

GRACE HALSELL

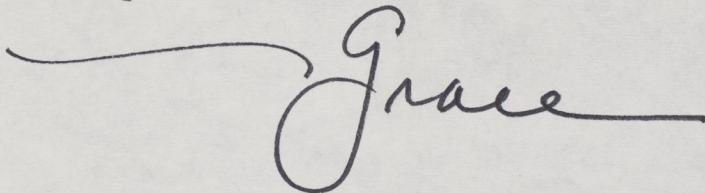
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Herman -- Soul Brother - Baca:

Please read this ~~xxx~~ as quickly as possible. They're in a big hurry to ~~pi~~ publish the book. Make any mark-
corrections or suggestins -- in pencil
and PLEASE RETURN.

thanks for your help and your
friendship,

Hasta pronto!

A handwritten signature in cursive script that reads "Grace". The signature is written in black ink and features a long, sweeping horizontal line that extends to the left and underlines the word "Grace".

V. A Plethora of Passes

Once when I was a reporter in Vietnam I saw a shipload of rice in a Saigon harbor, a gift from the United States. That same day I had flown over rice paddies the United States had destroyed with poisonous sprays.

We have the same ambivalence toward the Mexicans. With one hand we strengthen the Border Patrol to keep illegal immigrants out, and with the other we issue passes indiscriminately.

Once I asked Immigration officials in Washington, D.C., to give me a list of the passes most generally used for crossing.

Several officers worked on the list, and they came up with ten documents. Mexicans use one card most frequently of all, however. It is called a Local Border Crossing Card. I asked Inspector Leo Soto: just how many of the cards have been issued?

"Oh," he replied, "we have no way of knowing."

Immigration has never kept count?

"No," he said, "we've kept no record of them."

I visualize anew the tribulations and hardships suffered by poor, unschooled mojados while millions of other Mexicans, shrewd enough to fill out a form, walk through our Ports of Entry with a simple Local Border Crossing Card. There are several ways to secure a Local Border Crossing Card. One may apply to authorities, fill out the proper forms and with good luck get the card in about six weeks. If you are not adept at writing, filling out a form and dealing with the bureaucracy, you might 'borrow' a card that belongs to a friend or acquaintance. Several illegals told me this is an easier way to get into the United States than swimming the river or walking across the desert. Border Patrolmen agreed.

"It's very simple to come across with a Local Border Crossing Card," Agent D.S. Hankin of San Diego said. "A Mexican can find a number of people who looks like him. Maybe he says, I'd sure like to get across but I don't want to run across because they'd probably grab me. So a cousin says: Go through the

Port of Entry. Here, use my card. The Mexican drives through. The Customs Officer thinks, Well, it looks like him."

Hankin added that during the heavy rush hours customs inspectors do not have time to look at cards. "Everybody shows a document. As an example, we apprehended one man who said he'd shown a part of a cigarette package. He had it folded and in a plastic insert of his billfold. He was sitting in a back seat, and he showed that and was admitted.

"The inspectors are looking at thousands of cards in an hour and have traffic backed up for miles. From Brownsville to San Diego most of the Ports of Entry are extremely busy. The Officer can barely glance at each person. He doesn't have the time to check every document."

Also, Hankin continued, "Aliens frequently come over with a Local Border Crossing Card and then either mail it back to their family in Mexico or have a friend take it back. Then the friend or a family member can use it. And if the alien who sent it to them is apprehended in the United States, he can claim he swam the river and likely he'll be sent immediately back to Mexico. There he can get his Local Card again, come back to the Port of Entry and be admitted for another three days. And if he mails the card back again he's off for another try."

Obviously the cards have great significance to the Mexicans and to us. So why has our government not kept figures on how

many cards they've issued?

One officer tried to explain: "Suppose," he began, "we start with a young girl, She's single, she's got a card. Then she gets married and changes her name and she applies for a new card and later she has a baby and applies to have the baby included on her card, and next year another baby....And then, if her husband feels that the children will be crossing with him more often than with with their mother he can have their names included on his card."

Apparently, the Immigration Service thought such changes were too much for them to catalogue, so without keeping any count they added names to old cards and willy-nilly handed out new cards.

The small laminated magical card has no expiration date and no data other than a name, photo, date of birth and sex. As its name implies, the Local Border Crossing Card allows one to come to the United States. But it does not specify when, where, how long or for what. No rules are printed on the cards, but we expect Mexicans to know them:

You must not go more than 25 miles north of the border (but you may travel as far as you wish along the border).

You must return to Mexico within three days (but no one will keep track of your crossings),

You should not use the card to cross over to work (although no one keeps track of what you do).

"I tremble every time I show the pass," admits Maria Montoya the domestic with whom I lived in Juarez, Mexico. Three mornings a week she crosses to go to work and each time she shows the pass she fears it may be taken from her.

"Going shopping?" the United States border guard asks.

Maria nods affirmatively, hoping he doesn't recall the frequency with which she crosses. She opens her purse to show him she has the money to go shopping--Maria always keeps about \$25 in her purse for this purpose. "They treat you different if you have money," she says.

The guard waves her through. Maria is lucky. She's been using the same pass illegally for years.

I talked with two Mexicans who were married to U.S. citizens. Since marriage to a U.S. citizen does not automatically confer citizenship, the Mexican spouse will often use a Local Border Crossing Card to enter the United States. One example is Marcelino de la Osa, who lives in Juarez with his wife, a U.S. citizen. His wife can cross anytime, but he is undocumented and it is a criminal offense for him to do so. He used a Local Border Crossing Card and was caught.

"Yes," he told me, "I'm sitting here in jail. And my wife

doesn't know where I am, and she doesn't have money to pay for the apartment, and she doesn't have money to give food to the babies. My sister lives in Deming, New Mexico, and she has her legal residence papers. She has seven children and they all have their papers. I am the only one who is not legal."

I also visited with a Mexican woman, Sophia Jimenez Martinez, who is married to a U.S. citizen. They live in Tijuana and he works in San Diego. She often used her Local Border Crossing Card to go to the U.S. side and meet her husband when he finished work. One day an officer looked at her card, saying:

"You must be going over to work."

"No," Sophia said, "I am going to meet my husband." But the officer did not believe her and kept the pass.

Besides the spouses of U.S. citizens I talked with several Mexicans held in U.S. prisons for using the cards to cross and then getting jobs. For example, Jaime Ledesma of Nuevo Leon was washing dishes in a Houston restaurant when Immigration agents raided the restaurant. They arrested Ledesma and he was held three months in a city jail before authorities removed him to an Immigration Service Detention Center. He had been held there for three weeks when I interviewed him.

How, I asked him, did the Agents know he had used a

Local Border Crossing Card?

"I told them," Ledesma replied.

Soon after I interviewed Ledesma in prison, I talked with a Border Patrolman who admitted to me that he was married to a Mexican woman he met because she crossed over the border regularly with a Local Border Crossing Card to work. The patrolman fell in love with her and kept her illegally on the United States side. Obviously, she was committing a criminal offense, and he was aiding and abetting her.

"It wasn't what you might say quite kosher," he said.

But he knew he could interpret our Immigration law as he chose.

"Enormous powers are invested in the hands of the Border Patrolman," Herman Baca told me. He chairs the Committee on Chicano Rights in National City near San Diego. He pointed out that passes had been issued by our government to encourage Mexicans to cross the border and go shopping, and that they had paid off economically. "In most instances, U.S. border towns get at least half of their money from Mexican shoppers." But, he added, the government deliberately chose to be ambiguous. With the cards we both get the money from shoppers and by not printing the rules on the cards, Immigration is free to interpret the rules as it sees fit--keeping an open border when our

economy needs cheap Mexican labor, and shutting the door when we don't.

"Our ambivalence magnifies the whole problem," he continued. "We say we want people to obey our Immigration laws, but we have a system that allows people to come in with passes and then get lost. It's never been explained to me why they issue these if there is so much concern by Congress for the unemployed here. Between 1960 and 1969, they issued 2.9 million Local Border Crossing Cards. The result of this is that aliens with the cards come in, not surreptitiously, but like anyone else. Our officials know full well that aliens are going to misuse these cards because of the economic conditions here and on the other side of the border. So there is a massive merry-go-round going on, and the people here are blind to it."

Baca also pointed to another aspect of our policy that he regards as ambivalent. "Our State Department allows about 10 million foreign nationals to come here in a year with non-immigrant visas. They come here as tourists and students for a specified time, but that is all on the honor system. Their departure is rarely recorded and perhaps a million of these aliens--most of them white people--are settled here, with no one conducting raids or searching them out."

El Paso Chief Agent ^{Dale E.} Swancutt had also touched on this same

issue. "Even if we could effectively seal off the border," he said, "we would still have about a million illegal aliens who had come here for business or pleasure or to study--those who had entered lawfully from many lands and did not go home. How do you control that?"

They are the ones who, unlike the landless, jobless Mexican peasants, have some money, who speak some English, know how to read and write, who can afford a lawyer and can easily get lost in the big cities. No one sees them as we see the Mexican illegals, as "different" from us and a menace to our society.

We permit only 20,000 Mexicans to come here legally each year. Preference is given to the reuniting of families or those with needed skills. But that's only a handful. Most Mexicans can not qualify under our quota system.

It's hard to believe that our quota laws were started just over half a century ago. In my father's time, we didn't have quotas. We imposed our first immigration quota in 1921. We said 350,000 immigrants could enter annually. Then in 1924 we established the Border Patrol. As discussed in Chapter Three, prior to that time the border could be crossed, in either direction, at almost any point from Brownsville to San Diego, with no difficulty. It was in 1924 that we started issuing a plethora of passes to Mexicans.

After the Local Border Crossing Card, the most widely used document is the Resident Alien Card, the so-called "green card." With the green card you are legally entitled to work here. The patrolman mentioned earlier, who had fallen in love with the Mexican woman who came over with a Local Border Crossing Card, helped her to fill out forms to secure a Resident Alien Card, and in the meantime he married her. Even so, he said, he had to work nine months, using all his knowledge and influence, to get her a green card.

If they are so hard to get, one would think Immigration would have an exact figure on the number issued.

But, when I asked how many of the cards had been issued, I was told: "It's in the millions." But the INS official had no exact figure. Also, he added, "You'd be surprised at how many people lose them. Along the border, for example. You find a lot of young men, what they do is they go into a bar, they start drinking, pretty soon they run out of money, so they hock their card and they can have a couple of more drinks and sometimes they get the card back and sometimes they don't. And it happens so often. The Mexican will tell the Inspector 'I forgot my card' or 'I lost my card' --he'll give us some excuse, and a lot of times that is what has happened. And you have no way of knowing whether it is genuinely lost or not."

If Immigration accepts a Mexican's word that he lost his Resident Alien or green card, they issue him still another pass, the same kind that is given to the millions of aliens who come here as tourists and visitors. "We take one of those forms and fill in the person's biographical information and that's what he uses as his pass," the official explained.

Following the Local Border Crossing Card and the Resident Alien (green) card, the third most widely used document is a Mexican passport with visa. Again, I asked the same question: Did Immigration know how many of these visas have been issued?

"No," I was told, "because the passport is issued by Mexican authorities and the visa is issued by the consular officer." No record is kept at our border station of the persons entering with the passport and visa.

Besides the Local Border Crossing Card and the Resident Alien Card and the Mexican passport, you can also cross the border with a birth certificate or a delayed birth certificate. Anyone who can read and write can send off for one of these. Or, you can have someone do it for you.

One man, a Peruvian, imprisoned in 1977, turned perhaps 800 illegal aliens into United States citizens by the simple process of getting them delayed birth certificates, which they could use as a "breeder document" to obtain other identification

documents, including a United States passport. The Peruvian, who represented himself as a lawyer in McAllen, got each client to sign a blank piece of typing paper on which he would write a letter to the Texas Bureau of Vital Statistics in Austin. In the letter, the client would claim he or she had been born in a south Texas town and then request a copy of the birth certificate. Since the client had been born in Mexico, state officials would find no birth record in their files. Thus, they denied the request but advised the client on procedures to qualify for a delayed birth record. They also listed 19 suggested documents that the client could use to support the birth claim. The Peruvian would then make up affidavits, forge signatures on them and include as evidence certificates of baptism, church census records and even notations from family Bibles.

Employees in the state vital statistics office would accept the bogus evidence and, in effect, create a new birth record in their files. Then they would mail a copy of the new birth certificate to the Mexican.

"It's amazing what can be done with birth certificates," Assistant Border Patrol Commissioner Robin Clack explained. "An individual can get a fraudulent birth certificate and then go from there. And unfortunately there is no standardized system between the states. Every state has its own system. In many cases a local municipality will file birth records. Anytime you have records you have requests for duplicates and

unfortunately there's no real system for providing standardized verification."

Los Angeles County officials suspect, but cannot prove, that many of the 900 birth certificates issued every day are given to illegal aliens.

Once a falsified birth certificate has been filed with the Immigration Service it can be used by other aliens. One such document, I was told, had been used 13 times, another 14 times. The birth certificates of three Mexican American brothers were used 26 times by aliens over a period of seven years.

All types of passes can and are frequently counterfeited. The Legal Resident Alien Card, the so-called green card, is probably the one most frequently counterfeited, since it is a work permit.

"I've apprehended many aliens using counterfeit cards,"
W.G. of McAllen
Patrolman/Luckey/told me. "There are ways for a trained man to tell. A Local card, a good one, is worth about \$25. No one would want to pay more than that because it is about what it would cost to get a real one. If you are talking about a cheap Legal Resident Alien card, you can get down as low as \$25 or \$50. But when you start getting into real good printing jobs you're talking about maybe \$500 or more." As an example, an illegal woman with four children was arrested in the El Paso

airport. She admitted she had sent \$1,000 to a "friend" in California who had a counterfeit Resident Alien's card made for her. Most undocumented Mexican nationals who want to come here, can't get papers legally and can afford to do so, buy counterfeits. "Most of the illegals we get in airports have counterfeit documents," Luckey said, (adding that few attempt to travel without any documents at all.)

A growing number of counterfeit artists are reaping huge profits selling a variety of fraudulent documents. They maintain offices in all the large cities on both sides of the border.

"Counterfeiting is a big business in Tijuana," San Diego Patrolman ^{H.R. Williams} of San Diego said. "Very big. One of the roughest academy classes we've had is how to tell fraudulent documents. The more we work at learning detection, the better the counterfeiters get at it."

This, too, is part of the war on our doorstep.

But even before the plethora of counterfeit passes there were the plethora of legal passes. It was our own government that first befuddled the issue. One border guard, W.G. Hale, told me of the utter bewilderment he initially felt when he started work at Falfurrias, Texas, in 1942.

"I saw all kinds of cards and identifications," he said.

"People were travelling with birth certificates, delayed baptismal certificates, passports, naturalization certificates and citizenship certificates. I was a brand new young man on the job and people were handing me all of those documents to look at, and I never had seen them before. Luckily I worked with a partner, so when I was confused I was able to pass the buck."

There are so many loopholes that even after studying the rules for 40 years one top Immigration official said, "I am still confused."

Every immigration act that was ever passed still applies today to anyone who was born during that time, or who came into the United States during that time. If a person entered the United States, say in 1940, he came in under the law as it was then and is still covered by that law.

"For instance," Border Patrol Agent Luckey explained, "let's consider children born overseas of an alien parent and a U.S. citizen parent. Prior to 5/24/34 only the father could transmit citizenship. And if the father was a citizen of the United States then the child was a citizen of the United States. As simple as that. The mother didn't count. If the mother was a citizen of the United States and the father was an alien and the child was born outside the United States, then the child was an alien."

Luckey paused for breath, and then, delighted at showing how well he knew the rule book, he continued:

"After 5/24/34 and prior to 12/24/41, if both parents were citizens then the child was a citizen if he lived here five years before he was 21 years old or had five years continuous physical presence prior to age 28. So if he didn't come to the United States by the time he became 23 and start his physical presence he was going to be an alien. If one of the parents was an alien, the citizen parent had to have 10 years residence in the United States prior to age 18 to transfer the citizenship. From 1/1/40 to 12/24/52 if one parent were a citizen and one an alien they had to have ten years residence in the United States prior to age 18 or they had to have five years presence before age 18 if they came in between 12/1/41 and 12/6/42."

Luckey now was warming to the subject: "Did you know," he continued, "that back in 3/3/33 ~~that~~ if you married an oriental, you lost your citizenship--and never got it back? At one time, in 1931 or a little after, Orientals were ineligible to citizenship, blacks could become citizens but Orientals couldn't. There's been a tremendous amount of discrimination against Orientals in the past. Immigration was started to combat the Chinese.

"There also were separate regulations for people who were born illegitimate. Now remember, prior to 5/24/34 if the mother were a citizen she could not transmit citizenship. If the kid was illegitimate, he was legitimized retroactive to date of birth as of 1/1/41. Whereas the child of the old gal who was married, he never did get to be a U.S. citizen. If a child is born in the United States, of illegal parents, the child is a U.S. citizen. Formerly, the child could help the parents get a Legal Residence card. Now, however, the child can only petition for Legal Residence for his or her parents when the child attains the age of 21.

"It's been that way since 12/24/52."

Every Border Patrol member is given five pages of charts to determine a person's citizenship. Luckey said he had to memorize all of the classes of non-immigrant aliens, classes of immigratn aliens, immigrating ministers, foreign employees of U.S. corporations, immediate relatives of U.S. citizens. "I had to memorize laws pertaining to the exclusion of aliens from the United States and the law pertaining to deportation of aliens in the United States," he said.

The Immigration patrolman know what no other law enforcement officer who often arrests a "suspected" alien know: Our plethora of laws and unwritten rules mean it is virtually

impossible for an officer, other than those in Immigration or Customs, to inspect a person's documents and pass judgment on whether he is legal or illegal.

It also means that no employer would be qualified to pass judgment on whether a person applying for a job was here legally or illegally.

This inability to judge is of paramount importance, because a major part of the President's immigration proposals would "make unlawful the hiring of undocumented aliens..." Criminal penalties would be imposed against employers knowingly violating the law. The CIO-AFL's President George Meany has for many years wanted such a plan as a means of opening up more jobs to United States citizens. Employers, on the other hand, say they are not capable of judging the authenticity of the documents job seekers hand them. They feel that if such a law is passed they simply will not hire brown workers. They know armed agents will not "raid" their plants, offices or fields demanding to see the documents of their white workers.

They are joined by Hispanic groups who also oppose this part of Carter's plan. They call the proposal "simplistic," "guaranteed to fail" and "a means to exacerbate discrimination of brown workers." The Ad Hoc Coalition on Immigration representing ten million Hispanics has stated: "We oppose employer sanctions. Sanctions will unavoidably cause increased

employment discrimination against brown-skinned and non-English accented persons. Furthermore, current proposals could lead to a de facto national identification program for minorities only." The debate probably will grow more bitter before it is resolved. Meanwhile, as usual, those most directly involved will remain uncertain of the outcome.