TBI Co-hosts Conference “Abriendo Caminos: Ending Human Rights Abuses at the Border”

On June 17, 2008, the University of San Diego’s Trans-Border Institute (TBI) in conjunction with the American Civil Liberties Union (ACLU) and the Comision Nacional de Derechos Humanos (CNDH) hosted the conference “Abriendo Caminos: Ending Human Rights Abuses at the Border” at the Joan B. Kroc Institute of Peace & Justice. The conference focused on devising goals and strategies to address and mitigate human rights abuses in migrant and border communities. Lawyers, human rights activists, NGO representatives, academics and law students gathered to discuss the deteriorating human rights conditions during these times of political upheaval and controversial immigration debates. Speakers ranged from American Civil Liberties Union representatives, human rights activists, government representatives and immigration lawyers touching on different topics from grassroots activism within migrant communities, hate crimes, U.S.-Mexico cooperation, sexual violence against women crossing the border, and more.

TBI Begins Endowment Drive

The Trans-Border Institute (TBI) is building a sustaining endowment to ensure long-term operations as it serves USD faculty, staff and, and the border community. With the establishment of an endowment account in July of this year, TBI formally began its drive to build an endowment dedicated to the future growth of the Institute. Building the endowment became a top priority for TBI as its programming and reach have increased substantially over the past few years, while its current budget is limited by a fixed stream of funding from the University and periodic soft money from external foundations.

The growth of TBI’s staff represents one of the most significant areas where the endowment will significantly raise the profile and resourcefulness of the Institute in this dynamic border region. Additional staff will allow TBI to more fully develop and execute its two burgeoning programs focused on furthering the rule-of-law and economic development in Mexico and the border region.

Earnings from the endowment will also fund scholarships for students to participate in summer immersion programs, fellowships for border media representatives, ongoing activities for economic development and rule-of-law projects, and basic operating costs that exceed current grant and budget funding. The additional capacity provided by the endowment will allow the Institute to grow into one of the most respected and trusted resources for border studies.

Individuals, corporations, and foundations are invited to contact TBI directly to discuss the endowment or additional interests and opportunities for border-related programs and projects by calling David Shirk or Charles Pope at (619) 260-4090.
Director’s Message: A Word from David Shirk

BI had a very active summer session. In May and June, TBI met with U.S. Ambassador Tony Garza in Mexico City; encouraged cross-border educational exchange; convened activists and legal practitioners to examine the rights and frequent abuses of migrants crossing the border; helped inform on the recent increase in cartel-related violence in Mexico; and signed a collaborative agreement with the Universidad de Guadalajara and the mayors of the six municipalities of the greater Guadalajara metropolitan area to conduct an unprecedented survey of local police.

As we move into the 2008-09 fiscal year, it is clear TBI has a very exciting year ahead. The Justice in Mexico Project will continue its research and data collection on the rule of law in Mexico, thanks to a generous new two-year $300,000 grant from The William and Flora Hewlett Foundation. Planned events include a book presentation by author David Bacon for his newest publication (Illegal People); public lectures on immigration and drug-trafficking; an international media roundtable with Middle-Eastern, Mexican, and U.S. journalists; a screening of the film on unaccompanied undocumented minors; and a public lecture by former-Mexican presidential candidate Porfirio Muñoz Ledo. In Spring 2009, we look forward to an exciting semester thanks to our upcoming Migration, Religion, and National Identity conference, a panel discussion on Mexican drug violence with the Los Angeles Times, as well as other informative events and activities. At the same time, TBI will also continue to support the development of the new Joan B. Kroc School of Peace Studies of which we are pleased to now form a part. On behalf of the entire TBI staff, I hope that you will join us for what promises to be the start of a truly great year!

Upcoming International Conference on “Migration, Religion, and National Identity”

Throughout history, religious experience has shaped the exodus, migration, and movement of peoples in significant ways. The making of the modern world hinged critically on the movement and tensions between people of faith, predominantly Catholic, Protestant, Muslim, and Jewish. The consolidation of an international system of sovereign states and the strengthening of national identities contributed to significant tensions between religion and national identity. While many newcomers find solace and support from their faith traditions, the tight-knit nature of religious communities have historically raised concerns that religion is a barrier to cultural assimilation and national loyalty.

In a frequently unacknowledged aspect of the U.S. “melting pot”, to find acceptance, new immigrant groups undergo a trial by fire that frequently places their religious faith in jeopardy. In the early 19th and 20th centuries, immigration of Catholics fueled nativist fears that these groups would fail to assimilate to U.S. culture, or might even conspire to convert the United States into a papist state. Even today, Harvard professor Samuel Huntington has raised questions about the ability of new, mainly Catholic immigrants from Mexico and the Americas to assimilate in a country founded initially on Anglo-Saxon, Protestant values.

Meanwhile, in the wake of the September 11th terrorist attacks, a sharp increase in discrimination and hate-crimes against Muslim immigrants illustrates that migrants of other religious faiths face similar challenges of acceptance and assimilation, both in the United States and abroad. The migration of Islamic North Africans and Turks into Spain, France, and Germany presents long-standing and still unresolved tensions over religion, migration, and national identity.

On April 15-16, 2009, the Trans-Border Institute will sponsor a major international conference to consider these questions and other connections between migration, religious experience, and national identification. Bringing together nationally renowned scholars and religious leaders from the United States and abroad, this conference will provide a unique opportunity to examine migration, religion, and national identity in historical and comparative perspective, as well as the efforts of different faith communities to grapple with the challenges of contemporary immigration and assimilation.
Human Rights (cont’d)

and conditions and abuses in immigration detention centers. The United States’ current immigration policy does not recognize the rights of undocumented individuals, who are currently vulnerable targets of abuses, discrimination, racial profiling, and unlawful detention. In order to address this policy, participants identified and examined the human rights enforcement bodies and mechanisms at the international, national, state, and regional levels. Community activists like Pedro Rios, Program Director of American Friends Service Committee, spoke about the importance of empowering communities to express their voice in establishing immigrant rights along the U.S.-Mexican Border. Such nongovernmental organizations have focused on awareness and education, establishing community monitoring bodies to track abuses, and helping communities protect themselves.

Panel speaker Ashwini Hardikar, ACLU representative, focused on the UN Geneva Conventions on torture, civil rights abuses, and racial discrimination. In response to these issues, the UN passed three recommendations, which the US signed with little or no conviction. However, these UN compliances have become a foundation to solve human rights crimes and abuses. Hardikar explained the importance of knowing the present treaties and policies to counter abuses. Hardikar also spoke about the rape and sexual abuse of women crossing the border. “Border crossings are not only enforced through physical barriers but also systematically enforced through the rape of a woman’s body”, explained Hardikar.

Speakers from Human Rights Watch, California Western School of Law, and private law firms spoke about the difficult legal process that awaits many detainees. Although the legal process is a civil and not a criminal procedure, many of these detainees are treated as criminals. The legal process in itself should take an average of 40-60 days; however, certain cases can take years. According to these lawyers and activists, detention centers are in worse condition than most prisons due to the lack of investment, and many are under capacity. Numerous cases of rape, death, medical neglect and abuse remain unaddressed by the government. Detainees can only receive mail on a postcard. Contact visits are not permitted and outdoor facilities are very limited. The process is sometimes too difficult for detainees to withstand. The suffering and the extenuating process leaves many detainees defeated and preferring to give up their green card, rescind their legal claims, and return to their country of origin.

During the conference, victims of human rights abuses along the border shared their compelling stories with the audience. Participants were divided into workshops to more easily discuss the different approaches to stopping human rights abuses. Currently, the ACLU and CNDH are following up on the recommendations elaborated during these workshops and devising an advocacy memo to identify strategies and goals to continue the protection of human rights.

TBI Summer Interns: Rodrigo Ortiz-Gomez and Lauren Hirshowitz

This summer, TBI hosted two visiting interns to work closely with the Justice in Mexico Project. Rodrigo Ortiz-Gomez just completed his sophomore year at Emory University in Atlanta Georgia. His intended majors are Finance and Philosophy; however, he has always had an interest in Mexican politics. At TBI, he followed Mexico’s state level judicial reform that was approved by the Chamber of Deputies, the Mexican Senate, and local legislatures. However, Rodrigo’s primary responsibility was investigating the Mexican war on drugs and development of the ‘carteles,’ through Mexican media and newspapers, such as Proceso, El Universal, Televisa, Reforma, and Excelsior, as well as U.S. Department of State publications. He conducted an interview with Dr. Jorge Chabat, a well known academic and researcher with the Center for Economic Research and Teaching in Mexico City. The interview focused on the present strengths of the cartels and the ability of the Mexican state and military to confront them, projections on the war’s potential outcomes, the role of the war on drugs in Mexico’s democratic consolidation, the transnational nature of narcotrafficking, the Mérida initiative, and the importance of collaboration between the United States and Mexico in combating narcotrafficking. Rodrigo’s final output was a PowerPoint presentation titled, “Mexico’s War on Drugs: An International Problem,” which highlighted policy and advancements of President Calderon’s administration and characters of the three major cartels: Gulf, Sinaloa and Tijuana Cartels.

Lauren Hirshowitz recently received her B.A. from the University of Colorado-Boulder in Geography and Pre-law. Her academic background entails geopolitics, cross-cultural communication, identity politics and international development. Lauren’s focus at TBI was collecting data on narco-related killings and kidnappings. While interning with TBI, her tasks involved collecting data on narco-related kidnappings and deaths of police, public officials, narco-traffickers and civilians. She also examined the cross-border mobilization capabilities of the U.S. and Mexico in the event of a health emergency, such as an avian flu outbreak, and the human rights aspects of Mexican migration and the justice system. Lauren interviewed Dr. Jorge Bustamante, who, among other accomplishments, holds the title of U.N. Special Rapporteur on the Human Rights of Migrants, where he conducts research and makes recommendations for the protection of migrant rights across the globe. In the case of Mexican migrants to the U.S., Dr. Bustamante defined the most pressing issue to be the conditions of the U.S. Immigration and Customs Enforcement (ICE) raids and the denial of access to detention facilities. Lauren represented the results of the interview at the TBI staff meeting.
Mexican Congress Passes New Judicial Reforms

In March 2008, the Mexican Congress approved a package of major constitutional and legislative reforms that will dramatically overhaul the administration of justice in Mexico. During the summer months, a majority of state legislatures also approved the reforms, clearing the way for their publication in the Diario Oficial de la Federación and implementation over the 8 year timeline established by Congress. Some of the more relevant changes are outlined below.

CRIMINAL INVESTIGATION:

• POLICE SURVEILLANCE (Article 16): The interception of private communications will be legal if voluntarily disclosed by one of the parties involved in the conversation.

• PREVENTIVE DETENTION (Article 19): The use of preventive detention will be used only in special cases where the presence of the accused cannot be guaranteed otherwise.

LEGAL PROCEDURAL CHANGES:

• ORAL TRIALS (Article 17, 20): The reform modifies Mexico’s inquisitorial system by introducing the use of oral trial proceedings, providing an opportunity for open debate about the existing evidence in cases that are brought to trial.

• ALTERNATIVE SENTENCING (Article 17): New alternative sentencing mechanisms will be introduced to reduce the number of cases that require jail time and/or make it to court, thus reducing the backlog of minor offenses and allowing the judicial sector to focus on the resolution of higher offenses.

• DOCUMENTATION OF LEGAL PROCEEDINGS (Article 16): A record must be produced for all communications between judges and Ministerio Públicos and other pertinent authorities.

KEY PROVISIONS:

• QUALITY PUBLIC DEFENSE (Article 17): The Mexican government must guarantee the existence of a quality public defense system, a provision that roughly equates to the 1963 Gideon v. Wainwright decision that gave universal access to a public defense in the United States.

• DEFINING ORGANIZED CRIME (Article 16): The constitution now defines what constitutes organized crime (in accordance with the Palermo convention): “an organization of three or more people, in order to commit crime in a permanent or recurring manner.”

• ARRAIGO (Article 16): The judicial police has the authority to hold people accused of organized crime offenses without formal charges for forty days, with the option of extending it to eighty days.

• SAFE HOUSES (Article 18): There will be specific centers for the preventive holding and the completion of sentences for organized crime members. Additionally, the police will be able to place extra security measures for these prisoners.

• ISOLATION (Article 18): Authorities will be able to restrict suspects and those convicted of organized crime from communications to third parties, except with their legal defense.

Dante Haro Speaks on Mexican Cartel Violence

On August 18, the TBI Justice in Mexico Project sponsored a public lecture by Dr. Dante Haro on Mexican drug cartel violence. Dr. Haro visited the Trans-Border Institute thanks to a grant from his home institution, the University of Guadalajara, with which TBI recently signed an institutional agreement to engage in scholarly exchange and shared research projects.

In recent months, Mexico’s drug cartels have been locked in a bloody struggle for control of trafficking routes to gain access to the lucrative U.S. illegal drug market. In 2006 and 2007, there were a total of more than 2,200 and 2,300 drug cartel-related killings, or ejecuciones, according to data gathered by the Trans-Border Institute from Reforma newspaper’s weekly cartel violence reports. This year, the violence appears to be on track to exceed 5,000 cartel-related killings. As Dr. Haro’s presentation made very clear, the violence has been especially gruesome, with decapitations, dismembered body parts, bodies dissolved in acid, and threatening narco-messages (narcowmensajes) displayed on many bodies.

As the TBI Justice in Mexico Project has tracked for the last few years through its monthly electronic news reports (available at www.justiceinmexico.org), the Mexican government has responded to this violence by increasing the involvement of the Mexican military in the war on drugs. According to Dr. Haro, this trend toward militarization represents a serious hazard for the country, since there is a risk that members of the military—who are not trained for domestic law enforcement responsibilities—will commit human rights violations or become corrupted by the drug cartels. Dr. Haro pointed explicitly to the example of the Zetas, an elite Mexican counter-drug unit from which some members defected to become one of the fiercest elements of organized crime in Mexico.

TBI Border Tour for Peace Studies Students

This August, TBI took students entering the masters degree program in Peace & Justice at the Joan B. Kroc School of Peace Studies on a brief tour of Border Field State Park in the midst of construction of new fencing, which is being installed to prevent undocumented immigration. Students had the opportunity to interact with a masked Border Patrol agent mounted on an all-terrain vehicle (next page), who discussed the agency’s recent activities in the park. Students also experienced a real live border patrol check point inspection as they exited the park, witnessed current construction on the new border fencing, and learned about other insights that the border provides on complex global phenomena like migration, security, and economic integration.
**TBI Initiates Justiciabarómetro Project**

In August 2008, as part of the Justice in Mexico Project, the Trans-Border Institute initiated a major study, titled the Justiciabarómetro, or “Justice Barometer,” which aims to analyze judicial sector personnel in Mexico, including police, public defenders, prosecutors, and judges. Presently, much of what is known about the state of Mexico’s judicial sector is based on anthropological and institutional analysis, while there are few known large numerical studies that gauge the experiences and opinions of judicial actors themselves. The Justiciabarómetro study will make a significant contribution to understanding the function and structure of judicial sector institutions, and help take the pulse of Mexico’s judicial and law enforcement sectors at a critical moment in history.

In March 2008, the nation’s congress and a majority of states approved a package of major constitutional and legislative changes that will dramatically transform criminal procedure in Mexico. The Justiciabarómetro study will survey police and lawyers working in the criminal justice system to try to gauge their knowledge and opinions about these reforms, and provide a profile of judicial sector professionals in Mexico.

To initiate this study, the Trans-Border Institute signed collaborative agreements with the Universidad de Guadalajara and the six municipalities of the Zona Metropolitana de Guadalajara (ZMG): El Salto, Guadalajara, Tlajomulco de Zúñiga, Tlaquepaque, Tonalá, and Zapopan. The first survey will be applied in 2009, and will focus on municipal police.
The University of San Diego (USD) and Universidad Iberoamericana Tijuana collaborated in a four-week summer program, titled “Summer Seminar in Border Studies,” which sought to enlighten students on the political, social, economic, and cultural aspects of life on the border. TBI granted full tuition scholarships to two USD students, incoming juniors, Meghan Higgenbotham and Ashley Harrington, who participated in the program along with three additional American students and twelve Mexican students.

The unique curriculum encompassed guest speakers and classroom discussion, but also included lessons outside the classroom, giving students the opportunity to both learn and interact with the border environment. Both universities share a Catholic tradition that translated into a community service component within the curriculum, volunteering with the Tijuana nonprofit agency, Casa Esperanza. Students assisted the local agency by building homes from concrete and cinder blocks in Eastern Tijuana.

A tour of Tijuana included a visit to the Museo de las Californias, featuring historical exhibits of the region’s pre-Hispanic origins and a photo gallery of “Enrique’s Journey,” the story of a young Honduran boy traveling to the United States to reunite with his mother. The students took a weekend trip to Ensenada, San Quintin, and Catavina, touring a busy seaport, a tomato plantation and shipping factory, an indigenous radio station, and 4,000-year-old cave paintings.

In San Diego, the students spent a day with University of California, San Diego students enrolled in a similar class and met with SANDAG, a collaborative organization that convenes leaders of 18 San Diego city and county governments, who work together to improve the region’s quality of life. Students also met with a U.S. Customs and Border Protection agent to discuss U.S. policy and his role in border security.

The program proved to be an educational benefit to the participants. Meghan Higgenbotham stated, “Prior to the seminar, I thought I understood a lot about the border because I knew of all the “border issues”: government and law enforcement corruption, drugs, goods and human trafficking, violence, trade laws, border security, etc. But what I didn’t realize were the root causes of these issues or the problems that things such as a long border-crossing waits can cause for both Tijuana and San Diego residents.”

Ashley Harrington highlights the importance of the program’s cultural immersion: “I thought the experience was most impacting because of the opportunity to live in Tijuana, take classes with local students, and explore their town. Our friendship with the Tijuana students helped us see their side of Tijuana, as well as more fully understand the impacts that the border has on each of them. There was no substitute for actually living in Tijuana and studying the problems both in class and firsthand.”

Dean Headley Names New FOCO Members

In his role as Dean of the Joan B. Kroc School of Peace Studies and head of the Trans-Border Institute’s Faculty Oversight Committee (FOCO), William Headley appointed three new members prior to its Fall 2008 meeting in December. The FOCO is an interdisciplinary committee of scholars and university administrators who provide feedback and support to the director and staff of the Trans-Border Institute. Each year, three new members proposed by the TBI director are appointed to replace a like number of outgoing members. This year’s newly appointed members include Jodi Waterhouse, Manager of the Corporate and Professional Program for Continuing Education, Angela Yeung, Music Professor and former TBI grant recipient, and Evelyn Diaz Cruz, Professor of Theatre Arts and also a former grant recipient. This Fall, the Dean of the School of Arts and Sciences, Mary K. Boyd will be the ex-officio member.

Ex officio members:
William R. Headley, David A. Shirk, Mary K. Boyd, Sally Hardin, Elaine Elliott, Annette Ketner

Rotating Members:
Viviana Alexandrowicz, Michel Boudrias, Stephen Conroy, Evelyn Diaz Cruz, Emily Edmonds, Anita Hunter, Carl Jabran, Kristin Moran, Barbara Quinn, Jorge Vargas, Jodi Waterhouse, Angela Yeung
March 13th Deadline for TBI Grant Proposals

Each year, TBI awards up to $35,000 in grants to University of San Diego faculty, staff, and students for research and activities related to the U.S.-Mexican border. Since its grant program began in 1998, TBI has awarded a grand total of $216,471 to 56 grantees. The grantees represent more than 20 departments from all 6 schools on campus, as well as other independent campus units. Faculty can receive grants for scholarly research of amounts up to $12,500. Faculty research is intended to produce an output such as a conference, publication or presentation. Faculty, students, and staff can apply for grants of up to $7,000 for border activity projects. Mini-grants of up to $500 are awarded throughout the year if funding permits.

TBI’s intramural grant competition is established as an extension of TBI’s Mission Statement “to promote border-related scholarship, activities, and community at USD,” and “to promote a positive and active leadership role for USD in the cross-border community in a manner consistent with the nature, mission, and values of the University.”

Thereby, in accordance with the mission of TBI and the University, funding has been allotted to such organizations as the Center for Christian Spirituality, University Ministry, and Community Service Learning for projects highlighting religion, spirituality, and service. Seeking to integrate all aspects of the campus community, students are encouraged to submit proposals and faculty and staff are strongly encouraged to integrate student participation in their research.

The College of Arts and Sciences has received a significant majority of grant funding; however, the representation of a wide variety of disciplines as grant recipients has produced a diverse range of outputs and activities. Past projects have involved a study of the longterm effects of pollution in Baja California Sur, USD symphony collaborations and concerts in Tijuana, a video documentary following the Japanese community in Tijuana, a dental health project in the community of La Morita in Tijuana, border security studies, a photo exhibit of Mexican migrants, and a guide for U.S. citizens visiting Tijuana.

This academic year, TBI research and activity grant proposals will be due on Friday, March 13, 2009. Please contact TBI Assistant Director Charles Pope (cpope@sandiego.edu) or visit the TBI website for further details (www.sandiego.edu/tbi).

Reflection by Elise Vaughan: TBI Research Assistant

Beginning in the fall of 2007, my role as a research assistant for the Trans-Border Institute was essentially to develop, implement, and coordinate the TBI-Los Niños Microcredit Project. At that time I had already spent one semester with TBI assisting with a different project related to the Justice in Mexico Project. Since I spent my undergraduate career studying International Relations, Economics, and Spanish, I was very excited for the opportunity to participate in a project seeking to analyze the complex challenge of economic development in Latin America. The aim of the project was to examine the application of microcredit programs in the U.S.-Mexico border region, looking specifically at the impact of the Los Niños microcredit program. Los Niños is a non-profit organization founded over 30 years ago, whose mission is to improve the quality of life of people living in the border region by creating opportunities for children and their families to realize their human potential through participation in the development of their communities.

The project development entailed creating a microcredit bibliography, researching and writing a literature review on the theory and practice of microcredit, and meeting with Los Niños staff to establish a working relationship through a Memorandum of Understanding. Coordinating and implementing the project required me to submit an IRB application, solicit faculty advisors, coordinate and conduct interviews, develop a database on the Los Niños microcredit program, and design and implement a participant survey. Later, the project also involved co-authoring a TBI Border Brief with the project interns and travelling to Tijuana to meet a group of Los Niños promotoras. These tasks were accomplished with some guidance and assistance from Dr. David Shirk, the director of TBI. In collaboration with Dr. Shirk, I also began to write the final report for Los Niños which we are hoping to submit for publication this upcoming year.

Through my involvement with TBI, I have gained invaluable experience and practical skills. The nature of this project and the size of our staff required me to take the initiative in order to accomplish our objectives and in doing so I was given an extraordinary learning opportunity. I believe that Los Niños is doing wonderful work and I felt that TBI owed it to them to ensure the project lived up to its potential. I feel quite satisfied with what I was able to accomplish working just ten to fifteen hours per week during the school year, though at times it was a little overwhelming knowing how much I had to do. Looking back on what we have accomplished this year, I would say this has been an extremely positive experience, and I hope that our work will prove useful to Los Niños.
Mission Statement

The Trans-Border Institute (TBI) was founded at the University of San Diego in Fall 1994 thanks to the vision and leadership of former Provost Sister Sally Furray. The USD Trans-Border Institute has two overarching objectives:

1) to promote border-related scholarship, activities, and community at USD.

2) to promote a positive and active leadership role for USD in the cross-border community in a manner consistent with the nature, mission, and values of the University.

In order to carry out its mission, the TBI provides (and encourages others to provide) faculty, students, and staff of the University of San Diego, as well as people who live on both sides of the border, with information, contacts, seminars, opportunities for study, research grants, internships, academic exchange partnerships and service-learning opportunities.

TBI Staff

David A. Shirk: Director, Trans-Border Institute
Charles Pope: Asst. Director, Trans-Border Institute
Robert Donnelly: Project Coordinator, Justice in Mexico Project
Claudia Ornelas: Administrative Assistant
Cory Molzahn: Research Associate
Theresa Firestine: Research Associate
Ruth Gómez: Research Associate
Elise Vaughan: Research Assistant
Emily Lawrence: Research Assistant
Judith Dávila: Research Assistant
Lorie Lopez: Events Assistant
Carla Meyers: Promotions Assistant
Rodrigo Ortiz-Gomez: Project Intern
Lauren Hirshowitz: Project Intern
Morayma Jimenez: Project Intern
Ruth Soberanes: Project Intern