vehicles, detaining children, raping women and shooting to kill.

"A public attitude that is anti-immigrant is more tolerant of immigrant abuse," says Maria Jimenez, ILEMP's director.

Martinez and other immigrant rights activists believe that without some form of official mechanisms for accountability and oversight, Border Patrol behavior will continue to worsen. At this point, there is essentially no recourse for people — undocumented or documented — who feel they have been wronged by the Border Patrol. "Most people in the public have no idea that they have any recourse," says Tim Dunn, a graduate student in Latin American studies at the University of Texas at Austin. "The [Border Patrol] is a police force that is by and large unaccountable."

ILEMP has, in collaboration with a number of other groups, been working for years to document the number and type of abuses against documented and undocumented immigrants in order to monitor the situation. Beyond public awareness and keeping records, however, not much was done to build community pressure until the late 1980s.

"Unfortunately, in the early part of the '80s, almost everything was done around lawsuits and hearings. It was so explosive a situation around the border that we couldn't do much except document and sue. We didn't really get into proactive stances until the late '80s," says Martinez.

In the late 1980s, ILEMP began spearheading efforts to hold Border Patrol agents accountable for their use of force through legislative action. They found that Section 503 of the 1990 immigration law, although it expanded the powers of the Border Patrol, also allowed civil and immigrant rights advocates to have some input into regulations that would be written for the Patrol.

ILEMP called a series of public meetings to solicit public comment on the use of deadly force, regulations on firearms, new standards for all law and border enforcement activities, certification of officer training and an expedited review process for incidents. Using the recommendations from these meetings, ILEMP and Congressman Howard Berman (D-Calif.) gathered proposals to be implemented in new INS regulations. The proposed regulations were presented for public comment in November 1992, generating a strong reaction from the community. "The ones [the INS] issued then were very superficial," says Jimenez.

Recommendations to the INS by ILEMP and other groups included: on the job training for agents on how to deal with specific situations in the field; special training for interactions with juveniles; and follow-up training to monitor agents. The group also sought to revamp the way the Office of Inspector General, the INS's internal investigative body, worked by proposing procedural changes in how complaints are received and tracked.

"We suggested that multilingual personnel and official forms that could be distributed to community organizations [to give the undocumented better access to and awareness of the complaint forms]," says Jimenez.

ILEMP also wanted the INS to implement a tracking system for complaints to allow problem officers to be identified, and wanted the INS to publish complaints statistics and outcomes.

Many of these recommendations have been included in a pending bill in Congress, H.R. 2119, that recommends the creation of an independent commission to investigate complaints to be called the Federal Law Enforcement Citizens Review Board.

Legacy of Official Violence

There are currently 4,800 Border Patrol agents stationed along the Southwest and Canadian borders, in Puerto Rico, Mississippi, New Orleans and the Gulf Coast area of Florida. The agents undergo 16 weeks of training at the Federal Law Enforcement Training Center in Glynco, Georgia, where they are taught immigration and constitutional law and "cultural awareness and sensitivity," as well as given extensive military training. Immigrant rights activists think they learn a lot more about weapons than cultural sensitivity.

Congress reports that the $354.5 million budget for the Border Patrol has increased by almost six-fold since 1979. According to Dunn, the increasing militarization of Border Patrol agents began with the escalation of drug enforcement in the late 1980s and '90s. "They became better equipped, with semiautomatic weapons, radar, helicopters and night scopes," he says. "A lot of what they got was under the guise of drug enforcement."

"Drug enforcement has become intermixed with immigration enforcement," Dunn continues. "Immigration has replaced drug enforcement as the issue of the day, but the arms and hard-line attitudes [of the War on Drugs] are being transferred to immigrants, which means a potential for abuse. It's a dangerous mix."

Many observers believe that some Border Patrol agents enter the force with attitudes that portend abuses of power. "I've noticed a deterioration in the screening process," says T.J. Bonner, president of the Border Patrol's national union. "They don't do background checks now until they're already on the job."

Immigrant rights activists have always been concerned about killings and other abuses of immigrants trying to enter the country. The most recent surge in activism came as the public mood started to shift against immigration in the last seven or eight years. "In the late 1980s and early '90s, the Border Patrol was [viewed as a] rogue force," says Dunn. "They were seen as an illegitimate police force."

Martinez of the AFSC cites statistics from the group's 1994 report on documented incidents of abuse by Border Patrol, INS and Customs Service agents, which include verbal insults, beatings, shootings and sexual assaults. "There were 26 complaints made to us against INS, Border Patrol and Customs," says Martinez, who adds that the complaints were spread among 50 victims.

"I think incidents of excess use of force have gone down," responds Bonner. "In the course of defending their own lives or other people, [Border Patrol agents] may have to shoot, but cases of abuse are usually isolated incidents" from a small number of problem agents.

ILEMP staff have a different opinion. "We have seen broken jaws and skulls. Fear and humiliation are the major factors of their interactions," says Martinez, who is researching the Border Patrol's use of hollow-point bullets, a kind of ammunition that explodes inside the body. The bullets, which are outlawed by international law, were used in the May 28 shooting death of Martin Garcia Martinez, who was shot by a Border Patrol agent in an incident currently under FBI investigation. Several witnesses have also described agents using their own weapons, oftentimes more powerful than what the Border Patrol officially issues.

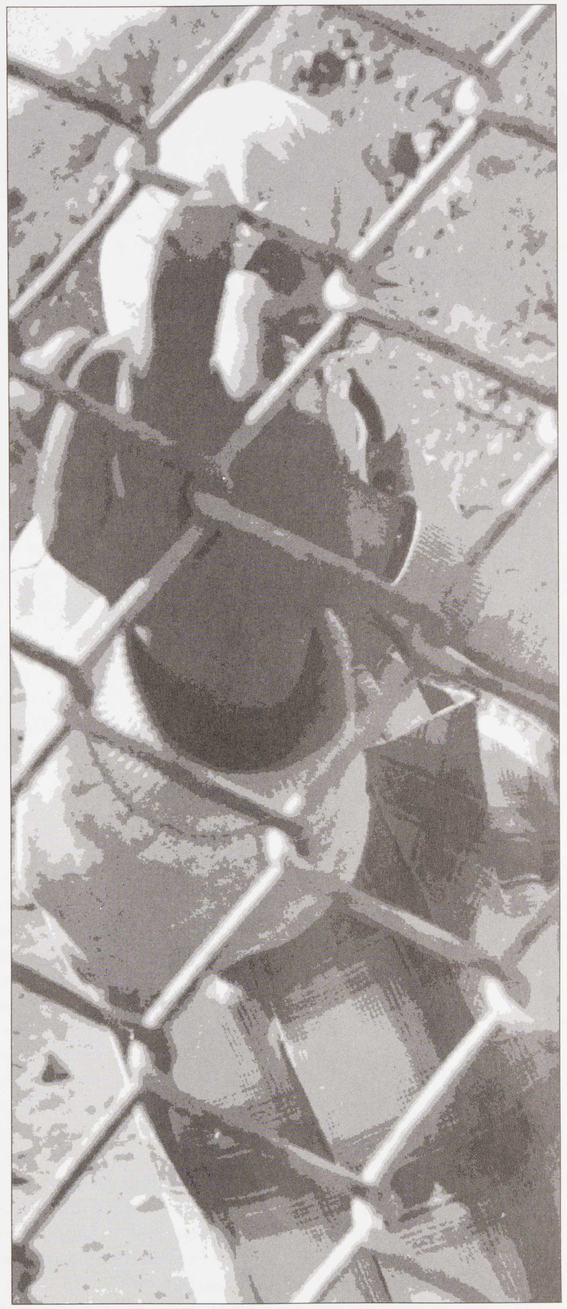
For victims, especially the undocumented who already have scant resources or authority, there are few places to report such incidents and even fewer avenues for recourse. Within the structure of the INS itself, there are fewer policies and official bodies to document and investigate abuses by its officers than most municipal police departments. Although INS Commissioner Doris Meisner proposed a civilian review board to hear claims against agents — a proposal long advocated by immigrant rights groups — little has been done to create the board, which is seen by many as only a symbolic gesture.

Building Accountability

"There needs to be a change in the system," says Suzan Kearn of the Border Rights Coalition in El Paso, Texas. "We need to speculate that there may be more abuses than we are aware of." The coalition, which has a hotline for people with complaints, has launched a "Know Your Rights" campaign that publicizes their hotline and services on both sides of the border. Kearn describes the Border Patrol as a "renegade agency" that seems to see itself as above the law. "It stonewalls. There is no way to complain and the response always seems to be that the agent was justified [in their use of force]."

The INS' official response is revealing. "We are in the process of revising the policies and regulations of the way Border Patrol arrests individuals and conducts search and seizures," says Jim Michie, public affairs officer with the INS. "Policies on the use of deadly force are also being developed."

It's a classic case of too little, too late, says



A would-be migrant confronts a Border Patrol agent from the other side of the border fence.

Photo: Jeffrey Scott, Impact Visuals