

Aug 12, 1973

On Aug. 11, 1973 we held a party at my home; 798 Clark ave. Everything went well until approximately 10:30 pm., when I saw 2 sheriff deputies enter our yard complaining about a disturbance down the street. We then explained to the cops that our party was well-supervised and that trouble came from uninvited people who were loitering on the public street. I repeat: the people who were on our property were well-behaved. Nevertheless, one of the deputies told my mom, (Lupe Medina), that he is calling this party an unlawful assembly. My mom then told him that this wasn't an unlawful assembly, but a well-looked



after party. The deputies then left our property. Since I heard them say nothing, I assumed everything was understood. So then the party supervisors warned the people outside our property either to come into our property or leave the entire area. After this was announced the party continued. Then about 11:00 pm the same evening, I noticed a sudden movement of the people on our yard. I then saw approximately 15-20 sheriff deputies from San Diego county, armed with billy clubs and flashlights, enter our yard chasing and grabbing unsuspecting members of my family and friends. I was stunned when I saw the deputies



beating on people who were dancing and just listening to the music. The deputies asked no questions or gave no warnings but just began swinging their clubs and flashlights. The deputies came storming toward the band and when they reached the band the cops knocked over and damaged their equipment and also began battering the band members and their wives who tried to protect them. Other deputies entered my home and pulled out girls and guys who were just sitting in the living room. I stood at the doorway and saw five cops outside on the front yard beating on one guy who



had fallen down, trying to escape any further police harassment. Then I saw my sister, (Yvonne) who was standing beside me, being dragged away by a cop who had applied a headlock on her. Then I saw another deputy haul my mom away toward the paddy wagon. That's when I walked over to a cop who was standing by watching, and asked him to leave my mom here because she lived here. That deputy didn't say anything to me, instead he struck me on the head and stomach with his flashlight.



I quickly backed away.  
I was helpless as I  
watched from inside my  
house. I could not believe  
the ~~the~~ unlawfulness and  
brutality the (San Diego  
County) Sheriff Deputies had  
displayed.

Steve Medina  
798 Clark ave  
Encinitas



On Aug. 11, 1973 we were having a party at my home, 798 Clark Ave. I was standing on the side of my house when I saw about 30 to 35 sheriffs walking down the driveway. I saw that they all had clubs and flashlights. In the past I've seen how they hit people with them, so I got scared and ran to my house. When

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we got to the wagon the cop that had me, asked the cop who was at the



got there I tried  
to shut the door,  
but the sheriffs  
kept it open and  
tried to come in,  
so I blocked the  
doorway, because  
I felt they had  
no right to come  
in. The sheriffs  
tried to push me  
aside but I kept  
telling them to  
stay out. my brother  
(Steve) and my mother  
were telling them  
the same thing  
and trying to keep  
them

we got to the wagon  
the cop that had  
me, asked the cop  
who was at the



III

them away. When we were telling them to stay out they knocked my mom to the ground and were dragging her away. That's when I tried to stop them and tell them that she was my mother and that she lived here. Then I noticed the cop in front of me nodded his head to the cop in back of me and that's

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we got to the wagon the cop that had me, asked the cop who was at the...



when the cop in back  
of me applied a sleep-  
er - hold (head-lock) on  
me which caused me  
to black-out. I don't  
remember anything from  
then, until a sheriff  
was asking me if I  
could walk. When I  
answered him that I  
could walk he took me  
by the arm and led  
me to the patty wagon.  
On the way to the  
wagon the sheriff  
asked me where I lived  
I said right here. When  
we got to the wagon  
the cop that had  
me, asked the cop  
who was at the



V.

wagon what he should do with me because I lived right there, the other cop said that he was told to keep me. He mentioned a name but I can't remember it. While I was in the wagon I saw them bringing my mom to the wagon by her hair and her arm. Then about a minute later I saw them get my sister by the hair and bring her to the wagon. While I was in the wagon I saw the sheriff's dragging the bands equipment



on the ground and throwing it on the trunks of their police cars. During the whole time I was in custody the sheriffs never read my rights to me. They never told me I was under arrest. They only told me what I was charged with.

Ryenne Medina  
8/12/23

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# I

This is what happen  
on the night of Aug. 11, 1973.  
We made a party at  
my home, 798 Clark Ave.  
Encinitas. On my property  
there were teenagers and  
adults, and inside of my  
house, I had married  
adults with kids. The  
band was playing and  
the kids were dancing  
when about 20 sheriffs  
came at once, pushing  
them aside. They came  
towards the band, hitting  
members of the band  
and other teenagers. I  
tried to hold a sheriff  
from coming in the  
house. That's when he  
pushed me and I fell



## II

to the ground. My cousin picked me up from the ground. One of the sheriffs was trying to take me and my cousin was trying to stop them. That's when I saw a sheriff getting my daughter (Yvonne) from the neck and being dragged to the patty wagon, at that same time I saw my other daughter (Pat) being taken by her hair and arm. That's when I tried to stop them, and they got me, by the hair and arm. Then they put me in the patty wagon. While I was in the



III

wagon I saw my son (Steve) and husband trying to stop them from taking us. That's when I saw them hitting, my son and husband with flashlights and clubs. While I was in the wagon I saw the sheriffs dragging and throwing the band's equipment around. During the whole time I was in custody, the sheriffs never read my rights to me. I did not know what I was charged with until the bail bondsman told me at the county jail at about



IV

8:00 the next morning.

Mrs Lupa Medina



On Saturday, August 11, my wife and I went to Encinitas to visit my brother Arthur Medina, Because it was his birthday. We were there just dancing and having fun; when all of a sudden without any warning about 30 or so policemen came marching down the street and came into the yard and starting beating everyone in sight. They even started beating the kids from the band and all they were doing was putting their instruments away. Then all of a sudden a policeman who I was told later was named Baumer came at me and started hitting me on the head with his flashlight and kicking me. My wife and my sister-in-law tried to stop them and my sister-in-law was hit in the stomach by this Baumer with his nightstick. He had a flashlight in one hand and a nightstick in the other. They almost hit my wife But I asked them to leave her alone. She told them we were here from L.A. ~~visiting~~ and they told us to get in our car and go back to L.A. There was nothing we could do but sit and watch the cops beat up all those kids. I told my wife to go get the camera and take pictures of what was happening because I don't think anyone would believe what was happening unless they saw it. One of the policemen heard me and he wouldn't let my wife pass or go into the house and she was afraid she would get hit. Then I saw my niece being dragged away a cop and then they took my sister-in-law. All she was trying to do was help her daughter. I even saw a cop go into the house and drag a kid out and started beating him up. After the cops had left with the people they had arrested and the instruments they impounded; I asked my wife for the camera and went down the street and took pictures of the cops beating up the kids that were down there. They saw the flashes and started running toward me; so I started walking away. Then they  
(over)



saw some kids running and gave chase after them. I guess they thought they had taken the pictures. I went back to the house and hid the camera for fear the cops would come back looking for it.

Robert R. Medina



On August 10, 1973 my husband and I agreed to chaperone a birthday party for my cousin's daughter in the area of Leucadia, because of a recent outbreak of fights between the residents of two predominantly chicano communities in the San Diego area. The party was held at my cousin's house, and was attended by approximately three to five hundred persons.

The party went smoothly without major incident (a few minor scuffles), until approximately 10:30 P.M., when two sheriff's deputies responded to a call of a disturbance that took place two houses down the street of the party. It is apparent the deputies found no disturbance at the initial address. Then for some reason proceeded to the party, contacted my cousin and warned her about curfew and excessive



noise. All this occurred without incidence. It is alledged that as the deputies exited the residence they were bombarded by debris of all sorts (bottles, rocks etc.), that was thrown not from the yard in which the party was in progress, but from a yard adjacent to that area. As a result approximately ten to twelve backup units were immediatly called to the scene of the incident. At approximately 11:00 P.M. three to four warnings were given by the band to the people attending, concerning the amassed force of police officers outside of the residence. At approximately 11:30 P.M. without prior warning of any kind the combined force of sheriff officers moved in on the party. What ensued cannot be better put than by what my little nine year old son, who was there because of a lack of baby sitters, said, "Mama I've never seen so much



blood in my life.

I only wish my <sup>two</sup> eyes could have seen everything that allegedly happened. A few of the instances of abuse on individuals at the party consist of the following:

1. The owner of the house protested to the sheriffs handling of the situation and was promptly thrown to the ground, and was beaten about the body by two peace officers.
2. Both of the owners daughters were taken in on charges of resisting arrest, and assault and battery on a police officer because of their insistence on following their mother to the squad car to assure that she wasn't beaten any further.
3. The band members and numerous others were viciously attacked by various peace officers, and were beaten with billy clubs, flashlights, and also kicked about the head and body.



4. I recall specifically one instance involving one boy being beat brutally about the head and body by about four to five police officers simultaneously.\*

5. Probably the worst of all the alleged attacks that were perpetrated on those attending the party was the behavior of one police officer who when obstructed by the youngest 6 year old daughter of the owner (my cousin) reacted by backhanding her in a violent and ~~unnecessary~~ unnecessary manner.

6. The bands equipment was maliciously knocked to the ground and thrown about and practically destroyed destroyed or damaged very badly.

\* It was later learned that the boy suffered serious multiple bruises about his body. He was also taken to the hospital where it was required he have thirty-six stitches in his head.



I affirm that what I have  
written in this statement is to the  
best of my knowledge factual  
and of the truth.

Mrs Vera Gutierrez  
848 Hernandez street  
Solana Beach



August 14, 1973

August 11, 1973 the night of  
the Madinas party. Everything was  
going alright till a fight occurred  
a few houses away from the party.  
Some people broke up the fight  
and it was alright again. When  
I and my friends went to get  
something in my friends car and  
I saw about ten sheriffs cars  
and two patty wagons. When  
I went back to the party to  
warn all my friends. Next thing  
I knew I saw police officers  
hitting girls and boys with Billy  
clubs and flashlights. The peace  
officers went up to the band  
and pushed all their equipment  
off the bandstand. Then some  
of the peace officers went into  
the house and started hitting people  
in there and dragged a girl out  
of the bathroom. And one of the  
peace officers back handed my  
little cousin which is only seven  
years of age. Then they took in  
my two cousins and aunt and they  
dragged them to the patty wagon.  
I got arrested too for no reason.



I then I saw this boy that was  
-passed out and there was about  
five peace officers beating me on  
him with their bell, clubs and  
flash lights. I then I was walking  
out of the party and I saw boys  
running and walking out of the  
party with their bodies called by  
the peace officers names. And  
I saw girls walking out crying  
to. The peace officers were hitting  
the girls to.

Linda Gutierrez



On Saturday, August 11, my husband and I went down to Encinitas to visit his brother for his birthday. We were all enjoying ourselves when all of a sudden about 30 or more policemen came at us with nightsticks and flashlights and started hitting everyone in sight without any warning whatsoever. One certain policeman whom I was told later was Baumer; started hitting my husband on the head with his flashlight and when my sister-in-law and I tried to stop him, she got hit in the stomach with the nightstick. He had a flashlight and a nightstick in each hand. I was almost hit but my husband told him to leave me alone. I told a highway patrolman we were here from L. A. visiting and he told us to get against the fence and no one would hit us. He also told my husband and I to get in our car and go back to L. A. So my husband and I just sat on the chair by the fence watched helplessly as the policemen beat all those kids unmercifully. You could hear the cracking and thudding of the nightsticks and flashlights on the backs and heads and bodies of those kids. It was a sickening sight. My husband then told me to get the camera from the house and take pictures of what was happening because I don't think anyone would have believed us unless they had seen. One of the policemen heard my husband and he wouldn't let me go near the house. He just told <sup>us</sup> to get back and stay there. I then saw a Policeman dragging one of my nieces, Yvonne Medina and he had his big arm around her neck and took her to the police van. Her mother tried to help her and she was pulled ~~and~~ taken to the police van also. Then I looked up at the street and saw my other niece Patricia Medina dragged to the van also. I also saw a policeman drag a couple of kids out of the house and start beating them up. After the policemen left, my husband asked me for the camera and he went to the other street and started taking pictures. He told me that some policemen

(over)



spotted him and started running toward him. He started walking away and then the cops spotted some boys running and took after them. He came back to the house and told me to hide the camera in case the cops came back.

*Helen M. Medina*



y yo de mi parte estoy muy  
 disgustada por que yo estaba con  
 mis hijos y estan chicos y ellos  
 se amestron mucho de ver el  
 desorden tengo una niña de  
 3 años y como quiere mucho a  
 los hijos de la fra. Guadalupe  
 al ver como los traian los  
 policia se amesto mucho y esta  
 enferma del sueto asta el  
 momento, por eso creo yo que  
 dicho policia si merecen que  
 se les llame la atención y  
 que se enseñen a tratar a la  
 gente yo no se ablar Ingles si  
 no yo ese dia les abia dicho  
 que era un abuso el que hicieron  
 y como dije ante rey de Mexico y  
 no abia visto un desorden de  
 policia asi de esa ~~forma~~ forma.  
 Fra. Ethel Jara



verdad no daban ningun  
 motivo lo mismo a los hijos  
 de la tra. y a ella misma  
 las empujaron y a la fuerza  
 las subieron a la camioneta  
 que traian, lo mismo a los  
 muchachos que se encontraban  
 bailando los golpearon salvajemente  
 digo salvajemente porque yo  
 soy de Mexico no, no abia visto  
 a un policia tan poco culto  
 porque ellos estan para cuidar  
 el buen orden y no para golpear  
 a las personas que van en  
 orden porque de esto yo fui  
 testigo que se encontraba todo  
 en orden y a mas de eso era  
 temprano no era que por eso  
 se vieran molestados dichos  
 policia.



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 motivo lo mismo a los hijos  
 de la tra. y a ella misma  
 las empujaron y a la fuerza  
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 temprano no era que por eso  
 se vieran molestados dichos  
 policia.



Agosto 14 - 1973 -

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Mi nombre es Srta. Esther Jara  
y vivo por la Calle Clark Ave. 796  
y escribo estas líneas para  
comprobar de lo que fui testigo,  
Me encontraba en la fiesta  
que la Srta. Guadalupe Medina  
abia organizado con motivo de  
el cumple años de una de  
sus hijas y de el Sr. Arturo  
en dicha fiesta tocaba un  
conjunto y abia varios invitados  
pues yo fui testigo de la forma  
como llegaron varios policia y  
creo yo que abusando de su  
educacion como creo yo que estan  
formados dichos policia entraron  
a la casa de la Srta. Guadalupe  
y golpearon a personas que est



Aug. 11<sup>th</sup> 1973

on Aug. 11<sup>th</sup> we were having a party at our home on our front lawn. we had a band playing in front of the house at about 11:15 PM or 11:30 PM. I saw about 20 to 25 sheriffs march down the driveway - then when they got to our front lawn they spread out and started swinging their clubs and hitting every one they could grab. I saw two sheriffs grab one boy and they both were hitting him with their clubs. they I saw them drag one of my daughters to the paddy wagon at the same time I turned and saw two more sheriffs drag my wife from the house by the hair and tumbled her <sup>arm</sup> I tried to <sup>plead with them</sup> and they hit me on my right arm and on chest and back with their clubs and before I went to help my wife I saw my 6yr. old run to her mother and one of the sheriffs back handed on the chest. I told about and they to back off or I would get some more of the same. I could was stand there and the terrible things they did to my family and the rest of those poor kids  
Arthur F. Medina



Aug. 12, 1973

My friend and I were standing listening to the music when we saw everybody running so we ran too. We ran in the house thru the back way. We were standing in the living room when I saw the cops forcing their way in the house. My Cousins were trying to keep them out because they didn't have the right to go in the house. We ran out of the house and we <sup>were</sup> on our way to where I was spending the night which was only next door. We were walking then 3 cops came and took my friend and started hitting him with a belly club. The other one was holding me back. And all we were doing



was walking home.

Lisa Quijada

All this happened August 11, 1973



Aug, 14, 1973

On Aug 11, my aunt was having a party, I was outside with the rest of the people and I saw about 35 cops marching down the street with a paddy wagon following. So I ran with everybody else. I ran inside my aunts house ~~and~~ and I saw my cousins ~~for~~ trying to keep the cops out of the house, then I saw them take my cousin in a headlock and saw her pass out. I was still in the house and I saw a cop come in and push my six year old cousin out of his way. I also saw them beating some members of the band and taking their equipment. ~~They~~ ~~didn't stop saying~~ ~~they~~ They hit just about everybody who got in their way, I even saw them hit girls.

Bob Lederman



I was dancing when I noticed  
that the cops had just got  
here and everybody was running  
the cops came towards us and  
they started hitting the guy  
I was dancing with, they  
pushed me close to the  
house. So I ran next door  
because I noticed the cops  
were even pushing the little  
kids around so when I was  
trying to get next door I  
was hit in the stomach  
with a "billy club" and I was  
told to get out of the way  
or I'll get hit. When I got  
next door I made sure none  
of the little kids were hurt  
in anyway. As I was



holding the little kids  
 back. I was watching  
 my cousin and her boyfriend  
 walking and they weren't  
 doing anything. And the  
 cops told them to leave,  
 my cousin said "We are leaving  
 his <sup>her boyfriend</sup> walking me next door"  
 and for no reason at all  
 the cops started hitting her  
 boyfriend and she was telling  
 them "leave him alone". So  
 about this time I was yelling  
 at the cops telling them the  
 same thing as my cousin was.  
 All of a sudden a cop grabbed  
 me by my arm twisted it  
 and pulled my hair. I asked  
 them why they were taking  
 me away and he told <sup>me</sup> I threw a  
 bottle. I said "I didn't do it"  
 but I knew "if I said "



anything it wouldn't help  
when he was taking me  
towards the "patty wagon"  
he was hurting me so  
bad I was crying and  
telling him "Please, let go  
of me your hurting me  
and he said "yeah that's  
the idea This all happened at  
my home 798 Clark Ave. on the  
night of August 11, 1973

Patricia Medina



On August 11, 1973 my husband's band was hired to play at the birthday of the guijacks from 9 to 1.

At about 11:15 one bottle was thrown into the air and fell on the pavement, three sheriffs attacked the guy who threw the bottle, then all the other sheriffs ran and started attacking the rest of the people who were there, without warning they ran to where we the band members and wives were and pushed-kicked threw and hit us around, they did not give warning to stop the party we asked if they would please let us get the equipment they did not let us get a thing, they then began to knock over the Amps drums and us.

One of the band members was arrested because he tried to catch his new guitar and for that the member Ronnie Wells, was handcuffed and they also sprayed his eyes with mace.

Another person that helped us take the equipment to the party was also tryin to pick up the drums and he was badly beaten and taken to jail, the sheriffs would not let us get to our cars so we could go home. They the sheriffs



kept telling us that we had to leave  
they told us to get the hell out of  
there, to get the fuck out of there  
call us son of a bitches get your  
asses the hell out of there. At  
the time the sheriffs attack us  
right there and then the band saw  
them, and stopped and began to get  
their equipment together and that's  
when all band members were attacked  
their wives were thrown around  
also while all this was going on  
we also saw how the sheriffs were  
beating the people the owners of the  
house. After an hour or so while  
the fighting and everything they  
did not let me Alicia & husband  
get our car we went back the next  
day for it. Also one officer was  
walking by my husband as we were  
getting pushed around and he just  
came up behind him and he as  
hard as he could pushed his club into  
his back. I jumped behind my  
husband to protect him from getting  
beaten any more, another officer  
came up behind me and tried to  
hit me in the head but missed  
because I went down to cover my  
husband. we also got hit in the backs  
by the sheriffs and had sore backs.



my brother in law got to his car and the officers were there they told him to get the hell out and go home they also blocked his car so he couldn't get fast and they used their clubs and kept hitting his car, even while on the way out on the street "Clark" they also said to get the hell out and again they began to hit his car.

We were not able to get our equipment out and all together it was valued at between 2,000; + 3,000 and we also had rented a P. A. system from Oceanside music supply Co. for that night and it also was thrown. All the bands equipment when we got to the party was in good playing condition.

Mrs. Alicia Romero  
621 Copistrano Dr.  
Oceanside, California

92054

722-3284

Aug. 13, 1973



Sheriff's Department County of San Diego

I was present at the party in Encinita Calif. August 11, 1973. I was one of the musician's wife. My Reasons For my complaints are:

1. there was no warning from the sheriffs to break up the party.
2. The next thing I saw was about 40 sheriffs marching in pushing and hitting anything in their way.
3. The sheriffs came up to the band and harassed both guitar players.
4. They impounded the band's equipment for no reasons known. The things I saw there were unbelievable. As scared as I was I walked to my husband. Later realizing I forgot my purse. I went back to get it. I found it was gone. As I could see the sheriffs were getting anything in sight.

On behalf of myself I support the rest of the Band members on their complaints.

Irene Briviesca



Sheriff's Department, County of San Diego:

I was present at the party in Encinitas, California, August 14, 1973. I was one of the musicians hired to play for the birthday party.

My reasons for this complaint are as follows: ① There was no warning to break up the party. ② Some of the officers came up to the band and shoved us to move. ③ They harassed both the guitar players. ④ They shoved & harassed the wives & girlfriends of the band members. ⑤ They impounded the bands equipment for no basic reason. ⑥ We couldn't ask them anything or else they would push you or strike at you with their night sticks. ⑦ The innocent people at the party were hurt for no reason at all, as far as I could see. ⑧ Sure there was some radicals but they were outside the property. In the property all the people were enjoying themselves by dancing & listening to the music.

On behalf of myself, I support the rest of the band members on their complaint for police brutality for no accounted reason.

Ralph Briviesca



Name	Address	Phone
Marina Sanchez	Chicanos Fed	729-3242
Alicia Romero	621 Cepistrano Dr.	722-3284
Mike Minnie	Adams 1006 Santa Anita	722-5922
Rolando Irene Briviera	841 Lemon Ave. Vista	724-9397
Kathy Rodriguez	179 Village Run East Encinitas	753-3354
Mantra V. Garcia	567 Bernes Euc.	753-8964
Rose Marie Garcia	840 Hernandez Island B.	755-8318
Yvonne Medina	798 CLARK AVE. ENCINITAS	753-9450
Steven Medina	798 Clark Ave Encinitas	753-9450
Rudy Gutierrez	848 Hernandez St Dana Beach Calif	
Lupe Medina	798 Clark ave Encinitas	753-9450
Lupe Cortez	2072 Offord Ave. Cardiff	753-9282
JUAN FANES	CHICANO FEDERATION	757-5872
Daniel J. Rodriguez	179 Village Run East Enci.	753-3354
Juan E Lara	12818 VIA GRIMALDI, DEL MAR	755-4534
Pil Franco	2107 San Elijo Ave. Cardiff, Ca.	753-9789
Adolfo J. Lopez	907 Normandy Rd. Encinitas	753-4625
Guadalupe Lopez	1216 Hygiene Encinitas	753-5324
Pedro G Lopez	1216 Hygiene Encinitas	753-5324
Ed Lopez	907 Normandy Rd Encinitas	753-4625
Albert Lopez	" " " " " "	" " " "

i was treated not like a human

Mike Montes

Lupe Cortez, Police have no right to throw people around when they weren't doing anything.

Linda Dutierrez 848 Hernandez Dana Beach, 755-8318  
 Ulicia Sanford 754 Castro St. S.B. 755-2438  
 Anna Martinez 750 Stevens Ave 755-1439



11  
Nena Quijada 825 Korrandon St.  
755-4928



2214 Fifth Avenue  
San Diego, CA 92101  
239-8185

September 24, 1973

John F. Duffy, Sheriff  
222 West "C" Street  
San Diego, California 92101

Dear Mr. Duffy:

I noted in the Wednesday, September 19, 1973, of the Oceanside Blade-Tribune, that you were quoted as saying "If he [Deputy Borchers] did not have an absolutely clean record I would have fired him for this offense." The offense being for the use of "unnecessary force and falsifying a report" stemming from a Mexican-American party in August in Leucadia.

I would question whether or not Deputy Borchers has at this time absolutely a clean record, and if he does have such a record whether or not he should have such a record.

Is your office aware that Deputy Borchers was accused of assault and battery against a permanent resident, a Mexican National, Mr. Daniel Magana on or about March 7, 1973; this event occurred in Vista and Deputy Borchers was one of a number of individuals who participated.

I would also ask if your office is aware that a claim has been filed against the County of San Diego in relation to this offense? It is of some importance to us and others to know if Deputy Borchers was acting in the line of duty on that particular night, or if your office is totally ignorant of his behavior at that time. In other words, he was not on duty and you do not know anything about what he was doing that night. Perhaps it would be inappropriate to put such a claim against the County.

If, on the other hand, Deputy Borchers was on duty and your office was aware of his actions that night, it would appear to me incorrect to state that "he has an absolutely clean record". Regardless of the fact that our claim has not been finally processed and adjudicated, it remains a claim against the County against the actions of Mr. Borchers.

We would very much appreciate hearing from you on this matter.

Sincerely,

FH:h

FREDERICK HETTER



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SUPPLEMENTAL REPORT

Ralph Morrison

Right Rear seat.

70. CODE SECTION

71. CRIME

72. CLASSIFICATION

73. VICTIM'S NAME - LAST, FIRST, MIDDLE (FIRM IF BUS.)

74. ADDRESS  RESIDENCE  BUSINESS 75. PHONE

8/14/73 ~~approx~~ about 2:30 - 3:00 A.M. we were going down hilltop <sup>South</sup> and stopped at the intersection of hilltop + naples when a truck went by on the right side of us running the stop sign so ~~we~~ we went straight and passed the truck south windows on the right of the car were rolled up, on the left side gorge leaned out the windows and flipped the guy the bird Craig is panicking from the waist down so one hand turns the wheel and the other works the gas the <sup>guy in the truck</sup> ~~guy~~ said something was thrown at his truck so this proves there wasn't he went down the street to look for something ~~that~~ that was never there then we went down the street to hilltop and offord we stopped and rick lit craig cigaret the truck came up behind then it backed up when we back up about 3 feet. then we turned left on offord (east) we looked back and he was outside his truck so we turned around and went back and turned right on to hilltop as we went around the corner slowly she stuck his gun into the

REPORTING OFFICER

RECORDING OFFICER

TYPED BY

DATE AND TIME

ROUTED BY

FURTHER ACTION  YES  NO

COPIES TO:

DETECTIVE  CII

JUVENILE  PATROL

DIST. ATTY  OTHER

SO/P.D.  OTHER

REVIEWED BY

DATE



9

Chula Vista Police Department - CA3702

SUPPLEMENTAL REPORT

Ralph Morrison

70. CODE SECTION	71. CRIME	72. CLASSIFICATION
73. VICTIM'S NAME - LAST, FIRST, MIDDLE (FIRM IF BUS.)		74. ADDRESS <input type="checkbox"/> RESIDENCE <input type="checkbox"/> BUSINESS <input type="checkbox"/> 75. PHONE

window and said stop or I'll shoot your ~~the~~ head.  
 So we ~~the~~ halted ass we went down the  
 street passed ~~the~~ Naples we turned right  
 the pickup followed us real slow it turned  
 around and left we went on <sup>for about a block</sup> for the we turned  
 around went down hilltop to Naples to  
 take gorge home a sheriff went by turned into  
 speedy mart. ~~then~~ the pickup came accross  
~~and~~ the intersection and stopped we backed up  
 and the sheriff pulled up behind us. ~~the~~ guy in  
 the pickup ran up to the passenger side grabbed  
 ricks hair and pulled his head into the door  
~~the~~ ~~he~~ ~~ask~~ yelling cus words the he ask where  
 he saw me I told him he gave me a ticket  
 before, on the other side a sheriff open the  
 drivers door and told <sup>me</sup> to get out he couldn't  
 because he is paralyzed gorge tur best  
 friend for years said I'll get out because Craig  
 can't. gorge got out the guy in the pickup  
 came around to gorge's side of the car and hit him  
 in the face several times while two sheriffs

REPORTING OFFICER	RECORDING OFFICER	TYPED BY	DATE AND TIME	ROUTED BY
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FURTHER ACTION <input type="checkbox"/> YES <input type="checkbox"/> NO COPIES TO: <input type="checkbox"/> DETECTIVE <input type="checkbox"/> C11 <input type="checkbox"/> JUVENILE <input type="checkbox"/> PATROL <input type="checkbox"/> DIST. ATTY <input type="checkbox"/> OTHER _____ <input type="checkbox"/> SO, P.D. <input type="checkbox"/> OTHER _____	REVIEWED BY _____ DATE _____
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SUPPLEMENTAL REPORT

3

Ralph Morrison

70. CODE SECTION	71. CRIME	72. CLASSIFICATION	
73. VICTIM'S NAME - LAST, FIRST, MIDDLE (FIRM IF BUS.)		74. ADDRESS <input type="checkbox"/> RESIDENCE <input type="checkbox"/> BUSINESS	75. PHONE

stood by and watched. The guy in the pickup then started with a bunch of lies with we proved are wrong. I am mad because he stuck a gun in the window of a car I was in, and the gun could of gone off any time.

REPORTING OFFICER	RECORDING OFFICER	TYPED BY	DATE AND TIME	ROUTED BY
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1

SUPPLEMENTAL REPORT

70. CODE SECTION	71. CRIME	72. CLASSIFICATION	
73. VICTIM'S NAME - LAST, FIRST, MIDDLE (FIRM IF BUS.)		74. ADDRESS <input type="checkbox"/> RESIDENCE <input type="checkbox"/> BUSINESS	75. PHONE

This statement is being written by the person who got shot on the corner of hilltop & Naples. Just ~~my~~ I like to say my english is not the best so if you don't understand, don't hesitate to call me. my phone is 427-1355 and work is 264-5072

<sup>15+</sup> going down hilltop. we were stop at hilltop and Naples intersector. when someone pass as one right without stopping. Craig the driver pass ~~us~~ him the stop at hilltop and Oxford and let a cigarette. then turn up Oxford (east), turn around going west on Oxford. ~~turn~~ stop turn down hilltop. The person stop us with a gun; not telling who he was (off duty) and said I am going to blow your fucking head off.

REPORTING OFFICER	RECORDING OFFICER	TYPED BY	DATE AND TIME	ROUTED BY
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FURTHER ACTION <input type="checkbox"/> YES <input type="checkbox"/> NO	COPIES TO: <input type="checkbox"/> DETECTIVE <input type="checkbox"/> C11 <input type="checkbox"/> JUVENILE <input type="checkbox"/> PATROL <input type="checkbox"/> DIST. ATTY <input type="checkbox"/> OTHER <input type="checkbox"/> SO, P.D. <input type="checkbox"/> OTHER
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George Rodriguez  
 REVIEWED BY \_\_\_\_\_ DATE \_\_\_\_\_



SUPPLEMENTAL REPORT

2

70. CODE SECTION	71. CRIME	72. CLASSIFICATION	
73. VICTIM'S NAME - LAST, FIRST, MIDDLE (FIRM IF BUS.)		74. ADDRESS <input type="checkbox"/> RESIDENCE <input type="checkbox"/> BUSINESS	75. PHONE

Craig haul-off stop at hilltop and Naples, then turn at just right. the person followed. then stop turn around. Craig turn around going to my house which is up Naples. The person pull in front of us. the sheriff pull behind us. the person starting pulling rich smith hair the sheriff open Craig door I offer to get out, because Craig can't walk. the person ran around starting hitting me in the face, with the sheriff watching not doing anything. the person turn out to be a police officer. my complaint is why the person pull a gun and why he hit me when some sheriff were just watching. - at the time I am waiting this I really ~~was~~ upset.

REPORTING OFFICER	RECORDING OFFICER	TYPED BY	DATE AND TIME	ROUTED BY
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FURTHER ACTION  YES  NO

COPIES TO:

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<input type="checkbox"/> JUVENILE	<input type="checkbox"/> PATROL
<input type="checkbox"/> DIST. ATTY	<input type="checkbox"/> OTHER _____
<input type="checkbox"/> SO. P.D.	<input type="checkbox"/> OTHER _____

George Rodriguez

REVIEWED BY \_\_\_\_\_ DATE \_\_\_\_\_



3

SUPPLEMENTAL REPORT

70. CODE SECTION	71. CRIME	72. CLASSIFICATION	
73. VICTIM'S NAME - LAST, FIRST, MIDDLE (FIRM IF BUS.)		74. ADDRESS <input type="checkbox"/> RESIDENCE <input type="checkbox"/> BUSINESS	75. PHONE

Because I bleeding from my nose for no reason. Because I offer to get out of the car instead of Craig. Please excuse my English.

I would like to talk to the person who hit me and ask him why and why three officers were watching him hitting me.

REPORTING OFFICER	RECORDING OFFICER	TYPED BY	DATE AND TIME	ROUTED BY
FURTHER ACTION <input type="checkbox"/> YES <input type="checkbox"/> NO COPIES TO: <input type="checkbox"/> DETECTIVE <input type="checkbox"/> C11 <input type="checkbox"/> JUVENILE <input type="checkbox"/> PATROL <input type="checkbox"/> DIST. ATTY <input type="checkbox"/> OTHER <input type="checkbox"/> SO/P.D. <input type="checkbox"/> OTHER		REVIEWED BY <i>George Paduca</i>		DATE



Chula Vista Police Department - CA3702

SUPPLEMENTAL REPORT

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70. CODE SECTION	71. CRIME	72. CLASSIFICATION
73. VICTIM'S NAME - LAST, FIRST, MIDDLE (FIRM IF BUS.)		74. ADDRESS <input type="checkbox"/> RESIDENCE <input type="checkbox"/> BUSINESS <input type="checkbox"/> 75. PHONE

Going home. Stopped at Hilltop + Naples a pick up truck passed on the right slowed down but did not stop. He was doing about 10 to 15 miles per hour through the stop sign. I proceeded through the stop sign passed the pick-up + stopped at the preceding stop sign. The truck pulled up behind us ~~and~~ while I was lighting the cigarette. The truck backed up to go around us + I also backed up. The driver of the truck started to get out in fact he did get out of his car. At this time I went ahead + made the left hand turn toward Georges house. Then we all noticed that the guy was still stopped at the stop sign. We thought it was some hard ~~to~~ guy so we turned around to see who it was. As we pulled up along side the truck at the stop sign the guy RAN up to my car and stuck a gun in my window and said something to the effect of "stop or I'll blow your fuckings head off." When this happened and the gun was inside the car I hauled ass

REPORTING OFFICER	RECORDING OFFICER	TYPED BY	DATE AND TIME	ROUTED BY
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FURTHER ACTION  YES  NO

COPIES TO:  DETECTIVE  C11  JUVENILE  PATROL  DIST. ATTY  OTHER

~~SECRET~~  OTHER

*Craig Stephens*

REVIEWED BY	DATE
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SUPPLEMENTAL REPORT

2

70. CODE SECTION	71. CRIME	72. CLASSIFICATION		
73. VICTIM'S NAME - LAST, FIRST, MIDDLE (FIRM IF BUS.)		74. ADDRESS <input type="checkbox"/> RESIDENCE <input type="checkbox"/> BUSINESS	75. PHONE	

we had turned back on Hilltop AND were going the opposite direction we turned on some road I don't recall the name and were trying to lose the guy he followed us down the street and then stopped and turned around then we stopped and followed him in the same direction we turned back toward Naples on Hilltop and stopped at Hilltop and Naples the truck pulled in the middle of the intersection and blocked our path, knowing that the guy had a gun I jammed it in reverse and started to back up I ran up on the curb and then saw the lights of the police car so I stopped. ~~The police came up to~~ The guy in the truck ran up to the passenger side of the car and grabbed Rick behind the neck, and by the hair, at this time the Sheriff's came up to my side of the car and asked me for my drivers license and to get out of the car. I am paralyzed from the mid-section down so George who was sitting directly behind

REPORTING OFFICER	RECORDING OFFICER	TYPED BY	DATE AND TIME	ROUTED BY
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FURTHER ACTION  YES  NO

COPIES TO:  DETECTIVE  CII  JUVENILE  PATROL  DIST. ATTY  OTHER  OTHER

Craig Stephens

REVIEWED BY	DATE
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Chula Vista Police Department - CA3702

SUPPLEMENTAL REPORT



70. CODE SECTION

71. CRIME

72. CLASSIFICATION

73. VICTIM'S NAME - LAST, FIRST, MIDDLE (FIRM IF BUS.)

74. ADDRESS  RESIDENCE  BUSINESS 75. PHONE

me George got out of the car and told them that I was paralyzed, George was up against the rear of my car and the guy that had Rick ran around the car yelling obscenities at George. I turned around and saw the guy hit George three or four times while the other sheriffs just stood there and watched. During the preceding confusion while George + everyone else was yelling another Sheriff unit pulled up and was standing by. I wanted to ask them some questions and to ask them for a cigarette since I couldn't find mine in the confusion. They just looked at me and didn't move so I started yelling. Finally they came over open my door and again told me to get out. I told them I was paralyzed and couldn't. I then started to close my door but a sheriff sat against finally he let me close my door and I asked the other officer for a cigarette who was smoking he told me I couldn't have one.

REPORTING OFFICER

RECORDING OFFICER

TYPED BY

DATE AND TIME

ROUTED BY

FURTHER ACTION  YES  NO

COPIES TO:

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C11

JUVENILE

PATROL

DIST. ATTY

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REVIEWED BY

DATE

Craig Stephens



# Slain boy victim of gun 'game'

DALLAS (UPI) — Investigating officers said today fingerprints found at the scene of a burglarized service station do not match those of a 11-year-old boy shot to death by a police officer questioning the handcuffed lad about the burglary.

The boy, Santos Rodriguez, was shot to death as he sat handcuffed in the back seat of a patrol car Tuesday morning.

His brother, David Rodriguez, 13, who was sitting in the front seat of the car, said a police officer was playing a form of Russian roulette with Santos in an attempt to coerce information out of him.

The investigating officers said fingerprints from Santos and David do not match those at the scene of the burglarized gas station. The officers said they could find no other evidence to link the Rodriguez brothers with the burglary at the service station.

The older brother claimed after the officers arrested him and his brother at their home, they drove them back to the gas station where the police officer played Russian roulette with his .357 magnum pistol.

"He (the policeman) rolled the chamber around, and then he opened it and there were two or three bullets in it," David Rodriguez said.

"He snapped it closed and then rolled it again.

"Tell the truth," the officer told Santos," the brother said yesterday. "He told him we did not burglarize the gas station.

"The gun clicked, but it didn't fire.

"The officer said, 'This time it has a bullet in it.'

"He clicked it, and it fired.

"The bullet went through my brother's head and blew the other side of his face off.

"Oh, my God," David said he heard the officer yell.

"Maybe he thought there wasn't a bullet in the gun."

The officer, D. L. Cain, 30, a five-year department veteran, claimed the incident was an accident, police said, but he was nevertheless stripped of his credentials, suspended indefinitely and charged with murder.

"There was no justification whatsoever on the part of the officer," said police chief Frank Dyson. "It's a black eye for us."

Cain was arraigned before Justice of the Peace Tom Naylor yesterday. Naylor released Cain on \$5,000 bond.

A spokesman for the police department said Cain and his partner, Roy Arnold, had gone to the Rodriguez boys' home Tuesday in search of information about a burglary at a service station. The boys were taken out of bed at about 2:40 a.m. and driven by the officers to the gasoline station and questioned. Then the shooting occurred, at about 3 a.m.

Friday, July 27, 1973

## Throng At Slain Boy's Rites

DALLAS (UPI) — Hundreds of mourners joined grieving family members in a crowded church yesterday at funeral services for 12-year-old Santos Rodriguez, who was shot in the head while he sat handcuffed in a police car.

Traffic backed up for blocks around the First Mexican Baptist Church, a small building of dusty brown brick with a steep Spanish tiled roof.

David Rodriguez, the victim's 13-year-old brother, joined his mother, Bessie, who was released from the women's unit of the state prison for the bilingual services.

Mrs. Rodriguez, who is serving a five-year sentence for

murder, sat quietly with her son and father, who had been taking care of the boys while she was away.

Ushers directed almost 1,000 persons, predominantly Mexican-Americans, into the church.

While the funeral was under way, the Dallas county grand jury indicted patrolman D. L. Cain on a charge of murder with malice and revoked his \$5,000 bond. T new bond of \$50,000 was set.

Mayor pro-tem George Allen and City Councilman Pedro Aguirre led public criticism of the municipal court judge who released Cain Tuesday on the \$5,000 bond.

David Rodriguez met his mother at a downtown bus station Wednesday when she arrived from the state prison at Huntsville. Gov. Dolph Briscoe ordered her released for three days to attend her son's funeral.

She did not learn how the boy died until relatives told her at the bus station.

The youth and his brother were being questioned while handcuffed in a patrol car at 3 a.m. Thursday about a service station robbery.

David told investigators that Cain put the gun to his brother's head and clicked the pistol once. The gun did not fire, but the second time, it did fire.

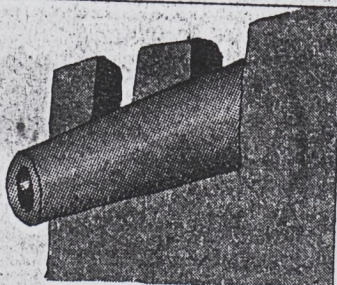
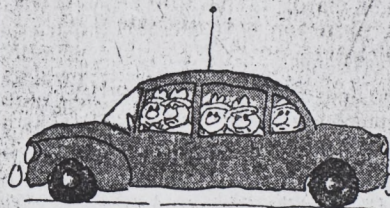
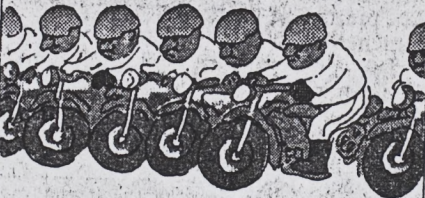
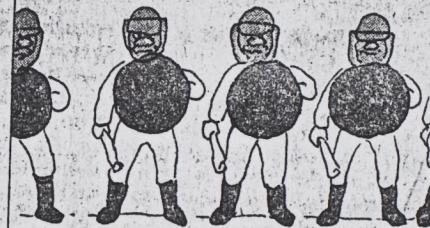




# LOS ARGUMENTOS CONVINCENTES

Por ABEL QUEZADA

PROTESTO



PROTESTO  
SOY MUY  
FELIZ.



PUBLICADO en Excélsior el domingo 13 de mayo de 1973.



BLADE TRIBUNE

UNDATED

## MIRA COSTA Oks Ethnic Employment

By PHYLLIS GAPEN  
Staff Writer

OCEANSIDE — An ethnic minority member will be hired as a counselor-teacher at MiraCosta College beginning in September.

The 4 to 1 vote came during a board discussion Tuesday of how to spread out the Oceanside-Carlsbad Community College District's thinning reserve funds and decreasing federal aid.

Board member Robert Prescott asked "Now that you've passed it, how're you going to pay for it?"

Prescott noted that the \$13,000-a-year position will be added to the college's budget in a period when the college may be forced to go into deficit spending.

College president Dr. John MacDonald predicted the college will be in deficit financing by 1974.

The college will lose federal support if the college does not balance its ethnic representation of personnel.

Federal Affirmative Action guidelines have identified an unequal ethnic balance at the college. This situation must be rectified if the college is to continue to receive federal aid.

To pay for the new teaching-counseling position, Prescott recommended dipping into the largest budget expenditure — teachers salaries at MiraCosta.

Eighty-five percent of the present budget goes for salaries, Prescott said. And this figure will go up by \$30,000 next year when raises go into effect, he said.

"Why not take the \$13,000 out of the \$30,000 in raises?" Prescott asked.

President MacDonald and board member Walter Stendahl objected to this proposal. Both men indicated that the college should follow through on its pledge to raise teachers' salaries next year.

## Magana Charges

SAN DIEGO — District Attorney Ed Miller said today he had not had time to look into charges by a Vista man that two Border Patrol agents harrassed him and damaged his home.

The charge was made by Daniel Magana, 42, 105 W. Connecticut, after an incident at his home in the early morning hours of March 7.

The Border Patrol has sent an investigator to look into Magana's charges and Assistant Commissioner Phillip Crawford in San Pedro said this morning that the patrol's investigation is still underway.

Miller said he wasn't sure if the complaint was being filed by Magana or by Herman Baca, county organizer for the Mexican-American Political Association, and would have to have more information before deciding on a course of action.

He said he hoped to have enough information for a decision within the next several days.



## Magana's Attorney Files \$500,500 Damage Claim

SAN DIEGO — The attorney for Daniel Magana of Vista has filed a \$500,500 claim against San Diego County.

The claim stems from an incident March 7 when Magana claims two Border Patrol agents entered his home at 105 West Connecticut, questioned him at length, and ransacked his home.

Two sheriff's Deputies were called into the incident by Magana, who doubted the two men who entered his home were Border Patrol agents. The agents were dressed in civilian clothes, and were off duty at the time of the incident, about 2 a.m.

The claim states the deputies illegally detained Magana, and he was "physically beaten and injured" by the two.

The claim asks \$250,000 for false imprisonment, \$250,000 for the assault claim, and \$500 in actual damages to Magana's home.

Frederick Hetter, Magana's attorney, says he plans a similar claim against the Border Patrol.

The Border Patrol investigated the incident, but has not released details of its

investigation. No charges have been filed against the Border Patrol officers of the Sheriff's deputies.

The Border Patrol agents, who have denied the charges through their union representative, claim they were investigating a private citizen's complaint that Magana was harboring illegal aliens.

Magana is a Mexican national legally registered as a U.S. resident.

The U.S. Attorney General's office in San Diego is monitoring the investigation.

UNDATED



# Sheriff Report On 'Invasion' Revealed

VISTA — An official of the Sheriff's Office disclosed today details of an incident involving two deputies, two off-duty Border Patrol agents and a Mexican citizen.

Daniel Magana, 42, 105 W. Connecticut, Vista, complained to the press last Saturday that he had been manhandled by deputies, interrogated by Border Patrolmen for over an hour, and that his two-room home was ransacked, books torn and food destroyed.

The Border Patrol, after finding that two of their agents had been involved in the 2 a.m. Wednesday incident, assigned Investigator Donald Young of San Pedro to look into the charge.

Otherwise, the Patrol has been silent, but the two agents designated their union representative, Tom Gaines, also an agent, to speak for them.

They denied the accusations, said they only appeared at Magana's residence to act as interpreters after telling an

unidentified citizen to call the Sheriff's office when he complained of illegal aliens at Magana's causing trouble. (The citizen never called the Sheriff, radio logs indicated.)

The two deputies, who were on routine patrol, said they were first contacted by Magana when he was fleeing from the home. Since they don't speak Spanish and Magana speaks little English, they could only return him to his address.

Capt. Kenneth Deering, officer in charge of the Vista substation, said the two deputies did not plan to file a report initially since no crime was involved and they did nothing but assist.

However, because of the publicity, they subsequently filed an "officer's report" on the circumstances and what they observed.

The deputies said when they arrived at Magana's residence, with the Mexican citizen in the rear seat, they could see a man inside the home.

One of the deputies said as he approached the house "one of the men first contacted (the Border Patrol agent) was going through a suitcase laying on the bed," Deering reported.

The deputy, who could see through the front door, "indicated... (the front room) didn't appear to be in any great disarray except for some clothes spread on the floor." However, Deering added, it wasn't clear whether they could see into the kitchen, where most of the damage allegedly occurred, or even looked into it.

Magana has charged that the agents caused substantial damage to his house between the time they first appeared and he fled and returned with the two deputies.

The agent did not indicate to the deputy why he was looking into the suitcase, which was open and laying on the bed, Deering said, but the agent "showed no alarm at the deputy being there."

After he learned that the man was a

Border Patrol agent who wanted to talk to Magana, the deputy returned to his patrol car and motioned for the Mexican citizen to come inside, Deering said.

Magana refused to enter the apartment and started to leave, Deering said, "and that was the time the physical contact with the deputies occurred."

The two Patrol agents then asked him in Spanish for his identification and the deputies removed the cuffs so Magana could retrieve his papers.

After he produced his legal immigrant papers, Deering said, the deputies asked the Patrol agents to inform him why they had restrained him, and they left the two agents and Magana together.

Deering said the deputies drove off and that was their last contact. Magana claims the two agents interrogated him for over an hour, but the two agents insist they left immediately after the deputies.

Sworn statements by the agents are to be given in San Pedro Friday to Young.



# Border Patrolmen Deny 'Invasion' Charge

SEASIDE — A spokesman for two Border Patrol agents accused of harrasing a Mexican citizen and racking his home said today they were "unwilling" to hear the charge.

Tom Gaines, 37, a Border Patrol agent and a director of the National Border Patrol Council of the American Federation of Government Employees, said the two officers had designated him to speak for them.

The agents, who have not been identified, were accused by Daniel Magana, 42, 105 W. Connecticut, Vista, of entering his home about 2:30 a.m. Wednesday morning, interrogating him for an hour, harrassing him and tearing down his house.

Magana, a Mexican resident in this country legally as a gardener, filed a complaint with the Border Patrol and an investigator from outside the district was assigned.

Donald P. Young, of the U.S.

Immigration Service at Terminal Island in San Pedro, began looking into the charges Friday.

Magana's complaint along with pictures of his two-room house were published in The Blade-Tribune Sunday.

Gaines said today that both agents deny Magana's accusations that they caused any damage to his house, and reported that they were there no more than seven or eight minutes at the maximum.

"They are absolutely, completely stunned at the whole thing," Gaines said after talking with the two agents for almost three hours Monday afternoon.

"We've gotten a lot of calls (at the Border Patrol office in San Onofre and the public thinks) because of the newspaper slant on this thing that we're a bunch of thugs up there, you know, we're a bunch of renegades."

Gaines said the two agents recounted the incident Wednesday morning this way:

They had both been off duty that day and during the evening, had gone to a club in the San Luis Rey Valley with some friends where they shot billiards and possibly had a couple of beers.

They returned to Vista, where they both have homes, and were walking down the street about 2 a.m. when a citizen approached and reported "there was some illegal aliens causing a problem at an address, which was this guy's (Magana's) address."

After talking to the man to determine if he was telling the truth, they told him to call the Sheriff's Office and they would meet the deputies at the address to act solely as interpreters. Neither were armed, Gaines said.

When they arrived, Gaines said, the deputies had not shown up and they heard "some noises that were suspicious and they knocked on the door." One agent went to the rear door and Magana answered it, fully dressed with the lights

on. The agent identified himself officially.

"It's going to be this agent's statement that this complainant (Magana) never did make any kind of a reply that he could understand, that is, just mumbling."

Both agents entered and Magana, after refusing to respond, bolted out the door and later flagged down a passing Sheriff's car.

When they returned, Gaines said, while attempting to make a determination as to his status, Magana ran again and the deputies forcibly restrained him and returned Magana to his residence.

Magana presented his papers proving his legal status and they questioned him for a few minutes to determine if there were others living in the residence and he admitted there were two, but he knew little about them, including their legal status or where they were.

"Then this guy turned around and started walking off," Gaines said. "One of our agents asked him, 'Where are you

going?' and they called him back in the presence of the Sheriff's deputies." Gaines said Magana reported he was just going for a walk, even though the house was open and the lights on.

"So that's exactly where it terminated," Gaines said. "This guy left, the Sheriff's left, our guys got back in their cars and both went home." Magana was not questioned over an hour, Gaines added, and both agents emphasized that they were at the home no more than a few minutes. Both vigorously denied doing anything to the home.

Gaines said he had no idea who, if anyone, caused the damage in the house.

But, he added, "If someone has fabricated a story, if someone has filed a false report, if someone has conspired to discredit the Border Patrol and our agents, then we are going to seek punitive action against them.

We're not going to lay down and take a rape of our agents who are doing a

dedicated job because someone is seeking to discredit law enforcement. Gaines was asked if he thought there was a group or organization working against the Border Patrol.

"Let's just say there are people there are ethnic organizations, and I'll use the word ethnic, I didn't state any type of ethnic organizations, who are in much disagreement with the enforcement of the immigration laws and they would stop at absolutely nothing to discredit the work that we do and how we do it."

Gaines said any implication that the two agents were intoxicated was untrue and the entire allegation was upsetting. "I'll tell you frankly and you can quote me, I resent the hell out of it." Ninety-nine percent of U.S. Border Patrolmen "have a very compassionate attitude toward the people we apprehend," he said. "It's a very humane-oriented type of job."



UNDATED

## TENSION ON NORTH LEVEE

# Beating of Alien Triggers Rising Anger on Border

By EVAN MAXWELL

Times Staff Writer

It was not the first time a Mexican had been struck in anger or in fear by a U.S. Border Patrol agent. That has, by all knowledgeable accounts, happened more times than most people care to admit.

However, the beating by patrolmen last July 3 within a few yards of the border fence at San Ysidro set in motion events that are unique in the border's troubled history.

The patrolmen, Bruce Brown and Jeffrey Otherson, were convicted in San Diego last month of depriving the Mexican—an illegal alien whose name has never been learned—of his U.S. civil rights by beating his hand with a nightstick.

They were also convicted of conspiracy, of actively plotting to beat the Mexican, whom they suspected of being a smuggler of illegal aliens. According to testimony introduced against them, the two agents felt the Mexican had shown disrespect to a Border Patrol airplane, by, in street terms, "flipping it off."

Never before had the U.S. govern-

ment prosecuted its border agents for civil rights violations.

Earlier this month, Brown, a former Army officer who left the service after the Vietnam war, and Otherson, a former West Covina policeman who was cashiered over a minor marijuana charge, were sentenced to three years probation and ordered to pay \$1,000 fines. They were also ordered to donate 750 hours of community service—and they are in the process of being

Please Turn to Page 3, Col. 1

## THE WEATHER

National Weather Service forecast for San Diego: Some early-morning low clouds near the coast but otherwise sunny through Wednesday. High today near 72. High Monday 67; High last year on March 25 was 66; low 55. Record high for the date is 86, set in 1947; record low 41 in 1880.

Complete weather information and smog forecast in Part I, Page 23.



# Police chief 'regrets' seizing illegal aliens near church, but refuses to stop

By CHARLENE SCOTT WARNKEN  
Special to the National Catholic Reporter  
Tulsa, Okla.

TULSA'S POLICE CHIEF has informed the diocesan Hispanic Commission he finds it "regrettable" that illegal aliens have been apprehended near a Tulsa Catholic church on Sundays, and he made it clear police would continue such arrests.

"We are not going to make arrests convenient to the persons arrested," said Police Chief Harry Stege in a Nov. 10 meeting between police and Hispanics.

Then on Nov. 15, immigration service officials shipped back to Mexico 41 aliens picked up in the Tulsa area in the two days directly following the Nov. 10 meeting. The diocesan commission charged the arrests — one third as many as officials have made since last July — were direct retaliation against the meeting, at which they protested alleged harassment of Mexican aliens near Tulsa's Our Lady of Guadalupe Church. Immigration officials and police picked up several aliens before church services and a fiesta, commission members charged.

Auxiliary Bishop Raymond J. Pena of San Antonio expressed his indignation regarding the alleged arrests, saying: "This is one of the most degrading things that could happen." In Tulsa to speak at a Hispanic Day of Reflection, he said, "The church always has been respected as a place of asylum where persons could go without fear of arrest."

"This is really a great shock to me that police would go near a church to look for aliens," Pena said. "We need to guarantee that the church will be a safe place."

hended in the Tulsa area since June 25. Of that number, 54 were received from other law enforcement agencies, 69 apprehended by Border Patrol agents.

Jackson and Stege asked commission members if they were "aware you are speaking for people who are committing a felony?" and warned that "aiding and abetting an illegal alien also is a crime."

Commission member Jack Helton, director of the Tulsa County Department of Social Services, replied:

"I am going to forget what you said that by feeding them, I am harboring and helping the aliens, but if I have to go to jail for it, I will."

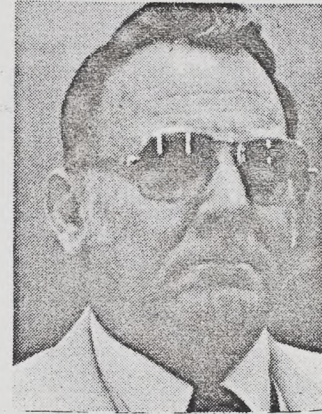
Helton explained the commission is concerned about the availability of religious services for aliens and their care when apprehended.

"We are not attempting to prevent anyone from the faith and beliefs they hold to," said Stege, a member of Tulsa's Christ the King parish. "We hold church services in the jail and they (the aliens) are invited to come join us down there," he added.

Commission members obtained from Stege an agreement that members may meet with aliens in custody, to ascertain their needs and those of their families.

Danny Cruz, a Tulsa salesman who grew up and lived for 23 years in Our Lady of Guadalupe parish, challenged several statements of the law enforcement officials.

Cruz asked if it is "a hard and fast rule" that immigration officials must scour His-



JACKSON



BLANCHARD



STEGE

— NCR/Charlene Warnken

sonable cause," which prompted T. Gavin King, legal counsel for the diocese, to ask: "Do you consider you have reasonable cause because of physiognomy and color of hair, indicating that the person is of Mexican ancestry?"

Jackson said he decides whom to interrogate based "on my experience."

The alleged harassment of aliens is causing fear among migrant farmworkers in his parish, Father Joseph J. Mazaika, pastor of St. Clement's Church in Bixby, told the law officers.

"This is having a spinoff effect," said the priest who mentioned that his own ancestors were immigrants. "Our workers do not have papers with them; they do not speak English. They are intimidated when they hear of this sort of thing happening."

Jackson said young aliens are coming into the U.S. "hopped up on drugs" and that two aliens he arrested June 25 were a man and woman, "obviously not his wife," found nude at one residence, "obviously not dressed for church."

Cruz asked the immigration officer how he could tell at a glance that the woman was not the wife. "Twenty-three years of experience do not give you the right to tell who is good and who is bad," he said to Jackson. "When you make statements like that, are you saying all young aliens are hopped up on drugs?"

Tulsa Bishop Eusebius J. Beltran, Democratic state Senator Roger Randle and a representative from the office of Congressman James R. Jones (D-Okla.) attended the meeting.



garding the alleged arrests, saying: "This is one of the most degrading things that could happen." In Tulsa to speak at a Hispanic Day of Reflection, he said, "The church always has been respected as a place of asylum where persons could go without fear of arrest."

"This is really a great shock to me that police would go near a church to look for aliens," Pena said. "We need to guarantee that the church will be a place of sanctuary for all people."

Immigration officer George Jackson, who has jurisdiction in the Tulsa area, denied that any aliens had been apprehended in the immediate vicinity of the church. He told the commission he did arrest several aliens in nearby residences on June 25.

Sister Kathleen Blanchard, Hispanic Commission chairperson, claimed, however, that a van pulled up by the church June 25 and that 10 to 20 men on their way to noon mass were questioned and subsequently disappeared.

Jackson told the commission that 123 undocumented aliens have been appre-

meet with aliens in custody, to ascertain their needs and those of their families.

Danny Cruz, a Tulsa salesman who grew up and lived for 23 years in Our Lady of Guadalupe parish, challenged several statements of the law enforcement officials.

Cruz asked if it is "a hard and fast rule" that immigration officials must scour Hispanic neighborhoods on Sundays.

"Sunday is the day it is easiest to catch the aliens at home," Jackson said, adding that it is "embarrassing" for aliens and their employers to make arrests at places of employment.

Cruz said aliens "also go to church," noting that questioning them near the church "is in fact denying them the right to pray."

Blanchard expressed concern about police interrogating Hispanics stopped for minor traffic violations — and about a young woman who was denied her belongings before being sent back to Mexico.

Steger and Jackson answered that Hispanics are not questioned "without rea-

## NFPC group condemns 'tortilla curtain' plans

By MOISES SANDOVAL  
Special to the National Catholic Reporter  
El Paso, Texas

A NATIONAL FEDERATION of Priests Councils (NFPC) convocation on Christian ministry to undocumented immigrants condemned the impending construction of the so-called "tortilla curtain" along three sections of the Mexican border.

The 100 participants from 30 dioceses, meeting here this month, asked that telegrams be sent to President Carter, Attorney General Griffin Bell and Secretary of State Cyrus Vance demanding that the \$3.5 million project be canceled.

The plan to build the fence came to light recently when the Texas manager of the firm awarded the contract said anyone trying to climb the 10-foot-high structure will leave his or her toes permanently embedded in it.

In other resolutions, the priests, religious and lay convocation participants asked:

— That each diocese establish an office to deal with the problems of undocumented aliens. Al Velarde, director of the Southwest regional office of the USCC's Migration and Refugee Service, said only 29 such offices exist now, 16 of them in the Southwest region.

— That Bishop Patricio Flores of El Paso be named to the newly created presidential commission to study future immigration policy.

— That Mexico be given favored nation status in trade with the U.S. so it can develop jobs which will keep more of its citizens at home.

— That immigration law be changed so refugees from rightist dictatorial regimes have an equal opportunity to enter this country as those from Communist dictatorships.

The border fence to which convocation participants objected was conceived under a previous administration of the U.S.

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# 'Tortilla curtain' feared

(Continued from previous page)

Immigration and Naturalization Service (INS), an official said. However, not until recently did Congress appropriate funds for it.

When the news broke that the fence would injure someone attempting to climb it, the current INS commissioner, Leonel Castillo, ordered a redesign. E. B. Duarte, who is in charge of INS outreach services and spoke at the El Paso meeting, said the project is on the back burner, but Jerry Coyle, INS deputy district director in El Paso, said the barrier will be built.

The fence will be built in heavily populated sections between El Paso and Ciudad Juarez; in San Ysidro, Calif., across from Tijuana, and in the San Luis, Ariz., area. The three sections of fence will extend a total of 12 miles, with 6.5 miles dividing the El Paso and Ciudad Juarez, Mexico, urban area. Coyle said the 10-foot-high barrier will consist of three feet of concrete, four feet of steel strips and a top section of three feet of chain link fence.

The NFPC convocation's resolution demanded that the funds slated for the fence

be re-allocated for INS services such as the outreach program which seeks to legalize the status of various types of eligible aliens so they may become permanent residents or citizens.

The participants further resolved that — if the project is not canceled — any firms, including suppliers, who have anything to do with "tortilla curtain" construction should be targets of a national boycott. The resolution also said "manifestations of disapproval" should take place, especially at the construction sites.

The three-day meeting included talks on border economics, theological aspects of immigration, the Mexican perspective on the flow of undocumented immigrants and on services offered by INS, the U.S. Catholic Conference's (USCC) Migration and Refugee Service and other agencies.

Participants toured the site of the proposed El Paso "tortilla curtain," spoke with Mexican women along the Rio Grande who cross the border to work as maids in El Paso for \$25 a week, and visited a detention center for men apprehended by the border patrol.

At the detention center, convocation participants spoke with many of those apprehended. They heard stories of hardship suffered by individuals trying to find work to support families and of their terror — in some cases — associated with apprehension at the point of a gun. One had been picked up as far from the border as Omaha.

Speakers against the "tortilla curtain" described the barrier as a symbol of discord and of progressive militarization of the border. Fears were expressed that the fence would lead to a deterioration of friendly relations with Mexico. All said the barrier would be ineffective, even in stopping the so-called nuisance traffic of juveniles who cross from Ciudad Juarez to El Paso and sometimes are accused of petty crime.

The Ciudad Juarez-El Paso metropolis is the largest urban population on the border. El Paso has 400,000 inhabitants and Ciudad Juarez, 800,000. There are 80 million legal crossings of the border by U.S. and Mexican citizens each year.

Velarde said 17,000 Mexican citizens commute daily to El Paso to work. About 25,000 Mexican-Americans live in Ciudad Juarez and many of them also cross daily to work and shop. Velarde and others said the two cities are so interdependent that no Berlin-type wall can exist between them.



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UN DATED

## SSPA

Spanish Speaking Political Association  
5035 Ensign Street • San Diego, Calif. 92117

a. if no waiver is granted, a search warrent must be procured.

5. The individual(s), thus arrested, must have a legal right for "redress" against the government for false arrest and searches whenever occuring.

a. This will cause a cessation of indiscriminate arrests and searches.

6. Legal representation must be afforded to all regardless of economic means at the port of entry.

a. The concept of an Ombudsman would be functional here.

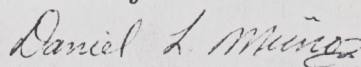
7. That the F.B.I. procedures be utilized as a model for all police-power agencies of the Federal government in execution of their police duties.

As you may well recognize, these are very limited and minimum objectives, however, they are required immediately in order that relief may be afforded our people, however, it is recognized that fundemental change is required before the situation is corrected or eliminated.

As you well may be aware a considerable body of administrative regulation affects the Mexican and the Mexican American (Chicano). Most of this administrative regulation has been the creation of agencies of the Treasury and Justice Departments. The sad story, however, is that their agencies have not, in many cases, observed their own regulations or the ordinary civil rights of citizens and alliens affected. I would conclude this letter by calling your attention that due process of law, under the 5th Amendment of our Constitution, is guaranteed not just to citizens and nationals of the United States but also resident aliens (Supreme Court decision of 1886). Due process, therefore, is our right and is not at the whim of the Customs bureau or the Immigration department, or the Border Patrol, to name a few.

Your continued interest in this matter is of vital concern to us all, and we shall look forward to concrete results from the Roybal hearings.

Sincerely



Daniel L. Munoz  
President

CC: Adhoc Committee on Royball  
Hearings.