

# THE TEXAS Observer

A JOURNAL OF FREE VOICES

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## *La Migra* *The Border Patrol's Wall of Silence*



JEFF BOWEN/EL PASO TIMES

**BY PAUL SALOPEK**

*El Paso/Juarez, Mexico*

**N**EAR MIDNIGHT ON February 25, 1992, Enrique Arguelles Palos must have felt like a lucky man, because he decided to risk wading across the Rio Grande at El Paso with a duffel bag stuffed with dope. Conditions had seemed auspicious for smuggling. A quarter moon had yet to rise. And the

spindly, waist-high brush on the American bank provided good cover and appeared quiet. Only it wasn't. When a U.S. Border Patrol van cruising the river without lights happened onto the scene, both agents jumped out, and one shattered the night's stillness with a single shotgun blast. Arguelles' comrades — he'd crossed the border with at least three other "mulas" — splashed in panic back into Juarez, Mexico. A patrolman took an errant pellet

in his leg in the confusion. And 26-year-old Arguelles, described in his autopsy as "a well developed, well nourished, rather muscular Latin male" absorbed, at point-blank range, about a dozen pellets of buckshot into his chest. He died instantly, face-down in America.

The story of Arguelles' death wasn't exceptional on a border growing more brutal with

**Continued on page 6**



## A JOURNAL OF FREE VOICES

We will serve no group or party but will hew hard to the truth as we find it and the right as we see it. We are dedicated to the whole truth, to human values above all interests, to the rights of human-kind as the foundation of democracy: we will take orders from none but our own conscience, and never will we overlook or misrepresent the truth to serve the interests of the powerful or cater to the ignoble in the human spirit.

Writers are responsible for their own work, but not for anything they have not themselves written, and in publishing them we do not necessarily imply that we agree with them, because this is a journal of free voices.

SINCE 1954

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# DIALOGUE

## Le Sueur Lives!

I was enjoying reading your book review ["Working Papers" by Bill Adler, TO 1/15/93] ... until I came to your closing paragraph. Your well-chosen quote from Meridel Le Sueur wrongly identifies the source. Ms. Le Sueur was indeed in the '30s a journalist covering labor issues for the *New Masses* magazine and the *Daily Worker*.

However, this woman, born in 1900, is still alive — still writing — and has become a minor cult figure in women's studies circles. She has even been accorded respectability as poet laureate of St. Paul, Minnesota. Her mother was a writer and women's suffrage leader and her father was a close associate of Eugene Victor Debs and was the Socialist mayor of Minot, North Dakota.

She was developing a national literary reputation which was ended by anti-Red witch hunts and FBI hounding until she could publish only under assumed names. This great talent turned out "trashy" romances to earn a livelihood.

The women's movement must be credited with the recognition which has finally come to Ms. Le Sueur. *Ms.* magazine (August 1975) published a splendid profile by Patricia Hampl, "Meridel Le Sueur: Voice of the Prairie." Perhaps you can find it at the [University of Texas] library and it may also have *Ripening: Select Work (1927-1980)*, published in 1987 by Feminist Press, Old Westbury, New York. She figured rather prominently in the "Save The Family Farm" issue to which Sen. Tom Harkin and Jim Hightower gave their leadership.

Meridel Le Sueur is a living legend of the American left and a new generation of progressives needs to know her story.

Lee J. Price  
Gainesville, Florida

## Fragments of News

The *Observer*, by relying on fragments of news reports, misled its readers in reporting ... on Kay Bailey Hutchison's campaign ["Political Intelligence," 2/26/93].

First, Mrs. Hutchison never claimed that "the President had no business interfering in the armed services" as you aver. She did state that when making decisions affecting military preparedness and national defense, a President — particularly a President with the military experience of our incumbent — should at a minimum consult with the

Joint Chiefs before acting. Such decisions should be based on national security considerations, she added, and not be made as a political payoff to an interest group.

Second, you reported that the *San Antonio Express-News* criticized Mrs. Hutchison for claiming wrongly that Congress had exempted itself from enforcement provisions of the Family Leave Act. Your account was severely truncated. Here's the rest of the story.

Two days later, the *Express-News* printed a letter, from me, pointing out that, on a party line vote, the House specifically rejected an amendment applying to Congress the same enforcement provisions that private businesses are subject to. Instead, it adopted a procedure that prohibits normal discovery procedures, restricts damages to back pay only (businesses are liable for multiple damages), establishes secrecy in the proceedings and provides that judge, jury and executioner in any dispute will be (surprise) House members themselves!

Two days after that, the *Express-News* printed an editorial that comes about as close to an apology as any newspaper supplies these days. Perhaps it came too late for your deadline.

David C. Beckwith  
Communications Director  
Hutchison for Senate

## Dumped Upon

I am deeply offended by some of the language in the article by Debbie Nathan in the *Observer* I received today ["Love in the Time of Cholera: Waiting for Free Trade," TO 1/15/93].

What is to be gained by including pornographic descriptions of Ms. Nathan's sexual activities in an otherwise well-written article?

I feel dumped upon by both Ms. Nathan and *The Texas Observer*.

Louise Crow  
Gilmer

P.S. I have never felt dumped upon by anything Molly Ivins has written. Earthy and direct is acceptable; blatant pornography is not.

Write: Dialogue  
Texas Observer  
307 W. 7th St.  
Austin, Texas 78701

# Watching the Border

In most daily newspapers in the European Community large corporations soliciting employees include in their ads the requirement that applicants carry passports issued in one of the 12 member nations of the Community. What was finally negotiated by the Eurocrats who wrote the Treaty of Maastricht is the near-complete managed integration of 12 economies. "They eliminated remaining barriers to the free circulation of ... workers in the Community," wrote international trade lawyer Antonio Garrigues Walker. A proposal never seriously considered by the Americrats who negotiated North America Free Trade Agreement.

The free movement of labor is the genie Presidents Clinton and Salinas cannot let out of the bottle. The tacit (and perhaps reasonable) agreement is that given the current disparity of levels of income between the Canadian/American and Mexican workers, one border must remain closed.

But at what cost?

"In Juarez by dark," was the rule recited to me by domestic workers who cross into El Paso each morning. "Never cross alone near the Puente Negro," a woman told me, referring to the black railroad bridge where gangs of *cholos* lay in wait for day laborers. She said she is reassured by the presence of the Border Patrol Suburbans when she returns home to Juarez in the afternoon.

But many border crossers, both Mexican and American, don't look so kindly on the officers of "la Migra": The November courtroom fight waged by El Paso high school students determined to reassert their Constitutional rights of freedom from unreasonable search and seizure (TO 12/11/92); the exoneration of a Border Patrol officer in the shooting death of Dario Miranda Valenzuela at Nogales, Ariz. (TO-1/15/93); and the recent errant raid by armed and hooded DEA agents on the house of an Rio Grande City Protestant minister. All suggest that federal law enforcement officials themselves often make the border a dangerous or inhospitable place.

Last year *El Paso Times* reporter Paul Salopek undertook an investigative series on the Border Patrol in El Paso. That so much documented material appeared under the byline of one reporter is a tribute to Mr. Salopek. That the *Times* published such a critical story over three days in December — in a place where the border patrol dominates the political and economic landscape — is a tribute to the editors of the *Times*.

We persuaded Mr. Salopek, who now lives

in Washington, to condense his work into a magazine-length piece. As so many of the subjects of this story, and so many of those who most frequently come in contact with the Border Patrol, speak only Spanish, we decided on a journalistic experiment and translated Mr. Salopek's work. We publish it, with a special emphasis on circulation along both sides of the border, in the spirit of free trade. —L.D.

## Vigilando la frontera

Cuando las grandes empresas solicitan empleados por medio de los periódicos publicados en los países de la Comunidad Europea, se menciona como requisito tener un pasaporte emitido por uno de doce países que integran en la Comunidad. Los eurocratas que redactaron el Tratado de Maastricht lograron una integración casi completa de doce economías. Según dice Antonio Garrigues Walker, "eliminaron los obstáculos a la libre circulación de obreros en la Comunidad." Un propósito nunca considerado por los americratas que negociaron el tratado de libre comercio norteamericano. La libre circulación de mano de obra es el genio que los Presidentes Clinton y Salinas no se atreven a sacar de la botella. El acuerdo tácito (y quizá razonable), que toma en cuenta los diferentes niveles de ingresos entre obreros canadienses-estadounidenses y los mexicanos, es que una frontera quede cerrada.

¿Pero a qué costo?

"Por la noche en Juárez," me contaron unas trabajadoras domesticas que cruzan el río cada día. Evitamos pasar solas cerca del Puente Negro", refiriéndose al lugar donde los cholos asaltan a los transeúntes que vuelven de su trabajo. Me contaron que la presencia de las Suburbans de la Border Patrol, para ellas es una garantía. Pero para muchos mexicanos y estadounidenses en la frontera la migra representa otra cosa. La demanda que en noviembre pasado llevaron ante la corte unos estudiantes de El Paso, denunciando las reiteradas violaciones de sus derechos constitucionales por parte de la Border Patrol. La absolución de un agente acusado de matar a disparos a Dario Miranda Valenzuela en Nogales, Arizona. El asalto por agentes armadas y encapuchados de la DEA contra la casa de un ministro protestante en Rio Grande City. Todo esto sugiere que los agentes federales han hecho de la frontera un lugar peligroso e inhospitalario.

Durante el año pasado un reportero de *The El Paso Times*, Paul Salopek, realizó una

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Cover photos by Jeff Bowen and Alan Pogue

serie de artículos acerca de la Border Patrol en El Paso. Que tanto material documentado apareciera firmada por un solo periodista es algo loable. Como lo es que en una ciudad dominada por la presencia de la Border Patrol *The El Paso Times* publicase tal información. Persuadimos al señor Salopek, que ya vive en Washington, D.C., para que resumiera su investigación. Debido a que muchas de las personas que aparecen, así como muchos que tratan con el Border Patrol, son hispanoparlantes, decidimos llevar a cabo un experimento periodístico y traducirlo al español — publicandolo bajo el espíritu de un comercio libre. —L.D.

### Errata

Due to an error in editing "Race from Hell," the book review in the 2/26/93 issue incorrectly suggested that Edwin Edwards was defeated in his 1983 re-election bid.

# Free the Boom Box 3

**C**ONSIDER THE SCENE: You are dozing on the flight back from a sun-splashed vacation in Jamaica. You awaken with a co-pilot at your side, arguing with a college-aged couple in the seat behind you to hand over their radio/tape player because it is interfering with the airplane's navigation system. You groggily tell the officer the tape player could not interfere with the plane's instruments. He asks if you are an electronics expert. "Yes, I am," you reply. You happen to be a communications specialist for a news organization. The co-pilot goes back to the cockpit. You go back to sleep.

Wouldn't you be surprised if, a few minutes later, the captain announces that the plane is making an unscheduled stop to kick off some unruly passengers. And wouldn't you be outraged if, at that unscheduled stop, the flight crew included you among the unruly passengers and placed you in the hands of Mexican police.

All that happened to Jerry Canty in July 1990. Then it got worse.

After he paid \$200 to get out of Mexican custody and he caught a flight home to Houston the next day, Canty got a friend — an attorney — to write Continental Airlines for an explanation. Canty heard nothing for nearly a year until another friend who had accompanied him on the flight from Jamaica told him the FBI was asking about a videotape he had shot of the affair. Canty talked with the FBI in June 1991 and again heard nothing until he got a letter later that month informing him that he had been indicted by a federal grand jury on a felony charge of threatening a flight crew.

The video at first showed jovial passengers returning from their vacation. When it cut to the scene of the flight attendants and co-pilot arguing with the young couple, Canty's eyes were closed, as he apparently dozed in his seat before the commotion woke him up;

then he spoke up for the couple. Canty, who was distinguishable by a colorful African-style cap, stayed in his seat and did not appear to make any threatening remarks or gestures. Indeed, after talking with neighbors, he appeared to go back to sleep after the crew dispersed. This video was played during his trial in September 1991, but after five hours of deliberation the jury still found Canty guilty.

Although the federal prosecutor recommended probation, U.S. District Judge David Hittner in November 1991 ordered that, despite Canty's stable job with Reuters News Service, a family to support and no prior criminal record, Canty should serve four months in a federal prison and three years' probation; he also was ordered to pay \$1,871.35 restitution to Continental. Jimmy Hicks, who was on probation for an unrelated state court conviction, and his companion, LaTonya Moore, were sentenced to 14 months and eight months, respectively, in addition to restitution. They could have been sentenced to 20 years, the judge noted.

Did I mention that the offending passengers were black and the Continental crew was all white? The National Association for the Advancement of Colored People thinks that may have been a factor in Continental turning in these passengers for criminal prosecution for having an argument over a boom box. And in the judge, a Reagan appointee, deciding to send them to the slammer.

The Fifth Circuit, U.S. Court of Appeals, no friendly forum for defendants, confirmed the conviction in December 1992. With further appeal bond denied, Canty is waiting for the U.S. Marshall to tell him where to report for imprisonment. His last hope is a pardon from President Bill Clinton. Texas Attorney General Dan Morales in February sent Clinton a letter asking him to look into the case. Without presidential intervention, Canty said, "I lose my home, I lose our cars, I lose my job. It just devastates my family."

**A**t a news conference in Austin with his wife and 7-year-old daughter, Canty said he was still bewildered at what happened. "I guess I was angry — I was tired — and I just didn't see what the hassle was for them confronting these kids about the radio," he said. At no time was he warned that he might be thrown off the flight or prosecuted, he added.

In retrospect, he agrees that the young couple should not have argued with the crew. Still, he said, they turned off the music; all they did was balk at handing over the boom box. He believes the crew, which apparently

had worked long hours, overreacted, particularly with the large number of black passengers.

Gary Bledsoe, president of the NAACP in Texas, said the harsh treatment was hard to justify. "I've seen a lot more done on planes myself and nothing happened," he said, calling it "a most incredible injustice."

John Boston Jr., chair of the NAACP-affiliated Task Force to Identify Innocent Prisoners, said he could understand the outrage over the parole of people like Kenneth McDuff, who is charged with the killing several women after his release from prison. "What I don't understand is the lack of outrage for people like Rickey Dale Thomas [who was wrongly convicted for a Texas robbery last year] or people like Jerry; when we can put people in prison for doing nothing, and also for speaking out with flight attendants, we've got a real problem."

Thomas, who had a criminal past, was working at a restaurant in California until about two hours before the 1989 mugging of an elderly woman in Sulphur Springs, but nonetheless he was convicted by an all-white Hopkins County jury and sentenced to life in prison. Canty is a college graduate with a clean record and a professional career. They had little in common besides their color.

The boom box case is the only one Boston's group has found where only verbal intimidation was involved. In other cases, he said, there had been physical as well as offensive verbal conduct to back up the charges. In one case a (white) Colorado woman allegedly cursed a Continental flight attendant, grabbed her arm, twisted her wrist and pushed her into a seat. She was convicted of interfering with a flight crew and assault; she was fined \$500.

A Continental spokesman said the airline simply referred the case to federal authorities. "It's not our issue. It's his issue and the United States Government's issue and what will be will be," the spokesman said.

Now the prosecution of boom-box players may cheer some, and perhaps Continental flight crews are easily intimidated, but you have to wonder what that crew would do with a charter flight of rowdy major-league ballplayers or the press plane trailing presidential candidates. Some of our best-known home-run kings, quarterbacks and correspondents might end up doing serious time in the big house.

Clinton should correct this arbitrary and capricious miscarriage of justice and free the Boom Box 3.

— J.C.

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# Bad Bills

## Public Health Debacle Bad Bill #1: H.B.59

Status: House Public Health Cmte.

Sponsor: Rep. Bob Rabuck.

Bob Rabuck, R-Conroe, is an orthodontist. As a health professional, he should know better than to introduce a mandatory HIV testing bill which will cost Texas counties millions of dollars in revenue and prove worthless for the detection of HIV-seropositive individuals.

Rep. Rabuck wants every Texas applicant for a marriage license to furnish proof of having taken an HIV test within the six months preceding the application. The state of Illinois abandoned a similar provision after it became apparent that couples were flocking out of the state to be married; of the people who applied for Illinois marriage licenses and were tested, only a fraction of 1 percent were revealed to be HIV-positive.

HIV testing in this manner can also give a false sense of security, when a prospective bride or groom receives negative (i.e., favorable) test results and proceeds to celebrate the good news in an unsafe manner. The quotidian opportunities for infection within a six-month period would seem to dictate daily HIV testing rather than a one-shot deal, but not even Rep. Rabuck proposes to go quite that far in his wrongheaded approach to the protection of public health.

## Gunstickers

### Bad Bill #2: H.B.100

Status: Public Safety Committee

Sponsors: Rep. Bill G. Carter et al.

Why not permit all Texans to carry concealed firearms, provided they complete a training course in weapons handling and dispute resolution, get themselves fingerprinted and certify that they are not insane or chemically dependent? If this bill becomes law, a cottage industry in gun safety and conflict resolution classes, or "peacemaker schools," will shortly arise all over Texas, placing new demands on the state personnel to be charged with accrediting them.

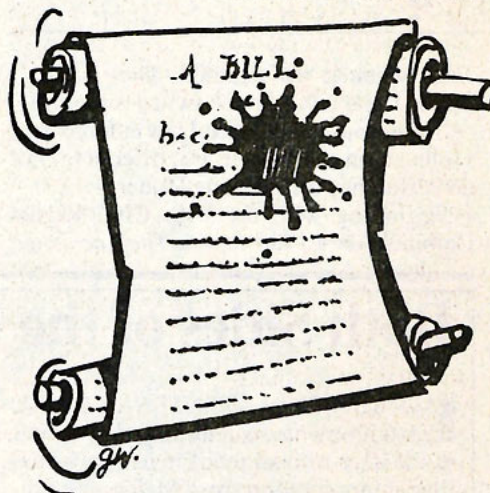
The bill as currently written specifies that citizens who obtain the license to carry hidden firearms shall put a sticker to that effect on their drivers' licenses. Here our legislators are missing an opportunity: A combined legal-gunslinger/organ-donor sticker would answer chronic medical needs across the state as Texans become even more accustomed to taking their guns to town than they are at present. The bill is in subcommittee.

## Aim High Bill Bad Bills #3 and 4: S.B.13 and S.B.108

Status: Senate Criminal Justice

Sponsor: Sen. J.E. Brown.

Buster Brown, R-Lake Jackson, has reintroduced his perennial offering to extend application of the death penalty to those convicted of killing children. (On three previous occasions, versions of this bill passed the Texas Senate, only to be —well— killed in the House.) S.B.13 would cover those who murder children under the age of six. (The last time this bill was debated, one House mem-



ber complained that he felt bad because by the time it would become law, his child would not make the cut.) S.B.108, a companion piece, would make it possible to execute killers of persons over 65. Sen. Brown chose to specify the ages of 6 and 65 to ensure that these bills would not be found unconstitutionally arbitrary in their application of the death penalty; however, as Jay Jacobson of the Texas Civil Liberties Union points out, "It's clear that [age] as a determinant will not pass constitutional scrutiny." If they are passed, these bills will prove a crowd-pleasing exercise in futility.

## Urine Driving School Bad Bill #5: H.B.295

Status: House Public Safety

Sponsor: Rep. Warren Chisum.

This misfire in the War on Drugs would require first-time driver's license applicants to furnish proof of a negative "controlled substance abuse test" dated within 30 days before the license application. (Of course, the intelligent drug fiend would retain the option of getting straight long enough to ensure a

clean urine sample and then embarking on the next campaign of consciousness-altering.) Leaving aside the fact that one semi-controlled substance, alcohol, impairs far more drivers, with far more lethal results, than all other drugs used in Texas today, this bill would raise the cost of a driver's license to each new applicant; all tests will be at the applicant's expense. Test fees would be a nifty new little windfall for private labs, and to the Department of Public Safety itself, which would have to administer the tests as well.

More outrageous is the proposed wholesale abuse of the dignity and privacy rights of every Texas driver's license applicant. Jim Harrington, of the Texas Civil Rights Project, believes that the measure is in clear conflict with the Americans with Disabilities Act, since it would violate the privacy of law-abiding citizens taking certain prescribed medications. Harrington suggests that it would be more appropriate for Texas lawmakers to submit to urine testing each day during the legislative session, "and see how they like the intrusion on their privacy."

And, finally, A (relatively) GOOD BILL (which looked bad at first glance):

## Balloons Begone H.B.892

Status: House Enviro. Regulation.

Sponsor: Rep. Todd Hunter

This bill would make the planned, organized release of lighter-than-air balloons a Class C misdemeanor. (Exceptions: balloons released for meteorological or scientific purposes and political trial balloons.) Environmentalists point out that deflated balloons have been found gagging sea turtles and other wildlife. The one complication with this bill is the fact that it would (mildly) criminalize the balloon releases which are currently in vogue at memorial services around the state. Quoth one beach aficionado who hopes that Hunter, D-Corpus Christi, hangs tough on this one: "Better to bust a funeral than choke a Kemp's Ridley."

With 2,617 bills and resolutions filed and still counting, "Bad Bills" will, alas, be a recurring feature of The Texas Observer during the legislative session. Rankings are entirely arbitrary and capricious. Readers are invited to submit their own examples of measures before the Legislature which demonstrate high levels of idiocy and/or avarice. Contact Mary O'Grady, "The Bad-Bills Girl," TO, 307 W. 7th St., Austin, Texas 78701; telephone 512-477-0746. Please, no lengthy faxes. □

# La Migra

## CONTINUED FROM COVER

each passing year. But the tale of its aftermath says a great deal about federal law enforcement secrecy — and accountability — on the border. Suspecting possible bungling

Naturalization Service (INS), blithely stonewall public attempts to report mistreatment at the hands of their personnel.

"The Patrol's not all bad," one agent commented unhappily on his employer's renegade reputation. "It's just locked up back in

*Golden Door*, U.S. agents have been charged with using bruising force when patrolling against illegal immigration and drug trafficking along the U.S.-Mexican line. Since then, the spectrum of alleged victims has broadened to include a large number of legal U.S. residents; a third of the complainants filing abuse cases with the FBI in El Paso have non-Hispanic surnames. And by last year, the brutality controversy became a national issue when three human rights organizations issued reports blistering the INS, the Customs Service and especially the Border Patrol for allegedly committing scores of beatings, illegal interrogations, deportation and a handful of shootings along the increasingly tense 2,000-mile boundary. One group, the Houston-based Immigration Law Enforcement Monitoring Project, supported its allegations with nearly 400 field interviews.

Incidents like these would spawn terrific media scrutiny if city police forces were involved. The accused officers would usually be identified within hours. And in places

## Complaints about federal law enforcement violence on the border are, of course, not new. But they are growing louder.

by the agents, the media and civil rights groups on both sides of the Rio Grande demanded more details about the shooting after Mexican newspapers ran grisly photos of the body lying handcuffed on the U.S. bank. The Border Patrol in El Paso, following a long-standing policy, wouldn't release the agents' names. A routine internal investigation was promised, but its findings too were never announced. And finally, following a time-tested pattern, the public spotlight shifted elsewhere and Arguelles quietly became the latest episode in a story of eight similar shootings (five of them fatal) involving El Paso immigration officers over the previous five years. The agency also was implicated in a drowning, sporadic beatings, illegal deportations and even a case of arson.

I waited behind police and Border Patrol blockades the chilly night Arguelles miscalculated his odds. The "no comments" were ritual. Nevertheless, over the next six months, trying to crack the Border Patrol's wall of secrecy for the *El Paso Times*, I began to badger the agents who manned those barricades. And for the first time ever, after weeks of false starts, they began to talk back.

Meeting at bowling alleys, bars and in their homes, they revealed that the Border Patrol's aloof silence hid a poor track record on investigating and prosecuting allegedly abusive officers. Other agents admitted bluntly that catching Mexicans had devolved into a dehumanizing quota game. And, following up on accusations that the border agencies were unresponsive to abuse victims' complaints, a tape recording experiment later showed that both the Border patrol and its parent agency, the Immigration and

1924 when it was created. They haven't learned you can't be a cowboy anymore."

Complaints about federal law enforcement violence on the border are, of course, not new. But they are growing louder.

Beginning with the U.S. Civil Rights Commission's 1980 report, *The Tarnished*

## Both Sides of the Fence

IMMIGRATION AGENTS SAY the U.S. government has secretly played both sides of the international fence in its zeal to foil illegal immigration from Mexico. South-of-the-border spying operations — undertaken both with and without the knowledge of Mexican authorities — were ordered by the Border Patrol and Immigration and Naturalization Service in El Paso in the early to mid-1980s, current and former agents say. If true, the claims are politically explosive: Still furious over the ham-handed kidnapping of one of its citizens by U.S. drug agents in 1990, Mexico has condemned all covert activity in its territory as a violation of its national sovereignty.

"There's pretty much always been (covert) operations in Mexico — there were Juarez hotels where we know people from the interior would gather and we'd keep an eye on them," says Lawrence Augustine, an El Paso private investigator who worked as a Mexico liaison officer with the INS between 1983 and 1986. "The furthest south I've gone is Chihuahua. I went in a government car, with a government radio, and an official passport. The Mexicans knew who I was."

Not so, respond Mexican officials. "It would surprise me if it were happening," says Jose Paniagua, the regional director of

Mexico's immigration service in Juarez. Paniagua's denial is echoed by his INS counterpart in El Paso, Al Giugni, who insists extra-territorial operations are "absolutely" prohibited by agency policy. But an active-duty agent with the Border Patrol, the INS's enforcement branch, says he was sent over the border into Juarez as early as 1981 to eavesdrop on alleged Mexican law enforcement corruption — especially police involvement in immigrant smuggling rings. He cut short his assignment, he recalls, after suspicious Mexican authorities threatened to blow his cover.

"I was told to investigate anything involved with smuggling and immigrant violations," says Arcadio J. Neira, an active-duty patrolman whose claims were backed up by a retired Border Patrol intelligence officer who requested anonymity. "My supervisor said the operation was authorized by the attorney general's office in D.C.," Neira says. Spokesmen for the attorney general in Washington declined to comment on the allegations. Meanwhile, the El Paso Border Patrol maintains that skullduggery across the Rio Grande is ancient history. "We're not doing that right now," declares Chief Dale Musegades. "I won't say we haven't done it in the past."

— P.S.

Former El Paso Times reporter Paul Salopek now lives in Washington, D.C.

such as Dallas, "rap sheets" on the lawmen's abuse records would be open to public perusal. So the INS's tight-lipped policies have only compounded its rogue reputation in places like El Paso, a mostly-Hispanic desert city of half a million where nearly 1,000 U.S. immigration agents actually outnumbered local law enforcement personnel. "The Border Patrol is as visible in El Paso as the police," observed Jose Moreno, director of the local Catholic diocese's migrant and refugee services center. "I think that presence impacts the psyche of this community — all the more reason to make them accountable."

"Hogwash," the feds say. "I hear this cover-up allegation all the time and it makes me want to gag," counters Dale Musegades, El Paso's sunburnt, mustachioed Border Patrol chief, a man whose good-ol'-boy persona grows pained under questioning. "We live in a fishbowl. My job's on the line and so is everybody else's here. We're accused of not taking disciplinary action against abuses but we do — we just don't advertise it."

As it turns out, with good reason.

Interviews with almost a dozen Border Patrol agents and information in records obtained from the Justice Department revealed that federal investigators failed to even find the agents implicated in three of the eight most widely-publicized Border Patrol shootings and beatings in El Paso since 1987. Meanwhile, an agent convicted of a felony assault against local citizens continued to be employed by the patrol for over a year. No records of investigations into a notorious 1989 beating and illegal deportation case were on file, even though such a probe was required by law. And the results of other internal disciplinary investigations — one of them two years old — had never been released.

Inside evidence also connected some names to El Paso's more notorious abuse controversies:

- Mario Bellamy, an agent accused in the June 1992 beating a Juarez woman while she was carrying a toddler, had previously been involved in two other violent incidents and was still kept on the force. First, Bellamy was dismissed and reinstated after drawing a pistol in a bloody fistfight with a fellow agent in 1988. Later, in a 1990 affidavit filed with local Mexican Consulate, it was alleged that he had pummeled and threatened to shoot undocumented Juarez limeseller and evangelist pastor Jose Luis Melendez on the banks of the Rio Grande. Bellamy, whose identity had to be culled from municipal police reports, remained on active duty while the FBI investigated — and cleared — him in a June incident of alleged abuse involving a Juarez housewife.

- Two other Border Patrol agents arrested in an off-duty brawl at the University of Texas at El Paso in 1990 weren't dismissed — even after one of them, Donald Toovey, was convicted of two felonies for blasting away with

his service revolver at a parked truck. Toovey continued working for a patrol maintenance crew for more than a year before finally being fired. "Maybe for them, that's within their disciplinary boundaries," observes El Paso Police spokesman Bill Pfiel. "But in the P.D., even a felony indictment has been cause for immediate dismissal."

- Probably most troubling of all, two agents found negligent in the 1987 drowning of undocumented Mexican Armando Valenzuela faced no discipline whatsoever. A federal court ordered the U.S. government to pay Valenzuela's family \$210,000 in damages, after agents Glynis O. Major and Ramon Vargas Jr. tipped the raft Valenzuela was riding across the Rio Grande. Valenzuela couldn't swim. Major was later promoted to an administrative post in New Orleans and Vargas still patrols in El Paso, sources inside the agency say.

"The problem is, there's a huge difference in how discipline is doled out for the same offense," explains a seven-year veteran of the Border Patrol who requested anonymity. "In about 70 percent of the offense categories, the punishments can range from verbal reprimand to dismissal. And there's certainly cronyism in how it's handled."

There were other revelations. A review of hundreds of pages of federal court records

Grande back in 1987 and sent him packing across the river — after first throwing his reels and lines into the muddy water. Incensed, 17-year-old Romo hurled curses from the Mexican side of the river. One agent unholstered his handgun and responded, splitting Romo's left femur with a bullet. Four years later, the government quietly wrote Romo a check for \$15,000, in exchange for dropping his civil suit. "Nobody has ever told me if anything is still being investigated, or even if they had a suspect," Romo said philosophically.

Interviewed recently at his tidy cinderblock home in a dusty Juarez colonia, Romo, now a baby-faced burrito vendor, rolled up a pantleg to display his fifteen-thousand-dollar scar. While a television blared Mexican variety shows into his cement-floored living room, his voice trailed off and with a shrug he seemed to say: that's the way the chips always fall on the border. La Migra — as the federal agency is known along the border — has lived up to expectations set, say, by Juarez's own casually brutal police.

**F** SECRETACY-OBSESSED immigration officials have been circling their green Chevy Suburbans against an embarrassing onslaught of public criticism, they apparently just take their cues from Washington.

## INS Civil Rights Abuse Cases Referred to the Justice Department's Civil Rights Division

Fiscal Year	Referrals	Investigations	To Grand Jury
1989	178	54	4
1990	213	61	2
1991	280	84	2

Source: U.S. Department of Justice

also showed how the agency managed to keep a low profile even when civil rights lawyers slapped it with potentially scandalous lawsuits.

Of the three known suits filed against the Border Patrol in El Paso over the past six years, only one — the dead rafter's — ever advanced far enough to arrive before a judge. The government's preferred arrangement with its usually impoverished plaintiffs, it seemed, was to settle out of court, out of the media spotlight and out of pocket.

Pedro Garcia, a legal U.S. resident and high-school student who claims he was handcuffed, held in a detention cell and illegally deported from downtown El Paso in 1989, got \$5,000 in exchange for a legal agreement absolving the government of any wrongdoing.

Juarez teenager Octavio Romo Chavez made out slightly better.

In U.S. court records, Romo testified that two Border Patrol agents caught him fishing illegally on the El Paso bank of the Rio

This became clear soon after the *Times* faxed the U.S. Department of Justice — the parent agency of the INS and Border Patrol — a list of 22 well-documented abuse complaints lodged against El Paso agents since 1987. The status of Justice's internal investigations into the list of cases, which ranged from sexual harassment to shootings, were a mystery. As the employer, chief investigator and judge of the agents involved, the department would have the answers on file.

"This will take some time to track down," warned Amy Casner, a media spokeswoman at Justice who grudgingly fielded the request in March of 1992. As it turns out, Casner wasn't kidding. Nine weeks and seven unanswered phone calls later, she matter-of-factly reported back that no records of 14 of the cases existed. Where investigations into the remaining incidents did exist, the guilt or innocence of the agents involved, much less their names, couldn't be divulged. Months of frustrating phone calls followed — long distance exercises in pointlessness. Did Justice have an



VICTOR CALZADA/EL PASO TIMES

### Octavio Romo Chaves shows off his \$15,000 scar from a Border Patrol bullet

outreach program to address public complaints? How were problem agents tracked through the disciplinary process? And could alleged victims appeal the department's findings — assuming those findings were ever made public? Dozens of calls and 29 pages of letters later the *Times* even resorted to asking then-Senator Lloyd Bentsen, D-Texas, for help. The nation's policeman, the agency that spawned the square-jawed G-men and that nobly battled racism at Selma, couldn't be budged when it came to accounting for abuse by its own people. "I want you to know we're not trying to stonewall or anything," Casner insisted — in a rare returned call in July. Less than two weeks later, however, she announced that she couldn't handle any more human rights queries; that responsibility wasn't in her portfolio.

What civil rights experts on the border have alleged for years is that nobody ever really handles the border agencies' human rights portfolio. Tales of federal indifference or even hostility to public complaints have long plagued the organizations accused of misconduct.

"There's no doubt about it, the complaint process is still very, very bureaucratic and confusing," complained John F. Dulles III of

the U.S. Civil Rights Commission. Dulles noted how all serious abuse complaints were bumped by the INS to the Justice Department's Office of Inspector General — sort of a Grand Central Station of federal misconduct claims already overwhelmed by thousands of cases ranging from theft of office stationary to misuse of government vehicles. Meanwhile, back on the border, the local Border Patrol office and its boss, the INS, disavowed responsibility for each others' brutish behavior, engaging in a bit of finger-pointing that further mocked their already questionable claims of openness.

"It was amazingly bureaucratic. It was like dealing with Guatemala, not the U.S.," recalled Fernando Dubove, an El Paso Catholic Diocese attorney who shepherded an abuse complaint first through the Border Patrol, then the INS, then the Justice Department.

His case, a complaint by Juarez housewife Olivia Quintanilla de Otero, offers a depressingly typical tale of government callousness. Stopped by unidentified Border Patrolmen at the El Paso airport in 1991, Quintanilla and her family allege they were ridiculed and called "pigs" and "pieces of shit" by the arresting agents. An affidavit filed

with the Mexican Consulate adds that her two teenagers wept when the lawmen taunted Quintanilla with sexually suggestive remarks. And when both the consulate and the diocese demanded an investigation, the INS responded — five months later. The anonymous agents didn't act unprofessionally, read the three-paragraph reply. Quintanilla, meanwhile, was never contacted for her side of the story.

"We are not inaccessible to complainants," bristled Al Guigni, El Paso's INS chief, when confronted with horror stories like these. "We act on every report that comes across my desk." Speaking for his agency, Chief Musegades repeated a superannuated Border Patrol chestnut: a record of only one complaint in every 17,000 arrests makes his troops the envy of the law enforcement world. "If people have complaints," Musegades declared, "we're waiting for them."

So the *Times* accepted that offer.

Between May and August of last year, Chicana university students, staff reporters and Juarez dentists trooped into the newspaper's bathrooms to be wired for sound and sent off to test what had long been claimed unprovable: whether the U.S. government brushes off civil rights complaints.

Stuffing microcassette recorders down their



ALAN POGUE

### Rafters illegally crossing the Rio Grande toward El Paso

pantyhose or taping them to their paunches, the *Times*' volunteers set out to capture responses at Border Patrol headquarters, INS checkpoints and Customs bridge crossings. The complaints were always legitimate. The questions were polite and neutral. And the results were tragicomic.

In half of the dozen encounters, the federal organizations didn't enforce their own complaint regulations.

- Irregularities marred fully half of the eight taped conversation with the INS. The agency's behavior ranged from bafflement at proper complaint procedures to outright bullying ("OK *jefe*," one white-shirted agent sneered, "I think we got a problem here. He wants to make a BIG complaint. Against YOU! You that's got a white shirt!") and deft brush-offs (one INS bridge inspector icily instructed a volunteer to take his complaints to the Mexican Consulate).

- Three taped conversations with the Border Patrol recorded bureaucratic confusion and dissembling. On two occasions, Border Patrol supervisors simply took down information on blank sheets of paper and advised the volunteers they would be contacted. One volunteer — a legal resident who later sued the agency for allegedly manhandling him dur-

ing an arrest — never heard from the agency again.

- Customs was taped only once. The inspector was solicitous, but Customs' much-touted

bilingual flyers outlining the complaints process weren't visible at any border checkpoint.

Two voices stood out on the hours of tapes.

## A Border Patrol Glossary

**A**CTIVE DUTY AND retired agents say the slang terms listed below are commonly used by Border Patrol personnel.

- **Wet:** Short for "wetback," an undocumented Mexican immigrant. Other derogatory terms for immigrants include "tonk" the sound an officer's baton reportedly makes when it strikes the head of an illegal immigrant; "Messkin;" and "Mojado, the Spanish term for "wet." Ethnic slurs are officially banned by the agency.

- **Southbunder:** An undocumented immigrant spotted returning to Mexico and usually ignored by U.S. immigration authorities. But some Border Patrol agents say they, too, are rounded up whenever apprehension figures need to be inflated.

- **Neck:** Short for "redneck" agents who exhibit anti-Mexican prejudices. A "neck-

supervisor tells racist jokes, or is associated with blocking promotion of Hispanic agents.

- **Texas Ring:** An Anglo old-boy network of supervisors inside the Border Patrol accused by Hispanic agents of racism and cronyism in handing out promotions. The ring allegedly had its own insignia — a rattlesnake in front of a Texas flag its heyday in the 1970s and 1980s, before Hispanic agents began to be hired en-masse. Also known as the "Texas Mafia."

- **Scab shift:** Agents who volunteer for extra duty between regular shifts, allegedly in order to fulfill arrest quotas and pack detention centers with illegal immigrants. The Border Patrol says the shifts are an efficient use of manpower.

— P.S.

One belonged to Rachel Martel, a 36-year-old El Paso hospital secretary who was attempting to report how a plainclothes Border Patrol agent at the airport allegedly singled her and her 14-year-old daughter out for harassment because they were dark-skinned. Echoing in a Border Patrol office, her singsong Tex-Mex cadences quaked with outrage as a patrol supervisor suggested the abusive agent was an impostor — a thug posing as a federal officer. “If an educated citizen can’t get any answers when they’re abused,” Martel said bitterly after the taping, “what about all those illegal aliens they deal with?” She, too, received a written denial from the INS — three months, six futile telephone calls and four unanswered letters after the incident.

The other voice was outdoors, backed up by idling cars and car horns. The script is slapstick.

“Where can I report a case of abuse?” Juarez dentist Adolfo Lopez asked an Anglo immigration inspector at the Paso Del Norte international bridge in June. (Lopez wanted to file charges against an INS agent he alleges detained and humiliated his family with racist slurs during a routine inspection).

“A case of what?” the inspector snapped.

“Of abuse. Harassment.”

“I don’t know.”

“You don’t know?” marveled Lopez. “You see, I’ve recently been verbally abused, and I want to know how to report it.”

“I don’t know,” the inspector replied. “A case of what?”

“A case of abuse. Of verbal assault. I’ve been verbally abused.”

“Ah — I don’t know. Correct. An officer from there. I don’t know. I don’t know.”

“I can’t report it?” Lopez persisted.

“In Juarez?”

“No, here with you” — Lopez pointed at the inspector’s shirt — “with the shirts.”

“The officer,” the INS man finally huffed, impatiently gesturing with his arm, “— with the officer.” And he directed Lopez to a fruit inspector with the U.S. Department of

Agriculture.

**T**HE PASSKEY TO THE INS’s skeleton closet turned out to be something of a surprise — a telling fragment of the larger puzzle of border abuse. Morale in the immigration service, especially among the Hispanic agents who make up half of the

agents of all races also complained about the Border Patrol’s intense top-to-bottom pressures to nab more “undocumented” — essentially vindicating years of allegations by rights activists that the game of cat-and-mouse on the border had essentially become a massive quota exercise. “Numbers make the world go ’round,” remarked Steven Franz, an ex-

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## El Paso remains in the news as a dog-eared Dodge City on the Rio Grande.

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INS payroll, seemed blighted. Almost with a sense of catharsis, erstwhile lifers would agree to meet at a local Denny’s during an off hour, order an iced tea, and talk with the handdog weariness of spurned men. Disgruntled agents simmered mostly over allegations of racism in the ranks and cronyism by an Anglo old-boy network called the “Texas Mafia.” Promotions of minorities were stymied, they said. Several Border Patrol officers already had filed discrimination suits. And in an internal Equal Employment Opportunity survey leaked by Border Patrol sources, job statistics seemed to back those charges up. In the INS’s Southern Region, which includes 13 states reaching from Florida to New Mexico, Hispanics were clustered disproportionately at the lowest-paid positions.

In El Paso, low-skilled Border Patrol jobs were occupied by almost twice as many Hispanics as Anglos, while Anglos outnumbered Hispanics more than two to one in top posts. That same imbalance was evident at the El Paso INS office, which mainly employs bridge inspectors. “That kind of trend leads to the perception within the service of a glass ceiling for minority promotions,” agreed Bob Martinez, the INS’s highest-ranking Hispanic administrator in Washington. “Unfortunately, that perception has a way of becoming reality.” In a remarkable venting of bitterness,

agent who served in El Paso from 1979 to 1985 and is now an investigator with the Texas Education Agency. “More arrests mean more press coverage. More press coverage means more money from Congress.”

Case in point: An internal protest obtained by the *Times* alleges that a supervisor named Ben Chaves lined up his troops last August and coolly informed them that if arrest numbers didn’t start to increase their job performance evaluations would suffer. The agency would not allow Chaves to comment.

“We were told that appraisals were coming up and we needed to produce,” said Arcadio J. Neira, one of 13 agents who signed the protest and who is taking the agency to court in an unrelated race discrimination suit. “It’s as if we’re a company producing shoes or pants, not dealing with people.”

The irony, of course, is that the very bureaucracies so criticized for their arrogant and brutal treatment of so many on the border should subject their own people to abuse. Whether the internal disaffection will reach critical mass is doubtful, although the Border Patrol union president in San Diego has allowed that some loose talk of a Hispanic class action suit is making the rounds there.

In the meantime, the clumsy cudgel of the INS continues to assure that El Paso remains in the news as a dog-eared variety of Dodge City on the Rio Grande. The latest flap? A federal judge ruled last December that the U.S. Border Patrol couldn’t trespass any longer on Bowie High School, an overwhelmingly Hispanic campus where government vans had torn across parade fields and gun-toting agents had bullied teenaged students for IDs. That humiliation in court has actually resulted in some encouraging concessions: The El Paso Border Patrol office has become the first in the nation to create its own public affairs board to handle complaints and concerns. Perhaps this is part of a slow thaw, of a new era of glasnost.

Then again, after six months of asking, I still don’t know who pulled the trigger on Enrique Arguelles Palos. □

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# Assuming Risk

BY MOLLY IVINS

**A** PERSON WHO HAS been around the Lege for a while should have better sense than to get caught in the middle of a trial-lawyer fight, but what-the-hey, what's life without risk?

That stinker of a products liability bill called SB 4 went through the House on a bullet train recently, with most amendments slammed down by votes that ran about 93-46. The thanks of all those suffering from illnesses caused by pollution, those injured and maimed by unsafe products, those poisoned by pesticides and paralyzed in preventable accidents go to the 40-some-odd representatives on the losing side of this one.

I realize that a certain strain of populist rhetoric is unfashionable — no one truly chic would be caught dead talking like this — but if you think there is any check on the greed for profits of most big corporations other than the fear of getting the liver and lights sued out of themselves by some shark trial lawyer, then you're a bigger damn fool than I ever took you for. Oh, to be sure, in our genteel times, the public relations departments of big corporations spend much money convincing the citizenry that Greed Amalgamated is "a good corporate citizen" — gives to local charities, sponsors Little League teams, runs "eco-porn" ads on television (note Dow Chemical's wonderful nature ads during the Sunday morning chat shows). Breathes there a modern CEO who does not know to tap-dance gracefully to the "social responsibility" rag? Of course not.

But when your basic push comes to your basic profit, notice that it takes the fear of something like a \$100 million settlement to make your basic GM see the wisdom of moving their gas tanks inside the frames of their trucks. (And now a hearty round of boos for the NBC "news" program, which faked a GM truck accident and thus conveniently allowed GM to pose as the injured victim in the case.)

In the new standard of Texas law just approved by our only Lege, GM could be held liable for a death caused by one of its trucks only if an "economically feasible" alternative design existed. Define "economically feasible." Well, said the bill's sponsor, if an improved safety restraint system that adds \$15 to the price of a car exists, then it's eco-

nomically feasible. But if a safety improvement that adds \$20,000 to the price of a \$10,000 car exists, then it's not economically feasible. Thank you.

Whale of a difference between \$15 and \$20,000, isn't there? Do you know how long it took Ralph Nader to convince automobile manufacturers to install air bags? Do you know how many lives they've saved? Two hundred dollars a car! wailed the manufacturers. And they brag about their air bags. Ask anyone who's been in an auto accident lately if they're not ready to plunk down the additional \$200.

Lite Guv Bob Bullock sent a zinger of a letter challenging my thesis that we would have been better off legislating this bill out in the open, instead of having a "done deal" negotiated by a few trial lawyer honchos. I will always yield to Bullock's superior knowledge in reading the political terrain of the Lege; if he says a better deal couldn't have been cut, a better deal couldn't have been cut. But I ain't in the deal-cutting bidness. I'm in the standing-up-for-folks-who-are-always-getting-screwed bidness. The corporations have their lobby teams and their PACs and their slide presentations and their golf tournaments and their special one-on-one hired string-pullers who can sway a single vote ... let someone else play the soul of sweet reason and compromise — I'm just gonna stand out here and scream for what's right.

On the matter of assumed risk, Bullock and I, smokers both, are agreed. We know full well this weed is killing us. We hold no one else liable for our stupidity. But when I stared smoking at the age of 12 (in hopes of stunting my growth — take my word for it, cigarettes aren't even good for that), had I ever even heard the word emphysema? The problem is not old smokers like Bullock and me; it's the kids who are 12 now and are the targets of multimillion-dollar ad campaigns by the tobacco companies.

If you want to legislate against tobacco, then legislate against tobacco, said the bill's sponsor, but don't tamper with the doctrine of assumed risk. Sounds good, but look at the record. Did the makers of the Dalkon shield stop making their product when they knew it was killing women? No, they had to get sued first. Same pattern in case after case after case.

I wouldn't say trial lawyers are exactly heroes in our society — they have their own profit motive — but if you've ever watched a trial lawyer take on a corporation and all its lawyers and hired experts and the corpora-

tion's insurance company and all its lawyers and its hired experts, then you know the scales of justice are indeed out of whack. And they ain't weighted in our direction.

## Deficit Redux

And now the ball is in Congress' court. The people seem ready to swallow this pill. We may not be happy campers, but by and large we seem ready to pay more and accept less — with a big IF.

If this plan works, if it really does cut the deficit, OK. But if it doesn't work, if Washington can't get it together this time, then I think our level of cynicism will become so corrosive that the country will be in real danger, the people ready to look to any demagogue with a quick fix.

The biggest danger is that Congress will start pulling this package to pieces just to prove its own clout; we've already seen several Democratic senators and committee chairs making noises like old bulls. If they have already forgotten the level of disgust for their gridlock and games displayed by voters last year, they'll get reminded quite harshly next year.

If Congress wants to get into this package and put its own stamp on it, let it join the cutting — some nice symbolic gesture, like cutting their own staffs 25 percent, followed by a pork-barrel hunt. Be interesting to see if Congress can root out at least one of the projects Clinton is reluctant to touch for political reasons, say the manned space station.

Seems to me Clinton has already pulled off one major political coup: He floated the notion of an across-the-board hold on the cost of living adjustment in Social Security. There was predictable outrage and much merriment by insiders about Clinton being fool enough to touch the sacred "third rail" of American politics. Then Clinton pulled down his trial balloon and promptly sent up a smaller one. OK, what about a higher tax on Social Security recipients? And that sounded so much more reasonable than the first idea that everyone more or less said, "That's not so bad." So already he's done what everybody said couldn't be done: Touched Social Security, the ultimate entitlement. With this one on the table, the other entitlements are easier.

If the Republicans are really keen on seeing to it that every new tax dollar is multiplied by spending cuts, fine. Let them have it. A country with four air forces can use some of that spirit. □

Molly Ivins, a former Observer editor, is a columnist for the Fort Worth Star-Telegram.

# Iran-Contra Comes to A&M

BY PETER CASSIDY

*Boston, Mass.*

**T**HE IRAN-CONTRA scandal, which cast a shadow on the administrations of Ronald Reagan and George Bush, has now reached all the way to Texas A&M University in College Station.

National Archivist Don Wilson in February accepted an appointment as executive director of the George Bush Presidential Center, which will support the presidential library at Texas A&M, after he signed an extraordinary agreement giving Bush control of White House computer back-up tapes. The tapes already have helped implicate Iran-Contra principals Admiral John Poindexter and National Security Council cowboy Oliver North; these same tapes could bring the spotlight of complicity closer to Bush and Reagan.

Now the Justice Department is considering a criminal investigation to determine whether Wilson's decision to give Bush control over the tapes was influenced by the fact that he had been negotiating the foundation position.

The agreement Wilson signed may or may not have been legal and/or represent a conflict of interest, but at least it will assure Bush that a protracted court engagement over the Iran-Contra tapes will intervene before they see the light of day. And that's the point.

**H**is last months in office, George Bush was all about hosing down the locker room for the Gipper after a dirty, grudging game. Bush pardoned principals of the Iran-Contra affair in December while Congress was out of town, squelching investigations that were beginning to return evidence that Bush, and possibly Ronald Reagan, were complicit in running guns to the Ayatollah.

There was, however, the matter of miles of computer back-up tapes lying around the White House offices of the National Security Council: electronic smoking guns, waiting to be scrutinized.

Bush's first order of business after his election in 1989 had been to erase those tapes, but his hands were tied by a lawsuit filed by a pesky gang of archivists and historical groups. Bush marshalled all the resources of his Justice Department to defend his dubiously claimed right to destroy whatever federal records annoyed him. Sending armies of government lawyers to court briefings, however, didn't

do Bush any more good than it did Richard Nixon, who in 1974, after a dispute that went to the U.S. Supreme Court, was placed at the scene of potential high crimes and misdemeanors by his own Oval Office voice recordings.

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## **National Archivist Don Wilson, who agreed to give George Bush control over White House computer tapes, will head the Bush Center at Texas A&M**

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On January 6, U.S. District Judge Charles Richey issued a damning decision against the White House, unable to contain his amusement at the government's arguments that most all the records on the tapes were orders for take-out food and messages from spouses and kids. Richey ordered Wilson to preserve those tapes and begin processing requests for the information on the tapes from archival groups represented in the suit.

Wilson, Judge Richey also found, had failed in his duties to preserve federal records by allowing the White House to use a policy manual for records disposal that fell short of the requirements of federal records law; the judge's ruling could be read as a critique of Wilson's service since he was appointed by Reagan in 1987. Richey's language repeated many of the charges of historians and archival groups who criticized the national archivist for allowing agencies to decide what records would be destroyed rather than exercise his authority to compel them to preserve records.

Mere days after Richey's order, a subpoena was served on the White House by Independent Counsel Joseph diGenova, ordering the surrender of White House computer records for his investigation of whether the State Department was commandeered by the Bush campaign to retrieve candidate

Bill Clinton's passport records.

The Bush White House at that point was cornered by a court order and a subpoena ordering the preservation of material that could twist Bush and Reagan's public profile as surely as Nixon's tapes darkened the history of that presidency.

The White House counsel met with National Archives and Records Administration lawyers and cobbled together an agreement giving Bush extraordinary control of the tapes. Deputy National Archivist Ray Mostly, testifying before Congress recently, said the NARA attorneys and the White House attorneys hammered out the language. Wilson was only kept apprised of the agreement's progress, Mostly said.

Wilson signed it late in the evening on January 19, the day before Clinton was inaugurated, giving Bush, "exclusive legal control of all presidential information, and all derivative information in whatever form contained" on the computer back-up tapes.

The term "presidential information" is a curiosity, a much more encompassing term "presidential record" used in federal records law. Apparently it was employed to extend Bush's claim to White House materials and to complicate any litigation following the agreement.

The agreement, signed by Bush just hours before Clinton entered office, apparently defied Judge Richey's orders in some ways and, in others, seemed to fly in the face of the Presidential Records Act, a law passed by Congress in 1974 after Nixon tried to grab control of his Oval Office records after his resignation.

Challenged in court, the January 20 agreement will take a long time to untangle, perhaps as long as the 18 years that Nixon has kept much of the White House records from his years in limbo through the courts. Bush, who was Republican National Chairman in 1974 when Nixon started his grab for White House records, might be taking a cue from the master of obfuscation and victory-by-attrition in using this tactic.

For Wilson, the order may have compromised his position as national archivist and as the future executive director of the Presidential Center at Texas A&M. By signing the agreement Wilson opened himself up to conflict of interest charges — since he had been negotiating for the Texas A&M job with Bush's son, George W., since November 1992, months before the government attorneys pushed the

*Peter Cassidy is a Boston freelance writer.*

agreement in front of him.

Democratic senators John Glenn of Ohio, David Pryor of Arkansas and Joseph Lieberman of Connecticut have a hard time believing that the plum position was not a payoff for Wilson's cooperation in helping Bush covert the Iran-Contra tapes. The senators sent a joint letter on February 17 to the Office of Government Ethics and acting Attorney General Stuart Gerson, charging that it is possible that Dr. Wilson, in his handling of the agreement with Bush while negotiating a job with his presidential center may have entered into a conflict of interest.

The Justice Department indirectly confirmed that it is considering opening an investigation the week of February 21 in papers it filed with regard to the archivists' law suit. Wilson was supposed to give deposition about his progress in complying with Judge Richey's order but he did not appear. Justice attorneys informed the court they would not be able to represent Wilson at the deposition since the department was considering opening a criminal investigation on Dr. Wilson.

Wilson claimed in a prepared statement that NARA attorneys involved in the agreement did not see "any conflict of interest between the signing of the agreements and any potential employment or future negotiations with Texas A&M." Wilson in this same February 17 statement claims that he has requested the Justice Department and the Office of Governmental Ethics to investigate the allegations. The investigations could result in felony charges.

**B**ush's Iran-Contra tapes gambit has tainted Wilson's ascension to his new post at Texas A&M, no doubt, but the loss of the tapes also leaves the Clinton's National Security Council without the benefit of years of computer records that could inform the new staff of past policies and activities of the Bush and Reagan NSCs.

Clinton seemed conciliatory to the Bush Administration and even friendly toward Bush but it will be an indicator of the mettle of Clinton's presidency if he allows Bush to dictate what *his* security council may be allowed to know about past NSC's staff operations.

An executive order from Clinton could regain the tapes for the benefit of his NSC, expose the details of executive power run amok, end court squabbling over access to the information on the tapes and provide history with the raw material required to honestly inform it. That would be a mark of leadership that would send a message that Clinton's presidency does have an interest in the truth being known and will use the power of his presidency to defend it rather than covert it. □

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# Clinton's New Politics

BY JAMES RIDGEWAY

Washington, D.C.

**F**OR THE FIRST TIME since he entered the national political arena during the New Hampshire primary more than a year ago, Bill Clinton has set forth in concrete terms what he proposes to do with the government. The result, in his State of the Union speech, was a daring, even populist reassertion of the idea of activist government that also laid a foundation for what the United States can look like in the next century. It is one of the most important political statements of our time, breaking ground in much the same way as Franklin Roosevelt's New Deal message did — or as Woodrow Wilson's call for national self-determination and "open covenants openly arrived at."

In tone and style of course, Clinton's first State of the Union was completely different from the speeches of either of those two presidents. The setting, before a joint session of Congress, was auspicious, the new President opening a new century before an audience of the last. Almost allegorically, the cameras panned across the fat, florid countenances of senators and representatives from rotten boroughs who have sat on Capitol Hill for 20 years — the dim bulbs who watched as the country went to hell. The content of the speech was modest, the details in and of themselves relatively inconsequential — the economic stimulus small and new taxes modest. But quibbling over the details of the programs — as the press has done — misses the point.

The real political content was in the President's friendly but firm conversation with the members of Congress. Clinton told these people in the most affable way possible to give it up.

"Our nation needs a new direction," he declared at the outset. "Tonight I present to you a comprehensive plan to set our nation on that new course. I believe we will find our new direction in the basic old values that brought us here over the last two centuries — a commitment to opportunity, to individual responsibility, to community, to work, to family and to the faith. We must now break the habits of both political parties and say there can be no more something for nothing and admit frankly that we are all in this together." And a few moments later he went on, "I did not seek this office to place blame.

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James Ridgeway is staff writer for the Village Voice. Additional reporting by Jimmie Briggs Jr.

I come here tonight to accept responsibility and I want you to accept responsibility with me. And if we do right by this country, I do not care who gets the credit for it."

Again and again Clinton reminded these deadheads that their time is gone. He told them why he used the figures from the Congressional Budget Office: "Because there were differences over the revenue estimates, you and I know that both parties were given greater elbow room for irresponsibility. This is tightening the rein on the Democrats as well as the Republicans. Let's at least argue about the same set of numbers so the American people will think we're keeping straight with them." And he suggested that should they change their ways and move along future historians might treat them kindly.

Until now, his real program has been enveloped in a fog of post-election contradictions that reinforced the campaign view that Clinton was, as his hometown paper had dubbed him, "Slick Willie," saying one thing but often doing another. During the campaign, his plan for the economy never was a plan at all; the guidebook for the new administration, the Progressive Police Institute's *Mandate for Change*, was more of the same, a maundering trial of non-ideas and political poses no more sure of their ultimate policy meaning than cyber-punk. The economic summit in Little Rock, while it made good TV, was embarrassing drivel. The inaugural speech was unremarkable. The President's penchant for personal growth — Renaissance get-togethers, having the first Cabinet meeting orchestrated by a professional "facilitator," telling a President to tell a revealing anecdote about how when he was a fat little boy people used to make fun of him — all reinforce the idea that Bill Clinton has a post-modern process, not a program. But in one week all that was blown away in an instant. Forget the pundits. In his speech, delivered in a conversational tone, Clinton set out new directions for government in social policy, ethics, the reform of America's industrial base, and the reorganization of society through education. It is his chart for the future, not the diddling with the tax code, that is the reason to embrace this vision.

**C**linton's program, which is backed up by a thick book of facts and figures — a sort of minibudget put together within a month of taking office — is, at one level, virtually inconsequential. In terms of dollars, the stimulus program is tiny — \$30

billion in a \$5 trillion economy.

Health care, the giant elephant in the room that everybody is afraid to talk about, is put off until this spring. But while the new administration studies health care, it is moving immediately toward price controls on Medicare, and Clinton has already directly confronted the drug companies over their prices for vaccines. Any kind of decent health care system would entail a complete rebuilding of the country's dilapidated public health system, which is symbolized by the reemergence of TB as a virulent disease of the masses.

But tucked away into the heart of the program are the microchips that will drive the new government. Their truly revolutionary impact will be seen not so much in huge new budgets for new social services as in the revitalizing of old programs and the provision of a new sense of purposefulness for government projects everywhere. Nothing illustrates this better than Clinton's plans for prenatal and childhood health care.

During the late 1960s, a growing body of evidence suggested that women who had bad diets during pregnancy had a higher risk of miscarriages and other health problems than well-fed mothers. Infants without adequate nutrition during their mother's pregnancy were found to suffer from lower birth weights, stunted growth, and smaller head circumferences — all indicators of future health problems. In 1968 the Johnson Administration set up a special program to provide additional foods to pregnant and nursing women and their young children. The U.S. Department of Agriculture supplied free food to children under 6 and mothers eligible for the program. This program grew and in 1972 Congress authorized the Special Supplemental Food Program for Women, Infants, and Children (WIC), first on an experimental basis and later as a permanent program. The WIC program is an example of what government can do with very little money to improve the lives of people. It has demonstrably helped to reduce fetal deaths and lowered overall infant mortality rates. It has reduced low birth-weight rates and increased the duration of pregnancies, and it has helped improve the growth rates of at-risk infants and children. Youngsters on WIC are more apt to have medical care and get immunized than are poor children outside the program. They have better diets and are better prepared to start school.

Not only is WIC cheap, but it's the sort of public health program that dramatically

reduces the need for health care later in life. In 1992 a General Accounting Office report estimated that providing WIC services to pregnant women who delivered their babies in 1990 cost the federal government \$296 million, but could save more than \$1 billion in federal, state, and local funds annually over the next 18 years. Another study found that for every \$1 spent on pregnant women in WIC, the associated savings in Medicaid costs for both mother and newborn ranged upward to more than \$4.

But WIC — inexpensive, demonstrably successful — became just another political football, a symbol of the conservative government's brutish assault on women and children. During the 1970s, Republicans

that they have a right to use."

Conservatives always wanted Ronald Reagan, and later George Bush, to run directly against Congress. They, of course, had their own agenda: Getting rid of the last vestiges of the New Deal. Clinton has never previously given the barest hint he would do anything but embrace the established politicians of both parties on the Hill, including such horrendous figures as John Dingell in the House and Robert Byrd in the Senate — two Democrats who together blocked the passage of the Clean Air Act for more than a decade. His initial executive order, aimed at cutting down on revolving-door lobbying, was instantaneously dismissed in Washington as jokey public relations that even the most inexperi-

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## **It's the sort of practical change the country looked to Clinton for during the campaign.**

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sought to impound funds to stop it, and when Reagan came to office his party sought to wreck the program by transforming it into a block grant to the states, which could then do as they wished with the money. In fairness, Bush provided more support to WIC than Reagan, but still the program has never been fully funded.

In this fiscal year, the monthly caseload is 5.8 million women and children, still only 60 percent of all those who are potentially eligible. Every year under the Republicans it's been a knock-down, drag-out fight to keep programs like WIC going. Cheap and effective, WIC is the belated beginning of a preventive public health program that should have been in place decades ago. WIC and similar programs dramatically ease the public health burden; it's the sort of practical change the country looked to Clinton for during the campaign.

**I**f Clinton did not declare war on the nexus of lobbyists and professional politicians who run the current political system, he at least demanded that they pay their own way. His proposal could disallow deductions for everything from travel expenses for an executive flying to Washington to testify before Congress to the salaries for a corporation's own lobbyists. It's this idea — not Clinton's executive order aimed at curbing the revolving door between government service and lobbying — that has the Washington lawyer-lobbyists worried. "I think it's a bad idea," one of them told *Legal Times* recently. "It's bad in principle because it says that advocacy is not any more of a legitimate business expense than office supplies or any other business expense. To take it away is to discourage people from using the system

enced lobbyist could wiggle past, his promise to end lobbying deductions just another Slick Willie promise. Then Clinton, looking directly at this collection of bums, announced he intends to smash the lobbies that keep incumbents in power year after year after year.

**E**nergy forms the underpinning of our economy. It is the cause of environmental pollution and a root cause of disease. We all know the energy system that fired the industrial revolution is going to change, one way or another. The question is how.

From Roosevelt to Carter, the country had struggled to control the oil industry, and its efforts have not always been crowned with success. In the face of an industrial lockout in the form of a contrived natural gas shortage, Carter caved in to the oil men and set in motion the process that led to deregulation of oil and gas prices, which in turn led to greater control over fuels by the big companies that dominate the private sector. At the same time, Carter made what seemed at the time to be modest initiatives in alternative fuels policy, putting the government behind experimental R&D in solar and wind and energy conservation technologies. When Reagan took office, he hastened the process of deregulation, ended work in future fuels and, with Bush in charge of a task force on deregulation, sought to undo environmental regulation across the board.

Over 12 years Congress and two administrations sat around while the environment deteriorated. Meanwhile, the energy industry responded to what both parties reverentially regard as the wonderful if ineluctable vicissitudes of the free-market system. How anybody could believe there is a free market in oil and gas, where a handful of inter-

national corporations and governments have dominated the industry since its inception, isn't even worth knowing. No other country does, but then no other advanced industrial nation in the world is in the mess we are in.

Now, Bill Clinton isn't much of an environmentalist. During the campaign, he took the low road on the environment and energy, especially when it came to ruffling the feathers of John Dingell and his buds in Detroit. For years Clinton has slimeballed his way through the burning of dioxin in Arkansas.

But he has squarely confronted energy and the environment with his BTU tax. Taxes are generally the worst possible way to effect change in policy — despite the insistence of the yuppies in the environmental movement — but, in this one instance, the BTU tax may politically accomplish what a direct policy change could never hope to do. While the BTU tax of course has environmental overtones (it would exempt solar, geothermal and wind power and tax oil at a higher rate than coal and natural gas), it is mainly a deficit reduction measure, and if the conservative Republicans in Congress and the oil and auto Democrats don't like it, they'll have to come up with something else, like a gas tax, which the oil industry will hate even more.

**E**ven more important for the way our government functions, Clinton's proposal for a universal program of national service is a radical, fundamental departure from government-as-usual. Like the other radical proposals contained in his speech, it costs next to nothing — \$3 billion over four years — but it is meant to create an entirely new institution similar to the land-grant college system. That system will be a bookend at the start of life, just as Social Security is at its conclusion for the elderly. The national service system can evolve out of a myriad of programs, some of them small community projects, others national in scope, such as a conservation corps for the national park system. It can include a police corps and alternatives for military personnel and their bases. And most importantly, it should recruit and train young people for public health service so that a reinvigorated public health system carries care directly into the neighborhoods that need them.

The national service scheme can draw some of its funding from the government, but the evolution of agriculture programs may provide a better model for how this program can grow. The farm credit system — guaranteed by the government but financed through the private sale of bonds — was, until its corruption in the last decade, a secure source of funds for the growth of modern agriculture. Some similar kind of financing system may prove to be the best way to create the varied elements of a national service system, conceivably including the vastly increased college loan system Clinton envisions. □

# La Migra

## CONTINUACIÓN DE LA PORTADA

hacia Juárez. En la confusión, una bala perdida se le clavó en la pierna a uno de los agentes. Y Arguelles, de 26 años, descrito en su autopsia como "hombre latino, desarrollado físicamente, mas bien musculoso y bien alimentado", recibió a quemarropa, una media docena de perdigones en su pecho. Murió instantáneamente — de cara al suelo en America.

En una frontera donde en cada año crece la brutalidad, la muerte de Arguelles no fue algo excepcional. Sin embargo, lo que sucedió posteriormente refleja claramente las prácticas en la aplicación de las leyes por parte de las autoridades federales en la frontera, el encubrimiento de información, límites de autoridad y responsabilidad de estas agencias federales. Cuando la prensa y los grupos pro-derechos humanos sospecharon que no se había dicho la verdad con respecto a lo sucedido —después de la publicación en periódicos mexicanos de las fotos del cuerpo ensangrentado y esposado, yaciendo en la orilla americana —demandaron más detalles e información.

La Border Patrol de El Paso, cumpliendo con las prácticas establecidas, rehusaron dar los nombres de los agentes implicados en el caso. Prometieron una investigación interna de rutina, pero los resultados nunca fueron publicados. Y en fin, como ocurre siempre, la atención del público se desvió hacia otros temas, dejando a Arguelles como el último episodio en una serie de ocho eventos sangrientos, cinco de ellos fatales — todos involucrando a oficiales de migración de El Paso, durante los últimos cinco años. Otros incidentes conocidos, en el mismo plazo, incluyen; un ahogado, varias personas golpeadas, deportaciones ilegales y una acusación por incendio.

Esa noche fría en que Arguelles calculó mal su suerte, esperé detras del cordón — puesto por la policía y e la Border Patrol — escuchando las habituales "no comment". Sin embargo, durante los siguientes seis meses, presioné a los agentes que se habían puesto tras aquel cordón. Y por primera vez, después de semanas de falsos intentos, empezaron a responder.

Reuniéndonos en boliches, cantinas y en sus propias casas, me revelaron lo que el silencio de la Border Patrol ocultaba; una historia carente de investigaciones y juicios acerca de abusos. Otros admitieron francamente que el cazar mexicanos se ha vuelto un deshumanizado juego de cuotas. Intentando investigar el total desinterés que unidades de la Border Patrol y la agencia a la que pertenece (Immigration and Naturalization Service -INS) muestran hacia quejas de víctimas de abusos, decidimos experimentar

con grabadoras. Descubriendo lo que sospechábamos: un bloqueo total hacia cualquier demanda que proviniese de estas víctimas.

"No todo la Patrol es mala," comentaba con tristeza un agente sobre la mala reputación de la Border Patrol, "Está congelada desde 1924, cuando se formó". No han aprendido que ya no pueden ser 'cowboys.' "

Quejas sobre violaciones por parte de agencias federales en la frontera, no es algo nuevo, por supuesto. Pero estas quejas están creciendo y están haciéndose mas fuertes.

Empezando con el reportaje publicado en 1980 por la Comisión de Derechos Civiles de los Estados Unidos, "The Tarnished Golden Door," se acusó a patrullas estadounidenses de actuar brutalmente contra inmigrantes ilegales y narcotraficantes. Desde entonces, el espectro de víctimas se ha ampliado al incluir un gran numero de residentes legales de los Estados Unidos; una tercera parte de las denuncias de abuso en las oficinas del FBI en El Paso son de gente con apellidos no hispanos. El año pasado, la polemica alcanzó interés nacional cuando tres comisiones de derechos humanos publicaron duros informes acusando al INS, al Servicio de Aduanas y en particular a la Border Patrol, por incontables palizas, interrogaciones ilegales, deportaciones y una serie de hechos sangrientos a lo largo de las 2,000 millas de la cada día mas tensa línea fronteriza. Un grupo de Houston — Immigration Law Enforcement Monitoring Project —apoyó sus argumentos con casi 400 entrevistas.

Si incidentes como éstos hubiesen sido protagonizados por fuerzas de la policía en cualquier ciudad, habrían acaparado la atención de todos los medios de comunicación y en pocas horas se habrían identificado a los responsables. Y en lugares como Dallas, los "rap sheets" (de infracciones a los oficiales) de los oficiales acusados se harían públicos. De esta manera, la política de silencio de el INS ha servido para empeorar su mala fama en lugares como El Paso, una ciudad desértica poblada por una mayoría hispana, donde los mil oficiales de la Border Patrol representan una fuerza superior a la policía de la ciudad. "En El Paso, la Border Patrol es tan visible como la policía," señaló José Moreno, director de el Centro de ayuda a refugiados e inmigrantes de la Diócesis Católica local. "Creo que esta presencia impacta la psique de la comunidad — y ésto justifica aún más el hacerlos responsables de sus actos." "Tonterías," dicen los federales. "Oigo las denuncias de encubrimientos (cover-up) todo el tiempo y me dan asco", responde Dale Musegades, el bronceado y bigotudo jefe de

la Border Patrol de El Paso, un hombre del tipo "good old boy" que sufre cuando le interrogan. "Vivimos en una pecera. Mi trabajo está en juego como los del resto. Nos acusan de no tomar medidas contra los abusos. Pero sí lo hacemos, simplemente no lo publicamos".

Y como veremos, por buenas razones. Entrevistas con casi una docena de agentes de la Border Patrol en conjunto con información oficial obtenida de el Departamento de Justicia, reveló que investigadores federales ni siquiera identificaron a los oficiales implicados en tres de los ocho casos más publicados de disparos y palizas perpetradas por el Border Patrol en El Paso desde 1987. Asimismo, un agente declarado culpable por delito de agresión contra ciudadanos locales, continúa empleado por la Patrol un año después. No existen en los archivos ningun documento sobre investigaciones del sonado caso de maltrato y deportación ilegal, ocurrido en 1989, a pesar de que la ley requiere tal documentación. Y los resultados de otras investigaciones internas —una de ellas de dos años atrás —nunca han sido dadas a conocer.

Información interna, relaciona algunos nombres a estas controversias en El Paso:

- Mario Bellamy, es un agente acusado en junio de 1992 de haber golpeado a una mujer de Juárez, la cual llevaba en sus brazos a un niño. Había estado previamente envuelto en otros dos hechos de violencia, y aún pertenece a la Border Patrol. Anteriormente, Bellamy había sido despedido y después recontratado, cuando tuvo un enfrentamiento a mano armada con un compañero de la Patrol en 1988. De acuerdo a documentos notariados en poder del Consulado Mexicano, Bellamy agredió y amenazó de muerte al pastor (y vendedor ambulante) evangelista José Luis Melendez al encontrarlo sin documentos en las orillas del Río Grande. Bellamy, cuya identidad tuvo que ser obtenida a través de reportes policíacos, permaneció en servicio activo cuando el FBI investigó y lo exoneró del incidente que afecto a una ama de casa de Juárez que cruzó la frontera sin documentos.

- Dos agentes de la Border Patrol que fueron arrestados, cuando en su tiempo libre participaron en una pelea callejera en los terrenos de la Universidad de Texas-El Paso en 1990, no fueron despedidos, a pesar de que uno de ellos, Donald Toovey fue encontrado culpable de disparar su revolver en contra de una camioneta. Toovey continuó trabajando en el grupo de mantenimiento por un año mas, hasta que finalmente fue despedido. "Quizá para ellos, eso esté dentro de los límites de su

diciplina" dice el representante de la policía de El Paso, Bill Priel "pero en el departamento de policía el ser hayado culpable de un delito causa despido inmediato".

• Y posiblemente el caso mas problemático; dos agentes fueron encontrados culpables de negligencia en la muerte (ahogado) de el indocumentado Armando Valenzuela, sin recibir ninguna acción disciplinaria. Una corte federal ordenó al gobierno federal de los Estados Unidos, pagar a los familiares de Valenzuela \$210,000 en daños y perjuicios, debido a que los oficiales Glynis O. Major y Ramon Vargas Jr. voltearon la balsa en la que Valenzuela cruzaba el Rio Grande. Valenzuela no sabía nadar. Major fue posteriormente promovido a un puesto administrativo en New Orleans y Vargas, de acuerdo a fuentes internas, continúa patrullando en El Paso.

"El problema es la inmensa diferencia en la aplicación de medidas disciplinarias en relación a delitos similares" explica un agente veterano de siete años que solicitó permanecer anónimo, "en un 70% de las categorías de delitos, los castigos pueden ir de un simple regaño verbal al despido, ciertamente existe compadrazgo en la manera en que se manejan".

La revisión de los archivos de la corte federal mostró como la agencia ha podido minimizar su mala imagen, a pesar de que abogados defensores de derechos civiles los han querido llevar a corte en casos potencialmente escandalosos.

De tres casos legales conocidos en contra de la Border Patrol de El Paso en los últimos seis años, solo uno - el de Valenzuela — pudo llegar hasta un juez. El gobierno prefirió negociar con sus usualmente humildes demandantes, al parecer para evitar a los medios de información y arreglar un acuerdo, todo resuelto con dinero.

Pedro García, residente legal de los Estados Unidos y estudiante de High School, fué detenido e ilegalmente deportado de El Paso en 1989. El obtuvo \$5,000 en un acuerdo legal absolviendo al gobierno de cualquier responsabilidad.

Octavio Romo Chavez, adolescente de Juárez, le fue un poco mejor. De acuerdo a archivos de la corte de los Estados Unidos, Romo testificó que dos agentes de la Border Patrol lo encontraron pescando ilegalmente en la orilla del Río Grande correspondiente a El Paso en 1987 y le ordenaron que se cruzara al otro lado del río, después de haber tirado sus canas e implementos de pesca al lodoso río. Indignado, Romo insultó a los agentes desde el lado mexicano del río. Uno de los agentes saco su pistola y le disparó, partiéndole el femur en dos. Cuatro años después, el gobierno, silenciosamente le dió un cheque por \$15,000 a cambio de que el retirara la demanda. "Nadie me ha dicho si la investigación continúa o si al menos han encontrado a algún sospechoso," dijo Romo filosoficamente.

Al ser entrevistado recientemente, en su pequeña casa de ladrillo en un barrio polvoriento de Juárez, Romo — ahora dedicado a la venta de burritos — se enrolla el pantalón y nos muestra su cicatriz de miles de dolares. Mientras el fuerte volumen de la televisión resuena contra el piso de cemento de la sala, con un murmullo y encogiéndose de hombros, parece decir: "esta es la vida en la frontera".

Los oficiales de migración — obsesivos en ocultar información — se han protegido detras de sus suburbans verdes, en contra de los embarazosos ataques de la opinion pública, ellos aparentemente solo aceptan indicaciones de Washington. Esto se hizo manifiesto cuando *The Times* mandó un fax al Departamento de Justicia de los Estados Unidos — agencia responsable del INS y de la Border Patrol — con una lista con 22 casos documentados de demandas presentadas en contra de agentes de inmigración de El Paso desde 1987. La situación de las investigaciones internas correspondientes a dicha lista de casos, que oscilaba desde delitos sexuales hasta ataques con armas de fuego, era un misterio. Y el Departamento de Justicia, como patrón, investigador en jefe y juez de los agentes involucrados en los casos, debería

tener archivado los resultados. "Esto llevará algun tiempo", advirtió Amy Casner, portavoz del Departamento de Justicia, quien de mala gana aceptó la petición en marzo de 1992. Y como resultó, Casner no bromeaba, nueve semanas despues y siete llamadas telefónicas sin respuesta, nos informó que para 14 de los casos presentados no existía documento alguno y que para el resto de incidentes, la culpabilidad o inocencia de los agentes involucrados — mucho menos los nombres, no podía ser divulgada. Siguieron meses frustrantes, de constantes llamadas, ejercicios inútiles de larga distancia. ¿Tendría el Departamento un programa para quejas públicas?, ¿cómo se supervisan a los agentes involucrados dentro del proceso disciplinario?, ¿podrían las víctimas apelar los resultados del Departamento, suponiendo que éstos se hiciesen públicos?. Docenas de llamadas y 29 cartas después, *The Times* recurrió al entonces senador Lloyd Bentsen (demócrata por Texas), en busca de ayuda. El Policía Nacional, la agencia que creó el caballero de la quijada cuadrada, que peleó noblemente el racismo en Selma, no cede en relación a la responsabilidad de su propio personal. "quiero que sepan que no empleamos una táctica de cerrojo o algo así", Caster insistió durante una poco común llamada telefónica

## Agentes de EEUU en México

Agentes de Inmigración estadounidense aseguran que su gobierno — en su entusiasmo de frustrar la inmigración no legal que llega de México — ha llevado a cabo operaciones clandestinas en ambos lados de la frontera. Las operaciones de espionaje al sur de la línea — a veces sin el conocimiento del gobierno mexicano — fueron dirigidas por la Border Patrol y el Immigration and Naturalization Service (INS) en El Paso a mediados de los años ochenta, según agentes que pertenecen o que han pertenecido a agencias federales. Si fuese cierto, esto sería políticamente explosivo. Aún furiosos tras el secuestro de un ciudadano mexicano por agentes de la brigada federal anti-droga (DEA) en 1990, México condena toda actividad clandestina en su territorio como una violación de su soberanía nacional. "Casi siempre se han desarrollado operaciones clandestinas en México. Había hoteles en Juárez donde supimos que gente del interior se reunían. Y no les quitamos ojo encima," dijo Lawrence Augustine, un investigador privado de El Paso que funcionó como contacto entre México y el INS entre 1983 y 1986. "Lo mas lejos al sur que he estado es Chihuahua. Me fuí en un carro del gobierno, con una radio del gobierno, y con pasaporte oficial. Los mexicanos sabían quien era yo."

No es cierto, repondieron oficiales

Mexicanos. "Me sorprendería si eso hubiera ocurrido," dijo José Paniagua, el director regional del servicio de inmigración en Juárez. Paniagua está apoyado por su homólogo en el servicio de inmigración estadounidense en El Paso, al Giugni, quien insiste que las operaciones extra-territoriales están absolutamente prohibidos por la política de la agencia. Pero un agente activo de la Border Patrol, cuerpo policial del INS, dijo que fue enviado a Juárez a principios del 1981 para escuchar clandestinamente presuntas corrupciones policíacas en México — especialmente en casos donde se acusaba a la policía de estar implicada en transporte ilegal de inmigrantes. "Me dijo que investigase cualquier asunto relacionado con contrabando o violaciones a inmigrantes," dice Arcadio J. Neira, un agente cuyo argumento era respaldado por un oficial de inteligencia, retirado de la Border Patrol, quien quiso permanecer en el anonimato. "Me dijo mi supervisor que la operación fue autorizada por la oficina del fiscal general en D.C.," declaró Neira. Un portavoz del fiscal general se negó a responder a dicho alegato. Mientras tanto, la Border Patrol de El Paso mantiene que tal asuntos pertenece a la vieja historia de la agencia.

"Actualmente no lo hacemos," aseguró Chief Dale Musegades. "No diré que no lo hayamos hecho en el pasado."

— P.S.

en julio. Para que en menos de dos semanas, anunciara que no podría contestar ninguna pregunta al respecto de derechos humanos, que esa responsabilidad no pertenecía a su departamento.

Lo que especialistas en derechos civiles en la frontera han alegado por años, por supuesto, es que realmente nadie se ha ocupado de asuntos sobre derechos humanos. Historias de indiferencia federal e incluso hostilidad hacia quejas públicas, ha sido la tónica en relación a las organizaciones implicadas.

No hay dudas al respecto, "el proceso de quejas es aún muy muy burocrático y confuso", dice quejándose John F. Dulles III de la Comisión Estadounidense sobre derechos civiles. Dulles observó como todas las demandas por abusos eran ignoradas por el INS y enviadas a la Oficina del Inspector General del Departamento de Justicia, algo así como una gran estación central de quejas de mala conducta en agencias federales, cuya capacidad ya ha sido rebasada por cientos de casos cuyo rango va desde robo de papelería de oficina al uso indebido de vehículos gubernamentales. Mientras tanto, en la frontera, la oficina local de la patrulla fronteriza y su superior, el INS, negaron apasionadamente su respectiva responsabilidad, tratando de pasar la responsabilidad, cosa que no hace más que ridiculizar un poco más su ya cuestionable argumento de apertura. "Fue asombrosamente burocrático, parecía como estar tratando con Guatemala y no con EE.UU." señala Fernando Dubove, abogado de la Diócesis Católica de El Paso, quien ha tramitado una denuncia por abuso; primero a través de la Border Patrol, después de el INS, finalmente del Departamento de Justicia. Su caso, el de Olivia Quintanilla de Otero, ama de casa de El Paso, reflejan una triste historia típica de insensibilidad gubernamental; detenidos por agentes, sin identificarse, de la patrulla fronteriza en el aeropuerto de El Paso, Quintanilla y su familia afirmaron que fueron ridiculizados y llamados "pigs" (cerdos) y "pieces of shit" (trozos de mierda) por dichos agentes. En una declaración notariada, entregada al Consulado Mexicano, alegó que sus dos hijos adolescentes lloraron cuando Quintanilla fue humillada por los agentes con comentarios llenos de connotaciones sexuales. Cuando, tanto el Consulado como la Diócesis demandaron una investigación, el INS respondió en tres párrafos, cinco meses después, afirmando que dichos agentes — anónimos obviamente — no actuaron de forma irresponsable, sin haberse puesto nunca en contacto con Quintanilla para oír su lado de la historia.

"No somos inaccesibles a quejas," dice ofendido Al Guigni, jefe del INS en El Paso, cuando se le confrontó con historias de horror como éstas, "tomamos acción en cada reporte que llega a mi escritorio." Hablando por la Border Patrol, el Jefe Musegades menciona que la cifra de una queja por cada 17 mil arrestos, hacen a su patrulla —la envidia

de los cuerpos policíacos del mundo. "Si la gente tiene quejas," declara Musegades, "las estamos esperando".

*The Times* aceptó su oferta.

Entre mayo y agosto del año pasado, estudiantes chicanas de la universidad, reporteros y algunos dentistas de Juárez, se reunieron en los baños de las oficinas de *The Times*, para la instalación de grabadoras ocultas a fin de probar si el gobierno de los Estados Unidos hace caso de las quejas sobre derechos civiles. Con grabadoras dentro de las pantimedias o adheridas a sus paunches, se dirigieron a capturar respuestas a las oficinas de la Border Patrol, puntos de verificación de documentos del INS y las aduanas de los puentes. Las quejas fueron legítimas, las preguntas neutrales y respetuosas. Y los resultados fueron tragicomicos: En la mitad de los contactos, las mismas agencias federales no siguieron sus propios procedimientos para quejas.

• Irregularidades marcaron la pauta en la mitad de las conversaciones sostenidas con el INS. El comportamiento en el agencia varía desde la confusión del correcto procedimiento de una queja sería hasta intimidar abiertamente. ("OK jefe", uno de los agentes en camisa blanca dijo burlonamente, "creo que aquí tenemos un problema").

"El quiere poner una gran demanda. ¡En contra tuya!, ¡tu que tienes una camisa blanca!) y sutilmente lo despidió. Un INS Bridge Inspector fríamente ordenó a unos de los voluntarios llevar sus demandas al Consulado Mexicano.

En tres grabaciones al Border patrol, se percibe una burocracia simulada y confusa. En dos ocasiones un supervisor de la patrulla fronteriza, se limita a anotar en una libreta informes de los voluntarios y les dijo que serían contactados. Un voluntario, residente legal, demandó a la agencia por maltrato durante un arresto. Nunca obtuvo respuesta.

A los aduanales solo se les grabó una vez. El inspector fue atento, pero los volantes bilingües de Aduanas subrayando el proceso de quejas nunca estuvieron visibles las estaciones de verificación de documentos.

Dos voces grabadas son notables. Una de ellas la de Rachel Martel, secretaria de 36 años que trabaja en un hospital de El Paso. Rachel intentó denunciar como ella y su hija de 14 años fueron insultadas por un agente vestido de paisano en el aeropuerto, simplemente porque eran de piel oscura. Informando acerca de lo ocurrido en una oficina de la Border Patrol, su voz con notable acento mexicano-tejano se elevó, cuando el supervisor insinuó que el agente que les atacó verbalmente pudo ser un impostor haciéndose pasar por agente federal. "Si un ciudadano educado no recibe ninguna respuesta cuando es así agredido," se lamenta Martel amargamente al final de la grabación, "¿Qué puedes esperar del trato con inmigrantes ilegales?" (También ella recibió una respuesta negativa por escrito por parte del INS, tres meses, seis infructu-

osas llamadas telefónicas y cuatro cartas sin respuesta después del incidente.

La otra voz grabada grabada se escucha a través de ruidos de la calle, acentuada por los carros en marcha y voces distantes. El guión es comedia de payasadas, "¿Dónde puedo denunciar un caso de abuso?" preguntó en junio Adolfo Lopez, dentista en Juárez, a un inspector anglo de inmigración en el puente internacional de el Paso del Norte. (López intentaba presentar una demanda contra un agente del INS, quien le detuvo, humillando además a su familia con calumnias racistas en el transcurso de una inspección de rutina).

"¿Un acoso de qué?" preguntó bruscamente el inspector.

"Por abuso y acoso."

"Yo no sé".

"Usted no sabe...", se maravilló López, "mire, recientemente he sido abusado verbalmente y quiero saber dónde puedo denunciarlo."

"No sé," replica el inspector, "¿un caso de qué?".

"Un caso de abuso, de acoso verbal."

"Ah, no sé. De acuerdo. A algún oficial de allá. No sé, no sé."

"Es que no puedo reportarlo?" insiste Lopez "¿En Juarez?"

"No aquí contigo," López señaló la camisa del inspector, "con las camisas".

"Con el agente," dijo el inspector finalmente enojado, gesticulando nerviosamente con su brazo. Y dirigió a Lopez al inspector de fruta del Departamento de Agricultura.

**L**A LLAVE SECRETA del closet de esqueletos del INS resultó ser una sorpresa — un fragmento del gran rompecabezas de los abusos en la frontera. La moral en el servicio de inmigración, especialmente entre los agentes hispanos, los cuales son la mitad de la nomina del INS, parecía frustrada. Casi en un intento catártico, como condenados a cadena perpetua, acordaron una cita en el Denny's de la localidad durante las horas flojas: pedieron te helado y hablaron con cansancio.

Malhumorados agentes, en su mayoría, se quejaron de abusos, racismo y favoritismo. Discutieron un grupo de agentes anglo-sajones que se conoce como la "Texas Mafia". Promociones entre las minorías son obstaculizadas. Varios oficiales de la Border Patrol, han presentado demandas de discriminación. En una encuesta interna realizada por el Equal Employment Opportunity Agencia, se confirman estas acusaciones, según fuentes de la Border Patrol. De acuerdo con cifras del INS en la Region Sur, que alcanza trece estados, desde Florida hasta Nuevo México, los hispanos ocupaban desproporcionadamente los puestos de más bajo salario. En El Paso, los trabajos de menor rango eran ocupados por mas del doble de hispanos que de anglos, mientras que éstos sobrepasaban a los hispanos en dos sobre uno en los puestos más

altos. La misma desproporción era evidente en el INS de El Paso, donde emplean en su mayoría a inspectores del puente. Esta tendencia refleja las barreras que existen dentro del cuerpo para la promoción de las minorías. Agrega Bob Martinez, el oficial hispano de mas alto rango administrativo del INS en Washington. "Desgraciadamente esta percepción tiende a llegar a ser verdadera." En un comentario amargo, desahogándose, agentes de todas las razas también se quejan de las intensas presiones que reciben por parte de la Border Patrol para echar el guante más indocumentados, esencialmente vindicando años de denuncias realizadas por activistas pro-derechos, que el juego del ratón y el gato en la frontera ha llegado a ser una ceremonia masiva de cuota. "Números que hacen que el mundo gire," comenta Steven Franz, un ex agente que sirvió en El Paso desde 1979 hasta 1985, ahora un agente en la Texas Education Agency. "Más arrestos significan mas cobertura de la prensa. Más cobertura de los medios significa más dinero del Congreso." Caso específico: a

traves de un documento interno, obtenido por *The Times*, se afirma que un supervisor de nombre Ben Chaves juntó a sus tropas en agosto pasado y escuetamente les informó que si no había un incremento en arrestos, sus evaluaciones de trabajo sufrirían. La agencia no permitió que Chaves noshiciera una declaración. "Se nos informó que las evaluaciones estaban próximas y que necesitabamos producir," dijo Arcadio J. Neira, uno de 13 agentes que firmaron dicho documento y quien está demandando a la agencia. "Es como si estuviéramos en una compañía que produce zapatos o pantalones y no tratando con personas." La ironía, por supuesto, es que la misma burocracia tan maldecida por su arrogancia y trato brutal de tantos en la frontera, abusa de sus propios empleados. Que esos problemas internos alcancen una masa crítica, es de dudarse. Sin embargo, el presidente del sindicato de la patrulla fronteriza de San Diego ha respondido que una demanda de clase hecha por hispanos este progresando ahí.

Mientras tanto, la porra del INS continua asegurando que El Paso permanezca en las

noticias como una especie de Dodge City en el Río Grande. ¿La ultima? Un juez federal decidió el pasado diciembre que la Border Patrol no podía entrar más a la Bowie High School, una escuela con una gran mayoría de estudiantes hispanos donde las camionetas del gobierno con sus agentes empistolados han molestado a estudiantes adolescentes, pidiéndoles identificaciones. Esta humillación en la corte ha resultado realmente en prometedoras concesiones: la oficina de la Border Patrol de El Paso es ahora la primera en la nación que ha creado su propio Consejo de Asuntos Públicos para manejar quejas y cuestionamientos. Quizá ésta sea una parte de un lento deshielo en esta nueva era de glasnost.

Sin embargo, después de seis meses de preguntar constantemente, aún no sé quién le disparó a Enrique Arguelles Palos. □

*Paul Salopek, ex-reportero de El Paso Times, ahora vive en Washington D.C. Traducido por Carmen García.*

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# POLITICAL INTELLIGENCE

✓ **GET A ROPE.** White House officials complained that the list of names submitted by Housing and Urban Development Secretary Henry Cisneros to fill top HUD positions include too many New Yorkers, the *New York Times* reported on Feb. 25. Several Cabinet officers reportedly are grumbling over the time-consuming efforts by the White House to add diversity and maintain the presidential prerogative for top government posts. At Treasury, where Lloyd Bentsen is Secretary, two of 21 appointments requiring Senate confirmation had been nominated and another two had been named but not formally nominated. Defense Secretary Les Aspin, Agriculture Secretary Mike Espy and Transportation Secretary Federico Peña were said to be most clearly dissatisfied with the pace of appointments.

✓ **GET A SPIN DOCTOR.** Jeb Bush, son of former President George Bush has announced that he will run for governor of Florida, which of course once again sets wags to speculating about the possibility that George Walker Bush (a.k.a. "Jr.") will next year announce that he is a Republican candidate for governor of Texas, which sets even more wags to speculating whether it is the possibility of a race against George W. that has moved Gov. Ann Richards to the right. For a thorough discussion of the three Bush boys and their business deals (Neil Bush, the S&L poster child, is not running for any office at this time), see "Family Values" in the September/October 1992 issue of *Mother Jones*. For more on George W., see "Oil in the Family," TO 7/26/91, and "Global Entanglements," TO 9/20/91.

✓ **GET A(N) HISPANIC.** "Shock and outrage" was the way former San Antonio City Councilmember Maria Antonietta Berriozabal described her reaction to Gov. Richards' three recent appointments to the University of Texas System Board of Regents. Not one Hispanic and no one from San Antonio, Berriozabal objected in an opinion piece in *La Prensa*, a bilingual San Antonio weekly. According to Berriozabal, considered in the context of the *LULAC v. Richards* higher education lawsuit, which attempts to redress the lack of higher-ed funding in predominantly Hispanic South Texas, Richards erred when she appointed no Mexican American to the board of regents. "That is not to say that the individuals who were appointed are not qualified," Berriozabal wrote "... [but] equal representation is a significant fact." Richards' new appointments are Peter Coneway of Houston and Marta Smiley and Lowell Lebermann, both of Austin.

✓ **CHAIRMAN RAPAPORT.** The UT board of regents also elected Bernard Rapaport, Waco businessman and longtime *Observer* supporter, as its chairman. Ellen Temple of Lufkin and Lebermann were elected vice chairs.

✓ **GREY EMINENCE.** In drawing up his budget, Clinton turned time and again to Treasury Secretary Bentsen, the oldest of his budget counselors, for advice on crucial issues, the *Wall Street Journal* reported Feb. 19. For example, the *Journal* said, Bentsen tipped the discussion against cuts in cost-of-living adjustments for retirement programs, but, his Texas credentials notwithstanding, he supported an energy tax to make the economic plan credible. Bentsen's position as "first among equals" in the White House budget debate may help salvage Texas pork-barrel projects, such as the V-22 tilt-rotor aircraft, the super collider, the space station and the Strategic Defense Initiative, Doug Ireland noted in the March 2 *Village Voice*. Ireland also noted the pressure appears to be off for cuts in military spending. Clinton proposed a reduction of only 2.3 percent from the level of George Bush's last military funding. And most of those savings come from reducing personnel and a pay freeze, not from cutting weapons systems. The intelligence bureaucracy, comprising the CIA, the individual service intelligence corps, the DIA and a raft of other spy-related programs, many of whose budgets are secret, also remains largely intact.

✓ **STALKING TROUBLE.** Labor and civil liberties activists hope to slow down passage of the stalking bill long enough to fix a provision that could be read as prohibiting picketing by labor unions or other demonstrations, as a similar law has been implemented in Connecticut. SB 25, whose sponsors are Sen. Mike Moncrief, D-Fort Worth, and Brian McCall, R-Plano, passed the Senate and was awaiting House debate at press time. Rick Levy, staff counsel for the Texas AFL-CIO, said the language designed to stop the harassment of abortion providers also could be used to arrest strikers or other activists. "You can't get Operation Rescue without getting us," he said.

✓ **SAN ANTONIO IMMIGRATION** lawyers Lee Teran and Robert Greenblum, El Paso lawyer Albert Armandariz and Barbara Hines, an immigration attorney from Austin, were presented awards by the El Paso Border Rights Coalition — a grassroots human rights advocacy organization working on immigration issues. The attorneys were recognized, along with their clients, a group of students from El Paso's Bowie High School who recently challenged the Border Patrol for stopping, without just cause, El Paso residents.

Attorneys and plaintiffs won a preliminary ruling in the federal court of Judge Lucius Bunton, who ruled that the Border Patrol must have a valid reason, other than Hispanic appearance, to stop and question someone (See "The Battle at Bowie High," TO 12/11/92). The city of El Paso recently established a Border Patrol Accountability Commission. The agency itself has formed a citizen's panel to help border residents seeking to file complaints.

Also recognized by the border rights coalition was Alicia Rey Lambert, who recently was released from a halfway house where she served four months for assaulting four male U.S. Customs agents after she claimed one had harassed her. Lambert refused a plea-bargained offer to pay a fine, insisting that she was innocent, but the only four witnesses who appeared in court were the customs agents; Lambert lost. (See "Hard Time for Border Rage," TO 2/14/93.) She will take her version of the incident to the U.N. Commission on Human Rights, which was scheduled to hear her testimony on March 8.

✓ **HIGH-TECH BEAUTY.** Five states, including Texas and California, are competing in what the *San Jose Mercury News* calls the biggest industrial beauty contest in recent memory. Microchip giant Intel Corp. is expected this summer to announce where it will build the most costly microchip factory in North America. The *Mercury News* reported that Gov. Ann Richards recently visited Intel headquarters in Santa Clara, Calif., to see that Texas remains in the running. But the article warned readers that the successful contestant might end up getting "less than it expects":

The project — to begin in 1994 or 1995 — will ultimately cost over \$1 billion, but the money will be spent over five years, with only "a Spartan, \$80 million shell" being constructed at first. At least \$700 million will be spent on chip-making equipment, much of which could be purchased in other states. And, the *Mercury News* noted, today's micro-chip plants employ relatively small workforces. The "fab" as the new Intel plant is called, is expected to employ 1,000 workers, compared to 3,000 to 5,000 at a modern auto assembly plant.

Recent research has raised even more questions about the workplace hazards associated with the micro-chip industry. A University of California Davis study identified an increased incidence of miscarriage in women working in semiconductor manufacturing. Glycol ethers used in the chip-making process are believed to be the cause.

On the other hand, Intel will provide a \$40 million annual payroll and with its history of reinvestment might be inclined to renovate the plant when it becomes obsolete, which

will occur pretty fast. "Six years after it's opened it will look pretty old," an Intel senior vice president was quoted in the story. The plant's life is estimated at 10 to 15 years.

✓ **HIGH HOPES.** Republicans hope to take the House seat vacated by Democratic Rep. Eddie Cavazos in Corpus Christi, the *Corpus Christi Caller-Times* reported. Republicans who have expressed interest in the special election called for April 3 include City Councilman Joe McComb and Mary Salisbury, who got 44 percent of the vote against Cavazos in the past general election. Democrats who are interested in the race include Arnold Gonzales Jr., a lawyer, former aide to Cavazos and son of a former state representative; Vilma Luna, lawyer and vice chair of the Texas Democratic Party; and photographer Reynaldo Madrigal.

✓ **MOVE 'EM OUT.** Ag Commissioner Rick Perry endorsed stillborn legislation that would allow him to move the Texas Department of Agriculture outside Austin — and presumably leave behind any holdovers from the Jim Hightower regime. "Revitalizing the Texas heartland is one of my major goals. This proposed change would clear out any bureaucracy-blocked arteries, allow the people to measure the pulse and would send jobs — the life blood of the economy — flowing to a new segment of the heartland," Perry said in support of the proposed constitutional amendment, which is sponsored by Sen. Frank Madla, D-San Antonio, and Rep. Kim Brimer, R-Fort Worth. The agency has 538 full-time employees, of which 225 are in Austin. Perry said San Antonio and Fort Worth had expressed interest in being the agency's new home. Sen. Gonzalo Barrientos, D-Austin, proposed a swap with San Antonio: The Ag Department for the Alamo.

✓ **VOTING RIGHTS SOUGHT.** While Attorney General Dan Morales came out in favor of single-member districts for state district judges in counties larger than 100,000 to settle a voting rights lawsuit, the Mexican American Legal Defense and Education Fund and the Texas Civil Rights Project joined to file a lawsuit in Laredo federal court on behalf of the League of United Latin American Citizens seeking single-member districts for state courts of appeal in Dallas, Fort Worth, El Paso, San Antonio and Houston. A federal court in Brownsville has invalidated at-large elections for the Court of Appeals in Corpus Christi; that case is pending in the Fifth Circuit, U.S. Court of Appeals. The plaintiffs claim that Mexican and African Americans in Texas are denied the opportunity to elect judges on the courts. There are no minority state appellate judges in Dallas and Houston, where minority appointees were defeated this past November; there is one minority appellate judge (a recent appointment) out of seven in

## Senate Spin

✓ Who won the day when the Mexican American Democrats, meeting in Lubbock on February 20, failed to reach a consensus on endorsement? Well, start with the losers: Bob Krueger, the moderate-to-conservative interim Senator and choice of Gov. Ann Richards and former Sen. Lloyd Bentsen, had rounded up endorsements of the State Democratic Executive Committee, the Texas AFL-CIO, the Coalition of Black Democrats and Texas trial lawyers, but he was stopped short of the two-thirds necessary for the MAD endorsement. Jim Mattox, the progressive former attorney general, got less than 1 percent of the total, but José Angel Gutierrez, the former La Raza Unida organizer, now in a Dallas law practice, played the spoiler with 29 percent, as 9 percent were absent.

Mattox reports plenty of encouragement but has been stymied in his attempts to raise funds, while Gutierrez has been aggressively campaigning throughout the state, earning coverage in the public prints and buying radio spots on stations in San Antonio, Houston, the Valley and Mexican "border blasters"; he could reach the runoff if the Mexican-American vote — with a stake in turning out for the "share the wealth" constitutional amendment — coalesced around him. In special election mathematics, where a score of candidates could split the vote and 20 percent could put a candidate in the finals, Gutierrez could end up in a runoff with Richard Fisher, the Perotista Democrat. Or State Treasurer Kay Hutchison could end up in a runoff with San Antonio lawyer Gene Kelly, whose famous name has gained him votes before.

A recent Mason-Dixon poll showed Krueger leading the race with 22 percent, Mattox with 20 and Hutchison with 18. Fields had 7 percent and Joe Barton had 6 percent.

President Bill Clinton, who stopped short of an endorsement of Krueger in Austin in January, gave Krueger his unqualified support at the MAD convention. Meanwhile, Krueger has been running hot and cold on the President and his party. "I am a Democrat without apology. I am a loyal Democrat," he told the Mexican American Democrats. But his recent TV ads identify him as an independent. Krueger, who voted about one-third of the time with the Democrats when he was in Congress, has been cool to the President's economic plan, particularly its proposed energy tax; he has waffled on allowing gays to serve in the military, voted to overturn Clinton's move to let HIV-positive immigrants into the country and recently said he opposed the Brady Bill, which Clinton supports, to regulate handgun purchases. A recent Texas Poll showed only 27 percent of Texans approve of Clinton's job performance so far and Republicans hope to make the May 1 special election a referen-

dum on the new President's economic plan, with gays in the military thrown in for good measure.

Krueger got to announce that President Clinton's budget included \$640 million for the Superconducting Supercollider and the interim senator publicly shared the credit for getting the White House to spare the \$10 billion project near Dallas, at least for the time being. But the giant atom smasher, along with the space station, another endangered pork-barrel project, faces an uphill battle on Capitol Hill, particularly after the General Accounting Office reported the collider is poorly managed, over budget and behind schedule. Sen. Phil Gramm, the erstwhile budget cutter who is unaccustomed to others taking credit for events in Texas, played down Krueger's coup and complained that Clinton's space station, redesigned to come in at \$2.5 billion, would be little more than a "man in the can." And Vice President Al Gore has said the costly Texas projects are subjects for "legitimate debate" if Congress looks for additional cuts beyond those proposed in Clinton's economic package.

✓ **LOCAL UNION** officials have been asked to print endorsement letters for Krueger on their local letterheads. Among the stated reasons union families should support Krueger: "Of all the candidates running for the office, Bob Krueger is the one most like Lloyd Bentsen on both social and economic issues." Faint praise: Bentsen has voted with labor about 50 percent of the time in the past few years.

✓ **EASY MONEY I.** He may not score high in the polls, but U.S. Rep. Jack Fields, R-Humble, collected \$103,000 for his Senate race from political action committees at a recent Washington fundraiser hosted by Sen. Bob Dole, the Minority Leader from Kansas, the *Houston Post* reported.

✓ **EASY MONEY II.** What are bid requirements among friends? As State Treasurer, Kay Hutchison waived the bid process and awarded a \$300 million borrowing program to Goldman Sachs Co., whose executives and contributed at least \$29,000 to her campaign in the past two years, and whose Dallas office is run by Daniel Cook III, one of her key political supporters, the *Dallas Morning News* reported Feb. 27. Goldman Sachs reportedly was paid \$113,000 for its service. The *Houston Chronicle* on Feb. 28 reported that a New York firm that lost a 1991 Treasury contract to market revenue-anticipation notes when it was low bidder won a similar contract in 1992 after entering into a joint venture with a Dallas firm headed by a Hutchison friend, a former member of her husband's law firm.

# SOUL ASYLUM

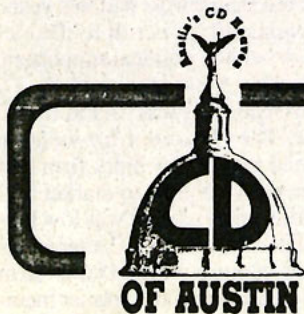
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Fort Worth; one minority out of four appellate judges in El Paso and two minorities out of seven appellate judges in San Antonio.

✓ **A \$70 BILLION** state budget that restored proposed cuts in human services and education got Senate approval on March 2. The two-year budget, which did not contain the 5-percent teacher pay raise sought by Gov. Ann Richards, represents an 11-percent increase over the current general revenue spending plan, with the biggest increase going to prisons (35 percent). The budget goes to the House of Representatives, which was late in organizing the Appropriations Committee because of the change in leadership.

✓ **ASSET FORFEITURE REVIEW.**

The U.S. Supreme Court may be rethinking the Justice Department's assertion of sweeping power to confiscate property tied in any way with a drug transaction as the high court recently voted 6-3 in the *United States v. A Parcel of Land* that a New Jersey woman who bought a house with money the government later traced to her boyfriend's drug dealing was entitled to defend herself as an "innocent owner" against the government's efforts to seize the house under a 1987 drug forfeiture law. The woman insisted that she did not know the gift of \$240,000 from her boyfriend was the result of marijuana trafficking. The *New York Times* on Feb. 25 reported the court has accepted two other forfeiture appeals, each raising different aspects of the issue. One case, *Alexander v. United States*, argued in January, is a First Amendment challenge to the government's authority under the racketeering statute to require forfeiture of an entire chain of bookstores and movie houses after finding several obscene items for sale. The other case, *Austin v. United States*, which will be argued in April, questions whether the Constitution requires proportionality between the severity of the offense and the value of the property to be forfeited after the Justice Department seized a North Dakota man's car repair business and his mobile home after he sold two grams of cocaine to an undercover agent. (For a report on the forfeiture of assets presumed linked to drug trafficking in Texas, see "Presumed Guilty, TO 11/29/93.)

✓ **NOTES AND ASIDES.** Gov. Richards is still riding high in popularity, as a Texas Poll showed 58 percent of Texans approve of the job she is doing, while 37 percent rated her negatively.... Texas Supreme Court Justice Lloyd Doggett said he will seek another six-year term on the state's high court for civil appeals. The progressive former state senator from Austin has been increasingly in the minority as business interests have consolidated their hold on the court, but he told the *Austin American-Statesman* "even when I'm not on the prevailing side I think what I do really makes a difference." □

# Autumn of an Empire

BY STEVEN G. KELLMAN

**INDOCHINE**

Directed by Régis Wargnier

**"YOUR INDOCHINA** no longer exists," an Annam princess radicalized in prison tells a wealthy white colon. "It is dead."

By its very title, *Indochine* evokes a phantom world, a colonialist concoction that, in 1954, splintered into North Vietnam, South Vietnam, Cambodia, and Laos. The peninsula is now known as Southeast Asia. Like Rhodesia or the Sandwich Islands, Indochina survives only in ancient atlases and the historical imagination.

*Indochine* is historical melodrama, and, 39 years after Dienbienphu, it manages to be remarkably mellow. Except for the loss of Algeria, imperial France suffered no more mortifying trauma than the fall of Indochina. But the reigning tone of *Indochine* is wistful not angry or bitter. In contrast to the region's incessant wars, the love affairs of its French rulers, says a serene Vietnamese, are "nothing but folly, fury, and suffering." And *Indochine* is about love not war, though it is easy to confound the two. It begins in 1930, and, while it concludes with the 1954 Geneva treaty formalizing French retreat, its military characters battle smugglers, not soldiers. Americans have not yet arrived, and their violent, unhappy returns in *Apocalypse Now* and *Platoon* are as remote from *Indochine* as the Mekong is from the Seine. It was filmed on location, with support from the Vietnamese government, and its release here follows President François Mitterand's epochal visit to his nation's former colony. Nothing in this 155-minute epic jeopardizes reconciliation.

"We lived in peace under an illusion," says Eliane Devries (Catherine Deneuve) about her privileged life during the autumn of empire. Though she is considered French, Eliane, born and reared in Indochina, has never seen her European homeland. "Everything I love is right here," she proclaims. Here is the vast rubber plantation that, her feckless widowed father notwithstanding, she owns and directs alone. "You treat other people as if they were trees," complains Jean-Baptiste Le Guen (Vincent Perez), the navy lieutenant she takes as a lover.

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She also controls the story, narrating it, in a voiceover, to the young Eurasian man whom, as a baby, she took with her when she finally abandoned Vietnam for France.

An extended flashback, *Indochine* begins with the spectacular, aquatic funeral of the man's grandparents, Annam aristocracy. They were Eliane's closest friends, and she vows to treat their young orphaned child, Camille, as her own. By the time Camille (Linh Dan Pham) is 16 and nubile, nothing can separate Eliane from her beloved adopted daughter—except rivalry for the love of Jean-Baptiste. The competition between daughter and surrogate mother for one man's affections and body is quasi-incestuous, suggestive of the complex ties that bind and rend Europe and Asia. When Eliane arranges to have the lieutenant transferred to a distant island post, Camille runs away, rambling across the country to seek her absent lover. During her arduous journey, she and we see a crueller side of Indochina, a world of famine, cholera, servitude, and torture. The experience transforms Camille into what someone calls "the Indochinese Joan of Arc," a living icon whose legend is reenacted by traveling theater troupes.

Since 1985, Deneuve herself has served as the model for "Marianne," the official symbol of France whose likeness is displayed on postage stamps and in every town hall from Lille to Lourdes. As lordly Eliane Devries, she projects a parable about the fate of France in the 20th century. *Indochine* tries mightily to be a Gallic *Gone With the Wind*, a sweeping, widescreen pageant of the national ordeal. Both are stories of stubborn women whose loss of a plantation is not nearly as dramatic as the loss of innocence. Unlike Scarlett O'Hara, Deneuve's elegant Eliane not only never will be hungry but never has known hunger, for anything but love. An empress of rubber, not cotton, she is resilient.

Whether it is Deneuve herself who fills the screen, in exquisite attire, or the stunning landscapes of Southeast Asia, *Indochine* is a visual splendor from first frame to last. Wargnier's camera is forever hovering and tracking, trying to take the measure of his swollen story. A lush orchestral score invites us to wallow in the gratifying grief of definitive defeat. The screenplay creaks with portent and coincidence. Eliane and Jean-Baptiste happen to meet at an auction where, despite her richer resources, the lieutenant refuses to allow the

lady to outbid him on a painting. "I need this landscape," he says of the seaside scene. "I am suffocating in Saigon." The movie's incipient revolutionaries are curiously ... yes, inscrutable—occasionally and cryptically erupting into polemics ("Obedience has made slaves of us," an otherwise obedient son suddenly informs his mother) or pistol shots, as when a regally costumed mandarin abruptly oozes blood from a bullet hole in his head.

Like *The Age of Innocence*, the Edith Wharton novel soon to be released as a Martin Scorsese movie, *Indochine* concludes with a man standing outside a European hotel trying to decide whether to go in and speak to a woman he last saw long ago and far away. What is far and away the least innocent effect of Wargnier's film is its historical ambivalence, its implication that the French and Vietnamese are linked by memory and a complex fate. All breaks are tough breaks, and none is clean. "I want to discover the world," proclaims Jean-Baptiste, crying in the Saigon wilderness. It will take two decades before his son, born of an Asian womb, discovers that the world is a bigger place than dreamt of in Saigon or Paris. It is even bigger than what Wargnier manages to frame. □



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*Pgs. 1 & 24*

## *La Migra* *Muro de silencio de la Border Patrol*



ALAN POGUE

**POR PAUL SALOPEK**

*El Paso/Juarez*

**C**ERCA DE MEDIANOCHE, de aquel 25 de febrero de 1992, Enrique Arguelles Palos debía sentirse un hombre con suerte, porque decidió correr el riesgo de vadear el Río Bravo hacia El Paso con una

mochila llena de droga. El momento parecía oportuno para pasar contrabando. La luna en cuarto menguante, todavía no había salido. La espesa maleza en la orilla americana parecía tranquila y sería un buen escondite. Pero no fue así. Al llegar una camioneta de la U.S. Border Patrol, que estaba patrullando sin luces el río, saltaron dos agentes y uno de ellos

rompió el silencio de la noche con un solo disparo de escopeta.

Los cuates de Arguelles — había cruzado el río al menos con otros tres “mulas” (nombre que reciben los traficantes de drogas en el área de El Paso)—chapotearon con pánico

**Continued on page 16**