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Immigration Controversies Top Agenda At Annual Meeting Of U.S, Mexican Legislators

by Carlos Navarro

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In a tense series of sessions, US and Mexican legislators met in the southeastern state of Campeche in mid-June to address bilateral issues, and as expected, immigration and Arizona's controversial SB1070 law topped the agenda, along with concerns about security, arms trafficking, and trade. The 49th annual meeting did not produce any agreements, but legislators pledged to work closely on these issues. Tensions regarding SB1070, which requires local law-enforcement officers to stop suspected immigrants and ask for identification, had also been expected to be an issue at the annual Border Governors Conference in September. But the event might not happen because the six Mexican border governors have announced they will not attend the meeting, scheduled to take place in Phoenix. This is compatible with the Mexican government's call to boycott Arizona because of SB1070 ([SourceMex, April 28, 2010](#)).

Focus on Arizona's SB1070, killings of two Mexicans at border

The atmosphere at the annual meeting between Mexican legislators and their US counterparts on June 11-13 was uneasy, not only because of SB1070 but also because the gathering occurred just days after US Border Patrol agents in separate incidents shot an undocumented immigrant at the border crossing between San Diego and Tijuana and a Mexican youth near the El Paso-Ciudad Juárez border. The Mexican delegation demanded that the US government investigate both incidents. "Mexico will only be satisfied with a thorough investigation, [satisfactory] results, and sanctions against the guilty parties," said Deputy Francisco Rojas Gutiérrez, who coordinates the Chamber of Deputies.

In the incident at the California border crossing, which occurred on May 29, the Border Patrol was in the process of deporting Anastasio Hernández, who was trying to sneak back into the country after having been deported earlier. Hernández reportedly became belligerent during the deportation process, which caused agents to respond with a taser gun, after which Hernández died. The incident elicited strong outrage on both sides of the border because Hernández was trying to get back to his wife and five US-born children, who live in San Diego.

The incident at the El Paso-Juárez crossing, which occurred on June 7, might have greater legal repercussions for the US because the victim, 15-year-old Sergio Adrián Hernández Güereca, was on Mexican soil when he was shot. Hernández was among a group of people who allegedly began throwing stones at a US Border Patrol agent who was on bike patrol on the US side along the Rio Grande. The US Federal Bureau of Investigation (FBI), which conducted a preliminary investigation into the case, said the agent began shooting in self defense, hitting Hernández in the face. His body was found on the Mexican side of the border under a railroad bridge connecting Juárez and El Paso.

Sergio Hernández's death brought immediate condemnation from Mexican officials. Sen. Rosario Green, a former foreign relations secretary, said the end did not justify the means. "I don't buy the rocks argument," said Green. "It's an excessive use of force to be shooting Mexicans who are on our side."

President Felipe Calderón's administration condemned the killings of both Anastasio Hernández and Sergio Hernández, urging a thorough investigation. "We urge the US to establish objective criteria and a reliable protocol in applying its laws [to these cases]," said a statement from the Office of the Presidency. "The goal is to prevent these types of unacceptable deaths, resulting from, among other things, the abusive use of force against Mexican migrants."

The administration raised special concerns about the second case. "We are talking about a minor, Sergio Adrián Hernández, who was killed by a firearm in our own territory," said the statement.

But some critics accused the Calderón government of been overly timid. "Gringo bullets cross our borders to kill a Mexican citizen in his own land and the administration can only enter into a game of protocol-based protests and a call for an investigation that can be easily manipulated," wrote columnist Julio Hernández López in the Mexico City daily newspaper *La Jornada*.

The protests at the meeting of US and Mexican legislators were not confined to the meeting rooms inside the convention center in Campeche City. A group of demonstrators outside the meeting, demanding an end to violence against immigrants, carried signs with the words "We are all Sergio" and "We are all Anastasio."

US legislators promise full inquiry into killings

Some members of the US delegation promised to support a full inquiry. "We anticipate that the FBI and the Mexican law enforcement will work together to bring a thorough, transparent, and just conclusion to their investigation," said Rep. Ed Pastor (D-AZ). "I don't know where that will take us or what will be the determination, but once we have that determination then we will know what the next proper step is."

Rep. Sylvestre Reyes (D-TX), who once served as sector chief for the Border Patrol in El Paso and McAllen, said he did not expect the shooting of Sergio Hernández to significantly damage relations between the US and Mexico. "Let's not forget we've had border patrol agents killed on the border as well," Reyes told *El Paso Times*. "That doesn't affect our relations. This won't affect our relations. The important thing is to get the facts and find out what happened."

Reyes called on Presidents Calderón and Barack Obama to schedule a special meeting to address common problems and create a "safe border."

Pastor, leader of the US delegation, promised his Mexican counterparts that he would push for Congress to revisit the issue of comprehensive immigration reform after the US congressional elections in November. Recent efforts to change the US immigration law stalled in Congress during the administration of former President George W. Bush ([SourceMex, May 23, 2007](#)) and ([April 23, 2008](#)). In the aftermath of Obama's election in 2008, Mexican officials expressed hope that Obama and the Congress would put immigration reform at the top of the US legislative agenda ([SourceMex, Jan. 21, 2009](#)).

Pastor said he would propose legislation that would guarantee Mexican workers basic rights and prevent exploitation by employers.

Six Mexican governors to boycott annual border conference

The Conferencia Nacional de Gobernadores (CONAGO), which met on June 9 in Ciudad Victoria, Tamaulipas state, condemned both Arizona's SB1070 and the shootings at the border. CONAGO,

which represents the chief executives of all 31 states and the Federal District, passed a resolution demanding that the US issue a formal apology for the death of Sergio Hernández Güereca. Coahuila Gov. Humberto Moreira Valdés sponsored the resolution. Chihuahua Gov. José Reyes Baeza, whose state includes Ciudad Juárez, presented a separate resolution condemning the shooting of Hernández Güereca.

In another action, CONAGO approved a resolution sponsored by the governors of the six border states that condemned Arizona's SB1070 and pledged to boycott the upcoming Border Governors Conference scheduled for Phoenix on Sept. 8-10. "We cannot ignore the discriminatory and racially prejudiced attitude of the state of Arizona, and we want to demonstrate our clear rejection of that law, which is a clear affront to our fellow Mexicans," said the text of a resolution introduced by Baja California Gov. José Guadalupe Osuna Millán, the CONAGO vice president.

A week before SB1070 was to take effect, the Mexican government filed a legal brief supporting one of five lawsuits brought by US organizations challenging the legislation, due to go into effect on June 29. As one of its arguments, the Calderón administration said that Mexico has a legitimate interest in defending its citizens' rights and that the law would lead to racial profiling, hinder trade and tourism, and strain the countries' work on combating drug trafficking and related violence. "Mexican citizens will be afraid to visit Arizona for work or pleasure out of concern that they will be subject to unlawful police scrutiny and detention," the brief said.

The six border governors left open the possibility of reversing their decision not to attend the conference if the site were changed. "The governors of Baja California, Coahuila, Chihuahua, Nuevo León, Sonora, and Tamaulipas are determined to push for a change of venue so we can hold a meeting with the governors of California, New Mexico, and Texas," said the resolution. The statement did not make any mention of meeting with Arizona Gov. Jan Brewer.

The governors emphasized the need to keep the lines of communication open even if they are unable to get the venue changed in 2010. They recognized that for the past 27 years the annual meeting has been an important part of the consultation process for governors on both sides of the border to discuss mutual concerns. The consultations are held through 13 separate working groups, focusing on such areas as health, the environment, border crossings, education, tourism, trade, and other important areas.

Trade, other border issues also discussed at legislators' meeting

The annual intercongressional meeting has also served as a useful tool for Mexican and US legislators to consult on common problems. Immigration, drug trafficking, and security have taken a primary role in recent years (see SourceMex, 2008-06-11 and 2009-06-10), and legislators addressed related issues again this year. For example, there was a proposal for Mexico and the US to work more closely at both the executive and the legislative levels to develop mechanisms to reduce money laundering, which is directly related to the drug trade. "By going after profits, we are addressing the root of the problem of organized crime," said Rojas Gutiérrez, leader of the Mexican delegation.

The Mexican legislator noted that there might be an estimated US\$30 billion in funds that have not been accounted for by either government.

Obama's recent decision to send 1,200 more National Guard personnel to the US-Mexico border also raised some concerns among the Mexican delegation. But Sen. Christopher Dodd (D-CT) reassured

his Mexican counterparts that a primary purpose of the deployment was to help reduce the illegal flow of arms from the US to Mexico, a concern the Mexican government has frequently raised. The Connecticut senator said he supports greater control of arms sales in the US, which could curb shipments to Mexico. But he also appealed to his Mexican counterparts to understand that his position is in the minority in the US Congress.

There were also some discussions of issues related to trade, including a review of the North American Free Trade Agreement (NAFTA). There had been rumors ahead of the meeting that Mexican legislators were going to push for renegotiating the trade accord enacted by Mexico, the US, and Canada in 1994. Mexican legislators dismissed the rumors.

"I am pleased that the notion of renegotiating NAFTA was excluded from this gathering," said Rep. David Drier (R-CA).

The California legislator said the US is making every effort to help Mexico recover some of the ground it has lost to China regarding its share of the US market. "We are doing everything we can in this area," said Drier, who also expressed support for addressing bilateral problems such as the continued ban on Mexican truck drivers on US highways. Under NAFTA, Mexican truckers were to be given full access to US roads by 2000. The US has failed to comply, citing safety and environmental concerns ([SourceMex, Dec. 6, 2000](#)).

Former US President George W. Bush developed a compromise by creating a pilot program establishing strict training, documentation, and inspection guidelines for Mexican trucking companies wishing to transport goods into the US ([SourceMex, Feb. 28, 2007](#)). But the US Senate eliminated funding for the program in 2009, effectively killing the effort ([SourceMex, March 11, 2009](#)). There was talk that Obama would seek to restore the pilot program in 2010 ([SourceMex, Feb. 10, 2010](#)), but there appears to be no progress in that regard.

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