

## THE US-MEXICO BORDER – RECENT HISTORY

The US-Mexico border is some two thousand miles long, running from San Diego, California, in the west, to Brownsville, Texas, in the east (see map on page 2). Many US border cities have sister-cities on the Mexican side: San Diego/Tijuana; Nogales, Arizona/Nogales, Sonora; El Paso/Ciudad Juarez; Laredo/Nuevo Laredo; Brownsville/Matamoros. The populations either side of the line have much in common, including family ties. But the region has been a place of turbulence and friction this century because of the manner in which the US has sought to enforce immigration laws.

Until World War I, crossing the border was easy and people entering from Mexico could do so legally. When US economic growth created a need for workers, Mexican immigrants were welcomed. But during the Great Depression of the 1930s, hundreds of thousands of people of Mexican descent were "repatriated" to Mexico even though more than half were US citizens. During the Second World War, Mexican workers were again welcomed, to meet labour shortages. But in the 1950s, the Federal Government launched "Operation Wetback" to expel Mexicans from the United States. Once again, many US citizens were forced to leave their country of birth. More than a million people were expelled in 1954 alone; many were denied hearings and thus US citizens were denied their constitutional rights.(2)

In 1924 Congress created the Border Patrol as a component of the Immigration Bureau, "to patrol the land border and stop smuggling." By 1950 most of the Border Patrol's resources had shifted to the southern border to prevent illegal immigration. The Border Patrol has steadily expanded in recent years, and numbered more than 6,300 agents in 1997.(3) Additional resources and technology at the Patrol's disposal include new lighting, fencing, ground sensors, mobile infra-red night scope cameras, more vehicles and computerized systems for processing persons who are apprehended. It has increasingly become involved in drug interdiction activities and, since November 1989, the US army has been formally involved with assisting the INS in the so-called "War on Drugs."

In recent years, the INS has taken steps to seal the US-Mexico border in a number of areas that were historically popular crossing places for migrants. These special operations include "Operation Blockade" later renamed "Hold the Line" (September 1993) in Greater El Paso, Texas; "Operation Gatekeeper" (October 1994), south of San Diego, California, and "Operation Rio Grande" (August 1997) in Brownsville, Texas. The effect has been twofold. The first has been to reduce the number of people crossing the border without inspection in the targeted areas, and those who do cross are more easily apprehended. But would-be immigrants remain undeterred, and continue to congregate in their thousands on the Mexican side every day, preparing for their journey. Amnesty International was told that, on any given night in Tijuana, as many as 10,000 transient people are sleeping in the streets or in one of the few church-run refuges, waiting to cross the border into the USA.(4)

The second effect of the Border Patrol operations has been to force people to attempt their border crossing in outlying areas, across the desert, over the mountains, and through rural areas where the physical dangers are considerable. Such is their determination to cross the border that people take life-threatening risks - and many die on the journey. Between 1993 and 1996, it is estimated that at least 1,185 migrants died in the attempt to cross the border, and it is feared that the true number is far higher since many bodies are never found. Causes of death include drowning (in the Rio Grande or the many irrigation canals), traffic accidents, dehydration, heat stroke and hypothermia.(5)

On 5 August 1997, 12 migrants including three women and a small child tried to cross the border from Agua Prieta, Sonora, to Douglas, Arizona. A smuggler led the group into a storm drain - a four-foot diameter tunnel that is part of a linked drainage system spanning the two cities. They crawled along the tunnel for nine blocks, under the streets of Douglas, until they were hit by a wall of water from a flash flood. Seven of the twelve migrants, including one of the women, were swept away and drowned. The survivors climbed a shaft and clung to a ladder for two hours before emerging into the street. They were arrested by the Border Patrol.(6)

Bowie High School lies a few miles east of downtown El Paso, Texas, only yards from the international border with Mexico. It serves the community known as the Segundo Barrio, whose population is almost entirely of Hispanic descent. The Border Patrol has been a powerful presence in the community for generations; this is a place where some parents, fearing an accidental deportation, do not let their children leave home in the morning without their birth certificates.(7) Legal residents of the neighbourhood have been stopped, questioned, frisked, detained, insulted and physically ill-treated by Border Patrol agents, but seldom protested against their treatment, fearing reprisals and believing that complaints were futile. Students at Bowie, all US citizens, were similarly harassed on a regular basis.

Finally, in 1992, Bowie High School staff and students took action. After attempts to remedy their grievances directly

with the Border Patrol failed, seven representative plaintiffs brought a class action suit on behalf of the Bowie community in federal court. Cases adopted as findings of fact by the judge (8) included the following:

- A 15- year old girl, Nieden Susie Diaz, was assaulted by a Border Patrol agent on her way home from school; the agent "for no apparent reason knocked Nieden down to the ground and kicked her about twenty times." The agent stood on her chest with one boot and kicked her with the other, causing deep leg and chest bruises.
- The school's football coach, Benjamin Murillo, was stopped and threatened by a Border Patrol agent who pointed a pistol at his head.
- A partially-sighted student, David Renteria, was threatened, grabbed, shoved face-first into a fence, and roughly frisked by a Border Patrol agent who ridiculed him for attempting to exercise his right to remain silent and continue walking.

US District Judge Lucius Bunton granted the Bowie student plaintiffs' requests for a restraining order. In his December 1992 ruling he found, among other things, that: "The government's interest in enforcing immigration laws does not outweigh the protection of the rights of United States citizens and permanent residents to be free from unreasonable searches and seizures." "The El Paso Border Patrol has a regular, consistent, and prominent presence on the Bowie High School campus... "Bowie High School provides an oasis of safety and freedom for the students and staff who reside within the School District. The continued harassment of Bowie High School students and staff by the El Paso Border Patrol is both an invasion of their civil rights and the oasis."(9) "The procedures presently in place for reporting and investigating alleged abuses by the El Paso Border Patrol are ineffective. The procedures are complex and often the victim of abuse is discouraged from filing a complaint by the governmental offices, personnel and complaint structure.(10)

In 1993, the El Paso Border Patrol made a Settlement Agreement with the Bowie plaintiffs. This included undertakings by the Border Patrol to publicize the settlement, the complaint procedures and complaint forms in the media, in English and Spanish. A toll-free telephone number to receive complaints in English or Spanish was established and the number displayed on all Border Patrol vehicles.

Four Native American nations have tribal lands which span the US-Mexico border: the **Tohono O'odham**, the **Yaqui**, the **Cocopah** and the **Kickapoo**.(11) The **Tohono O'odham** nation has a population of some 22,000. The tribe is recognized by the US federal government. Their reservation lands comprise nearly 3 million acres in southern Arizona and their traditional tribal lands extend south into the Sonoran desert in Mexico. Annual festivities include July and October festivals in Sonora which are attended by tribal members from the USA. The **Yaqui** nation has reservation lands of about 1,000 acres in New Pascua, Southwest Tucson, and southern Arizona. The tribe obtained US federal recognition as a First Nations tribe in 1978. The **Cocopah** have reservation lands of 6,000 acres and a population of 4,000, half of whom reside in the Colorado River delta region of Mexico. The US part of the tribe is recognized by the US federal government. The **Kickapoo** nation is much smaller, with a 125-acre reservation in Maverick County, Texas. They number about 600 people. They consider the land south of the international border as their traditional hunting and ceremonial grounds.

The Treaty of Guadalupe-Hidalgo (1848), which ended the war between Mexico and the United States, recognized Native American tribes' rights as sovereign nations to cross the new border without hindrance. However, human rights monitors in the Arizona region have documented instances in which Native American Indians who wish to cross the border to visit family and attend native ceremonies have been harassed and had problems complying with the documentation required by the INS.

In August 1997, Native tribal representatives, community leaders and human rights activists from the US Southwest and northern Mexico came together to create the Indigenous Alliance Without Borders (*Alianza Indígena Sin Fronteras*), to work against discrimination and harassment of Native people at the US-Mexico border. Participants discussed issues of mobility and other problems they had encountered. Indigenous people maintain that they do not wish to cross any border - the international border crosses them.

The INS should ensure that the rights of Native American Indians, whose tribal lands span the US-Mexico border, to cross the border without fear of harassment, intimidation or abuse, are respected. Amnesty International urges the US government to liaise with tribal leaders in order to resolve the problem of personal identification for border control purposes, such as the proposed creation of a tribal accreditation card which would be recognized at the border as an acceptable form of identification for tribal members.