

RE: ABUSE

CONGRESSIONAL HEARINGS
SAN YSIDRO PORT OF ENTRY
AUGUST 10, 1979 - MATERIAL

CONG. ROYBAL CHAIR

LEGAL AID SOCIETY OF SAN DIEGO, INC.

SOUTH BAY OFFICE

~~3050 CENTER STREET~~ 429 Third Avenue
CHULA VISTA, CA 92010

TELEPHONE: 427-0491

August 7, 1979

TO: HONORABLE EDWARD ROYBAL
UNITED STATES CONGRESS, HOUSE OF REPRESENTATIVES

FROM: ^{R.A.} RAFAEL ARREOLA, SUPERVISING ATTORNEY

RE: REQUEST FOR CHANGE OF LOCATION OF HEARINGS
SCHEDULED FOR AUGUST 10, 1979

It has been brought to our attention that some of our clients as well as several community groups would like to request a change of the location of the scheduled congressional hearing next Friday, August 10, 1979.

The reasons for the request include the following:

1. Wide community interest which may result in attendance by several hundred people.
2. The Customs Conference Room at the border station will only hold fifty people.
3. Many community people have indicated that they will feel intimidated or uncomfortable if they must go into an area controlled by the Customs Service. They fear that the border personnel may find pretexts to keep people from the hearings or may make it difficult to get in. Whether this occurred or not, many people would stay away out of fear of, or distaste for, going into that building.
4. Our contacts indicate that the witnesses from the Customs Service will feel pressured and intimidated by the Customs Service hierarchy if they are made to testify on Customs "territory".

If you agree to a transfer, we would be happy to make all the necessary arrangements.

Thank you for your cooperation and assistance.

RA/hjv



Committee on Chicano Rights, Inc

August 7, 1979

Honorable Edward Roybal, Congressman
United States Congress
Los Angeles Office
U.S. Federal Building
Los Angeles, California

Dear Congressman Roybal,

Our organization and the Chicano community has become concerned over the direction taken in the planning of the August 10, 1979, hearing, which will be held in San Ysidro, California.

The serious concerns have manifested themselves to all that are interested in resolving the Immigration problem facing the Chicano community because of the serious questions that have arisen due to your unilateral decisions on the following points:

- (1) Timing: During the July 24, 1979 meeting with you in Washington, D.C., you stated to us that the hearings would be held on the first week of October, 1979.

Since that time you have decided to move the hearing date to August 10, 1979 without any prior notice to any of the organizations who met with you in Washington D.C. We would like to know the reasons why this was done in light of the fact that a week's notice places a difficult burden on everyone who is involved in preparing for the hearings. (witnesses, testimony and new evidence)

- (2) Location: The location of the hearing is unacceptable to us. We had suggested places more acceptable to all during our discussion with you .

Since the hearings are against the U.S. Customs, we cannot understand the logic behind this decision. The U.S. Customs building represents a "fortified fortress" to the community and it is a sad remembrance to the witness of a tragic death of two children. Furthermore, the proposed conference room is obviously too small in that it can only hold 30-50 persons.

- (3) Limited Hearings: Again, during our discussion with you, we presented evidence of abuses and expressed our position for open hearings.

It is our belief and position that open hearings on the issue of all of the documented cases involving beatings, deaths, attitude and policy questions would allow a more indepth investigation of the seriousness of the immigration problem. Your decision of excluding other cases involving victimization and limiting the hearing to the two children's cases will only scratch the surface on the issue of rights violations and will not provide the Congress with the indepth investigation needed to stop the abuses concerning the U.S. Customs Service and the border problem.

Our meeting of July 24, 1979, was a journey in good faith and in sincerity, plus at a great expense in both time and finance to the organizations. The trip to Washington, D.C. was to present actual facts of human, civil and constitutional rights violations by the U.S. Customs Service, I.N.S. and Border Patrol and to ask for Congressional Hearings for the purpose of attempting to cease the above mentioned violations.

In order that the hearing will not become a side show, a farce or a white wash, we recommend that the following:

- (1) Reconsider changing the August 10, 1979 date to the initial date of October as had been agreed.
- (2) Change the location site from the Customs Building to a more suitable and larger building, in order that everyone can be accomodated. (community, News-Media, witness, committee staff etc.)

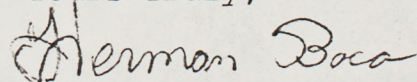
We recommend either the San Ysidro Recreation Center or the Villa Nueva Recreation Center, located in San Ysidro.

- (3) Have open hearings instead of the limited hearings that you are now proposed to have. (two children)

Since time is of the essence, we would appreciate it very much if you can contact us as soon as possible so that we can arrange for the changes regarding time location and type of hearing selected.

THank you very much for your consideration and assistance in this very important matter.

Yours Truly,



Herman Baca, Chairperson

cc: Alberto Garcia, President
U.C.M.A.A.
Rafael Arreola, Legal Aid Society

1

Congressman Ed Roybal, Congressman, staff
for the record. I would like to state that
my name is H.B., I am the chairperson of
the CCR a non-govt-funded community based
membership organization that is committed to
the defense of our peoples human, civil + ~~human~~ ^{constitutional}
rights. During the last 10 yrs our organization has
witnessed an increasing number of violations by
~~the~~ U.S. Customs, INS & the (B.P.)?
govt agencies involving the rights of our people at
the international border here in S.D. + other areas
along the International border. For the last 7 years
our org. along with other org from thro out the
U.S. have demanded that Congress investigate those
violations involving deaths, killing, shootings, beatings,
~~cases~~ sexual abuses involving rape + depercation of U.S
citizens. I am sure that you are well aware of
what I speak

2
since a delegation met with you & other govt.
officials just 2 weeks ago in W. D.C.

For the record I would like to include:

Reed & Pocket

During the last 10 years our & other org
have been demanding action on all of these cases
from the D.A. office, the U.S. Attorney office
the F.B.I. & during that time we have seen case after
case dismissed with a hear no evil - see no evil - &
speak no evil attitude. The result of all of these has
been a "green light" that has resulted in escalation
of violence along the border. In our opinion the U.S.
Custom, I.N.S. & the U.S. Border Patrol ~~have~~ are out
of control responsible to no one & have in essence
become a law on to themselves. During that time
we have repeatedly request Congressional hearings

(2)

because of the unwillingness of the agencies
& local law enforcement officials to carry out
these duties in a fair, just & equitable manner.

This is the reason why just 2 week ago ~~we~~ and
other org. heads for the 5th time in the last 5 years
to meet with you. At that time you agreed ~~to~~ ~~do~~ with
us to hold hearings here in S.D. & along the
U.S./Mexican border for humanitarian reasons. At that
time we were elected that finally someone in Congress
was willing to come ~~see~~, listen & investigate the
conditions that our people face everyday here & along
the international border. Since that journey to
W.D.C. our [?] people hope has turned to concern,
suspension & distrust, with all due respect
Congressman & I must protest the manner in which these
hearings were structured. We cannot understand

(1)

Letter

1

Honorable Congresista Roybal
(Congresista Van Derklyn)

submito lo siguiente para
el Acta Oficial de esta

audiencia: Me llamo

^{H. B}
Soy el Presidente de la
Asociación llamada

Comite de Derechos para

los Chicanos, un grupo
no-gubernamental

basado ~~de~~ ^{en} la comunidad cuyos

miembros están dedicados

a defender los derechos

humanos, civiles y constitu-
cionales de nuestra gente.

Self determination

(2)

Durante los últimos 10 años nuestra organización ha presenciado un número cada vez mayor de violaciones por parte de los oficiales del Servicio de Aduana, del Servicio de Inmigración y de la Patrulla Fronteriza de (los Estados Unidos) nuestro país. Estas violaciones ~~se ext~~ incluyen los derechos de nuestra gente en el área de la línea fronteriza internacional.

Durante los últimos ~~7~~ siete años nuestra organización junto con otras organizaciones

que se extienden a todo lo largo de la frontera y de todos ~~los~~ el país han exigido (demandado)

que el Congreso investigue todas ~~las~~ las violaciones que han resultado en muertes, asesinatos, heridos en tiroteos, golpizas, abusos sexuales que incluyen violación por fuerza y humillaciones personales de ciudadanos de los Estados Unidos. Estoy seguro de que Usted y el resto del comité saben bien de la verdad de lo que hablo.

(4)

Desde que la delegación
se Reunió con Usted y
con otros oficiales del gobierno
hace sólo dos semanas
en Washington Dc

para que conste en el
Acta Oficial de esta
Audiencia quiero
incluir lo siguiente:

Durante los últimos diez años nuestra organización junto con muchas otras organizaciones han pedido que en todos estos casos las oficinas del Abogado del Distrito del Abogado ~~de~~ Federal, el Buró ~~de~~ Federal de Investigaciones tomen acción para terminar estos abusos criminales de los derechos humanos y civiles. Todo este tiempo hemos visto caso tras caso echado de la corte con una actitud

que dice

No oigo la maldad

No veo la maldad

No hablo de la maldad.

El Resultado de todas estas violaciones ^{sin} ~~de~~ justicia le ha dado ~~a los~~ autoridad a los malos empleados de las agencias ~~que~~ que trabajan en la frontera ~~en un~~ a que ~~abuse~~ ~~aumenten~~ el abuso ~~de su poder~~ ~~cada~~ aumenten el abuso de su poder y ~~haga~~ provoquen más violencia en la frontera.

En nuestra opinión, los oficiales de la Aduana Federal, de los Servicios de Inmigración y de la Patrulla Fronteriza, se han puesto fuera de la ley, no hay ningún control que los haga responsables, no responden a nadie y, en esencia, se han convertido ellos mismos en la ley.

Durante todo este tiempo hemos repetidas veces pedido Audiencias del Congreso debido a la falta de voluntad por parte de las agencias

federales y de las autoridades locales de ~~ser~~ velar

por ~~su deber~~ de cumplir

con sus deberes en una forma pura, justa y egalitaria.

Esta es la razón por la que hace dos semanas solamente que yo, junto con otros líderes de organizaciones, pedimos por quinta vez en los últimos cinco años, ~~tener~~

~~audiencia~~ una oportunidad de ~~reencuentro~~ de hablar

con Usted. Fue entonces que Usted acordó tener esta Audiencia en San

Diego y otras similares a todo lo largo de la frontera con Mexico, ~~para~~ ~~verificar~~ motivado por razones humanitarias. Su decisión nos hizo felices, ya que finalmente alguien en el Congreso estaba dispuesto a venir a ver, escuchar, investigar las condiciones que nuestra gente vive de día en día aquí y a todo lo largo de la frontera internacional. Desde ese viaje a Washington nuestra esperanza se ha convertido ~~gente~~ en preocupación, agonía y desconfianza. Con todo respeto Señor Congresista, debo

protestar la manera
en que se estructuró
esta audiencia

CONGRESSIONAL HEARINGS FOR AUGUST 10, 1979

DATE AND PLACE: 9:00 A.M.,
U.S. CUSTOMS CONFERENCE ROOM
SAN YSIDRO PORT OF ENTRY
SAN YSIDRO, CALIFORNIA 92073

WITNESSES TO TESTIFY:

ALBERTO R. GARCIA, CHAIRMAN, COMMUNITY BORDER AFFAIRS
ADVISORY COUNCIL - UNITED CALIFORNIA MEXICAN AMERICAN
ASSOCIATION.

HERMAN BACA, CHAIRMAN COMMITTEE ON CHICANO RIGHTS.

RAFAEL ARREOLA, LEGAL AID SOCIETY, ATTORNEY FOR THE FAMILIES
OF MARIO CAÑEDO AND MANOLO ALBERTO.

DEATH OF MARIO CAÑEDO

GUADALUPE ASTORGA, AUNT, SHE WAS WITH MARIO WHEN HE DIED.

JUDY FRANKLIN, U.S. CUSTOMS, PRIMARY INSPECTOR.

WILLIAM HEYENGA, U.S. CUSTONS, SECONDARY INSPECTOR.

RAYMOND SEAWALD, U.S. CUSTOMS SUPERVISOR.

DEATH OF MANOLO ALBERTO

GUADALUPE ALONZO, FRIEND, SHE BROUGHT BABY INTO U.S. BORDER.

PHILLIPH RIHERD, U.S. CUSTOMS, PRIMARY INSPECTOR.

BARBARA CAPOLUNGO, U.S. CUSTOMS, SECONDARY INSPECTOR.

ELIAS MEDINA, U.S. CUSTOMS SUPERVISOR.

MANY NAJERA, U.S. CUSTOMS DISTRICT DIRECTOR.