

High Tech and Helicopters Persecute Wetbacks

The new Simpson-Rodino Law threatens nearly two million Mexicans who live illegally in the United States.

Crossing the border is to sense the helicopters searching nervously among the shadows scurrying under the dust, to hide in the caves and bushes, to slip away from the muggers who roam these craggy hillsides, to travel through the desert's infinite solitude, to swim across the river and wet your back with that undefined water, half Mexican, half American.

And it's not only the border crossing, itself. Once on the other side, people find themselves face to face with another economy, another culture, another history. It means working in a country where undocumented workers face segregation, discrimination, criminalization due to the prevailing ideas about them in the new society.

Some 1.8 million Mexicans live clandestinely, pursued in U.S. territory. They cross the border in automobile trunks or hidden in box cars, constantly on edge, knowing that the Border patrol could arrive at any time, breaking into Latin homes, factories, stores, restaurants and neighborhoods.

Meanwhile U.S. forces assigned to detect and apprehend the undocumented are growing all the time, and the federal budget for controlling illegal immigration is climbing geometrically.

The 1986 Immigration Reform and Control Law —better known as the Simpson-Rodino Law— was signed by President Ronald Reagan just at a time when protectionist trade measures, drug trafficking and the traditional "wetbacks" problem have made bilateral relations between Mexico and the U.S. even more difficult and complicated than ever.

Four months have gone by since the Simpson-Rodino project received final approval. The new legislation was born in the midst of a major polemical discussion in U.S. society and passed despite the voices of protest raised by the most important Mexican-American civil and labor associations.

When he signed the bill into law in a November 6th, White House ceremony, President Reagan denied that the measure was discriminatory, saying, "This should not be seen as a problem between the American Union and its neighbors." Rather he maintained that it should be seen as a great step forward toward facing the challenge of defending national sovereignty.

Nonetheless, U.S. Congressmen of Latin origin do not agree. They argue that the measures to penalize employers will lead them to discriminate against all hispanics, even when they are legal residents of the U.S.

On this side of the border, Mexican political leaders, union representatives and businessmen concurred that the Simpson-

Rodino Law does not represent a true solution to the problem of undocumented migration.

Senate leader Antonio Riva Palacio said that the law is an unilateral response from the United States and that those kinds of measures do not help resolve the problems of neighboring countries like Mexico and the U.S. "Any attitude that causes friction," he added, "will affect the already complex relation between Mexico and the U.S." What is needed is dialog based on mutual respect.

In any poor neighborhood in major Mexican border cities, there are always dozens of workers willing "to go to the other side" on any given day. And now there is a virtual siege mentality along the 3,000 kilometer border.

The U.S. Border Patrol has gone from 3,700 men to 5,600. Its technological growth has also been impressive. In the past three years, the traditional patrols have been outfitted with modern equipment to stem the flood of undocumented workers. The border police are now well armed. The use of armored helicopters piloted by men trained in military-type incursion techniques has led Mexicans to believe that the U.S. is militarizing the border. Thermal and infrared sensors, telecommunications equipment and special weapons are part of the U.S. solution to stop "the biggest wave of people that has ever crossed our southern border," as Alan C. Nelson, Director of the Immigration and Naturalization Service, describes it.

Nonetheless, this "gigantic wave" could be an illusion. Mexican and U.S. researchers agree that INS detention figures are not representative of the real situation. Detainees are sent back to Mexico the same day they are apprehended. Some, no sooner than they're off the bus, begin to plan how to cross back over again, explaining that "I've got to get to work tomorrow."



Agricultural workers about to cross the border

Photo by Archivo Novedades

the nation

The same undocumented worker may be deported two or three times before managing to evade immigration authorities successfully. So the statistics on detainees grow and grow, while the undocumented population stays practically the same. At any rate, the figures on detainees only show the effectiveness of INS methods and the intensification of the persecution against the undocumented, but says little about the real number of people who make up the phenomenon.

Voices interviewed Jorge Bustamante, President of the College of the Northern Border* and considered to be Mexico's outstanding authority on the issue. "We shouldn't exaggerate the consequences of the Simpson-Rodino Law for our country," he states. He explained that the immigration Reform

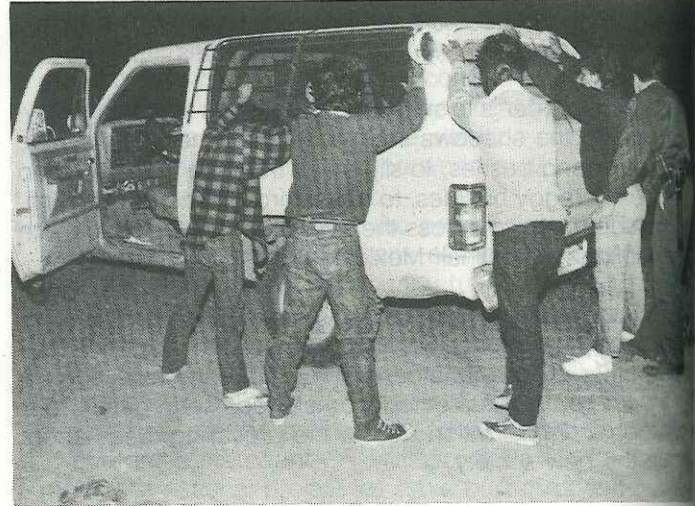
This phrase illustrated their conviction that the undocumented immigration problem is basically caused by external factors. In this same vein, shortly before the Reagan-De la Madrid meeting in May 1986, Joe Aubin, head of the INS Statistics Service in El Paso, Texas, met with Mexican correspondents and explained that the exodus of Mexican workers to the U.S. continued to grow because of Mexico's critical situation, in which too few new jobs are being created, and there is the attraction of earning dollars.

Dr. Bustamante believes the U.S. position that Mexican migration is caused by factors external to the United States is wrong. "This migration is the product of the interaction of factors operating on both sides of the border, in the context of the interna-



Photo by Sergio Dorantes

Capture, and an end to dreams for a better life



and Control Law was conceived in the context of rapidly rising unemployment in the U.S. in 1980. "They associated the increased unemployment," he argues, "with the presence of undocumented Mexican workers in the U.S. This coincided with the so-called Mariel migration in 1981, when thousands of Cubans emigrated en masse to the country. This provoked a very strong political reaction by the end of the Carter administration and strengthened the prevailing views in the U.S. on undocumented workers. These two factors later came together in what became the Simpson-Rodino supporters' classic phrase, 'We have lost control of our borders.'"

* An independent research institution created in 1982 to study border phenomena resulting from the interaction between the peoples and environments of the two countries.

tional labor market with its real demand for Mexican labor and to which the supply of Mexican labor responds."

"Passing the Simpson-Rodino Law is a sovereign decision of the United States," explains Dr. Bustamante. "But the presence of illegal workers in the U.S., of foreign workers and particularly of Mexican workers, is not strictly an immigration issue; it is a matter of importing labor. The problem is that the U.S. can't have its cake and eat it too. That is, on the one hand, they want cheap labor, and on the other, they want to punish it and keep Damocles' sword poised over the heads of the undocumented. They want the labor force, but not the human being. They want the productive capacity, but not human or labor rights for the people who produce."

What Does the New Law Say?

The Simpson-Rodino Bill approved in 1986 to reform and control immigration, contains three basic provisions that concern highly sensitive areas of U.S.—Mexico relations. The

control of illegal immigration calls for sanctions against employers who knowingly, and after the law was passed, hire, employ, recruit or issue payment to any foreigner not

authorized to work in the United States.

Both Mexican and U.S. experts on border problems believe the law allows a certain leeway to employers in avoiding responsibilities for contracting illegals. But on the other hand, the new provisions put greater pressure on Mexican workers to avail themselves of false papers to shore up their legal situation, thus exposing them to even more serious violations of

U.S. laws.

The legislation calls for a six-month education period during which time the law will not be applied; however, the Mexican border area is not included in this provision. This has led to mounting concern as the U.S. Immigration and Naturalization Service increases its activities and, with it, the chances of violating the rights of undocumented workers.

There is only a minimal chance that the Simpson-Rodino Law will be applied to the letter, according to Bustamante. He gives two main reasons. First there are already twelve states whose labor codes stipulate penalties for employers hiring undocumented workers, and they've never had any impact on immigration. Second, U.S. immigration policies respond more to political and ideological factors than to economic factors, while the behavior of immigrants and employers responds to the dynamics of economic relations.

This means that the way the U.S. government has chosen to deal with the matter is not only unilateral, but also imprecise. *El Nacional*, the newspaper that most closely reflects Mexican government positions, wrote in its editorial pages, "The demand for cheap, foreign labor and the supply of Mexican workers in search of jobs is the real cause of the flow of undocumented workers. The fact that a large number of Mexican workers are illegal reinforces that situation and permits the employers to pay salaries below the minimums established by law. The Simpson-Rodino Law will only mean that Mexican migrants will work under even worse conditions" (10-29-86).

In the interview for *Voices*, Jorge Bustamante warned that anti-

Mexican attitudes by Border Patrollers may actually get worse. Simpson-Rodino establishes a waiting period prior to deporting detainees not eligible for legalization, but excepts the Mexican border area. "It's a threat," he explains, "but it is likely that there will be an increase in police activities along the entire border. This is the central issue for Mexico in the Simpson-Rodino legislation and represents a Damocles' sword over the economic, social, and political stability in our border cities."

Thus, Mexicans will continue to be the "sacrificial lamb" for U.S. unemployment problems, will continue to be "responsible" for all the crime, increases in taxes and pollution; their expulsion will calm the waters with unemployed U.S. citizens. This is only one possible situation that could favor the undocumented. The Mexican government must make the consequences of the Simpson-Rodino Law a subject for presidential-level discussions and then convince the United States that the problem has its roots in economic and labor issues and that it must be resolved bilaterally. Only then will "wetbacks" have some hope of respect for their human and labor rights.

★
Jorge Luis Sierra Guzmán



Undocumented Mexicans arrested shortly after crossing the border

Photo by Archivo Novedades

On the other hand, the law grants foreigners, who have resided uninterruptedly in the United States since January 1982, the chance to legalize their immigrant status. People meeting the necessary requirements will be given temporary residency, with permanent residency granted after 18 months of temporary status and after having shown a basic understanding of the English Language and of U.S. history.

Yet none of the illegal residents who manage to change their migratory status (with the exception of "Cuban and Haitian exiles") will have access to federally funded public-assistance programs until five years have elapsed.

Simpson-Rodino also sets up legal procedures for the temporary immigration of agricultural workers by having employers process their requests with the Labor Department 60

days in advance. Analysts believe that strict compliance with this provision will depend to a great extent on the conditions of the U.S. economy at the time the law begins to be fully applied.

In recent visits to Mexico, U.S. government officials have stated their commitment to avoid massive deportations of illegals and to maintain constant communication with Mexican authorities on the issue. This

leads to the hope that in the future both countries can agree on bilateral strategies to deal with a problem whose roots are on both sides of the border, that imaginary line that divides not only one geographical territory from another, but also two completely different cultures and economies.

Jorge Luis Sierra Guzmán