

IMMIGRATION CONFERENCE

Mexican American Cultural Center
San Antonio, Texas
November 25, 26, 1974

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INTRODUCTION-BACKGROUND OF MEETING

Recent activities of the Immigration and Naturalization Service (INS) of the U.S. Justice Department have elicited heightened concern about discrimination, exploitation, strike-breaking, and the plight of workers in the United States without documentation. These concerns brought together a diverse reflection/action group at the Mexican-American Cultural Center in San Antonio, Texas on November 25-26, 1974. The group sought to respond to the growing tensions over immigration practices and policies.

The Conference was called by Bishop Patrick Flores in collaboration with Ms. Lupe Anguiano, Directress of the Southwest Regional Office for the Spanish Speaking. It followed up the work of the Immigration Conference held in July, 1974 in El Paso, Texas. That conference was also convened by Bishop Flores.

The group considered problems of haphazard deportation of persons, including U.S. citizens and legally resident aliens. They shared information on raids in urban areas where proof of citizenship was demanded of Latin American persons. They discussed the way in which the INS continues to ignore the use of workers without documentation in strike areas, and the current spate of publicity which describes illegal aliens as the source of many economic ills in the country. The groups also reflected upon the implications of economic interdependence among nations in today's world. They questioned the justice of closed international borders.

PURPOSE OF REPORT

The report which follows is a result of the two day meeting. It is intended for use as a consciousness-raising tool, a springboard for further discussion. Conscious of the negative media coverage directed toward workers without documents, they propose recommendations to correct this coverage, constructive directions for legislation, and principles of human concern and justice which should be accorded all persons. They propose these considerations to people who live on both sides of the borders and who are in government, law enforcement and in church agencies in order to encourage constructive actions regarding immigration practices pertaining to the United States and to all countries of the Western hemisphere, particularly Mexico.

1. LONG RANGE CONCERNS

A. Overview

The interdependence of the countries of the world becomes daily more evident. The oil crisis, rising prices of grains, sugar and of raw materials such as bauxite, copper, tin, etc., all have an impact upon the citizens of our planet. While new centers of power are developing to challenge the old, and while new alliances are being forged, the number of poor nations increases and a growing population of human beings face misery as food and energy prices pass beyond their limited means.

Multinational corporations have arisen to capitalize upon this interdependence. In many cases their power exceeds that of sovereign states and their decisions affect lives across the world. Through their ability to control trade policies and their ability to use power to emphasize profits for their nationals and stockholders, the rich, industrialized, exporting countries, in collaboration with multinational corporations continue to violate the rights and national interests of many developing countries.

At the present time the United States lies in close proximity to developing countries of the Western hemisphere. Workers from these countries seek to improve their lot through emigration to the United States. Faced with limited possibilities of entry, many workers seek illegal entry. In this they are often encouraged and exploited by unscrupulous persons who prey upon their situation.

B. Plight of the Workers

A situation of special concern presently exists in the plight of international workers in the United States, especially workers without documents.

The United States takes pride that it was built out of an immigrant people, persons who found freedom and new opportunity, who have taken part in a democracy until the nation has reached a pinnacle of world power, impact and affluence. Basic to this growth has been an ample supply of workers. As various immigrant groups have risen in social power and affluence, new groups have been recruited and welcomed to take their place and provide a new supply of workers who will perform less skilled jobs for limited pay.

The United States has traditionally welcomed new immigrants to come and obtain citizenship in this country. However in recent years as land expansion has ceased and as the limits natural resources are realized, immigration policies have become more restrictive and discriminatory. They have continued to favor persons from Europe over persons from the Western hemisphere, with the exception of refugees from Cuba whose level of skills and attainment made them welcome in furtherance of political policies.

As the number of legal immigrants has declined, the needs of industry for low paying workers has increased even in the face of increasing mechanization. Thus a vast new class of persons has entered this country, persons without documents. Occupying the lowest and most menial of jobs for low wages, deprived of legal protection, and living constantly under the threat of exposure, these person are among the most poor and powerless in this culture, predominantly from the Western hemisphere, particularly Mexico, they now number in the millions.

These workers without documents generally compete with United States citizens, and legally resident aliens in the lowest paying industries. While some industries are covered by minimum wage, many industries are not so protected. As agricultural workers, domestic help, restaurant workers, small shops, laundry workers, they labor for the lowest possible wages.

From the business standpoint, it is clearly to the advantage of employers to have persons without documents in the country. They cannot complain for fear of exposure and deportation. They are often deprived of wages by unscrupulous employers and taken advantage of by unscrupulous lawyers who take their money under the pretense of helping them fix their papers. This pool of persons without documents has been the chief weapon used to strike efforts by the United Farm Workers. These workers have been used to keep wages depressed and ward off organization in other industries where legal residents might otherwise improve their lot.

All American citizens have shared the agricultural resources produced by such lowly paid laborers, and through lowered prices and services in other industries, all share a call to redress this exploitive situation. However, in a special way, this call at redress has a particular claim upon the Catholic community of the United States.

C. The Heritage of the Catholic Community

The Catholic Church was nurtured in a heritage where migration was a chronic and critical feature. Abraham, Isaac, Jacob, the Exodus, the return from Babylon to restore the Temple, the flight into Egypt to save the life of Jesus, the spread of the early Christian community are some of the migrations recorded in the Bible.

The Catholic community of the United States stems from an immigrant people who sought to improve their lot in life in a new land. With a heritage of migration, this community should have empathy for the immigrants of this era.

Although the Church has acknowledged the need of nations to plan development and provide for the needs of their people, it has consistently taught that human beings have a right to migrate in order to improve their state of life. This right is of special importance when survival is at stake, or when cultures of affluence are located in close proximity to situations of misery.

This right to migrate comes in conflict with nationalism and with groups which, having attained the benefits of United States life and citizenship, strongly resist further immigration. "Everyone would want to come here" is one way of phrasing the fear that Americans have about the rush of immigrants expected if less restrictive immigration policies were in effect. Yet we must also acknowledge that with only 6% of the world's people consuming 40% of the annual output of goods and resources; with its vast resources and low population density, its proclaimed heritage of freedom and welcome for new immigrants, the United States has both a special obligation and a national need to be less restrictive in its immigration policies than less affluent nations.

Recommendation - the task force recommends that the long-term teaching of the Church be amplified, further developed and applied to the current United States situation. Such reflection appears important in order to ground Church involvement in this problem in our own religious heritage and the imperatives of our faith. Newly developed biblical understanding should address a new heritage of migrancy in the life of people of faith, and seek to integrate that with the social theology of the past 15 years.

It should be noted that previous church teaching was based upon the presumption of ample lands and an expanding supply of resources. Present development will have to reflect upon a limited earth of limited resources, with competition among a growing number of persons for those limited resources.

With this overview of the plight of workers in the United States and the heritage of the Church community, we must now turn our attention to more immediate concerns which deeply affect the life of workers in this country.

2. IMMEDIATE CONCERNS

A. Present Immigration Laws

Existing immigration laws have a bias against persons of the Western hemisphere. Quotas imposed on national groups reflect this bias, favoring European nationals. Adjustment of status is far easier and more swift for European immigrants than for those from the Western hemisphere.

Thus, we propose changes in immigration laws to remove these biases, to enlarge quotas, and to open the way for immigrants from the Western hemisphere to enter this country and adjust their status with an ease comparable to that enjoyed by immigrants from other areas such as Europe.

B. Present Immigration Policies

Immigration and Naturalization Service as noted in the introduction, present Immigration and Naturalization Service practices have been a major concern in preparing this paper. Present Immigration and Naturalization Service policies are expressed in generalities and applied in highly arbitrary fashion. When the United States economy is expanding and needs low paid workers, immigration practices are tolerant of efforts by American employers to recruit workers without documents.

In times of recession and depression like the present, the Immigration and Naturalization Service applies immigration laws with severity, leading efforts to blame unemployment among Americans, excess welfare burdens, high educational costs, etc. upon persons without documents, making them scapegoats for the ills of the society which has exploited them. The present "get tough" policy at the borders, sweeps in the cities, pressures on school children in Houston, welfare in Los Angeles, etc. seem examples of just such "scapegoating" tactics and arbitrary application of policies, especially when viewed against the Immigration and Naturalization Services' inertia and reluctance to address the use of persons without documents strike-breakers in both agricultural and factory struggles.

Proposal

We propose that efforts be made to hold the Immigration and Naturalization Service accountable for consistent and fair administration of immigration statuses. The tactics and procedures of 'Nader-groups' might offer models for such efforts.

"Sweeps"

Of particular notice were the present 'sweeps' in urban areas. These actions, carried out by the Immigration and Naturalization Service or by the Immigration and Naturalization Service in concert with local police cause both anxiety and hardship to many particular families and whole communities that face them. Both citizens and legally resident aliens have been deported when unable to quickly provide proof of citizenship or legal entry. These operations have fallen most harshly upon Mexican and other Latin American persons.

We propose that the basic tenet of American law should be applied to such deportation actions, namely -

1. the burden of proof is upon the Immigration service to prove that a person is not a citizen, or legal resident.
2. that a mechanism be set up to sharply penalize the Immigration and Naturalization Service and compensate the citizen or legally resident alien, if they should be deported without such proof.
3. that the Immigration and Naturalization Service be required to inform potential deportees of their rights and of the processes which are open to them to appeal actions against them.

Recommendation

We recommend that the House subcommittee on legal and monetary affairs, chaired by Hon. William J. Randall (D-Mo) reopen its hearings on immigration practices and activities. We recommend that these hearings be held both in Washington and in key areas where those most concerned could more conveniently come. Previous meetings of this committee adopted a policy of closed hearings. We recommend that future hearings make public all testimony and documentation.

Recommendation

In order to develop assistance from outside sources which might act as a check and balance upon Immigration and Naturalization Service activities, we recommend that training teams or seminars be set up to develop local resource groups with competence to defend persons to be deported and to educate persons in the local community of their rights and methods of protection.

C. Pending Legislation

Three bills are currently before the Congress

1. U.S. Senate Bill 3412 - Montoya - Proposes a Commission to conduct hearings and work on the problem of agricultural workers.
2. U.S. Senate Bill 3827, 2643 - Kennedy
3. U.S. House Bill 981 - Rodino - both the Kennedy and this Rodino bill seek to improve family reunification and other status adjustments - to rectify discrimination in quotas, - to deal with workers without documents in both agriculture and in urban areas - to penalize employers who hire persons without documents. Both bills try to make immigration law more equitable toward Western hemisphere relative to Europe and Asia. Both bills increase the number who can enter. Both propose some sort of amnesty for persons without documents presently in the country, depending upon length of residence.

Favorable Points

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|--------------------|---|
| Montoya | - Commission idea |
| | - Hearings around the country |
| Kennedy and Rodino | - Amnesty |
| | - Adjustment of status provisions |
| | - More equity toward Western hemisphere |

Problem Areas

- | | |
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| Montoya | - Limited to agricultural workers |
| Kennedy and Rodino | - Attempt to make employers responsible for proof of citizenship. Will discriminate against Mexican and other Latin American origin persons. |

Summary Recommendations

We genuinely applaud the efforts being made in these bills to address immigration problems. There are positive dimensions to each bill which we support. However, we feel that none of these bills is yet adequate to the

problems. Hence, we recommend that action of these bills should be postponed until a series of hearings can be held both in Washington and in target areas throughout the country to represent various groups of workers and persons who will be affected by the pending legislation. Such hearings have not yet been held. We especially protest the attempt to make the Spanish-speaking community bear the burden of carrying proof of citizenship at all times.

D. Specific Problems - Suggestions

1. Amnesty - Should be carefully drawn up to give recognition and protection to persons whose work has been used over an extended period of time.
2. Minimum Wage - Extension of minimum wage law to all classes of workers would cut down on efforts by U.S. employers to recruit workers without documents.
3. Paid Wages - We recommend legislation accompanied by an effective mechanism to insure that workers without documents are actually paid for work which they have done, even when they are faced with deportation. Collaboration between the Labor Department and Immigration and Naturalization Service might be needed to guarantee these wages. Perhaps some rule that no one could be deported until wages have been paid by employer, combined with sizable fines for employers who violate this provision.
4. Preference System - We recommend that preference be given to familiar adjustments and status adjustments, and that all practice of encouraging trained professionals be abandoned. This is a form of exploitation and recruitment of persons whose skills are vitally needed in developing countries.
5. Strike-Breaking - We denounce employers' use illegal workers to replace striking citizens. General practice of employers' seeking proof of citizenship too easily invites discrimination in hiring practices.

We also do not wish to see employers become general agents of the Immigration and Naturalization Service. There seems to be a difference between the requirement that employers require proof of citizenship before hiring, and the requirement that they report to the Immigration and Naturalization Service any persons who apply for jobs without proof of citizenship. This problem which is appearing in welfare departments and in school districts such as Houston, is to be stoutly resisted.

On the other hand, we do not wish to see "illegals" available as a pool of workers to break strikes. Hence, we considered the following proposal which applies only to strike situations. - When a strike is declared in an industry, from that moment until the settlement of the strike, the employer would be required to seek proof of citizenship from any workers hired, with penalties for violation. The Labor Department or Immigration and Naturalization Service could then monitor this situation. This would remove 'illegals' from the pool of persons available to break strikes.

6. Equal Protection of the Law

We urge that resident aliens and workers without documents be accorded the same protection of the law as United States citizens. Such an approach seems necessary for the integrity of the country and as a guide to enforcement.

7. United Farmworkers and Other Groups

We urge the United Farm Workers and other interested groups such as CASA and the Centros de Aztlan to develop appropriate legislation which they favor. In this way various groups may review, and where possible, jointly support common legislative efforts. We urge the United Farm Workers and Urban groups to join forces wherever possible and to avoid needless conflict.

8. Informers

There have been persistent rumors that the Immigration and Naturalization Service uses paid informers to report on persons without documentation. We urge an investigation into this situation. If found to be true we will condemn the practice and urge constant public revelation of the practice whenever it can be detected.

4. FINAL RECOMMENDATIONS

In addition to the legislative hearings by the Congress, we urge a national task force from the Catholic community in collaboration with other church groups, to come up with an overall strategy for involvement by the church communities at both the local and national level. Such a task force should develop strategies for legislation, media coverage, education, accountability, social service, etc. In order to increase its effectiveness, this effort should foster contacts and cooperation with the church in Mexico and other interested parties in Mexico.

We respectfully suggest that coordination, implementation and lobbying be furthered at the national and regional level through the proper office of the United States Catholic Conference and National Conference of Catholic Bishops Regional offices.

Because of the number of persons involved, because these persons without documents, and these citizens who face harassment are among the poorest and most powerless of our country, and because of the ties of church heritage which we share with so many of these persons, we urge the United States Church through its bishops and through its local churches, make these problems of the American community a major priority of the United States Catholic community. Sizable support funds for this effort should be sought from national Campaign for Human Development and from local diocesan churches.

3. PERSONS WITHOUT DOCUMENTATION

Evaluating the current misery of aliens without documentation suggest that a key problem is the failure of Government, Church officials, and general citizenry to recognize and accept in practice the basic rights of every person--at all times-- and in very land. The following is a listing of some of these rights.

A. Some Basic Rights

1. Persons without documentation are human beings who enjoy all the rights inherent to persons as recognized by international laws and the United Nations resolution.
2. Persons without document like all free persons have the right to migrate and seek to improve their state of life and that of their families.
3. Persons without documents are entitled to adequate payment for the work and services they perform, even when apprehended and deported.

4. Persons without documents should be accorded due process of law and humane treatment while waiting for disposition of their case.
5. Persons without documents, especially those who have worked in this country over an extended period should be given special assistance to legalize their status as United States residents, particularly when blood ties and family relationships bind them to other United States citizens.

B. Social Services

The question of social services to persons without documents demands special attention. Church people, with their background of concern and delivery of social services might address these needs with special emphasis.

1. Education - Educational services are an important benefit to the people of this country. At no time should educational services be linked to proof of citizenship, nor should school districts function as agents of the Immigration and Naturalization Service by reporting persons without documents. Simple proof of residency in a school district should be the norm for receiving such benefits.
2. Health Care - Increasingly, health care is seen as a basic need of every person. Proof of citizenship should never be a precondition of receiving health care. Health systems managed by religious communities might give special attention to servicing persons whose fear of discovery prevents them from seeking adequate health care.
3. Imprisonment - Migration, although it may conflict with restricting immigration policies in a nation is not a criminal act and should not be treated as such by law enforcement officials. Explanation of rights, communication with families and alternatives to enforced and extended incarceration should be available to persons found to be without documents.
4. Food Stamps - Food stamp disbursement practices in various places indicates that participants must either be citizens or aliens legally admitted to residence in the United States. We urge that in policy and in practice legal residency not be a criterion for receiving food stamps; all families who meet financial criteria should be eligible to receive food stamp assistance.

C. Seminars on Documentation

In addition to the development of training programs so that local groups would develop expertise in immigration laws and deportation practices, there is an equal need to develop sufficient information and expertise to assist persons to acquire proper documentation and adjust their status. We recommend that such training programs be developed and used to develop local groups who would assist persons without documentation.

4. MEDIA COVERAGE AND DEVELOPMENT

At present the media often suggest that the United Farmworkers face an enemy in the worker without documents. The real issue should be focused as the exploitation of both these groups by the economic alliance of business/Teamsters/government.

Groups affected by such incorrect portrayals usually lack the skills needed to work with the media in effective ways.

Recommendations

1. The organization of media workshops to train interested persons at the local level in the necessary media skills.
2. Development of Media Centers at both National and Regional Levels.
 - A. These centers should develop personal contacts with people in the media to help them be aware of the real issues and have them communicate this in news reporting, public service announcements, talk shows, documentaries, radio spots, etc.
 - B. That these centers serve as information-collection-and-disseminating centers designated to channel all the news dealing with the real immigration issues to news services of a nationwide character (UPI, AP, NAWR, CCUM, Network, Common Cause, Crux, Time, Newsweek, US News, El Visitante, NCR, El Malcriado, RNS, Migration Today, Diocesan Catholic Newspapers, Osservatore Romano, etc.) and also to certain monthly or special publications for feature stories (St. Anthony Messenger, Maryknoll, La Luz, Readers Digest, etc.)
 - C. These centers should research immigration, agriculture and other labor issues. They should also analyze the news and features and present the media with accurate presentations of the same issue.
 - D. These centers could be accountable to an ad-hoc committee of knowledgeable and committed persons. The members of this ad-hoc committee would review all.

- E. Local Media Groups - It would be the responsibility of people on the local scene to see if their local news media were utilizing these releases and features being disseminated to the national news services.

Recommendations for the Church of Mexico

Many persons without documents who are in the United States would not be here had they been properly assisted and counselled prior to coming. When they found no one in Mexico to assist them, many Mexican nationals ventured to enter the United States without documentation. Some were apprehended while attempting to enter, others died along the way from hunger, thirst or injury. Many succeeded in entering only to be oppressed and exploited.

We urge the Bishops of Mexico to set up several regional offices to assist persons who seek to better their lives through emigration into the United States.

The following considerations might assist this:

1. In setting up these offices the bishops of Mexico may call on the USCC Department of Migration and Refugee Services to help train their personnel in problems to be faced by persons entering the United States.
2. The staff of such regional offices should help each interested applicant to evaluate their reasons for wanting to emigrate.
3. If the regional office agrees that the applicant should attempt to emigrate to the United States, the office should assist the person to gain needed documentation and represent them before United States consulates in Mexico.
4. If the regional staff judges that applicants should not emigrate, they should honestly advise the applicant and where possible, assist him/her to find alternatives.
5. The staff or the regional centers should seek to become thoroughly versed in the immigration laws and practices which would affect their citizens.

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November 25-26, 1974

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