



Committee on Chicano Rights, Inc

AUGUST 2, 1989

U.S. TREASURY DEPARTMENT
TREASURY SECRETARY
NICHOLAS BRADY

SECRETARY BRADY:

THE COMMITTEE ON CHICANO RIGHTS (CCR) WISHES TO GO ON RECORD AS ADMANTLY OPPOSING THE APPOINTMENT OF PETER K. NUNEZ TO THE POST OF COMMISSIONER OF THE U.S. CUSTOMS SERVICE.

PETER K. NUNEZ IS A VOCAL SUPPORTER (OR A MEMBER) OF THE FEDERATION FOR AMERICAN IMMIGRATION REFORM (FAIR) A RACIST, RIGHT WING, FRONT ORGANIZATION FOR THE IMMIGRATION/BORDER PATROL. PETER K. NUNEZ PARTICIPATION IN THIS TYPE OF ORGANIZATION RULES OUT ANY IMPARTIAL FOR HIM (IF APPOINTED) TO CARRY OUT THE RESPONSIBILITIES OF THE AGENCY, OR FOR HIM TO PROPERLY REPRESENT THE BEST INTEREST OF THE UNITED STATES IN ANY DEALING WITH MEXICO OR THE MILLIONS OF PERSONS OF MEXICAN ANCESTRY WHO UTILIZE THE U.S./MEXICO BORDER. A PETER NUNEZ APPOINTMENT WOULD SET BACK , IF NOT DESTROY, RELATIONS WITH MEXICO, AND WOULD NEGATIVELY IMPACT THE MILLION OF PERSON OF MEXICAN ANCESTRY THAT USE THE BORDER DAILY.

PETER NUNEZ RECORD FURTHER DISQUALIFY'S HIM FROM CONSIDERATION FOR THE FOLLOWING REASONS:

- A) HIS DISMISSAL FAILURE OF PROTECTING BASIC HUMAN RIGHTS OF MEXICAN IMMIGRANTS WHEN HE WAS U.S. ATTORNEY OF SAN DIEGO, AS WAS AMPLY MANIFESTED BY HIS FAILURE TO PROSECUTE INS/BORDER PATROL AGENTS FOR VIOLATIONS OF RIGHTS, ESPECIALLY THE SHOOTING OF A 12 YR OLD CHILD AND THE ABUSE OF OTHER CHILDREN BY BORDER PATROL AGENTS.
 - B) HIS SUPPORT FOR THE CONSTRUCTION OF A BORDER DITCH ALONG THE U.S./ MEXICO BORDER AS PROPOSED BY FAIR.
 - C) HIS CONTINUED SUPPORT FOR FAIR'S PROPOSALS TO MILITARIZE THE U.S./ MEXICO BORDER AS A SOLUTION TO THE IMMIGRATION ISSUE.
- ..) HIS ACTIONS PROVE BEYOND A SHADOW OF A DOUBT, THAT PETER K. NUNEZ IS THE WRONG INDIVIDUAL FOR CONSIDERATION TO THIS IMPORTANT AND SENSITIVE POSITION. WE URGE, AS IN THE WILLIAM LUKAS CASE (WHO WAS RECENTLY REJECTED BY THE BLACK COMMUNITY AND THE SENATE JUDICIARY COMMITTEE) THE REJECTION OF OUR WILLIAM LUKASPETER NUNEZ FOR CONSIDERATION TO THE POST OF U.S. CUSTOMS COMMISSIONER.

THANK YOU IN ADVANCE:

Herman Baca
HERMAN BACA, PRESIDENT

C.C. SENATOR CRANSTON, NEWS MEDIA

710 East 3rd Street • National City, CA 92050 • 619-474-8195

Nunez is reported a finalist to lead U.S. Customs

By J. Stryker Meyer
Staff Writer

Former U.S. Attorney Peter K. Nunez is one of three final candidates for the job of commissioner of the U.S. Customs Service, according to federal government sources.

Nunez, 46, the father of two, has directed the San Diego branch of the San Francisco-based law firm of Brobeck, Phleger & Harrison since he left the U.S. attorney's post here Aug. 31 after serving six years.

Sources in the U.S. Customs Service and the Department of Justice yesterday said Nunez was interviewed for the second time last week

by high-ranking Treasury Department personnel, including Treasury Secretary Nicholas Brady.

"Peter is one of three final serious candidates for commissioner," said a U.S. Customs source, who requested anonymity last night.

Contacted at 7:15 p.m. at his law office, Nunez said, "I have no comment at this time and must refer all questions to the Treasury Department."

U.S. Treasury spokesmen in Washington, D.C., could not be reached for comment last night.

However, Mike Fleming, Customs Service spokesman in Los Angeles, confirmed that Nunez and the Cus-

toms Service's Pacific regional commissioner, Quintin L. Villanueva, have been interviewed for the position.

As a spokesman for Villanueva, Fleming said, "Mr. Villanueva said it would be inappropriate for him to comment at this time regarding the commissioner's post. I can confirm that he has been interviewed for the position."

The third candidate is Al DeAngelis, a former U.S. Customs Service career man who has been in private industry for the last two years.

Before leaving Customs, DeAngelis rose from an import specialist in New York City to the No. 2 slot in

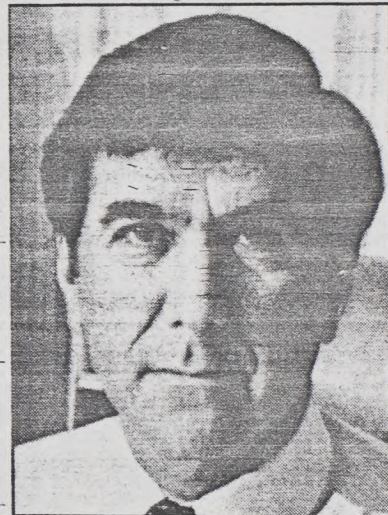
Customs, deputy commissioner — which is second only to Commissioner William von Raab.

Von Raab's controversial term in office ended Friday.

Another person who was a candidate until recently was LeRoy Zimmerman, former attorney general of Pennsylvania.

Nunez was appointed U.S. attorney in San Diego by President Ronald Reagan in 1982 after joining that office in 1972. He is a graduate of the University of San Diego's law school.

He was law clerk for federal Magistrate Gordon Thompson and served as an ensign in the Navy.



File photo

Peter K. Nunez
Former U.S. attorney here

8-2-89 10:00 AM

Group lobbies for tough border control plans

By Nancy Cleeland
Staff Writer

An influential Washington, D.C., lobbying group yesterday called for a package of tough border control measures — including a concrete barrier — that make the federal government's proposed four-mile ditch in Otay Mesa seem a mere inconvenience.

In a slick 90-page report, the Federation for American Immigration Reform (FAIR) suggested building a 12-foot concrete "sunken wall," topped by an 8-foot steel

fence, along 25 miles of the border — primarily in San Diego.

FAIR also endorsed adding sensors to desolate unpatrolled border areas, building permanent highway checkpoints along Interstates 5 and 15, beefing up the Border Patrol and flying arrested undocumented aliens deep into their countries to discourage return trips.

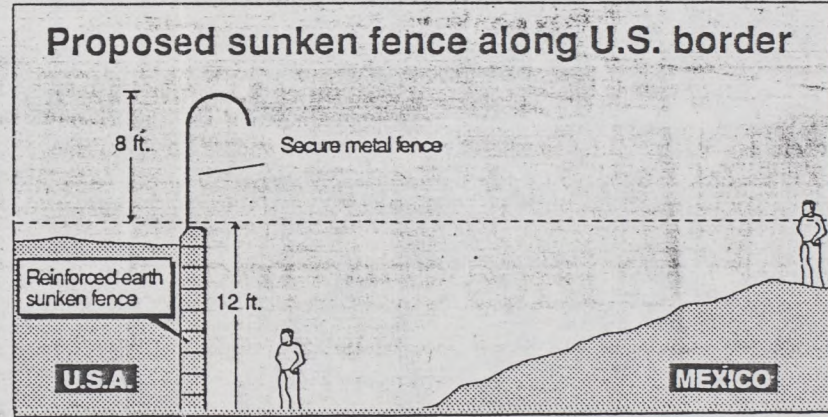
To pay for the scheme, estimated to cost about \$500 million to start and \$250 million a year to maintain, FAIR proposed a \$2 per

person entry fee at all U.S. border crossings.

Two days ago, the U.S. Justice Department confirmed tentative plans to dig a four-mile ditch along the border at Otay Mesa to discourage drug and alien smugglers from driving across the open terrain.

Mexican officials yesterday clearly were upset with the ditch proposal, which they learned about from newspaper accounts. A

See FAIR on Page B-4



The San Diego Union

FAIR: New measures for border

Continued from B-1

statement from the foreign affairs office complained that border problems should be solved "through diplomatic channels in a spirit of friendship and respect."

While no official comment was made yesterday on the more ambitious FAIR proposal, Hermilo Lopez-Bassols, the Mexican consul general in San Diego, described it as "more aggressive, more unfriendly — to say the least."

"This is a conservative group of people who are not friendly to Mexico," he said of FAIR. "They are not feeling the new atmosphere of friendship that should prevail between the two countries."

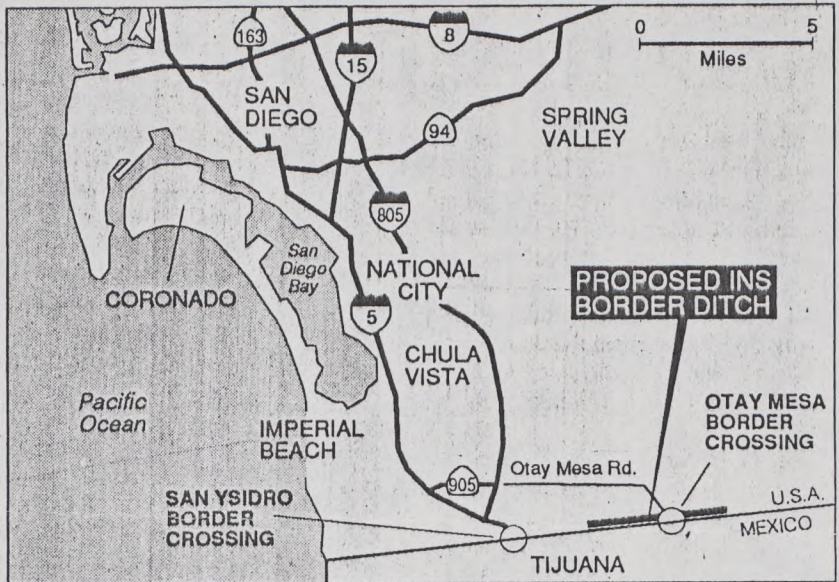
Several local Hispanic leaders have criticized the federal ditch proposal, estimated to cost \$1.2 million, as simplistic and "inhumane."

Border Patrol spokesmen have said the ditch would primarily stop drug and alien smugglers who use vehicles; it would have little effect on the hundreds of undocumented aliens who cross on foot every night.

FAIR spokesman Mark Krikorian also threw dirt on the trench idea — because it doesn't go far enough. "The ditch is a half measure," he said, "just like the fences that were put up (along the border) in 1980. They couldn't keep children out of a schoolyard."

FAIR, a private 10-year-old group that claims a nationwide membership of 50,000, paid for its seven-month border study with grants and contributions from members, Krikorian said. It is now "shopping for congressional support," he said, mentioning Duncan Hunter, R-Coronado, and Jim Bates, D-San Diego, as possible sponsors.

Bates is busy pushing his own border control package, also unveiled this week. He said he favors charging entry fees of \$1 per vehicle or 25 cents per pedestrian at the San Ysidro and Otay Mesa border crossings. The money generated — about \$50 million a year — would be split evenly between federal and local govern-



Under his plan, which he said should be introduced in Congress within a month, local money would be used for community and health development on the border. The federal share could pay for border "security structures" such as a ditch or fence, increased staffing of border stations, and the eventual relocation of the San Ysidro port of entry.

"I don't think in isolation the ditch is a good idea," said Bates, who has spoken with FAIR representatives during the past few months. "You can't just put up an obstacle without it being construed as a negative symbol, which only makes the situation worse. But if you put it in a comprehensive program and work it out with Mexico so we have their agreement, maybe it would work."

Hunter worked with FAIR in support of the 1986 Immigration Reform Act and against the bill's amnesty provisions for undocumented aliens.

John Palafoutas, a spokesman in Hunter's Washington D.C. office, characterized FAIR as "very active on Capital Hill" and said Hunter was seriously considering its proposals.

"Some of the things are interesting, some are not," Palafoutas said. "Their idea of the wall is much more expansive than we think it ought to be. That's clearly designed to stop individuals on foot from coming over. That's too much. We're interested in stopping vehicles."

Hunter favored the federal government's less ambitious ditch and was "reserving judgment" on the proposed \$2 border toll, Palafoutas said.

Other U.S. agencies declined com-

port, but INS spokesman John Belluardo said his agency, at least, is taking it seriously. "We have worked with FAIR in the past on immigration reform," Belluardo said.

Two former INS officials — retired Border Patrol chief Roger P. Brandemuehl and former Chief Border Patrol Agent Larry Teverbaugh — helped write the report, along with three FAIR staff members. Krikorian said because of that help, the federal agency's approval was likely.

Some ideas in the package were not new, including the plan to fly undocumented aliens deep into their country of origin. Belluardo said that was tried sporadically during the past five years with some success.

At a news conference yesterday, Peter Nunez, a former U.S. attorney in San Diego and now a lawyer in private practice, supported FAIR's proposal as morally responsible.

"We cannot continue to accept the millions and millions of people from Third World countries who want to come here," he said. "There has to be a limit. And a fence that is as impenetrable as a fence can be is the only way to go."

FAIR spokesman Dan Stein claimed illegal immigration has drained the U.S. economy, overloaded schools and medical facilities, and lowered wages. "This begins to erode the compassionate impulses of the American people," said Stein, who described a "sustained outcry for beefed up border security" without citing specific examples.

Staff Writer Arthur Golden con-

La Prensa San Diego

Children Object Of INS Border Patrol Terrorism

7/5/85

by Daniel L. Muñoz

San Diego, Ca. - Picking up from where it had left off in 1980, the Committee on Chicano Rights, Wednesday, protested in front of the INS/Border Patrol offices downtown San Diego, to call attention to the growing war that agents of the INS/Border Patrol are waging on Mexican children.

Flanked by a large group of children, mothers, fathers, and heads of Chicano organizations, Herman Baca, Chairman of the Committee on Chicano Rights (CCR), said the CCR was forced to move again on the issue in reaction to the increasing violence which is being carried out against children by Border Patrol Agents:

"We have been witnessing a rash of child abductions, arrests, beatings and shootings by the U.S. Border Patrol," said Baca. "Our repeated requests for the local District Attorney, the U.S. Attorney, the U.S. Congress, and the State Attorney General to investigate these serious matters have resulted in stonewalling, whitewashing or outright refusal to acknowledge that a problem exists.

For these reasons, we now find that it has become necessary to petition a Human Rights organization outside this country, the Organization of American States (OAS), Inter-American Commission on Human Rights, to INVESTIGATE THE HUMAN RIGHTS VIOLATIONS that are being carried out daily by the INS/Border Patrol," said Baca.

In the past, the CCR and other organizations concerned over violations of human rights of citizens of left and right wing totalitarian countries of Latin America, have called upon the OAS to enter into the situation in an effort to ameliorate the situation. The U.S. Government's refusal to investigate, prosecute, or to rectify the serious human rights violations that are occurring daily against people of Mexican and/or Latino ancestry, has driven local Rights organizations to seek international intervention.

Children Terrorized

"It is evident," Baca told the reporters at the Federal Building, "that the Reagan Administration has unleashed the Border Patrol against children of Mexican ancestry in order to terrorize the Mexican population in the U.S. and along the U.S./Mexico border."

The attack on children is not a new . In 1980, Baca and the Committee on Chicano Rights called upon the White House to stop the inhumane and barbaric practice of the INS/Border Patrol which at that time had close to 2,000 children in cell blocks throughout the country. It was common practice to separate mothers from children. In one such instance in San Ysidro, the Border Patrol arrested a woman with a 5 year old child. They placed the mother in a holding cell and sent the child back to Tijuana BY HERSELF

In 1984, Christopher Robles-Enciso, 15, of Imperial Beach was picked up at the San Clemente checkpoint. Enciso was taken off the Greyhound bus, handcuffed, interrogated for 19 hours, abused and coerced into waiving his rights for voluntary return to Mexico with undocumented aliens. This occurred despite the fact that Enciso produced his Social Security Card and birth certificate showing he was born in Los Angeles. Enciso was then deported to Mexico.

In 1984, the INS/Border Patrol admitted it had over 500 children, which they claimed to be undocumented, held throughout San Diego, in holding tanks, motels, jails, detention centers. Eventually all were returned to Tijuana... to be met by whom, no one knows.

Child Kidnapped

June 4th of this year, a 14 year old boy in Calexico was kidnapped for three days by an agent of the Border Patrol. The agent physically abused him, cut off his hair, forced him to lay on his back, while the agent fired at his head with his service revolver. The youth was then forced to strip, beaten and kicked into a ditch. They finally abandoned him in the countryside.

In April of this year, Humberto Carrillo Estrada, 12 years old, was shot while standing on the Mexican side of the border by an agent of the Border Patrol. Nothing has ever been done about this case.

And just recently, Carlos Ahumada, 12, was picked up questioned and abducted by the Border Patrol. He was held 8 hours without being allowed to notify his parents.

"We are charging the INS/Border Patrol with "child abuse". In the request to the OAS, the INS/Border Patrol is charged with:

- Arresting young children, regardless of age or place of birth.
- Holding children in detention centers and deporting them without due process.
- Of intimidating and arresting children on the streets because they do not carry birth certificates or other documents to prove citizenship.
- Of shooting children, kidnapping or arresting them without cause.
- Of not providing a humane process for dealing with children or parents.

"One can only wonder how many, so-called "missing children" are in INS/Border Patrol jails or have already been deported to Mexico, or some other country, without their parents knowing," asked Baca.

"I ask, what mother of a Mexican-Latino child can feel safe sending her child to school, to the store or to a playground knowing that the Border Patrol can intimidate, arrest and/or deport her child simply because his skin is brown and he doesn't carry his birth certificate in his back pocket?"

La Hermandad

Bert Corona, President of La Hermandad, the 10,000 member organization from Los Angeles marched along with the 40-60 children and the 40 parents and members of local organizations, protesting the INS/Border Patrol cruelty towards them.

"What the Border Patrol is doing in San Diego County is reprehensible and cowardly. They are the acts of a morally bankrupt agency. Only the lowest level of humanity stoops to attack children," said Corona. "I believe it is time for people from all walks of life to stop and take a good hard look at the INS/Border Patrol and see what they are supporting. Do we really support this kind of agency? Is this the example we want to hold up for the world to see?"

Corona further noted that it is because of activities such as the INS/Border Patrol is carrying out in San Diego and other regions that this country has not been able to or willing to sign the Human-Rights Charter of the United Nations. "Perhaps, its time that presentations be made in the United Nations such as are being made to the OAS. What the Border Patrol is doing is nothing but a manifestation of the racist attitudes held in this country. We should stop being hypocrites," he said.

2

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From Orange County, representing La Hermandad's largest chapter, with 500 members, Nativio Lopez Vigil came offering words of support to the children, the parents and to the Committee on Chicano Rights for undertaking to bring to the consciousness of the local people the child abuses that are being carried out by the INS/Border Patrol. "We are familiar with child abuse by the Border Patrol in Orange County. We have entered into litigation with the government over the abduction and deportation of a U.S. Mexican minor, Mario Moreno, 14 years old. This young man was picked up and deported to Mexico because he couldn't identify himself as a citizen. It took the family almost a week to locate him and bring him back home, in the United States. The family is suing for over half a million dollars. Perhaps these are the kinds of things that need to be done.

"The people of this country should focus on missing children and determine whether in fact they aren't missing because the INS/Border Patrol may have them in some jail or has dumped them into Mexico to fend for themselves. We are having too many missing or "disappeared" children to be coincidental," he said.

Psychopaths Loose

"Are our people now being punished by the new U.S. Attorney, Edwin Meese, in retaliation for their opposition to the racist Simpson/Mazzoli immigration legislation?" asked Baca. "The issue no longer is: Are the agents of the Border Patrol enforcing immigration laws? The issue now is: are we, the U.S. society, going to permit the Reagan Administration to continue to finance and authorize an armed force of psychopath to wage war on innocent children?" concluded Baca.

The CCR and the parents assembled wondered whether these activities signaled a shift in policy in the Reagan Administration, which would require every child of Mexican-Latino ancestry to carry their birth certificate.

"When we no longer can turn to our own courts and elected leaders for relief from an oppressive element of government, then we have no other recourse but to go to an international organization. What else can we do?" asked one of the parents.

Along with the members of the CCR, the current and past presidents of the American G.I. Forum Charlie Samarron and Paul Jimenez, marched with Herman Baca, Burt Corona, Nativio Lopez Vigil, parents and the children.

3

Review border shooting and U.S. law

IN THE SHADOW of the border fence, two border patrolmen struggling to arrest an illegal alien were stoned and a Mexican boy was shot.

All have survived the encounter. But the incident has chilled relations across the border. It has caused an outcry against a third border patrolman. He responded to rocks being hurled over the 9-foot fence at other U.S. officers by firing three shots, through the chain-link fence, at a 12-year-old boy.

District Attorney Ed Miller studied the evidence and found "no ability in the case to prove beyond a reasonable doubt" that the border patrolman broke California law. "Consequently, we decline to prosecute," Miller is a dedicated officer of the court and has courageously prosecuted policemen for misconduct. There is no reason to doubt his reading of state law.

But Assemblyman Richard Alatorre, D-Los Angeles, has called for a state inquiry into the incident. Atty. Gen. John Van de Kamp says he will conduct an inquiry.

Such state inquiries are provided for by law. Considering the explosiveness of this case and the complexity of the law, a state review is appropriate.

But United States Attorney Peter Nunez has not made any statement on the incident and his office will not say whether it is conducting a federal inquiry.

Miller says: "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. Instead, it arises from his having no statutory authority to involve himself in such matters."

Miller adds: "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."

Rep. Jim Bates, D-San Diego, has moved to propose such legislation to the chairmen of the House and Senate immigration subcommittees. We hope Congress moves speedily to enact a law to provide such federal review of incidents on the border.

None of this will reduce the pain that has occurred and the distrust that has been engendered on both sides of the fence. Relations between the Tijuana and San Diego are worsening because of a larger problem — illegal immigration. Congress has failed, year after year, to control our borders through economic sanctions — not barbed wire.

As long as millions of illegal aliens pour through the fence and border patrolmen are forced to hunt them like animals, incidents of violence will occur. An outdated and ineffectual immigration law mocks all other state and federal laws, breeds law-breaking and injustice. Until Congress reforms America's immigration laws, there will be more violence on the border. And providence won't always protect victims.



'Judging by what I've been seeing on TV, I'd say he's been dead about 12 to 15 years!'

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Committee on Chicano Rights, Inc

PRESS RELEASE

August 4, 1989

*For Immediate Release

Contact: Herman Baca (619) 474-8195

NATIONAL CITY, CALIF., AUGUST 4, 1989....." The Committee on Chicano Rights (CCR) today has sent a letter to Treasury Secretary, Nicolas Brady opposing the proposed appointment of ex-U.S. Attorney Peter K. Nunez for the Post of Commissioner of the U.S. Custom Service", announced Herman Baca, chairman of the Committee on Chicano Rights a National City Rights organization.

" Peter Nunez, is a vocal supporter of the Federation for American Immigration Reform (FAIR), a notoriously extreme right wing, racist anti-Mexican organization. FAIR has an established record of holding extreme views on Mexico, the Immigration issue affecting the 2,000 mile border between both countries. His views are incompetent and detrimental to the best interest of America and American policy towards Mexico." stated Baca.

" Nunez's participation with FAIR," said Baca, " rules out his impartiality and ability to have a working relationship with Mexico with the millions of persons of Mexican and Mexican American ancestry who daily cross the U.S./Mexico border. His track record is well known by both the Mexican government and the Mexican American community of this country." he said.

According to Baca, Peter K. Nunez's record includes:

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Committee on Chicano Rights, Inc

Page 2- Nunez Opposed.

- His failure to prosecute members of the Immigration/Border Patrol violating basic human rights of Mexican immigrants.
- His support of the FAIR proposal to construct a ditch along the U.S./Mexican border. A proposal which is adamantly opposed by both Mexico and Mexican Americans.
- His myopic view which sees the militarization of the U.S./Mexico border as a solution to the manifold problems confronting both countries.
- " A Peter K. Nunez appointment," charged Baca, " would set back if not destroy relations with Mexico and negatively impact upon the millions of persons of Mexican ancestry cross the U.S./Mexico border to conduct business and tourism in both countries. His actions," concluded Baca, " prove beyond a shadow of a doubt, that Peter K. Nunez is the wrong individual for consideration to this important and sensitive position.

We urge , as in the William Lukas proposed appointment to the U.S. Department of Justice, that Peter Nunez similiary be rejected to the post of Commissioner of the U.S. Custom Service. He as Lukas is totaly unfit, unqualified and does not hold the respect of Mexico nor the Hispanic population of this country."

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#1

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The CCR and the parents assembled wondered whether these activities signaled a shift in policy in the Reagan Administration, which would require every child of Mexican-Latino ancestry to carry their birth certificate.

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Along with the members of the CCR, the current and past presidents of the American G.I. Forum Charlie Samarron and Paul Jimenez, marched with Herman Baca, Burt Corona, Nativo Lopez Vigil, parents and the children.

3

Review border shooting and U.S. law

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All have survived the encounter. But the incident has chilled relations across the border. It has caused an outcry against a third border patrolman. He responded to rocks being hurled over the 9-foot fence at other U.S. officers by firing three shots, through the chain-link fence, at a 12-year-old boy.

District Attorney Ed Miller studied the evidence and found "no ability in the case to prove beyond a reasonable doubt" that the border patrolman broke California law. "Consequently, we decline to prosecute." Miller is a dedicated officer of the court and has courageously prosecuted policemen for misconduct. There is no reason to doubt his reading of state law.

But Assemblyman Richard Alatorre, D-Los Angeles, has called for a state inquiry into the incident. Atty. Gen. John Van de Kamp says he will conduct an inquiry.

Such state inquiries are provided for by law. Considering the explosiveness of this case and the complexity of the law, a state review is appropriate.

But United States Attorney Peter Nunez has not made any statement on the incident and his office will not say whether it is conducting a federal inquiry.

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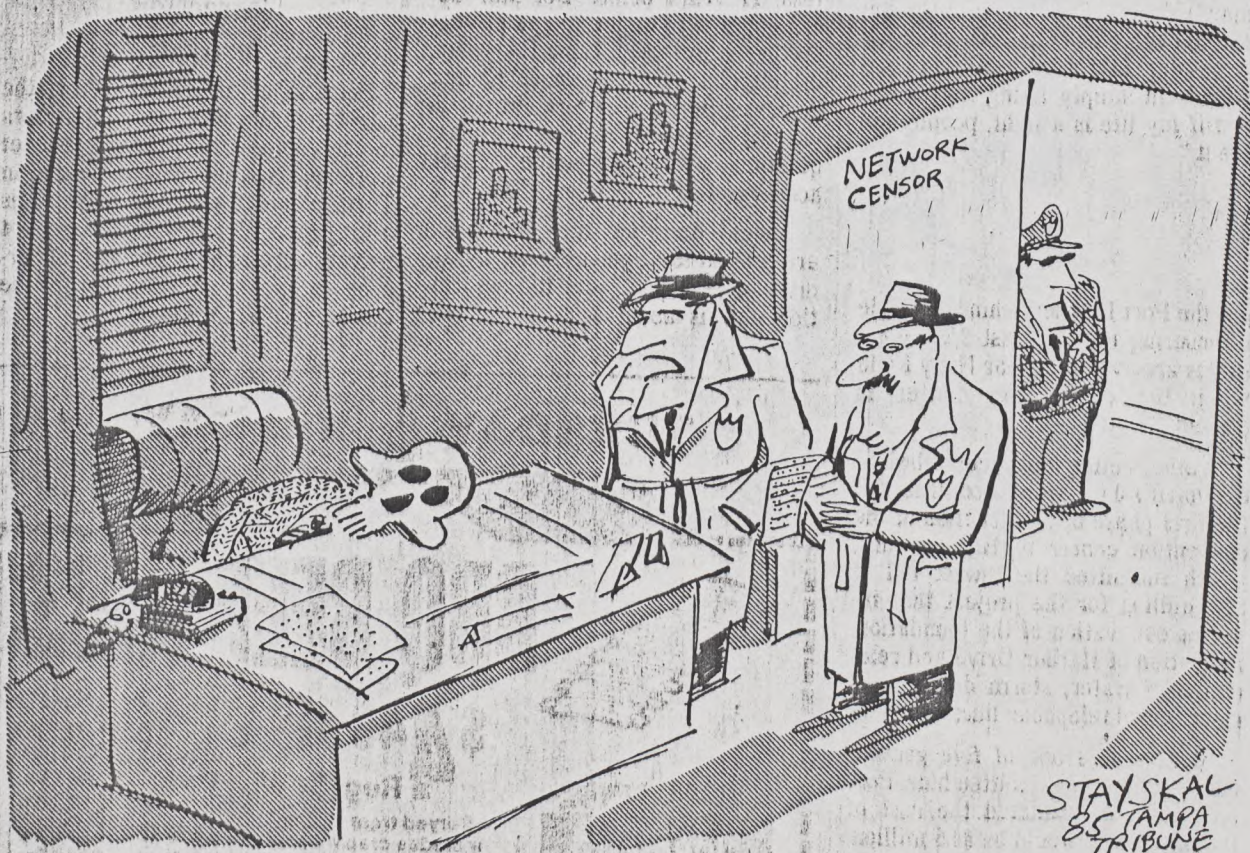
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As long as millions of illegal aliens pour through the fence and border patrolmen are forced to hunt them like animals, incidents of violence will occur. An outdated and ineffectual immigration law mocks all other state and federal laws, breeds law-breaking and injustice. Until Congress reforms America's immigration laws, there will be more violence on the border. And providence won't always protect victims.



'Judging by what I've been seeing on TV, I'd say he's been dead about 12 to 15 years!'

Man
5/7/85

Group lobbies for tough border control plans

By Nancy Cleeland
Staff Writer

An influential Washington, D.C., lobbying group yesterday called for a package of tough border control measures — including a concrete barrier — that make the federal government's proposed four-mile ditch in Otay Mesa seem a mere inconvenience.

In a slick 90-page report, the Federation for American Immigration Reform (FAIR) suggested building a 12-foot concrete "sunken wall," topped by an 8-foot steel

fence, along 25 miles of the border — primarily in San Diego.

FAIR also endorsed adding sensors to desolate unpatrolled border areas, building permanent highway checkpoints along Interstates 5 and 15, beefing up the Border Patrol and flying arrested undocumented aliens deep into their countries to discourage return trips.

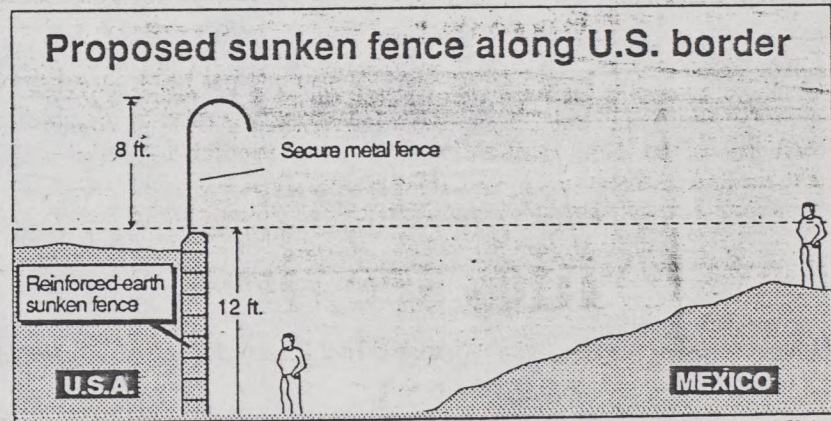
To pay for the scheme, estimated to cost about \$500 million to start and \$250 million a year to maintain, FAIR proposed a \$2 per

person entry fee at all U.S. border crossings.

Two days ago, the U.S. Justice Department confirmed tentative plans to dig a four-mile ditch along the border at Otay Mesa to discourage drug and alien smugglers from driving across the open terrain.

Mexican officials yesterday clearly were upset with the ditch proposal, which they learned about from newspaper accounts. A

See FAIR on Page B-4



The San Diego Union

FAIR: New measures for border

Continued from B-1

statement from the foreign affairs office complained that border problems should be solved "through diplomatic channels in a spirit of friendship and respect."

While no official comment was made yesterday on the more ambitious FAIR proposal, Hermilo Lopez-Bassols, the Mexican consul general in San Diego, described it as "more aggressive, more unfriendly — to say the least."

"This is a conservative group of people who are not friendly to Mexico," he said of FAIR. "They are not feeling the new atmosphere of friendship that should prevail between the two countries."

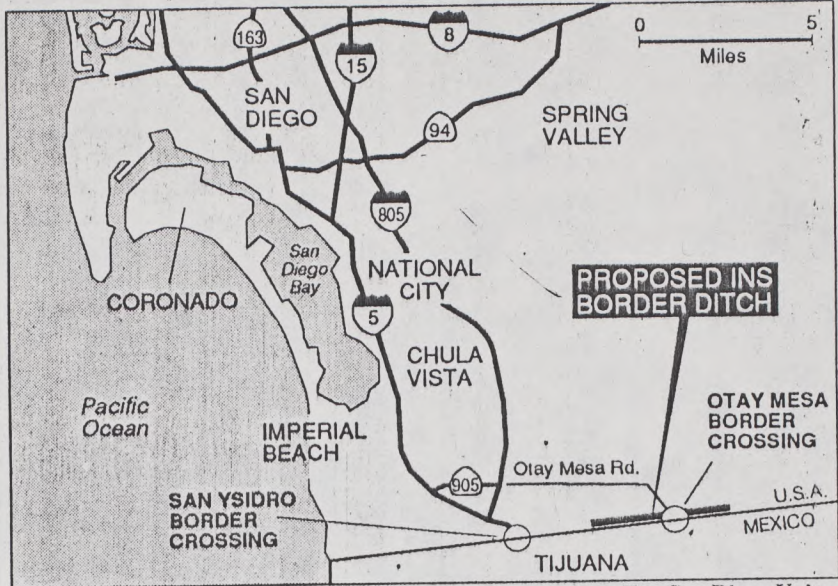
Several local Hispanic leaders have criticized the federal ditch proposal, estimated to cost \$1.2 million, as simplistic and "inhumane."

Border Patrol spokesmen have said the ditch would primarily stop drug and alien smugglers who use vehicles; it would have little effect on the hundreds of undocumented aliens who cross on foot every night.

FAIR spokesman Mark Krikorian also threw dirt on the trench idea — because it doesn't go far enough. "The ditch is a half measure," he said, "just like the fences that were put up (along the border) in 1980. They couldn't keep children out of a schoolyard."

FAIR, a private 10-year-old group that claims a nationwide membership of 50,000, paid for its seven-month border study with grants and contributions from members, Krikorian said. It is now "shopping for congressional support," he said, mentioning Duncan Hunter, R-Coronado, and Jim Bates, D-San Diego, as possible sponsors.

Bates is busy pushing his own border control package, also unveiled this week. He said he favors charging entry fees of \$1 per vehicle or 25 cents per pedestrian at the San Ysidro and Otay Mesa border crossings. The money generated — about \$50 million a year — would be split evenly between federal and local govern-



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Under his plan, which he said should be introduced in Congress within a month, local money would be used for community and health development on the border. The federal share could pay for border "security structures" such as a ditch or fence, increased staffing of border stations, and the eventual relocation of the San Ysidro port of entry.

"I don't think in isolation the ditch is a good idea," said Bates, who has spoken with FAIR representatives during the past few months. "You can't just put up an obstacle without it being construed as a negative symbol, which only makes the situation worse. But if you put it in a comprehensive program and work it out with Mexico so we have their agreement, maybe it would work."

Hunter worked with FAIR in support of the 1986 Immigration Reform Act and against the bill's amnesty provisions for undocumented aliens.

John Palafoutas, a spokesman in Hunter's Washington D.C. office, characterized FAIR as "very active on Capital Hill" and said Hunter was seriously considering its proposals.

"Some of the things are interesting, some are not," Palafoutas said. "Their idea of the wall is much more expansive than we think it ought to be. That's clearly designed to stop individuals on foot from coming over. That's too much. We're interested in stopping vehicles."

Hunter favored the federal government's less ambitious ditch and was "reserving judgment" on the proposed \$2 border toll, Palafoutas said.

Other U.S. agencies declined com-

port, but INS spokesman John Belluardo said his agency, at least, is taking it seriously. "We have worked with FAIR in the past on immigration reform," Belluardo said.

Two former INS officials — retired Border Patrol chief Roger P. Brandemuehl and former Chief Border Patrol Agent Larry Teverbaugh — helped write the report, along with three FAIR staff members. Krikorian said because of that help, the federal agency's approval was likely.

Some ideas in the package were not new, including the plan to fly undocumented aliens deep into their country of origin. Belluardo said that was tried sporadically during the past five years with some success.

At a news conference yesterday, Peter Nunez, a former U.S. attorney in San Diego and now a lawyer in private practice, supported FAIR's proposal as morally responsible.

"We cannot continue to accept the millions and millions of people from Third World countries who want to come here," he said. "There has to be a limit. And a fence that is as impenetrable as a fence can be is the only way to go."

FAIR spokesman Dan Stein claimed illegal immigration has drained the U.S. economy, overloaded schools and medical facilities, and lowered wages. "This begins to erode the compassionate impulses of the American people," said Stein, who described a "sustained outcry for beefed up border security" without citing specific examples.

Staff Writer Arthur Golden con-

Senate committee rejects Lucas for civil rights post

Associated Press

WASHINGTON — The Democratic-controlled Senate Judiciary Committee yesterday rejected William Lucas as the nation's top civil rights enforcer on a 7-7 tie vote and the Justice Department said the nomination was doomed.

"He's lacking in experience and qualifications, his managerial accomplishments are debatable," said Sen. Howell Heflin, D-Ala., who cast a critical vote against confirmation.

Attorney General Dick Thornburgh blamed the rejection on "raw politics," and Senate Minority Leader Bob Dole, R-Kan., urged the President to name Lucas to the post on an interim basis that would not require Senate approval.

The committee first refused to give a favorable recommendation to Lucas for the post of assistant attorney general for civil rights. On a second 7-7 tie vote, it rejected sending the nominee to the full Senate without any recommendation.

Sen. Dennis DeConcini, D-Ariz., joined six Republicans in supporting Lucas while seven Democrats voted against him.

At the White House, spokesman Marlin Fitzwater said, "The committee's action on Mr. Lucas is very disappointing to the President... We felt he deserved better treatment and he deserved that position."

"In terms of where we go from here, we're now exploring our options."



Associated Press

William Lucas
Rejected on 7-7 vote

See Lucas on Page A-8

A-8 The San Diego Union

Wednesday, August 2, 1989

Lucas: Rejected for rights post

Continued from A-1

tions," Fitzwater added.

Asked about Dole's idea of a recess appointment, he said, "I don't know whether he had any discussions with the White House or not. No decisions have been made, however, about either Mr. Lucas' future or how we might approach the job at the Justice Department."

Committee Chairman Joseph Biden, D-Del., called giving Lucas a recess appointment a "bad idea."

Congressional and White House sources, speaking on condition of anonymity, said such an action would touch off a confrontation between President Bush and the Senate.

A White House source said the President would not likely want to "up the ante" with Congress so early in the administration.

Civil rights groups and their Senate allies campaigned for Lucas' defeat, saying the 61-year-old former sheriff of Wayne County, Mich., lacked the experience and knowledge to be effective in the civil rights position.

Benjamin Hooks, executive director of the NAACP, who opposed Lucas' nomination, praised the committee vote and added, "Mr. Lucas is qualified for many positions in the administration and we would certainly urge that his services not be lost."

Before the committee acted, Sen. Strom Thurmond, R-S.C., the panel's ranking Republican, urged approval, saying, "It seems to me that we ought to give this black man a

chance."

"He's a minority, of course. Years ago, minorities didn't have a chance, I know," said Thurmond, one of the best-known critics of civil rights legislation in the era of racial segregation.

"If it had been a white man who had been nominated who had the same background, no experience in the field, no expertise as a lawyer, no expertise in this specialized field, he wouldn't have gotten anywhere," said Heflin, who cast the deciding vote against the nomination.

"I think the fact that Mr. Lucas was black caused much more consideration to be given to him," he said.

The committee's action represented Thornburgh's second recent rebuff from the panel. In June, he reluctantly withdrew the nomination of Robert B. Fiske Jr. as deputy attorney general after conservatives complained.

Thornburgh said in a statement that rejection of Lucas, a former Democrat who was the Republican candidate for governor of Michigan in 1986, came as a "result of raw politics."

Justice Department spokesman David Runkel said Lucas would remain at the department as a \$284,500-a-day consultant and said there were no other candidates "as of today."

Thurmond said he knew of no realistic way for the Lucas nomination to

come to the Senate floor. In theory, the Senate could vote to take the matter out of the committee's hands, but that route is strewn with potential for filibusters and other roadblocks.

On the Senate floor, however, Dole urged Mr. Bush to make a so-called recess appointment under which Lucas could serve in the post for a number of months without being confirmed. Mr. Bush could make such a move as soon as Congress recesses, scheduled for the end of the week.

The primary argument against Lucas was that he lacked experience. Sen. Howard M. Metzenbaum, D-Ohio, cited a remark by the nominee that he was "new to the law."

"Would we accept a key economics adviser who is new to economics? Would we accept a science adviser who is new to science?" Metzenbaum asked.

Supporters said Lucas would apply the hard lessons he learned in his climb from dishwasher to policeman to FBI agent to Wayne County official.

In addition to Lucas' lack of experience, critics cited problems that included the failure to declare \$8,800 worth of goods at Customs en route home from an Asian trip, neglecting to make court-ordered improvements at the jail when he was Wayne County sheriff, and making untrue statements in seeking admission to the New York bar.

FAIR: New measures for border

Continued from B-1

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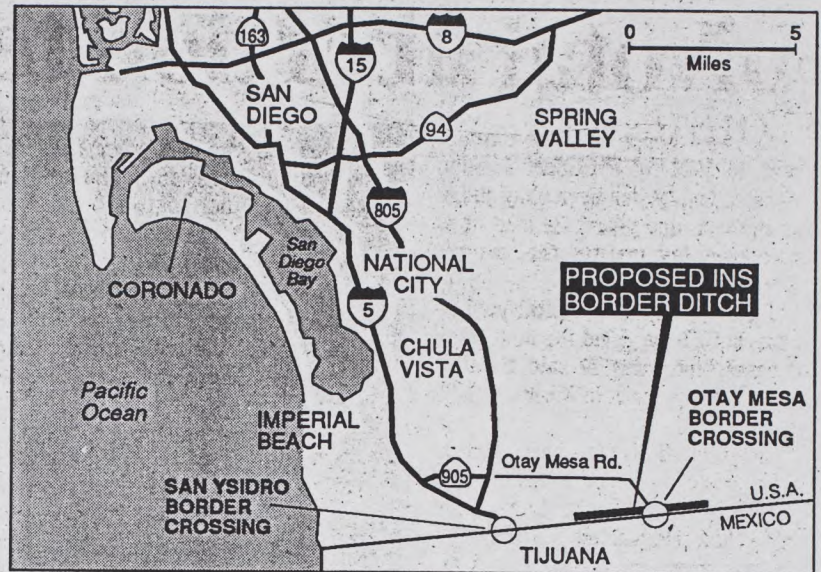
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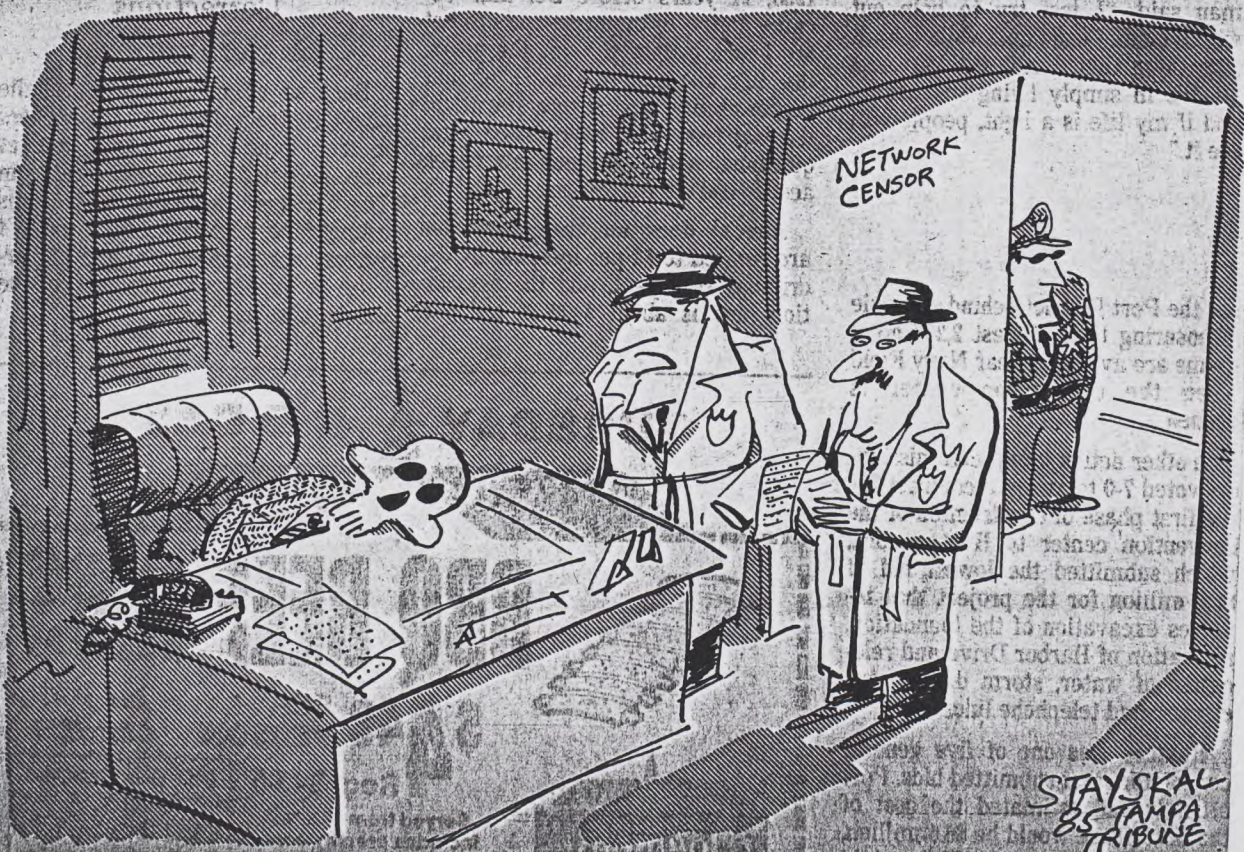
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