TBI Presents Justice in Mexico Conference: Evaluating National and Local Initiatives

On Monday, April 21, 2008, the University of San Diego’s (USD) Trans-Border Institute (TBI) hosted the major conference, “Justice in Mexico: Evaluating National and Local Initiatives,” at the Joan B. Kroc building on the USD campus in San Diego, CA. The conference gathered law students, legal practitioners, businesspeople, academics, NGO representatives, and the media to discuss recent advances and upcoming challenges affecting the Mexican criminal justice system. The principal objectives of the conference were threefold: conduct a state-of-the-art technical analysis of federal- and state-level criminal justice reform initiatives; anticipate the consequences of reform efforts on the democratic consolidation of the rule of law; and speculate on near-term challenges that could hinder effective reform implementation.

Guiding the timing of the conference was a desire to study the Mexican system at an exceptional historical moment, as the country’s courts undertake a revolutionary transition from a predominantly inquisitorial/“presumed guilty” model to a chiefly accusatorial/“presumed innocent” one. The conference took place in the month after the Mexican Congress approved a landmark constitutional reform package that sought to overhaul and modernize the Mexican system in alignment with internationally accepted best standards and practices. This conference

USD and the Universidad Iberoamericana Tijuana Collaborate for Student Summer Seminar

On January 17, 2008, TBI staff and representatives from the Joan B. Kroc School of Peace Studies traveled to Tijuana, Mexico to meet with representatives from the Universidad Iberoamericana. The universities share a proximity to the border and Catholic traditions, providing them with a unique vantage to global issues such as poverty, inequality, economic development, environmental sustainability, and international migration. This meeting served as the formal ceremony for the signing of a “convenio”—the Spanish term used to describe an inter-institutional agreement—to formalize TBI’s collaboration with the Iberoamericana on a new project, the Summer Seminar in Border Studies. This program will bring students from the United States and Mexico to study for a full month at the Iberoamericana.

During the ceremony, opening statements were given by the Dean of the Joan B. Kroc School of Peace Studies, Father William Headley, and the Rector of the Universidad Iberoamericana, Mtro. Sebastián Serra Martínez. Dean Headley emphasized that San Diego and Tijuana are part of one region, and it is “not a question of Tijuana there and San Diego there.” Mtro. Serra agreed, and noted that this shared vision of the border is not well understood in other parts of Mexico or the United States. He noted that it is the responsibility of both universities to promote greater understanding between their two countries.
Director's Message: A Word from David Shirk

This marks the completion of TBI’s twelfth year, and my fifth year as TBI Director. I am very pleased with TBI’s progress, thanks to the efforts of its hard-working staff, students, grantees, and other supporters. I especially want to recognize and thank our departing seniors: Analisa Franklin, Ruth Gómez, Lorrie Lopez, Carla Meyers, and Elise Vaughan.

Over the last five years, TBI and its staff have organized over 100 conferences and events, worked with more than 20 USD student workers and interns, and provided over $200,000 in grant support to projects on various border related topics. Throughout this period, many of these TBI activities would not have been possible without financial contributions from The William and Flora Hewlett Foundation, The Tinker Foundation, Bank of America, the Open Society Justice Initiative, and other donors.

This year, TBI had several major accomplishments. In 2007-08, TBI hosted a range of programs on justice reform, immigration, development, and legal ethics. Notably, TBI’s efforts contributed to the development of the scholarly and public consensus on Mexico’s recently approved justice sector reform package: TBI’s April 21, 2008 conference on Justice in Mexico: Evaluating National and Local Initiatives provided an important opportunity to bring together leading scholars working on this topic in Mexico and the United States.

Relatedly, TBI also organized a series of forums in Aguascalientes, Chihuahua, Mexico City, Nuevo León, and Zacatecas on justice reform. In addition, as Director I represented TBI in meeting with U.S. Ambassador to Mexico, Tony Garza, and at conferences and forums in Washington, D.C., Mexico City, Dallas, Montreal, and Madrid.

This was also a year of transition for TBI due to its integration into the new Joan B. Kroc School of Peace Studies. TBI also began two important new initiatives this year: conducting a micro-credit study with Los Niños, and participating in a cross-border summer immersion program with our partners at the Universidad Iberoamericana in Tijuana. Looking forward to the next five years, TBI will engage in a serious fund-raising effort to strengthen and expand its programs and offerings, and continue its auspicious development.

Los Rostros de México presents Carlos Monsiváis

On January 31, 2008, in collaboration with the Mexican Cultural Institute of San Diego and the Mexican Consulate in San Diego, the Trans-Border Institute co-hosted “Acuérdate de Acapulco: Homenaje a Agustín Lara.” This event was part of the Los Rostros de México series, which features distinguished Mexican lecturers and artists. “Acuérdate de Acapulco” featured musical performances by the Trio Contrapunto, who performed songs composed by Agustín Lara, such as “Solamente Una Vez,” a melodramatic retelling of the history of Latin America, and “Aventurera,” a telling of the birth of prostitution. Accompanying the trio was commentary by Carlos Monsiváis, a well-known Mexican intellectual, who discussed how the songs of Agustín Lara provide political and social commentary on Latin American and Mexican culture, and on topics ranging from immigration to love lost and found. The presentation was well attended and was followed by a reception in the atrium of the new building of the School of Leadership and Education Studies.

Book Signing by Joan B. Anderson & James Gerber

On March 3, 2008, TBI hosted a book signing and press conference to present the book, “Fifty Years of Change on the U.S.-Mexican Border: Growth, Development, and Quality of Life,” by Joan B. Anderson and James Gerber. Focusing on demographics, economics, and living standards, the book explores the reasons for the asymmetrical development of the U.S. and Mexico over the past fifty years and the implications this has for those living on either side of the border, whose lives are culturally similar, yet, economically, worlds apart. Their research utilized statistics from six U.S. and Mexican censuses, compiling data from each county and municipality lining the 2,000-mile border to create what they call the Border Human Development Index. The publication drew partly from research funded by a TBI grant awarded to Dr. Joan Anderson in 2002-03. The authors presented their findings to a group of thirty students, academics, and community members, and media representatives.
TBI Hosts Annual Cross-Border Media Roundtable

The Trans-Border Institute hosted a Cross-Border Media Roundtable on February 6, 2008, focusing on recent developments along the U.S.-Mexico border and the challenges of border reporting. The roundtable included approximately 25 border reporters, faculty, and students.

The featured speakers for the roundtable were University of San Diego Communications Professor Kristin Moran and former border reporter Anna Cearley. Dr. Moran talked about the downsizing of newsrooms, particularly The San Diego Union-Tribune, and the transition to alternative forms of journalism, which cater to smaller, more specified audiences and rely heavily on the internet. Operating on the smaller scale of the “virtual” page brings more freedom to journalists, but also raises issues of credibility, bias, and trust in evaluating online content. Another concern is that, as people read only what interests them, the media may lose its ability to deliver important news content to a broad audience and to function as a community builder. Ms. Cearley re-affirmed Dr. Moran’s sentiment and noted the challenge of providing quick and concise reporting on rich and complex stories. Regarding her experiences and challenges reporting along the border, Ms. Cearley noted effective border reporting requires a great deal of skill and experience; along the border, she said, “facts are a lot more fluid,” and there is difficulty getting facts directly from the sources. Ms. Clearly also spoke of the media’s evident preoccupation with Mexico’s crime issues, noting that it is difficult to generate interest in a broader variety of topics.

In the roundtable discussion, others expressed their frustrations with the selectivity and narrowness of news topics, and discussed the nuances of changing newsrooms and media outlets. Sandra Dibble, who spent fourteen years as a border reporter for the Union-Tribune, noted that after 9/11 the news focus shifted even more dramatically to crime reporting. David Gaddis Smith, Foreign Editor of the Union-Tribune, stated that he is concerned for the future of newspapers for their integrity of publications and economic survival. Therefore, a significant struggle of cross-border media is too establish means of reporting the less dramatic, but still important, issues in a manner that will attract the attention of the general public.

The roundtable discussion reached the consensus that border reporting is filled with opportunities and challenges. Dean William Headley of the Joan B. Kroc Institute for Peace & Justice emphasized the opportunity for social activism, while the editor of Enlace, Aida Bustos, emphasized that the region should not just be seen as a “shoot ’em up” environment, but also a region with rich culture, music, and art. The discussion concluded with a “thank you,” from Dr. Shirck, to the journalists and professors, for their attendance, activism, and input.

TBI Staff Spotlight: Promotions Assistant Carla Meyers

Carla Meyers joined the Trans-Border Institute staff in September 2007 as an academic intern. Her first assignment was preparing a five year internal assessment of TBI’s growth and development from 2003-2008. This assignment involved an analysis of past TBI events, grants, website activity, student workers, publications, and overall adherence to its stated objectives and mission. The report was prepared in written and powerpoint format and presented by David Shirk at the Fall 2007 Faculty Oversight Committee (FOCO) meeting.

In November, Carla joined the staff as Promotions Assistant. Her first assignment was the coordination of a vendor to facilitate the redesign of the Justice in Mexico website. After training in Adobe InDesign and Photoshop, Carla participated in the creation of the program, postcard, and banner for the April Justice Conference. She has also assisted TBI Assistant Director, Charles Pope, with the 2008-2009 TBI Intramural Grant Competition, through generating correspondence between grant applicants, review board members, and TBI administration. Carla was also responsible for the distribution of the recent Justice in Mexico publication, “Evaluating Accountability and Transparency in Mexico: National, Local, and Comparative Perspectives,” to its contributors and TBI colleagues.

Her current assignment is the Nexus newsletter. Carla attended TBI events during the Spring semester, taking avid notes and pictures, then writing summaries and articles. Her newfound Adobe skills were put to the test in the editing and formatting of all TBI’s wonderful events into the eight page Nexus.

In addition to these larger tasks, Carla assisted with several other aspects of TBI administration. She provided support at TBI events, coordinated follow up correspondence with colleagues and participants following events, assisted with database maintenance, and researched and prepared briefings on political events and developments, such as the Merida Initiative.

Carla will graduate from the University of San Diego in May 2008 with a degree in International Relations and minors in Sociology and Spanish. Her future career plans involve graduate school and work in the field of international development.
In the past three years, the number of drug-related killings in Mexico has multiplied dramatically. While over 1,500 such killings were reported in 2005, the number grew to over 2,200 in 2006 and over 2,300 in 2007. By May 2008, the number reached roughly 1,400 drug killings, on track to exceed the previous year. These grim statistics have contributed to an overall sense of public insecurity in Mexico, and have been accompanied by a rash of kidnappings and other forms of organized crime.

Since last year, the TBI Justice in Mexico Project has monitored Mexican media reports on the number of drug-related killings. This task has been difficult due to the unavailability of official government statistics on the so-called “narcoejecuciones,” the project has attempted to monitor. Project coordinator Robert Donnelly, research associates Theresa Firestine and Cory Molzahn, and student assistant Ruth Gómez have worked together to generate a series of GIS maps tracking the violence. These maps are available on the TBI and project websites, and help to identify several important trends.

In 2006 and 2007, the largest number of drug-related killings were concentrated in three states: Michoacán, Guerrero, and Sinaloa. In mid-2007 there was a significant drop in drug violence, especially in the state of Michoacán. However, by late-2007 and early 2008, levels of violence spiked again, this time concentrated in the northern border states of Baja California and, especially, Chihuahua.

In part, Mexico’s drug violence relates to the fact that the Mexican government has adopted a more aggressive strategy toward organized crime in recent years. The arrest and extradition of high-profile cartel leaders and the deployment of federal troops to troubled states have destabilized major cartels. This has led to a struggle for control between and among the cartels, with higher levels of violence.
Justice Conference (cont’d)

therefore provided a unique and timely opportunity to analyze the recent innovations in criminal justice in Mexico. The recent justice reform package —expected at the time to be approved by a majority of statehouses by summer 2008— will enshrine and reinforce in the Constitution such key concepts as the presumption of innocence and the right to an adequate defense. The reforms also pave the way for the implementation of adversarial courtroom procedures, elevating the status of the defense on par with the traditionally favored prosecution and instituting procedural safeguards to uphold defendants’ due process rights, most notably by creating a special habeas corpus judge. The reforms have been boiled down to the catchphrase “oral trials,” which refers to the mandate that trials take place in public venues before impartial judges and that they involve oral argument and the cross-examination of witnesses.

Conference speakers examined the recent reform initiatives and challenges of eight different Mexican states in the context of the national level reform effort, bringing together distinguished scholars, practitioners, and public officials from all three branches and levels of Mexican government. The conference also served as a venue for the signing of an unprecedented cross-border collaborative agreement between the ACLU and Mexico’s National Commission of Human Rights to seek justice for immigrant victims of human rights abuses. The conference was attended by over 200 people, including more than 90 Mexican law students from the Autonomous University of Baja California Campus Mexicali, Universidad Iberoamericana, and CETYS University in Tijuana. The conference was generously supported by The William and Flora Hewlett Foundation, the Open Society Justice Initiative, the U.S. Consulate in Tijuana, the Mexican Consulate in San Diego, Baker & McKenzie, the USD College of Arts and Sciences, the USD School of Law, Center for Research and Development (CIDAC), the National Center for State Courts, the Instituto de Investigaciones Jurídicas of the Universidad Nacional Autónoma de México, and the Due Process of Law Foundation.

Over 200 people attended the conference, including lawyers, judges, and students from the UABC in Mexicali, CETYS University in Tijuana and the Universidad Iberoamericana-Tijuana.

Mexican Federal Deputy Jesús de León Tello from the PAN party speaks at the inaugural dinner.
TBI Sponsors “Border Film Week”

Border Film Week featured a series of four documentary film presentations on various dimensions of the border region. This very popular series drew roughly 750 participants during the course of the week, and sought to expose a diverse cross-border audience to several talented film-makers and the border issues they investigate.

The first film, “The Invisible Chapel” by John Carlos Frey, documented the story of a migrant chapel in a hidden canyon of San Diego. Several years before, volunteers from a local church had set up a makeshift chapel to hold mass every Sunday for dozens of migrant workers, followed by a lunch and English lessons. The film describes the trials of the migrant community in the face of extreme hardship and harassment. Afterward, John Carlos Frey and a panel of local activists commented on and answered questions about the film.

The next film event was a series of short documentaries produced by a sophomore Humanities class at High Tech High School. The documentaries included student research and presentations, along with footage of interviews with border experts and current events. Following the screening, the students participated in a panel discussion to share their experiences and answer questions.

The third feature was a showing of “Beyond Borders: The Debate Over Human Migration,” by Brian Ging. This documentary evaluates the immigration controversy, dubbed an “illegal alien invasion” by anti-immigration activists and a “Reconquista” by some pro-immigration activists. The film features a variety of perspectives through interviews with Border Patrol agents, Minutemen, opinionated radio personalities, demographers, historians, potential immigrants, and a host of immigration experts. The film provides insight into the multiple dimensions of immigration and its effects on everyone’s life.

The final film was produced with a TBI grant awarded to Shinpei Takeda in 2005-06 to create the documentary, “The Closest Mexico to Japan,” or “El México mas Cercano a Japón.” The film follows the stories of the numerous Japanese descended people living in Tijuana, having immigrated from Japan or the United States. The documentary explores topics of cultural integration and economic struggles in this unique and rather unknown community of Mexico’s own immigrant population.

Announcement of 2008-2009 TBI Grantees

The proposals for the TBI grant competition were exceptionally impressive this year, illustrating the engagement and innovative ideas of USD faculty, staff, and students interested in the border region. The Grant Review Committee awarded seven grants to support border research and activities, for a total of $27,830.

This year, there were three successful proposals from students. Ruth Gómez and Valerie Lizarraga received support for a project titled, “An Effective English-Language Learning Tool for the Migrant Community of Rancho Penasquitos.” Their grant will be used for the creation of a workbook to provide an English language learning tool for migrant workers in the San Diego community. USD sophomore, Ryan Brennan’s “Casa San Eugenio Dental Project,” will take students and volunteer dentists across the border to provide dental services and teach oral health care at the Casa San Eugenio in the community of La Morita in Tijuana. USD graduate student Brooke McGillis’ “Pastoral Counseling & Spiritual Direction Clinic” will use TBI funds to help draft a business plan to start up a non-profit center to provide spiritual counseling for migrant workers living in San Diego.

There were also four successful proposals by USD faculty. Dr. Kristin Moran received a grant for hosting the BINACOM Conference, to take place at USD in April 2009. The two-day conference aims to promote communication and community building across the San-Diego-Tijuana border, and to facilitate interaction between students from the U.S. and Mexico. Dr. Alberto Pulido received an award to support a conference titled “Deportation Nation: History Repeats,” which will encourage dialogue on the controversial issues of immigration and deportation through speakers, films, poetry, music, and art exhibits. Finally, Dr. Dec Aker was awarded a grant to bring Mexican delegates to participate in a conference titled “Crafting Human Security in an Insecure World,” which forms part of the fifth annual Women PeaceMakers Program at the Joan B. Kroc Institute for Peace & Justice. Angela Yeung’s grant will help fund joint performances of the USD Symphony with the Sinfónica Juvenil de Tijuana.
**TBI Special Project: Microcredit Financing**

In an ever-expanding number of places, microcredit lending or “microfinance” is being implemented as a tool for alleviating poverty and encouraging growth and development. Microcredit programs provide capital in the form of small loans to people who are otherwise unable to obtain access to capital. This enables the recipient to start a small business, or obtain some improvement that will improve their overall quality of life.

In an effort to examine this phenomenon, TBI has initiated a study to evaluate the effects of a microcredit program in the San Diego-Tijuana border region. This study is being conducted in collaboration with Los Niños, a cross-border, non-governmental organization founded almost 30 years ago to help create the capacity for self-reliance in the border region. Its microcredit program works towards these goals by creating financial security and enterprise opportunities for families and individuals. During the Spring 2008 semester, TBI students worked to document and evaluate Los Niños’ microcredit operations.

TBI student worker Elise Vaughan coordinated the project: writing an extensive literature review on microcredit, conducting interviews with Los Niños administrators and staff, reviewing microcredit loan data for hundreds of transactions, and developing a short survey that will be administered to loan recipients this summer. TBI Interns Analisa Franklin and Emily Lawrence assisted with interviews and transcriptions, audio- and video-recordings, and translation of the survey materials. This summer, Vaughan will develop a report and other useful outputs to help improve the organization’s micro-lending practices.

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**Reflection by Ruth Gómez**

**TBI Research Assistant**

My role as a research assistant for the Justice in Mexico Project, which began in June 2007, was primarily to assist in the production of the project’s monthly news report. The news report focuses on three major components of the rule of law: order, accountability, and access to justice. To coordinate this information, I monitored Mexican news sources, non-governmental organizations, government agencies, and think-tanks on a daily basis, primarily via the Internet. A challenging aspect of this job was judging the quality and validity of news stories, which was even trickier because the majority of the sources were in Spanish. Even as a native Spanish speaker I had trouble, as I was not familiar with many of the terms used in the stories. Over time though I became familiar with the Mexican government and legal system, making this aspect easier. The biggest challenge, however, was being able to synthesize several news stories into a short and sweet piece that effectively demonstrated how it fit into the bigger picture. I found myself particularly drawn to stories dealing with human rights violations, violence against the press and the impunity surrounding this phenomenon, and government accountability. Some of the pieces I wrote focused on the persecution of Mexican journalist Lydia Cacho, whose work exposed a ring of child pornography and pedophilia among Mexican businessmen and government officials, on the activities of the EPR, and of violations committed by military and government officials against Central American migrants. Mexico’s drug cartel wars have left thousands dead over the course of the years. Unfortunately, there is no way to give a detailed report of each death in the news reports. Isolated narco-related slayings, also known as ejecuciones, often provide more valuable information when compiled, analyzed, and looked at on a bigger scale. To accomplish this, I helped form a database keeping track of the weekly numbers of ejecuciones. The numbers collected were very telling, and led to the production of a factsheet on narco-trafficking and violence with figures from 2006, 2007, and 2008. Furthermore, I also helped form a database keeping track of kidnappings, known as levantones. Although they cannot be reported case by case, the levantones, like the ejecuciones, also provide valuable information on the rule of law in Mexico and the effectiveness of the government to keep order.

Working for the Trans-Border Institute also gave me the opportunity to participate in events with distinguished scholars and government officials. In January I traveled to Monterrey, Nuevo León, and assisted with the logistics of the conference “El futuro de la enseñanza del derecho: Pedagogía y prácticas ante un panorama reformista.” I was also able to meet individuals like former Border Czar, Alan Bersin, former U.S. ambassador to Mexico Jeffrey Davidow, and was able to sit-in on the luncheon with the president of the Mexican Human Rights Commission, Dr. Jose Luis Soberanes, of whom we report on almost monthly. I am very thankful for my experience at the Trans-Border Institute. It was a lot of work, but it was very well worth it. I learned very important skills that will come in handy in the future, especially as I pursue higher education. Most importantly, I had the honor of working with very intelligent individuals like Dr. Shirk as I gained a new understanding of our southern neighbor.
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:

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: Assistant Director, Trans-Border Institute
Robert Donnelly: Project Coordinator, Justice in Mexico Project
Tim Koster: Project Assistant, Justice in Mexico Project
Cory Molzahn: Research Associate
Theresa Firestone: Research Associate
Ruth Gómez: Research Assistant
Elise Vaughan: Research Assistant
Lorie Lopez: Events Assistant
Carla Meyers: Promotions Assistant
Analisa Franklin: Project Intern
Marcus Fujita: Project Intern
Emily Lawrence: Project Intern