

1 In the matter of the Claim of :
:
2 MERCEDES BUSTAMANTE and MERCEDES :
BUSTAMANTE as parent and guardian :
3 of ALEJANDRO BUSTAMANTE and :
BENJAMIN BUSTAMANTE, :
4 Claimants, :
:
5 v. :
:
6 THE CITY OF SAN DIEGO, CALIFORNIA, :
:
7 Defendant. :
:

8
9 FREDERICK HETTER, acting as attorney for claimants, hereby makes
10 claim against THE CITY OF SAN DIEGO and its employees and in support
11 of said claim declares as follows:

12 1. The claimants' names are MERCEDES BUSTAMANTE and MERCEDES
13 BUSTAMANTE as parent and guardian of ALEJANDRO BUSTAMANTE and BENJA-
14 MIN BUSTAMANTE.

15 2. The claimants' post office address and telephone is 143 West
16 Olive Avenue, San Ysidro, California 92073, 428-2469.

17 3. Post office address to which notices are to be sent is:
18 2214 Fifth Avenue, San Diego, California 92101.

19 4. On February 26, 1974, claimants were assaulted, detained, ar-
20 rested and threatened by officers of the San Diego Police Department
21 and officers of the United States Border Patrol, and charged with no
22 offense.

23 5. A Border Patrol officer observed two juveniles (claimants
24 ALEJANDRO BUSTAMANTE and BENJAMIN BUSTAMANTE) running from a play-
25 ground on Park Boulevard in San Ysidro toward their home on Olive Ave-
26 nue in San Ysidro. He pursued them. They entered their home. He
27 broke down the door and grabbed them, damaging the refrigerator, over-
28 turning chairs, and pushing and shoving the claimants and their mother
29 MERCEDES BUSTAMANTE. He yelled, and called them racist names. He ac-
30 cused them of crimes. Other officers came, and did likewise. San Di-
31 ego Police Officers arrived. They ignored the pleas for help from
32 the mother and children. They threatened to arrest the children for

1 resisting arrest. They also shouted racist slurs at the claimants.

2 6. The distance from the playground to the claimants' home is
3 less than one hundred yards. The two "illegal aliens," one of whom
4 is a native-born United States citizen, are aged fourteen and seven-
5 teen years. All claimants have legal status.

6 7. The amount claimed as a result of these actions is \$50,000.00,
7 plus medical costs and costs of destroyed property subject to proof,
8 as to each claimant.

9 8. The names of the governmental entities who are responsible
10 for this incident are:

11 THE CITY OF SAN DIEGO POLICE DEPARTMENT
12 c/o City Administration Building
13 202 "C" Street
14 San Diego, California 92101

15 and


16 THE UNITED STATES BORDER PATROL
17 Section Headquarters
18 Box 42E
19 San Ysidro Boulevard
20 San Ysidro, California 92073

21 8. The names of the individual officers who carried out these
22 illegal acts are unknown to claimants, but are known to defendants.

23 9. Amounts claimed are determined by damages computed for claim-
24 ants in similar cases.

25 WHEREFORE, application is hereby made for leave to present this
26 claim of the hereinbefore identified claimants by and through their
27 attorney, FREDERICK HETTER.

28 DATED: March 12, 1974.

29 
30 FREDERICK HETTER

31 THIS CLAIM IS FILED with
32 the above-named entities
on March¹², 1974.