

# **House Judiciary Subcommittee on Immigration and Citizenship Holds Field Hearing on Immigration Issues**

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## **Body**

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House Judiciary Subcommittee On Immigration And Citizenship Holds Field Hearing On Us Border Policies And Anti-Immigrant Rhetoric

September 06, 2019 10:30 A.M.

SPEAKERS:

REP. ZOE LOFGREN (D-CALIF.), CHAIRWOMAN

REP. PRAMILA JAYAPAL (D-WASH.)

REP. LOU CORREA (D-CALIF.)

REP. SYLVIA R. GARCIA (D-TEXAS)

REP. JOE NEGUSE (D-COLO.)

REP. DEBBIE MUCARSEL-POWELL (D-FLA.)

REP. VERONICA ESCOBAR (D-TEXAS)

REP. SHEILA JACKSON LEE (D-TEXAS)

REP. MARY GAY SCANLON (D-PA.)

REP. JERROLD NADLER (D-N.Y.), EX-OFFICIO

REP. KEN BUCK (R-COLO.), RANKING MEMBER

REP. ANDY BIGGS (R-ARIZ.)

REP. TOM MCCLINTOCK (R-CALIF.)

REP. DEBBIE LESKO (R-ARIZ.)

REP. KELLY ARMSTRONG (R-N.D.)

REP. GREG STEUBE (R-FLA.)

REP. DOUG COLLINS (R-GA.), EX-OFFICIO

## House Judiciary Subcommittee on Immigration and Citizenship Holds Field Hearing on Immigration Issues

[\*]ESCOBAR: Good morning. Welcome, everyone. Thank you so much for being here for this very important committee, subcommittee hearing. I want to first thank my colleagues, members of the House Judiciary Committee, my esteemed chairman, my colleague from New York, Chairman Jerrold Nadler, my esteemed colleague Joe Neguse from Colorado, my sister in service from Texas, Sheila Jackson Lee, in me and my sister and service also esteemed colleagues and Pramila Jayapal is from Seattle, Washington.

We are here today for an Immigration Subcommittee hearing, and we're having two panels. And we are having a long overdue, badly needed, very significant conversation with experts about what is happening in our country today under the Trump administration, his immigration policies and the anti-immigrant rhetoric that is fueling domestic terrorism.

El Paso is the most appropriate place, unfortunately, for having this dialogue, for having this hearing. And we are the most appropriate place because we have been ground zero for both of those issues, for the anti-immigrant policies that the Department of Homeland Security has executed here, as well as the anti-immigrant rhetoric that the president has aimed at migrants, at people of color, and at communities like ours that open their arms to the stranger and take care of the vulnerable.

I am proud, once again, that El Paso is showing the best of who she is in this hearing by helping lead this dialogue, this important dialogue, but it would not happen without the leadership and the incredible dedication that the colleagues around me have demonstrated every step of the way. And with that, I'm going to turn it over to our chairman, Jerry Nadler, so that he can say a few words, and each one of my colleagues will have their turn at the podium, and then we'll answer questions. Chairman.

NADLER: Well, thank you very much. Let me first thank Congresswoman Escobar for hosting us here and for urging us to do this field hearing in El Paso. This is a--this community is in many ways at the center of the drama about immigration we're having now. But it's not just the drama, it's torturing people. It's a shame. It's a disgrace of the name and the record of this--of this country.

It's been said that we are a nation of immigrants, that unless we are descended from Native Americans we are all either immigrants or the descendants of immigrants, in some cases, in many cases not too many generations ago. So we have to bear that in mind but we should also bear in mind that the most often repeated commandment in the Bible, 52 times it says--now, it's one formulation rather, "Thou shalt not oppress the stranger, for you were strangers in the land of Egypt." The most often repeated commandment and we are now, in the Trump administration, systematically violating and making a mockery of the biblical commandment.

The--we're also making a mockery of the laws of the United States and that is not something that the government of the United States should do. We hear an administration whose rhetoric is hateful, whose rhetoric labels immigrants as dangerous, as thugs, as criminals, as rapists, who--which characterizes people seeking political asylum, fleeing violence, fleeing persecution as our laws--our laws give them the right to do and the right we're hearing and the validity of their claim of persecution and instead, they are denounced as--as invading force, as an invasion, an infestation. Language that reminds us of language we heard in Europe in the 1930s.

This is not the first time in American history. If you look at American history, we've been very welcoming to immigrants at some points in time but at others there was similar rhetoric directed at historical order, the Irish, Catholics in general, Chinese, Asians, Jews, Italians, Greeks, Eastern Europeans, just about everybody, except--even Germans early. Just about everybody except white Anglo-Saxon Protestants from England, have faced this kind of hostility at one time or another. We're always ashamed of it afterwards but we ought to learn not to do with the first place.

The hateful rhetoric coming from the administration has led to also hateful policies and harmful policies. And we will be discussing today these policies and the effects in the real world here, which is one of the epicenters of this. We'll be discussing the effects of the migrant protection protocols, so-called migrant protection protocols, which makes a mockery of--that's where people claiming asylum have to stay in Mexico. It makes a mockery of international law and of the law of the United States, which provides that anyone can claim political asylum in the United States. Not everybody can get it, anybody can come here and claim it.

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The metering of asylum seekers, where we say "You cannot cross the border at a legal entry point because we only want 10 a day or 20 a day," whatever and then with people turned away repeatedly they go a few hundred yards away and cross illegally then they're criminals. This makes a mockery of our laws also. The, now, treatment of children, separating children from their parents, keeping children and for that matter, keeping adults in facilities that are way overcrowded, unhygienic, no--no proper facilities for keeping the--the temperature at a reasonable level, no--no blankets, no--no toothpaste, no--no diapers for the children, inhuman.

We are--I've been in El Paso three times in the last nine months to look at some of these facilities to see what's going on here and in other places on the border. And I hope this hearing will shed further light on the effects of these policies and will enable us to, hopefully, change these policies to make the United States, again, what it ought to be, a free and open society which welcomes people with a proper claiming political asylum and obeys our own laws on immigration and on everything else.

This administration is above all, a lawless administration and we have to hold it--and one of Congress' jobs is to hold it accountable. So I'm glad, again. I appreciate Congressman Escobar's inviting us here for this field hearing here. And I'll turn the microphone over to--to Pramila.

JAYAPAL: Thank you so much, Mr. Chairman.

My name is Pramila Jayapal. I represent Washington's 7th congressional district and I have the great honor of serving as the vice ranking--vice chair of the Immigration Subcommittee. And I want to just start by saying how fortunate El Paso is to have Representative Escobar in Congress. It has been a true honor. We also have the opportunity to serve as the co-chairs of the Women's Working Group on Immigration. And I will tell you, your Congresswoman, El Paso, is brilliant, kind, compassionate, strategic, and has shown over and over again in the last seven months how incredibly well she represents this district and in particularly challenging circumstances. So I thank the residents of El Paso for electing such a wonderful colleague.

And I'm thrilled to be joining all of my colleagues here for this important field hearing. I have worked on immigration issues for over 20 years. And in last December I went to Tijuana shortly after metering started. And I actually spoke with people and watched and accompanied, tried to accompany asylum seekers who were coming across the border. I want to make it clear and I hope one of the things we get to in our hearing today, is that there are many other ways to deal with surges of migrants across the border. We have done that in the past. We will be able to do it again in the future but without the cruelty that these policies have.

And in fact, many of the problems we're seeing are because these policies have been put in place. And so watching the difficulty of people who are coming to seek asylum, which by the way, is legal both within our laws that somebody can cross the border and--and ask for asylum, but also in terms of our--as signatories to international human rights treaties. So this is a legal right for people to seek refuge and to seek asylum. There are many ways of processing asylum seekers, remain in Mexico and metering are two of the most cruel ways to do that and also, by the way, extremely ineffective and costing the taxpayer, the American taxpayer, huge amounts of money.

So yesterday, I think I'm one of the very few, perhaps the only member of Congress who has now gone to a--an MPP court. I hadn't actually been. I've been to many other immigration courts over my course of working on this issue. I've seen the mass deportation courts that were set up at the border but I have not seen what--what is called Migration Protection Protocol, which I would just say, is really a misnomer. MPP, those courts operate.

And what I saw was about 300 people every day coming into your courts here in El Paso, five courtrooms, five judges, and almost none of them--I think we counted 16 or 20 people who had legal representation. So yes, it's a court. Yes, it's supposed to be due process. But immigration law is incredibly complex, asylum law is extremely complex. And these folks are being bused in from Mexico where they're being forced to say--probably after they've been metered, and then given no opportunity to really present a case before a judge because they don't have an attorney to walk them through the process.

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So I hope we have a chance to get into some of these factors here because I think even beyond the cruelty of these policies we have to look at what these policies do to our democracy, what they do to our constitutional and foundational values as a country to provide fairness and due process to people as they navigate the system.

And so I'm very grateful to representative Escobar for having us here. And I just want to say to the people of El Paso that, you know, originally, this field hearing was just going to be on the border policies. Obviously, the tragic massacre in August has made this a dual hearing, dual purpose hearing, with two things that are deeply tied together, white nationalist terrorism directed at immigrants. These policies of the Trump administration, we have to understand, are fueling the white nationalist terrorism. And so I think we'll get into--we'll have an opportunity to get into that as well.

And with that, it is a great honor to introduce my--my dear sister from another mother, as we say, your Congresswoman, also from Texas, and such a longstanding member of tremendous integrity and justice, Sheila Jackson Lee.

JACKSON LEE: Thank you, Congresswoman, very much. We're delighted to welcome our colleagues to Texas. We are Texas proud but we are more than Texas proud, we are linked by our very spirits to El Paso strong. And I start with my recognition and acknowledgment for the heinousness of which this community has experienced but also the strength of this community, and to say to Congresswoman Escobar, one never knows what challenges one will face. No one knows the timing. And I would offer to say that your congresswoman was a woman for a time such as these. And we cannot thank you enough, Congresswoman Escobar, for your leadership here but also your leadership in the nation.

I spent time here with your congresswoman in attending two funerals or a funeral of two individuals who lost their lives, seeing their families mourn and visiting those in the hospital who are still now in the hospital. I start with this because I believe the nation and the world should know the resilience of this community but also the impact on this community. Why I cannot think of this hearing being more timely because part of what we're doing here is to confront the lack of humanity and to attack the lack of a humanitarian face on this phenomenon of immigration that has been part of the history of the United States for every single person that has come here, short of those who came as slaves, and short of those who were Native Americans. We have a history of immigration.

And I too, have served and interacted and worked on immigration issues for more than 20 years. I've served as the ranking member on the Immigration Subcommittee. And I have seen both Republican and Democratic administrations have at least some compassion, starting with President Reagan, whether you like the wholeness of his legislation, had some compassion in recognizing that our nation is a land of laws but it is a land of immigrants.

So we are here to not attack without facts. I believe we are here to shine the light on the unlawful behavior of this administration. There is no lawful construct for the migrant program. There are no laws to support the migrant program. And I went to a migration center in Juarez, 13,000 were on the list. Many were living without resources. There are no resources for those who are pushed over to the border. This is an unlawful process. And then the idea of metering, I cannot fathom a human being metered. That is a product, that is meat, that is fruit, that is bread, it is not a child, it is not a mother, it is not a father, it is not the 2-year-old found face down in water because they had to go through an illegal crossing and not cross in a legal crossing. So today, we're going to expose and go back to Washington to challenge this administration on the unlawfulness of this process.

Finally, let me say that I've been on the road this week, as we all are, we were in Pittsburgh dealing with the heinousness of the Tree of Life. And it is no doubt, there is no doubt that those of us, this committee and other committees who have been focusing on domestic terrorism and the idea of terrorism, dealing with white supremacy and white nationalism, understand that racism, white supremacy, white nationalism is a national security threat. And you do that threat with an easily accessible automatic weapon. So today, we're going to face all those issues and expose them. And then we will, as a committee, return to Washington and be problem-solvers and ask the administration to stop its unlawful activity.

Thank you for having us here. Thank you so very much.

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NEGUSE: It's always difficult to follow representative Jackson Lee. Her ability to speak truth to power continues to inspire every member of our caucus, I know. It's a privilege for me and Veronica and Sylvia to be able to--to learn from her on the Judiciary Committee.

My name is Joe Neguse. I have the great privilege of representing Colorado's 2nd congressional district. This is my first visit to El Paso and I have been so moved by the warmth and the generosity of the people here in this community and have learned firsthand what--what it means to be El Paso strong. And I do want to just associate myself with the remarks of my colleague Representative Jayapal and Chairman Nadler and Representative Jackson Lee, and that is with respect to the leadership of Veronica Escobar.

You know, we both came into Congress together as freshmen. And as I think about the last nine months, you know, it's--being a member of Congress and being a freshman member of Congress, setting up your district office, doing constituent work, all that that entails, it's a great privilege and it's a great honor and it's a responsibility. And her ability to show incredible leadership under very trying circumstances that this community has had to endure over the last nine months is nothing short of incredible. And we are lucky to have her, certainly, as a freshman colleague in the Congress and the Congress itself is lucky to have her leadership and I think this community is lucky to have her as your representative.

You know, it's clear, you know, I--I don't know that I can say it any better than--than my colleagues today but when there is hateful and dehumanizing rhetoric, you know, being deployed against immigrants we know that it's time for change. When you have hateful and destructive immigration policies being executed implemented and by this administration, we know that it is time for a change. When you have people, young and old, being massacred at a retail store we know that it's time for a change.

I happen to come from a state that is no stranger to gun violence in Aurora, Highlands Ranch, Columbine. And I would just say to Veronica and to the people El Paso, the people of Colorado stand with you, that we stand shoulder-to-shoulder against hate and against the violence that has become so pervasive across our country.

I was particularly moved last night, Representative Escobar took me and Pramila to the memorial outside of the Walmart here. And to be able to see the faces of those members of this community who we lost and to see the incredible support from this community for them and their families. There was a quote, this one note of condolence that was written on the wall--the fence. And it's a quote that I've often relied on this last two years with so much hate in the public domain. And it's a quote from Dr. King, which is that love--I've decided to stick with love, hate is too greater burden to bear and it was written on the fence last night.

And as I was--I was talking to my wife last night about the trip and--and what we had seen so far, I shared that with her because she's often heard me rely on that quote in the past. And I--if I could think of any other quote to better reflect the feeling that I have felt here in El Paso I don't know that I could come up with a better quote. It is that because this community has clearly chosen to stick with love because they've recognized that hate is too great a burden to bear.

And so, as Representative Jackson Lee said, I think this hearing will be an effective way to show a light on the hate that this community and so many others have had to endure so that we can go about solving it and preventing it. With that, I'm now honored to be able to introduce our next speaker, who, of course, is no stranger to you all here in El Paso, it also happens to be her birthday so we're very excited to have her here for the hearing--I had to reveal that--and that's my freshman colleague, Representative Sylvia Garcia.

SYLVIA GARCIA: Thank you, Mr. Chairman and thank you, colleagues.

And I can, frankly, think of no better way to celebrate my birthday but to be here in El Paso, to stand with El Paso and my dear friend, Veronica Escobar. I can tell you that Houston stands with El Paso and we stand with El Paso not just today but every day until we do something to end gun violence, until we do something and take action to end the rhetoric that leads to a lot of this violence. And I think that's what we'll be looking at today, to look at the connection to see what is really, really going on in our country, not just here but across America.

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I've been here before and I've been here to--to--Veronica talked about having a field hearing here. Many months ago, Mr. Chairman, she said, "I want a field hearing." And little did we know that such a tragic, tragic incident would happen and that we're here today, not only to talk about the border issues, but to talk to the connection between the rhetoric and the white supremacy and their rise in that and our country ties now to gun violence in that horrific event that happened here with--now three, four weeks ago.

This is personal, very personal for so many of us. We're Latinas, we're like Latinos. They've come after us. We've got to do something to make sure they don't do it again. And we've got to make--do something to make sure that no one targets people of color, targets vulnerable populations, targets the poor, targets the LGBT community, or any community. Because, hate is just a really bad four-letter word.

You know, my faith tells me that we should love everybody. My mother told me to not have hate in my heart. So for me, it's almost incomprehensible that somebody would do that. But hopefully, today we'll get some answers. Hopefully, today we'll get some solutions. Hopefully, today we'll get some recommendations that we can put into effective public policy for this country.

So I look forward to the hearing today. And Veronica, thank you again for all your work and your leadership on this issue. I look forward to today's hearings. Thank you all very much.

ESCOBAR: So you can see El Paso's very fortunate to have these champions of democracy, champions for justice, champions for humanity here in our great community today to listen to our panelists, learn and then we go off to legislate.

In Spanish, very quickly, I want to say (UNTRANSLATED).

We have time for just a couple of questions because we've got to let folks in. Bob and then right over here.

QUESTION: It's obvious here that all six members present are members of the majority party and there are no Republicans here. What does that say about the opportunities to address the issues that you're here if the other party doesn't even have a (INAUDIBLE)?

QUESTION: And what did Republicans invited say?

ESCOBAR: Well, first, there were a couple who RSVPed--I'm going to defer to the chairman--who backed out at the last moment. So you know, obviously, we prefer every member of the subcommittee be here with us. I know that the committee staff worked very diligently to find a date that worked for the most people. It came as a surprise to me that they backed out. But I'm Chairman, anything you'd like to add?

NADLER: It's unfortunate that the couple of Republicans we thought were going to come did back out. What it says about the Republicans, I'm not sure that I can say anything more than anybody else in this room can say, it's speculated, it says either that they don't really care about these issues or that they're intimidated by the President and the administration or maybe both. But we have the majority in the House. We will take action and hopefully, pressure from the American people as they get to know more and more about what's actually happening and what's being done in their name will move the Senate to act, too.

QUESTION: Representative Escobar, (UNTRANSLATED).

ESCOBAR: (UNTRANSLATED). Maybe one more? Or--

QUESTION: Congresswoman Escobar--

JAYAPAL: I just wanted to say something in response to the first question about immigration and our Republican colleagues not being here. And I wanted to point out that it's very unfortunate that immigration has become such a partisan issue from the perspective of our colleagues. That is not true across the country. And I wish our colleagues would follow the lead of the American people, who I believe, if you look at polling on immigration and immigrants across this country today, it is at a--a high, a five-year high in terms of people believing that we need immigrants in

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this country, that immigrants contribute to this country, that they would rather see immigration expanded, not contracted.

But unfortunately, this is only my second term so I've been here for--for three years now, but what we have seen consistently, both in my first term when we were in the minority, but now in the majority, is that immigrants have become the--the thing to bash with. Anytime the president seems to be in trouble he goes back to immigrant bashing and unfortunately, our Republicans follow along with that. That was not always the case. Just imagine, just six years ago, in 2013, there was a comprehensive immigration reform bill that some of my colleagues here worked on in the House. But that bill passed the Senate 68 bipartisan votes. Can you imagine anything today passing with 68 bipartisan votes? But this was a comprehensive reform of the immigration system.

And so I--I think it is really unfortunate that our Republican colleagues are not here because they would get to hear the consequences of these policies that they refuse to stand up and counter. And it comes to us as Democrats but then to Republicans, Independents, and Democrats across the country who know that this action, these policies and these actions of this president do not reflect the foundation of who we are as a country or what the American people actually know to be true, which is immigrants build our country, they are resilient, we are resilient, I say that as one of 14 members of Congress who is an immigrant myself, serving as a naturalized citizen in the United States Congress.

QUESTION: Guys, we have time for one more question.

ESCOBAR: Go to this one.

QUESTION: Yeah, absolutely. Can you draw a through line between the rhetoric of President Trump and conservative media in America to what happened here in El Paso? And then what you look at as the departure point that that kind of rhetoric has been normalized and it's in the mainstream now of the United States of America?

ESCOBAR: So I'll--I'll--I want to--to be very clear because I--I want to make sure that the domestic terrorist who came into our community, drove 600 miles to be here, that he is held responsible for his actions and that he's not going to blame it on someone else. So he is responsible for the trigger that he pulled, the lives that he took, and the people that he injured, and the community that he damaged. I'm going to--I'm going to draw that line in my opening statement so I don't want to go through it because we've got to open the doors for folks and let them in.

But we really--and--and the answer that I gave earlier in Spanish, we can change things, the American people have the power to change this. The goal of our committee and the work that we are doing is to shed light on what is happening, the human price that we're paying, and to leave it to the American public. We're going to legislate. We're going to vote on spending bills. We're going to vote on--on reform bills. We are going to do everything within our power, including educating the American public, but ultimately, it is in the hands of the people to create change, to say "This is not acceptable", to say "Those of you who have stood silently or who have enabled or who have emboldened this, we are done with you."

With that, well, we really have to open the doors. Oh, one more thing.

NADLER: I totally want to second what Congresswoman Escobar said but I wanted to say the following. Obviously, the actions that that individual took are his actions, his responsibility but there is also a direct line from the rhetoric that we have heard from the President calling immigrants thugs and rapists, invaders, an infestation of this country. The--the murderer, in his own Manifesto, used some of the same terms, practically quoted it.

There's an old legal saying, I forget the exact wording, but basically, fomenting a riot is not an excuse for a riot but you shouldn't be fomenting riots either. And that's a very direct responsibility of the rhetoric of the president, of the administration because that rhetoric is targeting immigrant communities, is targeting communities of color and--and you know from history that some people can take up that (INAUDIBLE).

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ESCOBAR: (OFF-MIC) Let's try this one more time. The Subcommittee on Immigration and Citizenship will come to order. Without objection, I will serve as the substitute subcommittee chair in the absence of Chair Zoe Lofgren. In addition, without objection, the chair is authorized to declare recesses of the subcommittee at any time.

We welcome everyone to this morning's hearing on oversight of the Trump administration's border policies and relationship between anti-immigrant rhetoric and domestic terrorism. We especially welcome all of our visitors who are in El Paso from out of town. Welcome to the safe and secure U.S.-Mexico border.

Before we begin, I would like to thank President Heather Wilson and the University of Texas at El Paso for the warm welcome and for allowing us to use this space for this very important hearing. Dr. Wilson, did you want to say a few words?

WILSON: Please. Madam Chairman and--and Mr. Chairman, Chairman Nadler, members of the committee, welcome to UTEP. (UNTRANSLATED). UTEP (UNTRANSLATED). UTEP is one of only 10 high-level research universities in Texas. We are the only research one university in America that is predominantly Hispanic, but that's not all. Over 23,000 students study on our beautiful campus every day. (UNTRANSLATED) and with an annual tuition of about \$9,000 a year, we're one of the most affordable universities in America. (UNTRANSLATED)

We change lives and provide opportunity. Despite the recent events, we do this in one of the safest cities in America; El Paso, Texas. I hope you take time to enjoy our beautiful campus. We're very happy that you're here. Welcome to the University of Texas at El Paso.

(APPLAUSE)

ESCOBAR: Thank you for your hospitality, Dr. Wilson. We're very grateful for it. I'd also like to thank Judiciary Committee Chairman Jerrold Nadler and Immigration and Citizenship Subcommittee Chair Zoe Lofgren for agreeing to hold this very important hearing here in El Paso and for allowing me the tremendous privilege of chairing it. It is my honor, and many thanks to my colleagues for making the journey to my hometown to be here with us today.

I'd like to recognize a special guest in the audience, one of the heroes and survivors of the Walmart massacre, Chris Grant, who tried to distract the killer and, as a result, was shot twice. We are very lucky that he is alive, and we are so happy that you are here with us, Chris. Would you mind standing up so that we can recognize you?

(APPLAUSE)

And finally, to the panelists, thank you so much for joining us and sharing your wisdom with us today. We look forward to your testimony. I will now recognize myself for an opening statement.

Unfortunately, it is only too fitting that this hearing is being held in El Paso, a place that has had to endure the target painted on our backs because of anti-immigrant rhetoric and a community that has been ground zero for the Trump administration's cruel policies--cruel immigration policies. Anti-immigrant rhetoric is on the rise today, and it is inflamed by President Trump. Criminals, rapists, drug dealers; that's how then-candidate Trump described Mexicans when he launched his campaign.

The rhetoric continued into his presidency. In a meeting in the Oval Office, he described some African nations as, quote, shit-hole countries, when discussing whether those nationals were worthy of immigration relief. He's called immigrants animals, and the rhetoric has only escalated over time. One study found that President Trump has used words like invasion and killer more than 500 times to describe immigrants.

And the President's rhetoric influences public opinion. Recent polling from the Pew Research Center found that 57 percent of Republicans and Republican-leaning Independents say that the U.S. risks losing its identity if America is too open to foreigners. This number is up 13 percent since last year. Even more frightening is the xenophobic mania that is whipped up at the President's rallies when he uses the words that dehumanize.

Many of us were absolutely stunned, when at a Florida rally in May, the President rhetorically asked the crowd what he should do with migrants who cross the border. One of the President's supporters yelled shoot them, and the



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President laughed. Research indicates that counties that hosted a Trump campaign rally saw a 226 percent increase in reported hate crimes over counties that didn't host those rallies.

Well, President Trump hosted a rally in El Paso in February, and on August 3rd, a domestic terrorist drove over 600 miles to the safe and secure community, where people of color are the majority--80 percent of us are Latino--and where immigrants make up a quarter of our population. The terrorist confessed that he came to El Paso to, quote, target Mexicans and immigrants. He killed 22 people, injured dozens, and left an entire community in mourning.

El Paso has a long journey ahead of her. Minutes before his attack, the terrorist posted a racist screed on the internet decrying, quote, an Hispanic invasion. Those words echo words President Trump has used in the past. Words have consequences. Policies have consequences. It should be no surprise that a president who calls immigrants animals can justify treating them as such. Children have died in U.S. custody. There's been horrific overcrowding in border patrol facilities.

There's been forced feeding of adults in custody, in fact happening now, happening today, in El Paso at the ICE processing center, and there has been continued traumatic family separation. This administration has admitted to using cruelty as a deterrent, and that includes forcing migrants to wait their turn to apply for asylum in Mexico, a country that is not their own, in what's called metering. And once they request asylum, they are forced back under the so-called migrant protection protocols, or MPP, to wait for their day in an American court.

In the El Paso sector, migrants are left to fend for themselves in (INAUDIBLE) Through the casework assistance my office provides, we are aware of abuses with MPP. Vulnerable populations, who should ostensibly not be subjected to MPP, are being sent back, including Mexican nationals, pregnant women, and migrants with severe mental disabilities. Those sent back suffer harassment and danger. One father of a young family was kidnapped and beaten while trying to find diapers. Another young woman was kidnapped and raped by Mexican federal police.

In my eight and a half months in Congress, it is clearer than ever that this administration governs with cruelty. We must understand the human toll of these policies, the inhumanity, and the indignities that immigrants suffer, as we consider funding for the departments that execute those policies. And as for the anti-immigrant rhetoric, for many of us, those words have become a matter of life and death.

It is now my pleasure to recognize the Chairman of the Judiciary Committee, the gentleman from New York, Mr. Nadler, for his opening statement.

NADLER: Well, thank you very much. I want to begin by thanking my esteemed colleague Representative Escobar for welcoming--for welcoming us to El Paso, for her commendable service on the Judiciary Committee, and for her deep commitment representing the people of El Paso with strength, and integrity and compassion. I also want to thank the University of Texas at El Paso for hosting us today for this very important hearing.

For two and a half years, the Trump administration has issued an endless series of draconian immigration policies, some of which have been implemented, and some of which rightfully have been enjoined by the courts as contrary to our laws. These policies have had a devastating impact on immigrants here in the United States and also on those fleeing for their lives and seeking protection along our Southern Border.

At the same time, this administration has used racist and inflammatory language against immigrants. The President has referred to immigrants as rapists, thugs, and animals and has described the arrival of asylum seekers as, quote, an invasion of our country, unquote. Language such as this endangers and can have tragic consequences.

The perpetrator of the horrible mass shooting here in El Paso last month used the term invasion in his hate-filled manifesto and later told law enforcement officials that he was targeting Mexicans. I wonder what one of the sources of his ideas were--was. This community has not only borne the brunt of the administration's chaotic border policies; it is also grieving from the violent consequences of pervasive anti-immigrant rhetoric.

Although I regret that we must--that we must continue to confront these issues, I cannot think of a more appropriate venue for this important hearing. When I was in El Paso earlier this year, I toured several ports of entry, observed

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overcrowded border patrol facilities, and visited immigration and customs enforcement detention centers. I also talked with several nonprofit organizations in the area and learned first-hand the accounts as to how the humanitarian crisis is unfolding.

Instead of addressing the root cause of migration, the violence that is going on through Central American countries, the threats, and competently managing the challenges at our border, the Trump administration has chosen to dehumanize immigrants and to exploit this crisis for political gain. In doing so, it has violated American laws and undermined American values.

It has emotionally traumatized many children who've been torn from their families and held in unconscionable conditions.

And it has promoted dangerous rhetoric that contributes to a climate of fear among immigrant communities and that at times has served as inspiration for violent attacks against immigrants. The administration's inhumane treatment of migrants must be viewed in the context of broader problems deep within the culture of our immigration enforcement system. These problems were aptly illustrated when racist and misogynist posts in a closed Facebook group of nearly 10,000 current and former customs and border protection officers were recently exposed.

Jokes--I'm sorry, posts that joke about migrant deaths and that disparage congresswomen. The sheer size of this group and the fact that the chief of the border patrol, Carla Provost, was a member at one time of this group, indicates a culture of disdain and cruelty toward immigrants that has deeply affected the agency and that can only be exacerbated by bigoted and hateful rhetoric emanating from the White House. When coupled with this rhetoric, it puts the safety of immigrant communities, and those who are perceived as immigrants, at even greater risk.

This all reminds us of the anti-Semitic, anti-Italian, anti-Irish, anti-Catholic, and anti-Asian rhetoric that has stained our country at times in the past and gave rise to racist immigration laws in the late 19th and early 20th centuries. There must be accountability for the policy choices that got us here. The Trump administration has repeatedly claimed that the abhorrent conditions and policies at the border are necessary to manage increased numbers of asylum seekers, but let us be very clear about this. We have the capability to safely process these migrants and to manage the situation with compassion, rather than with cruelty, and racism and illegal actions.

Instead, the administration has opted for policies that compromise human safety and that exacerbate the crisis; policies--policies such as locking up asylum seekers and denying them bond hearings, policies such as the so-called migrant protection, in quotes, protocols, which have forced tens of thousands of asylum seekers into unfamiliar and often dangerous communities in Mexico, and with metering, which arbitrarily limits the number of people who can apply for asylum at official ports of entry each day and forces them to enter irregularly between these ports, subjecting them to further danger.

I am eager to hear from each of our witnesses today, and I thank them for offering their perspectives on the administration's border policies and the disturbing rise of anti-immigrant rhetoric in this country, including from this administration. I thank the Chair for arranging to hold this important hearing, and I yield back the balance of my time.

ESCOBAR: Thank you, Chairman Nadler. Without objection, all other opening statements will be included in the record. There will be two panels of witnesses for today's hearing. The first panel will discuss the relationship between the rise of anti-immigrant rhetoric and domestic terrorism. The second panel will focus on the Trump administration's border policies.

I will now introduce the first panel of witnesses. Jo Anne Bernal joined the El Paso County Attorney's Office in 1993. In 2009, she was appointed as the first female County Attorney in El Paso's history and is currently the only female attorney board-certified in--in civil trial law in El Paso. Prior to joining the El Paso County Attorney's Office, she served as an Assistant Attorney General in the law enforcement division of the Texas Attorney General's Office for six years.

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As County Attorney, Ms. Bernal supervises approximately 100 employees, including 44 attorneys who practice both civil and criminal law. Over the course of her career, she has demonstrated her commitment to ensuring that all victims of crime, including undocumented victims, are treated with dignity and respect and protected with the full force of the law. Ms. Bernal was born and raised in El Paso and received her undergraduate and law degrees from the University of Texas at Austin.

Next, we have Dr. Monica Munoz Martinez. Dr. Munoz Martinez is an award-winning author, educator, and historian. An Andrew Carnegie Fellow, Ms. Martinez is the Stanley J. Bernstein Assistant Professor of American Studies and Ethnic Studies at Brown University, where she is also a Faculty Fellow at the John Nicholas Brown Center for Public Humanities and the First-Generation College and Low-Income Student Center.

Her research specializes in histories of violence and policing on the U.S.-Mexico border, among other subjects. Last year, she published a book entitled, *The Injustice Never Leaves You: Anti-Mexican Violence in Texas*, which analyzes many of the trends we will be discussing in this first panel. Professor Martinez is also a founding member of the nonprofit organization, Refusing to Forget, that calls for public commemorations of anti-Mexican violence in Texas. She received her BA from Brown University and her PhD from Yale University.

And we have Alejandra Castillo, who has served as the Chief Executive Officer at the YWCA USA since August of 2017. Previously, she served in senior leadership positions in two presidential administrations and is an experienced attorney working in the public, private, and nonprofit sectors. Ms. Castillo served as Senior White House Advisor for the Office of National Drug Control Policy under the Clinton administration.

In 2014, she was appointed by the Obama administration to serve as the National Director of the Minority Business Development Agency, becoming the first Hispanic-American woman to lead the agency. Ms. Castillo received her BA from the State University of New York at Stony Brook, her MA from the University of Texas at Austin, and her J.D. from American University.

We welcome all of our distinguished witnesses and thank them for participating in today's hearing. Now, if you would please rise, I will begin by swearing you in. Do you swear or affirm under penalty of perjury that the testimony you are about to give is true and correct, to the best of your knowledge, information, and belief, so help you God? (OFF-MIC) Let the record show the witnesses answered in the affirmative.

Thank you, and please be seated. Please note that each of your written statements will be entered into the record in its entirety. Accordingly, I ask that you summarize your testimony in five minutes. To help you stay within that time, our staff will be timing you on an iPad and will raise the iPad when you have one minute remaining. Ms. Bernal, you may begin.

BERNAL: Thank you. Good morning, Honorable Chair Escobar, Honorable Chair Nadler, and members of the Judiciary Committee. Welcome to El Paso. We are very honored to have each of you here today. El Paso has found itself in the midst of a perfect and terrible storm. As you know, a little over a month ago, a man drove into our city to kill our citizens because of the color of our skin. The hatred that motivated that man did not start that day. There has been a confluence of factors that precipitated the hostility that we saw in our community.

This is a hostility towards immigrants and towards brown people, but that hostility must be viewed through the prism, frankly, of governmental conduct. We are all familiar with the hateful rhetoric, discussed somewhat this morning, that had permeated the 2016 presidential campaign, beginning with the declaration that Mexico was sending criminals, rapists, and drug smugglers to the United States and proceeding with a constant barrage of rhetoric about the need for the border wall.

The reference to an invasion from the south can only make people fearful. Trump's administration's actions, putting children in cages, separating children from their parents, holding immigrants in conditions that are inhumane, reinforces his dehumanization of brown people. A common threat is that brown people, Mexican Central Americans, are bad, are to be feared, are to be hated, are to be caged and to be sent back where they came from.

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In February 2017, barely a month after the President took office, federal immigration officials entered the El Paso County Courthouse, proceeded to a court specifically designated as a protective order court and detained an undocumented victim of domestic violence who was seeking protection from her abuser. The victim was removed from our courthouse by federal officials and detained initially on immigration violations. The very public and aggressive arrest is consistent with this President's urgency to treat immigrants like criminals and justify the need for the border wall and the detention of immigrant families.

It was a stunning and unprecedented event in El Paso. A victim is deserving of protection regardless of her legal status, and a criminal is deserving of prosecution regardless of whether he has abused a citizen or a noncitizen in our community. The incident went viral, and immediately victims who were scheduled for a protective order hearing began to cancel their hearing dates because they were afraid to come into our courthouse.

The incident has had a real and demonstrable chilling effect in El Paso. What we experienced in El Paso were federal agents with a perceived license to take any steps they deem necessary to round up undocumented victims. This perceived license for aggression comes from the top, and while federal authorities were ramping up the rhetoric and conduct against immigrants and Mexicans, the anti-immigrant rhetoric on the state side was similarly front and center.

Only months after Trump took office, the Governor of Texas signed a bill into law that is commonly referred to as SB4. At the time, SB4 was considered the most dramatic state crackdown yet on so-called sanctuary cities, and it came at a moment when the Trump administration had sought to do the same at the federal level. SB4 essentially prohibited local governments from doing anything that limited local law enforcement officers to enforce immigration laws.

SB4 contained provisions that criminalized a public official's actions in interfering with the enforcement of immigration laws. It was marked by hateful rhetoric from the start. One of the authors of SB4 is on record saying that one of the reasons and the need for the law was to get bad people. The--the author of the bill explained on the record that bad people were the illegals who needed to go home. The law was not directed at felons, at drug traffickers, at human smugglers; it was directed generally at the illegals.

El Paso has been ground zero in the immigration battle. Thousands of refugees from Central America have found their way to the United States through El Paso. Both state and federal governments have sent an influx of military and law enforcement into our region, and the militarization of our border is our new normal.

It has been publicly reported that the shooter in El Paso complained about the Hispanic invasion. Note please, that it was not immigration invasion. It was on illegal invasion or an undocumented invasion. It was not a complaint about drug dealers or human traffickers. It was referenced to Hispanics. The bigotry and hate in the form of speech and government conduct have fueled the flames of violence, and we, unfortunately, are the targets. And this simply should not be the role of government in our country. Thank you.

ESCOBAR: Thank you, Ms. Bernal. Dr. Munoz Martinez.

MUNOZ MARTINEZ: Good morning. Honorable Chair Escobar--Escobar, excuse me, Chair Nadler, and members of the committee, I'm so honored to be with you here today. Thank you for holding this urgent hearing. I'm a historian, author, and professor. My book, *The Injustice Never Leaves You*, recovers a period of racial terror between 1910 and 1920, when Mexican Americans and Mexican nationals were targeted with racial violence. Hundreds of people were killed; men, women, and children.

People who witnessed this era frequently referred to it as La Matanza, The Massacre. There are three urgent historical lessons for today. First, 100 years ago, anti-immigrant and anti-Mexican rhetoric fueled an era of racial violence by law enforcement and vigilantes. Second, racist rhetoric shaped immigration policies and Jim Crow laws targeting Mexican Americans, and third, legislators and the judicial system failed to correct the course of history, and violence continued throughout the 20th century.

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This was an era of state-sanctioned racial violence. Politicians and law enforcement used anti-Mexican rhetoric to promote (PH) fear of the border and fear of border communities. People who looked Mexican were described as inherently violent, un-American, as bandits and murderers. Even in death, victims were criminalized by news reports and the media.

In 1919, U.S. Congressman Claude Hudspeth of West Texas described hordes of Mexican bandits just south of the border as an ever-present threat. He publicly justified state police officers shooting Mexicans on sight. He testified under oath, quote, you've got to kill those Mexicans when you find them, or they will kill you. But politicians went beyond rhetoric. They funded the militarization of the border, and Texas governors offered their pardon power to state police who committed crimes. Law enforcement and vigilantes enjoyed a culture of impunity.

Three cases show that neither class, age, gender or citizenship protected people who looked Mexican. In September 1915 in South Texas, two landowning American citizens, Antonio Longoria and Jesus Bazan, met the state police to--to report that they had been robbed. While returning home, the two men were shot in the back by a posse that included a state police captain. There were no investigations. No one was ever prosecuted.

In January 1918, a group of Texas Rangers, U.S. soldiers and civilians traveled to Porvenir in West Texas and arrested 15 men and boys. The Texas Rangers then massacred the 15 prisoners in cold blood. Despite investigations by Mexican and U.S. governments, no civilians or officers were ever prosecuted.

In April 1919, Concepcion Garcia was shot by a U.S. soldier when she crossed the Rio Grande into Mexico to return home. A military court found the soldier guilty of manslaughter, but months later, President Woodrow Wilson ordered that the soldier be free and reinstated for military duty. Concepcion was nine years old.

There are thousands of records that shed light on this history, thanks to politicians, sheriffs, diplomats, and attorneys, Anglos and Mexicans, that tried to end this violence. Sheriff William Vann, for example, publicly testified to the murder of innocent people and tried to have the state police removed from Cameron County. Many of the leaders were surveilled and intimidated.

In 1919, State Representative Jose T. Canales, the sole Mexican American elected to state office in Texas, led a congressional investigation into abuse by the state police. He, himself, received death threats from law enforcement. That legislative committee concluded that the officers were, quote, guilty of and are responsible for the gross violation of both civil and criminal laws of the state. And yet, officers were not prosecuted for crimes, and there was no admission of guilt or wrongdoing by the state.

One hundred years ago, elected officials heard accounts of injustice taking place in the name of national security, and they heard calls for change. They could have heeded the calls for justice. Instead, they chose to maintain the status quo, ensuring that racial violence and hate would continue. Moreover, racism took shape in Jim Crow laws that segregated and disenfranchised Mexican Americans and restrictive immigration policies.

Today, I urge you to learn from these lessons of history, to heed the ongoing calls for social justice. History teaches us that failing to act will ensure that suffering, violence, and death will continue, patterns of violence will persist, and the impact will be felt for generations to come. Thank you for your time.

ESCOBAR: Thank you so much. Ms. Castillo.

CASTILLO: Good morning. Good morning. Buenos dias. Chairwoman Escobar, Chairman Nadler, and members of this esteemed committee, thank you for the introduction. As CEO of YWCA USA, I represent the oldest and largest women's organization in the country. We are on the ground in El Paso, Texas, in Dayton, Ohio, and some 1,300 communities across the nation. We have been at the forefront of the most pressing social movements for more than 160 years.

Today, I appear before you to testify about the critical issue of anti-immigrant rhetoric and its link to domestic terrorism. I'd especially like to thank Chairwoman Escobar and her dedicated staff for their leadership and service to the people of El Paso. I am pleased to be joined here today by Dr. Sylvia Acosta, CEO of YWCA El Paso--El Paso

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del Norte region, as well as members of her board and staff. YWCA El Paso has been part of this community since 1909.

Dr. Acosta and her team have been working with numerous partners as this community struggles to provide respite and return of dignity to migrants caught up in this immigration crisis, as well as to help heal an entire community after the aftermath of August 3rd mass shooting. I am forever grateful for their deep commitment in advancing YWCA's mission of eliminating racism and empowering women. Just this week, Dr. Acosta shared with me that increased anti-immigrant rhetoric is directly impacting our youngest generations.

She shared that children attending YWCA El Paso's afterschool and early learning academies are afraid of going to jail or being killed because of their Mexican ancestry. Many also express anxiety about the potential deportation of their parents, regardless of their immigration status. These are children as young as four years old, and across the country in our YWCA Seattle King Snohomish County, Maria Wilcox tells us kids are afraid to go to school because of gun violence.

No child, I repeat, none, no matter their race, age, or gender, should go to school and live in a climate with these growing fears. Each day across this great nation, across this country that I love, YWCAs get up and do the work of supporting those most impacted by racial and gender-based violence. Given our expertise and extensive work in communities, I want to highlight three critical areas this morning that are further detailed in my written statement.

First, words that we utter do matter, and the acts of hate, terror, and dehumanization are fueling an epidemic of domestic terrorism that is linked to a deep history of racial violence in our--in our nation. Today, the vitriolic, anti-immigrant rhetoric is, unfortunately--unfortunately not new. We have a long history of creating walls to push out those that we deem other, to demonize, stereotype, and marginalize. Waves of European immigrants in the 19th and 20th century experienced this, and today, we are singling out people seeking refuge and asylum by calling them names and putting them in cages. We've been down this road before, and yet, we find ourselves repeating history. We can do better.

Second, our communities are reeling from the trauma inflicted by a confluence of gun violence, racist rhetoric, misogyny and gender-based violence. These are the interrelated issues that lie at the heart of America's surge in domestic terrorism. Make no mistake; El Paso, Dayton, and so many other mass shootings are acts of domestic terrorism propelled by racism, misogyny, and easy access to weapons of war. These correlations are a key aspect of the crisis that can and must be addressed.

Third, when communities are traumatized by racist rhetorics and the violence of domestic terrorism, community healing is imperative. Acts of violence both cause and compound trauma, particularly when communities are already grappling with racism and social economic challenges. YWCAs are part of the fabric of communities hardest hit by domestic terrorism, and we stand in lockstep with many nonprofit organizations throughout the country who are picking up the shattered pieces.

In El Paso, YWCA is working with Hispanics in Philanthropy, Las Americas, and many other partners. Together, we are all bringing our collective resources and expertise to bear to address this crisis. Our hope with the strong collaboration is to model strength in numbers, to show our country how the partnership of many not only brings us together, but also makes a difference in how the community is prepared and able to respond to tragedy and human crisis with compassion, dignity, and with a focus on improving outcomes for all.

Madam Chairwoman and Mr. Chairman, today we find ourselves at a pivotal juncture as we search to define and defend the values that constitute the soul of our nation. Through education, accountability and swift action by Congress, we can take steps towards ending these systemic acts of violence in our communities and give true meaning to our nation's motto, e pluribus unum. Thank you for the opportunity to testify today on behalf of YWCA, and I look forward to your questions.

ESCOBAR: Thank you all so much for your testimony. We will now proceed under the five-minute rule with questions. I will begin by recognizing myself for five minutes, and my first question is for Ms. Bernal. Ms. Bernal, you are an El Pasoan. You live here. You have--you were born and raised here. You work here. I think what is

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critically important, for me anyway, about this hearing is that America understand the consequences of what is occurring.

Would you please share with us, with as much detail as you possibly can, what you are hearing from your constituents and from your clients about the massacre at Walmart and the words that you talked about that did not fuel the--I don't--I don't want to give the individual an excuse. The--the domestic terrorist is responsible for his behavior--but that have fueled the crisis that we are in in this country.

BERNAL: Thank you, Chairman--Chairwoman Escobar. You know, there's been a real and palpable change in El Paso. For those of us that grew up here, I think anyone will tell you that El Paso is one of the least racist, least bigoted communities that you could ever live in. We don't really see skin color, and maybe it's because so many of us is around.

(LAUGHTER)

We don't see skin color. Everyone that has grown up in El Paso has intermarried with non-Hispanics and have children and nieces and nephews who we call, you know, half Hispanic half white.

We don't see that. What--the point that's been driven home from the shooting is that we realized that the rest of the world sees us differently. I am a mother of two children who are half white, and they were raised proud Latinos. For the first time in my life, it occurred to me that they might be a little safer because they don't look as brown as me, and that's a really sad thing to acknowledge. The constituents that I speak to are still--they're still frightened. They're still afraid.

Many people are still afraid to go to Walmart, to crowded malls. I know people that are afraid to go to memorial sites because they feel like they're a target. You know, there's a lot of Hispanics in one place, and they're sitting ducks. So, it's changed the way we feel about our security in such a safe city, and it's unfortunately opened our eyes to realize that others don't see us the same way we've always seen others, that somehow, you know, the rhetoric directed at Latinos and at immigrants and at brown people implies that--that Hispanics are just a little less American, that we're not quite as American as others in the country.

And it's been a very eye-opening and really sad, I think, experience for many of us in the community and many of my constituents who feel that this new normal is--is not the way--it's not the way that we used to live, and it's not the way we want to live.

ESCOBAR: There is an irony in what is happening that I'd like for you to help folks understand. The--the--there's this national fear being whipped up by the President and his enablers about immigration, but it really is El Paso and other border communities that have been feeling the impact of significant numbers of families who are knocking on our front door. So, we are the ones who, more than any other community in the country, really feel the consequence of large numbers of immigrants knocking on that door.

How has El--in the face of hysteria elsewhere, how has El Paso chosen to react?

BERNAL: You know, as a prosecutor, I--I want to be clear that I don't know anyone in this work community that supports open border policies that would allow criminals and drug smugglers and--and people that are designed to hurt this country come into this country. So first and foremost, I think that--that we need to dispel this idea that because you're Hispanic you want open borders and every criminal from any part of the country to come into our community.

We want a safe country, too, and what we need is comprehensive, reasonable immigration reform. We can't make that happen locally, but what we can do is when thousands of refugees and immigrants show up at our doorstep, we can feed them. We can clothe them. One of the untold stories, I think, is the incredible amount of love and support that El Pasoans stepped up when the rest of the country, and--and frankly, policymakers wouldn't change policies or wouldn't direct resources--El Pasoans stepped up.

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There were thousands of El Pasoans who made meals, who put packets together with toothpaste and toothbrushes, who donated clothes, who drove people to the airport, to help on a humanitarian level, recognizing that although we may not be able to change immigration law, we can make sure that the United States remains a humanitarian bastion where people can come and they won't be vilified. And at least in this community, El Pasoans opened their wallets and their hearts and reached out to them.

ESCOBAR: Thank you so much. My time has expired. I now recognize our esteemed Chairman from New York, Representative Nadler.

NADLER: Thank you, Madam Chair. Professor Munoz Martinez, in your testimony you gave us a very helpful history of some of the anti-immigrant and anti-Mexican violence in Texas. Could you tell us how did the political rhetoric of the time continue to the culture and shape immigration policies and practices of that era?

MUNOZ MARTINEZ: (OFF-MIC)

ESCOBAR: And--and I apologize. We--we have to remember to keep speaking into the mic clearly and loudly so that Facebook picks us up.

(LAUGHTER)

MUNOZ MARTINEZ: Like give an entire lecture and teach a class on that, but really quickly, I will say that one of the--there were many features that created a context that allowed violence to continue. On one hand, this racist rhetoric represented Mexicans, people across the country who never encountered a Mexican before, and misrepresentations of people by calling them criminals and by calling them un-American and presenting them as people who did not deserve American--the protection of American citizenship meant that a nation, for the large part, agreed with that.

And so there were people in communities along the border who--who demystified that just by who they--the very nature of who they were. They were educated. They had been in border regions for generations. They were active in politics, and so, some of the racial violence was--was specifically to dismantle this border community and remove Mexican Americans from having the economic, or cultural or political power.

But this violence also corrupted law enforcement and the judicial system, and so this meant that when politicians and leaders dehumanized people, that police also dehumanized them and didn't recognize their humanity. And during this period, Texas Rangers and local law enforcement were understood to be judge, juries, and executioners.

NADLER: You said this period. What--what period are you referring to?

MUNOZ MARTINEZ: In--in the early 20th century, so 100 years ago during this period of racial violence that's been referred to as massacre, of anybody who looked Mexican, whether--whether they were American citizens or Mexican nationals. And so, people were denied due process. They were denied the presumption of innocence, but that racist rhetoric also shaped policy. So, it wasn't just vigilante violence. It was violence by law enforcement and--and violence in the law.

Jim Crow laws were passed to disenfranchise Mexican Americans from voting. Laws were passed to discourage intermarriage, to make it illegal, and anti-immigrant legislation was passed to restrict immigration, like the 1924 Immigration Act that was inspired by eugenicists and by nativists. And so, I am horrified when I hear current administration members referring to that act as a model. It should give us all pause and call us to action to look at the immigration policies that are being enacted and the harm that's being caused.

And one of the other historical patterns that has reemerged that is important to--to consider is the disavowal of suffering of humans that was so pervasive in the early 20th century that was very effective in allowing the national public for these acts of racial violence to continue. People actually celebrated and thought it was progress. And so when you have the dehumanization of people and the denial of rights of those people, it is quite easy to take place.



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And so, now that we have the national conversation and awareness of the--the inhumanity that's taking place in our name, in the name of the U.S., we have to act.

NADLER: Thank you very much. Ms. Castillo, you have--and let me--let me just say, when you refer to the 1924 Act, which was racist and anti-Semitic, etc., I remember watching and hoping for its repeal when I was in high school, which is when it happened, 1965. Ms. Castillo, you have frequently spoken out against various Trump immigration policies, such as the zero tolerance family separation policy and the administration's stance on access to asylum for individuals with credible fear of domestic violence or gun violence--or gang violence rather.

These policies that bar entry for vulnerable individuals have contributed clearly to anti-immigrant rhetoric in America. Can you discuss how these policies specifically target women and victims of violence and how that shapes the perceptions of immigrants here in the country?

CASTILLO: Thank you for the question. Yes, so we know--they know that we have the United Nations and--and other--and other sources. We know, particularly, El Salvador and Guatemala, Honduras have--both have third--first, third, and seventh place, respectively, in female homicide. And the reason that we--we at YWCA are so keen about this is because many women try to move from one village to another, fleeing their domestic partners because of fear of gender-based violence.

So, their first approach is to flee their villages, but most of them are fleeing--fleeing the country in search for a better opportunity for themselves and for their children. So the issue of domestic violence is real. We have to take it very seriously, and I will tell you, I--I will draw on the history of the YWCA. We stood on Ellis Island, helping immigrant women coming from Europe because we knew that even then the issue of domestic violence and gender-based violence is something that's so keen for women.

So, we are true to our mission, then as we are today, and that is why when we see the changes in policies, when we're seeing women fleeing from Central America, looking for asylum and--and refuge, and our country has now changed the way we treat women. We have to stand up. So, these issues are critically important, and I will take this opportunity to also ask Congress to reauthorize VAWA, the Violence Against Women's Act. It is shameful that we haven't done that yet, and this is--permeates not just for women in the U.S., but how we treat women and how we stand up for women.

NADLER: Thank you. You know, of course, that this committee reported the reauthorization of VAWA and that the House passed it, and we're waiting breathlessly for the Senate's break--breakneck pace to--to get the decision.

(LAUGHTER)

My time is expired. I thank you.

ESCOBAR: Thank you, Chairman. I now recognize my distinguished colleague from Washington, Representative Jayapal.

JAYAPAL: Thank you, Madam Chair, and thank you all so much for being here and for your testimony. I think it was you, Ms. Bernal, who in your testimony talked about the perceived license for aggression, and Dr. Munoz Martinez, you spoke about dehumanization. And the Chairwoman in her opening comments talked about all the different ways in which this President has given that license for aggression.

I would just remind the audience that this is the President who actually selected a portrait of Andrew Jackson to grace his office. This is Andrew Jackson, pro-slavery president who perpetuated genocide against Native Americans. So, this is the context in which we are working today, and the threats of--of white nationalist terrorism have been clear really for some years, since this President was elected. Hate groups have expanded. They've become more organized. We've seen the data for that directly.

Perpetuators of hate crimes have routinely invoked the President's name in an uptick of hate violence, so drastic that scholars have actually dubbed it the Trump effect. And recent mass shooters--obviously you know better than any--have had these racist and anti-immigrant agendas, and yet, the administration has actually done nothing.

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They've, in fact, done the opposite. They've directed the FBI not to focus on countering this and--and rooting out this kind of white nationalist terrorism.

So, I wanted to start with Ms. Castillo and--and also Ms. Bernal. I'm going to ask both of you to weigh in on this question. Ms. Castillo, you have members and organizations in 1,300 communities across the country. You've talked about the effects of this on your members. Ms. Bernal, you've also referred to this. Can you talk about the direct ways and impact of that fear on your community members, on your organizational members, in terms of, say, the services they seek, the ability to go to school? You know, whatever impacts you're seeing, can you help this committee understand exactly what those are?

BERNAL: Thank you, Congresswoman, for that question. In--in my capacity as County Attorney, one of the things that's most difficult is to quantify like the negative, how many victims are not coming forward. Very often, I think people that don't live in predominantly--or communities with a high immigration--a high immigrant population don't realize that most families are mixed, right. And so very often, what you see is in--in our situation where we have federal authorities in the courthouse, it wasn't just undocumented immigrants who were afraid to step forward to seek protection.

We had U.S. citizens who had filed for protective orders but who were fearful to come into the courthouse because one of their children might be undocumented, one of three children, and so, what we are seeing--before the incident, we were seeing a pretty steady rise of about 15 percent annually in the number of women seeking protective orders. Immediately following the raid of the courthouse, there was a--a sharp decrease within the next six weeks to two months, and since then, for the last two years, we've continued to see a steady decrease in the number of people availing themselves of protection that they're entitled to under the law.

And so, what we are afraid of is that there are no--there's no national statistics that would suggest that domestic violence is on the decrease, and so, what we know is that we have victims that are not coming into the courthouse to seek protection.

JAYAPAL: Thank you, thank you. Ms. Castillo?

CASTILLO: Congresswoman, let me tie these two communities, El Paso and Dayton, and the Congresswoman knows I was here 36 hours before the shooting occurred. And within 24 hours after the shooting in El Paso, Dayton happened. I'm--I'm going to bring the story of Dayton because Dayton had--the Ku Klux Klan targeted Dayton. A hospital shut down in an African American community and left it without any services. A--a tornado hit that community, and--and housings were--I am talking to you about how compounded issues.

And then, you have fear and anxiety coming from the highest level of our government. The anxiety that people are feeling, and I just told you about the youngest generations among us. How can Americans be growing up in a country with such abundance and grow up with such fear of them--of each other and of its own government? And I will tell you, as service providers, service providers are also facing trauma, and we need to provide them, too, because we do not have the tools or the wherewithal.

The deluge is coming too fast and furious, and as someone who is--is pushing forward an organization of this breadth, I worry, who among--among our YWCAs is going to break. It's too much to bear, and we need some responses. The nonprofit community is picking up the pieces, and we do not have the resources coming from our federal government to pick these pieces up and put it together in a way that really showcases who we are as a nation.

JAYAPAL: Thank you so much. My--my time is expired. I yield back to the Chair.

ESCOBAR: Thank you. I now recognize my esteemed colleague, the gentlelady from Texas, Representative Garcia.

SYLVIA GARCIA: Thank you, Madam Chair. Thank you to all the--the panelists. Really been almost heartbreaking hearing some of the testimony that you've presented this morning, and I really do appreciate the historical context

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and the real context on the ground. And hopefully people across America will better understand what is really going on in our country. The Trump administration's immigration policies have had a significant impact, not only here, but in--but in migrant and border communities throughout our country, resulting in anti-immigrant rhetoric becoming common in public discourse.

It's just too common in public discourse. We all acknowledge that there is a humanitarian crisis at the southern border, but many of us know that this is one in the President's own making. Migrants are enduring systemic human rights abuses. Children and adults alike are held in overcrowded processing pens, hungry and neglected. Families are being torn apart. More funds for these agencies only will fuel the perpetrators of abuse. Real change will require rescinding the policies causing the abuse, meaningful oversight and a transformative approach to immigration law and policy.

President Trump has described immigration at our southern border as an invasion of our country. The impact of such anti-immigrant rhetoric regretfully is not limited to El Paso or border communities, and in a congressional hearing in May, the FBI head of the FBI's Counter-Terrorism Division testified that the bureau was investigating 850--I'll repeat that--850 domestic terrorism cases and that of those 40 percent, almost half, involved racially-motivated extremists.

So, this is, unfortunately, not news. It's not made up. It's facts. So, Dr. Munoz, I wanted to start with you because I really found your written testimony to be quite enlightening. I actually (INAUDIBLE) you a lot of our history. One of these people that is--County Attorney mentioned that some of us are not as brown as others. I mean, I look at me I present as a gutta.

(LAUGHTER)

I could probably drive around and nobody would stop me, but that's--that's the problem, isn't it? That it is based on color, and it is based on race. And you actually say in your paper that this started back in the era as the Chairman asked you some questions. I mean, the number of lynchings that you cite in your paper between 1848 and 1928 was 547, half of which were in Texas almost, 232. It seems like Texas has always been like the trading ground, the--the incubator, if you will, that starts a lot of this.

County Attorney, you remember our flight. I see my colleague--former colleague Senator Rodriguez here on SB4, and what is it about Texas? What do we need to change?

MUNOZ MARTINEZ: Texas has a long history of white supremacy. I mean, it is a nation that has intersecting histories of slavery, of genocide, and of colonization. It's actually later history the colonization, and if we remember, for example, that the Texas revolution was inspired, in large part, so that early settlers could--could own slaves, and so, the--the policing regime that then was developed to, quote unquote, protect Anglo settlers from Mexicans who were living in Texas before--

SYLVIA GARCIA: We all know the Texas Rangers.

MUNOZ MARTINEZ: Right, the state police officers, they targeted Mexican residents. They allowed enslavement to continue by hunting people who tried to seek freedom by crossing into Mexico, and they participated in genocide. And so, the policing--our--our institutions of policing in Texas have a deep history of racial violence, and that's something that as a community we have to reckon with. And one of the things that we can do is by truthfully--

SYLVIA GARCIA: So have we seen any change at all, or is the Trump rhetoric similar to the rhetoric and the climate back then? Is there any difference?

MUNOZ MARTINEZ: It's unsettling how many of the--how much of the rhetoric echoes, certainly from members of the administration, from the president himself, but also from elected officials in Texas. The anti-immigrant sentiment, you know, for--for too long, the humanitarian crisis has been represented, people who were seeking refuge in the United States, children especially, were described as terrorists and cartel groups.--

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SYLVIA GARCIA: Ms. Munoz, when you said in your written testimony that there was public displays of the number of Mexicans murdered to show that things were in control, it kind of reminded me of the Vice President's visit to the Valley, where, you know, well all--many of us as members of Congress were even denied entry. We surely are not in there with TV cameras. But I just saw that as a public display--display to show his--their (INAUDIBLE) look, we're taking a look at all of them, the cages.

MUNOZ MARTINEZ: Absolutely. It's a performative nation building

SYLVIA GARCIA: It's the same thing, isn't it?

MUNOZ MARTINEZ: It's--you can certainly look at the patterns and say--something that really alarms me is especially when I see representations of Latinos primarily of being people who are under arrest or people who are being raided by ICE. When those are the representations of Latinos in this country it enables other people to think that that's how Latinos should be treated, that they shouldn't be trusted, and they should be fearful of them.

And so, certainly when I look at the historical photographs and representations of Latinos, people in Texas who were murdered, police officers are standing next to--posing next to dead bodies, I am deeply troubled by these representations.

SYLVIA GARCIA: Thank you. Apparently, I've run out of time. I heard her gavel me. I had a question for you, Ms. Bernal, but I'll ask you after the session. Thank you, Madam Chair. I yield back.

ESCOBAR: I'm so sorry, my colleague. I apologize. I now recognize my distinguished colleague from Colorado, the Representative Neguse.

NEGUSE: Thank you, Madam Chair, for holding this hearing, and thank you for your leadership. Also, thank you to the El Paso community for being so welcoming to us members from various different parts of the country. I happen to be from Colorado in the second congressional district, and it's great to be able to be here on my first trip to El Paso.

I--being here really gives members like myself the chance to see and hear for themselves the real-life impacts of the Trump administration's policies at the border and the effects of the anti-immigrant rhetoric coming from the White House. I think we all have an obligation and a responsibility to speak out against hatred and against bigotry and against violence in our communities.

I was moved by the testimony of each of the witnesses. Dr. Munoz, thank you for your very thoughtful tone on just a very dark chapter--you know, the--the--at the University of Colorado Boulder, which is my alma mater, and having represented that institution in Congress, there is a quote on the library from George Norlin, who was the President at the University long ago, that essentially says, he or she who only knows his generation or her generation will always remain a child. And so, the ability to learn from the past is incredibly important.

Ms. Bernal, I was very moved by your testimony. I am a son of immigrants. My parents are from East Africa. Madam Chair referenced the--the s-hole comment that the President made several years ago, which was an outrage to me and to many folks in my community. But I also--my wife is Hispanic, and we have a one-year-old daughter, who is Latino. And your comment about your children, it--it's very profound, and I guess what I'm wondering is whether you can kind of expound on--

You know, I was struck yesterday. We went--my colleagues and I, Pramila, Representative Jayapal and Representative Escobar went to the memorial--I'm sorry, the--the Walmart, and I was struck by the outpouring of support in this community. Afterwards, we went to dinner. I would be remiss if I didn't say Representative Escobar promised us that El Paso had the best enchiladas in the country.

(LAUGHTER)

And they did, so that was--she was not mistaken, but as we were driving to the restaurant, what struck me, I saw a group of children playing. They were--it was a sports game, baseball game, and clearly, this community is rallying

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and--and is, you know--is showing what we all have read about over the course of the last several weeks, which is this sort of embodiment of El Paso strong.

But I guess--the question I have, Ms. Bernal, is as you talk to members of this community, you know, I--part of our challenge is to convince hearts and minds, and how do you explain the importance to someone who maybe disagrees with my world view on immigration and belief of the value of immigrants to this country and your world view? How do we explain to them that the dehumanizing rhetoric that we hear from the White House and elsewhere has real consequences? How--how do you--how do you do that? I imagine you have many conversations here in this community.

BERNAL: That--that's--thank you for the question. That's a really hard--I think it's a really hard question. What I try to do, and what I encourage others to do is--is frankly what you all are doing, and thank you, Congresswoman, for inviting this committee here. I think that we can't ever accept any kind of hateful rhetoric as just the normal. Sometimes it happens so much that it's--it's exhausting to constantly push back on it.

It's exhausting to constantly say that's not right, and we shouldn't accept it. So, I think what we need from you all and what we need from each of us is that constantly pushing back. We can't let it go. It's not normal, and it's not right. But--but what I--my frustration sometimes in speaking to people who--who--who try to generalize that it's an overreaction, right, that--that you can't draw the line, you can't tie the two together between violence and speech.

And so what--what I try to do is--is reinforce, you know, that the idea, I think, that with some hateful rhetoric when it started, a lot of people said, well, you know, the rhetoric was directed at drug dealers, right. Those were just bad people. That--that's not us.

Or it was directed at undocumented immigrants. Well, we're Americans, right. That wasn't directed at us. And so now, what's the excuse, right, because people in Walmart shopping for school supplies, and it didn't matter, you know--that there were people from other countries and the person in--in looking to shoot brown people, you know, he didn't stop to say, are you undocumented. He didn't stop to say, are you dangerous, right. You just happened to be there.

So, I think one of the messages in--in pushing back is that we're not talking about others. We're talking about you and your children and your mothers that are shopping in Walmart on that Saturday morning.

NEGUSE: Thank--thank you, Ms. Bernal. I see my time is expired. I would just say, you have my word, I think you have the word of this committee, that we will continue to shine a light.

BERNAL: Thank you.

ESCOBAR: Thank you, Congressman. I now recognize my distinguished colleague, the gentlewoman from Texas, Representative Lee--Jackson Lee, I apologize; I'm sorry.

JACKSON LEE: Thank you. It's my privilege to be here again and to be here in the presence of my distinguished colleagues and particularly, as I've indicated, that I'm one of the official congressional record a powerful and effective leader in the United States Congress in Congresswoman Escobar, and to again thank her for the time and time and time that I've come to El Paso that I've had to walk across the border just to discern what is going on and her accommodations and her welcoming for us to be able to, again, understand the crisis that is here.

And I want to acknowledge the fantastic working relationship that she's established with all members and her former colleague, Beto O'Rourke, who was here as well, and our Chairman. So, thank you again for that.

Let me try to be quick in my questioning. There's so much one wants to say, but let me read from a Times article on what is the definition, what does a terrorist look like. I'd ask unanimous consent to the Chairwoman to put this into the record, dated August 19, 2019.

ESCOBAR: Without objection.

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JACKSON LEE: Reading it, it says, white supremacy is a greater threat than international terrorism right now. This is from a former U.S. attorney, I have to pursue a white supremacist with hate crimes, unless he interfaced with al-Qaeda. Does that make sense? And I ask my county attorney on that. We do not have a construct right now that allows us to deal with domestic terrorism. That is a task that the Judiciary Committee is going to take up immediately, and I would welcome your comments on the importance of that because I loved my colleague from Colorado saying, hate is too much of a burden, and he's right.

We must act with love, but to prosecute properly these heinous acts of terrorism from El Paso to Mother Emanuel, to the Pulse nightclub, among others, to Christ Church, which is another country that has to be a different construct. And I just want to remind, not El Paso, but the nation of the pain. These are hardworking workers who were experiencing this heinous act in Walmart. Of course Walmart has done its own policies, which all corporate America can. One of the things they can do is to cease the manufacturers of guns and ammunition from funding the National Rifle Association.

They can stop that right now.

(APPLAUSE)

Because it is not a partisan issue that we're discussing here; it is to protect American citizens, and I have great respect for my Republican colleagues. But I wish they had come not because it's Democrats or Republicans, not because there was a heinous act in El Paso, but because we care about America's safety and security.

I'm going to go to the county attorney, and I'd ask for pithiness just because I'm trying to get to all three of you. But I was appalled at the scene that I could just imagine of federal officers coming into a courtroom and dragging a domestic violence person out. Please tell me what that means, the collective body of immigration officials who I've worked with, who are passionate men and women, who have been reconstructed because of the policies of the Commander-in-Chief. What is that like? How chilling effect was that? County Attorney Bernal.

BERNAL: Thank you for the question. It--it was, in fact, quite chilling and stunning to everyone that was in the courtroom. One of the most disturbing parts of it is that at the time our congresswoman was the county judge, and we did complain to federal authorities. And we were told that a complaint or an investigation would be made by the inspector general, and we were never informed on the outcome of that investigation. So, we don't know if there were any consequences.

But I think that one of the things that the Congress can do to really help is exactly what you're talking about. The law has to change in accordance with our changing standards and changing conditions of our country.

JACKSON LEE: Thank you. Let me ask both Dr. Munoz Martinez, who is an alum, and Ms. Castillo. I have to get my questions in, so you can answer them before the clock. Your concept of violence and--and how there was a fight on the border and you opened up that history of Mexico and border Anglos trying to retain control, but the point is how that translates into some people's minds about continuing that schism. And Ms. Castillo, the YWCA has been enormously powerful in dealing with hate, for dealing with bringing communities together. What is that instruction? Both of you can answer first and second. Thank you.

MUNOZ MARTINEZ: Well, really quickly, I'll--I'll just say that this wasn't Anglos who were trying to--to protect the border from Mexicans who were trying to invade. It was Anglos who were trying to claim a place in the border where they were new.

JACKSON LEE: Right.

MUNOZ MARTINEZ: So they were actually trying to displace longstanding Mexican American communities that formerly had been a part of Mexico, that Mexicans who had deep roots. But they were being portrayed--these citizens, these residents, were being portrayed as the invaders, as people who were untrustworthy. And so, part of the hard work is breaking through those representations to see what actually worked in that violence.

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JACKSON LEE: That's why I wanted you to clarify for me or for the record, and that carries forth sometimes in some thinking. Is that correct?

MUNOZ MARTINEZ: Absolutely, especially when I see border communities like El Paso, where people live biculturally, binationally, and you have another imagination of what it means to live on the border. And for that to be attacked is something that is deeply troubling because it's a pattern. It's a historical pattern.

JACKSON LEE: So we need to pierce that hatred, that kind of nationalism on the part of white nationalists and others. Ms. Castillo, thank you so very much.

CASTILLO: Congresswoman, you know our history well, but just to answer your question, we empower women, but we know that in order for us to empower women, we have to address race. So for us, making sure that we address racism and we uplift women of color has always been paramount to us, and as we think about how our country and the racism that is being kind of fueled and--and the rhetoric that's coming together, particularly with regards to immigration, our focus is making sure that we address racism, we talk about racism, but we also act upon racism.

And all our YWCAs are a safe place for that conversation, for that healing, and we have a multitude of programs and a multitude of activities to bring communities together. Just last night, we actually held a community healing process. We had over 200 community members here in El Paso, led by our YWCA. And I have just beautiful anecdotes and--and conversations that members of the--of the community brought together, so I would love to submit that to--to the committee.

JACKSON LEE: Please do. I'd like to join you in Houston, if I could, on that kind of program.

CASTILLO: Absolutely.

JACKSON LEE: Again, I want to thank the committee chairwoman for indulgence, and I yield back.

ESCOBAR: Thank you so much, Congresswoman Jackson Lee. This concludes the first panel of today's hearing. I'd like to thank all of our distinguished witnesses on the first panel for participating in this hearing. We are going to take a very brief recess. We're just going to switch out a couple things. So, if you have to leave the room for a health break, you'll have to make it quick, and we will stand in recess for five minutes.

(RECESS)

ESCOBAR: (AUDIO GAP) for the honorable (AUDIO GAP)

DRAKE: People who have lived here for generations, as well as newcomers to the region.

Since taking office, the Trump Administration has attacked the border immigrants from every angle, attempting to implement an array of policy changes under a clear goal, keep immigrants of color out of the United States and do so at all costs no matter, the violation to constitutional rights or basic decency that follows.

First, is very important to make clear the Civil Rights challenges along (AUDIO GAP) where for one Border Patrol agent's lawyer to argue his client's statement that migrants were "disgusting, subhuman shit," was commonplace and part of the agency's culture.

It took our complaints of the ACLU to the Office of Inspector General and subsequent investigations, to reveal CBP was holding migrants, including children, for prolonged periods in dangerously overcrowded and inhumane conditions. It took years of ACLU litigation to reveal the 30,000 pages of documents detailing shocking violence and abuse by CBP agents against children dating back to 2009.

Much of Trump's immigration--administration's policies--policy changes along the border have focused on limiting or obstructing the ability of migrants to seek asylum in the United States. Instead of people finding safety and refuge, thousands subjected to Trump's policies have been consequently kidnapped, extorted, raped, and even killed in

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Mexico. Not only are we ignoring our legal obligations, we are literally turning our backs on those seeking safety and refuge at our door.

This administration has dramatically expanded the use of metering, the practice of--of turning away asylum seekers and severely limiting the number of allowed to enter the United States at ports of entry. In July of 2018, CBP turned away the Castro family, including their three children, leading to a six-month long ordeal in Mexico where they experienced gang related threats, extortion and were later kidnapped. Only after ACLU and congressional intervention were they processed. There are currently over 26,000 such asylum seekers on metering lists waiting in northern Mexico.

In addition, there is now 40,000 asylum seekers, including babies and children with disabilities returned to Mexico under the Remain in Mexico policy, officially known as the Migration Protection Protocols. The region of Mexico to which migrants are being returned are among the most dangerous in the world and documented cases revealed the devastating violence suffered after being returned under MPP.

The U.S. government's border policies are not only impacting recently arrived populations but everyday lives of those who call the border home. CBP claims exceptional authority within 100--within 100 miles of any international boundary, which encompasses two-thirds of the United States population. Agents, nevertheless, cannot pull anyone over without reasonable suspicion of immigration violation or crime. Yet FOIA--FOIA documents, stemming from ACLU litigation, reveal that Border Patrol is training its agents that facts such as "whether the passenger appeared dirty" can be used to justify a stop. Our country should be a place where everyone can travel freely to visit loved ones or seek medical assistance.

The abuse of this administration cannot be fixed overnight. But if Congress is committed to addressing the underlying causes of Trump's violations at the border it must shift immigration policy away from a deterrence-based, enforcement-only system to one that acknowledges humanitarian realities. U.S. Immigration and Border policies must be rooted in civil liberties and civil and human rights. This includes providing due process for those arriving in the country, safeguarding access to asylum protections, bringing transparency and accountability to CBP, the nation's largest law enforcement agency, ending border militarization that harms border residents and migrants, and not giving DHS one more dime or detention bed.

Border communities, including El Paso, have bore the brunt of Trump's cruelty first approach. Border residents are looking to Congress to provide critical oversight of DHS, cut funding to CBS and ICE, and pass legislation to undo and redress the damage done by this administration, while making structural changes to ensure this abuse never happens again. Thank you. I look forward to your questions.

ESCOBAR: Thank you, Mr. Shaw. Miss Rivas.

RIVAS: Thank you, Chairwoman Escobar, Chairman Nadler, thank you so much to this esteemed committee for traveling to El Paso, Texas.

For the past five years, I have had the honor to serve at Las Americas Immigrant Advocacy Center. Las Americas is a local nonprofit organization dedicated to serving the needs of migrants to--specializing in asylum seekers for the past 32 years. We are unwavering in our passion and in our mission. And this year, that conviction forced us to travel to Mexico in order to continue helping asylum seekers under the harmful Remain in Mexico policy.

For years we had to work to strengthen programs in our detention centers. We currently are helping--we currently represent the same hunger strikers that Chairwoman Escobar described today, but our resources had to be diverted to Remain in Mexico.

Less than a week after the ill-named Migrant Protection Protocol had been rolled out, Las Americas phones started ringing off the hook. On inclusion on a DOJ list, which I provided the committee today, was providing--was provided by DHS and it was through this that we were able to call Las Americas. In 23 weeks, we have been able to capture over 600 phone calls. Those are only the ones that we have been able to answer and register. Eighty percent of the people who have called us record fear of being in Mexico.



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We have been able to conduct, with very little resources, over 300 legal intakes across the border. We have successfully released 40 people from MPP based on vulnerabilities or fear to return in Mexico and we have taken on 10 cases for full legal representation thus far. We have witnessed nine pregnant women be subjected to be returned to Mexico, although they were over seven months pregnant. We have witnessed three victims of rape, not raped by one but raped by multiple men. We have also represented a woman who was attempted rape--they attempted to rape her in front of her 3-year-old child. That woman was sent back to Mexico despite our best efforts. She decided to give up her asylum claim and go home. I have not heard from her since.

One day a man, a U.S. citizen from Miami, came to our office frantic, he needed help for his sister, a 44-year-old deaf and nonverbal woman who had been returned to Mexico under MPP. How can we justify justified a deaf nonverbal woman being returned to Mexico? Border Patrol confirmed to me that an interpreter was never secured for her. Within less than 48 hours Las Americas sprung into action. We were in Mexico, and the next day we represented her in court. While we successfully removed her from the program, we still have to consider that her brother and his family thought that she was dead for several weeks because of the inability to communicate with her.

I have now, unfortunately, had to meet, not one, but two mothers who have been returned to Mexico with children with congenital heart issues. One mother, after being sent back more than once was eventually let out. The other, that I just met the other day, has a son when he is hyperactive his lips turn purple. She was able to visit one doctor in Mexico and the pastor from that same shelter paid for that medical care. They do not have a plan if the little boy were to lose consciousness.

Just yesterday, I spoke to a client. Her case is on September 30. We have been ready for trial now for several weeks. The day before trial my client's house was raided for drugs. So her trial was continued to September 30. But yesterday we spoke and she said, "(INAUDIBLE). Attorney, I just can't anymore." She's reached her--she's reached her end. She's reached her breaking point.

This woman was returned to Mexico since April. She was kidnapped, once for ransom. She was let go. She tried to live in a hotel. The hotel was almost robbed with her living with other single mothers and young children and she took a non (INAUDIBLE) interview three times and did not pass. She's finally reached her wit's end. Her child was diagnosed with childhood anorexia but the doctor says it could be something else but there is not enough money for them to conduct more tests. It doesn't matter that I'm her attorney, it doesn't matter that we're ready to go to court, she's given up. She will be leaving on a bus Tuesday of next week.

I will end with Remain in Mexico is not a representation of the beauty of this bi-national community. While hope does emerge from El Paso and Juarez, as it always does, the dangers that migrants face are so real that the shelter owners that help them ask migrants not to leave, not to talk in public and to hide in order to remain safe. As we know, hiding is not acceptable under U.S. or international law.

Thank you.

ESCOBAR: Thank you so much. Mr. Garcia.

FERNANDO GARCIA: Buenos Dias. Chairwoman Escobar, Chairman Nadler and all members of the Subcommittee on Immigration and Citizenship, I thank you for coming down to El Paso.

Today I'm not presenting myself but more than 1,000 families that live in New Mexico and in the El Paso area. My testimony will touch on three points. The first on the road to border and immigration enforcement (INAUDIBLE). The second on the impacts of social enforcement in our communities. And thirdly, a reflection on how to move forward with a good and better narrative for the future of America.

During the last three years since Operation Blockade in the early 1990s, our border from San Diego to Brownsville has become one of the most militarized borders in the world. Administrations of both parties have thrown our community under the bus for political gains. By 2018, CBP alone have a budget for \$14 billion for border enforcement. Today, more than 23,000 border patrol agents are deployed between ports of entry and within our

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communities. We have more than 700 miles of fencing and walls, 12,000 underground sensors, and then 70 aircrafts and (INAUDIBLE) systems in our skies, and four water vessels, nearly 500 surveillance systems, 9,000 vision goggles, 6,000 terminal technology, dozens of immigration checkpoints and detention centers, thousands of National Guard elements and active duty troops.

All of this enforcement, of course, that has an impact in our community. As for the 2010 census, 14 million Americans live within 100 miles of the border. This is not an empty, barren place but this is a thriving community full of life. Border Patrol checkpoints entrap people in our communities. One of our community--community leaders has a degenerative liver disease that can only be treated in San Antonio or Houston but she cannot travel for surgery because she cannot pass the checkpoints.

This region seems the only place in America where constitutional rights do not exist. Immigration enforcement agencies feel that they can do anything to our community with complete disregard of our rights. We see excessive use of force, sometimes lethal, against immigrant families and border residents. Agents enter properties and search homes without proper warrants. Agents use racism and racial profiling to stop, question and detain people. Violations of the Fourth, Fifth, and Sixth Amendment rights have become the norm.

Additionally, a (INAUDIBLE) of 500 migrants die every year looking for the American dream. Since 1993, more than 10,000 immigrants have perished in the deserts, mountains and rivers of our border region. Today, border communities live in fear of the enforcement institutions that's supposed to protect them. We are subjected to a culture of abuse imposed by the harsh reality of detention, searches and arrests without bail.

The U.S. has built the largest domestic enforcement operations with safeguards for effective accountability or oversight. This is not a question if we need enforcement of the border but a question of what level of involvement do we want? Making agencies to be accountable, respect our rights, know the Constitution, and stop separating families, all of this is the right and the just thing to do and in keeping with our nation's values. Accountability to a community and transparency. Transparency in their actions is not only a mandate but a moral obligation.

I commend Congresswoman Escobar for introducing HR 2203, the Homeland Security Improvement Act, which brings the necessary accountability measures to border enforcement institutions. These include an oversight commission made up of border residents that can investigate and (INAUDIBLE) enforcement strategies and practices. And almost (INAUDIBLE) CBP, ICE and USDIS, improvements in the complaint process, training rooted in civil constitutional human rights. We know that American government works best with checks and balances. I urge you to review it and to support it.

In our history, the borders have been defined by the characters of their--have defined the character of their nation, of our nation. It was the Statue of Liberty on the Ellis Island that represented the best ideas of America. This border, here today, is what the future of America will be shaped. We know that the U.S.-Mexico border can and must be the new Ellis Island of our era. The families arriving in El Paso today have the same hopes, aspirations and dreams as those teaming masses at Ellis Island a century ago. Today, we must decide what kind of America we want. Decide what our future will be. Will America desert families, put children in jails, build walls, let the immigration agencies act with impunity, or America will accept its destiny as a nation of immigrants that is exceptional because of its exclusivity, diversity, and commitment to each other?

Thank you.

ESCOBAR: Thank you so much for that very powerful testimony. We will now proceed under the five-minute rule with questions. I will begin by recognizing myself for five minutes.

I have been shocked in listening to this administration as they have denied the horrific conditions that migrants face in Mexico and that they have championed MPP as some kind of victory in alleviating humanitarian concerns, when in fact, all that this country has done is take the misery that has arrived at our front door and shoved it into our neighbor's yard. Those of us here in this community, not only do we see the misery, but we can hear it.

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So I, without objection, I would like to enter the following articles into the record as evidence for the administration that people are suffering in danger. The first is "I'm In Danger: Migrant Parents Face Violence in Mexico Under New Trump Policy." The next is "Trump's Remain in Mexico Policy Exposes Migrants to Rape Kidnapping and Murder in Dangerous Border Cities." And the third is "Central American Migrants Plead to Seek Asylum in the U.S., not Mexico."

To our attorneys on the panel, you have detailed examples of the dangers faced by migrants when they are MPPed. But I think it's important for the American public to understand the challenges for due process and the challenges you face as legal advocates who have clients that have been sent to Mexico. So Mr. Drake and Miss Rivas, if you wouldn't mind, with the remaining 3 minutes and 30 seconds, sharing that time to detail that for the American public.

DRAKE: Thank you, Chairwoman.

I'll start by saying the ACLU, just days after the implementation of MPP, filed a class-action, nationwide lawsuit against the program in California because this program is blatantly and completely illegal. It is a program that cuts--that is meant to cut off asylum seekers from their legal right to seek asylum in the United States. It denies them access to counsel and it ignores a massive--a--a robust set of legislation passed by Congress for the handling of arriving asylum seekers at our border. That includes a process to ensure that we are meeting our international and domestic law--legal obligations to ensure that we are not returning people to situations of ongoing persecution and what MPP does is precisely that. It returns people to ongoing persecution in Mexico and exposes them to onward return to their home countries. So as a baseline matter, it is--it is completely illegal.

What we have seen through our plaintiffs and through our--our documentation of the program since its inception, is as those articles detail and as the Congresswoman has--has explained, every migrant returned to--to Mexico under MPP is subjected to a heightened risk of violence and abuse. There is not enough shelters to house them. Then the Mexican government cannot provide protection even if they tried. Migrants are a targeted group in Mexico for kidnapping and extortion. Groups, I think it was just reported today that groups such as Cubans are at heightened risk of being targeted because they're perceived as having money. So what the--the Trump Administration is doing is fueling organized crimes' ability to take further advantage of this population.

ESCOBAR: And Miss Rivas, could you tell us how hard is it for you as a lawyer to provide legal counsel to someone in another country?

RIVAS: It's incredibly difficult. We do not have office space in Mexico. We do not have the resources to acquire office space in Mexico. We are relying on unofficial relationships that we have with NGOs that happen to be in Mexico. One NGO, Vila (SP) (INAUDIBLE) was the first nonprofit to offer us a space.

One day from walking from a governmental state office, the (INAUDIBLE), it's essentially a center for migrant services and I walked to Vila. After--30 minutes later there was a shooting in the same path that me and my colleagues had walked as we were conducting intakes that day. This was prior to August 3rd. I will say that I was definitely not used to ever having to deal with gun violence in El Paso, Texas and being there into the (INAUDIBLE) was very chilling as an attorney to have to deal with that.

In addition to that, long wait times take me away from the office, takes me away from other clients, takes me away from court preparation, to have to--to have to wait in line. One time to have to be subjected to secondary inspection. This is a huge challenge for us.

And the reason that I--that I provided this call list of pro bono legal service providers, that actually comes from the DOJ, from EOIR, is because this continuously is given to migrants that are placed in MPP, by Border Patrol, by CBP, and by the judges. Sometimes repeatedly, the same list is given over and over. And the reason this is so important is because of these four people on the list for the non-detained court, we are the only nonprofit agency that is regularly traveling to Mexico to conduct legal intake and to help people that are MPPed. Others on this list are open to taking cases but they're not actually traveling into Mexico. And I think that's just very, very important for us to realize.

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ESCOBAR: Thank you so much.

Before I move on, I will be entering, without objection, three additional articles. Just as we try to deal with and face atrocities of one Trump administration policy another one is always right around the corner. The most recent one is the assault on the Flores Settlement Agreement. So I'd like to enter into the record "Trump Faces Longshot Bid to Jail Migrant Families Indefinitely." "Three Reasons Why the New Flores Rule Does Not Pass Legal Muster." And "Immigration Advocate Weighs in on Trump Administration's Move to End the Flores Agreement."

With that, I now recognize our chairman, the gentleman from New York, Representative Nadler.

NADLER: Thank you very much.

Mr. Drake, you spoke about the MVP--the--the MPP program being illegal and I--I think you're challenging the in court. What is the current legal status of that challenge?

DRAKE: So we want a--we want a nationwide injunction finding the program the illegal. The Ninth Circuit has stayed that injunction allowing the program to proceed, while the Ninth--the Court of Appeals considers the merit--merits of the injunction. Two out of the three judges that reviewed the initial stay request by the government actually agreed with our legal arguments that they--that the program is illegal. Nevertheless, they've allowed it to go forward, at least until the next hearing in October when the Court of Appeals will hear the merits of that injunction.

NADLER: So that's nationwide court.

DRAKE: Yes.

NADLER: Okay.

And the committee has been greatly concerned about CBP's attempts to restrict the number of people seeking asylum at ports of entry through metering. It, obviously, makes little sense to encourage people to seek asylum at ports of entry, don't use the legal--don't use illegal entry. Go to the ports of entry and then make them wait weeks or months to make their claim.

The ACLU border rights have sent a letter to the El Paso court director of special concerns about port hardening. And the closure of ports of entry is a way to avoid this local duty to process asylum seekers, particularly Mexican nationals. According to your letter, CBP has even close entire ports, not just metered them, just closed them. My question is, has CBP responded and what justifications does CBP provide for these operations?

DRAKE: The only public justification that CBP--

NADLER: --Have they responded to your letter?

DRAKE: They have not.

NADLER: Okay.

DRAKE: We hope that--

NADLER: And when was your letter sent?

DRAKE: Our letter was sent on Wednesday of this week.

NADLER: Oh, okay. Go ahead.

DRAKE: Yeah, so, CBP, the only public justification CBP has provided for closing ports is the arrival of "large groups of migrants". Information that we received from at least one of those closures indicate that--that that supposed large group of migrants was a group of 20 Mexican families, including children, asylum seekers, who were approaching the port of entry to assert their lawful right to seek asylum in the United States.

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More broadly, we have a great concern around the port hardening. Any border barrier, razor wire, or walls all stand as a symbol xenophobic--xenophobic rhetoric of this--of this presidency. And--and the port hardening, as CBP calls it, is another example of that. It also spews fear onto the community and can be seen as an effort to turn local populations against immigrants--the--the arriving immigrants because it creates a great deal of--of hardship for those who cross our border every day.

NADLER: And what has been the impact of border communities of the border hardening, of--of the metering?

DRAKE: We've seen extremely long wait lines to--to enter to the country. Thousands of people cross these ports of entry in the El Paso sector every day to go to school and work and visit family members and now face our long delays because CBP has restricted traffic down to--to one lane or closed the ports for many hours.

The other concern is that every border processor is crossing through what is clearly a militarized zone with razor wire, which perpetuates again, this idea of fear of an invasion that simply does not exist.

NADLER: Thank you.

Mr. Garcia, let me turn to you. Can you describe the change in numbers in Border Patrol personnel in the past 25 years in the El Paso area? And also, have you observed any change in the character of the way they behave?

FERNANDO GARCIA: Well, you know, I think we have seen the numbers been tripled in the last 43 years. And--and we say that is that every time we have had an immigration reform discussion in Congress, 2006, 2013, we--we--we didn't get immigration reform but we get more enforcement. Every time we got more border patrol agents on the border. So at this point, as I mentioned, we have more than 23,000 of them.

In behavior, it depends on the region of the border. In El Paso, we have developed a--a good relationship with border patrol because we have engaged our communities and our institutions with border patrol and make them accountable. But that--that accountability is gone for the last two years. So the Trump administration has destroyed any good relationship--

NADLER: --Give me one.--

FERNANDO GARCIA: --in the community.--

NADLER: --By what?--

FERNANDO GARCIA: By curtailing the engagement with communities, we used to have regular meetings with Border Patrol, in the past, in the last two years, that is actually--that hasn't happened. There is more incidents of abuses being reported in our community than before to numbers that we didn't see for many, many years. So I think that is a major shift, especially in the last few years.

NADLER: And I see my time is expired. Well, let me just ask one more. How did personnel additions, the additions in numbers impact the border communities?

FERNANDO GARCIA: Well, I think you have two different levels. One of them is that you see more Border Patrol members within our communities. They used to say that Border Patrol was only to protect the border line but that's not happening any--any longer. I mean, we see them within the 100 miles of--of the border and that is impacting in ways that we haven't seen this before. I mean, illegal interest in corporate property, questioning children, high school children, high school students in numbers that we have not seen before. So I think that is--and--and the numbers would matter but it would matter less if they will be trained and they would have some more (INAUDIBLE) processes and mechanisms to be accountable to and we don't have those. The border, we--we--there's no formal mechanisms to actually make Border Patrol responsible for--for their actions.

NADLER: Thank you very much.

ESCOBAR: Thank you, Chairman.

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NADLER: I yield back.

ESCOBAR: I now recognize the gentlewoman from Washington, Representative Jayapal.

JAYAPAL: Thank you, Madam Chair. Thank you all for your very, very powerful testimony and more importantly, thank you for your work. You really are on the front lines.

Yesterday I observed the MPP court. I was there for about an hour and a half. And I had not observed an MPP court before. I've seen lots of other immigration courtrooms. And I think it is an absolute outrage that we call it a protection protocol because there is no protection for the migrants that are there. And you know, the judges are trying to do the best they can. But about 250 to 300, I think, yesterday on the docket, Miss Rivas. I saw them handing out these sheets. I looked at the sheets. I saw that there were four on there. Now I know that there's only one that actually travels into Mexico. Thank you for doing that.

But I watched and listened over the course of an hour and a half as almost every single--I think there was one person in the hour and a half that we were there that we observed into two different courtrooms that had an attorney, that had representation. And there was the judge saying over and over again, "I can give you a continuance. Can you try to find an attorney?" And each person was saying, "I've tried. There are no attorneys. I've called. There's nobody here."

And even at the points when they were asked, "Do you have a fear of returning to Mexico?" some--some of them raised their hands. Many of them said, you know, at least one person said, you know very definitively, "I don't even want my interview because nobody listens to me. Nobody is going to believe that I have a fear of returning."

And so it is a terrible situation. Not to mention, we were told by the court officials that MPP has taken over the court proceedings. So they are now moving all the other cases that those courts should be considered to 2020, September of 2020. And each of these people that are coming in are coming in potentially getting a continuance but then they have to stay here or they have to return to Mexico, in three months they're coming back, women in the courtroom with babies, crying babies. And so I--I say all of that because I think it's important that this community knows, but hopefully, we can get this information out beyond El Paso with this hearing.

I wanted to ask, Mr. Drake, because one of the arguments that's made, that is absolutely false and I want you to refute it for me if you will, I hope you can, I believe you can, is that this is the surge that's coming across that's required this and there is no other way to deal with this. And so tell us, Mr. Drake, how we used--we've had surges in the past, tell us the process that used to happen to process people in humane ways prior to MPP? Because it is possible to do that. We don't need these policies. And I just would like you to tell us exactly what used to happen.

DRAKE: Sure, I'll start by saying that although there--there was a surge in recent months of numbers, we are still well below historic highs of border-crossers. There was well over a million border-crossers annually back in the early 2000s, at a time when the agency, I believe, had half the budget and one-third of the personnel. And so for that agency that has more than doubled in size is now faced with handling an even smaller population than they did in the past. What has shifted is the number of families entering but the administration has known about that shift in numbers since 2013. And again, this is a group of people who are crossing the border seeking out U.S. agents, they are not single adults attempting to evade inspection. And in fact, many as we've heard, want to go to ports of entry and actually present themselves.

And--and so the--there is a--there's a broad set of immigration laws to--to process arriving asylum seekers, including IRI, that was passed in 1997. There was massive due process problems with that law. But if there are robust laws on the books that--that Congress passed and the understanding that these are an attempt at--at respecting our--our U.S. and international obligations to ensure that people aren't returned to danger. You know, immigration courts have famously been--been said to be death penalty cases tried in traffic court. And I would say that MPP hearing, you know, provide a less degree of access to due process and to counsel than any other court in the nation and certainly, it's not the way that (AUDIO GAP)

JAYAPAL: (AUDIO GAP) room, but you don't get representation, incredibly complex law.

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I wanted to enter, Madam Chair, into the record, the Women's Refugee Commission Report, actually filing of a complaint documenting 20 cases of MPP family separations. In many cases, parents were reunited with their children months later after obtaining legal counsel. I seek unanimous consent to enter that into the record.

ESCOBAR: Without objection.

JAPAYAL: Thank you. And in my remaining one second, I--I wanted to ask Miss Rivas, you know, what is the--out of the 400, I think, you said calls that you've taken, did I get that number right, how many people can you actually represent given your staff and your resources?

RIVAS: The reality is very little, 10 is really pushing in at this point. Unfortunately, of those, some have decided to go back home. But and just to kind of really paint the picture for you, our staff grew in response to family separation and in response to horrific detention center conditions and prolonged detention. And when we have a partnership with the Southern Poverty Law Center that expands our capabilities to serve people in the detention center, we're thinking, we're finally--you know, we're not going to be the scrappy nonprofit anymore, we're--we're going get--be built up, then MPP hits. And then suddenly, the attorneys that we were able to secure for the detention program they can't--we can't do MPP.

So I--I--I found myself having to go myself because I'm--I'm the director and I'm not under any specific grant. And so I said, "Okay, we're going to do this." And so the reality is no, very little. We don't have the resources for it. And we found ourselves as a community also saying, you know, "MPP has to come to an end, and we need to be calling for an end. So if we start expanding resources and--and--and writing grants are we acquiescing to this program that this administration has thrust upon us?" So we've been in an incredibly difficult position as a community. And the reality is that although, you know, we all run and although we have registered 600 phone calls and we've conducted 300 intakes, we--we--we--we're not able to take many of those cases.

JAYAPAL: Thank you, Miss Rivas and thank you, again, to all of you for your work. I yield back.

ESCOBAR: Thank you. I now recognize the gentlewoman from Texas, Miss Garcia.

SYLVIA GARCIA: Thank you, Madam Chair. And--and first, let me just say thank you to the lawyers. You know, often, when people talk about lawyers it's really not good things that they say about us.

(LAUGHTER)

So speaking as a lawyer, and I know there's some lawyers at the table, and certainly here, let's hear it for the lawyers, everybody, they're doing a good job.

(APPLAUSE)

And quite frankly--and quite frankly, these days on many of issues, Mr. Drake, we count on you and the ACLU, and a number of other legal rights advocacy groups to go to the federal courts to try to undo some of the damage that's being done. I know you've studied in Latin America, you know the situation in a lot of those countries. Regrettably, we have a president who just thinks that that's all fake news and that everything down there is hunky dory and people are just coming here to--for spring break. Tell us, if you had to just try to explain to someone, Middle America across this country, on why people flee, 25 words or less, just get to the bottom line, why do people come to our country?

DRAKE: They're coming to our country because staying at home means certain imminent threat to the lives of themselves or to their children and not leaving is simply not an option.

SYLVIA GARCIA: It's not an option. It's life or death, isn't it?

DRAKE: Absolutely.

SYLVIA GARCIA: And--and Mr. Garcia, and by the way, Garcia is a great name.

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(LAUGHTER)

You know, you have visited and talked to a lot of people who come for those very reasons, haven't you?

FERNANDO GARCIA: Yes.

SYLVIA GARCIA: And there are some people who actually think that detention centers are better positioned than what they were what they're fleeing. Some commentators, conservative commentators on Fox News have even said it's like summer camp, they get everything they need, they're being taken care of. What are you hearing here on the ground? Tell us a few stories to convince the American people that what we describe is not fake news, it is happening.

FERNANDO GARCIA: It is--it is not true. Actually, we have interviewed several families, both in Juarez and El Paso, about the conditions in detention centers and we released our report about that. You have it in your-with--in--in my testimonial as an--an attachment. What we have documented is situations that we have never seen and experienced for many years at the border or even interior.

For example, that fact that one kid was asking for milk and there was--there were bottles of milk there and one of these were police stations. And one of the agents, they just throw the milk to the (INAUDIBLE) without giving that milk to the--that child. That was strange.

We have another situation with the--again, we're told ICE officers gather people in the courtyard of detention center and with a hose, they water people because they're--they were bathing them collectively. We never--with their--with their clothes on. We never hear situations like that before. Where just throwing children and families in what is called the (INAUDIBLE), these extreme cold rooms where they get actually sick. And when they are released and they can also present--present testimonies, many of them are actually are really sick with colds and with other kind of diseases because the conditions that were there.

So I think it is extremely never thought that we would see this America--in America. And--and they, themselves, they are seeing that the conditions in those detention center sometimes were worse than the conditions in their own countries.

SYLVIA GARCIA: All right. Do you kind of--do you think it's worse in--in--in for-profit detention centers versus nonprofit detention centers?

FERNANDO GARCIA: It--it is. It is because I mean, at least we think that there's a--a level of accountability for those detention centers run by the government.

SYLVIA GARCIA: Correct.

FERNANDO GARCIA: I mean, we need more than that. I mean, that's what I'm--I'm here for that--

SYLVIA GARCIA: --I think--

FERNANDO GARCIA: --I'm here for that.--

SYLVIA GARCIA: --Yeah, I think we would--

FERNANDO GARCIA: --But what--but when you have private detention centers with no accountability, they don't have to report in many of these cases what are the conditions are there. We have also received letters from people within the detention centers, private centers, explaining the conditions about the quality of food, medication, water, it is extremely terrible.

SYLVIA GARCIA: Right. I visited both, quite a few, private and for-profit, I mean, nonprofit. And I--I think I agree with you. Miss Rivas, for you, are the immigrants being treated any better or worse in Mexico once they go back to Mexico or sent back to my Mexico?



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RIVAS: That--that's a great question. I have had the ability to tour the tents on the Mexican side of the border. And I have to say that I just found myself wondering, I'm just going to be very honest with you, 150 people are returned under MPP at a time, sometimes more, and what they've done with their tents is there's no sleeping space, there's just chairs. There's chairs, there's fans, there's fresh fruit, there's water, there's porta-potties, that--that frankly, do not--do not smell. There's--you're--you're in a pretty clean area under these tents on the Mexican side of the border. But I found myself wondering how is it that the Mexican government is able to process so many people, they get, you know, they get processed, they get their--their--their Mexican, it's called an MFM, your Mexican visa.

And--and--and I found myself wondering, how is it that they do this process in a way that's pretty efficient in comparison to us having people sleep under bridges as they did in March. Many of the people that I encountered in MPP at the very beginning, in--in April, the very beginning weeks of this, had described sleeping under that bridge, they described sleeping on rocks, they described having the children sleep on top of their bodies so that the--so that the children wouldn't have to sleep on rocks--rocks, gravel, dirt, construction material, is what they told me.

What you see in Mexico is a ton of resilience. A shelter system--well, not a shelter system, unofficial shelters, that are just trying to pull themselves together and do the best that they can. People starting to rent homes, people living in hotels. It's--it's not okay but they're--they're essentially doing the absolute best they can. But what I see, what I witness is, in many ways Mexico is doing the work that the United States should be doing in--in a way that is as dignified as possible. It's far from perfect. But it's--it's--it's something that we, frankly, should be ashamed of to not meet our international obligations.

SYLVIA GARCIA: Well, I think there's a--a lot of shame to--to spread around on many of these (INAUDIBLE) policies. So thank you for the work that you're doing and to all of you. I yield back.

ESCOBAR: Thank you. Thank you so much.

I now recognize the gentleman from Colorado, Mr. Neguse.

NEGUSE: Thank you, Madam Chair.

You know, first, I just would associate myself with the remarks with Representative Garcia, in terms of thanking you all, as a lawyer, you know, the work that you all are doing each and every day, and--and touching immeasurable lives here and across the state of Texas and really, across the country. So I thank you for that.

You know, one of the reasons why these field hearings are so incredibly productive, in my view, is we get to learn new things that--that I didn't necessarily know before, but also, it underscores some of the necessity in terms of legislation that we're considering that I believe we ought to move forward on.

And you know, Mr. Garcia, you mentioned Representative Escobar's Homeland Security Improvement Act, which I couldn't agree with you more and--and think we ought to proceed with a floor vote on that bill when we return from our work period. And with respect to your point about for-profit detention, I couldn't agree more. I believe we need to eliminate for-profit attention entirely. We have a facility in Colorado that is for-profit. And of course, the Dignity in Detention Act, with our champion, Representative Jayapal's legislation that she's introduced, I believe we also should move forward in--in the Congress on a--on a move on that piece of legislation. So I thank you and every witness for underscoring that.

There two--two facts in your testimony, Mr. Drake, that I thought bared mentioning. Now, they were in your written testimony and for me, they were very striking. The first "at least 12 migrants have died in CBP custody in the last year, including multiple children. Notably, there had not been a single death of a child and over a decade". That is a damning statement and it demands the attention of this committee and of this Congress and--and that's why we're here.

I am wondering, I know, this is a bit outside of the work that you're currently engaged in, in terms litigation, with respect to the administration's recent MPP policy and so forth, but I had a chance to visit a number of facilities yesterday, including the facility in Clint, and at the time we visited there were probably five unaccompanied minors,

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unaccompanied children. And, of course, the summer is the surge that you mentioned, you know, tens of thousands of--of children being housed in this area and in that facility being detained. I guess the question I have is, Mr. Drake, where are those children now? You know, I understand that, you know, they were released into ORR custody, supposedly, but I guess I--does ACLU have a good sense of--of what happened and where we go from here?

DRAKE: I think it would be hard to say that we have a good sense of how anything within CBP operates. We, obviously, were not aware until the Flores Council visited Clint, the degree of abusive conditions that were being perpetrated against children. And I think it brings it back to the central point of accountability and transparency within the agency. We simply do not know where children are being held, how many are being held and for what period they're being held, CBP does not release that data publicly or to members of Congress.

We, I mean, there's examples of--Clint is a--a strong example of that, that we did not know the number of children being held there. We, also Congress, of course, didn't learn of the death of (INAUDIBLE) until many weeks later, until a news report broke that. And then it makes me think of the--the case of Carlos in the--the RGB, who died on the floor of a Border Patrol station of flu symptoms and laid there on the floor with those symptoms for hours without any attention from an agent. And--and there has been no accountability for that death or any of the other 12 deaths in the past year, and certainly, not for the death of children.

And so as you mentioned, legislation that were looked at, that Congress should be looking at moving forward, the release, Doctor Release Bill around the care of children. And--and then there needs to be robust legislation. Representative Escobar's bill is a step in the right direction but there needs to be vast changes to how CBP operates and--and provides information to the public and provides access to detention facilities, otherwise, we may never know where--where children are held and under what conditions they're held in.

NEGUSE: Last question for--thank you, Mr. Drake, for Mr. Garcia. As I mentioned there are, you know, facts that we learned that we didn't necessarily know before. I come from Colorado, which is a state very deep into the interior of the country. And so I don't know that I necessarily fully appreciated the context in which El Paso is located and the--and the integration of this broad community across an international border. And--and as we were driving up my--my good colleague was in this car pointing out that Juarez is just a few miles from here, from where we sit.

The--in your testimony, Mr. Drake, you mentioned that Border Patrol's interior enforcing operations encroach deep into and across the country because of the 100-mile zone and that almost two-thirds of the U.S. population lives within that 100 mile zone, when you consider the continental United States. So Mr. Garcia, the question is, you know, you talked a bit, both in your oral testimony as well as your written testimony, about the day-to-day impact. But I--I'm curious if you could expand a little bit more about the--the impact of the operations that have been implemented over the course of the last several years on just day-to-day life in this very vibrant, robust community of El Paso?

FERNANDO GARCIA: Yes. Thank you. And let me just say that this is just a concern. The concern is that I hope that from the legislative standpoint we don't only see the problems that Trump has cleared in the last few years but we have seen many problems in the last 30 years. It's what I call the--the militarization of the border and the criminalization of immigrants has been happening for many, many, many years.

And, you know, when (INAUDIBLE) MPP, metering and other things, yes, but there's larger issues happening in our border communities that were here long before Trump got elected. The only problem with Trump is that too many things start happening at the same time at the border, infused with racism and white supremacy. I think that is the new framework that we have.

But too, I mention one of the aspects of this militarization is if you live within communities and you can see in the communities this extreme fear and uncertainty. When you have your children, your children, running away when they--when they see Border Patrol vehicles, I mean, these--these are U.S. citizen children. U.S. citizen children, running away from Border Patrol vehicles that means that something's deeply wrong in this region.

Secondly, I mean, when people are families, they had mixed legal status, as was mentioned before. I mean, it's not that you have undocumented families in one community and the legal families or (INAUDIBLE) families, we are all

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mixed. This is about one community. And you have mothers afraid to go to take their kids to the school, or to--to--to buy groceries, or to the clinic, because of this enforcement. And in--in what it makes it even worse, it is the policy, it is a practice, but also the narrative that is in--here in the border that is a is a--a special song, that constitutional rights do not apply, that the law enforcement agents can do anything that they want. So I think that fear that that--that distortion, by the way, has penetrated within our communities in ways that we had not see before. That's--that's why we are saying policy change is important but also we need to build a better narrative, a successful narrative that recognize that impunity and abuse is not normal and that respect of the Constitution should apply to the border.

ESCOBAR: Thank you.

And I now recognize Rep Jackson Lee, the gentlewoman from Texas,

JACKSON LEE: Thank you, Chairwoman, very much. And let me just say that is the goodness of America, when good people like each and every one of you and those in this audience and those who we see when we go in field hearing around the nation, are courageous enough and open enough and experienced enough to be able to tell us the truth to fix the longstanding broken process. I'm grateful for each and every one of you and the witnesses beforehand.

Let me be very clear, it seems to get a little murky. And certainly, I think the tone of the present administration, without disregarding, Mr. Garcia, your comments, but having been back and forth in front of the border and over across the border for decades plus in my service in public office, I'm going to testify and say that it was distinctive and different under President Obama. The reason I know that because I did come to the border when many, many children, as you remember, in 2014, were coming across the border and we opened up a number of settings. Those children came across and some came across their parents or mothers, and they were allowed to stay together and there was a difference. We were all trying to work to fix it but there was a difference. I think this is important to clarify.

The other point to clarify is that immigrants don't have due process rights. Let me negate, deny and rebut, that that is not accurate. There are limits when it's a civil proceeding but if you step on the soil of the United States they should be respected for those rights.

And thirdly, to Mr. Drake, thank you for giving me time when I came here and you and I went across the border. The MPP is a blatantly illegal program, period. I can't imagine that the Circuit is going to find any basis in law because the administration has no basis in law for the MPP program, other than what is a figment of their imagination. It should be crushed, stopped, denied, ruled unconstitutional, and we need to write a law that forever bans a silly program like that.

(APPLAUSE)

I'm going to ask you and I'll--I'll have to do a bionic questioning again, very quickly. But let me just ask all three of you to answer this question of the militarization of the border. Mr. Garcia, you articulately said it, but everyone can come at it, in this Posse Comitatus Act, the use of-- And let me just say this, there are good men and women of Border Patrol, CBP, ICE. The reason is they're your neighbors. I see them. But what has happened is it's been flipped upside-down as to what their role is - and it's harmful.

So Posse Comitatus, great people in Texas National Guard, they're the borderline. And so what has that impact been and what is the public's understanding of U.S. military law and civilian law? Let me just--if you can take a note of that. Should we restructure these agencies so they get back to-- I'm--I'm appalled that they're not meeting with you. And the FBI is doing the same thing. You can't get the FBI, unless you're Republican, to come and visit with your constituents for informational purposes.

And then the last one is, you all can just take it as you want, if you can remember, the conditions, I think you've already spoken about that, the conditions in Mexico. Just--just a point, Mr. Drake, could you weave in, did anything ever happen in the death of Claudia Patricia Gomez, who was shut--shot down at the border? Is there any relief to

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this kind of violence? And Miss Rivas, in your answer if you can say anything about Sofia and the devastation of her example.

I want to know whether we need to write specific laws adding to the great work that's being done dealing with women and children. And then also, Mr. Garcia, we're going to write, working with my great chairwoman, to make sure that the private detention centers have the same responsibility reporting that the other centers do. But if you can answer those questions, please.

DRAKE: Sure.

JACKSON LEE: Mr. Drake, (INAUDIBLE).

DRAKE: Absolutely.

So the military has no place on the U.S.-Mexico border. They are barred by law from conducting any law enforcement activity within the country and they're getting dangerously close to doing that by now stationed in detention facilities and at our ports of entry. Their presence adds to the overall false narrative of a crisis and a threat of an invasion at our border, which is simply not true. Their presence is not needed and--and--and they should not be here.

The case of Claudia Patricia Gomez, the ACLU is representing her family in a civil rights lawsuit in which we are seeking \$100 million in damages for her death. A Border Patrol agent shot her, while she was hiding in a ravine, in the head and then lied to the American public about the circumstances surrounding that case until cell phone video came out that showed that she, in fact, had not attacked a border patrol agent and was, in fact, hiding in--in a ravine.

JACKSON LEE: No criminal charges.

DRAKE: No criminal charges and we do not know what--we do not know the identity of the agent that--that took that action.

Regarding meetings or otherwise with--with Border Patrol, I think that the broad call is that there needs to--what we have seen is that CBP will not release any information or provide any information to local communities or the public or Congress unless they are absolutely required to do so by a court of law or by legislation. And so anything short of legislation requiring them to reveal basic information data--

JACKSON LEE: --Right.--

DRAKE: --about their activities. They do not even collect data on the--on stops that they conduct within the 100-mile zone. And they certainly, because they don't even collect it, don't report it and so, therefore, there is no ability to conduct oversight of their racial profiling of border communities throughout--throughout the 100-mile zone. I'll--I'll leave the rest of the time to my colleague.

JACKSON LEE: That's all right. Thank you, Mr. Drake. We're working on those issues. I hope you could work with us on that. Thank you.

RIVAS: Border militarization, I just have to say it, it means going into labor on November 30th and having a Border Patrol agent in the delivery area because he was there with a person he had apprehended. And as an immigration attorney that was the most unpleasant experience. I contacted one of my colleagues at ACLU, she said, "There's nothing you can do. Just write a blog about it one day." That is what militarization on this border means. Helicopters at night and it's me telling my kids that it's probably Border Patrol agents, and they know what that means.

Should we restructure these agencies to meet with us? And--and in so many ways, yes, we need to restructure. And the meetings will happen sometimes, not in the way that we used to, but there's no true access, there's no true

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answers that are being given at these meetings. And the reality is for me, we need access to counsel every step of the way, from Border Patrol facilities, to CBP holding under bridges, to holding in bridges, we need access.

When I walked a 19-year-old victim who was just raped and I'm told I cannot be with her as her counsel, that I need to leave immediately and I need to stand down, that is not correct. The fact that an MPP court, again, we're on this list but yet, we are not allowed to be even in the waiting room of that court, we are effectively shut out, we are told to wait downstairs. If we don't file an entry of appearance we cannot speak to not one single person who is there for MPP court, not even to get basic information. We need--we truly, truly need access as attorneys.

JACKSON LEE: Mr. Chairman, I--Madam Chair, if you would allow-- I think the chairman was getting ready to ask a question. I'm--I don't have the time. I was going to yield. I just wanted to say those orders seem to be patently illegal. I--I don't know who has authority to keep you out of something that is--that is called a court, a public court. Mr. Chairman--

ESCOBAR: --Mr. Chairman.--

JACKSON LEE: --did you want to say something.

ESCOBAR: --Would you--you were wondering--you were going to ask Miss Rivas a (INAUDIBLE).

NADLER: I would just say who makes determination? Who makes the determination that you can't speak to--to the people there, et cetera?

RIVAS: It's EOIR headquarters that have made that determination.

NADLER: EOIR?

JACKSON LEE: Yeah, it was. Yes, right.

RIVAS: It's Central Immigration Court. The Executive Office of Immigration Review.

NADLER: The court can't--the court can't make that determination.

RIVAS: The--the court themselves cannot. And as a matter of fact, we don't exactly know what happened but we have been told that we cannot speak to anybody who's in the MPP process. Even in giving what we, again, many of us on this list came together and made a script that was just a simply a know your rights for people who are in MPP, we are not allowed to do that anymore. I actually witnessed the only person that's giving information beforehand is the government attorney.

JACKSON LEE: No basis in law. May Mr. Garcia finish this question?

ESCOBAR: Yes.

JACKSON LEE: Thanks. Thank you so very much.

FERNANDO GARCIA: Thank you.

ESCOBAR: Mr. Garcia and if--if we could wrap up. Your--you have the final word.

FERNANDO GARCIA: Will do. The National Emergency Declaration of Trump is illegal and unconstitutional. And why--why I say that is because he went above you and above our communities to not only use military resources but also deploy active duty soldiers in our community, violating the Posse Comitatus Act. In the--the present in Nogales that if we are allow the militarization of the border and we see it as a normal, then that will happen in Houston, in Chicago, in New York. So we don't want to go that route.

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And finally, to say that we been working with Border Patrol for 20 years. We had very good moments of accountability. We have created good engagement model. This is not about persons, this is about systems, systems are broken, systems of oversight and accountability and that is what we need to fix.

ESCOBAR: Thank you so much.

JACKSON LEE: Thank you.

ESCOBAR: Thank you, Congressman Jackson Lee.

This concludes today's hearing. I would like to, once again, thank both panels of excellent witnesses for participating in this very important hearing. I'd also like to thank El Paso, you all showed up. We have a packed house. I am so grateful to all of you for spending your morning with us and for showing my colleagues that we care very deeply about these issues and that we are going to help lead the way in reminding our country that we are a place of dignity and the people who arrive at our front door deserve equal treatment in terms of dignity.

Without objection, all members will have five legislative days to submit additional written questions for the witness or additional materials for the record. Without objection-- And I, again, just thank you so much to my incredible colleagues. I'm so, so, so grateful. Without objection, the hearing is adjourned.

(GAVEL)

(APPLAUSE)

## Classification

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**Language:** ENGLISH

**Subject:** US DEMOCRATIC PARTY (89%); IMMIGRATION (89%); IMMIGRATION LAW (89%); IMMIGRATION REGULATION & POLICY (89%); US REPUBLICAN PARTY (88%); RACE & ETHNICITY (76%); PUBLIC POLICY (76%); TERRITORIAL & NATIONAL BORDERS (72%); SPECIAL INVESTIGATIVE FORCES (71%); NATIONAL SECURITY (71%); US FEDERAL GOVERNMENT (71%); TERRORISM (60%)

**Person:** JOE NEGUSE (92%); PRAMILA JAYAPAL (92%); KEN BUCK (79%); ANDY BIGGS (79%); DEBBIE LESKO (79%); VERONICA ESCOBAR (79%); TOM MCCLINTOCK (79%); MARY GAY SCANLON (79%); KELLY ARMSTRONG (79%); LOU CORREA (79%); DEBBIE MUCARSEL-POWELL (76%); GREG STEUBE (71%); SYLVIA GARCIA (71%); SHEILA JACKSON-LEE (56%); SUSAN COLLINS (56%); ZOE LOFGREN (56%); JERROLD NADLER (56%); DOUG COLLINS (50%); DONALD TRUMP (50%)

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