

Man will sue Customs Bureau

Brutality charges leveled at border crossing guard

By JEAN CROWDER
Star-News Staff Writer

An allegedly brutal beating by a customs official at the San Ysidro border crossing has sparked demands for an investigation into many alleged incidents of brutality at the port of entry and will result in suit against the official and the customs bureau.

Marco Antonio Cuevas, 29, of 170 W. Seward, San Ysidro, was reportedly beaten twice by a customs official as Cuevas sought to cross from Mexico to the United States.

CUEVAS, WITH the help of the San Ysidro Legal Aid office and probably a private attorney, will file suits against the customs agent who reportedly performed the beatings and the U. S. Customs office.

Mexican-American community leaders, including Albert R. Garcia, president of the South Bay Neighborhood Corp., and Vic Villalpando, Mexican-American community affairs officer for the county's Human Resources Agency, have fired off letters to state and federal lawmakers requesting investigation into the Cuevas incident and general charges of brutality against customs and immigration officials.

Cuevas reported he was first beaten in the presence of an Immigration Dept. supervisor.

"The (customs) inspector grabbed me by the neck," he said, "pushed me away from the counter, against the wall and started to hit me and



MARCO ANTONIO CUEVAS
Beaten twice at border.

hit my head against the wall more than three times."

THE SECOND BEATING, according to Cuevas, occurred as he was leaving the immigration office. He told the customs officials who had beaten him that he (Cuevas) would report the official.

"He (the customs official) grabbed me by the arms and pushed me into the office of the United States

Customs," Cuevas recounted, "and threw me to the floor.

"Then three more customs inspectors grabbed me by the arms on the floor, and Inspector Eckert (the full name of the official is not available, even from customs officers) told the other customs officers, 'Let him get up.'

"But then they still held me by the arms. Then he (Eckert) grabbed me by my hair and hit my head against the counter repeatedly four or five times."

LEGAL AID ATTORNEY Steve Hartwell said he has asked a private attorney to work with him on the case but has not received confirmation from the attorney.

"We are preparing the necessary legal action," Hartwell said. The action includes a suit against Eckert and the U. S. Customs Bureau.

Customs officials have been non-committal during the uproar surrounding the incident and the in-house investigation that followed.

Fred Martino, customs agent in charge at the border, said he could make no comment on the matter and referred a reporter to the San Diego district office.

There, Douglas Byrnes, assistant district director of the customs bureau, said he could not make a statement "since the incident is under investigation."

Byrnes said he did not know when

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Man says custom guard beat him

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the investigation, conducted by Richard Warner, special agent from the customs official of security and audit in San Francisco, would be completed.

"It takes quite a while to make an investigation," Byrnes said. "And we are getting kind of anxious ourselves because we haven't heard something."

HE WAS ASKED about a deposition Warner made at the Legal Aid office, in which Warner reportedly stated his investigation disclosed Cuevas had been beaten but that he disagreed with Legal Aid attorneys on the extent of Cuevas' injuries.

Byrnes said he was not familiar with the deposition, but "I don't think that was the end of the investigation."

Cuevas, a waiter in San Diego's Old Town, said he had crossed the border on the afternoon of Dec. 14 to play baseball with a Tijuana team he's on.

"But I didn't play that day," he remembers, "because my left hand was sore."

After the game, he went to dinner at the coach's house, and then on to a party at a friend's. During the evening, Christmas gifts were exchanged.

However, Cuevas said he did not do any drinking and ate only a little because he is under a doctor's care for weight reduction and is taking appetite suppressants.

"I LEFT MY FRIEND'S house

about 3:30 a.m.," he said, "and caught a cab to the border. It got me there about 4 a.m. and I started to walk across as I have done many times before.

"I know many of the customs agents, but this one I did not know.

"The man asked me what my citizenship is and I told him U. S., but that I had lost my pink card, although I did have a sheriff's card."

(A pink card is given to the American citizens who were born in foreign countries, although their parents were U. S. citizens. The card comes through the U. S. consulate or embassy in that country.

(A sheriff's card is issued by the Las Vegas sheriff's department to designate as U. S. citizens persons who might appear to be Mexican nationals.)

"THE OFFICER took me inside the immigration office," Cuevas stated, "and told the immigration supervisor, 'This guy says he lost his green card.'

"I repeated, 'I did not lose my green card, I lost my pink card.'

"The officer turned to me and said, 'Are you calling me a liar?'

"Then he grabbed me and beat me the first time and pushed me back against the counter, saying, 'Tell him.'

"I repeated, 'I never told you I lost my green card, I never told you that.'

"THEN THE IMMIGRATION supervisor asked me different questions to determine if I was a citizen, which I answered correctly, and he told me, 'You may leave. I believe you.'

"As I was walking out the door, Eckert was standing outside and I told him, 'I'm going to put the finger on you. I'm going to make a formal accusation against you tomorrow.'

"That's when he grabbed me by the arms and threw me into the customs office.

"When he finished hitting my head against the counter, he said to me, 'What did you say about putting the finger on me?'

"I didn't have a chance to answer him. He hit me in the face and busted my lower lip and then grabbed me and threw me out of the office.

"If you finger me," he said, "you will be sorry, because next time it is going to be worse."

"You know what they say about seeing stars when you get hit? It's really true."

and told him they would testify for him. One of the drivers took him home.

"On the way home in the cab," Cuevas said in his deposition at the Legal Aid office, "I started to cry. Not so much for the pain, which was bearable, but from the frustration of knowing I could do nothing about it (the beating)."

His wife cleaned him up when he got home, Cuevas said, and he tried to go to sleep, but he couldn't sleep because of the pain, a terrible headache and vomiting.

The next day, he contacted Garcia, who decided Cuevas could do something about the beatings and urged the young man to see a doctor.

A doctor's report of Cuevas' examination at the Centro de Salud de San Ysidro (a health clinic) reported that two days after the beating, he suffered from a bruised and swollen jaw, a bruised chest and possible concussion.

CUEVAS SAID this week he has had little problem with headaches over the last few weeks and the only bruise left is a faint one on his chest.

He said he has crossed the border "hundreds of times in my life" with no trouble "except the usual impolite treatment.

"I didn't really realize before that this could happen, although I've heard about it," he said. "And I plan to go all the way to court and I hope they find him (the customs official) guilty. I'm much more concerned about this now, because it's happened to me."

GARCIA FEELS, "Officials are terrible at the border and in the San Diego office. I'm sick and tired of incidents like this happening, and I'm going to help push this all the way.

"In this case, I think the problem actually arose from the customs agents' lack of training. They didn't even know what a pink card was.

"Those guys there are not trained. They're hard-noses, irresponsible, discourteous — they don't know how to talk to the public. Those guys in immigration and customs work together and cover up their dirty work and I'm sick and tired of it."

1-23-72

Customs brutality story sparks flood of similar reports

A Star-News story reporting a San Ysidro man's allegations that he had been brutally beaten twice at the United States-Mexico border crossing sparked a flood of calls alleging similar incidents.

South Bay Neighborhood Corp. President Albert R. Garcia said late Friday that he had received 10 calls over the first two days after the story hit the streets Thursday.

"THESE CALLS were from people who had the same type of problem at the border," Garcia said. "They had said they are willing to testify and will cooperate with us."

The story that sparked the calls told of 29-year-old Marco Antonio Cuevas' brush with customs officials. He was reportedly beaten twice in one night last month when he attempted to return from Mexico.

With the help of Garcia and South Bay Legal Aid attorney Steve Hartwell, Cuevas, of 170 W. Seward, will sue the customs official who reportedly performed the beatings and the U.S. Customs Bureau.

His callers, Garcia said, "were humiliated and beat up and we are fired of this. So far, I've had about 10 calls."

GARCIA SAID he feels the response to the paper's story proves that the incident Guevas reported was not an isolated one, but representative of actions that occur all too frequently at the border when Mexicans or Mexican-Americans cross.

"If about 15 or 20 more people who've undergone similar experiences would get in touch with me," he said, "we could get together enough information to stop these brutal beatings."

"If we hear from enough people, we will be able to get a court injunction and then, the next time the customs officials beat someone, they are in real trouble."

Border officer's side told

7-25-71

'Incident not cause for transfer'

By JEAN CROWDER
Star-News Staff Writer

The customs inspector transferred from the San Ysidro border district was not transferred because he was a participant in a border incident involving a Star-News columnist.

That's what Maurice Cruickshank's wife, Mrs. Betty Cruickshank, called The Star-News long distance to report this week.

MRS. CRUICKSHANK explained that for the past three years, her husband has been suffering from carbon monoxide poisoning at the border because of the exhaust fumes.

She provided the paper with statements from several doctors that the family used to try to get Cruickshank transferred from his border post.

She declined to say where her husband has been transferred, only that the situation is just as bad as it was at the border crossing.

Her husband's name was first used in connection with an alleged border beating last summer.

JOSE VIESCA, Star-News columnist and Chula Vista realtor, first wrote in his Spanish-language column that he had been beaten by officials while trying to cross the border July 24, 1970. The paper later carried the story on the front page.

Efforts were made to contact the customs official Viesca accused, but he would not divulge the official's badge number and customs men remained silent when contacted.

Until The Star-News carried an article July 4 naming Cruickshank while quoting a letter from Rep. Lionel Van Deerlin, "although I did not like the misinformation that was being published," Mrs. Cruickshank said, "I thought that no one was being hurt

because the newspaper was just talking in generalities and was not naming any names."

She brought a notice of transfer dated last October from the regional office. It was, she said, the transfer the Cruickshank family had sought for so long because of health reasons.

A LETTER from a Chula Vista physician, described one of Cruickshank's several hospitalizations for carbon monoxide poisoning.

Cruickshank was given pure oxygen to breathe.

"The patient responded well and was discharged within two days," the doctor wrote. "The discharge diagnosis was carbon monoxide intoxication. The problem has occurred before when the patient has worked on the line."

Mrs. Cruickshank referred a reporter to Roger Morin in the Los Angeles customs department. He would, she said, verify that Cruickshank was exonerated of any guilt in the border incident.

However, Morin refused to return any of several calls placed to him.

HER HUSBAND'S ACCOUNT of the incident, as told to her, differs markedly from Viesca's account. Although it has been investigated by government officials and the case closed without having any action taken, Mrs. Cruickshank told her husband's account of that day last year.

Viesca claimed he was hauled into an office and beaten because he refused to go into detail about his actions in Mexico when he was returning to the U.S.

"... Viesca was sent to the secondary inspection area because he refused to answer the customary questions asked of all persons entering the United States, citizen or alien," she began.

"He further refused to answer any

questions at the secondary area.

"After this refusal, he was asked to step into the office. He refused and was taken by the right arm to the secondary office.

"At no time was his arm twisted behind his back even though he did try to pull away from my husband.

"WHEN MY HUSBAND was checking the contents of Viesca's pockets for identification, etc., Viesca was asked not to smoke until the examination was over.

"He refused to do this. My husband put the cigarette out but at no time did he touch or slap the face of Viesca.

"Viesca attempted to interfere three different times with the examination and then called my husband 'a bastard'.

"At this statement, my husband became slightly ruffled and took Viesca by the front of the shirt and took off Viesca's glasses and told him never to call him that name again.

"There were no blows struck. Viesca never was on the floor and was never beaten in any manner, shape or form. The only part of Viesca that was over on the floor was the sole of his shoes.

"A SUPERVISOR was immediately called and Viesca told the supervisor that my husband had cursed at him. My husband again remonstrated Viesca to tell the truth and nothing but the truth.

"Viesca stated at that time that he had purposely refused to answer questions at both the primary and secondary areas to find out what would happen. He found out, but it was not quite the way he reported it in his columns in The Star-News," Mrs. Cruickshank concluded.

Translation of the column *Aqui Estamos!* by Jose T. Viesca and published in the *Star-News*. July 30, 1970.

Many persons have approached me and informed me of the belligerent and insulting manner in which they've been treated by the Immigration officials upon returning from Tijuana. What they've told me is hard to believe because these tactics were used by Hitler and Stalin policemen and not by employees who are paid by our taxes to protect the legal regime which we are subject to in our democratic society.

I, honestly, could not believe this violence existed until I was the victim the evening of Friday, 24 July. This is what occurred:

Upon returning from Tijuana, the usual routine questions were made which I answered directly. The official asked what I had done in Tijuana. Since I believe this is an insulting question, I merely told him it was a personal matter.

This was sufficient for him to send me to the second inspection point. That's where what is almost impossible to believe happened:

An official, with a badge number that I have, took me by the arm and twisted it toward the spine and if I had resisted in the least he would have broken my arm.

When I commenced to tell him that as an American citizen I was fully aware of my rights, he said: "No B_____, S.O.B. Mexican has any rights here."

He took me, making a showing of unnecessary violence to the office where he ordered me to put all my personal belongings on the counter. He began to check each one of my personal documents and looked for "contraband" in the cards and papers that were in my wallet. When I tried to smoke, he slapped my

him to hit me in the most savage manner.

It so happened that there were several Immigration officials and San Diego Policemen present, but when I asked them to be my witnesses, one of them said that he would testify, but against me.

The Inspector, who would have had a brilliant future with the Gestapo or Stalin police, stupidly expected that I would make an act in legitimate defense so that he could accuse me of "attacking a Federal Official". He even had the audacity to remove my glasses to hit me even more without leaving any marks.

Later, his supervisor tried to convince me that it had all been a "misunderstanding". This "misunderstanding" was repented when the official, in the presence of his supervisor, gave me another beating. The supervisor did nothing to stop it nor did he say anything to the official.

Afterward this same supervisor brought to the office the official that had sent me to the second inspection, who said I adopted a belligerent manner because I didn't want to say what I had done in Tijuana.

For years, many of us have worked to establish a mutual respect and better understanding on both sides of the Border, but individuals such as mentioned above, destroy in a moment the struggle of both Governments and the work of many decent persons. Such individuals should be examined by a competent psychiatrist, because if someday they come across with a person with heart trouble, they'll surely kill him.

The following Saturday I received an anonymous call in which I was told that if I dare to publish something related with this incident, the next time that I come from Tijuana, they may find "incriminatory evidence in my car."

Nonetheless, here it is published. I will ask our Congressmen to initiate a thorough investigation, but if necessary I'll make sure that this matter be known to President Nixon.

60 persons claim brutality by U.S. border officials

Some 60 persons from both sides of the border have come forth with charges of brutality by United States customs and immigration officials.

The charges came in the wake of a San Ysidro man's charge that he was severely beaten as he crossed from Mexico.

ALBERT R. GARCIA of the Southbay Neighborhood Corp. said calls have been coming in since The Star-News ran the story last month of 29-year-old Marco Antonio Cuevas' brush with customs officials.

Cuevas was reportedly beaten twice in one night as he attempted to return home from Mexico.

San Ysidro Legal Aid attorneys, with help from private attorney Howard Harris, who has offices at 1019 National Ave., National City, are continuing work on two suits against the U.S. Customs Bureau and the customs officer involved.

Garcia leaves next week for a two or three-day stay in Washington, D.C., to seek a Congressional investigation of the alleged incidents of border brutality.

"I HAVE ALREADY contacted (Rep. Lionel) Van Deerlin's (D-San Diego) office," he said, "and I'll be seeing him, Sen. Alan Cranston (D-Calif.) and Sen. Edward Kennedy (D-Mass.) in Washington."

Cuevas, of 170 W. Seward, charged he was first beaten in the presence of an Immigration Dept. supervisor and then beaten again when Cuevas told the official who reportedly beat him, identified only as Eckert, that he would be reported.

The incident occurred in December, when Cuevas was returning from visiting with friends in Tijuana.

Garcia said he is taking statements from the 60 callers and is having the statements notarized. When the process is completed, he plans to seek a court injunction against future border brutality.

Legal Aid attorney Steve Hartwell, handling Cuevas' case, said "Our contacts in the Mexican-American community report that border officials have been much kinder and more pleasant to people crossing the border than ever before." The reports, he said, have come since The Star-News carried Cuevas' story.

HOWEVER, Garcia reported he has

been told "the guards are still abusing San Ysidro residents at the border, because Cuevas was from San Ysidro and he made waves."

Mexican newspapers, he continued, have become interested in the case and picked up The Star-News' story as far inland as Mexico City. Reporters there recently asked visiting Sen. Mike Mansfield (D-Mon.) what the U.S. government plans to do concerning the San Ysidro border crossing, reportedly the roughest along the U.S.-Mexico border.

Mansfield, according to Garcia, said he would seek a Senate investigation.

"I said I was going to push this thing all the way," Garcia declared, "and I'm going to keep my word. I'm going to stay in Washington until I see some action started and if anyone tries to whitewash this thing, then there are really going to be problems."

About 1,000 San Diego State College students, he said, had planned to picket the border crossing but agreed to hold off until he has talked to Washington officials.

Garcia also hopes to hire at least four persons through the federally-funded Public Employment Program (PEP) for SBNC or the San Ysidro Health Care Center to work in teams as border watchers at the immigration office and the second customs station.

Nation

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National City Star
Harris

'Sit' Order Follows Field Hand Death

ATWATER (AP) — AFL-CIO United Farm Workers Organizing Committee members were ordered yesterday to quit working and sit down in any fields entered by "armed persons."

The policy declaration followed a funeral attended by hundreds of UFWOC members for a union farm worker shot to death by a U.S. border patrolman near here Friday.

UFWOC vice president Dolores Huerta read a statement from union leader Cesar Chavez contending the worker's death was an "arrogant injustice" and "without any provocation."

"To end these assaults against farm workers, it is necessary that from now on, we will do a sit-down whenever armed persons enter a field where we are working," Chavez' statement said.

Bruce Long, chief Border Patrol agent for Northern California, declined to comment on UFWOC's new policy or the shooting, which he said the FBI is investigating.

Law-enforcement and UFWOC officials dispute facts in

the death of Romulo Avalos, 21, of Livingston.

The Merced County sheriff's office reported Avalos struck Border Patrolman Edward Nelson several times with a curved pruning saw before Nelson twice fired his .357 magnum revolver. Deputies said Nelson was treated at a Merced hospital for several flesh cuts, then was released.

UFWOC contends other workers saw the two walk through the field together but heard no argument, said union spokesman Blase Bonpane. After the first shot, witnesses saw Avalos clutching his hand before he was shot in the chest, Bonpane said.

FUNERAL—Red flag with black eagle of the farm workers' union rests on coffin of Romulo Dominguez Avalos, shot to death by Border Patrol officer.

W Wirephoto

Death Brings Chavez Work Stoppage Order

BY FRANK DEL OLMO

Times Staff Writer

Farm workers' union leader Cesar Chavez, angered by the fatal shooting last week of a laborer by a U.S. Border Patrol officer, Tuesday ordered union members to stage sit-down strikes whenever armed men enter the fields.

The order was contained in a statement read for Chavez, director of the AFL-CIO United Farm Workers Organizing Committee, after the funeral in Atwater of Romulo Dominguez Avalos, 21, who was slain in a peach orchard Friday near the Merced County community of Livingston.

Authorities said border patrolman Edward L. Nelson, 23, of Fresno, shot Avalos when the farm laborer allegedly attacked him with a pruning saw. They said Avalos was being taken into custody as a suspected illegal alien at the time.

UFWOC spokesman said Avalos, a union member, was a native of Ft. Hancock, Tex., and they alleged the shooting was unprovoked.

"Without any provocation . . . an arrogant injustice (was) committed by a despotic armed man against a humble and unarmed farm worker," the

statement read in part.

Chavez also blasted the Border Patrol for alleged "hostility" to the union.

He contended that border patrolmen do not investigate union complaints when illegal aliens are used to break UFWOC strikes, but harass labor crews at union ranches by constantly staging raids in search of illegal aliens.

UFWOC sources said all farm workers are screened for citizenship or resident alien status before being allowed to join the union.

Law enforcement officials and union leaders sharply disagree on the details of the shooting incident.

Merced County sheriff's deputies said Nelson opened fire after Avalos struck him with a saw as he took the farm worker in for questioning.

UFWOC spokesmen said other workers told them they saw or heard no evidence of an altercation between the two men before the shooting.

A spokesman at Merced General Hospital said Nelson was treated for cuts and released the day of the shooting.

The Border Patrol has declined comment on the case while an investigation is under way.