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Guest Voices

Migrants from Central America are processed July 8 by a Border Patrol agent in Penitas, Texas

Migrants from Central America are processed July 8 by a Border Patrol agent in Penitas, Texas, after crossing the Rio Grande. In 1979, a 19-year-old Mexican migrant named Maria Lopez de Felix was raped and murdered after Border Patrol turned her away at the border. (CNS photo/Go Nakamura, Reuters)



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In early November 1979, Gabriel Felix Niebla, a migrant without legal documentation, came to the United States from Mexico seeking employment. He soon found a job in Corcoran, California, and sent word to his wife, 19-year-old Maria Lopez de Felix, to join him. Maria had never been to the United States, and in fact had never previously ventured from the rural area of Sinaloa, Mexico, where she was born and raised.

To transport her north, Gabriel made arrangements with immediate family members: an uncle, Guadalupe Niebla, accompanied Maria to Tijuana; an aunt, Secundina Hernandez de Niebla, provided a temporary stopover at her makeshift shack; a sister-in-law, Josefina Hernandez de Felix, drove down from Corcoran and picked up Maria, hiding her in the trunk of the car to conceal her from inspectors at

the border when they crossed at the San Ysidro port of entry (just south of San Diego). Before Maria climbed into the car, Secundina slipped into her brassiere a piece of paper with directions back to Secundina’s home and instructed her to take a taxi if she was discovered and turned back at the border.

The family's precautions were prudent and necessary. The entire border area near San Ysidro was a danger zone in which armed bandits preyed on migrants who often carried money on their passage north to America. This zone was such a deadly hotspot that the San Diego police formed an undercover unit that posed as migrants to lure and arrest the robbers, but quickly abandoned the mission because it led to frequent gun battles and casualties. In sum, the zone was too dangerous for even the police.

It was into this background that 19-year-old Maria ventured in her quest to unite with her husband. She was not successful. Arriving at the inspection lane at 1 a.m. Sunday, Nov. 25, 1979, she was found hiding in the trunk by a customs inspector. She and Josefina were taken to the immigration office, where Josefina was fingerprinted and released to return to Corcoran (she was a legal resident). Maria was summarily deported back to Mexico, alone and on foot, at 1:30 a.m. — into the very killing zone that the authorities knew was too deadly for even armed law enforcement to patrol.

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She never had a chance. Early the next morning, her body was found in a narrow breezeway next to an old, seldom-used customs building on the U.S. side of the border — just a few hundred feet from where she was released and ordered to return to the other side. An examination of the corpse revealed that Maria had been brutally beaten, raped and strangled. In the nearby old customs building, investigators discovered torn-away clothing, a religious medallion she had worn, her purse and the note that Secundina had placed in her brassiere. It was apparent that, although the body had been deposited outside, the crime had been committed

inside the building. This was a critical clue because the building was secured and the perpetrator needed keys to access it.

At the time this happened, I was the chief of the Criminal Division of the U.S. Attorney's Office in the Southern District of California. In that capacity, I teamed with the FBI in the investigation of the violent rape/murder of Maria. As noted, the perpetrator had attempted to cover his involvement by creating the appearance that she had been waylaid outside in an area that was known to be frequented by undocumented migrants illegally crossing the border. But trace evidence, which included paint flecks from the floor of the building found on Maria and other items, placed the crime scene inside the old building. This focused the inquiry on those having access — i.e., federal officials stationed at the border.

Ultimately, the investigation uncovered key forensic evidence such as body hairs and fluids, the same paint flecks on the suspect's uniform that were found on Maria's clothing, and other circumstantial evidence, which led to my role in bringing charges against a federal protective officer who was on duty in the area at the time of Maria's disappearance and murder. He also had the means to access the secured building where the crime occurred — the keys — and a pocketknife he possessed had tape residue on it matching residue on a taped outside gate between the building and the breezeway that Maria's abductor had cut through. I tried the case to a jury, which found him guilty, resulting in a sentence of life imprisonment, subject to being eligible for parole after serving 20 years.

The point of these reflections, however, is not the investigation or the trial of the perpetrator, which brought at least a measure of justice to what otherwise might have been an unsolved crime. There is much more to take away from this tragic narrative. It certainly had a dramatic impact on me that I have never forgotten as I participated in interviewing key principals in Maria's tragic journey.

Because it was well known how dangerous it was to send Maria alone and on foot at that hour into such a deadly zone, I asked the immigration officials why they did not allow either Josefina to drive her back to Secundina's home or permit Maria to remain safely at the immigration office until morning when she could arrange her own transportation (the taxi) there. They just shrugged. That cavalier response led me to ask if they had children and, if so, would they want their daughter to be placed under the same circumstances. The answer from one official was, "My daughter would not try to come here illegally."

Of course, his daughter would have no need to do so because she already possessed what Maria was seeking — to join her husband and earn a future with hope. It saddened me deeply that such a powerful federal official was so devoid of empathy and plain commonsense decency that he thought nothing of the fact this his decision led directly to her death.

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In interviewing other colleagues of the officer who was later convicted of Maria's rape and murder, I learned that some had occasionally engaged in conversations about ways to sexually assault migrants entering the country illegally. I also learned of an incident approximately a year earlier in which another migrant — Ramona Hernandez — had been turned back at the port of entry, was last seen at the border speaking with the same officer later convicted in Maria's death, who disappeared that same evening and whose body was discovered in a shallow grave in the desert some 40 miles east of San Diego. That homicide was briefly investigated by local authorities and closed for insufficient evidence. I question very much whether authorities would have done the same perfunctory investigation were Ramona not entering the country illegally.

I also talked with Maria's family and went to Secundina's makeshift dwelling, where I was received with hospitality but also grief and questions I could not answer about the manner in which she had been sent to her death by the government I represented. I had no words because I knew just a little compassion would have prevented her death.

In more recent times, we have witnessed the incredible cruelty of the U.S. government's separation policy, tearing children from their parents, putting the children in cages and deporting the parents without generating the records that would allow them to be reunited. We have seen Border Patrol agents destroying lifesaving water jugs and food left by volunteer rescue groups in the desert for migrants stranded in the harsh southern border deserts. And we have seen those same volunteers prosecuted for aiding those who otherwise would die.

Thankfully, we have a different administration now. But the attitudes that resulted in Maria's violent death are hardly gone. Migrants are still demonized, and many in our nation consider them criminals and are, like those I spoke with some 42 years ago, completely unsympathetic with their plight or the circumstances that bring them here.

Yet the fact is America is a nation of immigrants. My ancestors migrated here in 1642, fleeing civil wars in England. Almost all our ancestors came here for the same reason Maria tried to come here — for a better life with her family. That we have ours is no reason to look down on those who seek the same opportunity and are hardly criminals simply because we got here first. I can trace my roots in America back almost 400 years, but there is no entitlement in that history.

And the sobering truth is many of the migrants at our doorstep are fleeing climate change that is caused in large part by our energy policies and hesitation to make necessary changes to those policies. Parts of Central America are becoming deserts that cannot sustain even subsistence farming. Our hands are not clean in these and other factors that are contributing to the increase in migration. That is the subject for another article.

For now, I wish to remember Maria, who would be about 60 years old as I write this essay had she lived, joined Gabriel and raised her family. We never gave her the chance.