

that due to the pressure of public opinion against the police and city administration, that individuals from the law enforcement agency would try to infiltrate and act as provocateurs in an attempt to turn public opinion against the community.

VF What precautions were taken?

Baca Through our attorney we instructed the city attorney to get the cops off the street during the demonstration. We told him that if he wanted this thing to be non-violent to get the cops off the street; we didn't want to see one cop. We told him that we weren't concerned about our people. We were concerned about his people. There was a great fear that the cops would provoke something like they did in the Chicano moratoriums of 1970 in L.A.

VF How did the city attorney react?

Baca On the day of the demonstration he called us and expressed some concern that his informers were telling him that we had lost control of the people, and that there were going to be problems with outside groups busting in. We just laughed at him. We told him

taking place. We were in no mood to argue with the yoyos, so we turned and left. Outside the people who had been listening to the proceedings over loudspeakers, were chanting, "We want justice!"

VF Finally on November 1, the name of the officer was released.

Baca Yes. It was Craig Short, a twenty-nine-year-old member of the N.C. police department for twenty months. It came out later that he had shot and killed another individual ten months prior to this incident.

VF What investigations were proceeding at this point?

Baca The Grand Jury conducted an investigation but found insufficient evidence to issue an indictment. However, the District Attorney took it upon himself to issue an indictment of manslaughter against the officer.

VF What do you think were the DA's reasons for indicting officer Short?

Baca The issue was one of justice, and how it was administered in the Chicano community. The agencies that were conducting investigations were themselves under public scrutiny.

about police threats to Tato's life, we felt the minimum charge should have been murder one. I think the only reason the DA pressed any charge at all was because of the pressure from the community. In this respect this was a significant victory for the community.

VF At this point had any decision been made to proceed with a recall?

Baca On November 5, 1975, we began to actively pursue recall. We condemned the mayor and the city council for condoning official lawlessness — violence under the color of law. We pointed out that the officials had failed to provide representative leadership and had acted in a grossly incompetent and irresponsible way. We began circulating the petition for recall on November 24.

VF Have Chicanos initiated recall procedures in other parts of California?

Baca In Lamont, California, situated near Delano in Kern County, a noble gesture was initiated by two Raza Unida Party members. They tried to recall the Board of Trustees. What happened was that the authorities turned the tables on them; they were charged with perjury and falsifying the petitions and not filing properly.

They threw them in jail because they got the Raza Unida members on technicalities.

VF Since the Raza Unida members were thrown in jail up north for initiating a recall, do you feel threatened here in National City?

Baca First, let me say that we wrote a letter to the authorities in Lamont asking for an immediate investigation into the whole issue.

Let me tell you this, we discovered that our own city officials don't even know what the election codes are about.

We discovered that the city attorney's assistant was monitoring the certification of the petitions, which is totally illegal. The only persons that are allowed to view the petitions after they've been filed is the City Clerk and her deputy. We found that five to ten seconds after we submitted the petitions, the assistant City Attorney was down there watching her count them.

VF Have any other attempts been made in National City to recall city councilmen?

Baca Back in 1958 there existed a segment of the community that decided to commence recall procedures. However, this was not an action started by Chicanos but by Anglos. The issue evolved around the rezoning of the west side.

VF Is the recall which resulted from the Rivera incident strictly a Chicano issue?

Baca One of the questions the AHC had to address itself to was, How do we present recall to the entire National City community. We were thinking of an election in a

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"One of the discouraging things about the college campuses is that they never look at community organizing pragmatically. They have a lot to offer but they get derailed by philosophy."

that he had better get some new informers.

VF What measures did you take to organize the crowd?

Baca We had organized 125 monitors. On the night of the march, they met while the community met. At seven p.m., before the march began, I pointed out that the community had mandated a non-violent peaceful demonstration. I had instructed the monitors that if anyone got out of line, to treat them as a paid provocateur.

VF What was the mood of the crowd?

Baca The community wanted to see things resolved. They wanted some respect and some answers. They wanted something to be done so that this sort of thing would stop.

VF What happened at the march?

Baca On October 29, we met at St. Anthony's Hall and marched to city hall passing the scene where Tato had been shot. There were no incidents. We had a non-violent, peaceful demonstration.

VF What happened once you got to city hall?

Baca I went into the council chambers and presented the 2000 signatures that we had collected on the petitions. I pointed out that the community not only requested that the council act on the four original demands, but that they also release the police officer's name and immediately suspend him without pay. The council responded that they were completely satisfied with the investigation that was then

There was massive political pressure on the DA. I should point out that the DA is an elected official. There was a possibility of an outside agency coming in and conducting an investigation — the job that the DA was supposed to do. The DA's actions were principally motivated out of political considerations. He acted to save his political position rather than out of any sense of justice or respect for the judicial system.

VF What was your reaction to the indictments?

Baca Before the indictment there was a lull. Some people thought that, "Gee, the system really works. Justice is being pursued by those agencies entrusted to do so." We called a press conference on November 3, 1975. We pointed out that the actions of the Grand Jury were shameful and unacceptable to us of the AHC.

Their action was a reflection of the discriminatory selection process by which jurors are chosen, and proved that the Grand Jury is not representative of the general population. This is especially true of the Chicano and Latino populations. Only five persons of Mexican ancestry have been chosen to serve on that body in the last 104 years.

VF Were you also critical of the DA?

Baca The DA's indictment of a charge of manslaughter, even though a move in the right direction, was inadequate. With the allegations being made

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Tato Rivera Killing

por Chato Paz

A National City officer shot and killed a youth approximately six blocks from a reported purse snatching that took place at about 1 am of last October 12. The victim, Luis "Tato" Rivera, age 20, was dead on arrival at Paradise Valley Hospital.

National City Police Track Record

"Trigger-happy police can represent as much of a danger to society as trigger-happy criminals." The preceding quotation is from an editorial concerning the shooting of a fifteen-year-old boy by a National City policeman. The youth's crime was running away from the scene of an auto accident where he wasn't even the driver. The policeman who severely wounded him in clear violation of police department regulations, got off scot-free. The then police chief suspended him, but the City's Civil Service Commission and the City Council reinstated the officer with back pay.

After all this, how could a policeman do anything wrong?? This was the fourth time in three years that National City police had been involved in incidents of this sort; and only once with any clear justification.

Later, in a fifth case, National City councilman Luther Reid, acting as a reserve policeman, shot and killed another youth, also unarmed. Presumably, while grappling with the young boy, the gun went off accidentally.

The Luis Rivera incident is the sixth case. A witness said that no more than three seconds elapsed between the time the policeman yelled "Freeze" and the time he shot unarmed Rivera in the back. Afterwards, the officers involved stated "no this is not him," according to witnesses. The point is that no policeman should be permitted to take potshots at people unless there is clear and present danger to the officer or others. Every police department in the nation has these rules on paper; to allow anything else is to give policemen a license to kill. "A slight pressure on the trigger and a policeman

becomes judge, jury, and executioner. The fleeing felon should be given an opportunity to stop or surrender." These words come from the National City Police Department Fire Arms Guide and the Use of Weapons Policy. This manual was at first kept from the media since "withholding information" is apparently the rule rather than the exception with police departments.

Last October, 350 persons crowded St. Anthony's Parish Hall to endorse the actions proposed by the **Ad Hoc Committee on Chicano Rights**. The committee represents several San Diego County Chicano organizations. The group organized a march that went from the parish to the city hall to present the following demands:

1) The firing of John Liesman, the police chief, and of Craig Short the accused officer; 2) a county grand jury investigation into the slaying;

3) a federal civil rights commission investigation into the conduct of the police department;

4) an independent citizen's investigative committee to check into Rivera's death

Not The First Time

"One of the things I think would go a long way to clearing up this tragic incident is to have the grand jury investigate," said Herman Baca, community spokesman. "A lot of people know this is not the first time police have acted irresponsibly." The evening of October 28 about 1600 people protesting the police slaying of Luis Rivera, were led by the victim's parents and their remaining five children to the National City Civic Center and threatened to initiate a recall campaign against the entire City Council.

The recall is seen as an effort to place in office people responsive to the demands of the Ad Hoc Committee on Chicano Rights and the improvement of relations between city officials and the Chicano community.

Baca, chairperson of the committee, called for an investigation into the "com-

petency and impartiality" of the judge who exonerated patrolman Short in the fatal shooting of Rivera. Baca also told a news conference that his group will continue with a "do or die" effort to recall three of five members of the city council. His comments came in the wake of a decision by Municipal Court Judge T. Bruce Iredale that officer Short should not stand trial for the slaying.

"First and foremost let me stress that it (the decision) came as no surprise to us of the Chicano community," Baca said. "The only surprise was that it took so long. It can't come as a surprise that in the last 125 years, no policeman has ever been convicted of killing a Chicano."

Signatures Equal Recall

A "post-Christmas present" is planned for the City Council by the Ad Hoc Committee. The Committee has already gathered more than the required 1750 signatures of registered voters needed to qualify a recall election against Mayor Kile Morgan, Vice Mayor Michael Dalla and Councilman Joe Reid.

Recall is being waged against them for their insensitivity to the needs of National City's minority populations, and alleged misuse of federal funds. Officer Short's actions and the inaction of the city council, according to Herman Baca, typifies the racist attitude that exists towards the city's minority groups.

In order for the Ad Hoc Committee on Chicano Rights to carry out the demands of the community, they need individual and organizational support, volunteers and financial assistance. Only you and you alone can assure that justice will be done and that arbitrary killings of this sort will cease.

YOU CAN HELP

Send all letters of support and financial contributions to:

**Ad Hoc Committee
on Chicano Rights
1837 Highland Ave.
National City, CA 92050
(714) 477-3800**

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continued from page 3

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10-14-72

Policeman In Shooting Still On Duty

By JON FUNABIKI

The National City police officer who shot and killed a young purse-snatch suspect early Sunday will remain on duty while a department investigation continues.

Meanwhile, funeral services for the victim, Luis Robert Rivera, 20, will be held tomorrow at the same church where the theft first was reported.

Detective Lt. Milton Hunter said yesterday the officer in question will remain on duty during the investigation. His identity will be withheld because, "we have received threats on the telephone in reference to the officer," Hunter said.

"He is still on duty, he is not suspended. At this time, we see no reason for a suspension," Hunter said.

Asst. Police Chief Clifford Reed said no information on the department's investigation will be released and that the results will be turned over to Dist. Atty. Ed Miller's office.

Meanwhile, the victim's father, Jesus Rivera, 46, of 728 E. Fourth St., maintained yesterday his son was not involved.

"According to witnesses, he did not have the purses," said Rivera. "The only thing they have found on him was a necklace around his neck and some change, 94 or 97 cents."

The elder Rivera said his
(Continued On B-4, Col. 1)

Officer In Slaying Still On Duty

(Continued from Page B-1) son had complained before of harassment by police officers and said he wanted the county grand jury to investigate the shooting.

PARENT CRYING

"They got the wrong guy, there has to be an investigation," Rivera said. "If they kill your son, you have to be angry. The way he was killed, you have to be angry."

Rivera said his son was unemployed and lived with his parents, but was looking for a job and planned to get married.

Authorities earlier reported Rivera was shot in the back in the 200 block of W. 13th Street. Police said he fled when confronted by officers investigating the purse-snatching report originating from St. Anthony's Catholic Church social hall at 18th Street and Harding Avenue, about six blocks away, where a private party was being held.

Police said Rivera contin-

ued to flee after being shot, but was overtaken around the corner in the 1300 block of Coolidge Avenue.

BULLET'S PATH

The bullet entered the upper right portion of the victim's back, went through the body and lodged in a wall of a house at 224 W. 13th St., the county coroner's office said.

The events took place beginning about 1 a.m. Sunday.

Residents in the area said they heard a police officer shout a warning of "Freeze!" and then heard the gunshot seconds later.

"I heard him — I took it to be a policeman — shout 'Freeze!'" said Mrs. Mary Shafford of 235 W. 13th St. "Then a few seconds later I heard a gunshot."

TIME LAPSE

Mrs. Linda Pruitte of 1310 Coolidge Ave., across the street where Rivera collapsed to the sidewalk, said the time lapse between the warning and the gunshot was "three or four seconds, five at the longest."

"I heard the command of 'Freeze!' and immediately the shot," said John Harper of 1320 Coolidge Ave. "It was almost instantaneous."

Harper said he heard two men report to police after they looked at the body across the street from his home.

"Two male Mexicans came from the other direction and were told by the police officer to view the downed person," Harper said. "The two male Mexicans then said, 'No, this is

not him. He was taller and skinnier."

Asst. Chief Reed declined to comment on Harper's account of the comments of the two unidentified men and said, "I don't have any information to that effect. I haven't gone through all the reports."

Reed also refused to comment on the question of whether sufficient warning was given before the shot was fired.

Reed said police are refusing to discuss the investigation in order not to prejudice the case.

Harper said he knew the victim when he lived across the street.

The elder Rivera said the family lived at 1313 Coolidge Ave. about seven or eight years ago. The address now is a vacant lot and is within feet of the location where young Rivera collapsed.

PURSES RETRIEVED

Mr. and Mrs. Charles Herrera of 218 W. 13th St. said after the shooting they saw police retrieve two women's purses from the front lawn of a house at 208 W. 13th St., next door.

The church social hall was being rented for a private birthday party.

"Somebody saw a man in the kitchen," said one woman attending the party. "He was in there eating. All of a sudden he grabbed two purses and ran out."

Meanwhile, funeral arrangements were announced for Rivera.

Rosary will be recited at 8

p.m. today in Berge-Roberts Mortuary, 607 National Ave. Mass will be said at 9 a.m. tomorrow at St. Anthony's Catholic Church, followed by burial at Holy Cross Cemetery.

Rivera was born in Puerto Rico and came to the United States in 1958 with his family and attended National City Junior High School and Continuation School.

Besides his parents, he is survived by a brother, Rafael; four sisters, Mayra, Lourdes, Myrna and Wanda, all of the home; his maternal grandmother, Mrs. Carmen Cobian of National City, and his paternal grandmother.

10-15-75

By JON FUNABIKI

The firing of National City Police Chief John F. Liesman was demanded last night by 300 persons attending a community protest meeting in the wake of the death of a 20-year-old purse-snatch suspect.

Demands for investigations by the county grand jury, the U.S. Civil Rights Commission and an independent citizens' panel also were made at the meeting called by the Ad Hoc Committee on Chicano Rights, an activist coalition of Chicano community organizations.

Spokesmen for the group were later told at a City Council meeting by Mayor Kille Morgan that a report in the case was being studied by the district attorney's office. Morgan indicated he expected a grand jury investigation would follow.

EARLIER MEETING

The earlier meeting took place in the social hall of the St. Anthony's Roman Catholic Church in National City, where the theft leading to the slaying was originally reported.

"We demand the chief of police be fired immediately," said Jesse Ramirez, former executive director of the Chicano Federation.

Several Chicano community leaders, the victim's father and the victim's fiance attended the meeting.

Meanwhile yesterday, the National City Police Department turned over to the district attorney's office 100 pages of investigative reports on the slaying.

REVIEW ASKED

"They were here and presented the results of their investigation and asked us to review it," said Asst. Dist. Atty. William Kennedy. "Other than that I am not going to comment on it."

The controversy surrounds the shooting early Sunday of Luis Robert Rivera, 20, the

son of Mr. and Mrs. J. Rivera of 728 E. Fourth National City.

Rivera was shot in the back with a .357 magnum revolver as he fled in the 200 block of W. 13th Street when stopped for questioning by police investigating reports of the theft of two purses during a private party at the church social hall.

Police have refused to identify the officer firing the gun. The officer in question remains on duty.

MANY CALLS

Herman Baca, chairman of the Ad Hoc Committee on Chicano Rights, said the meeting was called only after the Rivera family consented to it and his group received "hundreds of telephone calls" complaining about the slaying.

The demands for addition-

(Continued on B-4, Col. 1)



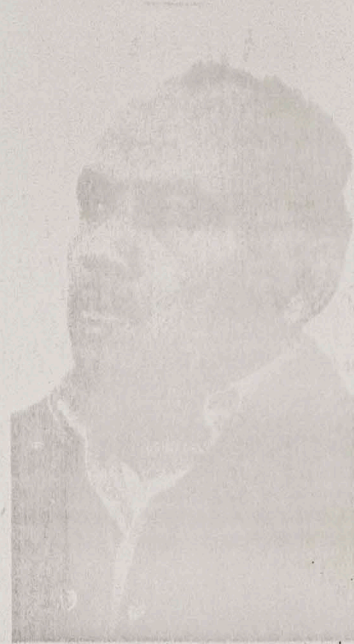
LINDA ARAGON
... victim's fiancée



HERMAN BACA
... chairs Chicano panel



JESSE RAMIREZ
... demands ouster



JESUS RIVERA
... wants to see justice

Chief's Ouster Demanded

(Continued from Page B-1) al investigations by the new agencies and the firing of the police chief were endorsed by the crowd, either by a show of hands or heavy applause.

This came after several representatives of Chicano organizations and persons in the crowd spoke.

The slain Rivera was born in Puerto Rico. Baca, asked whether Rivera was considered a Chicano, replied that "this is not a racial issue, but a human rights issue."

'NOT FIRST TIME'

"One of the things I think would go a long way to clearing up this tragic incident is to have the grand jury investigate it," Baca told the crowd. "A lot of people know this is not the first time police have acted irresponsibly."

The elder Rivera addressed the crowd briefly at the end of the 1½-hour meeting, thanking the people for attending.

Earlier, the father told a reporter he wanted to see "justice."

"Something has to be done about the kind of killings they are doing here," Rivera said. "This week it was my son. Next week it will be me or you or him — anyone in the community."

Rivera said the victim's mother, Maria, 46, was too upset to attend the community meeting. Rivera departed after the meeting to Berg-Roberts Mortuary where the Rosary was to be recited for the slain youth. Mass will be said at 9 a.m. today at St. Anthony's Roman Catholic Church, followed by burial at Holy Cross Cemetery.

VICTIM'S FIANCEE

The victim's fiancée, 19-year-old Linda Aragon of 2422 M Ave., told the crowd she wanted to see something done.

"Pretty soon they're going to get you, too," she said. "Don't talk, do something."

"I'm not asking you to risk your lives. But just do something about it," she said. "I don't want anybody to die."

HARASSMENT TOLD

Miss Aragon and a friend of the victim, Eddie Perez, 24, of 2134 B Ave., said the young Rivera had been harassed by police officers in the past.

"They've told me, 'I'm going to get you, I'm going to get Tato,'" said Perez. "Honest, they've told me this."

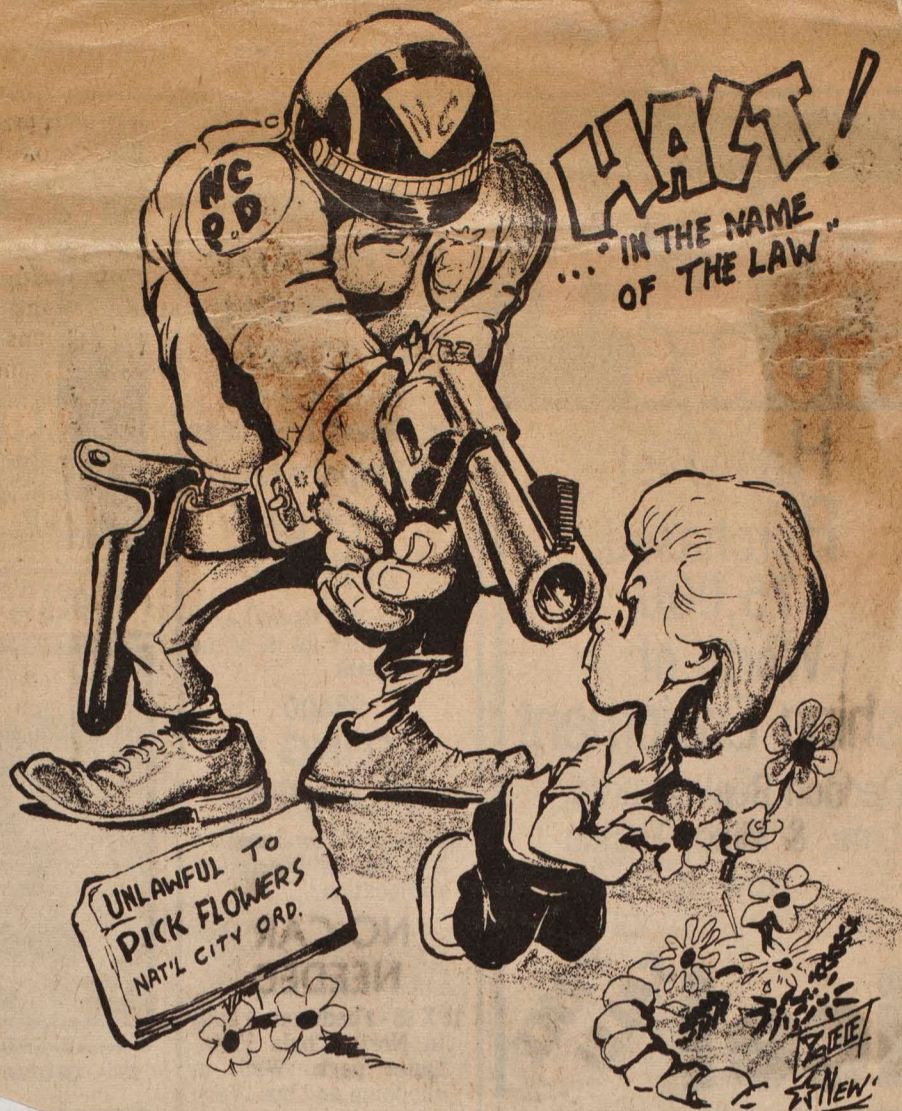
Tato was the nickname of

the young Rivera.

No representatives of Morgan's office or the Police Department responded when Baca asked whether any were present.

When the meeting broke up, about 100 persons went on to the civic center where the City Council meeting was in progress.

A representative told the council the group was demanding the firing of Liesman and the suspension of the unidentified officer who shot Rivera.



NEXT?

D-12 — THE STAR-NEWS — Thursday, October 16, 1975

Editorial

Slight case of murder?

"Trigger-happy police can represent as much of a danger to society as trigger-happy criminals."

— Star-News editorial
June 17, 1971

The above quotation is from an editorial about the shooting of a 15-year-old boy by a National City policeman. The child's "crime" was running away from the scene of an auto accident where he wasn't even the driver.

The police who severely wounded him—in clear violation of the rules of the National City police department—got off scot free. The then police chief suspended him, but the National City Civil Service Commission and City Council reinstated the policeman with back pay.

After all, how could a policeman do anything wrong?

THAT WAS the fourth time in three years that National City police had shot people, only once (when a robber brandished a shotgun) with any clear justification. Earlier, a National City policeman shot a burglary suspect who was crouching, unarmed, in an alley garage.

Before that, another National City policeman had shot a 20-year-old marijuana suspect, also unarmed, who simply panicked and ran away when the cop busted into his house.

Later, in a fifth case, National City Councilman Luther Reid, acting as a reserve policeman, shot and killed another youth, also unarmed, when Reid's gun went off—accidentally, it was contended—while he was grappling with the young drug suspect.

In all five cases, the National City policemen who shot these people suffered no punishment. After all, we said before, how could a policeman do anything wrong?

WELL, we now have a sixth case. On Sunday, in broad daylight, a National City policeman shot to death another young man. Twenty-year-old Luis Rivera was running down the street; the policeman had heard that a youth fitting his description had grabbed a couple of purses at a birthday party at St. Anthony's Catholic Church six blocks away. The policeman shouted freeze." The youth kept running. The

7
ice pulled out his .357 magnum revolver — described as a portable cannon — and shot Luis to death.

A witness said that no more than three to five seconds elapsed between the time the policeman cried "freeze" and the time he fired the shot.

But that is incidental. So is the question of whether or not Luis took the purses (and there's considerable doubt even whether he was the culprit).

The fact is that no policeman should be permitted to take potshots at people unless there is a clear and present danger to the policeman or others — i.e., unless the suspect is armed or at least has a record of violent crimes.

Every police department in the nation — even National City's — has these rules on paper; to allow anything else is to give policemen a hunting license to kill.

NATIONAL CITY Police Chief John Liesman has behaved very

curiously in this matter. The policeman's name has not yet been revealed ("to protect him from retribution," it is said).

He has not even been suspended — even though he violated his department's rules, which prohibit the use of firearms in misdemeanor cases, which prohibit the firing of "warning" shots, which prohibit the shooting of non-violent suspects, and which prohibit the carrying even of the deadly .357 magnum revolver except under special circumstances.

But, then, we shouldn't be surprised that the police chief has behaved so curiously. For this is a very curious department.

It is a department which, Mexican-Americans in particular have complained, long has harassed citizens; indeed, a friend of the murdered Luis says that police officers in the past had threatened to "get Tato," (Luis' nickname), even though Luis, as far as is known, had had no police record or major behavioral problems.

IT IS a department which, it appears clear, has very few internal controls on its men.

It is a department known for its "screen test" — a torture method whereby suspects who are not obsequious to the police are handcuffed behind a mesh screen in the rear seat of a patrol car, then given a "ride" down a deserted street. The patrolman suddenly slams on the brakes — and the suspect's face is mashed against the screen.

It is also a department in which sensitive records are kept from the press. For example, the Reid case was hushed up by police, and also the case of another councilman who was accused of beating a neighbor. Just this week, the department refused to open to the press its record of other cases in which National City policemen had shot citizens.

Finally, it a department which, for seven years, has permitted its officers to go around shooting people with impunity. No wonder, under such circumstances, Luis Rivera, who was engaged to be married soon, is now dead.

THE POLICE CHIEF, Mr. Liesman, has been with that department more than two decades; when the former chief resigned, the City Council refused to look elsewhere for the best man for the job, but simply elevated Liesman to the post. Thus the department has remained ingrown, apparently primarily concerned with protecting its own people, even when they commit the foulest of deeds, rather than seeing its role as one of upholding justice, let the chips fall where they may.

The district attorney's office is now studying the slaying of Luis Rivera, and it's likely the case will go to the grand jury. Ultimately, the officer who committed this deed may suffer some punishment. But the responsibility for his act goes beyond him; it lies in the history and attitudes of the National City Council and police department.

At a community meeting Tuesday night, some 300 persons demanded the firing of Chief Liesman. It is a proposal to which the City Council and city manager should give serious consideration.



SOUTHWEST CONSULTANTS & RESEARCH ASSOCIATES

AN AFFILIATE OF MANAGEMENT TRAINING TEAMS INC.

2727 Camino Del Rio, South, Suite 220
P.O. BOX 16126
San Diego, CA. 92116
(714) 298-2767

Oct. 21, 1975
San Diego, Calif.

Assemblyman Wadie Deddeh
State Capitol
Sacramento Calif., 95814

Dear Mr. Deddeh;

A matter of grave concern to the Mexican American population of San Diego county has arisen. Wadie, I would ask that your offices utilize its significant influences to assist in bringing a just solution to this issue. I refer to what appears to be an extreme example of un-controlled police actions, within the environs of National City, in the wanton shooting of Louis Rivera. As you are probably aware this young man was killed by a National City police man under conditions which appear to reflect a total disregard for human life--in particular a Chicano life.

Once again it appears that the very same institution which was created for the protection of the citizenry has in fact become its nemesis. My people walk in fear, not of the lawless element, but rather of the very same "protectors" of their person--the police. I ask your assistance in helping us to bring sanity back into the so-called institution of law and order. We can not continue to allow our institutions to exist beyond the control of the citizenry which created them in the first place.

Specifically Wadie, I would ask of you to make known your personal interest in this matter to Mayor Kyle Morgan, the San Diego County District Attorney, the County Grand Jury and any other individuals or concerns that might assist in breaking this matter out into the open. The many concerned citizens of San Diego County want justice in this matter not privilege. We want the truth to be publicly known. In-house investigations by the police are notorious in their inability to ever discover wrong doing in their own members. We want the general public to know who this man is that is being protected by the police department. This man who kills behind the protection of the badge. We want a County Grand Jury investigation. Because there is a lack of Chicano representation on County Grand Juries, we ask for an independent citizens review committee on the National City police department. We ask that, instead of rewarding this apparent murder by placing him on leave with pay, he immediately be suspended without pay pending the outcome of the due process of law. Further, we are asking that the Police Chief be immediately removed for allowing and permitting his men to arm themselves with .357 magnum bullets. The people of National City are human beings not elephants to be murdered for a "supposed" suspicion of committing a misdemeanor. Making it permissible behavior of his men to shot to kill for even the slightest infraction indicates that the chief is totally incapable of dealing with the people of National City.



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-2-

We ask these things of you Wadie because we have been unable to receive any frank answers from the elected officials of the City. The Mayor and his Council (except Councilman Comache) are totaly failing in their responsibility in this matter. The repercussions from this act may affect all of us without prompt action. The Mexican American community is not going to allow itself to be murdered at will by an uncontrolled white police force. Those days are past. We demand or request our just rights as citizens.

Thank you in advance for any and all actions that you may take in this matter.

Warm Regards

Daniel L. Munoz

Daniel L. Munoz
5035 Ensign St.
San Diego, Calif. 92117
(714) 276-5603



San Diego County

Human Relations Commission

3730 FIFTH AVENUE • SAN DIEGO, CA 92103 • PHONE (714) 299-2840

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- MICHAEL G. KEMP
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- ROBERT R. LOPEZ
DIR. OF COMMUNITY AFFAIRS
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SAN DIEGO
- SHUFORD SWIFT
SAN DIEGO
- LOUISE TANNHEIMER
SAN MARCOS
- SALLY VAOVASA
SAN DIEGO
- JIMMY A. WILKINS
CONFIDENTIAL ASS'T
SHERIFF'S DEPT.
COUNTY OF SAN DIEGO

October 30, 1975

Mr. Herman Baca, Chairman
Ad Hoc Committee on Chicano Rights
1837 Highland Avenue
National City, CA 92050

Dear Mr. Baca:

The San Diego County Human Relations Commission is seriously concerned over the circumstances surrounding the tragic death of Mr. Luis Roberto Rivera in an incident which is currently under investigation by the District Attorney and the Grand Jury. Because this Commission has been mandated to look into serious incidences generating community unrest and tension, the Commission's Executive Committee will discuss this matter at their meeting on November 5, 1975, at 6:00 p.m., and you are invited to make your presentation which will then allow the Commission to have direct access to members of the community in formulating its decision concerning this serious matter.

In the meantime, we have responded to your request, and observers were present at the protest march and picket on Tuesday, October 28, 1975. We are gratified that the march was responsibly and peacefully held in your attempt to bring your grievances to the City Council.

We look forward to hearing from you directly at our next Executive Committee meeting on Wednesday, November 5, 1975, at 6:00 p.m.

Cordially,

Betty Pengelley

BETTY PENGELLEY
Chair of the Board

BP:ew

- cc: Albert Puente - Ad Hoc Committee on Chicano Rights
- Albert Garcia - Ad Hoc Committee on Chicano Rights
- Pete Rios - Ad Hoc Committee on Chicano Rights
- Jesse Macias
- Jesse Ramirez

*EXECUTIVE COMMITTEE MEMBERS

EXECUTIVE DIRECTOR
JAMES S. FUKUMOTO

Council Recall Bid Hinted In Slaying

By JON FUNABIKI

About 1,500 demonstrators protesting the police slaying of young Robert Luis Rivera marched to the National City Civic Center last night and threatened to start a recall campaign against the entire City Council.

Herman Baca, chairman of the Ad Hoc Committee On Chicano Rights, organizers of the march, told the councilmen the move was because of their inaction in the 16-day controversy.

"Your action has bordered on total irresponsibility," Baca told the council. "We accuse you of negligence of your constituted duties. You have shown no leadership, you have passed the buck."

The recall threat was voiced after Mayor Kile Morgan and Councilmen Michael R. Dalla, Ralph A. Pinson, J. Louis Camacho and Luther G. Reid indicated they had no comment on a list of demands submitted by the group.

Petitions were turned over to Morgan demanding the identity and suspension of the police officer who shot the 20-year-old Rivera in the back during a purse-snatch

investigation Oct. 12 and the appointment of a fact-finding citizens panel. Baca said 2,000 signatures were collected.

While representatives of the protesters met with the council to voice their demands, the remaining demonstrators, some carrying signs and banners, massed outside in the parking lot, which had been cleared of cars. Loudspeakers were set up to allow the crowd to hear the council meeting.

The appearance before the council followed a noisy but nonviolent nine-block march from St. Anthony's Catholic Church where a meeting was held in the social hall. About 400 crowded into the hall and endorsed by a show of hands the proposal for a recall movement if the council failed to meet their demands.

"They (the City Council) have told the police, 'If you want to get a vacation, shoot a Mexican,'" Baca told the gathering. The police officer firing the shot has been placed on paid leave pending investigations.

San Diego Union
10-31-75

National City Death Probe Nears End

The county grand jury is expected to conclude its investigation today into the death of Robert Luis Rivera, 20, of National City.

During an all-day opening session yesterday, the panel heard testimony from more than a dozen witnesses including the parents of the dead man.

Rivera was shot in the back by a still unidentified National City police officer during a purse-snatching investigation the night of Oct. 12.

Several National City police officers also appeared before the grand jury yesterday. Richard Huffman, the chief deputy district attorney who is presenting the case to the panel, would not disclose whether the officer in question was among those who appeared.

The officer remains on paid leave from the force.

Huffman determined in his two-week investigation of the incident that possible criminal responsibility of the officer does exist.

Also submitted for review by the panel were tapes of radio messages recorded by the National City police the night of the purse-snatching incident and shooting.

Police Chief John F. Liesman, whose ouster community groups have demanded because of the incident, was not among those testifying yesterday.

Manslaughter Charged In S. Bay Police Slaying

D.A. Acts After Jury Declines To Indict

By MITCH HIMAKA

Dist. Atty. Ed Miller's office yesterday filed a criminal manslaughter complaint against a National City policeman involved in the fatal shooting of a purse snatch suspect.

The action came after the county grand jury declined to indict the officer, Craig Short, 29, who has been with the department 20 months.

National City Police Chief John F. Liesman immediately suspended Short without pay pending disposition of the criminal charge.

Miller said Short is expected to surrender to authorities Monday for a 2 p.m. arraignment in Municipal Court.

Short is accused of killing Robert Luis Rivera, 20, of 728 E. Fourth St., National City, Oct. 12, following a purse snatch report.

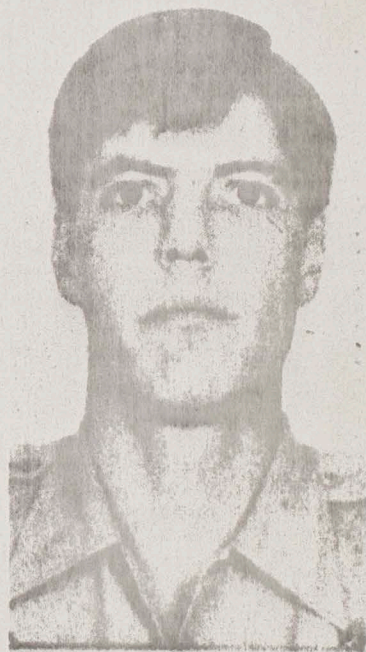
COULD FACE PRISON

If convicted, Short could be sentenced to up to 15 years in state prison, Miller said.

The coroner's office said Rivera had been shot once in the back with a .357 magnum revolver.

Miller declined to comment on the grand jury's failure to indict Short after a three-week investigation.

Chief Deputy Dist. Atty. Richard Huffman, who presented the evidence to the grand jury, said 21 witnesses, including Short, testified.



CRAIG SHORT
...officer suspended

11-1-75
S.O. Union

PARENTS NOT CALLED

The parents of the victim, Mr. and Mrs. Jesus Rivera, were not among those witnesses as reported Thursday by a district attorney's spokesman.

The shooting of Rivera was the second in 10 months in which Short was involved, according to records.

Records show that Short was involved in the Jan. 29 fatal shooting of Alan Dale Johnson, 29, of 235 B St., National City, when he responded to a family disturbance call.

National City investigators reported then that Short and two other officers went to the Johnson home and were admitted to find Johnson armed with a shotgun.

They said Johnson allegedly aimed the weapon at Short, who fired his pistol once, shooting Johnson in the chest.

Miller declined to discuss the first shooting incident.

'VERY HAPPY'

"I'm very happy over the action taken by the district attorney," Jesus Rivera, the victim's father, said after he learned of the complaint.

"I hope they will get everything out into the open now and I hope justice will be served," he said. "If anything, I think the National City police will think twice before they shoot somebody again."

"We believe there are some exceedingly important legal and factual issues that have to be resolved," Miller said in announcing his action.

"After reviewing the case, we feel it can best be handled by court action."

NORMAL PROCEDURE

Miller said it was normal procedure in his office to take any case involving a public official, whether it involves a law enforcement officer or otherwise, to the county grand jury for investigation.

He said the decision to file the complaint was based on his office's independent analysis of the case.

Miller said there will be no grand jury report of the investigation as the proceedings were secret.

Huffman declined to discuss what evidence was presented to the grand jury but said that the initial reporting of the purse snatch and the report of the fatal shooting covered a period of less than three minutes.

He said the initial report of the purse snatch outside St. Anthony's Roman Catholic Church recreation hall at 18th Street and Harding Avenue, National City, was received by the National City police at 10 seconds after 1:01 a.m. Oct. 12.

REPORTED BY GIRL

The purse snatch was reported by Margarita Torres, 14, of Imperial Beach, whose mother, Maria Torres, had rented the hall.

Huffman said the girl reported the purses belonged to her sister and a cousin.

He said the police dispatcher broadcast an "all units" radio call at 20 sec-

(Continued On B-4, Col. 1)

Policeman Charged In Slaying

(Continued from Page B-1)

onds after 1:02 a.m. for them to go to St. Anthony's hall where "a 211 (robbery) purse snatch" had occurred.

Huffman declined to say whether a description of the purse snatch suspect was broadcast, saying that point was an important issue in the case.

He said the report of the fatal shooting was broadcast at 40 seconds after 1:04 a.m., seven blocks from St. Anthony's hall.

Following the shooting incident, National City police issued a release which said:

"Units were dispatched with information that a male suspect was being pursued by an unknown person or persons from the scene of the crime.

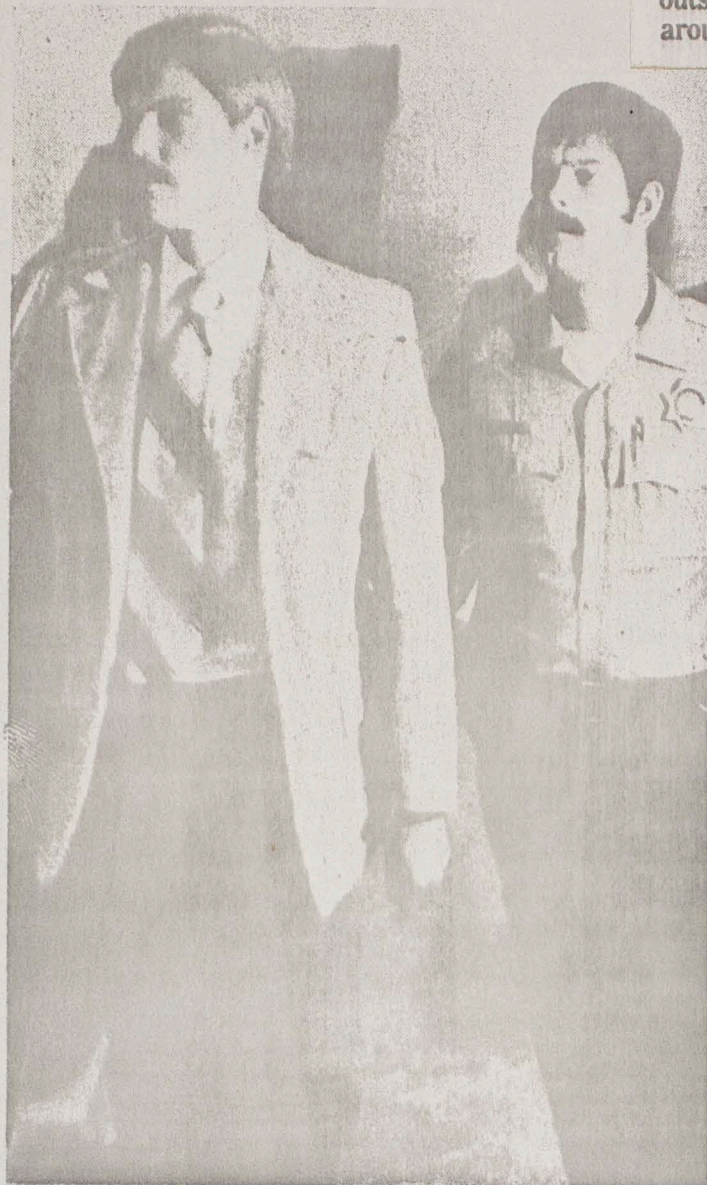
"One of the assigned units observed a suspect matching the description a short distance from the scene. When confronted by officers, the suspect fled and one shot was fired at the fleeing suspect.

"The suspect continued running with officers in pursuit. The suspect was overtaken on the sidewalk in a prone position. The suspect was immediately transported to Paradise Valley Hospital, whereupon he was pronounced dead."

Residents in the area of the shooting said they heard a voice shout, "Freeze!" and a gunshot was heard seconds later.

Authorities recovered the bullet, which entered the right upper portion of Rivera's back, went through the body and lodged in a wall of a house at 224 W. 13th St.

A group of off-duty National City policemen gathered outside the courtroom before Short's arrival. Some grouped around the officer as he left the courtroom and walked with him along the corridor.



— Staff Photo by Joe Flynn

National City policeman Craig Short, left, accompanied by sheriff's deputy Richard Alleman, heads for felony arraignment court where he pleaded innocent to a manslaughter charge in the Oct. 12 fatal shooting of Robert Luis Rivera.

Policeman Pleads Innocent In Killing

Craig Short, the National City policeman involved in the fatal shooting of a purse snatching suspect, pleaded innocent yesterday to a manslaughter charge.

Short, 29, was arraigned before Municipal Court Judge George G. Crawford who scheduled a Dec. 1 preliminary hearing and allowed the officer to remain free on his own recognizance.

Dist. Atty. Edwin L. Miller's office filed the manslaughter charge against the officer after the county grand jury declined to indict him following two days of testimony.

Short, who has been suspended without pay, is charged in connection with the Oct. 12 shooting of Robert Luis Rivera, 20, of 728 E. Fourth St., National City.

The incident followed a report to police of a strong-arm robbery (purse snatch) at St. Anthony's Catholic Church recreation hall, 18th Street and Harding Avenue.

The coroner's office reported earlier that "the decedent (Rivera) was running from the area when he was challenged by a National City policeman . . . He didn't stop. The policeman fired and hit him in the back."

Deputy Dist. Atty. John Massucco asked that bail be set at \$2,000 because of the seriousness of the charge.

Crawford declined after Thomas R. Waddell, Short's attorney, said Short had surrendered voluntarily and has lived in the area for years.

Short served six years in the Navy after he was graduated from Glendale High School in Glendale, Calif., then obtained a bachelor's degree in history at Portland State University in Oregon. He joined the National City Police Department 20 months ago after receiving his degree.

MECHA

MOVIMIENTO ESTUDIANTIL CHICANO DE AZTLAN

SAN DIEGO STATE UNIVERSITY
AZTEC CENTER
5402 COLLEGE AVENUE
SAN DIEGO, CALIFORNIA 92115
(714) 286-6541

November 6, 1975

Estimados Carnales y Carnaladas,

I am writing in behalf of M.E.Ch.A. San Diego State University. The purpose of this letter is to inform you that M.E.Ch.A. is doing everything possible to help the Ad Hoc Committee on Chicano Rights bring justice to the Chicano community. I would appreciate that you contact us on whatever ways we at M.E.Ch.A. can be of service to you concerning this incident and others.

The attached is a resolution that was introduced by M.E.Ch.A. to the Associated Students Council of San Diego State University and passed. We at M.E.Ch.A. hope that this will give you moral support.

San Diego State University M.E.Ch.A. will continue to fight for the justice of Chicanos.

No Nos Moveran,

Juan Cruz

Juan Cruz
M.E.Ch.A. Rep. to A.S. Council
M.E.Ch.A.
San Diego State University

MECHA

MOVIMIENTO ESTUDIANTIL CHICANO DE AZTLAN

SAN DIEGO STATE UNIVERSITY
AZTEC CENTER
5402 COLLEGE AVENUE
SAN DIEGO, CALIFORNIA 92115
(714) 286-6541

RESOLUTION

October 21, 1975

Author: Juan Cruz (M.E.Ch.A.)

Co-Author: Victoria Montoya

Whereas, the police officer seemed to have acted in an unjustified manner, and

Whereas, the National City Chief of Police, John F. Liesman did not prosecute the police officer accordingly, and

Whereas, the city council has refused to release any further information concerning this tragic incident, and

Whereas, a suspect being unarmed and who reportedly refused to "freeze" does not justify the police officer's shooting of a suspect

Therefore, be it resolved that the A.S. Council endorse the following demands made by a community meeting sponsored by the Ad Hoc Committee on Chicano Rights and attended by over 500 persons who unanimously approved the following demands:

1. Establishment of independent citizen investigation committee
2. A grand jury investigation
3. Federal Civil Rights Commission Investigation
4. The firing of the National City Chief of Police, John F. Liesman
5. Endorse the Recall of City Council



THE CITY OF NATIONAL CITY

1243 NATIONAL AVENUE
NATIONAL CITY, CALIFORNIA 92050
Telephone: 477-1181 Area Code: 714

KILE MORGAN
MAYOR

November 10, 1975

Herman Baca, Chairman
Ad Hoc Committee on Chicano Rights
1837 Highland Avenue
National City, CA 92050

Dear Mr. Baca:

I have been seriously considering setting up a Human Relations Commission in National City and am seeking ideas and opinions regarding the feasibility and/or value of such a committee. I need your comments and suggestions, either verbal or written, and will meet with you to discuss this further at your convenience. Consider also, whether or not your organization would appoint one of its members as a representative to such a committee.

This committee would solicit members from the following local organizations: Filipino-American Club, Chamber of Commerce, Ministerial Association, Police Department, Community Action Council, Sweetwater Unified School District, National School District, Ad Hoc Committee on Chicano Rights, MAAC, and the Chicano Athletic Association as a youth representative along with four other members which I will appoint.

Please let me know if you think such a committee would be helpful in our community.

Sincerely,

KILE MORGAN
Mayor

KM/ev

HERMAN BADILLO
21ST DISTRICT
NEW YORK

319 CANNON HOUSE OFFICE BUILDING
WASHINGTON, D.C. 20515
(202) 225-4361

DISTRICT OFFICE:
840 GRAND CONCOURSE
BRONX, NEW YORK 10451
(212) 860-6200

11/17/75

COMMITTEE ON
THE JUDICIARY

SUBCOMMITTEES:
CIVIL AND CONSTITUTIONAL RIGHTS
COURTS, CIVIL LIBERTIES AND
THE ADMINISTRATION OF JUSTICE

Congress of the United States
House of Representatives
Washington, D.C. 20515

November 11, 1975

The Honorable Edward Levi
Attorney General of the United States
Department of Justice
Washington, D. C. 20535

Dear Mr. Levi:

On October 16, 1975 the Ad Hoc Committee on Chicano Rights, 1837 Highland Avenue, National City, California, requested that the Department of Justice investigate the circumstances surrounding the shooting of Mr. Luis Roberto Rivera. I have been in communication with the Ad Hoc Committee and I feel the request has merit. I would also like to encourage that you mobilize the resources of the Community Relations Service.

I would appreciate receiving a copy of your answer to the organization's letter of October 16, 1975. Thank you for your cooperation.

Sincerely,

Herman Badillo
Member of Congress

HB:rhm

HERMAN BADILLO
21ST DISTRICT
NEW YORK

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CIVIL AND CONSTITUTIONAL RIGHTS
COURTS, CIVIL LIBERTIES AND
THE ADMINISTRATION OF JUSTICE

Congress of the United States
House of Representatives
Washington, D.C. 20515

November 13, 1975

Mr. John Buggs
U.S. Commission on Civil Rights
1121 Vermont Avenue
Washington, D. C. 20425

Dear John:

Your Regional Office in California (Phil Montez) has been monitoring the investigation of the shooting of Mr. Luis Roberto Rivera by the National City Police. I have reviewed newspapers accounts of the shooting and have been in contact with local minority leaders about the situation. I believe an independent study by your organization is merited. There is serious doubt on the part of the local community that a thorough investigation will be performed.

I would appreciate an inquiry into this situation.

Sincerely,

Herman Badillo
Member of Congress

HB:rhm

HERMAN BADILLO
21ST DISTRICT
NEW YORK

319 CANNON HOUSE OFFICE BUILDING
WASHINGTON, D.C. 20515
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11/17/75

Congress of the United States
House of Representatives
Washington, D.C. 20515

COMMITTEE ON
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SUBCOMMITTEES:
CIVIL AND CONSTITUTIONAL RIGHTS
COURTS, CIVIL LIBERTIES AND
THE ADMINISTRATION OF JUSTICE

November 13, 1975

Honorable Edwin Miller
District Attorney
San Diego County Court House
220 West Broadway Avenue
San Diego, California 92101

Dear Mr. Miller:

I have been following the case involving the shooting death of Mr. Luis Roberto Rivera. I would appreciate a status report on the investigation. I have been contacted by representatives from the local minority community and I share their concern that a fair and thorough investigation of the matter be undertaken.

I appreciate your cooperation in this situation.

Sincerely,

Herman Badillo
Member of Congress

HB:rhm

HERMAN BADILLO
21ST DISTRICT
NEW YORK

319 CANNON HOUSE OFFICE BUILDING
WASHINGTON, D.C. 20515
(202) 225-4361

DISTRICT OFFICE:
840 GRAND CONCOURSE
BRONX, NEW YORK 10451
(212) 860-6200

per 11/17/75

Congress of the United States
House of Representatives
Washington, D.C. 20515

COMMITTEE ON
THE JUDICIARY

SUBCOMMITTEES:
CIVIL AND CONSTITUTIONAL RIGHTS
COURTS, CIVIL LIBERTIES AND
THE ADMINISTRATION OF JUSTICE

November 13, 1975

Honorable Kile Morgan
Mayor
City Hall
1243 National Avenue
National City, California 92050

Dear Mayor Morgan:

The shooting death of Mr. Luis Roberto Rivera has come to my attention. I am concerned that a thorough investigation into the matter be completed as soon as possible. I would appreciate a status report on the case.

Your cooperation is appreciated.

Sincerely,

Herman Badillo
Member of Congress

HB:rhm



San Diego County

Human Relations Commission

3730 FIFTH AVENUE • SAN DIEGO, CA 92103 • PHONE (714) 299-2840

11/15/75

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- JIMMY A. WILKINS
CONFIDENTIAL ASS'T
SHERIFF'S DEPT.
COUNTY OF SAN DIEGO

November 13, 1975

Mr. Herman Baca, Chairman
Ad Hoc Committee on Chicano Rights
1837 Highland Avenue
National City, California 92050

Dear Mr. Baca:

Enclosed please find a copy of the resolution unanimously adopted by the Executive Committee of the San Diego County Human Relations Commission at its meeting on November 5. At this meeting, Jess Macias of your Committee expressed some of the deep concerns and feelings of the National City community over the tragic death of Mr. Luis Rivera.

Other community leaders who voiced similar concerns included Vernon Yoshioka of the Union of Pan Asian Communities (UPAC), Wally Porter of the NAACP, and Dennis Hart of the National Conference of Christians and Jews (NCCJ) - San Diego Region.

The resolution specifically directs HRC staff to assist the community in presenting its grievances and to work with all sides to effect necessary reform and change. To this end, Al Alferos has been designated to head up HRC's effort on this matter. As you know, Al has kept abreast of the situation from the beginning and has been HRC's representative at the community meetings held to date.

I am hopeful some immediate and positive results will materialize from our combined efforts.

Cordially,

BETTY PENGELLEY
Chair of the Board

BP:bjn

Enclosure

*EXECUTIVE COMMITTEE MEMBERS

EXECUTIVE DIRECTOR
JAMES S. FUKUMOTO



San Diego County

Human Relations Commission

3730 FIFTH AVENUE • SAN DIEGO, CA 92103 • PHONE (714) 299-2840

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CONFIDENTIAL ASS'T
SHERIFF'S DEPT.
COUNTY OF SAN DIEGO

- *EXECUTIVE COMMITTEE MEMBERS
- EXECUTIVE DIRECTOR
JAMES S. FUKUMOTO

ON MOTION OF COMMISSIONER TETSUYO KASHIMA, SECONDED
BY COMMISSIONER ROBERTA HEYER, THE FOLLOWING RESOLUTION
IS ADOPTED:

WHEREAS, THE SAN DIEGO COUNTY HUMAN RELATIONS
COMMISSION IS SERIOUSLY CONCERNED OVER THE CIRCUMSTANCES
SURROUNDING THE TRAGIC AND FATAL SHOOTING OF MR. LUIS
ROBERTO RIVERA AND THE SUBSEQUENT LACK OF DISCLOSURE OF
THE FACTS CONCERNING THIS INCIDENT BY NATIONAL CITY
OFFICIALS WHICH HAS RESULTED IN COMMUNITY TENSION AND
UNREST, AND,

WHEREAS, CONCERNED COMMUNITY ORGANIZATIONS AND
CITIZENS PETITIONED REDRESS THROUGH THE CITY COUNCIL OF
NATIONAL CITY FOR DISCLOSURE OF THE RELEVANT FACTS
SURROUNDING THE TRAGIC INCIDENT AND HAVE RECEIVED NEITHER
COMMENTS IN EXPLANATION NOR A RESPONSE BY THEIR LOCAL
REPRESENTATIVES, THERE HAS BEEN A RESULTANT BREAKDOWN OF
FAITH IN THE GOVERNMENTAL SYSTEM; AND,

WHEREAS, GOOD HUMAN AND RACE RELATIONS, AS WELL AS
FAITH IN OUR GOVERNMENTAL PROCESSES ARE CRITICAL TO THE
PEACE AND SECURITY OF OUR COMMUNITY AND THE NEED FOR THE
ACCOUNTABILITY OF THE POLICE DEPARTMENT TO THE CITIZENS
IS ESSENTIAL TO THE CONFIDENCE PLACED IN PUBLIC AGENCIES,
AND,

WHEREAS, THE SAN DIEGO COUNTY HUMAN RELATIONS
COMMISSION IS CHARGED WITH THE RESPONSIBILITY TO INQUIRE
INTO INCIDENCES OF TENSION AND UNREST IN THE COMMUNITY
AND TO BRING ABOUT AMELIORATION OF CONFLICT AND TO
IMPROVE GOOD HUMAN AND RACE RELATIONS,

THEREFORE, BE IT RESOLVED THAT THIS COMMISSION OFFER ITS ASSISTANCE TO THE COMMUNITY AND CITIZENS OF NATIONAL CITY AND DIRECT THE STAFF TO ASSIST THE COMMUNITY IN REPRESENTING ITS GRIEVANCES TO ALL RELEVANT GOVERNMENTAL AGENCIES AND PUBLIC AND PRIVATE BODIES WHICH WILL BRING ABOUT AN IMPROVEMENT OF COMMUNITY-POLICE RELATIONS AND AMELIORATION OF THE CURRENT CONFLICT.

BE IT FURTHER RESOLVED THAT THIS COMMISSION WORK TOWARDS ACCOUNTABILITY OF THE POLICE DEPARTMENT IN THE DEVELOPMENT OF A CITIZENS COMPLAINT PROCESS TO ASSURE ACCESS AND EQUAL TREATMENT OF ALL CITIZENS AND TIMELY RESPONSES TO GRIEVANCES.

BE IT FURTHER RESOLVED THAT THE COMMISSION WORK WITH ALL SEGMENTS OF THE COMMUNITY AND PUBLIC BODIES TO DEVELOP STRATEGIES AND METHODS WHICH WILL SIGNIFICANTLY IMPROVE CONFIDENCE IN GOVERNMENTAL DEPARTMENTS AND THEIR OPERATION INCLUDING DEVELOPMENT OF AFFIRMATIVE ACTION AND EQUAL EMPLOYMENT.

AND, BE IT FURTHER RESOLVED THAT THE COMMISSION DIRECT ITS RESOURCES TOWARD EFFECTING GOOD HUMAN AND RACE RELATIONS IN NATIONAL CITY IN ORDER TO ASSURE FAIR AND EQUITABLE TREATMENT TO ALL CITIZENS AND TO ASSURE DUE PROCESS UNDER THE LAW.

PASSED AND ADOPTED BY THE SAN DIEGO COUNTY HUMAN RELATIONS COMMISSION, STATE OF CALIFORNIA, THIS 5TH DAY OF NOVEMBER, 1975 BY A UNANIMOUS VOTE.



NOV 20 1975

THE CITY OF NATIONAL CITY

1243 NATIONAL AVENUE
NATIONAL CITY, CALIFORNIA 92050
Telephone: 477-1181 Area Code: 714

KILE MORGAN
MAYOR

Rec
11/21/75

November 17, 1975

The Honorable Herman Badillo
Member of Congress
21st District, New York
319 Cannon House Office Building
Washington, D.C. 20515

Dear Congressman Badillo:

You inquired into the status of the shooting death of Luis Roberto Rivera. A report covering the investigation by the National City Police Department was turned over to the District Attorney who in turn referred it to the San Diego County Grand Jury for further review.

The Grand Jury investigated the case and as a result, refused to issue an indictment against the officer. Not satisfied, the District Attorney filed one count of manslaughter against the officer so now the matter rests entirely in the District Attorney's hands.

Please direct any further inquiry into this unfortunate incident to Mr. Edwin Miller, District Attorney, County of San Diego, 7002 Courthouse, 220 West Broadway, San Diego, California 92101, Telephone: 714-236-3951.

Sincerely,

KILE MORGAN
Mayor

KM/ev

DISTRICT OFFICE
5106 FEDERAL BLVD., SUITE 207
SAN DIEGO, CALIFORNIA 92105
(714) 263-2148

SACRAMENTO
STATE CAPITOL 95814
445-7610

JOSE DIAZ
ADMINISTRATIVE ASSISTANT
(DISTRICT OFFICE)



Assembly California Legislature

COMMITTEES
HOUSING AND COMMUNITY
DEVELOPMENT, CHAIRMAN
PUBLIC EMPLOYEES AND
RETIREMENT
WAYS AND MEANS
SELECT COMMITTEE ON
MANPOWER DEVELOPMENT
JOINT COMMITTEE ON
EDUCATIONAL GOALS
AND EVALUATION
JOINT COMMITTEE ON
THE STATE'S ECONOMY
COMMISSION OF THE CALIFORNIAS
EQUAL EDUCATIONAL
OPPORTUNITIES COMMISSION

November 17, 1975

PETER R. CHACON
ASSEMBLYMAN, SEVENTY-NINTH DISTRICT
CHAIRMAN
HOUSING AND COMMUNITY DEVELOPMENT

Acting Chief William B. Kolender
San Diego Police Department
801 Market Street
San Diego, California 92101

Dear Chief Kolender:

The recent incident in which a shot was fired by Officer A.O. Galloway of your department while pursuing Keith Reid, a minor, is deserving of immediate investigation by you.

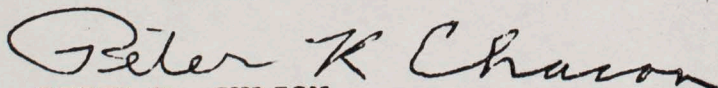
With only preliminary knowledge of all the facts surrounding this incident, the circumstances remind me of the recent shooting of Luis Rivera by an officer of the National City Police Department. In the Rivera case the officer exercised the grossest misjudgment which resulted in the death of another young person; and thus, we had trial by pistol.

As you know, I have always had and continue to have the highest regard for you as an exemplary officer representing the best in law enforcement. The action of Officer Galloway, therefore, is totally inconsistent, I am sure, with the policies and purposes of the San Diego Police Department under your direction.

I became aware recently during a meeting of the State Assembly Criminal Justice Committee of a policy recommendation by the State Association of Law Enforcement Officers in which they recommend against firing of warning shots by police officers except in carefully prescribed circumstances. Certainly, the warning shot fired by Officer Galloway, if indeed it was a warning shot, cannot be justified; after all, of what pressing necessity was it to apprehend a young person driving away in fear on his motorcycle.

The minority community, Chicanos, Blacks, and Asians are carefully monitoring incidents of this type and do not intend to permit the victimizing of our young people by "trigger-happy" policemen.

Yours truly,


PETER R. CHACON

cc: Voice & Viewpoint Newspaper
Mr. Charles Reid

bcc: Tomas Arciniega
Herman Baca
Ramon Castro
Jess Macias
Alfred Merino
Steve Moreno
Ralph Ocampo

Officer Censured For Shot At Boy

By DONALD H. HARRISON Chief William Kolender said

A San Diego police officer yesterday fired a shot while chasing the 14-year-old son of Community College Board Trustee Charles Reid, The San Diego Union learned yesterday.

The officer, A. O. Galloway, a 15-year veteran of the force, received a formal reprimand for his part in the incident. The youth, Keith Reid, was not injured.

The reprimand "will remain in the officer's file permanently," Acting

Chief William Kolender said yesterday. The incident occurred Aug. 26 after two officers observed the Reid youth driving a motorcycle on the public streets and gave chase

The youngster, in a statement given to the office of Councilman Leon Williams, said Galloway "fired one shot at me from about 75 yards from where I was riding, but he did not hit me."

"The bullet landed about two feet from where I was

riding," he said.

Galloway told police investigators that he had drawn his revolver to fire a warning shot, then thought better of it and started to put the revolver back in his holster. At that time, Galloway said, the revolver went off.

The bullet, according to Galloway, hit more than 20 feet from the Reid youth.

Reid, the college board

trustee, said yesterday "I am not satisfied with the way the incident has been handled. "I would expect that he (Kolender) would investigate it and take whatever action he deems appropriate;"

Reid said he made no public mention of the incident until a reporter contacted him.

In Keith's written state-

ment, he said he was observed on his motorcycle at 7 p.m. by officer Galloway and a "lady officer."

The youth said in his statement that he and an unnamed companion "went in different directions when we saw the officers. I went through the condominium complex on Keen Street and headed for the dirt across the street from the condominiums."

The statement continued: "There I saw the officers again and the lady officer got out and pointed for me to stop. When I acted like I didn't hear her she tried to unbuckle her gun belt. At this time, I was so afraid, I rode off as fast as I could and headed for the hills."

— Things happen... month after Rivera's death —

By **LINDA CROSS**
Star-News Staff Writer

Is Luis Tato Rivera, 20, having more effect on National City in death than he ever could have had in life?

Many local residents are beginning to think so.

SINCE RIVERA was shot fatally Oct. 12 by a local policeman investigating a reported purse snatch, events have been snowballing.

Patrolman Craig Short, 28, is charged with manslaughter in connection with Rivera's death, and a preliminary hearing is scheduled for Dec. 1.

That action is overshadowed by reactions, charges and counter charges that have been generated by Rivera's death.

The Ad Hoc Committee for Chicano Rights is heading a recall effort against Mayor Kile Morgan, Vice-Mayor Michael Dalla and Councilman Joe Reid,

charging them with insensitivity to the needs of National City residents, particularly its minority population.

Supporters of the City Council contend that the Ad Hoc Committee headed by Herman Baca and some of its individual members are exploiting the Rivera tragedy for political reasons of their own.

THE RECALL is seen as an effort to place in office people sympathetic to the wishes of the Ad Hoc Committee rather than unselfish concern for the welfare of National City and improvement of relations between city officials and segments of National City's Mexican-American community.

Augie Bareno, defeated candidate in the recent National City School District trustee race, may have been the victim of a rip tide of resentment in both the Chicano and Anglo communities.

Some segments of the community, according to

observers, voted more against Bareno's Mexican-American surname than they did for his opponent, David Kerr.

Reportedly, Bareno refused to endorse the aims of the Ad Hoc Committee, and support for him in the Mexican-American community was damaged.

Many persons say that Councilman Luis Camacho will feel the same effect when he runs for reelection in March, which is ironic since Camacho often is charged with not representing the Mexican-American community.

Time between now and the March election could dull the effect of the Rivera matter on Camacho.

SOME PEOPLE contend that the City Council is reacting to the charges against it and moving to off-set them by:

—Adding the West Side residential program to the home improvement loan program under the Block Grant Community

*Star News
11/20/75*

Redevelopment Project. Previously, the project dealt only with the Center City and excluded any homes west of National Ave.

—Seeking bids for \$6,500 worth of improvements to Casa de Salud community center on the West Side, which is predominantly Mexican-American.

—Mayor Kile Morgan's proposal of a community committee that sounds like a human relations commission although he shies away from labeling it as such.

MORGAN SAID that he and Redevelopment Agency Director Arnold Peterson met with representatives of the Bank of America which will handle the agency's home assistance loan account and found that addition of West Side homes would be feasible.

The proposed addition was presented last week to the Citizens Committee on Community Development which recommended its

approval.

Tuesday the City Council approved Community Block Grant boundaries which encompass the West Side from 9th St. to 22nd St. and the Center City between 9th and 16th Sts. and from National Ave. to roughly E Ave.

Vice-Mayor Michael Dalla, abstained on the motion because he owns a home on C Ave. within the project boundaries.

PETERSON points out that inclusion of the West Side does not mean there will be any land acquisition on the West Side or official participation by city officials in any program.

It means only that homeowner residents on the West Side voluntarily may apply for federally-funded home improvement loans, which would enable them to repair or renovate their homes at a 4 per cent repayment rate rather than at the higher rates charged by private lending agencies, according to Peterson.

City Manager Bob

Bourcier denies that the Casa de Salud project is connected in any way with reaction to Rivera's death.

According to Bourcier, his staff has been working for two months or more preparing specifications so that the city may seek bids for the project by the first of the year.

"WE'VE BEEN working on this just as we have been working on the air conditioning of Kimball Community Building," said Bourcier. "This was in the mill before all the community problems came up."

The city budgeted \$6,500 in federal revenue-sharing funds for the project at the first of the year, but the project was shelved when the contractor who won the bid proved to have a suspended license.

Bourcier said new specifications are being drawn and new bids sought in an effort to keep down the project's cost.

The project includes a second story addition to Casa de Salud.



UNITED STATES DEPARTMENT OF JUSTICE

WASHINGTON, D.C. 20530

*Rec
12/1/75*

NOV 26 1975

Address Reply to the
Division Indicated
and Refer to Initials and Number
JSP:MWH:JLH:ryh
DJ 144-12-1303

Mr. Herman Baca
Chairman
Ad Hoc Committee on Chicano
Rights
1837 Highland Avenue
National City, California 92050

Dear Mr. Baca:

This is in reply to your correspondence of
October 16, 1975, which refers to the shooting death
of Luis Roberto Rivera.

We have given careful consideration to the
information you have furnished. As the result, we
have requested the Federal Bureau of Investigation
to conduct an inquiry into this matter. Should it
develop that there has been a violation of a federal
criminal statute, appropriate action will be taken.

Sincerely,

J. Stanley Pottinger
Assistant Attorney General
Civil Rights Division

By: *Maceo W. Hubbard*
Maceo W. Hubbard
Supervisory Trial Attorney
Criminal Section



NATIONAL CITY RECALL

An Interview with the Chairman of the Ad Hoc Committee on Chicano Rights



by David Avalos, Roberto Robledo and Enrique Torres

It has been nearly four months since the killing of Luis "Tato" Rivera. But the shooting of citizens is nothing new to the community of National City.

The following interview with Herman Baca, Chairman of the Ad Hoc Committee on Chicano Rights, clearly indicates the dissatisfaction of the Chicano community towards the City Council's unwillingness to act on the Rivera investigation, and their insensitivity in previous community-related issues.

On Mar. 2, the citizens of National City, through municipal elections, will begin the process of deciding whether or not a change in their leadership is necessary. It should be pointed out that the sentiments favoring the recall are shared by members of all ethnic populations of the community; not solely those of the Chicano community as perpetrated by the media, in their usual manner of distorting real issues and events.

As a community organizer, Baca has been influential in the massive voter registration drive which has been organized in preparation for the municipal election to be held in March, as well as the organization and direction of the recall efforts. He has expressed concern for and acted upon community issues in the San Diego area since 1968. We began the interview by asking him to describe his present involvement with the Ad Hoc Committee:

VF To begin with, what is the Ad Hoc Committee on Chicano Rights?

Baca Okay, the word Ad Hoc means temporary. When the Ad Hoc Committee was first organized in 1971, it was with the general principle of protecting the civil and constitutional rights of the Chicano community. We hoped that we wouldn't have to struggle endlessly, but we can now see that the struggle is not going to be temporary.

VF Who are the members of the AHC?

Baca The heads of twelve major Chicano organizations throughout San Diego County sit on the committee.

VF Why another Chicano organization when there seems to be so many in San Diego already?

Baca In 1971 it was felt that there should be some type of coalition to take on the gut issues that affected the Chicano community. A lot of organizations felt that they couldn't take on these issues alone due to their funding problems and what have you. There was a feeling that if there was going to be any real effort it had to come from a foundation from within the total Chicano community. As such the issues that came under the heading of the AHC were issues which were the civil and constitutional rights of the Chicano community.

VF What are some of the considerations in organizing a political effort?

Baca Politics requires control and accountability. The Anglo community controls its politics through organizations such as the P.T.A., Lions Club, Kiwanis

Club and the Chamber of Commerce. What do we have? We have controlled agents speaking for our interests.

VF What do you mean "controlled agents"?

Baca I'm referring to social service workers. Let me first emphasize that social services are very badly needed by our community. By social services I mean everything from collecting trash to referring people to jobs. The Anglo community doesn't use trashmen to speak out on the outstanding issues of the day. The cruel hoax in the Chicano and Black communities however, is that minority social service workers are spotlighted as spokesmen and leaders.

VF Why shouldn't these people be heard?

Baca Social service agencies are dependent on funding sources outside the minority community. Therefore, they are more accountable to the sources paying their salaries than the community. As such they are controlled and when decisions have to be made they tend to be against community interests.

VF How did this arrangement come about?

Baca Social service funding evolved out of a political movement. The War on Poverty came about because of the danger of an uprising. The exponents of change came to be employed in the social services. Check the records and you'll find that the administrators of poverty programs were former militants — as far as rhetoric anyway.

VF So you feel that as far as

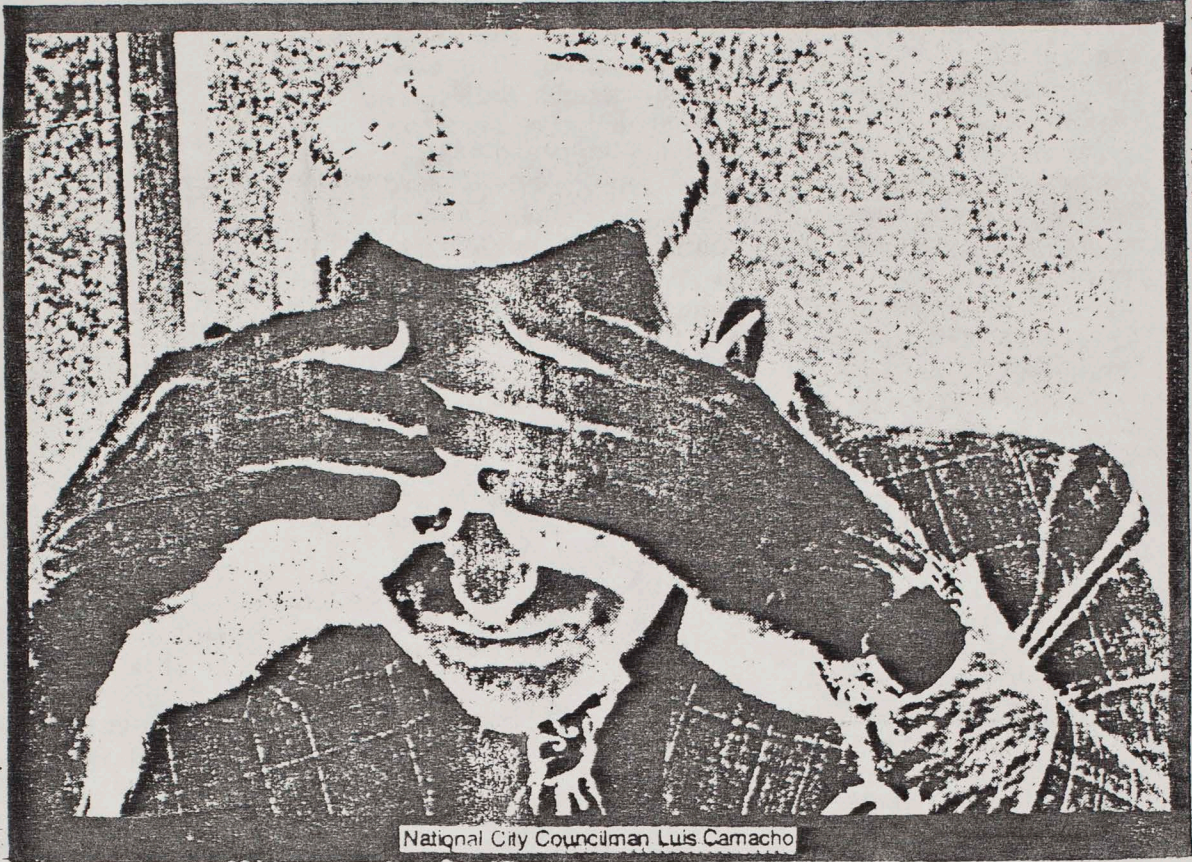


Photo by Manuel Cavada

National City Councilman Luis Camacho

“I specifically remember asking the Mexican-American councilman what his position was. He pointed out that his hands were tied.”

media had been denied information because of the position taken by the police chief, city manager, and city council. Their position was to not divulge any information because they were satisfied with the investigation up to that point. **VF** What was the general reaction to this “cover up”? **Baca** Most people in the community saw what the authorities were trying to do, which was to cover their rears. The media started digging around because they were upset about the coverup, especially after the whole Watergate affair.

Since the authorities wrapped themselves in a blanket of secrecy, the media began an investigation of their own. **VF** Did the media find anything? **Baca** They found a Mr. John Harper who was a witness at the site after the shooting. According to the *National City Star-News*, Harper heard the yell of “Freeze!”, and three to five seconds later, the shot that killed Tato. Harper further stated that he heard two other witnesses at the scene being questioned by police. “Is this the suspect?”, asked one of the officers. “This is not him,

the other one is taller and skinnier,” one witness replied. **VF** The police were quick to state that they received threats. We haven’t heard much about threats against the AHC. Is this because you haven’t received any? **Baca** No, not at all. We started receiving threats almost immediately after taking action in the Rivera case. Most of the threats have been directed against me personally. My family has received threats at home and I had to change my phone

number. I took the precaution of taking my children to school.

VF Can you give us an example of the threats you have received?

Baca Yes, on one occasion my brother received a call at my office and the caller asked, "Are you a Mexican?" My brother replied, "Yes." The caller continued, "Well, you and every f - - - - Mexican in that building is going to die." We take every threat seriously but sometimes you have to laugh to maintain your sanity. In retrospect this particular incident was funny as there were two Anglos in the building who were working with us. One of the Anglos asked, "What does he have — a special kind of bomb that will only kill Mexicans?"

VF Besides the petition, what other things was the AHC doing to implement the demands?

Baca We wrote letters to many people. We wrote to the Grand Jury demanding an investigation, to the Attorney General of the U.S., and to the Civil Rights Commission — to Mr. Phil Montez, who never did a thing.

We contacted California State Assemblyman Peter Chacon, Chairman of the Chicano Caucus. He made a real attempt to help out on his own, personally and politically. As long as I've known him, he never took such a strong position. He wrote the Grand Jury, the Mayor, and all the city councilmen. He pointed out that he had received many complaints from the Chicano community about police harassment, brutality and

impropriety on the city's part. In that regard I think Chacon should be complimented.

VF What happened next?

Baca The AHC had scheduled a meeting a week after Tato's death, October 19. The word got around and about 150 non-committee members showed up wanting information about what was happening and what we were going to do. It was all very healthy.

At this meeting Ruben Rubio, a National City resident and former mayoral candidate, pointed out that this was not the first time that this type of incident had happened. The whole issue had to be laid at the feet of the Mayor. The only recourse we had was recall.

VF What was the response to Rubio's suggestion?

Baca Since we had no clear cut position from the general community concerning recall, the AHC members felt that it was premature to go on Rubio's suggestion. We appointed a committee to study the mechanics of recall and find out the community feelings on the issue.

Meanwhile, we continued to write letters to politicians requesting that they apply appropriate political pressure to bring about a solution to the whole problem; not only what happened to Tato, but other police shootings that have occurred here under the color of law.

VF Can you tell us about some of these previous shootings?

Baca Yes, in the last seven years the National City police have killed five in-

d...s, only one of whom was reported as being arrested. In one case, councilman Luther Reid, acting as a reserve policeman, shot and killed an unarmed man. You can see the type of brutality that has existed and continues to exist here in National City. This points to the whole thing about what does a police officer do to use his gun — I think the answer is that they can do it anytime they want to. At this point the name of the officer who killed Tato had not yet been released, right?

Baca During all this time there was this cloud of secrecy. The city claimed that threats had been made against the officer's life. Twelve days after the killing we still didn't know who he was. The community was completely uptight. At a meeting we decided to have a protest march after the community requested it. We wanted to alleviate the frustration and drive home the point that we were not going to sit back and go away.

VF Tell us about the protest march.

Baca First let me say that there was a great deal of concern that the demonstration be a non-violent one. At the time there was an attitude that something dastardly was going to happen, like the town was going to go up in flames, or somebody was going to get shot.

VF Did you share this concern that the community would act violently?

Baca We had a great fear that due to the pressure of public opinion against the

political spokesmen these people have been de-fused? **Baca** If I've told them once, I've told them a thousand times: "Why don't you stick to delivering social services and leave the politicking to someone else?" As it is they don't deliver too many social services. It's a known fact that eighty percent of social service funds are eaten up by administrators.

VF If the social service workers are thus ineffective in providing political leadership, where will the leadership come from—the college campuses perhaps?

Baca One of the discouraging things about the college campuses is that they never look at community organizing pragmatically. They have a lot to offer but they get derailed by fine points of philosophy. To use an analogy, you must crawl before you learn to walk and only then can you learn to run. College students bypass the pragmatic facts of life; they try to start at the running stage.

VF We seem to be back to the question of how a political effort is organized.

Baca The first consideration is this: Do the political activists, the organizers make the decisions or does an informed, educated, politically aware community make the decisions that are going to affect their lives?

VF Well since you brought up the question, where do you stand as an organizer?

Baca I believe that the community has enough common sense intelligence to make its own decisions without some idiot from an ivory tower coming down and

telling them, "This is the road to Rome."

VF What specific issues has the AHC dealt with since 1971?

Baca The first major issue the AHC dealt with concerned a memorandum written by the San Diego County Sheriff John Duffy. The memo instructed taxicab drivers who suspected their passengers of being "illegal aliens" to call a secret code so that law enforcement agencies could go out and stop the cab and ask the Mexicano, the Chicano, the Latino, whoever, for documentation. If the individual's documentation checked out OK they could continue on their way. If not, they were subjected to harassment and intimidation.

VF Why did the AHC protest the Duffy memorandum?

Baca As a result of the memorandum many Chicanos were being harassed and intimidated; and in most cases simply were refused cab service. This was in gross violation of our people's fourth and fourteenth amendment rights to be free of search and seizure, the right to travel, as well as the right of equal protection under the law. We were questioning, "Why just Chicanos?"

VF Was the AHC protest effective?

Baca Yes. After six months of demonstrations, picketing and letter-writing campaigns, the memorandum was rescinded on April 26, 1972.

VF Was that the end of such harassment?

Baca No. Next came the Hoobler memorandum (the

San Diego Chief of Police).

VF Why?

Baca Ignorance on the part of Chief Hoobler. After Duffy rescinded his memorandum, he was quoted in the San Diego Union as saying, "No one has the right, not even the F.B.I., to stop, question or interrogate people with immigration documents, other than those people delegated to deal with that issue." This is exactly what we had been saying all along! A survey was conducted of all San Diego County Police Chiefs and they all concurred with Duffy's statement except Hoobler who claimed that his officers had the right to search people.

VF How did the committee respond?

Baca We pointed out that since Duffy was the senior officer, Hoobler had no right to act. The whole issue started again. We took a position that we were no longer satisfied with only having the memorandum rescinded. We went to the San Diego City Council and demanded the chief of police be fired for illegal and unconstitutional acts against the Chicano community. The problem continued from 1972 until Hoobler's termination in 1975. As far as I'm concerned, the issue is still the same. The memorandum was never rescinded and nothing was resolved.

VF Didn't the Gallardo incident occur about this time?

Baca Yes, it did. It involved a young man from San Diego who was coerced into becoming an informer by two S.D. police officers. After threatening to send him back to prison or "worse,"

Gallardo was instructed not to say anything to anyone. He agreed. As soon as he was away from the two officers he contacted an attorney and the Community Relations Board and divulged all. A week later Gallardo was found dead.

VF What happened then?

Baca A great furor was raised about Gallardo's death and the activities of the police department with citizens on the street. One of his friends was indicted for Gallardo's death and sentenced to prison. The Grand Jury conducted a traditional investigation and concluded that it was too bad that the whole thing had to happen and that there was nothing wrong. Everything went back to business as usual. The AHC maintained our position of having the police chief fired.

VF How much influence did the efforts of the AHC have on Hoobler's eventual decision to resign?

Baca More than most people would ever be willing to admit. We demonstrated how local law enforcement agencies enforce intimidation — that psychological fear — in the Chicano community. It was revealing that what we were saying all along was true. Hoobler proved to be what we were saying all along — totally incompetent, a liar, a threat and a danger.

VF On October 12, 1975 Luis "Tato" Rivera after being yelled at to halt, was shot in the back with a .357 magnum pistol by a National City policeman. How did the AHC proceed in the protest against Tato's killing?

Baca At the time of the incident I was in L.A. When I returned to my office Monday morning I found the phones ringing off the hooks. A lot of people were calling expressing their concern about an article that had appeared in the San Diego Union describing the incident.

VF Did you immediately take action?

Baca No. I told the callers that the AHC's policy was not to take a stand unless requested to do so by the family; their wishes came before any political considerations.

VF The family did come forth. What happened next?

Baca The father told me to do whatever was necessary and with that in mind I called the member organizations of the AHC and related to them what the father had told me. We held a meeting of the general community to find out what they wanted us to do.

VF What came out of the meeting?

Baca Three to six hundred people packed St. Anthony's Church Hall. This was on a one-day notice. Out of much discussion four demands were adopted. We wanted first, a county Grand Jury investigation, as requested by Tato's father, Jesus Rivera. Second, a Federal Civil Rights Commission investigation. Third, an independent investigation by a committee of community people. Fourth, dismissal of the chief of police.

VF When were these demands presented to the city council?

Baca It was decided to ad-

journal our meeting and present our demands at the city council meeting that was being held that evening. Before we left there were several allegations made against the police. Eddie Perez from N.C. stated that Tato had been harassed by police officers in the past. They had told him, "We're gonna get you, Tato!"

VF What happened at the council meeting?

Baca About 150 of us went to the council meeting and presented the four demands explaining how they had been mandated at the community meeting. There was a lot of discussion. I asked the individual councilmen and the Mayor what they were going to do. They all stated that they were satisfied with the District Attorney's investigation and that it was out of their hands. I specifically remember asking the Mexican-American councilman what his position was. He pointed out that being the only person of Mexican ancestry on the council he felt very sorry, but that his hands were tied. We left and went to Tato's wake, to the velorio.

VF Having been entrusted by the community to carry out the four demands, what was your next step?

Baca We decided to circulate a petition to find out how much support existed in the community of National City for the demands. Support was also indicated by petitions that were circulated in other areas of San Diego.

VF What publicity had been given thus far to the case?

Baca Up to this point, the

"In the last seven years the National City police have killed five individuals, only one of whom was reported as being armed. In one case, councilman Luther Reid, acting as a reserve policeman, shot and killed an unarmed youth."

police and city administration, that individuals from the law enforcement agency would try to infiltrate and act as provocateurs in an attempt to turn public opinion against the community.

VF What precautions were taken?

Baca Through our attorney we instructed the city attorney to get the cops off the street during the demonstration. We told him that if he wanted this thing to be non-violent to get the cops off the street; we didn't want to see one cop. We told him that we weren't concerned about our people. We were concerned about his people. There was a great fear that the cops would provoke something like they did in the Chicano moratoriums of 1970 in L.A.

VF How did the city attorney react?

Baca On the day of the demonstration he called us and expressed some concern that his informers were telling him that we had lost control of the people, and that there were going to be problems with outside groups busting in. We just laughed at him. We told him that he had better get some new informers.

VF What measures did you take to organize the crowd?

Baca We had organized 125 monitors. On the night of the march, they met while the

community met. At seven p.m., before the march began, I pointed out that the community had mandated a non-violent peaceful demonstration. I had instructed the monitors that if anyone got out of line, to treat them as a paid provocateur.

VF What was the mood of the crowd?

Baca The community wanted to see things resolved. They wanted some respect and some answers. They wanted something to be done so that this sort of thing would stop.

VF What happened at the march?

Baca On October 29, we met at St. Anthony's Hall and marched to city hall passing the scene where Tato had been shot. There were no incidents. We had a non-violent, peaceful demonstration.

VF What happened once you got to city hall?

Baca I went into the council chambers and presented the 2000 signatures that we had collected on the petitions. I pointed out that the community not only requested that the council act on the four original demands, but that they also release the police officer's name and immediately suspend him without pay. The council responded that they were completely satisfied with the investigation that was then

taking place. We were in no mood to argue with the yoyos, so we turned and left. Outside the people who had been listening to the proceedings over loudspeakers, were chanting, "We want justice!"

VF Finally on November 1, the name of the officer was released.

Baca Yes. It was Craig Short, a twenty-nine-year-old member of the N.C. police department for twenty months. It came out later that he had shot and killed another individual ten months prior to this incident.

VF What investigations were proceeding at this point?

Baca The Grand Jury conducted an investigation but found insufficient evidence to issue an indictment. However, the District Attorney took it upon himself to issue an indictment of manslaughter against the officer.

VF What do you think were the DA's reasons for indicting officer Short?

Baca The issue was one of justice, and how it was administered in the Chicano community. The agencies that were conducting investigations were themselves under public scrutiny. There was massive political pressure on the DA. I should point out that the DA is an elected official. There was a

possibility of an outside agency coming in and conducting an investigation — the job that the DA was supposed to do. The DA's actions were principally motivated out of political considerations. He acted to save his political position rather than out of any sense of justice or respect for the judicial system.

VF What was your reaction to the indictments?

Baca Before the indictment there was a lull. Some people thought that, "Gee, the system really works. Justice is being pursued by those agencies entrusted to do so." We called a press conference on November 3, 1975. We pointed out that the actions of the Grand Jury were shameful and unacceptable to us of the AHC.

Their action was a reflection of the discriminatory selection process by which jurors are chosen, and proved that the Grand Jury is not representative of the general population. This is especially true of the Chicano and Latino populations. Only five persons of Mexican ancestry have been chosen to serve on that body in the last 104 years.

VF Were you also critical of the DA?

Baca The DA's indictment of a charge of manslaughter, even though a move in the right direction, was inadequate. With the allegations being made about police threats to Tato's life, we felt the minimum charge should have been murder one. I think the only reason the DA pressed any charge at all was because of

the pressure from the community. In this respect this was a significant victory for the community.

VF At this point had any decision been made to proceed with a recall?

Baca On November 5, 1975, we began to actively pursue recall. We condemned the mayor and the city council for condoning official lawlessness — violence under the color of law. We pointed out that the officials had failed to provide representative leadership and had acted in a grossly incompetent and irresponsible way. We began circulating the petition for recall on November 24.

VF Have Chicanos initiated recall procedures in other parts of California?

Baca In Lamont, California, situated near Delano in Kern County, a noble gesture was initiated by two Raza Unida Party members. They tried to recall the Board of Trustees. What happened was that the authorities turned the tables on them; they were charged with perjury and falsifying the petitions and not filing properly.

They threw them in jail because they got the Raza Unida members on technicalities.

VF Since the Raza Unida members were thrown in jail ~~up north for initiating a~~ recall, do you feel threatened here in National City?

Baca First, let me say that we wrote a letter to the authorities in Lamont asking for an immediate investigation into the whole issue.

Let me tell you this, we

discovered that our own city officials don't even know what the election codes are about.

We discovered that the city attorney's assistant was monitoring the certification of the petitions, which is totally illegal. The only persons that are allowed to view the petitions after they've been filed is the City Clerk and her deputy. We found that five to ten seconds after we submitted the petitions, the assistant City Attorney was down there watching her count them.

VF Have any other attempts been made in National City to recall city councilmen?

Baca Back in 1958 there existed a segment of the community that decided to commence recall procedures. However, this was not an action started by Chitanos but by Anglos. The issue evolved around the rezoning of the west side.

VF Is the recall which resulted from the Rivera incident strictly a Chicano issue?

Baca One of the questions the AHC had to address itself to was, How do we present recall to the entire National City community. We were thinking of an election in a multi-cultural community that involves Blacks, Filipinos, Chicanos, who comprise fifty-two percent of the city's population. We also wanted the support of the Anglo community and in general all concerned citizens. The initial effort for recall was Chicano-based, but other ethnic groups quickly compiled their grievances against the established authorities in

“One of the discouraging things about the college campuses is that they never look at community organizing pragmatically. They have a lot to offer but they get derailed by philosophy.”

solidarity with the Chicano effort.

I think a victory coming from a broad-based section of the community would alleviate a lot of the abrasive feelings that now exist within the community.

VF Realistically, what do you need to beat City Hall?

Baca The political reality is that you need an organization, people supporting the organization, and money. Individuals can't fight City Hall — only an organization can. The AHC's main concern in N.C. since 1968 is how to create an organization that would involve the greatest number of the community. It's been a long struggle.

VF Where do you stand now?

Baca With the Rivera killing people asked themselves, “What do we do?” The AHC had a record of involvement in National City. Because we had laid foundations in attempting to create political awareness these people came to us. They trusted that we would not deceive them.

VF Are you talking about the Westside rezoning issue?

Baca That was one case. In 1974 we organized a protest of the city's general plan. People were worried that the plan would mean the end of the Westside as a residential area. I saw a big shift in attitudes towards political involvement.

VF You mean people were willing to get involved?

Baca I can remember in the early 70's when we picketed the Safeway in National City; there was a bar next door and these “Brown red-necks” would come out and curse at us in Spanish trying to start fights.

VF Were any of those people at the Westside march?

Baca Some of those Brown red-necks were there for the march protesting Tato's killing. This was rewarding to me personally. Because of all the efforts since 1968 — the boycotts, marches, and demonstrations — people had become politically aware enough to know that they didn't have to take Tato's death sitting down. People had been educated about the issues because of the positions the AHC had taken in the past.

VF So you were reaping as you had sowed?

Baca All along the AHC had been attempting to create political awareness, to educate people. Now as people became more aware they were willing to support our organization. They had seen the positive things we

had done.

VF What do you mean by education?

Baca Let me give you an example. The AHC knows how we feel about the system, but when you try to convey that to an individual who works hard all day and wants only to rest in the evening, you have a problem. Realize that eighty percent of our people have low-paying, unskilled jobs and work hard eight to ten hours a day. We could have told the community that the Grand Jury was a bogus bill, but in going through the process of trying to get justice from the system, the community learned firsthand that it doesn't work. They've received an education they'll never forget. Now, after seeing the system perform they know the issues.

VF You said earlier that in order to beat City Hall you need finances. Tell us about your finances.

Baca We have raised \$3500-5000 from the community. This represents a substantial effort on their part, and is an indication that these people are politically aware, and willing to help.

Money is always a big problem when you have action coming from a low-income community. Funds are an essential priority and the costs are fantastic for bringing about a recall. In

“I believe that the community has enough commonsense intelligence to make its own decisions without some idiot from an ivory tower coming down and telling them, ‘This is the road to Rome.’”

phone bills alone the cost is \$600.00 per month. We also have a payroll for the registrars, office workers and the various necessary office supplies. We estimate the cost for bringing about a recall at \$8,000.00.

VF Where is your strength?

Baca Our source is primarily people. The number of people coming forth and involving themselves is constantly increasing. Remember we're trying to find solutions to problems that have existed for 125 years.

VF For legal reasons, a councilman cannot be recalled within six months of a re-election. This law applies to two of the councilmen. As a result the AHC is supporting a slate of candidates. How will they be held accountable?

Baca In the past, Chicano candidates have been elected and the community didn't benefit because these people were elected without an independent community-based organization, therefore the candidates could not be held accountable. The Chicano community is only beginning to understand what politics is all about and what it can do for them.

When the people understand the issues of their daily lives they will act to protect their interests; these candidates will know that they were elected by a home base and will know this base can recall them if they become unheeding of community interests.

VF Do you have ambitions to run for office?

Baca I don't want to be a can-

didate. I feel the greatest need is to organize — to get people politically aware, to educate them and let them make their own decisions.

VF Do the citizens have a chance against City Hall?

Baca As a people we have been defeated so much — not only materially but even worse, psychologically. But the people on the AHC have the attitude that we can beat City Hall if we view the situation objectively and analytically.

The opposing opinion is that we can't win. We can't lose. Awareness has reached the point where the community knows the issues — what the city government is all about. In this respect a victory has already been won.

VF What about the election? What if that is lost?

Baca I'm not going to be discouraged if we lose, because we're going to win! It's just a matter of time. The sun is setting on the City Council. They have nothing to offer the community.

When we win we'll create such a shock wave throughout California, because it's not supposed to happen. It would be a little Crystal City in California; a victory would be very symbolic. It's amazing, people come to us from different parts of California. They come from L.A., Orange County and further up north asking, "How do you start a recall?"

Can you imagine Chicanos starting a recall and winning? The whole political structure knows what's going on. Just look at the State

of California as an example of what could happen. There are three million Chicanos in California; it's like a virgin forest. When there is a victory here, people will try a recall elsewhere. A victory will happen because of a community-based effort. Power should not be entrusted to just a few people.

Reasons for Recall

We, the undersigned, being duly qualified in calling a recall, accuse the Mayor and City Council of:

1. Bias towards corporate interests in establishing zoning regulations.

2. Failure to provide for the safety of our school-children.

3. Inability to harness federal funds for local projects and social improvement.

4. Mismanagement of federal funds.

5. Failure to provide adequate guidelines and policies for law enforcement officials.

6. Insensitivity to the multi-cultural needs of our community.

7. Failure to respond to the will of the people.

To remedy the above-stated inequities and in order to provide for new, responsive democratic leadership, we the people of National City, hereby urge the recall of the Mayor and the entire National City Council.

Police Chief Recruitment Drive Urged

The Coalition on Police Practices asked last night for a nationwide recruiting effort to find a successor for Ray Hoobler, who resigned three weeks ago as chief of police.

The group, meeting in the offices of the Legal Aid Society at 3040 Imperial Ave., also approved, "in concept," a resolution calling for the formation of a police review board to hear the complaints of citizens about the Police Department.

The coalition, made up of representatives of civic organizations, was formed by the American Civil Liberties Union of San Diego a year ago to monitor law enforcement activities.

HEADED MEETING

Larry Schwartz, a legal aid attorney and a professor of history and political science at San Diego City College, was the chairman of the meeting attended by 14 community organization members.

The nationwide recruitment concept for chief of police would not exclude William Kolender, the acting chief, or others in the Police Department who meet the qualifications, the resolution passed by the group said.

Clarence M. Pendleton Jr., the executive director of the San Diego Urban League, said his group has gone on record that Kolender be considered for the job as permanent chief.

ACTION EXPECTED

Peter Schey, an attorney for the Legal Aid Society, said the recommendation probably would be presented City Mgr. Hugh McKinley, who must appoint Hoobler's successor, and the City Council, which must approve McKinley's choice.

Hoobler submitted his resignation to McKinley early last month in the wake of a controversy over his handling of the confiscation of confidential police counseling files.

Members of the coalition include representatives of such organizations as the Chicano Federation, the Black Action Congress and the Ocean Beach Human Relations Committee.

OFFERS VIEWS

Schey, who also is the attorney for the coalition, said he believed the search for a permanent police chief should be made in large urban police departments for candidates experienced in urban problems and the administration of an urban police force.

Schey said he thought a police review board should be appointed by the council and chosen from among a cross-section of the city's citizens.

SAN DIEGO COALITION ON POLICE PRACTICES
4161 Olympic Street
San Diego, California 92115

October 28, 1975

Leon Williams
Councilman, Fourth District
City Council Chambers
202 "C" Street
San Diego, CA 92102

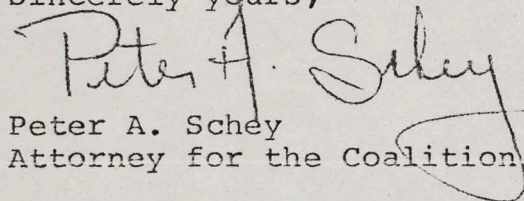
RE: Public Hearings on confirmation
of Chief-of-Police appointee

Dear Leon:

As you may know, the San Diego Coalition on Police Practices recently took a position that the citizens of San Diego should have some input into the selection process for a new Chief of Police (see attachment). We therefore support your proposed public hearings and would like to be given the opportunity to make a presentation at the hearing that you have scheduled for November 10, 1975, at 2:00 P.M.

Thank you for your cooperation in this matter.

Sincerely yours,


Peter A. Schey
Attorney for the Coalition

PAS/ej

cc: Larry Schwartz, Chairperson
San Diego Coalition on Police Practices

Herman Baca, Chairperson ✓
San Diego Coalition on Police Practices

Jim Fukumoto, Executive Director
Human Relations Commission

E. Marty Morris, Director
Community Relations Department

Mayor Pete Wilson
Mayors Office

Judge Says Action Was 'Justifiable'

By BILL OTT

National City policeman Craig Short was exonerated yesterday from criminal negligence in the Oct. 12 fatal shooting of suspected purse snatcher Robert Luis (Tato) Rivera, 20.

Municipal Court Judge T. Bruce Iredale, in a ruling that ended a three-day preliminary hearing, said the 29-year-old officer's actions in shooting the suspect were justifiable under the circumstances.

He dismissed a manslaughter charge that had been filed against Short by the district attorney's office. The charge came in a complaint after the county grand jury declined to indict the officer, who testified in his own defense yesterday.

Back Pay

Reached later, National City Police Chief Jack Liesman said Short is eligible for reinstatement immediately and is entitled to back pay for the time he had been suspended from the force, about one month. Short had been under suspension pending the outcome of the hearing.

"I have to check the schedule before I know when he will return to work," Liesman said, adding he hasn't yet decided on Short's assignment.

Iredale said Short knew that Rivera was an unpredictable heroin addict with a history of violence and reportedly of being armed on occasion. The judge, in his ruling, said the officer also had responded to a radio call that a robbery-purse snatching had taken place — a felony crime involving a confrontation of violence.

The judge said to rule otherwise in the case before him "would make a mockery" of public sentiment about what law enforcement is.

To hold Short for trial on a manslaughter charge, he said, would be to "set an impossible standard for law enforcement."

Crowded Courtroom

Iredale's ruling took place in a crowded courtroom, with onlookers including a number of off-duty National City policemen. They swarmed about Short after the ruling, patting him on the shoulders and shaking hands with him and his two attorneys, Thomas Waddell and Patrick Briggs.

Iredale said he considered what was in Short's mind when he fired his revolver. He recalled that Short testified under oath that he thought that Rivera would flee into a residential area and a foot chase could involve innocent citizens who would be placed in jeopardy. Iredale said a "hostage" situation might have developed.

Then, looking into the crowded courtroom, the judge said, "I would ask any one of you if you would not have approached with caution and with a gun . . ."

Actually, there had been no purse snatching. Two purses were taken from a table in the recreation hall of St. Anthony's Catholic Church at 18th Street and Harding Avenue, but the radio call to which Short responded said a robbery-purse snatch.

Iredale said the radio call indicated strong-arm robbery. In addition, Short recognized the suspect as Rivera when he spotted him, knowing from past experience with the suspect that he was unpredictable.

(Continued on B-6, Col. 4)

S.D. Union
12-4-75

(Continued from Page B-1)

In addition, Iredale noted, officers had been advised to consider in earlier directives that Rivera should be considered dangerous and armed. The police department, the judge said, had also advised Rivera to stand with his arms down if stopped by officers.

On this basis, Iredale said, "the die was cast."

AGAINST DISMISSAL

Chief Deputy Dist. Atty. Richard Huffman argued against dismissal of the charge, saying that California statutes provide that there has to be some risk of immediate harm to persons to justify use of deadly force.

Huffman said Short ordered Rivera to "freeze," and the suspect responded with "not the slightest menacing gesture . . . He just turned on his heel and ran."

Further, Huffman said, Short had at his command a patrol car, his fellow officer was already out of the car and other units were arriving.

Officer Short, the prosecutor said, went "beyond the veil of the statute." He said, "while we must have compassion for officer Short, when are we going to give meaning to the legislative command that killing must be necessary."

Huffman said the trend in society is "against indiscriminate use of deadly force . . . The supreme value is the value of a human life."

Briggs, in defending the officer, said criminal negligence "must be something beyond ordinary negligence," a factor of "a higher degree." He said criminal negligence must be "aggravated, gross or culpable."

The defense attorney said: "It's nice for us to be able to sit here and second guess what officer Short did. I suggest that the court has to put itself in place of officer Short without hindsight."

Waddell called Short to testify in his own defense.

The officer, wearing a gray suit and dark tie, had been a National City policeman for 20 months up to Oct. 12, the day of the fatal shooting.

He testified that about 1 o'clock in the morning that day he responded to the robbery-purse snatch call, which commanded, in part that "all clear units move into the area of St. Anthony's Hall." He said a call for "all clear units" is not a normal call, indicating emergency.

Short said that when he started his car, "it seemed to cut out part of the radio transmission."

He said he turned into 13th Street, assuming the suspect, if headed northbound, "would be in that area." Short said he turned off his

Sending Oliver
12-4-75

National City Officer

Cleared In Death

car lights and was crossing Roosevelt Street when he saw the suspect "slowing from a run."

The officer said the suspect moved from the sidewalk of Hoover to the south sidewalk of 13th and was wearing a white T-shirt. He said this contrasted with the radio broadcast of the description that the suspect was wearing a yellow shirt.

However, Short testified, the suspect was carrying a yellow fabric in one hand.

"I began accelerating toward him. I saw him look over his shoulder and with his left hand he slung a 'purse' into a yard and continued walking.

AMBULANCE CALLED

"I put my spotlight on him and accelerated toward him," Short said. "As I accelerated toward him, I knew that I knew him. As my vehicle came to a stop, I put my service revolver out the window and commanded him very loudly, 'Freeze Tato.' He turned toward me very briefly and began running very rapidly west-bound. I began to exit the vehicle. As he ran, I discontinued exiting the vehicle (and) fired one round."

Short continued: "I turned into Coolidge from 13th . . . I observed the suspect fall to

his hands and knees on the sidewalk. I radioed that the suspect was down, gave the location, and called for an ambulance. As I approached Mr. Rivera, I observed him roll over onto his back."

Short said he knew that Rivera was a "very dangerous, very violent individual" and a "heroin addict" who was hostile toward authority.

He also said that on July 4 he had responded to a trouble call at Rivera's home in Fourth Street and learned that Rivera had allegedly pistol whipped his father and was armed with a .38 caliber calibre revolver.

Rivera called National City police the next day and denied existence of a revolver. When he called, Short said, he was advised to stand with his arms down if ever

stopped by police.

The officer said that prior to Oct. 12, Rivera and three other men had been arrested in the restroom of a tavern as they "were preparing for heroin injection." At that time, he said, Rivera had to be physically restrained.

Under cross-examination by Huffman, Short said he at no time in his contacts with Rivera found him in possession of a weapon.

Huffman also asked him how much time had lapsed from the moment he recognized Rivera and he "pulled the trigger."

Short said about 15 seconds, saying it was only an estimate.

Huffman asked if he was aware that other police units were arriving when he decided to fire.

"Yes, sir," Short said.

NOV. 1975

National City Youth Slain By Policeman

Officers Say Victim Refused To Halt After Fleeing Purse-Snatching Scene

By HOMER CLANCE

A National City police officer shot and killed a National City youth about six blocks from a reported purse-snatching about 1 a.m. yesterday.

The victim, Luis Robert Rivera, 20, of 728 E. Fourth St., National City, was dead on arrival at Paradise Valley Hospital. He had been questioned and had attempted to run away when he was shot, police said.

Rivera was struck in the upper right back by a single bullet from the officer's .357 magnum revolver, the coroner's office reported. "The decedent was running from the area when he was challenged by a National City policeman," a coroner's report stated. "He didn't stop. The policeman fired, and hit him in the back."

The name of the officer who fired the shot and details of the reported purse-snatching were withheld by National City Detective Lt. Milton Hunter.

His decision was backed by Assistant Police Chief Clifford Reed and Assistant City Mgr. Tom McCabe. Hunter issued a press release which stated:

"At 1 a.m., National City Police Department received a phone call reporting a strong-arm robbery (purse-snatch) at St. Anthony's Catholic Church recreation hall, 18th Street and Harding Avenue, National City.

(A spokesman at the church said the hall had been rented out Saturday night for a private dance or party.)



AD HOC COMMITTEE ON



CHICANO RIGHTS

1837 Highland Ave.

Nat'l City, Cal. 92050

(714) 477-3620

EXECUTIVE BOARD

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DECEMBER 4, 1975

FOR IMMEDIATE PRESS RELEASE

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Ladies and gentlemen of the press, the Rivera family and concerned members of the community, on behalf of the Ad Hoc Committee on Chicano Rights, I would like to express the gut reaction to the exoneration of the National City policeman in the tragic death of Luis R. Rivera. First and foremost let me stat that it came as no surprise to us of the Chicano Community, the only surprise was that it took so long. It can't come as a surprise in light of the fact that in the last 125 years no policeman has ever been convicted of killing a chicano. This is merely a continuing pattern of giving their stamp of approval to these types of acts. But even though the decision to exonerate came as no surprise to us the gut reaction in taking to the community is one of shock, an insult, a front and raw anger. Let me state that the Chicano Community has received an education on how justice works in San Diego County. This education will not soon been forgotten. Its our opinion that Judge Iredale's decision to stop the judicial process before it even got started to hear the real facts proves beyond a doubt that justice in San Diego County is dead. A chicano, a black, a poor working person can not get justice in San Diego County. This is because there are two court systems, two justice systems in San Diego County, one for the rich and their servants and one for the people. One court for Nixon, Agnew, Smith and Short, and another court for us, the Chicano Community, Mr. Rivera and others who rub those in power wrong. People like Rafael Rivera who in a moment of despondency stabbed himself and three weeks later was arrested for assault or people who stand up for their civil and constitutional rights like Jose Viesca who just for writing a column and expressing his 1st Constituted Amendment Right was beaten by four individuals who have not yet been found. These are classic examples in that on the one hand a National City policeman who took god's most precious gift, life, got off on his own recognizance but a 60 year old man who had been beaten up hours later couldn't get O.R. and had to spend Thanksgiving Day in Jail because he couldn't afford bail. Judge Iredale's decision to stop the proceedings without allowing the introduction of relevant facts raise many questions about

MEMBER ORGANIZATIONS

C.A.S.A. Justicia-Chicano Federation-G.I. Forum-Hermandad Igualdad de Derechos-M.A.A.C.-M.A.P.A.

Mecha-Padre Hidalgo Center-Servicios de Inmigracion-S.S.P.A.-Trabajadores de La Raza-U.C.M.A.A.

Judge Iredale's competency to sit on a bench and judge cases fairly and impartially. It is our opinion that the proceedings were nothing but a farce. We have to question why key witnesses like Mr. John Harper were not called. Mr. Harper has stated : "2 male mexicans came from the other direction and were told by the police officer to view the downed person" Harper said, " the two male mexicans then said: "No, this is not him, he was taller and skinner." Other residents ~~who~~ have stated that the shot was fired seconds after a shouting of freeze. Why wasn't Maria de Jesus Tejada called to ~~testify~~ the witnessing of the entire incident. Why weren't people who have alleged that Short was going to get Tato not called. To many discrepancies exist for any one to even to begin ~~that~~ ^{to believe that} what happen in Judge Iredale's court. ~~is going to be~~ ^{cross justice} believed. It ~~is~~ for this reason that the Ad Hoc Committee on Chicano Rights is calling for an immediate investigation into Judge Iredale's competency and impartially to hear cases and sit on a bench of law. The facts that have come show that Tato who is no longer with us was on trail, not officer Short, who was supposedly charged with pulling the trigger. Much has been stated about the violent nature of Tato. But lets check the record of who is violent, Craig Short 10 months ago killed another human being, on Octo. 12, 1975 he in violation of every stature of law and his own department policy fired a 357 magnum and killed Luis Tato Rivera. National City police in other acts fo violence under the color of law have killed 4 or wounded others. One was a 15 years old boy his crime running away from the scene of an auto accident. Another was a burglary suspect who was crouching unarmed in an alley garage. Another was a marijuana suspect also, unarmed who simply panicked and ran away Another was a black youth who was shot and killed by City Council Luther Reid acting as a police reserve. The Chicano Community since October 12, 1975 have ^{has} pursued their redress through legal and constituted channels. This has been ~~the~~ ^{has} the case with the other side. The decision of yesterday in reality was an approval and certification of police officers to act a judge, jury and executioner because they in their minds feel that, you and I the taxpayers ^{are ability} will not be able to walk the streets of National City because of that fact. We of the Ad. Hoc Committee on Chicano Rights and the community never ~~for~~ one minute ever beleived that the sister agencies of the D.A., the court system, and the policitiansever would prosecute one of their own. That is why the positions mandated by the community are more important now than ever. (expalin) We are also of the opinion that Short is not an individual act but an attitude which resides in the National City Administration. This is why if justice is going to be served we here in the Community are ~~going~~ going yo make it prevail. this is why the recall will not only continue but will be intensified. We must not rest until that City Administration ~~ha~~ is replaced.

Judge Probè

12-5-75

By CECIL SCAGLIONE
Staff Writer, The San Diego Union

NATIONAL CITY — The chairman of the Ad Hoc Committee on Chicano Rights called yesterday for an investigation into the "competency and impartiality" of the judge who exonerated Patrolman Craig Short in the fatal shooting of a purse-snatch suspect.

Herman Baca also told a news conference his group will continue with a "do or die" effort to recall three of five members of the City Council.

His comments came in the wake of a decision by Municipal Court Judge T. Bruce Iredale that Short should not stand trial for the Oct. 12 slaying of 20-year-old Robert Luis (Tato) Rivera.

"First and foremost, let me state that it (the decision) came as no surprise to us of the Chicano community," Baca said. "The only surprise was that it took so long."

"It can't come as a surprise in the light of the fact that in the last 125 years, no policeman has ever been convicted of killing a Chicano."

County Justice Questioned

"It's our opinion that Judge Iredale's decision to stop the judicial system before it even got started to hear the real facts proves beyond a doubt that justice in San Diego County is dead," he said. "A Chicano, a black, a poor working person cannot get justice in San Diego County."

He said there is a double standard of prosecution used for "people like Rafael Rivera who in a moment of despondency stabbed himself and three weeks later was arrested for assault."

He charged that key witnesses were not questioned during the preliminary hearing and "too many discrepancies exist for anyone to even begin to know what happened in Judge Iredale's court."

"It is for this reason that the committee is calling for an immediate investigation into Judge Iredale's competency and impartiality to hear cases and sit on a bench of law."

Baca added that he is convinced that the "recall election is going to be a reality because that attitude in City Hall is going to be replaced."

Targets Of Recall Action

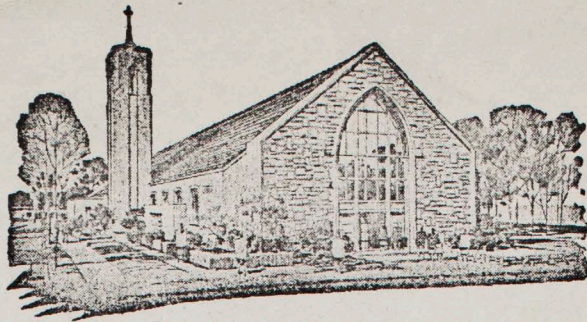
Mayor Kile Morgan, Vice Mayor Mike Dalle and Councilman Luther G. (Joe) Reid are targets of the recall petitions. Baca said yesterday that the committee has collected 812 signatures "and we'll get the rest we need by our target date of Dec. 31."

Councilmen J. Louis Camacho and Ralph Pinson are serving terms that expire next year and both are seeking re-election in the March 2 municipal vote.

"We are seeking redress for our grievances," Baca said after describing the "gut reaction" to the court decision as being "shock, frustration and anger."

"Something has to be done to prevent this type of thing from happening again, and we are going to work through the legally established channels. We have never condoned any type of violence."

"Nor do we condone any threats being made. That is not the way to solve this thing. Our position is one of nonviolence," Baca said.



St. Jude's Shrine of the West

Rectory: 3751 Boston Avenue
San Diego, California 92113
Telephone 264-2195

Once the concept of the Fifteen Second Trial is accepted, we are all in trouble. Our only recourse will be to the elected officials, and for the present, they are strangely silent.

Granted a lot of guilty men will be eliminated from society. So will a lot of innocent men. And once they are dead, it is extremely difficult to tell them apart.

Juan Rivera is dead. His guilt or innocence is now a moot question. But the police of National City are still alive and shooting.

Sincerely yours,

(Rev.) Jerry Sims
Pastor, St. Jude's Shrine

Subj: **Remembering Luis**
Date: 7/14/2003 3:01:58 PM Pacific Daylight Time
From: davalos@csusm.edu
To: AztecBaca@aol.com
Sent from the Internet (Details)

You could say that things have changed in National City since the Chicano Movement of the 1960s and 70s thrust people of Mexican ancestry into the American political arena. The militancy of the streets did not necessarily translate into political office back then. In 1975 Luis 'Louie' Natividad ran unsuccessfully for the National City Council. But, today 'Louie' sits on the that city's council as the result of his recent election. You could say the change is result of over a quarter century of political effort and struggle. Or you could say, as Herman Baca does, that what has changed are the former Chicanos who have forgotten their own histories and cynically embraced what they once militantly condemned.

When Mr. Natividad ran for City Council in 1975 it was part of a Chicano community recall effort sparked by the National City Council's refusal to fire Police Officer Craig 'Trigger' Short for killing suspected purse snatcher, Luis 'Tato' Rivera. Short shot Rivera in the back when 'Tato' fled the scene. Eyewitnesses stated to the press at the time that Rivera was not the purse snatcher. Today, Luis Natividad who denounced Short as a 'killer cop' 28 years ago has been sitting as councilman in a city where Captain Craig Short has been Acting Police Chief for over a month. Short was promoted to Captain with the blessings of another 1975 recall activist, Ralph Inzunza, a former councilman, father and mentor of current National City Mayor Nick Inzunza.

On the ballot in the election that gave Natividad and Inzunza their current positions was a proposition calling for the establishment of a Citizen's Review Board of the National City Police Department. Passed by an overwhelming 70% of the electorate the measure has been pushed aside as councilmen under the leadership of Inzunza raised their own salaries by ___% in San Diego County's poorest city.

'The people of National City have spoken out only rarely in recent history,' states Baca, long time community activist, 'but their voice was clear on the matter of the community wanting to hold the police accountable for acts of brutality.'

'To think that the Mayor and City Council approves of Short as Acting Police Chief and are considering him, an officer indicted by the District Attorney in 1975, as a longer-term acting police chief is yet another indication of their total lack of respect for the will of National City's voters,' insisted Baca.

'I know what our so-called elected representatives are because I remember two young men named Luis,' Baca recalled, 'one an innocent young man gunned down and ruthlessly killed in 1975 and the other a Chicano activist who used to believe in justice and the will of the people.'

'This is a sad day for both men and a sadder day for a community that has forgotten its own history,' Baca concluded, 'but there are those of us who will always remember.'

FYI

The San Diego Union-Tribune, July 12, 2003

DiCerchio, who could not be reached yesterday, appointed Capt. Craig Short as acting police chief when he went on a medical leave one month ago, Mayor Nick Inzunza said.

Inzunza refused to comment on DiCerchio's retirement plans, as did two other council members.

Inzunza, Parra and Councilman Ron Morrison said that city officials are interviewing candidates for a longer-term acting police chief.

Craig Short and the department's other captain, Penu Pauu, have been considered for the temporary job, police said. Parra said the city is looking only at internal candidates for the acting chief's position, but plans a broader search for a permanent replacement when it is necessary

Since the Watergate revelations, we have seen that Watergate-type activities have been going on not only at the Federal level, but in state Administrations, County Administrations, and local governments. Because of the increased public awareness, and the increased public concern, we think an investigation is necessary. We would like to pose the following questions in light of the recent accusations, and evidence of national scandals.

Does Mayor Morgan have an enemies list?

Did Morgan do everything possible to see that the recall petition was thrown out?

Would Morgan be willing to call for new elections if he claims that National City residents have confidence in his Administration?

Do the National City police have a secret file on people they consider dissidents?

Is National City Hall, and other public offices bugged? Is so, who bugged them, and what was the reason?

Does the National City police force have other political offices bugged? Is the Ad Hoc Committee office bugged by the cops?

Does the police or other agencies have informants or agents in National City political organizations?

Will Morgan allow an independent, open investigation of these charges? Will he make public all files that he has, or that the cops have, like the Ad Hoc Committee has offered to do?

- debates w/ other candidates

- radio - TV - newspaper exposure

- public meetings

- televised debates

- independent investigation

- investigation by secretary of state

John

A G.
Sec. of State
Farr PALT Paa
RA