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6 Attorneys for Plaintiffs  
7

8 IN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA

9 IN AND FOR THE COUNTY OF SAN DIEGO

10 UNITED CALIFORNIA MEXICAN-AMERICAN )  
ASSOCIATION, an unincorporated organ- )  
11 ization; AD HOC COMMITTEE ON CHICANO )  
RIGHTS, an unincorporated organization; )  
12 CHICANO FEDERATION, an incorporated )  
organization; HERMAN BACA and ALBERTO ) NO. \_\_\_\_\_  
13 GARCIA, as individuals and taxpayers of )  
the State of California; ENRIQUE RAMOS- )  
14 ALVAREZ, MARIA ELENA-RAMOS, PATRICIA ) COMPLAINT FOR  
NEVES, as residents of San Diego County ) INJUNCTIVE RELIEF  
15 and permanent resident aliens, )

16 Plaintiffs, )

17 vs. )

18 MARCH FONG EU, individually and as Secre- )  
tary of State, State of California; RAY )  
19 ORTIZ, individually and as an elections )  
assistant for the Secretary of State, )  
20 State of California; DOES I-X, agents and )  
employees of the Secretary of State, State )  
21 of California, )

22 Defendants. )

23

24 FIRST CAUSE OF ACTION

25 I

26 Plaintiff, United California Mexican-American Association  
27 (hereinafter "UCMAA") is an unincorporated association headquartered  
28 at 318 East San Ysidro Boulevard, San Ysidro, California. UCMAA has

1 many members who are permanent resident aliens residing in San Diego  
2 County and many members who are United States citizen tax-payers and  
3 voters.

4 II

5 Plaintiff, Ad Hoc Committee on Chicano Rights (Hereinafter  
6 "Ad Hoc Committee") is an unincorporated organization headquartered  
7 at 1837 Highland Avenue, National City, California. The Ad Hoc Com-  
8 mittee has many members who are permanent resident aliens residing  
9 in San Diego County. The Ad Hoc Committee has registered hundreds  
10 of Chicano persons to vote. The Ad Hoc Committee has many members  
11 who are United States citizen tax-payers and registered voters.

12 III

13 Plaintiff, Chicano Federation, is an incorporated non-  
14 profit organization headquartered at 1960 National Avenue, San Diego,  
15 California. The Chicano Federation has many members who are perman-  
16 ent resident aliens. The Chicano Federation has been involved in  
17 registering Chicano voters. The Chicano Federation has many members  
18 who are United States citizen tax-payers and voters.

19 IV

20 Plaintiff, Enrique Ramos-Alvarez, is a resident of San  
21 Diego County and was lawfully immigrated to the United States on  
22 July 30, 1973.

23 V

24 Plaintiff, Maria Elena-Ramos is a resident of San Diego  
25 County and a permanent resident alien lawfully admitted to the Uni-  
26 ted States on July 30, 1973.

27 VI

28 Plaintiff, Patricia Neves, is a permanent resident alien

1 lawfully admitted to the United States on September 16, 1975, and is  
2 a resident of San Diego County.

3 VII

4 Defendant, March Fong Eu, is the Secretary of State, State  
5 of California. In this capacity, she is responsible for supervising  
6 the activities of all employees of the Secretary of State's office.

7 VIII

8 Defendant, Ray Ortiz, is an elections assistant for the  
9 Secretary of State's office, and is currently conducting the pur-  
10 ported investigation that is the subject of the herein action.

11 IX

12 Does I-X are employees and/or agents of the Secretary of  
13 State's office involved in the purported investigation that is the  
14 subject of the herein action. The identity of Does I-X is not known  
15 to plaintiffs at this time. As soon as the identity of said defen-  
16 dants is known to plaintiffs, plaintiffs will amend the complaint  
17 accordingly.

18 X

19 On October 19, 1976, a front-page article in the San Diego  
20 Union indicated that the Secretary of State intended to mount an in-  
21 vestigation into the files of the Immigration and Naturalization  
22 Service (hereinafter "INS") to compare voter registration lists with  
23 INS files on permanent resident aliens. See "Exhibit A" attached  
24 hereto and incorporated by this reference. Said article quotes  
25 Caren Daniels of the Secretary of State's office as stating:  
26 "Actually, we have no evidence of any voter registration fraud..."

27 The newspaper article indicated that the investigators may  
28 simply run their fingers down the voter rolls until they hit on a

1 likely suspect, preferrably having a Spanish surname, and then flip  
2 through the INS files to find a corresponding name.

3 On information and belief, plaintiffs allege that this sys-  
4 tem of investigation, or one extremely similar, is in fact currently  
5 being utilized.

6 XI

7 On October 20, 1976, an article appeared in the San Diego  
8 Union, a true and correct copy of which is attached hereto as "Ex-  
9 hibit B" and is hereby incorporated by this reference. Said article  
10 quoted Edward O'Connor, regional director of INS in San Pedro, Cali-  
11 fornia, as stating that between 1.2 and 1.7 million aliens legally  
12 live in the State of California. He indicated that the INS files  
13 were not computerized and that the Secretary of State's office would  
14 have to sift through the entire files to get at the San Diego fig-  
15 ures.

16 Plaintiffs, on information and belief, allege that the  
17 above-cited facts are true.

18 XII

19 On October 22, 1976, an article appeared in the San Diego  
20 Union, a true and correct copy of which is attached hereto as "Ex-  
21 hibit C" and is hereby incorporated by this reference. Said article  
22 indicates that computer tapes listing all registered voters would be  
23 culled for Spanish surnames. These names would be checked against  
24 INS files bearing the names, addresses and birthdates of aliens.

25 Plaintiffs, on information and belief, allege that the  
26 above system, or one similar, is being utilized in the purported  
27 investigation now under way.

28 ...

XIII

1  
2 On October 26, 1976, Peter A. Schey, attorney for plain-  
3 tiffs herein, spoke by telephone with Richard Maness, elections at-  
4 torney for the Secretary of State's office. Attorney Maness stated  
5 that no evidence existed of actual violations of the state's elec-  
6 tion laws. See "Exhibit D" Affidavit of Peter A. Schey, attached  
7 hereto and incorporated by this reference. Attorney Maness indica-  
8 ted that no evidence at all existed to indicate that the individuals  
9 being investigated had committed any violations of law. See, "Ex-  
10 hibit D". Attorney Maness indicated that the purpose of this "pre-  
11 liminary" investigation was to determine whether a problem existed  
12 and, if so, the extent of the problem. See, Exhibit D.

13 XIV

14 On October 26, 1976, Peter A. Schey, attorney for plain-  
15 tiffs, spoke by telephone with Caren Daniels, an aide to the Secre-  
16 tary of State. See, Exhibit D. Ms. Daniels indicated that no rea-  
17 son existed to believe that particular individuals whose INS files  
18 would be checked, had committed any violations of law. See, Exhibit  
19 D. Ms. Daniels indicated that complaints of voter registration  
20 fraud had been received from growers in the San Joaquin area. See,  
21 Exhibit D. Ms. Daniels indicated that to her knowledge, no com-  
22 plaints had been received from San Diego County. See, Exhibit D.  
23 Ms. Daniels indicated that San Diego County was targetted for the  
24 investigation solely because of its proximity to the Mexican-  
25 United States border. See, Exhibit D. Ms. Daniels indicated that  
26 state investigators were comparing names on voter registration lists  
27 with INS index cards. That if a similarity appeared, a further INS  
28 file, which she could not identify, was then checked for other

1 criteria such as current address and date of birth. See, Exhibit D.  
2 Ms. Daniels indicated that if the data on an individual registered  
3 to vote appeared to identify that person as a resident alien, the  
4 County Clerk would be so informed, who in turn would notify precinct  
5 workers in an effort to challenge these persons when attempting to  
6 vote. See, Exhibit D.

7 XV

8 California Government Code §12172 provides that the Secre-  
9 tary of State shall administer the Elections Code. The section man-  
10 dates that the "Secretary of State shall see that elections are ef-  
11 ficiently conducted and that state election laws are enforced." The  
12 section further provides that:

13 "If, at any time, the Secretary of  
14 State concludes that state election  
15 laws are not being enforced, the  
16 Secretary of State shall call the  
17 violation to the attention of the  
18 district attorney of the county or  
19 to the Attorney General. In these  
instances, the Secretary of State  
may assist the county elections of-  
ficer in discharging his duties."  
(See "Exhibit E" attached hereto  
and incorporated by this reference).

20 Plaintiffs, on information and belief, allege that the  
21 Secretary of State has not called "the violation to the attention of  
22 the district attorney of the county or to the Attorney General "as  
23 no specific violation exists. Plaintiffs, on information and belief,  
24 allege that the Secretary of State is not "assist[ing] the county  
25 elections officer in discharging his duties" but has instead spear-  
26 headed this purported investigation.

27 Plaintiffs allege that the Secretary of State cannot embark  
28 on a fishing expedition exploring for possible violations of law.

1 The clear mandate of §12172 requires that the Secretary of State's  
2 office conclude that a specific violation exists prior to initiating  
3 a wholesale investigation that touches on every registered voter in  
4 a county and involves sifting through the confidential files of hun-  
5 dreds of thousands of lawfully immigrated aliens.

6 XVI

7 Defendants have a statutory duty pursuant to Government  
8 Code §12172 to conduct investigations according to the mandate of  
9 that section and only to initiate investigations covering specific  
10 individuals where some evidence of a violation of law exists.

11 XVII

12 Defendants are without reasonable basis, justification or  
13 jurisdiction unlawfully conducting a wholesale investigation of the  
14 names of every registered voter in San Diego County. Defendant's  
15 investigation is not limited to those individual registered voters  
16 about whom they have some information, as minimal as it may be, in-  
17 dicating that that person is not entitled to vote.

18 Defendants' practice infringes on the right of plaintiffs  
19 Alberto Garcia and Herman Baca, registered voters, to not be inves-  
20 tigated unless some basis exists to believe that they have violated  
21 the election laws. Defendants' practice further infringes on the  
22 rights of the registered voter members of the organizational plain-  
23 tiffs to not have their names investigated unless some reasonable  
24 basis exists to believe that they have violated the elections laws.

25 XVIII

26 According to the affidavits of plaintiffs Alberto Garcia  
27 and Herman Baca, see "Exhibits F" and "G" attached hereto and in-  
28 corporated by this reference, the purported investigation of the

1 defendants' has caused great concern in the Mexican-American commun-  
2 ity of San Diego County and is discouraging many voters of Mexican-  
3 American descent from exercising their right to vote in the upcoming  
4 elections.

5 XIX

6 Plaintiffs are being irreparably harmed by defendants' pur-  
7 ported investigation in that their names are being investigated with-  
8 out any justification, they face possible harrassment at the polling  
9 booth, and the Mexican-American community is being discouraged from  
10 voting on November 2, 1976.

11 SECOND CAUSE OF ACTION

12 I

13 Plaintiffs incorporate by reference paragraphs I through  
14 XIX of the first cause of action.

15 II

16 Defendants' practice in conducting this purported investi-  
17 gation violates the confidentiality provisions of the Privacy Act  
18 of 1974.

19 III

20 Plaintiffs are being irreparably harmed in that files main-  
21 tained by INS on them are being unlawfully reviewed by investigators  
22 from the Secretary of State's office.

23 IV

24 Plaintiffs have no adequate remedy at law, in that there  
25 are no administrative or other legal remedies immediately available  
26 to them, and damages to compensate for their loss of protections  
27 are unascertainable.

28 ...



1 THIRD CAUSE OF ACTION

2 I

3 Plaintiffs Alberto Garcia and Herman Baca incorporate here-  
4 in by reference paragraphs I through XIX of the first cause of ac-  
5 tion and paragraphs I through IV of the second cause of action.

6 II

7 Plaintiffs Baca and Garcia are citizens of the State of  
8 California, and residents of San Diego County. As such, they pay  
9 taxes to the State which are expended on administering the election  
10 laws in California.

11 III

12 Plaintiffs Baca and Garcia have a right to have their taxes  
13 expended in a lawful manner. Taxes paid by plaintiffs Baca and  
14 Garcia are being unlawfully expended through the actions of defend-  
15 ants heretofore set out.

16 IV

17 Unless and until such unlawful expenditures are enjoined,  
18 plaintiffs Baca and Garcia will be irreparably injured in that taxes  
19 will continue to be illegally expended.

20 V

21 Plaintiffs Baca and Garcia have no adequate remedy at law  
22 in that the sole statutory remedy for an illegal expenditure of tax-  
23 es is prescribed in Code of Civil Procedure §256a as being by way of  
24 injunction.

25 VI

26 There exists a real and present controversy between plain-  
27 tiffs Baca and Garcia and defendants over whether or not: (1) jus-  
28 tification exists for the defendants to conduct the type of investi-

1 gation currently being undertaken, and (2) whether or not the de-  
2 fendant's actions are unlawful as being in violation of the Privacy  
3 Act of 1974.

4 WHEREFORE, Plaintiffs pray:

5 1. For an order temporarily restraining defendants, their agents,  
6 employees, successors or anyone acting in concert with them:

7 [A] From investigating the names of registered  
8 voters in San Diego County unless some  
9 basis exists to believe that the individual  
10 has committed an election law violation, and,

11 [B] From reading through INS files to gather in-  
12 formation on individuals within INS files  
13 having a similar or identifcal name to some-  
14 one on the San Diego County voter registra-  
15 tion lists.

16 2. For an order to show cause why a preliminary injunction enjoin-  
17 ing defendants, their agents, employees, successors or anyone act-  
18 ing in concert with them:

19 [A] From conducting an investigation into a named  
20 registered voter's right to be so registered  
21 unless some reasonable evidence exists indica-  
22 ting that the specified voter has violated the  
23 election law;

24 [B] From conducting an investigation into every  
25 registered voter in San Diego County by com-  
26 paring registration lists with INS files,  
27 unless some reasonable basis exists upon which  
28 to believe that specific individuals have

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violated the election law;

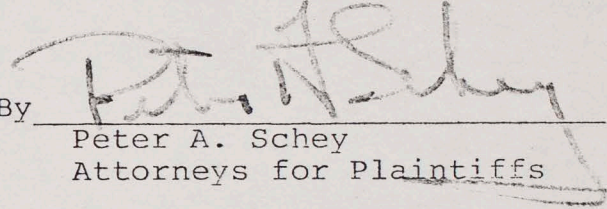
[C] From selecting Spanish surnames, or the surnames of any other identifiable ethnic group, as a basis for comparing voter registration lists with INS files;

[D] From expending tax monies to read through INS files, index cards, or other records, in an effort to compare them with voter registration rolls unless a reasonable basis exists to conclude that a specific person has unlawfully registered to vote.

- 3. For attorneys' fees and costs of court incurred herein; and,
- 4. For such other relief as the Court deems just.

DATED: October 27, 1976

PETER A. SCHEY  
ROBERT BURKHOLDER

By   
Peter A. Schey  
Attorneys for Plaintiffs

VERIFICATION

I hereby declare under penalty of perjury that I am a plaintiff in the within action and that I have read the attached complaint; I know the contents thereof and the facts set out therein are true of my own knowledge except for those matters alleged on information and belief, and as to those matters I believe them to be true.

DATED: October 27, 1976

Herman Baca

HERMAN BACA

I hereby declare under penalty of perjury that I am the attorney for plaintiffs herein; that I am better acquainted with the facts of the herein action than are the plaintiffs; that I have read the attached complaint and know the facts contained therein to be true, except as to those matters alleged on information and belief, and as to those matters I believe them to be true.

DATED: October 27, 1976

Peter A. Schey

PETER A. SCHEY  
Attorney for Plaintiffs.

# Alien Voter Probe Called Huge Task

By PATRICK DILLON  
Staff Writer, The San Diego Union

Secretary of State March Fong Eu intends to conduct an investigation in San Diego to probe allegations that green card holding Mexican aliens are registering to vote in California.

But that probe may mean burrowing into a mountain to find a mole hill.

Federal officials, who must cooperate in the probe, believe state investigators could be buried under an avalanche of numbers and legal problems.

"Actually, we have no evidence of any voter registration fraud," said Caren Daniels, an aide to the secretary of state in Sacramento. "For three or four weeks, we have heard reports that Mexican aliens are registering to vote in California. And, we are attempting to check it out."

## FELONY HERE

California laws make it a felony, punishable by up to 14 years in prison, for noncitizens to register to vote in this state.

"San Diego is a likely place to conduct an investigation because it is so close to the border and has such a large alien population," Daniels said.

Edward O'Connor, regional director of the Justice Department's Immigration and Naturalization Service office in San Pedro, said there are between 1.2 million and 1.7 million green card holding Mexican aliens in California.

Most are legal residents, although a large number pass across the international border south of San Diego daily on their way to work in the United States and then return home to Mexico.

And, therein lies the problem.

Investigators from the secretary of state's office hope to match lists of Mexican aliens here against county voter rolls.

O'Connor said INS has no computerized alien list —

only files — more than 1 million of them.

County Registrar of Voters Robert Denny said 787,826 citizens are listed on the current county roster of voting eligibles.

## OPEN EACH FILE

The task, then, is for investigators to open each file, obtain pertinent information like date of birth and place of birth, and attempt to make a match on the computerized printout of voter registrations.

Or, they might do it the other way.

Run their fingers down the voter rolls until they hit on a likely suspect, preferably

(Continued on A-9, Col. 1)

# Alien Voter Probe Called Huge Task

(Continued from Page A-1)  
possessing a Spanish surname, and then flip through the INS files to find a corresponding name.

In any case, a request for the INS files was sent yesterday from the secretary of state to O'Connor.

"I guess we'll give them the files, or at least the indexes to the files. But, it sure sounds like a tremendous job," O'Connor said in a telephone interview.

"We don't have these things broken down by districts. We only have the state figures that we collect when aliens register to live or work here," he said. "So, sifting through all this sounds darn near impossible."

James O'Keefe, director of the INS office for the San Diego district, which includes this county and Imperial County, said his staff could make things a little easier for state investigators! — in some ways.

"Our index shows 305,000 files on Mexican aliens in this office," he said. "The only trouble is that illegal

aliens, legal alien residents and aliens who cross the border into the U.S. to work are all mixed together.

"So, we would have some sorting to do," O'Keefe said.

And another possible obstacle lies in the way.

"I'm not entirely sure whether we can turn these files over," O'Keefe observed. "There could be legal problems, possible violations of privacy."

Federal laws say that aliens residing in the U.S. are bound by the same laws and afforded the same statutory rights as U.S. citizens. One of those rights is protection from the prying eyes of government.

"The Privacy Act would preclude disclosure of information contained in INS records relating to individual aliens lawfully entitled to reside in the U.S. without consent of the individual affected, except in certain circumstances," said Warren Reese, assistant chief U.S. attorney for San Diego.

One of those exceptions, Reese said, is "where the disclosure is made for civil

or criminal law enforcement purposes. Then, prior consent is not required, according to the INS regulations."

Despite the possible logistical and legal tangles, the secretary of state's office will go ahead with its investigation, Daniels said.

"We have gotten too many complaints to let this thing go by," she said, "even though we have no evidence."

Most of those complaints, Daniels said, have come from the Council of California Growers, which represents farmers throughout the state. The question gains importance because of the presence of Proposition 14, the farm labor initiative backed by United Farm Workers leader Cesar Chavez, on the Nov. 2 ballot. Some growers have said that aliens might attempt to vote on the measure.

The council, based in San Mateo, last week released a statement saying that illegal voter registration registrants who carried aliens' green cards had been discovered in San Joaquin and Stanislaus counties.

"We have people who have the evidence," said Don Bell, a council spokesman. "But they are afraid to come out front and identify themselves because they fear retaliation by the aliens."

Mexican aliens were registering to vote in California.

"I just think whoever does this investigation faces a darn near impossible task," said O'Connor, who was sent a letter Monday by the secretary of state requesting INS files.

#### LUMPED BY STATES

Those files, O'Connor emphasized, are lumped together by states, not voting districts. That means they are going to have to go through all of the files to get at the San Diego figures, he said.

"We are aware of the problem, to some degree," said Daniels yesterday in a telephone interview. "And, if the INS information is in a form which is not workable for our investigation, or if the information cannot be obtained before the Nov. 2, election, we would have to reconsider.

"We would probably have to abandon our investigation," she said.

Asked what would be considered unworkable, Daniels said: "Frankly, 1.2 million files would be unworkable."

Also, Warren Reese, assistant chief U.S. attorney here, said the question whether INS is legally authorized to open its files to state investigators could arise.

Aliens, like U.S. citizens, are afforded privacy protection under law.

Whether to push the probe or pull back will be decided by the end of the week when the secretary of state receives a response from INS and gets a legal reading from government attorneys, Daniels said.

OCT. 20, 1976

## Alien Vote Probe May Be Canceled

By PATRICK DILLON

Staff Writer, The San Diego Union

An investigation in San Diego County to determine whether Mexican aliens are registering to vote here may be abandoned before it begins, an aide to Secretary of State March Fong Eu disclosed yesterday.

The aim of the planned probe, according to Caren Daniels, an aide to the secretary of state, would be to match voter registration lists with lists of green card holding Mexican aliens to determine whether any of them have illegally signed up to vote, a felony that is punishable by up to 14 years in prison.

However, federal officials have pointed out that the probe could prove unwieldy and possibly unlawful.

#### ESTIMATES NUMBER

Edward O'Connor, regional director of the Justice Department's Immigration and Naturalization Service, which registers aliens in California, estimates that between 1.2 million and 1.7 million Mexican aliens legally live in this state.

And, he pointed out, the INS files are not computerized.

"If they want to look through them, I guess they can," O'Connor said when told of the proposed state inquiry into allegations that

# State Probers To Check For Illegal Voters

b6  
b7C  
-565

## Team Here To View Registration Of Persons With Spanish Surnames

By CAROL KENDRICK  
Staff Writer, The San Diego Union

The California secretary of state's office will send a team of investigators here Tuesday and Wednesday with orders to comb voter registration lists and alien index files for illegal voter registrations by those with Spanish surnames.

The investigation, which has been "on again, off again" since Monday, was on again yesterday when the Justice Department's Immigration and Naturalization Service agreed to open its index of aliens to the secretary of state.

The probe was proposed several weeks ago following allegations that Mexican aliens have illegally registered to vote in the Nov. 2 election.

But the complexities of checking and cross-checking the 737,000-name voter registration list with the 305,000-name alien index, and questions of the legality of invading the privacy of aliens, had cast a shadow over the proposal.

The investigation will center in San Diego, where the INS keeps files and indexes on illegal aliens, legal alien residents and aliens who cross the border to work in San Diego and Imperial counties.

Caren Daniels, an aide to the secretary of state, said yesterday several investigators, led by elections assistant Ray Ortiz, will undertake the probe.

Computer tapes listing all registered voters will be culled for Spanish surnames. Those names will be checked against INS indexes — 3-by-5-inch cards bearing names, addresses and birth dates of all aliens known in San Diego and Imperial counties.

The U.S. attorney's office here has questioned whether, under privacy laws that protect both U.S. citizens and aliens, the INS is legally authorized to open its files.

And Herman Baca, chairman of the Mexican-American Political Association in San Diego, sent telegrams Wednesday to Gov. Brown and Secretary of State March Fong Eu, labeling the investigation a "witch hunt."

However, an aide to Edward O'Connor, regional INS director, said yesterday the rights to privacy of aliens will not be violated by the investigation, since only index reference cards, not the actual files, will be examined.

"It does not invade the privacy act to help a state agency investigate possible crimes," according to INS aide Robert Seitz.

However, if there is reason to believe an alien may be illegally registered to vote, Seitz added, the investigators may obtain access to

(Continued on B-4, Col. 1)

EXHIBIT "C" - 1



# Probers To Check For Illegal Voters

(Continued from Page B-1)

the actual alien files for further information.

## STIFF PENALTY

The penalty for fraudulent voter registration by a citizen can be a prison term of up to three years, and perjury in swearing to a fraudulent voter registration form is punishable by up to 14 years in prison.

Daniels said the names of those apparently registered illegally will be turned over to the San Diego district attorney's office for prosecution.

And the investigation will allow election officials to challenge the right to vote on Nov. 2 of anyone who state investigators believe there is probable cause to doubt as a qualified voter.

Daniels said during the next 11 days before the election, discouraging illegal voting may be the biggest result of the probe.

And she noted any illegally

registered voter may cancel the registration before Tuesday to avoid possible prosecution.

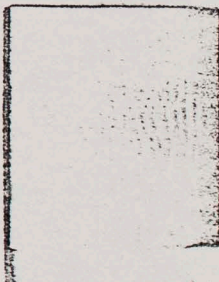
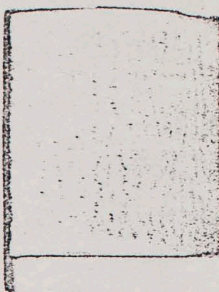
## MANY ALLEGATIONS

Daniels said although no real evidence of voter fraud has appeared yet, there were too many allegations to ignore, and San Diego, with its large alien population, seemed a good place to start.

She said some of the allegations have come from California growers who fear aliens may attempt to vote for Proposition 14, the farm labor initiative.

But she said neither Proposition 14 or the streamlined postcard voter registration process can possibly take total responsibility for the fraud problem.

"This probe is going to be a chore," she acknowledged. "But we feel very strongly we need to do it to quell the rumors."



(a) He maintains for the use of the public a microphotographic film print or copy of each document, record, instrument, or paper so returned or destroyed, prepared in accordance with the procedure specified in \* \* \* Sections 1551 and 1531 of the Evidence Code.

(b) He promptly seals and stores at least one original negative of each such microphotographic film in such manner and place as reasonably to assure its preservation indefinitely against loss, theft, defacement, or destruction. (Amended by Stats.1968, c. 449, p. 1060, § 30.)

1. In general Secretary of state may disseminate information concerning a financing statement over the telephone without charge; however, there is no provision in the uniform commercial code requiring him to do so. 43 Ops.Atty.Gen. 254, 6-4-64.

§ 12171. Compilation and maintenance of list of districts

The Secretary of State shall compile and maintain a complete list of all districts for which certificates or copies of orders, ordinances or resolutions declaring districts formed or organized have been filed. This list shall contain the name of each district, the date of formation, and the county or counties in which the district is located.

The list of districts, and all certificates, maps, or copies of orders, ordinances or resolutions filed with the Secretary of State in connection with the formation, change of boundaries, merger, consolidation, or dissolution of districts, shall be open to inspection by the public. (Added Stats.1963, c. 457, p. 1306, § 47.)

§ 12172. Review of provisions of initiative measure; statement of fiscal impact

The Secretary of State shall, upon the request of the proponents of an initiative measure which is to be submitted to the voters of the state, review the provisions of the initiative measure after it is prepared prior to its circulation. In conducting the review, the Secretary of State shall:

(a) Analyze and comment on the provisions of the measure with respect to form and language clarity.

(b) Request and obtain a statement of fiscal impact from the Legislative Analyst.

The Legislative Analyst shall furnish the Secretary of State with a statement of fiscal impact with respect to the initiative measure within 25 days after being requested to do so by the Secretary of State pursuant to subdivision (b) of this section.

In the preparation of the statement of fiscal impact pursuant to this subdivision, the Legislative Analyst may use the fiscal estimate or the opinion prepared pursuant to Section 3501.3 of the Elections Code.

The review performed pursuant to this section shall be for the purpose of suggestion only and shall not have any binding effect on the proponents of the initiative measure.

(Added by Stats.1975, c. 955, p. —, § 2.)

For another § 12172, added by Stats.1975, c. 1119, p. —, § 3, see § 12172, post.

§ 12172. Chief elections officer; administration of Elections Code

The Secretary of State is the chief elections officer of the state, and shall administer the provisions of the Elections Code. The Secretary of State shall see that elections are efficiently conducted and that state election laws are enforced. The Secretary of State may require elections officers to make reports concerning elections in their jurisdictions.

If, at any time, the Secretary of State concludes that state election laws are not being enforced, the Secretary of State shall call the violation to the attention of the district attorney of the county or to the Attorney General. In these instances, the Secretary of State may assist the county elections officer in discharging his duties. (Added by Stats.1975, c. 1119, p. —, § 3, urgency, eff. Sept. 28, 1975.)

For another § 12172, added by Stats.1975, c. 955, p. —, § 2, see § 12172, ante.

Section 4 of Stats.1975, c. 1119, p. —, Library References Elections 51. C.J.S. Elections § 57 et seq. provided: "The Secretary of State may adopt regulations to assure the uniform application and administration of state election laws."

Underline Indicates changes or additions by amendment

- Sec.
- 12197.1 Issuing notary public c
- 12201. Filing article of incorp for shares [New].
- 12202. Filing agreement of mer
- 12202.5 Filing copy of short-form
- 12203. Filing certificates of m
- 12208. Special handling of doc
- 12209. Certification of copies in
- 12210. Annual statement of ge
- 12211. Statement and designat amendment [New].
- 12212. Annual Registration of eign lending institutio

§ 12185. Filing designation of Text of sect

The fee for filing a designat ship, firm or corporation is \* (Amended by Stats.1974, c. 41, p For text of section e

§ 12185. Filing designation of Text of s

The fee for filing a designa mership, or firm, but not includ (Amended by Stats.1974, c. 41, p 1977.) For text of section eff

§ 12185. Comparing copies with Except as provided in Secti

resolution, record, or other d copy of the original, on file in (Amended by Stats.1974, c. 41, p

§ 12187. Repealed by Stats.19

§ 12189. Repealed by Stats.19

§ 12194. Filing copy of decree Law Review Commentaries Female surnames. (1973) 6 U Rev. 403.

§ 12197.1 Issuing notary pub The fee for \* \* \* issuin (Added Stats.1967, c. 1139, p. 2 Library references Notaries 2. C.J.S. Notaries §§ 2-5.

§ 12199. Issuing certificate o The fee for issuing a cert four dollars (§4). (Amended by Stats.1974, c. 41, Asterisks \* \* \* Indicate dele

EXHIBIT "E"

AFFIDAVIT OF PETER A. SCHEY

1  
2 I, PETER A. SCHEY, BEING DULY SWORN, declare as follows  
3 under penalty of perjury:

4 1. I am the attorney for the plaintiffs in the within action;

5 2. On October 26, 1976, I spoke by telephone with Richard  
6 Maness, attorney for the Secretary of State. Attorney Maness  
7 stated at that time that no evidence of actual violation(s)  
8 of State election laws existed in San Diego County. He stated  
9 that the purpose of the investigation being undertaken by the  
10 Secretary of State's office was to determine whether or not  
11 a problem existed. Attorney Maness stated that absolutely no  
12 evidence existed to indicate that those persons whose names  
13 would be checked against INS files had been or were involved  
14 in any violations of State election laws. He further stated  
15 that investigators from the Secretary of States office would  
16 read through the names, addresses and birthdates of aliens  
17 listed in the INS files.

18 3. On October 26, 1976, I spoke with Caren Daniels,  
19 aide to the Secretary of State, on the telephone. She indicated  
20 to me that no complaints to her knowledge had been received  
21 from San Diego County alleging that aliens had unlawfully  
22 registered to vote. She further stated that San Diego County  
23 was targetted solely because of it's proximity to the  
24 international border with Mexico. She indicated that to her  
25 knowledge the only complaints received by her office were  
26 from growers in the San Quajuin area. She also indicated that  
27 no reason existed to believe that particular individuals  
28 whose INS files would be checked had committed any violations

1 of law. She further indicated that if the name appearing on  
2 the voter registration roll was identical to an INS record,  
3 that a further INS file would be checked. She could not  
4 identify what INS file this may be. She finally indicated  
5 that if the investigators were lead to believe that an  
6 alien had registered to vote, that information would be passed  
7 on the County Clerk who would pass it on to the Precinct  
8 Worker who would challenge that voter when he/she  
9 appeared to vote on November 2, 1976.

10 I swear under penalty of perjury that the above information  
11 is true and correct.

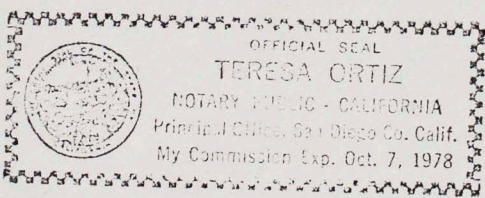
12 Dated: October 27, 1976

*Peter A. Schey*  
\_\_\_\_\_  
PETER A. SCHEY

13  
14  
15 SUBSCRIBED AND SWORN TO BEFORE ME THIS  
16 27 day of OCTOBER 1976.

*Teresa Ortiz*  
\_\_\_\_\_  
NOTARY PUBLIC IN AND FOR THE STATE  
OF CALIFORNIA.

21 MY COMMISSIN EXPIRES: OCT. 7, 1978



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AFFIDAVIT OF HERMAN BACA

I, HERMAN BACA, being duly sworn depose and say under penalty of perjury that:

1. I am a United States citizen resident of San Diego County.

2. I am a taxpayer in the State of California and am a registered voter in the County of San Diego, State of California.

3. I am the Chairman of the Ad Hoc Committee on Chicano Rights, an organizational plaintiff in the herein action.

4. Many of our members are both United States citizens registered to vote and many others are permanent resident aliens.

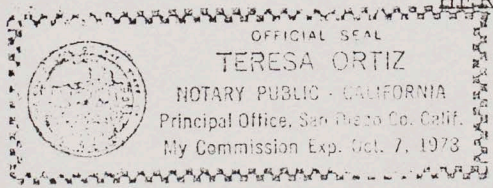
5. During the past few days I have received numerous telephone calls from Mexican-American persons, both members of our organization and non-members, who have expressed their concern over the current investigation being undertaken by the Secretary of States office. Many of these persons have stated that they are afraid to vote on November 2, 1976, because they fear harassment at the polls because of their Mexican-American ancestry.

I swear under penalty of perjury that the above information is true and correct.

DATED: October 27, 1976

*Herman Baca*  
\_\_\_\_\_

HERMAN BACA



SUBSCRIBED AND SWORN TO BEFORE ME THIS  
27, day of October 1976.

*Teresa Ortiz*  
\_\_\_\_\_

MY COMMISSIN EXPIRES : OCT. 7, 1978  
EXHIBIT "G"

notary public  
state of calif.

1 PETER A. SCHEY, ESQ.  
LEGAL AID SOCIETY OF SAN DIEGO, INC.  
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3 Telephone: (714) 233-5463

4 ROBERT BURKHOLDER, ESQ.  
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5 San Diego, California 92102  
Telephone: (714) 233-5463

6 Attorneys for Plaintiffs  
7

8 IN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA

9 IN AND FOR THE COUNTY OF SAN DIEGO

10 UNITED CALIFORNIA MEXICAN-AMERICAN	)	
ASSOCIATION, an unincorporated organ-	)	NO. _____
11 ization; <u>et al.</u> ,	)	
	)	
12 Plaintiffs,	)	POINTS AND
	)	AUTHORITIES IN
13 vs.	)	SUPPORT OF COMPLAINT
	)	FOR INJUNCTION
14 MARCH FONG EU, individually and as Secre-	)	
tary of State, State of California; <u>et al.</u> ,	)	
15	)	
Defendants.	)	
16	)	

17 I

18 THE ACTIONS OF DEFENDANTS  
19 INTIMIDATES MEXICAN-AMERICAN  
VOTERS.

20 The actions of defendants are clearly aimed primarily at  
21 Spanish-surnamed and other ethnic group surnamed registered voters.  
22 See Exhibits A, B and C attached to Complaint. Exhibits F and G  
23 indicate that Mexican-American registered voters have been intim-  
24 idated by the purported investigation of defendants. Said intim-  
25 idation violates the rights of plaintiffs to vote. 42 U.S.C. 1971  
26 (3) (b). This subsection dealing with the intimidation of voters is  
27 to be liberally construed. United States v. McLeod, 385 F.2d 734  
28 (1967). A state can be a defendant in an action based on §1971.

1 United States v. Alabama, 362 U.S. 602 (1960).

2 Defendants' actions herein challenged are clearly aimed at  
3 the Mexican-American community and as such are discriminatory and  
4 can be enjoined. United States v. Ramsey, 331 F.2d 824 (1964).

5 Plaintiffs Garcia and Baca are United States citizens, re-  
6 gistered to vote in San Diego County. Their right to vote has been  
7 and is being interfered with by defendants because of their race  
8 and/or color. It is not necessary in a §1971 action to prove that  
9 the plaintiffs' constitutional or statutory rights to vote were  
10 actually denied. The threats or attempts to intimidate are suffi-  
11 ciently actionable. United States v. McLeod, supra; United States v.  
12 Board of Education, 332 F.2d 40 (1964).

13 II

14 DEFENDANTS HAVE EXCEEDED  
15 THE SCOPE OF THEIR AUTHORITY  
16 UNDER GOVERNMENT CODE SEC-  
TION 12172

17 The Secretary of State clearly does not have unbridled  
18 authority to order massive investigations into voter registration  
19 lists with the attendant chilling effect that this has on the right  
20 to vote. Exhibits A, B, C and D attached to plaintiff's complaint  
21 clearly indicate the shot-gun approach adopted by defendants. Spe-  
22 cific incidents of possible violations of law are not being inves-  
23 tigated. Instead, every registered voter, and reportedly those with  
24 Spanish surnames in particular, is having his or her name investi-  
25 gated. Section 12172 clearly requires a reasonable conclusion that  
26 state election laws are not being enforced. Based on such a con-  
27 clusion, the Secretary can order an investigation into that parti-  
28 cular violation. No such facts exist to justify the investigation

1 challenged herein.

2 Plaintiffs have alleged on information and belief that  
3 neither the San Diego County District Attorney nor the Attorney  
4 General of the State of California were informed of the violation  
5 for no violation existed. Plaintiffs further allege that the  
6 defendants are not "assist[ing] the county elections officer  
7 in discharging his duties" but rather have initiated the  
8 purported investigation themselves. All of the above acts were  
9 and remain in violation of section 12172.

10 While the defendants may locate the name of a registered  
11 voter whose name also appears in the records of INS in San  
12 Diego, this alone does not indicate an election law violation.  
13 The person may have become a naturalized United States citizen  
14 subsequent to entering the United States as an immigrant.  
15 If the naturalization proceedings were not conducted in  
16 San Diego, the INS in San Diego may, in fact, have no record  
17 of such proceedings. Yet, this person, fully entitled to vote,  
18 will be challenged at the polling booth on November 2, 1976.

19 While the Secretary of State is mandated to ensure that  
20 "State election laws are enforced", the Secretary is not  
21 authorized to conduct massive investigations covering voters  
22 concerning whom no evidence exists indicating an election law  
23 violation.

24 Plaintiffs further allege that the singling out of San  
25 Diego County voters for defendants' investigation violates the  
26 equal protection rights of San Diego County voters as guaranteed  
27 by the Fourteenth Amendment to the United States Constitution  
28 and Article I, Section 7 of the California Constitution.



1 Neither a rational nor a compelling state interest supports  
2 the singling out of San Diego County voters for this investi-  
3 gation. Cotton v. Municipal Court, 130 Cal.Rptr. 876, 879 (1976);  
4 Westbrok v. Mihaly, 2 Cal.3d 765, 785, 87 Cal.Rptr. 839, 853.

5  
6 III

7 DEFENDANTS' ACTIONS ARE IN VIOLATION  
8 OF THE FEDERAL PRIVACY ACT OF 1974  
9 AND ARE THEREFORE ILLEGAL

10 The Privacy Act of 1974 established a statutory scheme  
11 to safeguard individual privacy through misuse of federal  
12 records. Section 2(a)(4) states:

13 [T]he right to privacy is a personal  
14 and fundamental right protected by  
15 the Constitution of the United  
16 States.

16 Defendants are reviewing "records" within the possession of  
17 INS. As such, review of these records as a "routine use"  
18 must be accomplished in accordance with the regulations setting  
19 forth the "routine use" of such information.

20 Section 552a(a)(2) of the Privacy Act states that the  
21 act covers "an alien lawfully admitted for permanent residence."  
22 Three of the named plaintiffs in this action are permanent  
23 resident aliens and other plaintiffs allege a misuse of  
24 tax monies through the defendants' unlawful actions.

25 Section 552a(a)(4) sets forth the definition of a "record"  
26 as follows:

27 [T]he term 'record' means any item,  
28 collection, or grouping of informa-  
tion about an individual that is

1 maintained by an agency, including  
2 but not limited to, his education,  
3 financial transactions, medical history,  
4 and criminal or employment history and  
5 that contains his name, or the identifying  
6 number, symbol, or other identifying  
7 particular assigned to the individual,  
8 such as a finger or voice print or  
9 a photograph.

6 The information to which the defendants are gaining access  
7 contains, as to each plaintiff who is a permanent resident  
8 alien, his name, address, date of birth, alien registration  
9 number, and other information contained in naturalization  
10 files. This grouping of information is clearly a "record"  
11 as contemplated by the Act as it designates the individuals  
12 immigration status in the United States and contains  
13 private biographical data. This interpretation is consistent  
14 with the legislative history of the Act:

15 Such a definition ... is intended  
16 to include within these terms any  
17 symbol, number, such as a social  
18 security number or character,  
19 address, by which the individual  
20 is indexed in a file or retrievable  
21 from it. 4 U.S. Cong. and Adm. News,  
22 page 6993, 1974.

20 Section 552a(a) (5) defines "system of records" as follows:

21 [T]he term 'system of records' means  
22 a group of any records under the control  
23 of any agency from which information  
24 is retrieved by the name of the  
25 individual or by some identifying  
26 number, symbol, or other identifying  
27 particular assigned to the individual.

25 The index card system to which defendants have turned contain  
26 an index to all aliens known to the San Diego INS office.  
27 This index is used as the master for locating files and  
28 other data of all aliens processed through that office.

1 Thus, the system of records being rummaged through by defendants  
2 is clearly a "system of records" within the meaning of the  
3 Privacy Act of 1974.

4 Section 552a(b) states:

5 No agency shall disclose any record which  
6 is contained in a system of records by any  
7 means of communication to any person, or  
8 to another agency, except pursuant to a  
9 written request by, or with the prior  
10 written consent of, the individual  
11 to whom the record pertains, unless  
12 disclosure of the record would be  
13 (1) to those officers and employees of  
14 the agency which maintains the record  
15 who have a need for the record in the  
16 performance of their duties;  
17 (2) required under section 552 of this  
18 title;  
19 (3) for a routine use as defined in  
20 subsection (a)(7) of this section and  
21 described under section (e)(4)(D) of this  
22 section;

23 The first two exceptions clearly have no bearing on this case.

24 "Routine use" is defined in section (a)(7) as follows:

25 [T]he term 'routine use' means, with  
26 respect to the disclosure of a record, the  
27 use of such record for a purpose which  
28 is compatible with the purpose for  
which it was collected.

Section 552a(b), supra, further requires an examination of  
section (e)(4)(D) to determine the meaning of "routine use."

Section (e)(4)(D) requires that each "routine use of the  
records contained within the system, including the categories  
of users and the purpose of such use" be enacted by rule-  
making procedures and be published in the Federal Register.

The relevant regulations enacted by INS are found in  
the Federal Register, Volume 40, Number 167, August 27, 1975.  
A copy of said regulations are attached hereto as Exhibit 1,

1 and are hereby incorporated by this reference. Page 38762  
2 of said regulations pertains to the "routine uses of records  
3 maintained in the system." The relevant section states:

4 In the event that these systems of records  
5 maintained by this Service [INS] to carry  
6 out its functions indicates a violation  
7 or potential violation of law ... the  
8 relevant records in this system of records  
9 may be referred, as a routine use, to the  
10 appropriate agency ...

11 The records may therefore be reviewed by an outside agency  
12 only when the system of records itself contains or reveals  
13 an actual or potential civil or criminal violation. No  
14 provision would allow defendants to go through vast numbers  
15 of private records searching for a possible violation.

16 Defendants' actions in reviewing the INS files is clearly  
17 unlawful and will remain unlawful unless INS published such  
18 an intended use in the Federal Register and then provided  
19 at least 30 days prior to the enactment of such a "routine  
20 use" regulation.

21 Defendants have no legal authority for sifting through  
22 vast numbers of INS files pertaining to lawfully admitted  
23 permanent resident aliens in the United States. Those files  
24 are clearly protected from disclosure by the Privacy Act and  
25 the fact that INS has made these files available to defendants  
26 does not automatically enshrine the practice with legality.  
27 INS, while not a defendant in the within action, is as guilty  
28 of wrongdoing as are the defendants.

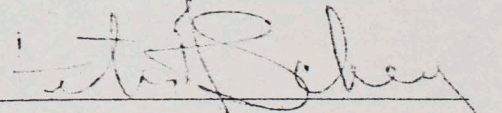
26 . . .  
27 . . .  
28 . . .

1 CONCLUSION

2 For the reasons mentioned above, and each of them, this  
3 Court should enjoin defendants from continuing their purported  
4 investigation into the entire voter registration files of  
5 San Diego County. It is clear that no reasonable basis exists  
6 upon which to conduct a massive investigation of each and  
7 every registered voter. Such an investigation conducted in  
8 any major urban area is likely to uncover a minimal amount  
9 of persons unlawfully registered to vote for various reasons.  
10 Some persons may be under age, others may not have registered  
11 properly, others may have registered twice, others may have  
12 criminal records barring them from voting, etc.

13 The effect of the defendants' investigation will be to  
14 chill the lawful exercise of many registered voters, particularly  
15 those of foreign ancestry and those with Spanish surnames.  
16 The investigation is clearly aimed at the Mexican-American  
17 community of San Diego County as evidenced by the many statements  
18 of defendants' employees that they are particularly looking  
19 for Spanish surnamed people.

20 Plaintiffs do not question the right of the defendants to  
21 conduct lawful investigations when the facts warrant such an  
22 action. However, plaintiffs do argue that such an investigation  
23 cannot be initiated at the whim of the Secretary of State and  
24 must be aimed at specific individuals who are reasonably  
25 suspected of some violation of the election code. Defendants are  
26 furthermore involved in an unlawful activity by their sifting  
27 through hundreds of thousands of INS files. For these reasons  
28 an injunction should issue.

  
PETER A. SCHEY  
Attorney for Plaintiffs

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5 San Diego, California 92102  
Telephone: (714) 233-5463

6 Attorneys for Plaintiffs  
7

8 IN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA

9 IN AND FOR THE COUNTY OF SAN DIEGO

10 UNITED CALIFORNIA MEXICAN-AMERICAN )  
ASSOCIATION, an unincorporated organ- )  
11 ization; AD HOC COMMITTEE ON )  
CHICANO RIGHTS, an unincorporated or- )  
12 ganization; CHICANO FEDERATION, an in- ) NO. \_\_\_\_\_  
corporated organization; HERMAN BACA )  
13 and ALBERTO GARCIA, as individuals )  
and taxpayers of the State of Califor- )  
14 nia; ENRIQUE RAMOS-ALVAREZ, MARIA ELENA- )  
RAMOS, PATRICIA NEVES, as residents of )  
15 San Diego County and permanent resident )  
aliens, )

16 Plaintiffs, )

17 vs. )

18 )  
19 MARCH FONG EU, individually and as Secre- )  
tary of State, State of California; )  
20 RAY ORTIZ, individually and as an elections )  
assistant for the Secretary of State, State )  
21 of California; DOES I-X, agents and employees )  
of the Secretary of State, State of Califor- )  
22 nia, )

23 Defendants. )

24  
25 Upon reading the verified complaint of plaintiffs on file  
26 in this action and it appearing to the satisfaction of the court  
27 that this is a proper case for granting an order to show cause and  
28 a temporary restraining order, and that unless the temporary

1 restraining order is granted as prayed for, plaintiffs will suffer  
2 great and irreparable injury before the matter can be heard on  
3 notice:

4 IT IS HEREBY ORDERED that the above-named defendants, and  
5 each of them appear before this court in the courtroom of Depart-  
6 ment \_\_\_\_\_, at \_\_\_\_\_, City of San Diego, County of San  
7 Diego, on \_\_\_\_\_, at the hour of \_\_\_\_\_, then and  
8 there to show cause, if any they have, why they and their agents,  
9 employees, successors and other persons acting in concert with them  
10 should not be enjoined and restrained during the pendency of this  
11 action from:

12 1. Conducting an investigation into the entire list of  
13 registered voters in San Diego County, by comparing the names ap-  
14 pearing on such lists with INS records unless in cases where some  
15 reasonable basis exists upon which to believe that an individual has  
16 violated the election laws.

17 2. Reviewing INS records of individual permanent resident  
18 aliens solely based on a similarity between the aliens name and the  
19 name of a person appearing on the voter registration lists unless  
20 pursuant to the order of a court of competent jurisdiction.

21 IT IS FURTHER ORDERED that pending the hearing and deter-  
22 mination of said order to show cause, the defendants and each of  
23 them and their officers, agents, employees, representatives and all  
24 persons acting in concert or participating with them, shall be and  
25 are hereby restrained and enjoined from engaging in or performing  
26 directly or indirectly, any and all of the following acts:

27 1. Conducting an investigation into the entire lists of  
28 San Diego County registered voters except in specific cases in which

1 some reasonable basis exists upon which to conclude that an  
2 election law violation has occurred or is occurring; and

3           2. Conducting an investigation into all Spanish-surname,  
4 or other ethnic group surname persons listed on the San Diego  
5 County registered voters lists except in specific cases in which  
6 some reasonable basis exists upon which to conclude that an election  
7 law violation has occurred or is occurring;

8           3. Reviewing INS files, documents or index cards unless  
9 with the express permission of the alien whose record is so re-  
10 viewed or pursuant to a court order issued by a court of competent  
11 jurisdiction or unless a reasonable basis exist upon which to con-  
12 clude that the specific alien whose record is reviewed has committed  
13 or is committing an election law violation.

14           IT IS FURTHER ORDERED that any papers filed by defendants  
15 in oppcosition to the request for a preliminary injunction be filed  
16 with the Court at least \_\_\_\_\_ days before the date of hearing  
17 thereon, and any reply by plaintiffs to said papers be filed at  
18 least \_\_\_\_\_ days before said hearing.

19

20 DATED: October \_\_\_\_\_, 1976

21

22

\_\_\_\_\_  
JUDGE OF THE SUPERIOR COURT

23 ...

24 ...

25 ...

26 ...

27 ...

28 ...



Systems exempted from certain provisions of the act: The Attorney General has exempted this system from subsections (c)(3) and (4), (d), (e)(2) and (3), (e)(4)(G) and (H), ((e)(8), (f) and (g) of the Privacy Act pursuant to 5 U.S.C. 552a (j)(2). Rules have been promulgated in accordance with the requirements of 5 U.S.C. 553(b), (c) and (c) and have been published in the Federal Register.

## JUSTICE/INS - 001

System name: THE IMMIGRATION AND NATURALIZATION SERVICE INDEX SYSTEM WHICH CONSIST OF THE FOLLOWING SUBSYSTEMS.

- A. Agency information control record index.
- B. Alien address report index.
- C. Alien enemy index.
- D. Automobile decal parking identification system for employees.
- E. Centralized index and records relating to, but not limited to aliens lawfully admitted for permanent residence and United States citizens (Master index).
- F. Congressional Mail Unit correspondence control index.
- G. Document vendors and alters index (Service documents).
- H. Enforcement branch indices:
  - 1. Air detail office index system.
  - 2. Anti-smuggling index (general).
  - 3. Anti-smuggling information centers systems for Canadian and Mexican borders.
  - 4. Border Patrol Academy index.
  - 5. Border Patrol sectors general index system.
  - 6. Contact index.
  - 7. Criminal, immoral, narcotic, racketeer, and subversive indices.
  - 8. Enforcement correspondence control index.
  - 9. Fraudulent document center index system.
  - 10. Informant index.
  - 11. Suspect third party index.
- I. Examinations correspondence control index.
  - 1. Branch indices.
  - 2. Service lookout system.
- J. Extension training program enrollees.
- K. Finance section indices.
  - 1. Accounts with creditors.
  - 2. Accounts with debtors.
- L. Freedom of Information correspondence control index
- M. Intelligence index.
- N. Microfilmed manifest records
- O. Naturalization and citizenship indexes.
  - 1. Naturalization and citizenship docket cards.
  - 2. Examiner's docket lists of petitioners for naturalization.
  - 3. Master docket list of petitioners for naturalization pending one year or more.
- P. Personnel investigations index.
- Q. Procurement - property issued employees.
- R. Security system access clearance information index system.
- S. White House and Attorney General correspondence control index.

## System location:

- A. Central Office: 425 'I' Street; N.W. Washington; D.C. 20536.
- B. Regional Offices:
  - 1. Burlington, Vermont
  - 2. Fort Snelling, Twin Cities, Minnesota
  - 3. Richmond, Virginia
  - 4. San Pedro, California
- C. District Offices in the United States:
  - 1. Anchorage, Alaska
  - 2. Atlanta, Georgia
  - 3. Baltimore, Maryland
  - 4. Boston, Massachusetts
  - 5. Buffalo, New York
  - 6. Chicago, Illinois
  - 7. Cleveland, Ohio
  - 8. Denver, Colorado
  - 9. Detroit, Michigan
  - 10. El Paso, Texas
  - 11. Hartford, Connecticut
  - 12. Helena, Montana
  - 13. Honolulu, Hawaii
  - 14. Houston, Texas
  - 15. Kansas City, Missouri
  - 16. Los Angeles, California
  - 17. Miami, Florida
  - 18. Newark, New Jersey

- 19. New Orleans, Louisiana
  - 20. New York, New York
  - 21. Omaha, Nebraska
  - 22. Philadelphia, Pennsylvania
  - 23. Phoenix, Arizona
  - 24. Portland, Maine
  - 25. Portland, Oregon
  - 26. St. Albans, Vermont
  - 27. St. Paul, Minnesota
  - 28. San Antonio, Texas
  - 29. San Francisco, California
  - 30. San Juan, Puerto Rico
  - 31. Seattle, Washington
  - 32. Washington, D.C.
  - D. District offices in foreign countries:
    - 1. Frankfurt, Germany
    - 2. Hong Kong, B.C.C.
    - 3. Mexico City, Mexico
    - 4. Rome, Italy
  - E. Sub Offices:
    - 1. Agana, Guam
    - 2. Albany, New York
    - 3. Cincinnati Ohio
    - 4. Dallas, Texas
    - 5. Hammond, Indiana
    - 6. Harlingen, Texas
    - 7. Las Vegas, Nevada
    - 8. Memphis, Tennessee
    - 9. Milwaukee, Wisconsin
    - 10. Norfolk, Virginia
    - 11. Pittsburgh, Pennsylvania
    - 12. Providence, Rhode Island
    - 13. Reno, Nevada
    - 14. St. Louis, Missouri
    - 15. Salt Lake City, Utah
    - 16. San Diego, California
    - 17. Spokane, Washington
  - F. Border Patrol Sector Headquarters:
    - 1. Blaine, Washington;
    - 2. Buffalo, New York;
    - 3. Chula Vista, California;
    - 4. Del Rio, Texas;
    - 5. Detroit, Michigan;
    - 6. El Centro, California;
    - 7. El Paso, Texas;
    - 8. Grand Forks, North Dakota;
    - 9. Harve, Montana;
    - 10. Houlton, Maine;
    - 11. Laredo, Texas;
    - 12. Livermore, California;
    - 13. Marfa, Texas;
    - 14. McAllen, Texas;
    - 15. Miami, Florida;
    - 16. New Orleans, Louisiana;
    - 17. Ogdensburg, New York;
    - 18. Spokane, Washington;
    - 19. Swanton, Vermont;
    - 20. Tucson, Arizona;
    - 21. Yuma, Arizona
  - G. Border Patrol Academy - Los Fresnos, Texas
  - H. Charlotte Amalie, St. Thomas, Virgin Islands
  - I. Sub Offices Abroad:
    - 1. Athens, Greece
    - 2. Naples, Italy
    - 3. Palermo, Italy
    - 4. Rome, Italy
    - 5. Tokyo, Japan
    - 6. Vienna, Austria
- Addresses of each office are listed in the telephone directories of the respective cities listed above under the heading 'United States Government, Immigration and Naturalization Service'.

## Categories of individuals covered by the system:

- A. Agency information control record index (Location A, supra)
  - 1. United States citizens, resident and non-resident aliens named in documents classified for National Security reasons.
  - 2. Individuals referenced in documents classified for National Security reasons.
- B. Alien address reports (Form I-53), 1975 and subsequent years. (Locations: C, D, and H supra).
- C. Alien enemy index (Location: A supra)

1. Alien enemies who were interned during World War II.
  2. Americans of Japanese ancestry (Nisei) who returned to Japan and, during World War II, either accepted employment by the Japanese Government or became naturalized in Japan.
- D. Automobile decal parking identification for employees. (Location B-4 supra).
- Current Service employees of this office who have the privilege of parking their cars on government premises, have a decal for their cars for parking identification.
- E. Centralized index (Master index). (Locations: A, C, D, E and I supra)
1. Aliens lawfully admitted for permanent residence, and United States citizens; and individuals who are under investigation, were investigated in the past, or who are suspected of violating the criminal or civil provisions of treaties, statutes, Executive orders and Presidential proclamation administered by the Immigration and Naturalization Service, hereinafter referred to as the Service, and witnesses and informants having knowledge of such violations.
- F. Congressional Mail Unit (Location A, supra)
1. Aliens lawfully admitted for permanent residence and United States citizens named in correspondence received including, but not necessarily limited to: a. employees and past employees; b. federal state and local officials; and c. members of the general public.
  2. Aliens lawfully admitted for permanent residence and United States citizens named in reports or correspondence received, as individuals investigated in the past or under active investigations for, or suspected of violations of, the criminal or civil provisions of statutes enforced by the Service, including Presidential proclamations and Executive orders relating thereto, and witnesses and informants having knowledge of violations.
- G. Document vendors and alterers index (Service documents) (Location B-4; duplicates are housed in several Service offices in the southwest region). This index relates to, but is not limited to, aliens lawfully admitted for permanent residence and United States citizens.
- H. Enforcement Branch Indices
1. Group one -- (Locations: A, B, C and E, supra) - contact index; informant index; anti-smuggling index (General); criminal immoral, narcotic racketeer and subversive indices; and suspect third party index -- all relate to same general categories of individuals as follows:
    - (a) Aliens lawfully admitted for permanent residence, and citizens who are in a position to know or learn of, and assist in locating aliens illegally in the United States.
    - (b) Aliens lawfully admitted for permanent residence, and citizens who are former or present members of an organization subversive in nature, whether foreign or domestic, and are willing to appear as government witnesses to testify as to their knowledge of an individual's membership therein, or as to the nature, aims and purpose of the organization, or as to the identification, publication, distribution and authenticity of the literature of such organization, or are in possession of information relative to such organization or on specific individuals and are willing to cooperate with the Immigration and Naturalization Service, or who although they have not been members of subversive organizations, are in possession of information relating to such organizations or members thereof, and are willing to cooperate with the Service on a continuing basis;
    - (c) Aliens lawfully admitted for permanent residence, and citizens who are known or suspected of being professional arrangers, transporters, harborers, and smugglers of aliens, who operate or conspire to operate with others to facilitate the surreptitious entry of an alien over a coastal or land border of the United States and witnesses having knowledge of such matters;
    - (d) Aliens lawfully admitted for permanent residence and citizens who are known or suspected of being habitual or notorious criminals, immoral, narcotic violators or racketeers, or subversive functionaries or leaders;
    - (e) Aliens lawfully admitted for permanent residence, and citizens who are known, or are believed, to be engaged in fraud operations involving the preparation and submission of visa petitions and other applications for Service benefits, or the preparation and submission of applications for immigrant visas and/or Department of Labor certifications, or the filing of false United States birth registrations for alien children to enable parents who are immigrant visa applicants to evade the labor certification requirements, or to enable such children to pose as citizens.
  2. Group two -- relate to specific categories of individuals as follows:
    - (a) Air detail office index system (Location: F, 21, supra) (1) The majority of the system contains information relating to United States citizens and aliens lawfully admitted for permanent residence who are pilots and/or owners of private aircraft and who have engaged in flying between the United States and foreign countries. (2) The system also contains information of an investigative nature relative to pilots, owners, and associates, including United States citizens and aliens lawfully admitted for permanent residence, who engage in, or are suspected of being engaged in, illegal activity, such as alien smuggling or entry without inspection.
    - (b) Anti-smuggling information centers for the Canadian border and Mexican border (Location: Northern Border: F-19, supra - Southern Border: F-21, supra). Categories of individuals include United States citizens and aliens lawfully admitted for permanent residence who are smugglers or transporters of illegal aliens, or who are suspects in the violation of statutes relating to smuggling and transporting illegal aliens.
    - (c) Border Patrol Academy index system -- (Location: G, supra). United States citizens who are: students in attendance at the Border Patrol Academy; former students who have attended the Academy; and officers attending advanced training classes at the Academy.
    - (d) Border Patrol Sectors general index -- (Locations: F, supra). (1) United States citizens who are past or present employees of the Service; and (2) United States citizens and aliens lawfully admitted for permanent residence classified as law violators, witnesses, contacts informants, members of the general public, federal, state, county and local officials.
    - (e) Fraudulent Document Center index system -- (Location: F-21, supra). The system contains information relating to United States citizens and/or aliens lawfully admitted for permanent residence categorized as members of the general public, Notaries Public, state and local birth registration officials and employees, immigration law violators, vendors of documents, donors of documents, midwives and witnesses. Also included in the system are names and information of fictitious non-existent individuals such as may be used by counterfeiter or alterer or citizenship documents.
  3. Group three --
    - (a) Enforcement correspondence control index -- (Location: A, supra -- Associate Commissioner, Enforcement). (1) Aliens lawfully admitted for permanent residence and citizens of the United States named in correspondence received, including but not necessarily limited to: a. employees and past employees; b. federal, state, and local officials; and c. members of the general public. (2) Aliens lawfully admitted for permanent residence and citizens of the United States named in documents, reports or correspondence received as individuals under investigation, or investigated in the past, or suspected of violation of the criminal or civil provisions of the statutes enforced by the Service, including Presidential Executive Orders and Proclamations relating thereto, and witnesses and informants having knowledge of violations.
- I. Examinations branch indexes (Location: A, supra (duplicates are in some local offices)) Aliens lawfully admitted for permanent residence and United States citizens and individuals who are violators or suspected violators of the criminal or civil provisions of statutes enforced by the Service.
- J. Extension training program enrollees (Location: A, supra) contains the names of Service employees, and other federal agency employees enrolled in extension training program courses.
- K. Finance Section indexes -- (Locations: A and B, supra)
1. Individuals who are indebted to the United States Government for goods, services, or benefits or for administrative fines and assessments; and
  2. Employees who have received travel advances or overpayments from the United States Government, who are in arrears in their accounts, or who are liable for damage to Government property.
- L. Freedom of Information correspondence control index (Locations: A; B; C; D-2, 3 and 4; E; F; G; H and I, supra) In-

dividuals who request, under the Freedom of Information Act, access to or copies of records maintained by the Service.

M. Intelligence index -- (Locations: A and B, supra) Aliens who have been lawfully admitted to the United States for permanent residence and United States citizens, who have, or who are suspected of having, violated the criminal or civil provisions of the statutes enforced by the Service.

N. Microfilmed manifest records -- (Locations: A, C-26, C-10, C-20 and C-29, supra) Aliens lawfully admitted for permanent residence to the United States and United States citizens.

O. Naturalization and citizenship indexes.

1. Naturalization and citizenship docket cards (Locations: C and E supra, except E-6, 7, 8 and 13.) Aliens lawfully admitted for permanent residence and citizens of the United States, and other individuals seeking benefits under Title III of the Immigration and Nationality Act of 1952, as amended.
2. Examiner's docket lists of petitioners for naturalization. (Locations: C and E supra, except E-6, 7, 8, and 13.) Petitioners for naturalization and beneficiaries.
3. Master docket list of petitioners for naturalization pending one year or more. (Locations: B, C and E supra, except E-6, 7, 8 and 13.) Petitioners for naturalization and beneficiaries.

P. Personnel Investigations -- (Location: A, supra) Employees, former employees, other Government agency employees designated to perform immigration functions, witnesses, informants, and certain persons having contacts with Service operations.

Q. Property issued to employees -- (Locations: A, B, C, E and F, supra) Employees of the Service who have been issued property and have in addition signed for receipt of the property on Form G-570.

R. Security system -- (Location: A supra) United States citizens and aliens lawfully admitted for permanent residence to the United States currently employed with the Service who have been cleared for access to documents and materials classified in the interest of National Security.

S. White House and Attorney General correspondence control index -- (Location: A, supra) Citizens and aliens lawfully admitted for permanent residence to the United States named in correspondence received, including, but not necessarily limited to: (a) employees and past employees of the Service; (b) federal, state and local officials; and (c) members of the general public.

Categories of records in the system:

A. Agency information control record index system contains.

1. Top secret and secret material originated, received or transmitted by Service officers that has been classified as National Security information including all copies prepared from a controlled document.
2. Confidential material originated by another agency which is received by this Service including all copies prepared from a controlled document.
3. All investigative reports, responses to security checks, and material of an intelligence nature concerning individuals, organizations, movements, conditions in foreign countries, received from sources within the Department of Justice and other federal intelligence sources.

B. Alien address report index This system contains information such as name, address, occupation, date of admission into the United States and Alien Registration number.

C. Alien enemy index. This system contains a microfilm index of each file opened on these individuals.

D. Automobile decal parking identification system for employees vehicles. This system contains a list by number of each DJ decal car sticker issued by the Security Division to regional employees who require car parking permission.

E. Centralized index and records relating to permanent resident aliens, and citizens of the United States (Master index). The system consists of records relating to the categories of individuals described in D, 1 supra. The records contain various Service forms, applications and petitions for benefits under the immigration and nationality laws, reports of investigation, sworn statements, and reports, correspondence and memoranda.

F. Congressional mail unit. This system contains a permanent index record for each report or piece of correspondence received. Information maintained in the system is that which is entered on a cross index card. The index record is solely a locator reflecting the name of the individual and the number of the file in which specific information concerning the individual is maintained.

G. Document vendors and alterers index (Service documents). This system consists of 'mug book' containing photos of alleged immigration law violators involved in the supply of fraudulent documents, and data relating to the pictured violators including: name, aliases, vital statistics, method of operation, list of convictions, present location, and source material.

H. Enforcement branch.

1. Group one -- contact index; informant index; anti-smuggling index (general); criminal, immoral, narcotic, racketeer and subversive indices; and suspect third party index: These systems of records are maintained on the following.

- (a) Form G-598, 'Contact Record'.
- (b) Form G-169, 'Informant Record'.
- (c) Form G-170, 'Smuggler Information Index Card'.
- (d) Alphabetical index cards reflecting the name of the individual and the file in which specific information concerning the individual is housed. Some index cards reflect the individual's biographic data, address, etc., and may contain a brief description of the individual's activities.

2. Group two.

(a) Air detail office index. The primary record in the system is Form I-92A, Report of Private Aircraft Arrival, which is executed by the inspecting official upon arrival of a private aircraft from foreign territory. There are also indices, forms, investigative reports, records, and correspondence relative to aircraft arrivals, failure to report for inspection, and known or suspected alien smuggling operations wherein aircraft are utilized. In addition, microfiche containing names of owners of aircraft of United States registry are maintained at this location.

(b) Anti-smuggling information centers for the Canadian and Mexican borders. This system contains G-170, Smuggler Information Index Card, other index cards, and correspondence relating to anti-smuggling activities. Two indices of active smugglers are compiled, one for the Canadian border and the other for the Mexican border area. These indices are in loose leaf booklet form and are distributed to Border Patrol offices in the respective border areas.

(c) Border Patrol Academy index. This system contains general information and correspondence regarding the student's academic progress in training. The information is maintained on the following forms: (1) SW 91 - Probationary Achievement Report. (2) SW 91A - Scholastic Grade Worksheets. (3) SW 91B-10 BTC Achievement Report Immigration Inspector. (4) SW 91C - 10-BTC Achievement Report Investigator. (5) SW 96 - Class Rating Form. (6) SW 128 - Training Data. (7) SW 282 - Registration Information Form. (8) 446 - Conduct and Efficiency Report of Probationary Employee 5 1/2 and 10 months exam grades.

(d) Border Patrol sectors general index. (1) This system contains indices, forms, reports and records relating to activities of the Border Patrol. Included in the various segments of the system are the following numbered and titled forms: a. Form I-44 - Record of Apprehension or Seizure; b. Form I-215W - Affidavit - witness; c. Form I-263A and I-263B - Record of Sworn Statement; d. Form I-195 - Criminal Prosecution Control Card; e. Form I-263W - Records of Sworn Statement - witness; f. Form I-326 - Prosecution Reports; g. Form G-170 - Smuggler Information Index Card; h. Form G-296 - Report of Violation of Section 239, Immigration and Nationality Act; i. Form G-330 - Notice of Action Information; j. Form G-445 - Conduct and Efficiency Evaluation of Probationary Appointees; and k. Form G-598 - Contact Record. (2) This system also contains copies of correspondence and memoranda between offices of the Service and with outside agencies and individuals, as well as photographs of some violators of the immigration laws or of individuals suspected of being involved in immigration law violations. (3) The Service lookout book and booklets of indexes of active smugglers are at each location; however, these are duplicated records which are reported separately in other systems of records.

(e) Fraudulent document center index. This system contains birth certificates, baptismal certificates, and other identification documents used by aliens to support their fraudulent claims to United States citizenship. Most of the documents are genuine, however, there are also counterfeit and altered documents in the system. Also within the system are cross indexes, investigative reports, and records of

individuals involved in fraud schemes and of individuals whose documents have been put to fraudulent use. Correspondence and memoranda between the Fraudulent Document Center and other Service Offices, outside agencies and individuals are retained.

3. Group three.

(a) Enforcement correspondence control index. This system contains a semi-permanent index record for each document, report or piece of correspondence received. Information maintained in the system is that which is entered on Form G-617, 'Correspondence Control Card', and CO Form 147, 'Call-Up Index - Domestic Control'. The index record is primarily a locator reflecting the name of the individual and the file in which specific information concerning the individual is housed.

1. Examinations branch.

1. Examinations correspondex control index: contains a semi-permanent index record for each document, report or piece of correspondence received. Information maintained in the system is that which is entered on Form G-617, 'Correspondence Control Card'. The index record is primarily a locator reflecting the name of the individual and the file in which specific information concerning the individual is housed.

2. Service lookout system contains names of violators, alleged violators and suspected violators of the criminal or civil provisions of statutes enforced by the Service.

J. Extension training program enrollees. The system contains a folder for each enrollee. Each folder contains a complete record of the enrollee's test scores, correspondence and dates of every action taken with regard to the mailing of lesson materials, receipt of tests, scoring and mailing out test results and dates certificates were completed and mailed.

K. Finance branch. The records consist of bills for inspection services performed under the Act of March 2, 1931 (8 U.S.C. 1353a); fees, fines, penalties and deportation expenses assessed pursuant to the Immigration and Nationality Act; and employee indebtedness for travel advances, for the unofficial use of Government facilities and services, for damage to or loss of Government property, and for the erroneous or overpayment of compensation for travel expenses.

L. Freedom of Information correspondence control index. The system contains an index record for each piece of correspondence received requesting information under the Freedom of Information Act.

M. Intelligence index. This system contains a semi-permanent index record for each document, report, bulletin or correspondence received. The index is categorized by name, violation, and activity. The index is primarily a locator reflecting the category, source of material and specific housing of information.

N. Microfilmed manifest records. Microfilmed indices, and arrival and departure manifests reflecting brief biographical data and facts of arrival or departure. The arrival records for certain ports date from 1891 and departure records date from 1900. The records are not complete; certain records were destroyed and were not microfilmed.

O. Naturalization and citizenship indexes. Docket cards consist of 3' x 5' or 5' x 8' index cards arranged alphabetically according to name of applicant, beneficiary or petitioner, indicating type of application submitted, date of receipt, file and/or petition number, and court number wherein petition for naturalization was filed. The docket cards are locators for the files in which specific information concerning the individuals are maintained. Lists of petitioners for naturalization (Form N-476) are arranged chronologically for each court exercising naturalization jurisdiction, showing petition number, petition filing date, file number, court number, name of petitioner for naturalization, name of beneficiary in whose behalf a petition is filed, proposed recommendation by the naturalization examiner and reasons for the continuance. The lists serve as locators for the files in which specific information concerning the petitioners are maintained. Master docket lists of petitions for naturalization (Form N-476) pending for a year or more are arranged chronologically for each court exercising naturalization jurisdiction showing the petition number, petition filing date, petitioner's name, recommendation and issues and reason why petition is still pending. The lists serve as locators for the files in which specific information concerning the petitioners are maintained.

P. Personnel investigations index. Contains two separate card index files, one for cases under active investigation, and the other for formerly active cases now closed. These cards are locator cards

listing names of investigation subjects, their locations, and the allegations under investigation. Two relating sets of temporary work folders exist housing open/closed allegations of misconduct and investigative reports.

Q. Property issued to employees. The records consist of a Form G-570, 'Record-Receipt-Property Issued to Employee,' which lists property issued to an employee. The Form G-570 lists the employee's name, description of the property, serial number, date received and employee's initials, and finally date returned and supervisor's initials.

R. Security system index. The system is comprised of 3' x 5' index cards filed alphabetically which reflect levels of access clearances granted to employees of the Service and the dates when the clearances were granted.

S. White House and Attorney General correspondence control index. Contains an index record for each piece of correspondence addressed to the President and the Attorney General, with certain exceptions, which has been referred to this Service for appropriate attention. Information maintained in the system is that which is entered on Form G-617, 'Correspondence Control Card'. The index record is primarily a locator reflecting the name of the correspondent and/or the subject individual of the correspondence and the file in which specific information concerning the individual is housed.

Authority for maintenance of the system:

A. General, applicable to all Service index systems, includes but is not limited to: Sections 103, 265 and 290 and Title III of the Immigration and Nationality Act, hereinafter referred to as the Act (66 Stat. 163), as amended, (8 U.S.C. 1103; 8 U.S.C. 1305; 8 U.S.C. 1360), and the regulations pursuant thereto.

B. Specific, applicable to some of the indices, including but not limited to: (1) Executive Order 11652, and 28 C.F.R. 17.79 - agency control information record index, and access clearance information system. (2) 31 U.S.C. 66a - Finance branch indices. (3) Title III of the Act, as amended, (8 U.S.C. sections 1401 through 1503), and the regulations promulgated thereunder - naturalization and citizenship indices. (4) Sections 235 and 287 of the Act, as amended, (8 U.S.C. 1225; and 8 U.S.C. 1357), and the regulations promulgated pursuant thereto in personnel investigations. (5) Section 231 of the Act, as amended, (8 U.S.C. 1221) - manifest records. (6) 40 U.S.C. 483 - property management system. (7) 5 U.S.C. 4113 - extension training program. (8) 5 U.S.C. 552a, The Freedom of Information Act, requires certain record keeping, this system was established and is maintained in order to enable the Service to comply with this requirement.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: These systems are used to serve the public by providing responses, when authorized, to written inquiries, complaints, etc. They are also used to administer the operational and enforcement activities of the Service. The records are used by officers and employees of the Service in the administration and enforcement of the immigration and nationality laws, including the processing of applications for benefits under these laws, detecting violations of these laws and for referrals for prosecution.

Information contained in these systems is provided as a routine use to other federal, state, and local governments, judicial, law enforcement and regulatory agencies, foreign governments, the Department of Defense, including all components thereof, the Department of State, Central Intelligence Agency, The United Nations, Interpol, and individuals and organizations in the processing of a matter or a proceeding within the purview of the Immigration and Nationality Act and other Nationality Acts, during the course of investigation to elicit information required by the Service to carry out its functions and statutory mandates.

In the event that these systems of records maintained by this Service to carry out its functions indicates a violation or potential violation of law, whether civil, criminal or regulatory in nature, and whether arising by general statute or particular program statute, or by regulation, rule or order issued pursuant thereto, the relevant records in this system of records may be referred, as a routine use, to the appropriate agency, whether federal, state, local or foreign, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, or rule, regulation, or order issued pursuant thereto.

In the event that these systems of records maintained by this agency to carry out its functions in the naturalization processes or indicates a violation or potential violation, whether criminal, civil or regulatory in nature, and whether arising by general statute or

the immigration and nationality laws, or be regulation, rule or order issued pursuant thereto, the relevant records in these systems of records may be disclosed, as a routine use, by presentation of evidence to a court, magistrate, or administrative tribunal and to opposing counsel in the course of discovery.

A record from these systems of records may be disclosed to a federal agency, in response to its request, in connection with the hiring or retention of an employee, the issuance of a security clearance, the reporting of an investigation of an employee, the letting of a contract, or the issuance of a license, grant, or other benefit by the requesting agency, to the extent that the information is relevant and necessary to the requesting agency's decision on the matter, as a routine use.

Indications of violations or potential violations of the laws of other nations, whether civil or criminal, may be referred to the appropriate foreign agency charged with the responsibility of investigation or prosecution of such violation or charged with enforcing or implementing such laws; indications of such violations or potential violations may also be referred to international organizations engaged in the collection and dissemination of intelligence concerning criminal activity, as a routine use.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:** General.

**Storage:** Information is sorted generally manually, in some instances in automated index systems. The actual records relating to individuals are stored in file folders at the addresses located in locations A, B, C, E, F and H, supra.

**Retrievability:** In general, records are indexed alphabetically by name and/or 'A' file number or petition and court number, some include date and port of entry. They are generally retrieved manually, and in some cases can be retrieved electronically.

**Safeguards:** Each system of records is safeguarded and protected in accordance with Department of Justice and Service rules and procedures.

**Retention and disposal:**

a. The period of retention for alien registration records is 100 years from the closing date or date of last action.

b. Materials retained in correspondence portion of subject files are normally retained no longer than two years and are then either microfilmed or destroyed by burning.

c. Materials retained in policy portions of subject files are retained indefinitely.

d. Indexes and records not enumerated above are generally retained only so long as they serve a useful purpose.

e. Microfilmed manifest records are retained permanently.

f. Freedom of Information Act index cards and materials kept in the correspondence portion of files is retained for one year, the disposal is by burning, shredding or pulverizing.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:** Exceptions to the general practices above:

**Storage:**

a. Air detail office index systems. Forms I-92 are filed in rotary index machines by calendar year. Suspect files are in letter size cabinets, both are operated manually.

b. Alien address reports, I-53, are microfilmed from 1975 and subsequent. In 1973 and 1974 they are filed in cabinets in Service offices and in Federal Record Centers.

c. Alien enemy index information is maintained in the system and is on microfilm. The actual files are stored in Federal Record Centers.

d. Intelligence indices, are stored not by name, but by organization, activity or violation.

e. Some systems are stored numerically, or by subject, or by court and petition number or time sequence, as well as alphabetically.

**Retrievability:** Aircraft data is filed in numerical sequence (air detail office index system).

**Retention and disposal:**

a. Access clearance index is maintained on a current basis. Cards comprising the index are destroyed upon the resignation, death or retirement of the employee.

b. Air detail office index, Form I-92A, forms information is retained for 5 years.

c. Border Patrol examination papers are destroyed 6 months after the trainee officer completes his probationary year.

d. Finance indices: Accounts with creditors and debtors are retained by the Service for 2 years from the close of the fiscal year to which they relate and are then transferred to the Federal Record Centers pending their ultimate disposition. The records are disposed of in accordance with General Service Administration regulations.

e. Intelligence indices: Intelligence bulletins are retained indefinitely.

f. Index Form G-617 is maintained for three years, then destroyed. However, in the White House and Attorney General Correspondence Indexes, form G-617 information is retained through the administration of each President and one year beyond.

g. Index Form CO - 147 is maintained until the subject matter is finally acted upon and is then destroyed.

h. Personnel investigations are generally destroyed in June of the year following the one year anniversary of the close of the investigation. Operation Clean Sweep cases are being retained as a package until the program is terminated. Criminal matters of unusual sensitivity are retained as long as there is a useful need.

i. Private Bill indices work folders are retained until notice is received of final action taken on the beneficiary i.e., permanent residence granted, departure, etc.

j. Indexes relating to law violators and witnesses are retained for 3 years and then destroyed. General correspondence is retained for no longer than 2 years. Investigative matters of a routine nature may be disposed of when the investigation is closed. Information on present and past employees is retained only as long as such information serves a useful purpose.

k. Naturalization examiners docket lists and master docket lists of petitioners for naturalization are retained for two years, disposal is by tearing, shredding, pulverizing, or burning. Naturalization and citizenship docket cards are purged after applications are rejected, closed, petitions non-filed, applications granted or denied, or petitions for naturalization granted, or denied, the disposal is by tearing the cards.

**System manager(s) and address:**

A. The system manager, service-wide is the Associate Commissioner, Management (Location: A supra).

B. The Associate Commissioner, Management is the sole manager of the following systems:

1. Agency information control record index;
2. Alien address report (I-53);
3. Alien enemy index;
4. Centralized index (Master index);
5. Congressional mail unit indexes;
6. Document vendors and alterers;
7. Enforcement correspondence control index;
8. Examinations correspondence control index;
9. Finance unit indexes;
10. Freedom of Information Act correspondence control index;
11. Intelligence indexes;
12. Microfilmed manifest records;
13. Property issued to employees;
14. Access clearance information system; and
15. White House and Attorney General correspondence control index.

C. The following official for Service personnel investigations: Director, Internal Investigations (Location: A supra).

D. The following officials (for inquiry for special need) by category:

1. Alien address reports for portion of system maintained: (a) Associate Commissioner, Management; (b) District Directors (Locations: C supra); and/or (c) Officers in Charge - (Locations: - E supra).
2. Investigation units indices for: Contact index; enforcement index; anti smuggling index (general); criminal, immoral, narcotic, racketeer and subversive indices; and suspect third party index, the managers are the ranking Service officer, of the Service offices in which such indices are maintained - (Location: A, B, C and E supra).
3. Border Patrol unit indices. (a) Air detail office index: Chief Patrol Agent (Location: F-21 supra). (b) Anti smuggling information center: (1) Canadian Border: Chief Patrol Agent (Location: F-19 supra); and (2) Mexican Border: Chief Patrol Agent (Location: F-21 supra). (c) Fraudulent Document Center: Chief Patrol Agent (Location: F-21 supra). (d) Border Patrol Academy: Chief Patrol Agent (Location: G supra). (e) Border Patrol sector general indices: Chief Patrol Agent (Location: F-1 thru 21 supra).
4. Assistant Regional Commissioner, Security (Location: B-4 supra) For automobile decal identification system.