

# Gomez hearing

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When INS lawyer James Grable and Judge Sacks asked the Gomezes why they had omitted information about their past political affiliations from their asylum application, both Leticia and Alejandro said they acted out of fear.

"I've been running away from that for a long time," Alejandro explained.

It was those same affiliations, coupled with Alejandro's work as a union activist, that the Gomezes believe threatened their lives in El Salvador.

Although the State Department has characterized Gomez as "a minor and unimportant political figure" in El Salvador, he testified that between 1967 and 1983, he was detained by Salvadoran police three times, each time for 20-30 days.

In 1967, while an active member of a construction workers' union, he said he was picked up at the scene of a strike.

In 1972 he was arrested along with "most of the officials" of the National University of El Salvador when the university was taken over by the army. "They came in with tanks and captured people and closed the school," he said.

In 1983, Alejandro applied to the Salvadoran police for a "certificate of good standing" to operate a public transit bus.

Instead, he was arrested and was physically and psychologically tortured for 15 days. Calling him a "subversive, guerilla and communist," his interrogators demanded details about both guerilla leaders and anti-government operations.

During those days, Gomez testified, he was constantly blindfolded and was beaten with pieces of wood and tubing, hung by his hands, and shocked on the ears with an electrical device.

Through the walls of the prison, he said he heard the screams of three young children for their mother as they were beaten.

"It makes your fear grow more and more," he recalled.

Finally, when his questioners threatened to arrest other members of his family, Gomez admitted his affiliation with the communist party nearly 15 years earlier.

When he was released, Gomez said his pic-

ture was in the newspapers, and he saw vehicles that he recognized as belonging to members of the right-wing death squads, parked near his home. He fled to Mexico and was followed there by Leticia, as well as his mother and four children.

Many Central Americans have been termed "economic refugees." But Gomez testified that the family abandoned two homes and several small businesses when they left.

The Gomezes are requesting that the court either grant them asylum, withhold or protect them from deportation, or allow them to voluntarily depart for the country of their choice.

Immigration and Naturalization Service (INS) officials oppose their request for asylum on the grounds that they pose a threat to "national security."

As evidence of that charge, INS lawyer James Grable presented Judge Sacks with two documents — one from the INS and one from what he identified as a source agency.

Neither the Gomezes nor their lawyer, Margaret Catillaz, have been allowed to see the documents.

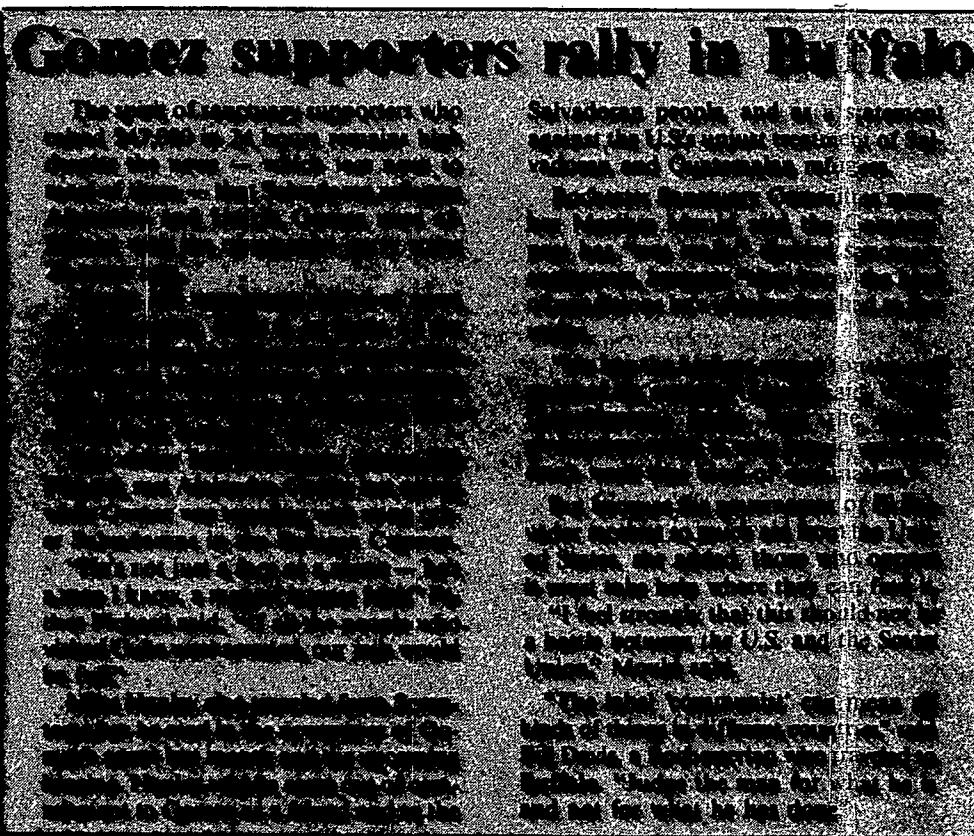
Nor has Catillaz been given access to the Gomezes' INS file, a situation to which she objected on Wednesday. Grable responded that whatever portion of the file that is not classified is open to her through Freedom of Information Act.

In several other respects, justice under immigration law is far different from the criminal law system with which Americans are familiar. No jury is present, the courtroom is closed to all but a dozen members of the press, and both the judge and the INS lawyer essentially work for the same branch of the U.S. government.

During her husband's testimony, Leticia Gomez was sequestered in another room at the request of INS lawyers, despite Catillaz' observation that they had prepared for the hearing together.

Although Leticia and Alejandro both testified through a court-supplied interpreter, only a brief portion of the hearing's preliminary discussion was translated for them. Judge Sacks did agree that the Gomezes could have their own translator present if and when other witnesses testify before the court.

On Wednesday, Judge Sacks also accepted as evidence a stack of letters from supporters of the Gomezes' request for asylum. Other let-



ters attesting to the refugees' "good moral character" continued to arrive as the hearing continued.

Further testimony in the hearing will be delayed, possibly until August, because of the judge's extremely tight schedule, Catillaz said.

When the hearing resumes, Catillaz hopes to present to the court the testimony of several live witnesses. Although she declined to comment on what that testimony will cover, the Gomezes' lawyer told Judge Sacks Wednesday that information on current conditions in El Salvador was critical to her clients' case, "especially in view of the new issues raised with respect to national security interests which have arisen within the past 12 days."

If asylum is denied them, the Gomezes could appeal the case all the way to the Supreme Court, or as long as their funds hold out. Their supporters have already spent more than \$10,000 in legal costs.

On Wednesday, Alejandro and Leticia Gomez designated Argentina as their chosen destination if they should be deported. But the

court is bound by federal immigration statute to designate their country of nationality — El Salvador — as their destination, according to Grable.

Considering the family's fear of being killed if they return to their country, Catillaz argued, the court should be able to waive the statute. Recent publicity about their case, she added, has only heightened the danger to the Gomezes.

But even if the statute were waived, Judge Sacks responded, the government is not obligated to find a country which would accept the Gomezes.

"We are not required by statute to search out the world to find a country where they are acceptable," he said. "They are automatically accepted in their country of birth."

But not necessarily welcome. "It's a strong fear that I have," Alejandro Gomez said of the prospect of returning to El Salvador. "I need to educate my children. I need to forget my whole past, and I need a country where there is peace and tranquility," he said.

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