

California and the West; Mexican Peasants Barricade Enclave in Baja California; Dispute: Communal group resists recent court ruling evicting tenants on 250-acre land grant near Ensenada.

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A peasant group in Baja California whose American tenants face eviction from their beachfront homes barricaded the enclave with earth berms and two dozen vehicles Wednesday and vowed to resist the imminent takeover of the property by federal officials.

In an increasingly tense dispute, leaders of the communal group Ejido Coronel Esteban Cantu said they would not surrender the 250- acre site to the government without further negotiations.

"We're waiting for them. We aren't going anywhere," president Ramiro Moreno Quintero said. He said the 98 members of the peasant group, or ejido, have requested a meeting with government officials to show new documentary proof of its claim to the site. Without such a meeting, the ejido won't budge, Moreno said.

The land was confiscated from its original owners and given to the ejido in a 1973 presidential decree. The ejido subsequently leased lots to Americans, mostly Californians, who built some 200 homes about 85 miles south of the U.S.-Mexico border near Ensenada.

There have been ongoing title challenges throughout Mexico involving ejidos, most of which don't involve Americans or other tenants. The government says about 248 such cases remain unresolved out of about 5,200.

Some challenges are from within the ejidos, by ejido members who have newly defined rights to pieces of the communal properties, and from outside, by original owners whose lands were confiscated to provide the ejido land grants.

In the Ensenada case, the original owners have prevailed in government proceedings, leading to an eviction order last year aimed at the American residents. When federal officials attempted to evict them, ejido leaders blocked access.

On Monday, the Mexican Supreme Court ordered the federal Agrarian Reform Ministry to enforce the 1999 eviction order within 10 days or be fired from their jobs.

Meanwhile, U.S. Embassy officials in Mexico City said Wednesday there is nothing they can do to help about 200 homeowners caught in the dispute.

They remained in limbo and have not been notified of a date or time when they are to be removed, by force if necessary, from the development on Punta Banda. Their case has become an object lesson in the hazards of investing in Mexican real estate and the powerlessness Americans have in foreign legal systems.

"We're really being shafted by the Mexican government. They are the ones who put us in there, and we have documentation that everything was legal and so forth," said West Hills attorney B.J. Adams, a 13-year resident of Punta Banda who owns a \$500,000 house there.

In Mexico City, Agrarian Reform Secretary Eduardo Robledo said the government is under no obligation to inform the residents when the evictions will take place. He said the government is organizing an eviction

force that includes municipal, state and federal police.

The evictions will apparently come in stages, with the first to include the 100-room Baja Beach and Tennis Club hotel and 23 surrounding homes, which are to be taken over and returned to a partnership of the original owners called Purua Punta Estero SA.

Several residents have been trying to negotiate individually with original land owners to remain on the property. Robledo said that is the only way residents would be able to stay. But most of the original owners are said to want to redevelop the site.

Gerardo Limon, a Mexico City attorney and Purua Punta Estero investor, said Wednesday that he expects the evictions to take place Nov. 1 or 2, which would be at the end of the 10-day deadline set by the court. But the residents say they have yet to be informed.

U.S. Embassy spokesman Steve Morisseau in Mexico City said efforts by the U.S. government to foster a solution to the problem have come to naught.

"Our efforts have been to encourage the parties involved to reach an amicable agreement. We have no role as mediator," Morisseau said. "My understanding is that, at this time, no agreement has been reached."

A knowledgeable source said the government can intercede formally only when Americans are targeted unfairly in foreign countries or when U.S. citizens are the victims of law violations. "I have heard no one say that Mexican laws have been violated or that Americans have been targeted in this case," the source said.

Jorge A. Vargas, professor at University of San Diego School of Law, said the case is particularly troublesome because the Americans seemed to have been prudent in their dealings.

"There is nothing the American residents can do once the Supreme Court has decided. The decision is final, definite and unappealable and must be enforced," Vargas said.

But Tijuana attorney **Dennis Peyton**, who represents 23 of the homeowners, said he plans to file an action under provisions of the North American Free Trade Agreement claiming "unfair non-reciprocal treatment and lack of due process."

"I hope that by filing the action, the Mexican government will stay the evictions," **Peyton** said.

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