Keynote Address

Roberto Martinez
The American Dream of many immigrants often ends at the border with the start of a harsh new reality which manifests itself in the form of violence, death, rape and other atrocities. The story of Mr. Galindo provides a typical example of border violence. Mr. Galindo was walking along San Ysidro Boulevard when two border agents yelled at him to stop. They told him to get on his knees, and then hit him on the head with a flashlight and knocked him down. They then handcuffed him while he was face down. Mr. Galindo told them that he was a legal resident and showed them his I-688 Seasonal Agricultural Worker Card. They took it and accused him of either stealing or purchasing it. He showed them his social security card and other forms of identification. They tore them up and sent Mr. Galindo across the border along with several other "suspected" undocumented people. This is a routine event which occurs at ports of entry, on the streets of San Diego and probably in many other places. For Mr. Galindo, due process was not a reality.

Enforcement as a solution to illegal immigration has never worked, will never work, and will continue to contribute to civil and human rights violations all along the U.S.-Mexico border. My definition of human rights violations includes the reality of U.S. government policy towards both documented and undocumented immigrants for the last hundred years. First, the violators take away everything the immigrants own. Then they take away their power by stripping them of their rights and dignity. Women have also been victimized as is evidenced through the dramatic increase in sexual and physical abuse occurring along the border as they cross, and in detention centers.

The violence along the U.S.-Mexico border is not just an accident of history caused by the hundred year old expansionist policies of the United States. It is a plan which began with the breaking of the Treaty of Guadalupe-Hidalgo and continues today by systematically depriving native people of their civil and human rights. It is important to draw this historical parallel because, regrettably, history seems to be repeating itself.

Today, while Chicanos are struggling to empower themselves, elected officials and representatives are working overtime to strip the Chicano com-
munity of what little power and access it has to education, health and other social services. As of the spring of 1993 there were twenty-one bills pending in the state Legislature targeting new immigrants as scapegoats for California's socioeconomic problems. The bills are aimed at denying undocumented immigrants emergency medical care, education in public schools and state colleges, drivers licenses, housing, welfare benefits and workers' compensation. The elected officials and representatives never mention the four to five billion dollars that immigrants pay in federal and state taxes every year, or the fact that California's 18 billion dollar agribusiness is sustained on the backs of nearly a million agricultural and seasonal workers.

It is important to look at history, specifically the scapegoating that accompanied the abuses and repatriations of Mexican immigrants in the decades of the 30's, 40's and 50's in California. One of the most dangerous consequences of this scapegoating is the fuel that it is adding to an already dangerous climate of anti-immigrant hysteria and hostility — not only in California, but throughout the entire country. There is already an alarming increase in hate crimes against immigrants. Mexican and Central American undocumented workers have come under increased attack by hate groups throughout California especially along the U.S.-Mexico border, in particular, in San Diego, Arizona and Texas. Adding to this climate of fear and intimidation are judges who are knowingly impeding progress in the effort to obtain equal rights under the law. The following are a few examples:

A few months ago, a judge in Tucson, Arizona acquitted Michael Elmer, a U.S. Border Patrol agent, of first degree murder charges in the shooting of Dario Miranda Valenzuela. Twenty-eight sheriffs, Border Patrol officers and agents testified against Michael Elmer. The prosecution provided evidence to demonstrate a conspiracy to cover up the crime and cocaine theft. Despite the extensive testimony, Agent Elmer was acquitted.

Recently, in El Cajon, a San Diego Superior Court judge dismissed a hate crime charge against five suspected white supremacists who beat three undocumented day laborers with baseball bats while they slept in a creek. The undocumented laborers had been falsely accused of raping a white woman. The five white supremacists, aware of the laborers' innocence, still went down to the creek and beat them nearly to death. All three of the laborers suffered major injuries including broken arms, broken legs and fractured skulls. The judge reasoned that the hate crime law was a violation of the white supremacists' First Amendment right of free speech. The district attorney appealed the dismissal and won. The case is currently pending in the U.S. Supreme Court.

Finally, in a small town in Texas, a white supremacist was sentenced to probation, instead of prison, in the killing of an African-American.
These decisions send a strong message that civil and human rights violators are almost completely immune from any form of prosecution. Exaggerated statistics and misinformation constantly being put out by the INS, Border Patrol, politicians, and right-wing groups will make it easier for the government to "justify" the presence of the military on the border as well as help to rationalize the 4 billion dollars that the United States spends along the border each year in its "war on drugs." This false information will also continue to be used to "justify" not only an increase in the number of Border Patrol agents but also the expansion of counterproductive physical force and firearms policies.

As the Border Patrol continues to increase the fire power it can bring to bear against unarmed civilians, civil and human rights violations will continue to rise. The Border Patrol's fire power has increased dramatically over the last few years. Standard issue firearms have been replaced by 9 millimeter semiautomatic pistols and M-16 military-type rifles. They also use hollow-point, expanding bullets which, I understand, are outlawed by international law. It is no wonder that several of the children who have been shot by the border patrol over the last few years have suffered extensive internal injuries. Throughout the country there is a growing attempt to increase the powers of federal and local law enforcement agencies while reducing immigrant access to legal remedies. In many cases it is merely a matter of respecting and enforcing existing law.

It does not have to be this way. As I said at a congressional hearing in Washington, D.C. in 1990, congressional leaders and lawmakers have the power to help put an end to border violence, and ensure non-violent enforcement of the peace. The same laws that prohibit illegal border crossing should also protect people from abuse by Border Patrol agents. Hope and progress are materializing along the US-Mexico border in the form of civilian oversight of the Border Patrol. This is seen as an important first step toward some system of accountability for federal agents. Without accountability there can be no justice, and without justice there can be no peace. The city of El Paso and the city of Tucson have approved the creation of a civilian municipal oversight committee for border control. Ordinances creating similar committees have been introduced in the city of San Diego to help put a stop to the abuses along the border.

From 1984 to 1989 there was a border crime prevention unit which killed almost twenty people and wounded another twenty-five. Nine of those victims were children between the ages of 12 and 17. These tragic deaths should help us understand why it is important that we support the creation of oversight entities to monitor federal agents along the US-Mexico border from San Diego to Texas. The abuses have existed for too long and the cycles of violence and racism must be broken. Although we have hope in the new Administration, we still must challenge President Clinton
to promote a more humane immigration policy along the US-Mexico border. We are also encouraged by a new bill being introduced by Congress-
man Xavier Becerra. The bill would create a federal civilian oversight commission which would establish outreach offices along the border. This legislation would be a major step towards accountability and justice.