

## TABLE OF CONTENTS

Tinker Speaker Series	1
USD School of Peace	1
Director's Message	2
Governor Oliva's Visit	3
Staff Spotlight: Lorie Lopez	3
Guadalajara Roundtable	4
Aguascalientes & Zacatecas	4
Mexico Business Summit	4
Oaxaca Conference	5
2008 Justice Project Events	5
Muertos: Day of the Dead	6
New FOCO Members	6
TBI Brief: Education	7
Reflection: Sam Liao	7
TBI Grant Program	7
Mission Statement	8

## Tinker-Sponsored TBI Speaker Series Features Comparative Country Experiences in Legal Ethics

**T**his Fall, TBI completed its speaker series on Legal Ethics and Professional Responsibility by hosting three distinguished experts from Spain, Argentina, and the United States. The series is sponsored by the generous support of The Tinker Foundation, a New York-based philanthropic organization that has a special emphasis on Latin America, Spain and Portugal. As part of TBI's ongoing Justice in Mexico Project, this series is intended to promote greater comparative understanding of the norms and mechanisms for the ethical and professional development of lawyers. The findings and outputs from this series will inform the project's efforts to promote more effective rule of law in Mexico, where the legal profession is largely unregulated.

During the 2006-07 academic year, Tinker support enabled TBI to host two distinguished speakers from Mexico and Chile, though the series was delayed in 2007-08 due to cancellations by two previously scheduled speakers. Initiating the series this Fall was Rafael Del Rosal, a member of the Distinguished College of



*Dr. Rodolfo Luis Vigo speaking in Aguascalientes, Mexico about legal ethics*

Lawyers in Madrid, who spoke at a forum that TBI co-hosted on September 20th with the Institute for Juridical Research (IJ) at the National Autonomous University of Mexico (UNAM), Mexico's largest university. Dr. Del Rosal noted that, historically, if lawyers do not act to regulate

*(Continued on pg. 2)*

## TBI Incorporated into Newly Inaugurated Joan B. Kroc School of Peace Studies

**W**ith the appointment of Father William Headley as founding dean of the Joan B. Kroc School of Peace Studies (KSPS) in August 2007, the Trans-Border Institute became incorporated into the new school. Formerly, along with the Institute for Peace & Justice, the Trans-Border Institute reported directly to the Provost and Vice-President for Academic Affairs. Now both institutes report to Dean Headley, and complement the school's Master's Program in Peace and Justice.

This transition places TBI's work on a wide range of issues in new perspective. In recent years, TBI has focused on a variety of themes related to peace-building: resolving conflicts over extradition and cross-border legal issues; trans-national crime and insecurity; poverty

reduction and economic development; effective governance; human rights; and the challenges and tensions related to international migration. TBI will continue to work on these issues in concert with other peace-building programs in the new school.

Throughout the Fall, TBI has been intimately involved in the KSPS strategic planning process, along with other units of the School's highly collaborative group. Dean Headley has hosted a series of listening sessions with representatives from the USD campus and the international peace-building community. The new dean also hosted a roundtable with peace-building experts from around the country. In January 2008, Dean Headley will be visiting Tijuana with TBI and representatives from other border-focused campus organizations.

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NEWSLETTER

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## Director's Message: A Word from David Shirk

In my fifth year as Director, I am very pleased with the progress that TBI has made to date, and the wonderful opportunities that lie ahead. In the past few years, TBI has hosted numerous speakers, conferences and other events, and has managed exciting research projects on key issues impacting Mexico and the U.S.-Mexico border region. These activities have gained wide recognition in the media, and have resulted in the production of two book length publications and numerous briefs and news reports. To date, TBI has also provided nearly \$200,000 in intramural grants to support border-related research and activities by interested faculty, staff and students. Thanks to their efforts, TBI has contributed to the production of a wide variety of outputs: research publications, musical CDs, theatrical plays, photographic exhibits in San Diego and Tijuana, and wonderful opportunities for USD students to learn about Mexico and the border region. Our staff, students, and interns have worked very hard to make these accomplishments possible, and I am extremely proud of them.

This year also marks a critical year for TBI to look forward to future possibilities. One year into Mexican President Felipe Calderón's six-year term and at the start of new gubernatorial and mayoral terms in Baja California, there is a high degree of optimism about the prospects for Mexico and U.S.-Mexican collaboration. TBI is especially hopeful about the prospects for



*Dr. David Shirk, Robert Donnelly, Claudio Pavlic, Charles Pope*

passing new justice sector reforms in Mexico, which is the focus of our efforts in the Justice in Mexico Project sponsored by The William and Flora Hewlett and Tinker Foundations.

Meanwhile, here at USD, TBI is excited about working closely with Dean William Headley and the other programs of the Joan B. Kroc School for Peace and Justice to build its curriculum and programs. This presents an extraordinary opportunity for TBI, and one that we eagerly embrace! At the same time, TBI looks forward to its own strategic planning and development opportunities, particularly with regard to its new collaborative projects with Los Niños and the Universidad Iberoamericana.

## Tinker Legal Ethics Seminar Series (cont'd)



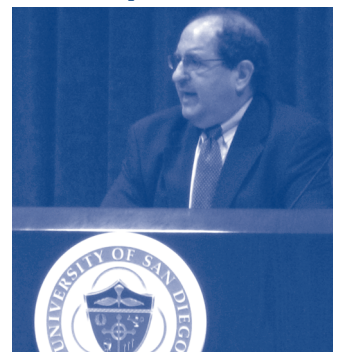
*Dr. Rafael Del Rosal speaks on legal ethics at the UNAM in Mexico City*

themselves, the state has acted to regulate them instead, sometimes to their dismay.

The second speaker, Argentine judicial ethics expert Rodolfo Vigo, spoke in Aguascalientes as part of a series of events TBI has co-hosted in different Mexican states to engage university students and legal practitioners around the country. Vigo helped to develop the 2006 Model Code of Ethics for the Ibero-American Judicial Summit, and emphasized the role of judges and judicial ethics in Latin American legal systems.

The series closed with a talk at the Trans-Border Institute by USD School of Law professor Fred Zacharias, an expert on constitutional law, professional responsibility and criminal procedure. Zacharias highlighted the real and perceived contrasts between U.S. lawyers and their counterparts in other countries, and the mechanisms—bar associations, tort law, ethical codes, and (especially) judicial regulation—that shape the professional conduct of U.S. lawyers.

In the coming year, TBI will continue to promote the various outputs from the Tinker Speaker series to legal practitioners and in law school curricula in Mexico and throughout the Americas. Streaming video, electronic transcripts, and other outputs from this series are currently available through the project's website ([justiceinmexico.org](http://justiceinmexico.org)).



*Mr. Fred Zacharias, USD School of Law*

## Guanajuato Governor Visits TBI to Discuss Migration & Development



Gov. Juan Manuel Oliva (left) with David Shirk

In August 2007, TBI hosted Guanajuato Governor Juan Manuel Oliva, during the mandate's multi-state tour of the United States on behalf of the Mexican governor's association (CONAGO). Gov. Oliva's visit originated from his interest in participating in TBI's Fall 2006 Trans-Border Migration and Development Conference, which he was unable to attend due to other obligations. Gov. Oliva addressed how the conference themes — migration and economic development — relate in Guanajuato, a major migrant sending state in central Mexico. Gov. Oliva noted that migration has an enormous impact in his state of 5 million people, since nearly 1 million immigrants from Guanajuato are believed to be living in the United States. Many of these migrants help make Guanajuato a leading state participant in the 3-for-1 program, which matches migrant remittances with contributions from the federal, state, and local governments to help fund infrastructure projects in their communities of origin.

The TBI roundtable discussion featured distinguished public officials, academics, business people, and community representatives.

Congressman Bob Filner (D-51st District) asserted that the United States must find ways to promote greater prosperity in Mexico. Journalists Sam Quiñones (L.A. Times) and Ruben Navarrette (San Diego Union Tribune) noted the concerns that many



Congressman Bob Filner (D-51st Dist.)

U.S. citizens feel about committing to financial assistance to Mexico, and emphasized the need for Mexican leaders to demonstrate resolve and results in promoting the necessary changes — like fiscal reform and anti-corruption measures — to promote economic prosperity.

## TBI Staff Spotlight: Program Assistant Lorie Lopez

Lorie Lopez joined the Trans-Border Institute in June 2006 and is currently a student at Grossmont Community College and the USD Paralegal Program. Lorie is a San Diego native and first generation daughter of an immigrant father from Nicaragua. She graduated from the Academy of Our Lady of Peace High School, where she received an Achievement Award from Bank of America in the field of Foreign Language. She has also participated in volunteering activities in Tijuana with the social outreach programs of Los Niños.

At TBI, Lorie serves as the program assistant for conferences, speakers, and other TBI events. Working with TBI Director David Shirk, Operations Coordinator Charles Pope, and Justice Project Coordinator Rob Donnelly, Lorie helps to manage the complex logistical aspects of event planning (both at USD and in Mexico), including contacting invitees, scheduling locations and catering, promoting events on- and off-campus, and post-event dissemination and follow-up with event participants. Through these activities, Lorie makes an enormous contribution to TBI's efforts to promote bi-national cooperation in the U.S.-Mexican context. Moreover, she does so with characteristically good humor and a visible sense of pride in her work. In the future, Lorie plans on studying Law at USD, and has been enormously helpful in the organization of activities and events for the Justice in Mexico Project and TBI.



Lorie Lopez, TBI Program Assistant



Lorie Lopez greets attendees at the Trans-Border Migration and Development Conference

## TBI Justice Project Hosts Security Roundtable in Guadalajara

As part of the “Justice Network” (Red de Justicia) of the Justice in Mexico Project, and in collaboration with the University of Guadalajara, the Center for Research on Development, A.C. (CIDAC), the Western Technological Institute of Higher Studies (ITESO), and the U.S. Consulate in Guadalajara, TBI hosted a roundtable with experts and high-level public officials on July 11, 2007 in Guadalajara, Jalisco. The purpose of this meeting was to examine current national and local public security challenges in Mexico, and connect renowned experts with local officials and stakeholders to evaluate possible policy solutions. Featured participants included Luis Astorga (UNAM), Elena Azaola (CIESAS), Bruce Bagley (University of Miami), Jorge Chabat (CIDE), Carlos Flores (consultant), Francisco Macias (Justice Center for Peace and Development), Marcos Pablo Moloeznik (University of Guadalajara), State Secretary Carlos Nájera (Jalisco Ministry of Public Security), Jorge Rocha (ITESO), María Eugenia Suárez (University of Guadalajara), and Guillermo Zepeda Lecuona (CIDAC).

The roundtable discussion centered especially on recent efforts by President Felipe Calderón to confront narco-trafficking through increased military deployments throughout the country. Academics involved in the roundtable raised concerns that the Calderón administration’s counter-drug strategy could lead to human rights violations and threats to civil rights. Researchers also rejected the notion, raised by State Public Security Secretary Carlos Nájera, that Mexico suffered from a “culture of lawlessness,” instead arguing that comprehensive institutional reforms to the Mexican criminal justice system—such as improved policing methods, alternative dispute resolution mechanisms, oral trial procedures, and penal system reforms—can be effective in reversing recent trends in criminality and violence. The agenda and key presentations from the roundtable are available at the Justice in Mexico Project website ([justiceinmexico.org](http://justiceinmexico.org)).



Jorge Chabat (center) raises concerns about military human rights violations at Guadalajara roundtable on public security.

## Justice Reform from A to Z: Aguascalientes and Zacatecas

On September 27-28, 2007, the Trans-Border Institute sponsored forums in Aguascalientes and Zacatecas, two states in central Mexico. As part of the “Justice Network” (Red de Justicia) of the Justice in Mexico Project, the purpose of this effort was to convene academics, policy-makers, practitioners, and stakeholders to examine local justice reform initiatives. The forums—hosted at the Universidad Panamericana and the Zacatecas State Supreme Court, respectively—were attended by more than 500 practitioners and law students, providing a valuable educational opportunity to learn from nationally and internationally renowned scholars and practitioners about current challenges facing the legal profession. Given the proliferation of new law programs in recent years throughout Mexico, the education and professional regulation of lawyers and judges presents a major challenge. Both forums gave particular attention to the use of ethical codes and mandatory bar membership as possible mechanisms to ensure proper professional conduct. Notable presenters in the forums included Erika Cedillo (ITESM), Héctor Fix Fierro (UNAM), Judge Alejandro González (1st Penal Court, Michoacán), Carlos Loperena (Mexican Bar Association), State Supreme Court Chief Justice Bernardo del Real Ávila (Zacatecas), and Judge Teresa Sánchez-Gordon (Superior Court-Los Angeles).



Panel addresses audience at the Zacatecas State Supreme Court

## Mexico Business Summit Addresses Justice Challenges

On October 29, 2007, TBI Director David Shirk participated in a panel titled, “Getting serious with law and order: Crucial steps ahead” at the Mexico Business Summit hosted in Monterrey, Nuevo León. Dr. Shirk was featured on a roundtable discussion with Attorney General Eduardo Medina-Mora, Zacatecas Governor Amalia Garcia, political analyst Sergio Sarmiento, professor Sergio Elias Gutiérrez Salazar, and moderated by security expert Ana María Salazar. The Mexico Business Summit is attended each year by leading business and political figures, and brings attention to critical issues affecting Mexico.

## Evaluating Criminal Justice Reform in Oaxaca

Within a year of the implementation of new procedural reforms to the criminal justice system in the southern Mexican state of Oaxaca, the Trans-Border Institute hosted one of the first international conferences to evaluate these reforms and their impacts on the administration of justice in Mexico. The conference, “Criminal Justice Procedural Reform in Oaxaca,” took place at the Hotel Fortín Plaza on November 30, 2007, and was co-sponsored by the Open Society Justice Initiative, the Benito Juárez Autonomous University of Oaxaca (UABJO), and the Due Process of Law Foundation.

The forum featured national and international experts, as well as local practitioners with “on-the-ground” experience implementing oral trials and other alternative criminal justice procedures in Oaxaca. Conference speakers included Ana Aguilar (Open Society Justice Initiative), Pedro Francisco Figueroa Vásquez (Public Prosecutor), Oscar Flores (Public Defender, Tehuantepec), Eric García (Psicología Jurídica, consultant), Rector Francisco Martínez Neri (UABJO), Juan Carlos Morales López (Center for Indigenous Translation and Defense), Jan Perlin (consultant), Katya Salazar (Due Process of Law Foundation), Carlos Morales Sánchez (Center for Integral Legal Attention and Assistance, A.C.), José Juan Julián Santiago (consultant), Gregorio Santos Cruz García (Public Defender, Tehuantepec), Assistant Prosecutor Rubén Vasconcelos Méndez (PGJE-Oaxaca) and Efraín Velásquez (Center for Integral Legal Attention and Assistance, A.C.).

Participants discussed a variety of new reforms to criminal justice procedures in the state, including alternative sentencing mechanisms and the use of mediation



Oscar Flores, Juan Carlos Morales, Katya Salazar, and Carlos Morales

for dispute resolution. However, the topic of oral trial procedures — implemented in the Tehuantepec region of the state — attracted particular interest because of recent efforts to implement oral trial reforms at the national level. One of the notable challenges for the implementation of oral trials in the state of Oaxaca is the need for greater financial support to support the efforts of local prosecutors and public defenders to adapt to the demands of the reforms. Notably, Oaxaca is the state with the highest proportion of people (over half the state’s population) that speaks an indigenous language, adding significant expenses such as the provision of translators and written materials.

This forum took place just one year after the violent conflict that erupted in Oaxaca in December 2006 (See “Crisis in Oaxaca,” *TBI Brief*, 12/1/06). Still, despite some lingering tensions over the past year, the enormous progress that has been made on justice sector reforms was viewed by participants as very promising.

## Justice in Mexico Project: Spring 2008 Activities

As part of its on-going activities in Spring 2008, the Justice in Mexico Project will continue to publish its free monthly news reports on recent developments in the Mexican criminal justice system. Interested persons can subscribe to the Justice in Mexico news report by visiting the project website ([justiceinmexico.org](http://justiceinmexico.org)). The project will continue to collect data and disseminate a variety of outputs for its Tinker and Hewlett Foundation sponsored activities.

Project coordinator Robert Donnelly and the project’s supporting staff will also be actively engaged in the organization of a series of events, including “Justice Network” forums in Nuevo León and Chihuahua. The major event for the project this Spring will be the “Justice in Mexico” conference, which will bring together project participants with other notable scholars and experts on Mexican criminal justice reform.

### Upcoming Project Events:

**January 25, 2008:** Justice Network Forum in Nuevo León, hosted at the Universidad Autónoma de Nuevo León

**March 5, 2008:** Justice Network Forum in Chihuahua, hosted at the Universidad Autónoma de Chihuahua

**April 21, 2008:** “Justice in Mexico: Evaluating National and Local Reform Initiatives,” international conference hosted at the Joan B. Kroc Peace and Justice Theatre at the University of San Diego.

## TBI Sponsors “Muertos: A Day of the Dead Play”

Playwrite and director Evelyn Díaz Cruz, Assistant Professor of Theatre Arts presented her new play, “Muertos: A Day of the Dead Play” on November 2-3, 2007. Professor Díaz Cruz was a TBI grantee in 2006-07 and in the current academic year, and received financial support to research, write, direct, and stage the play’s opening at the University of San Diego. Hundreds of members of the USD and surrounding communities packed the Shiley Theater in Camino Hall to full capacity during the two nights of its debut.

Based in the San Diego/Tijuana region, the play follows the journey of Carmen, a second generation Latina photography student. The play draws on the Latin American literary style of “magical realism” to explore complex and provocative themes of love, death, faith, drug abuse, and undocumented immigration along the U.S.-Mexico border. Professor Díaz Cruz, originally from Puerto Rico, carefully researched the lore and



*Post-performance music, dancing, and traditional Mexican sweets*



*Playwrite & director Evelyn Díaz Cruz (right) with life-sized calavera*

traditions of Mexico’s Day of the Dead—including skeletal calavera figures—to develop the visual imagery, live music, song and dance, and storyline to create *Muertos*, authoring and producing her first full length play. The performance included USD students, as well as members of the San Diego-Tijuana community,

The play suffered an unfortunate setback due to the wildfires that struck both San Diego and Tijuana in mid-October, when it was originally scheduled to debut. While this presented enormous logistical difficulties, the rescheduling of the event enabled the play to coincide with the November 2nd Day of the Dead celebration.

## Dean Headley Names New FOCO Members

Newly appointed Dean William Headley assumed the head of the Trans-Border Institute’s Faculty Oversight Committee (FOCO), and appointed three new members prior to its Fall 2007 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 (previously by the USD Provost, and presently by the Dean of Peace Studies) to replace a like number of outgoing members. This year’s newly appointed members include Steve Conroy (Business), Kristin Moran (Communications), and Jorge Vargas (Law). This Fall, the FOCO elected to appoint the Associate Dean of Peace Studies as an ex-officio member.

### Ex officio members:

- William R. Headley
- David A. Shirk
- Sally Hardin\*
- Joyce Neu
- Elaine Elliott
- Annette Ketner

### Rotating members:

- Viviana Alexandrowicz
- Michel Boudrias
- Stephen Conroy
- Emily Edmonds
- Anita Hunter
- Carl Jubran
- Kristin Moran
- Teresa O’Rourke
- Gail Perez
- Alberto Pulido
- Barbara Quinn
- Jorge Vargas

*\* Each academic year one dean serves as an ex officio member.*

## TBI Grantee Jaime Romo Presents Brief on Education in the Cross Border Region

**O**n October 5, 2007, USD School of Education professor Jamie Romo presented his recently published TBI Brief, titled “Education Policies and Practices in the U.S.-Mexico Border Region: A Look at San Diego and Tijuana.” The brief presented was attended by Dr. Romo’s colleagues and students from USD, as well as interested members of the community from San Diego and Tijuana.

The eight page brief, available in PDF format on the TBI website ([sandiego.edu/tbi/resources](http://sandiego.edu/tbi/resources)), examines the general educational contexts of the United States and Mexico in comparative perspective, and provides a detailed analysis of the particular context of the U.S.-Mexico border region. While there is an enormous gulf between average teacher salaries in California (\$56,000) and Baja California (\$6,000), Dr. Romo points out that there are significant educational deficits in the border region in both the United States and Mexico. Moreover, even operating with fewer resources than their U.S. counterparts, teachers in northern Mexico serve many of the country’s most educated citizens.

Dr. Romo argues that the border region is a distinctive, highly-integrated context that must not be treated the same as other parts of the country. According to Dr. Romo, “The educational needs and challenges of the border region require careful analysis, and greater understanding of the impacts of transnational influences, particularly the impacts of migration on both Northern Mexico and the U.S. Southwest.”

Dr. Romo’s conclusions are derived from several years of teaching and study of educational issues in the border region, as well as his collaborative work with the binational Border Pedagogy and Action research project between the Universidad Iberoamericana and the Universidad Pedagógica Nacional-Tijuana. Through grants from the Trans-Border Institute in 2004-05 and 2005-06, Dr. Romo helped to organize two major conferences involving university professors and K-12 educators from both sides of the border.

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## March 17th Deadline for TBI Grant Proposals

**E**ach 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 nearly \$200,000 to more than 40 grantees from different departments from all 6 colleges on campus for projects to engage key border issues. This academic year TBI research and activity grant proposals will be due on Monday, March 17, 2008. Please contact TBI Operations Coordinator Charles Pope ([cpope@sandiego.edu](mailto:cpope@sandiego.edu)) or visit the TBI website for further details ([www.sandiego.edu/tbi](http://www.sandiego.edu/tbi)).

## Reflection by Sam Liao TBI Technical Assistant

**I** started working with the Trans-Border Institute at the beginning of 2006, while pursuing my MBA degree at the USD School of Business. While working at TBI, I had the opportunity to work on many different aspects of TBI event coordination and office support, and—because I am an avid photographer—I photographed many conferences and events, and created the TBI digital image gallery.



*Sam Liao, TBI Technical Assistant*

However, my major responsibility was to develop a sophisticated website for the Justice in Mexico Project, and provide other technical assistance for TBI (computer troubleshooting, data archiving, audiovisual recording for project events, etc.). I had developed my technological skills by working previously as a web administrator for the polymers division at the National Institute of Standards and Technology (NIST). Also working as a researcher for the American Dental Association, I had developed a keen interest in business and management. After I relocated from Maryland to San Diego in 2005, I decided to enroll in USD’s MBA program to pursue those interests. TBI’s Justice in Mexico Project was just getting started, which gave me the opportunity to get involved in the early development of its website and online materials.

I enjoyed working at TBI while going to school because it enabled me to work with smart, fun, and energetic people. As a native of China, I had little previous knowledge of Mexico or the Spanish language. Yet, through my work with TBI, I started to understand and develop familiarity with Mexico, its language, and sensitive border issues, like immigration. Learning more about Mexico especially appealed to my interests in politics, photography, and religion. One highlight of working for TBI was my trip to the states of Guanajuato and Michoacán in central Mexico with the USD symphony and Sinfónica Juvenil de Tijuana, led by Dr. Angela Yeung during Spring Break 2007. I participated in the trip on behalf of TBI and served as the event photographer for their musical performances. This was my first trip to the Mexican interior, and it provided me with many interesting opportunities to interact with Mexican people. Visiting the states of Guanajuato and especially Michoacán, which is home to many indigenous people, broadened my perspective about Mexico’s many fascinating cultures.

In Spring 2007, I graduated with my MBA degree and have moved on to look for career opportunities in the business supply chain management area. Overall, the TBI experience was very rewarding, and I continue to visit regularly and maintain strong friendships with other present and former members of the staff.

# 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 Furay. The USD Trans-Border Institute has two overarching objectives: 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.

## **TBI strives to achieve its mission by:**

- Helping the United States-Mexico border community in ways consistent with the nature and mission of the University of San Diego;
- Positioning the University of San Diego in the United States-Mexico border community, and positioning that community within the curricular, research and service components of the University of San Diego;
- Addressing within the University of San Diego the issues raised by the United States-Mexico border reality;

- Stimulating explorations of the concept and context of “border” within the curricular, research and service components of the University of San Diego;
- Promoting further explorations of the experiences, forces, histories, belief systems and institutions that shape the United States-Mexico border community; and
- Serving as a vehicle of communication, dialogue, exchange and collaboration, in order to break down barriers between the people who live on both sides of the United States-Mexico border.

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.



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