the area by the mild, mostly sunny climate and the availability of open land, about thirty-five thousand people have been moving into the vicinity every year for the past decade, about forty per cent of them taking up residence within the city limits. By last January, the population of San Diego was estimated to be slightly over a million; in the early seventies, it surpassed San Francisco and became the state's second-largest urban center. The figure does include an allowance, which amounts to educated guesswork, for the continuing influx of illegal aliens, thousands of whom have slipped into the county during the past few years, and some of whom have been absorbed into the community. A recent study conducted by the Southern California Association of Governments predicted that by the year 2010 six counties in the southern part of the state will have undergone a forty-three-per-cent increase in population, with Latinos constituting about forty per cent of the inhabitants—a percentage attributable not so much to illegal immigration as to a birth rate five and a half times that of blacks and more than eight times that of Anglos.

The percentages are at least as dramatic in San Diego itself, where even in the early nineteen-seventies the southeastern portions of the city were populated largely by Latinos, many of whom voted. While serving as mayor, Wilson understood and adapted very well to the reality of the Mexican presence in his bailiwick, especially as it was reflected in the politically active Chicano groups. With Spanish the only language heard in some parts of town, it was clearly not politically expedient to offend them. Now that Wilson has become the Republican senator from California, however, he



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tends to speak up more often for his basic constituency—the largely suburban, white middle-class families who still constitute a voting majority in the state as a whole, and who have expressed themselves in no uncertain terms about what they perceive to be an overwhelming flood of foreigners pouring across the border. Wilson, an astute politician, likes to say what people want to hear and manages to do so in a cheerful, upbeat way, as if he were addressing a gathering of the Kiwanis. Even when he was suggesting a shutdown of the border, he managed in person to sound reasonable, balanced, and as resolutely optimistic as ever about the chances that something constructive would be done about a very difficult problem.

This attitude is typical of the spirit that created San Diego, which originated mainly as a real-estate speculation. A fifty-four-year-old onetime gold miner, merchant, and entrepreneur named Alonzo Erastus Horton arrived there by steamer from San Francisco on April 15, 1867, and declared himself delighted by his surroundings. "I thought San Diego must be a Heaven on earth, if it was all as fine as that," he proclaimed. "It seemed to me the best spot for building a city I ever saw." Seventeen years earlier, another San Franciscan, William Heath Davis, had tried to build a city there and had failed. He had put up several hotels and a wharf at the foot of what today is Market Street, then had persuaded the United States government to help settle the area by garrisoning troops on the spot. A village calling itself San Diego nestled in the foothills about four miles away, on the site of an old Indian encampment, but Davis, understanding the potential of the area's great natural harbor, had gambled on a quick success. Within two years, however, thwarted by fire, a lack of water, and public inertia, he had been forced to abandon his site. By the time Horton landed, the new city had become the domain of jackrabbits and fleas.

Horton was a born promoter, and his enthusiasm was infectious. Undeterred by the fact that the town he had bought for a few hundred dollars consisted of three dilapidated old houses and a barracks that had become a pigeon roost, he opened an office in downtown San Francisco and began peddling lots. For a while, he offered free land to anyone who would build on it. Hustling and talking incessantly, he steamed up and down along the

California coast, and trumpeted the virtues of San Diego to such effect that by the end of 1869 the population numbered about twenty-three hundred. He was his new city's principal employer, and he decreed that in addition to being qualified at their trades his workers should vote Republican. In the general election of 1871, the city and the county duly went Republican, setting a precedent in local politics that has persisted to this day.

Horton's venture was not an unqualified success. The early history of San Diego is a tale of booms and busts, with Horton and his allies being continually frustrated in their more ambitious schemes, mainly by the tumultuous flowering of Los Angeles, a hundred and thirty miles to the north. His greatest failure was his inability to persuade the railroads to make a hub of his potential metropolis, and in 1909 he died almost penniless. By that time, however, he was ninety-six, sported a long white beard, and had become the beloved patriarch of his community. His greatest attribute seems to have been a resolutely cheerful outlook on life, which he once summed up by saying, "My principle is to be as happy as I can every day, to try to make everyone else as happy as I can, and to try to make no one unhappy."

It was a recipe for a way of life that has become identified with Southern California in general but is particularly true of San Diego. Most of the city's residents think of it as a pleasant place to live. They speak often of the ocean, the beaches, and the climate. They enjoy their splendid public parks, are proud of such tourist attractions as their zoo and Sea World, and revel in the broad spectrum of recre-

ational activities available to them the year round, from boating, fishing, and swimming to riding and tennis. Most American city dwellers, when they are asked to define what they like best about their environment, will mention such benefits as an active cultural life, a sense of historic tradition, their careers, and the joys of communal living. An urban-planning survey conducted in San Diego in the early seventies by Kevin Lynch, of the Massachusetts Institute of Technology, and Donald Appleyard, of the University of California at Berkeley, revealed that San Diegans are fondest of the terrain itself, and this fact is reflected in local tourist brochures. The joys of San Diego are inevitably epitomized in such phrases as "tropical greenery," "aquatic recreation," and "leisurely pace."

Although there are plenty of signs that the city's rapid growth may one day turn it into a second Los Angeles, complete with smog, polluted beachfronts, jammed freeways, and crime-ridden neighborhoods, San Diego, which calls itself America's Finest City, is still an attractive place to live, with an endearingly friendly small-town atmosphere. The heart of downtown is a cluster of high-rise glass-and-steel towers girdled by freeways, but otherwise there is little to suggest the existence of a metropolis. Balboa Park, fourteen hundred acres of lush foliage amid which nestle plazas, arcades, the famous zoo, and public buildings designed in Spanish Colonial style, sprawls like a huge oasis above the business district and overlooks the shoreline, with its spectacular harbor and flat white beaches. The city is unlike downtown Los Angeles in that many older houses have been preserved; the hills overlooking San Diego Bay are peppered with Victorian mansions and frame bungalows, some with spacious front porches and leaded windows. From above, as one swoops in toward the city by air or along the coastal freeway, the sight can seem unreal, like an idealized portrait of an adult playground.

Within the Centre City, which is what San Diegans call their downtown area, the view is less Arcadian, but cheerful enough. To combat the familiar American phenomenon of white flight to the suburbs, with the consequent decaying of the inner city, Wilson's administration began in the early seventies to pump money into, and provide other support for, a number of redevelopment schemes designed



d. ehrenberg

to revitalize what had begun to look like a bombed-out zone—a sterile wasteland of office buildings and hotels surrounded by parking lots and blocks of tumbledown structures containing flophouses, adult-movie theatres, pornographic bookstores, massage and tattoo parlors, sleazy night clubs, junk-food restaurants, grimy stores, and rescue missions. The idea was not only to make the Centre City a desirable place to be during office hours but also to lure people back into the neighborhood at night, and even provide appealing new residential facilities for citizens who were tired of commuting to work or simply enjoyed urban living.

The effort has succeeded, at least in part. Horton Plaza, the city's Times Square, has been cleaned up and anchors a privately built eight-hundred-and-sixty-thousand-square-foot complex that contains a multitude of department stores, specialty shops, restaurants, and theatres, all housed in a cheerful, multihued postmodernist structure that looks like the sort of medieval castle, complete with drawbridges and flapping pennants, depicted in children's books. Adjacent to it, in a part of town once known as the Stingaree—a sixteen-block section near the original port which was notorious at the turn of the century for its opium dens and bordellos—the authorities promoted a renovation that led to the salvaging and restoration of a number of the city's most colorful old buildings. The result was the creation of the Gaslamp Quarter. This has languished since the opening of Horton Plaza but has at least succeeded in bringing a semblance of normal pedestrian street life back to a once sordid area.

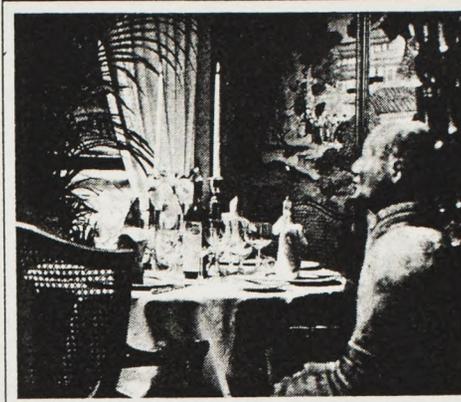
These projects, together with similar ones along the waterfront and the continued construction of condominiums and apartment houses, have helped to justify San Diego's view of itself as one of the country's most desirable places to live, and Wilson's and subsequent administrations have tried to enhance this image by promoting the creation of jobs in electronics, the sciences in general, and corporate white-collar sectors—all businesses that do not require the building of factories that could pollute the environment. It is the kind of commercial growth that nicely complements San Diego's traditional reliance on the military presence and the tourist trade, which between them still provide over two hundred thousand jobs. "We have

a shining example in Los Angeles of what not to do here," a member of the city's Planning Department recently told me. "We want to keep San Diego the best place in America to live."

THE question of what to do about the illegal immigration, which is now considered the major threat to San Diego's self-congratulatory version of the good life, marks the first time that much official attention has been paid locally to the affairs of the city's neighbor to the south. Though the Mexican presence has been an important reality in the area ever since Horton landed, one would never guess it either from reading the best-known early histories or from a casual perusal of the contemporary press. Mentions of Tijuana, the Mexican city directly across the border, have usually been limited to sensational accounts of the prohibited pleasures available there, such as gambling and prostitution, or to editorials on the necessity of eradicating those evils. (Attempts to close this part of the border have been made several times in the past, but usually to keep the Americans in, not the Mexicans out.) The sensationalizing and moralizing often blend well together into the sort of titillating fulminations characteristic of a topnotch tub-thumper like Ovid Demaris, whose book "Poso del Mundo," published in 1970, purported to expose the horrors being perpetrated from one end of the frontier to the other. "Tijuana is the toughest, roughest, gaudiest, filthiest, loudest—the most larcenous, vicious, predacious—the wickedest bordertown of them all," he wrote. "It is all bordertowns wrapped into one smelly reefer and freaked out on its compulsion to 'skin the gringo.' No bordertown hates the gringo with the intensity of Tijuana, and no bordertown does a better job of separating him from his bankroll."

It is certainly true that Tijuana came into existence largely because of the proximity of San Diego and the tourist trade, much of which was of the seamy variety, and that it has had a checkered and colorful past. Nevertheless, it seems extraordinary that until quite recently few people on the American side of the demarcation line thought of Baja—Lower—California in general as anything but a convenient playground. The notion that the two areas might possibly have anything in common has only begun to take root. Lynch and Appleyard discovered twelve years ago that all the

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official maps they were given to work with for their survey went blank at the border, and that news from the Mexican side took up no more than four per cent of the space in local newspapers. "To see the border from the air is a visual shock," they reported. "The fence runs ruler-straight and heedless across valleys and mesas: open fields on one side, crowded settlements pressed right against the fence on the other. The Tijuana River dies in a muddy pool just by the big border crossing, which, with all its slots and lanes for cars, looks for all the world like a giant starting barrier at the dog track."

They pointed out that the fence was an anomaly, a completely artificial imposition upon a single natural terrain—"and a connected social landscape as well." San Diego and Tijuana were not separate entities facing each other across a border but a single metropolitan region. This is even truer today, with about three million people living in an urban area along a forty-mile length of the border. Thirty-eight million persons cross back and forth every year at San Ysidro, San Diego's main port of entry into the United States, of whom sixteen and a half million are Americans going south, mainly to shop or to seek recreation. The Mexicans, for their part, go north to shop, to work, and for a variety of other quite legitimate reasons. "San Diego and Tijuana comprise a functional megalopolis... linked by socioeconomic, environmental, historical and cultural ties," the San Diego City Council was informed last spring in a report by its newly formed Department of Binational Affairs. The report also revealed that visitors from Mexico were spending well over fifty million dollars a year in San Diego alone, and predicted that by the year 2000 the population of the area would number about four million.

Such statistics tend to confirm a trend that was first noted in the Lynch-Appleyard study. Tijuana, which was even then growing at a faster rate than San Diego, had begun to function as a pool of cheap labor, not only for day work north of the line but for various United States industries under pressure from foreign competition. "It plays a role in the San Diego region which is not unlike that of the larger inner-city slums of any

big U.S. city," Lynch and Appleyard noted. "Only, in this case, the poor area is down at one end of town, rather than in the middle, and it is masked behind a border screen." If San Diego could lay claim to being unique among the nation's big cities, they concluded, it was because of Tijuana, not in spite of it.

The connection goes back to the signing of the Treaty of Guadalupe Hidalgo, on February 2, 1848, which, in effect, returned Baja California to Mexico thirteen months after the bulk of the fighting had stopped over the American annexation of Texas, California, and other Mexican territories. The document specified that "to avoid all difficulty in tracing on the land the limits that separate Upper and Lower California, it is agreed that the limit should consist in a straight line drawn from the middle of the Gila River, at the point where it meets the Colorado,

to a point on the Pacific Coast, one marine league distant to the south of the most southerly point of the port of San Diego." The terms insured that the United States would retain the fine natural harbor that was the chief prize being contested in the area, even though it would be some years before Horton arrived to begin developing it.

Tijuana then consisted of about three thousand acres of orchards, with a handful of inhabitants living in a cluster of adobe huts. Some were descendants of an Indian tribe that had lived there for centuries; they called their village Ti-Wan, meaning By the Sea. It wasn't long before the gold rush brought visitors to both sides of the border, which was then merely a line on a map. Businesses were built straddling it, and people strolled back and forth across it unhindered. After boxing was outlawed in the United States, matches were staged on the Mexican side, and so were horse races and bullfights. The town then began to acquire its reputation as a bawdy pleasure fair for sporting bloods, but by the early years of this century tourists had also begun to cross the border merely to shop and to get acquainted with what a local reporter described as a "quaint little Mexican village." In 1910, the population of San Diego was about forty thousand, and about ten thousand Mexicans lived in all of Baja, fewer than three hundred of them in Tijuana.



After the end of a Mexican insurrection in 1910-11, during which the border was closed briefly for the first time while Tijuana was being contested by government and rebel forces, Americans began to cross over in sizable numbers. The Panama-California Exposition of 1915-16, in Balboa Park, brought thousands of visitors to San Diego, and many of them sought a respite from the heavy emphasis on culture and industry by dropping down to Tijuana for a few hours of bullfighting, boxing, and gambling, all of which were then illegal north of the line. At about the same time, five enterprising American citizens, three of them night-club owners forced out of Bakersfield, California, by a reform movement, became partners in a corporation to bring racing, booze, and gambling to Tijuana on a scale that would establish it as the fun and vice capital of the world. This enterprise was interrupted by the First World War, when tension between Mexico and the United States again resulted in the closing of the border, this time for about two years. By 1920, however, with the war over, Tijuana was becoming a boom town. Sunny Jim Coffroth, a boxing promoter from San Francisco, reopened his Agua Caliente racetrack on January 16th, to a crowd of about ten thousand, including such improvers of the breed as Eddie Foy, Mack Sennett, James J. Jeffries, and Frank Chance, the celebrated first baseman of the Chicago Cubs. The date was a propitious one for the forces of fun, because it coincided with the first day of Prohibition. Within a matter of weeks, Tijuana had established itself in the public eye as a mecca for pleasure seekers everywhere.

It was viewed as something much worse by such organizations as the Board of Temperance, Prohibition, and Public Morals of the Methodist Church. "Everything goes at Tijuana," it proclaimed. "There are scores of gambling devices, long drinking bars, dance halls, hop joints, cribs for prostitutes, cock fights, booze sellers, gamblers and other American vermin." In San Diego, the mayor called a special meeting of local businessmen, one of whom declared that "the race track, opium dens and casino at Tijuana are endangering the moral and social condition of San Diego." A prominent San Diego citizen named George Marston called Tijuana "a menace to be put down at all costs," and Sheriff Ralph Conklin described it as "the worst hellhole on earth." Once

again, attempts were made to close the border to Americans and to impose curfews of various kinds, but Tijuana survived them all, including Repeal and the Depression. The latter did have the effect, however, of temporarily reducing the city to little better than a ghost town, with its track closed and its most famous bordello, the Molino Rojo, converted into a school. The track reopened in 1937, but it took the advent of the Second World War to revive Tijuana's fortunes, first as a playground mainly for American servicemen and then as a ration-free marketplace for buyers of meat, butter, shoes, silk stockings, gasoline, and perfume.

In August, 1942, Congress passed legislation that permanently altered the nature of the entire frontier. This was Public Law 78, setting up the so-called *bracero* program, which opened the border to anyone who wanted to work at harvesting the wartime crops of American farms, since most of their hands had been drafted. The program was continued long after the war ended and proved to be a bonanza for California growers, because the law enabled them to hire foreign workers pretty much at will for whatever wages they chose to pay, without requiring them to provide social services, housing, or even decent sanitary facilities. Hundreds of thousands of needy Mexicans crossed to toil in the fields, and the opportunity brought millions of others to the border zone. Between 1940 and 1950, the population of Tijuana more than doubled. When the program was finally terminated, on December 31, 1964, there were half a million Mexican farmhands in the United States, the majority of them in California, and the social and economic life of Tijuana had become inextricably interwoven with that of San Diego. "Although this fact is not recognized," declared a recent editorial in the *San Diego Union*, a generally conservative newspaper, "San Diego and Tijuana are twin cities, as much as St. Paul and Minneapolis, or Dallas and Fort Worth."

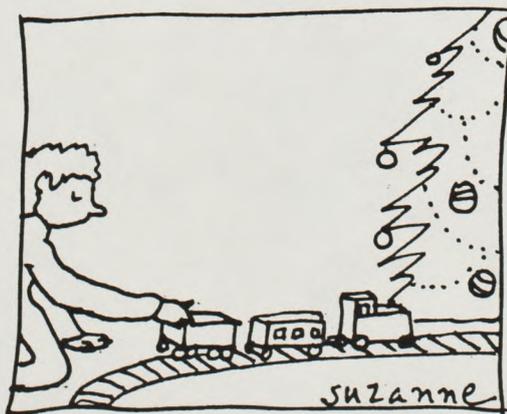
THE twins don't look very much alike, and it is not easy for a newcomer to make the connection. Once having crossed the border into Mexico, an American visitor cannot avoid knowing that he has entered a foreign country. Architecturally, Tijuana is basically a vast sprawl of mostly small, low-lying buildings of all shapes and colors, tumbled together

seemingly at hazard and with no regard to function. (The only effective zoning law is the cost of land, which guarantees that in the upper-class neighborhoods, such as the Chapultepec quarter, in the hills west of downtown, the villas of the rich bask in isolated splendor behind high walls and iron gates.) What most tourists see immediately, on their way in, is a slope east of the Tijuana River, where a well-established colony of squatters lives in shacks and tiny adobe huts, and the side streets leading into the old downtown area, which are lined by tile factories, automobile upholstery and parts shops, liquor stores, and other enterprises catering mainly to Americans. The heart of this Tijuana is the Avenida Revolución, given over to curiosity shops, strip clubs, cafés, restaurants, and cheap hotels, and dominated by the imposing, faintly Moorish bulk of the Frontón Palace. The Avenida Revolución extends southward to become the Boulevard Agua Caliente, which leads to the downtown bullring, the twin glass-and-steel towers of the new Fiesta Americana Hotel, a public golf course and country club, the Caliente Race Track, and, on a side street a couple of blocks beyond it, the United States Consulate. Just about the only other part of town that Americans might visit stretches for several blocks along the Paseo de los Héroes, a broad boulevard, southwest of the river, that is notable for a handsome new Centro Cultural, with a theatre, a concert hall, permanent exhibits, and art galleries. The area also includes a large American-style shopping mall, a couple of the newer discos, which are popular with American teen-agers, and several of the city's best restaurants.

Most foreign visitors to Tijuana remain for a few hours or a day or two. To them the town seems pretty much what they have always been led to believe it is—a zone for revellers, gamblers, and bargain-hunters of all

kinds. The reality, however, is startlingly different. The city is essentially a long, undulating carpet of self-sufficient neighborhoods extending southward for miles along the main avenues and broadening out east and west toward the mountains and the ocean. Here and there, tucked into narrow ravines and along the riverbed—areas that are always flooded during the winter rains—or on still undeveloped mesas toward the interior, are large colonies of squatters. These are people who have fled the poverty-stricken mainland to find work. They live in shantytown communities, one of which is called Cartolandia, because the dwellings there are made largely out of cardboard. The municipal government cannot hope to provide accommodations, or even basic services, for all the Mexicans who want to live in Tijuana. No statistics are available, but it is generally acknowledged that the population of Tijuana is already well over a million and a quarter, and that makes it the West Coast's second-largest city. "Tijuana is a city of permanent growth," Enrique Luna Herrera, Baja California's Minister of Public Works, recently declared. "It never stops. Its growth rate is twelve per cent annually, one of the highest in the world. No matter what planning we do, we're always behind."

Contrary to the impression being created on the American side, the majority of these new citizens have not been lured to the area by the prospect of sneaking into the United States. Although Tijuana has a frighteningly high number of unemployed, mainly among the unskilled young—by some estimates, as high as forty per cent—it is one of the richest cities in Mexico, and until recently it was in the pleasant throes of what was sometimes referred to locally as *el nuevo boom*. The sudden devaluation of the peso last winter and a continued high inflation rate have put a stop to all such rosy assessments of the local economy, yet, compared with other Mexicans, Tijuans are well off. In fact, in some parts of town—especially toward a new section called Mesa de Otay, where housing developments and factory buildings are rapidly going up adjacent to a new border station—there is no indication that the boom has run its course. And even in some older popular quarters of town, such as the Zona Norte, a working-class neighborhood that is not much patronized by casual tourists, the atmosphere is one of bustling activity. The new



border station was built primarily to accommodate commercial traffic.

The streets of Tijuana, teeming with energy and the chaotic comings and goings of its inhabitants, all seemingly galvanized daily by the prospect of deals to be consummated and money to be made, are not unlike those of such South Italian cities as Naples and Palermo. There are plenty of poor, even destitute people to be seen, but the hopeless, grinding sidewalk misery characteristic of Third World cities is largely absent from Tijuana, most of whose citizens appear wholeheartedly committed to survival and self-betterment. "It's a contradiction that workers pass over to the United States, yet we don't have enough people to work here," the outgoing mayor, Rene Treviño Arredondo, recently commented. "While there's unemployment elsewhere in Mexico, we have a form of subemployment."

One has to be in Tijuana for a while to begin to understand the extent of the United States connection. Its most obvious manifestations are the pleasure emporiums and the stores catering to the gringo dollar, together with the presence in all parts of town of such fast-food outlets as Bob's Big Boy, Denny's, and Pollo Frito Kentucky. Far more significant, however, is the way of life of many middle-class citizens, which, while remaining quintessentially Mexican, has adopted American usages, even including some American holidays. Children don costumes on Halloween and go *triqui-triqui* from door to door for candy and coins. Quite a few Mexican housewives buy turkeys at supermarkets on the American side of the border and celebrate Thanksgiving, rebaptized here Día de Gracias. Some schoolchildren have been observed sporting green paper hats and shamrocks on St. Patrick's Day, and egg-nog has become an established Christmas drink. "As far back as I can remember, I knew about hamburgers, Cracker Jack, Hershey bars, those big, red American apples," a young Mexican businessman named Hector Lam told me recently. "These are what I would call privileges, things that your average Mexican in the interior doesn't have. And my friends and I used to spend three or four hours a day watching American TV. I always understood English, and I spoke it long before I ever studied it in school."

An entire generation that has grown up living on the border takes for granted a way of life that would

strike most other Mexicans as exotic and hopelessly out of reach. As many as twenty thousand Tijuana cross the line legally every day, some to work in hotels, restaurants, stores, private homes, or on the land, and others merely to shop or to transact business on the American side. Ms. Killea, who lived for five years in Tijuana during the mid-sixties, while her husband served as the United States Consul there, recalls that it seemed perfectly natural to her and their Mexican friends to go back and forth—occasionally as many as four times a day. "There's always some reason to go," she said. "My husband used to say that if you ever wanted to find somebody in Tijuana all you had to do was go to the Thrifty drugstore in Chula Vista or the post office in San Ysidro." Hector Lam remembers going every year with his family to visit the San Diego Zoo and Disneyland. Like many of his generation, he long ago acquired a border-crossing card, which entitles him to spend as much as seventy-two hours at a time in the United States within a twenty-five-mile limit—a privilege he uses frequently. The verb "to cross" in Tijuana simply means to make a trip over the border, which until the last few years was not a complicated thing to do.

Tijuana can become defensive at being called too American, especially by their fellow-countrymen in Mexico City, where they are often referred to derogatorily as *pochos*, a slang term indicating that they've become phony Mexicans. There was a notorious episode some years ago when a mayor of Tijuana visited the capital and came down with the *turistas*, as the intestinal upset that normally afflicts only gringos is called. "For a long time, Tijuana was cut off from the rest of Mexico," a newspaper editor named Jesús Blancornelas explained to me. "It was a place where officials were banished. Now it has become a reward to be sent here, so naturally there is much resentment." Tijuana now refer to the increasing number of émigrés from Mexico City as *chilangos*, meaning people who are clearly so abnormal as to be almost insane. Some stores post signs in their windows saying, "Chilangos, go home"—in English,

of course. There are no signs in Tijuana urging Americans to go home. "Tijuana is a part of the United States, whether you like it or not," a local official named Fernando Ocaranza once told a visitor from Los Angeles. "The two cities are as close together as a kitchen and a dining room. If we were to suffer an earthquake here, we'd go to San Diego to buy Band-Aids."

IT is becoming increasingly difficult to go from Tijuana to San Diego for any reason whatever. As the agitation over illegal immigration grows shriller and the border has also become a focus of the nation's equally well-publicized attempts to deal with the drug traffic, citizens of both cities are periodically experiencing long delays at the main border stations—especially during the morning and evening rush hours and on weekends. Experienced border hands, who have spent much of their lives going back and forth, now generally try to cross at odd hours, and some, like Hector Lam, take the precaution of going over the night before if they have early-morning appointments on the American side. Even when all twenty-four traffic lanes entering the United States at San Ysidro are open, waits of two and three hours are not uncommon. Pedestrians can usually get through in less than an hour, though sometimes the long lines shuffling past the inspection counters hardly seem to move at all. In recent months, during tightening-up procedures by both Customs and I.N.S. inspectors, the delays have been such that in the spring a cartoon on the editorial page of the *Union* depicted an obviously Anglo middle-class family, back from a tourist outing, sneaking through a hole in the fence, because it was the fastest way to get home.

The difficulty, as most of the locals see it, is that there are too many federal and state agencies charged with administering the border. The I.N.S. and the Customs Service have principal jurisdiction, but there are others: the Public Health Service, the Department of Agriculture, the Animal and Plant Health Inspection Service, the Navy Shore Patrol, the San Diego Police, the California Highway Patrol, and the California Department of Agriculture. Then, of course, there is the Border Patrol, with its helicopters, jeeps, and trucks, whose job it is to swoop up and down along the line and over the open terrain on the United States side to apprehend anyone trying



to get through. These agencies—and especially Customs and the I.N.S., which are charged with manning the traffic booths and inspection stations—frequently act independently of each other and at cross-purposes. Late last February, the Customs Service suddenly instituted what it said was a crackdown on drug smuggling by pulling some of its agents off the front line and reassigning them to secondary inspection areas, where incoming vehicles and their occupants are subjected to detailed searches before being allowed to proceed. The result was a traffic jam that extended back into Mexico for several miles and long waits for everyone.

Usually, when such crises occur, it turns out that there are less valid reasons than the attempt to halt the flow of undocumented aliens or to put a crimp in the drug trade. On this occasion, I.N.S. officials accused Customs of staging its maneuver in order to publicize its need for increased federal funding. "The bottom line is that Customs has some vacant positions that need to be filled and this is a way of getting it done," I.N.S. Commissioner Ezell informed the press. "Customs continues to play this game to give out the false impression that they are the only inspectors at San Ysidro." On Wednesday, March 5th, the Customs Commissioner, William von Raab, testified to a congressional appropriations subcommittee that the I.N.S. was not upholding its commitment to staff half the booths at the border crossings. Nevertheless, Ezell's charges were denied by Dennis Murphy, a Customs official in Washington, who maintained that his agency's action had been prompted solely by "management decisions."

Sometimes border crises are the result of purely political considerations. When an agent of the United States Drug Enforcement Administration named Enrique Camarena was tortured and killed in Mexico in February, 1985, the Customs Service instituted inspection and security procedures that caused delays of several hours at San Ysidro and shut down some smaller stations completely during most of February and March. The ostensible reason for the operation was to apprehend suspects in the case and confiscate narcotics, but it was no secret in Washington that the real purpose was to put pressure on the Mexican government to crack down on allegedly corrupt police officials implicated in the slaying and to do some-

thing drastic about the drug traffic on the Mexican side. "In the Camarena case, they didn't tell us that they were going to shut down the lanes," Ezell said. "They cut down on the number of lanes and then *boom*, just like that, they shut down the border."

Whatever the federal agencies do at the border, they seem to do clumsily, with disastrous consequences for both San Diego and Tijuana. The most flagrant example of ineptitude was Operation Intercept, which was put into effect under the Nixon Administration on September 21, 1969, at all thirty-two border-crossing points. It was the government's first major attempt to deal with incoming drugs—at that time mostly marijuana. The trunk, the glove compartment, and at least one

door panel of every car arriving from Mexico had to be searched, and the average wait for drivers, which had been twenty minutes, grew to a matter of hours. Unwary motorists arriving at the San Ysidro station on Operation Intercept's first day waited in line for a minimum of six hours, and at one point cars were backed up for seven miles into downtown Tijuana. It soon became clear to everyone involved that the Administration's real intent was to force the Mexican government to clamp down on marijuana growers inside Mexico. Despite an uproar of protest from both sides of the border over the hardship being inflicted on thousands of innocent people, more than a month passed before the operation was abandoned. "We may have the right intentions, but we always commit these blunders," Francisco Herrera, the head of San Diego's Department of Binational Affairs, recently told me. "The trouble is that we don't have a coherent federal policy on Mexico." He went on to point out that the capitals of both nations are too distant from the frontier to grasp the reality of what is actually occurring there. "We can't have Washington and Mexico City deciding what has to be done at the border" is the way Lucy Killea put it not long ago. "In Washington, for instance, they don't realize what many of us in San Diego have known for a long time—that we get more from Tijuana than they get from us."

The proof of this statement is immediately evident in the nature and the

source of the protests every time something drastic happens either at the border or inside Mexico. The first to complain are always the merchants and storekeepers on the American side—especially those in the sections of San Diego nearest the border. San Diegans began to really understand about ten years ago what some people in the area now refer to as peso power. In 1976, when the Mexican government first devalued its currency in relation to the dollar, retail business in most San Diego shopping centers dropped by fifty per cent overnight. At the same time, an estimated fifteen million dollars in Mexican flight capital was immediately deposited in banks in San Ysidro. Although that situation righted itself in a matter of a few weeks, the phenomenon

has become a recurring feature of the local economy. In 1982, when the peso began to slide again, slicing deeply into the purchasing power of Mexican customers, the economies of the American border communities went into a recession they have yet to recover from. Last June, the peso slumped once more, this time by almost thirty per cent, and Mexicans once more stopped buying in American stores. "When the middle class starts feeling the squeeze, they may as well shut down the border," a San Ysidro retailer told a reporter.

San Ysidro is the San Diego neighborhood most powerfully affected by what goes on in Tijuana, but it is not alone. Traditionally, Tijuans have shopped in San Diego, although it's difficult to do more than estimate roughly what the effect has been at any time on the local economy. A Chamber of Commerce survey found that business with Mexican citizens in thirteen major shopping centers had slumped from about a hundred million dollars in 1981 to a little over fifty million dollars two years later. At the same time, Mexican capital sought shelter in American financial institutions. San Ysidro, with a population of about sixteen thousand and an unemployment rate of about twenty-five per cent, has eight banks and more than sixty money exchanges. Couriers carrying suitcases full of currency have become a feature of life there. Federal officials maintain that much of the money has been made in drugs and is being laundered through American



banks, but most local financiers deny the charge. "It's flight capital, that's all," one of them declared recently. "The Mexicans are protecting their money against inflation and more devaluations."

That assessment appears to be borne out by a glance at the banking and real-estate sectors of San Diego's economy. Mexican capital has been flowing into local institutions for a decade, and much of it has been invested in property. Last March, a report released by the Center for U.S.-Mexican Studies at the University of California at San Diego revealed that in the last ten years a hundred and twenty-six million dollars had been invested in San Diego by only twenty-eight wealthy Mexican families. "Our study focussed on just twenty-eight families, so over all who knows?" Valdemar de Murguia, who wrote the report, declared. "When you look at projections of Mexicans living in La Jolla, you wonder how many billions of dollars are there." La Jolla is an upper-middle-class San Diego suburb in which twenty-four hundred Mexicans are estimated to live now—over twice the number who lived there five years ago. In Windemere, another affluent neighborhood, thirty-eight per cent of the houses are owned by Mexican citizens. The number of Mexicans who have invested in the area has doubled since 1976, and the initial bank deposits of these families have averaged between two hundred and fifty thousand and four hundred thousand dollars, with daily balances rarely dipping below half a million dollars. (In the nation as a whole, according to the U.S. Treasury Department, Mexicans invested over fifty-five billion dollars between 1975 and 1985, most of it in real estate in California and Texas.) At least nine of the twenty-eight families cited in the report apparently entered the country illegally, but the weight of their money seems to have effectively counterbalanced any urgency that the I.N.S. may have felt to repatriate them.

It is not the wealthy of Mexico, however, who contribute most significantly to the economic well-being of San Diego. Everywhere in California, for that matter, most of the unskilled jobs are performed by illegal aliens. They labor as dishwashers, busboys, garment workers, sweepers, maids, gardeners, trash collectors, factory hands, and day laborers of one sort or another in almost every business in the state. The majority of the estimated

fifty thousand Mexican men in the North County area are farmhands, who live anywhere they can—in shacks, under sheets of plastic, or in so-called spider holes, which are pits dug into the ground and function not only as dwellings but as hiding places, from bandits and from the I.N.S. These improvised villages are well away from paved roads but usually within walking distance of the fields where the men work. Since nearly all these Mexican laborers are in the country illegally, they are paid whatever their employers can get away with—usually three or four dollars an hour—and they receive little or nothing in the way of living quarters or social services. "What we're doing is inhuman," a farmer named Mike Mellano admitted to a journalist last March. "We don't treat them as well as we treat our dogs. But I refuse to accept blame for it, because it's not my fault."

The consensus seems to be that the Mexican government is to blame, mainly for not providing its people with jobs and for doing nothing to cope with an explosively high birthrate. Employers' justification for treating the Mexican refugees worse than dogs is that they need the work and will perform boring and onerous tasks at a pay scale unacceptable to Americans. Furthermore, these employers maintain that if they had to pay decent wages and provide benefits their products could not compete in today's cut-throat marketplace, which is being flooded with cheap foreign imports. In San Diego County, a few farmers do provide some housing for their workers, but, according to an official of the Western Growers Association named

Dan Haley, "most of the growers who used to give housing got out of it, because it wasn't cost-effective."

There is considerable disagreement over what is and what isn't cost-effective these days. Quite a number of people can be found to contradict the apocalyptic view of what will happen to American society if illegal immigration is allowed to continue unchecked. Last December, the Rand Corporation released a report indicating that the presence of this cheap labor pool had been an economic asset. "Our evidence suggests that Mexican immigrants may actually have stimulated manufacturing employment by keeping wages competitive," the report concluded. It also revealed that the wage levels of non-Hispanic workers in California, with its multitude of illegal Mexicans, were "substantially higher" than those elsewhere in the nation.

Such figures seem to confirm what some observers of the phenomenon have been saying all along—that no immigration bill can possibly work that doesn't continue to provide exploitable bodies, and that the new bill will not stop the practice. "Every piece of legalization that has come before the U.S. Congress has been crafted to institutionalize the exploitation of the Mexican worker," Herman Baca, the Chicano-rights activist, told an interviewer in *La Prensa San Diego*, a local weekly. "Immigration is not the issue. Cheap labor is!"

In pursuit of that commodity, American employers have now crossed the border themselves. For several years, they have been setting up businesses and building factories along the Mexican side of the border which currently employ more than a quarter of a million people in the manufacture of all sorts of items, from toys and computer keyboards to carburetors, refrigerators, and water beds. Mexico permits the duty-free importation of components used in the manufacture of these products, which are then shipped back into the United States. The companies pay American duty only on the value added by labor costs and any foreign-made parts. Because Mexican wages for unskilled workers are a mere one-sixth those of Japan and about half what most Asian workers earn, the incentives for American manufacturers are obvious—especially since the peso shows signs of remaining weak and the prospect of further devaluation is strong. This trend is opposed by American labor unions, but the companies involved claim that it is



the only way they can continue to be competitive in world markets and at home.

There are now more than a thousand such plants, about a third of them in Tijuana. This industry has become more important to the Mexican economy than tourism, and is second only to oil as a source of revenue. The factories are called *maquiladoras*, also known as twin plants, and in Tijuana they are to be found all over town, though most of the new ones are springing up close to the Mesa de Otay crossing. Some seventy per cent of the workers in them are women, whom their American employers consider temperamentally better suited to repetitive detail work and more tolerant of what plant managers describe as "static work conditions."

Many of the women in the *maquiladoras* are married and have moved, with their families, nearer to their jobs, and these moves have brought more unemployed Mexican men closer to the border fence. Every day, groups of them can be seen, bundles and cheap suitcases in hand, waiting quietly along it for a chance to sneak through, over, or under it, past the Border Patrol, and into the United States. To them and to others, on both sides of the line, that fence must seem a ludicrous anachronism, perpetuated by ignorance, cupidity, and fear. It's one of the realities that San Diego's Department of Binational Affairs, the first such institution of its kind in the country, will be forced to deal with. "I'm really interested in heightening the awareness of elected officials, as well as the bureaucracy, of what is going on across the border," Francisco Herrera declared last August. The twin cities, he went on to point out, already share the same trade, the same rainfall, and most of the same traffic and pollution problems. And the jobs are there, he might have added, if only the people could get to them.

—WILLIAM MURRAY

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Border cr

1984

Your editorial "Fair warning" (Sept. 16) is a sort of tentative and nervous approach toward broaching the subject of physical closure of the border. You agonize that the idea of doing it permanently would be politically repugnant.

Try laying that line on the widow of Enrique Camareno! You quote Pete Wilson as saying, "I am not prescribing what the physical closure should be . . . (using the military) would not only be repugnant, but enormously costly, but you are also looking at a failed response that is also enormously costly . . .

If someone out there in lotus-land has a fairy-tale solution to our drug and border problem that does not involve construction of a military barrier, deployment of soldiers, marines and airmen behind the barrier, and the will to fire shots in anger, then please step forward.

Enacting an immigration-reform measure such as Wilson's proposed solution is all well and good, but for God's sake, let's have the President declare the national emergency that for years has already existed, get those troops deployed and then let Congress argue over an immigration-reform measure.

I don't know why at this late date all of this should be considered a desperate act, justified only "*in extremis*," because "*in extremis*" occurred many years ago when Wilson was our unlamented mayor.

All this turmoil at the border has been on his watch and in his territory. I might also add that it has also been on Duncan Hunter's watch and Bill Lowery's watch and Jim Bates' watch and Larry Stirling's watch, *ad nauseam*.

Bates even tried to introduce legislation that attempted to tie the hands of the Border Patrol trying to defend themselves, while in the front lines trying to defend all of us. If Maureen O'Connor ever returns to town and gets down to business, she might also find that our out-of-control border is now on her watch, the City Council and county Board of Supervisors' watch, and still all we get is empty rhetoric.

Don't cringe and capitulate to the Herman Bacas, the U.S. businesses with Mexican-labor interests, the tourist industry and the bankers. Get some guts.

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