

AD HOC COMMITTEE ON BORDER BRUTALITIES
323½ E. San Ysidro Blvd.
San Ysidro, CA 92073

May 17, 1972

To members:

On May 15, 1972, approximately at 7:35 p.m., a meeting was held on the continuation for investigation of the Customs Department and Immigration Service.

Members who were present:

Alberto R. Garcia
Herman Baca
Richard Resendez
Fred Drew
Rafael Rubio
Nicolas Insunza

Members absent:

Vic Villalpando
Dan Muñoz

The following was discussed in regards to a letter that was sent to the Commissioner of Immigration in Washington to stop harassment, brutalities, and abuses on the part of the United States Department of Immigration. Al Garcia explained that he was notified of the possible interview of the Commissioner of Immigration of the Regional Office to come to San Ysidro and discuss these problems. It was agreed by the group to go ahead and meet with Commissioner Rosemberg. It was also suggested to go into the community and get signatures and send them to Congress to stop these abuses among other things. It will be determined in the next meeting.

The following members were selected as officers of this committee:

President	Alberto R. Garcia
Vice-President	Herman Baca
Secretary	Fred Drew

It was determined that we will meet again, upon the request of the Chairman.

Respectfully submitted,

Al Garcia
Acting Secretary of this meeting



318 EAST SAN YSIDRO BLVD.
SAN YSIDRO, CALIFORNIA 92073
(714) 428-2742

January 20, 1975

Administrator
Bureau of Security and Consular Affairs
Room 6811
Department of State
Washington, D. C. 20520

Dear Sir:

This letter will serve to voice my objections and recommendations to the proposed amendment of subparagraph (15) of paragraph (a) of 42.91 of Title 22, Code of Federal Regulations. I realize that the proposed amendment is the first effort by the Department of State to provide some sort of definite guidelines which have long been sought and needed. However, after careful examination of the context of the proposed amendment and its provisions, I feel that it will in no way resolve our presently existing problems, but rather will add to them.

I will list my specific objections and recommendations which support my contention in the sequential order of appearance in the Federal Register.

- (a)
(15) "shall be predicated upon circumstances which indicate that the alien will probably become a charge upon the public after entry into the United States."

What are the circumstances on which this assumption is to be made? Certainly an assumption of this nature cannot be made on the mere intuition or foresight on the part of the particular individual (consular officer) who is reviewing the case. The circumstances should be defined into factual evidence in order to support its validity and fairness. I feel that this statement supports the existing discriminatory attitude on the part of certain consular officers against persons from the Western Hemisphere who are applying for visas.

- (ii) "unless the employment offer has been made on a form prescribed by the Department which has been sworn to and subscribed by the employer before a notary public."

No indication is made in the above statement as to what form must be filled out. Description? Number? Is it presently in existence and use, or is it in the process of being designed? If so, when is it going to be made available? If said form is, by its particular wording or context, extremely binding and compromising to the prospective employer, this will certainly jeopardize the applicant's chances for obtaining said employment. One certainly cannot blame the prospective employer for retracting his offer of employment after consideration of the legal implications said form carries with it, either stated or implied by the particular wording it contains.

(iii) "who have established to the satisfaction of the consular officer"

It seems to me that this particular statement renders the entire proposed amendment ineffective, since it reflects the same kind of policy which was previously in existence and under criticism. It relates to the basic objection of relying on a particular individual's discretionary opinion on a matter which will directly affect the applicant's future life and well being. It is completely unfair to grant a consular officer the power to release his hostility or discriminatory tendencies and to allow him to use this power to justify his biased actions. If consular officers are to have certain ultimate powers (i., e., denials of visas), these powers should be fully spelled out and they should be checked by definitely specified guidelines which are based on equitable facts; facts which consular officers must abide by before they are allowed to enforce their power to deny a visa.

..... "or upon income which he will be deriving through employment pursuant to an offer of prearranged employment,"...

Does the word he in this part of the statement still refer to the affiant or does it refer to the applicant?

..... "the details of the employment or the employment offer will have been provided on a form prescribed by the Department"

The same questions and objections regarding the stated form which I set forth in section (ii) are applicable in this instance with no need for repeating them.

(iv) "the income poverty guidelines published annually or at shorter intervals by the Office of Economic Opportunity as derived from the low income threshold tables which are also published annually by the Bureau of the Census"

I feel that the tables which are provided in the guidelines from the Office of Economic Opportunity do not realistically reflect the discrepancies which exist in the economic picture of individual areas. For example, an individual may be able to live comfortably on a \$5,000/year income in San Ysidro, California, but he would be unable to do so in San Diego or Los Angeles. Another individual may be able to live comfortably on a \$10,000/year income for a family of four or five in certain areas of Los Angeles, but would be unable to do so in San Francisco. I therefore feel that there needs to be a further breakdown with regard to the tables which are to be used in the determination of the average income and poverty guidelines. The decisions rendered in this regard should be based on tables which are realistic and relevant to the particular area in which the applicant is going to be living and working.

- (v) "That an alien who is 65 years of age or over..... shall be deemed ineligible to receive a visa until the consular officer is in receipt of notice of the giving of such bond or undertaking in the amount of at least \$5,000"

I feel quite strongly that this section can only be interpreted as being completely discriminatory towards senior citizens and, furthermore, unconstitutional. If it has been established that the applicant has no resources of his own and is to be dependent on his relatives for support, it is only logical that the consular officer in charge of reviewing the case will have fully investigated the economic resources of the affiant and if the affiant meets the specified requirements. It seems that it would be a fruitless effort on the part of the affiant to fulfill the specified requirements if his economic resources are to be drained by the added burden of having to post a bond in the amount of \$5,000. This represents a completely negative and intentional obstacle which can only ultimately result in repeated denials of visa applications of this nature.

..... "the parent of an accompanying dependent minor child or accompanying dependent minor children and who does not have adequate resources of his own and is not accompanying or following to join a spouse"

This statement is not clear with regard to the many particular circumstances which it involves.

1. The parent would seemingly have had to fulfill certain requirements first, either by providing an offer of proposed employment or the name of a person who would be deemed the affiant in his/her case before even applying for a visa.

2. Why should the fact that he or she is not accompanied by or following to join a spouse have a negative bearing on his or her case? Is there a moral implication intended here? If so, such moral implications are not presently being applied in other governmental agencies, i., e., Department of Public Welfare guidelines.
3. If this statement is intended primarily to the female parent, it is most definitely discriminatory to females. Females are individuals and they should be considered as such, with or without spousal support. They should be given due consideration as such, with the same privileges as a male, with the accompanying right to self-supporting employment or economic support from someone other than her spouse. The economic support could very well be provided by one of her children or relatives.

The same negative obstacle of the posting of a bond is being placed in this instance "\$5,000 on behalf of the adult applicant and in the amount of at least \$2,000 on behalf of each dependant minor child accompanying or following to join the principal adult"). This particular section further excludes applicants who might otherwise fulfill the requirements of a visa application and it limits the opportunities to a scant chosen few, if any.

The proposed amendment should not raise the same old objections and questions or, what is worse, raise new ones. It should not be vague or obscure in its stipulated requirements and/or provisions, since this subsequently only leads to the derivation of implications which ultimately prove harmful to the applicant. The applicant is thereby being subjected to a completely unfair and discriminatory process, with no basis for an appeal based on the stipulated guidelines if these are unfair and biased in themselves.

I hope that my observations and recommendations will be given due consideration in the overall evaluation of this proposed amendment and its revision (s). I would greatly appreciate being kept informed as to its future progress and outcome.

Cordially yours,

Albert R. Garcia
President

ARG:ichr

proposed rules

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

DEPARTMENT OF STATE

Bureau of Security and Consular Affairs

[22 CFR Part 42]

[Docket No. SD-109]

INELIGIBLE CLASSES OF IMMIGRANTS

Notice of Proposed Rulemaking

Notice is hereby given that the Department proposes to amend subparagraph (15) of paragraph (a) of § 42.91 of Title 22, Code of Federal Regulations to establish standards to be applied by consular officers in determining the eligibility of an alien to receive an immigrant visa under section 212(a)(15) of the Immigration and Nationality Act. Family members of prospective immigrants and other interested persons have become increasingly critical of the actions by some consular officers in refusing immigrant visas to some aliens who in the opinion of the consular officers were likely to become charges on the public if admitted to the United States. Some of these interested persons have contended that consular officers have imposed unrealistically high income standards for purposes of establishing eligibility under section 212(a)(15) of the Act. At the same time, several State and local governments and residents of certain geographic areas of the country have complained that many immigrants have applied for and received welfare payments within a short time of their admission to this country, thus giving rise to some further contentions that visas should not have been issued to these immigrants.

Consular officers have been seriously handicapped in obtaining the information required to make sound assessments of the veracity and authenticity of prearranged employment offers to immigrant visa applicants by persons in the United States when the income to be derived from the employment has been a material factor in considering the eligibility of applicants to receive a visa under section 212(a)(15) of the Act. It has come to the Department's attention that many of these prearranged employment offers which have been accepted by consular officers to satisfy public charge issues have been made without any intention of fulfillment by the persons or organizations making the offers. In some cases the affidavits of friends and relatives of visa applicants giving assurances of support to the prospective immigrants have been routinely disregarded with the result that many immigrants have become charges on the public immediately after admission into the country. This

has been noticeably more prevalent when the sponsoring affiants have been distant relatives or friends of the immigrant or where they have lacked the financial resources to provide support to the immigrant.

Interested persons are invited to submit written comments, recommendations or objections to the Administrator, Bureau of Security and Consular Affairs, Room 6811, Department of State, Washington, D.C. 20520 on or before February 28, 1975. Oral comments will not be considered. All written material relevant to the proposed amendments which is timely received will be evaluated and considered.

Subparagraph (15) of paragraph (a) of § 42.91 is amended to read:

§ 42.91 Aliens ineligible to receive a visa.

(a) Aliens ineligible under the provisions of section 212(a) of the Act. * * *

(15) Public charge. (i) Any conclusion that an alien is ineligible to receive an immigrant visa under the provisions of section 212(a)(15) of the Act shall be predicated upon circumstances which indicate that the alien will probably become a charge upon the public after entry into the United States.

(ii) An alien relying on an offer of prearranged employment, other than one certified by the Department of Labor pursuant to section 212(a)(14) of the Act, shall not be deemed eligible to receive an immigrant visa unless the employment offer has been made on a form prescribed by the Department which has been sworn to and attested to by the employer before a notary public.

(iii) An alien relying on the assurances of financial support by others as the sole or principal evidence to establish that he will not become a charge on the public after admission shall not be deemed eligible for an immigrant visa under section 212(a)(15) of the Act unless such assurances are in the form of an affidavit by a parent, spouse, son, daughter, brother or sister, or any combination of such family members, who have established to the satisfaction of the consular officer that they have the financial capability to assume support of the visa applicant: *Provided*, That where the financial capability to provide the support is essentially based upon income which the relative affiant is deriving from present employment or upon income which he will be deriving through employment pursuant to an offer of prearranged employment, the details of the employment or the employment offer will have been provided on a form prescribed by the Department which has been sworn to and

subscribed to by the employer before a notary public.

(iv) An alien who does not establish that he will have an annual income above the income poverty guidelines published annually or at shorter intervals by the Office of Economic Opportunity as derived from the low income threshold tables which are also published annually by the Bureau of the Census, and who is without other adequate financial resources, shall be deemed ineligible under section 212(a)(15) of the Act.

(v) An alien within the purview of section 212(a)(15) of the Act, who is otherwise eligible to receive a visa, may be issued an immigrant visa upon receipt of notice by the consular officer to the giving of a bond or undertaking, as provided in section 221(g) of the Act, if the consular officer is satisfied that the giving of such bond or undertaking removes the alien's ineligibility to receive a visa under this section of the law; *Provided*, That an alien who is 65 years of age or over and who does not have adequate resources of his own but is destined to live with relatives upon whom he is dependent for support shall be deemed ineligible to receive a visa until the consular officer is in receipt of notice of the giving of such bond or undertaking in the amount of at least \$5,000; *Provided further*, That an alien who is the parent of an accompanying dependent minor child or accompanying dependent minor children and who does not have adequate resources of his own and is not accompanying or following to join a spouse, shall be deemed ineligible to receive a visa until the consular officer is in receipt of a notice of the giving of such bond or undertaking in the amount of at least \$5,000 on behalf of the adult applicant and in the amount of at least \$2,000 on behalf of each dependent minor child accompanying or following to join the principal adult.

Dated: December 18, 1974.

For the Secretary of State.

BARBARA M. WATSON,
Administrator, Bureau of
Security and Consular Affairs.

[FR, Dec. 75-470 Filed 1-7-75; 8:46 am]

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 916]

NECTARINES GROWN IN CALIFORNIA

Order Directing Referendum

Pursuant to the applicable provisions of the marketing agreement, as amended, and Order No. 916, as

Public Instruction, who told the press conference of the urgent need for the Senators' bill.

appoint
Jerry

Ask Mexican Jail Probe

A number of Californians have sought my assistance on behalf of friends and relatives who are in jail in Mexico. They have told me about reports of torture during interrogations, denial of basic legal rights and extortion on a grand scale.

Together with Congressman Fortney Stark of Oakland, and other members of Congress, I have repeatedly urged our State Department to see that American citizens do not languish in Mexican jails without hearings, trials or access to American consular officials, and that American citizens not be subjected to physical or mental

maltreatment.

Recently, the U.S. State Department concluded an investigation of the situation in Mexican prisons. The conditions have not improved.

In July I submitted a resolution in the Senate similar to one introduced in the House by Congressman Stark. It requests the President to report to Congress on the circumstances and conditions under which 133 Americans are being held in custody by Mexican authorities. The President will be asked to make the first report within 10 days after the resolution is adopted.

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Job Funds Survive Veto

In my June "Report to Californians," I made a prediction about the emergency summer jobs program for disadvantaged youth.

Despite President Ford's May 30 veto of the omnibus jobs bill, I said the summer program would probably be funded separately because both the President and Congress agree on the importance of temporary jobs for these young people.

President signed a \$460 million appropriation to provide summer jobs for 840,000 poor youths. The money has already gone out to provide job slots for 80,000 in California.

In late June Congress also passed emergency legislation providing funds for public service jobs for adult unemployed. California is now receiving \$162 million for 21,650 jobs from a total appropriation of \$1.6 billion for

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Suite
One F
San F

Feder
1100
Los A

U.S. P



318 EAST SAN YSIDRO BLVD.
SAN YSIDRO, CALIFORNIA 92073

(714) 428-2742 9-15-75

FOR IMMEDIATE RELEASE

FOR IMMEDIATE RELEASE

FOR IMMEDIATE RELEASE

Albert R. Garcia, President of the United California Mexican-American Association states:

I recently read an article in the August 1975 issue of Senator Alan Cranston's Report to California which compelled me to make the following comment.

The article dealt with the fact, that, due to requests from a number of Californians on behalf of their friends and relatives who are in jail in Mexico, Senator Cranston submitted a resolution in July which requests the President to report to Congress on the circumstances and conditions under which 133 Americans are being held in custody by Mexican authorities. The President will then be asked to make the first report within 10 days after the resolution is adopted.

Senator Cranston's expediency in this matter seems grossly inequitable in light of other problems of greater magnitude which have been brought to his attention on several occasions over a long period of time and which have not merited the same in-depth, conscientious effort to resolve them.

I am addressing myself to those problems which are occurring on a daily basis and which are motivated by the relentless discriminatory attitude and policies of the Immigration and Naturalization Service. I have on countless occasions brought to the attention of different high ranking officials in different governmental agencies the abusive, and, at times, brutal behavior of the INS officers in their treatment of persons of Mexican descent with no specific regard for their status (these include Mexican nationals, immigrants, and U.S. citizens). I have provided specific case examples with supporting testimony regarding these incidents of abusive behavior and gross denial of basic legal, civil, and constitutional rights. A great majority of the cases involve incidents of both physical and mental maltreatment. We have heard endless promises of thorough investigations into the problem, as well as promises of revised policies and procedures which govern the conduct of INS officers.

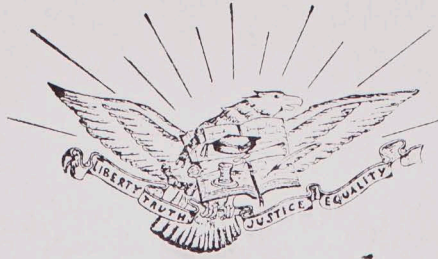
More importantly, I believe that the abusive treatment and denial of constitutional rights to U.S. citizens in their own country is a problem in itself which merits the attention of local and national government officials.

I cannot perceive the magnitude or seriousness of the problem of the 133 Americans who are in Mexican jails due to their own transpassing of Mexican law, by involving themselves in narcotics and charges of offensive behavior in Mexico.

It seems obvious, however, that Senator Cranston has varying degrees of empathy which compel him to take action on matters which are brought to his attention and his empathy seems also to be directly related to the nationality of those persons seeking his assistance or who stand to benefit from his assistance.

I am greatly distressed by the fact that there have been thousands of abuses perpetrated on persons of Mexican descent over the years by the INS and in that same period of time, we have not even come close to prompting presidential action in the matter because we have not been able to arouse sufficient interest from public officials who could make this possible. Therefore, I can only wonder if justice in the United States is indeed blind to color, race and creed.

United California



Mexican-American Assn.

318 EAST SAN YSIDRO BLVD.
SAN YSIDRO, CALIFORNIA 92173
(714) 428-2742

February 5, 1977

Senator Nate Holden
State Capitol, Room 4067
Sacramento, CA. 95814

Dear Senator Holden:

By means of this letter, I wish to state my support of your anti-redlining legislative package, consisting of:

Senate Bill 3 - dealing with the serious problem of mortgage loan denial disclosure by which financial institutions must disclose specific information to an applicant for each loan granted or denied.

Senate Bill 6 - which will require that Savings and Loan Associations disclose to the public information about their geographic investment patterns. Statements of disclosure on geographic investment patterns will have to be included in the association's year-end financial statements and must be made available to the public at a price not to exceed the printing cost.

Senate Bill 7 - which will prohibit loan discrimination through redlining of credit-worthy persons. The bill defines a "credit-worthy" person as one who would qualify for a loan if the collateral were in another geographical location.

The problem of housing caused by redlining measures is truly a serious one and I wholeheartedly support any attempt at disseminating information for consumers and at creating effective and systematic anti-redlining controls.

Please let me know if I can be of further assistance in this matter.

Cordially yours,

Albert R. Garcia
President

ARG:cs

State Senator Alex P. Garcia

Page Two.

There should remain no doubt that a bill such as this would have no problem in getting passed - that is, if indeed the judicial system in this country is truly equitable. Laws should be enacted and applied blindly and fairly to all individuals. Why should a person's entire future be thwarted by a conscious admission of guilt regarding the possession of a menial amount of marijuana if he is an alien resident and merely represent an admonition and fine to an American citizen. It seems that the scales of justice are not equal in this respect, and that more equitable guidelines are in order.

I fully support the passage of these two bills and will be glad to offer any assistance I can in this matter.

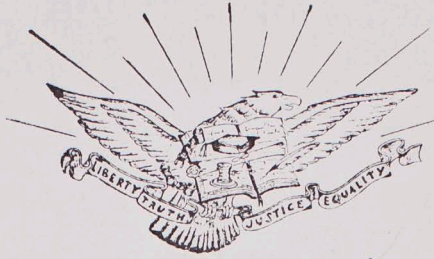
Cordially yours,

Albert R. Garcia
President

ARG:cs

United California

Mexican-American Assn.



318 EAST SAN YSIDRO BLVD.
SAN YSIDRO, CALIFORNIA 92173
(714) 428-2742

February 7, 1977

State Senator Alex P. Garcia
Room 5095
State Capitol
Sacramento, CA. 95814

Dear Senator Garcia:

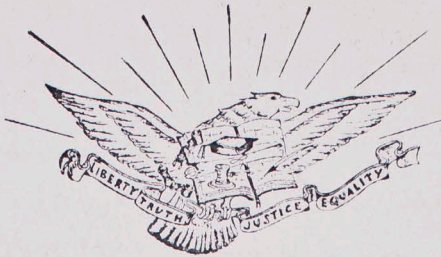
This letter is in reference to and in support of the two bills relating to immigration matters, that you are planning to introduce.

The first draft bill would make it a misdemeanor for a state or local law enforcement officer to arrest a person suspected of being in the United States unlawfully, or to detain or interrogate a person to ascertain whether such person is in the United States unlawfully.

I believe that this is a step in the right direction towards putting a stop to the endless violations of people's constitutional rights. It seems that for years the color of a person's skin if it should be other than white automatically justifies abusive behavior on the part of law enforcement officers. Individuals who have suffered this type of harassment has had no recourse. It seems only fair that such recourse and protection against violation of their rights be afforded to present and future generations of lawful residents of African, Asian, Latin American, Mexican and Pacific Island heritage.

The second draft bill would require that lawful residents charged with simple possession of marijuana must be advised, before entering a plea in court, that conviction could lead to deportation under subsection (a), Section 1251 of Title 8 of the United States Code.

United California



Mexican-American Assn.

318 EAST SAN YSIDRO BLVD.
SAN YSIDRO, CALIFORNIA 92173
(714) 428-2742

February 14, 1977

Congressman Tom Steed
Chairman
Committee on Appropriations
House of Representatives
Washington, D.C. 20515

Dear Congressman Steed:

In April, 1972, (4/29/72) hearings pertaining to border inspection procedures were held in San Diego. It was until then that the situation seemed to alleviate itself somewhat.

However, at present, there are many problems which are becoming increasingly serious. These problems involve personal of the Immigration & Naturalization Service, Customs and other federal agencies which persist in their abusive and discriminatory behavior towards the public, as well as to some of their own peers within these agencies. The incidents involving shootings and beatings have alarmed and frightened the people to the point of their being afraid to cross the international border and businesses are suffering the consequences of these abuses.

It is urgent that your committee immediately make on-site investigations of abuses in San Diego and Los Angeles regarding procedures used against not only on U.S. citizens of Mexican-American ancestry but also on Mexicans who cross the border on a daily basis to consume our products and to do business with local merchants throughout the State of California. Many businesses are complaining about the situation and some have felt the stress to the point of bankruptcy. In addition to the effect on the business community, the incidents involving shootings have put international relations in jeopardy.

We fully believe that your committee must institute investigative hearings into these problems and we are ready with witnesses who

will testify. It is therefore important that we receive notification from your committee regarding proposed hearings as early as possible, so that we may properly prepare for them.

Hoping to hear from you at your earliest possible convenience regarding this matter, I remain,

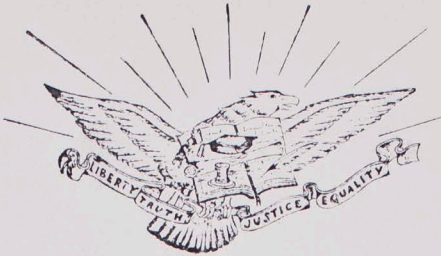
Cordially yours,

Albert R. Garcia
President

ARG:cs

cc: Congressman Edward R. Roybal

United California



Mexican-American Assn.

318 EAST SAN YSIDRO BLVD.
SAN YSIDRO, CALIFORNIA 92173
(714) 428-2742

February 14, 1977

President Jimmy Carter
The White House
Washington, D.C. 20500

Dear President Carter:

This letter will convey my deep concern over the prevalent attitude of your transition personnel towards Asian American, Hispanic, Native American and Ethnic groups. The attitude is one of insensitivity, elitism, and tokenism.

You should certainly be made aware of this matter and it should rank among the priorities to be resolved at the onset of your new role as President. It is important to the preservation of the credibility of your commitments. These groups sincerely believed in your commitment to them and in your dream for a different and better America. However, I am sure they were not expecting the same type of tokenism which has been the usual response to their pleas for recognition and meaningful participation at the policy-making level of government.

It has been a long-standing argument against effective affirmative action in the hiring of minorities that there are no qualified minority applicants to be found. This cannot be further from the truth. I know this for a fact. I know of countless minority applicants who have been denied positions ranging from clerical to administrative, in spite of their more than required qualifications. Yet, in instances where they have been replaced by a member of the same or other ethnic minority group, it is always by someone who is quite obviously less qualified than the minority applicant who was passed over. This type of procedure provides personnel management with the justification for arguments against the efficiency of the affirmative action program. The other procedure used is one of imposing individual biases and prejudices regarding beliefs of potential minority candidates - biases and prejudices which are not applied to non-minority candidates to a position.

President Jimmy Carter
Page Two.

Since I do not know if you are aware of these discrepancies, I believe that you should be given the opportunity to right these wrongs and demonstrate the sincerity of your promise of a truly participatory and democratic process within your administration, before making any decisive assumptions which would affect our pledged, continued national support of the Carter administration.

There can be no real effort towards correcting the present situation unless your staff accepts full responsibility for the effective inclusion of these minority groups in the transition process.

To date, there has been no mention of these groups in any of the press releases regarding different meaningful trends in your administration. If your dream of a true democratic society is to become a reality, you must begin with a staff who is fully committed to the doctrine of pluralism which is defined as "a state of society in which members of diverse ethnic, racial, religious or social groups maintain an autonomous participation in and development of their traditional culture or special interest within the confines of a common civilization" (or government in this case). Your non-committal attitude and that of your staff cannot be suppressed or disguised by smiling complacency and continued empty promises of future changes for too long - the real situation becomes evident at an increasingly fast pace after the transition process begins. You can, therefore, no longer quiet or stifle the awareness of these groups by mere submission of names, without the support gained by effective outreach and participation.

Unsubstantial presence of minority group members does not provide credibility to your administration - they must be allowed to participate in all aspects of government which affect their lives as members of a democratic society, rather than a "white" elite society. If the constitution and its amendments are to be properly upheld, the President and his administration must set the example by inclusion of minority groups which have traditionally been left out of policy, planning and affirmative action areas of your administrative staffing, at a decision-making level.

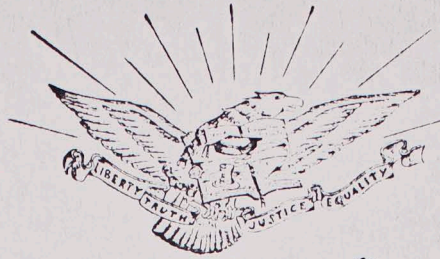
I would like to hear from you regarding these issues. I cannot believe that the open policy of government which you emphasized during your campaign is already ineffective. Hoping to hear from you soon regarding the issues raised in this letter, I remain,

Cordially yours,

Albert R. Garcia
President

ARG:cs

United California



Mexican-American Assn.

318 EAST SAN YSIDRO BLVD.
SAN YSIDRO, CALIFORNIA 92173
(714) 428-2742

February 26, 1977

Congressman Lionel Van Deerlin
211 Cannon Office Building
Washington, D.C. 20515

Dear Van:

I read the article "Van Deerlin Hits At Illegal Aliens" and was quite annoyed by it. You seem to put more emphasis on problems which pertain on the national level priority than you do on trying to solve those of the community which you represent.

You quote the figures of the local unemployment rates of 11.2 per cent in relation to the number of illegal aliens who cross the border illegally. You alledge that the illegal aliens are taking the jobs which should be rightfully held by the legal residents and U.S. citizens who are unemployed. I believe you should be more concerned with the fact that those jobs would not be filled by U.S. citizens who are unemployed. These jobs are unskilled jobs which pay very low wages and have terrible working conditions. You know very well that a U.S. citizen would not work as a house maid, or a field worker or a factory worker for the same pay and under present working conditions for those jobs, if they can or are getting more money from unemployment or from welfare.

You should be more concerned with the vast inefficiency of the Department of Human Resources. You should look into the question of why it is that some people who are obviously of Latin American extraction who apply for unemployment benefits are almost forced to accept positions which are lower in status and pay than those they previously held and, yet, people who do not look to be of Latin American extraction can continue to collect unemployment benefits indefinitely until they can find a job suited to their needs.

Although you state that there are 10 illegal aliens who have received welfare benefits, you are terribly vague with regard to your statement regarding the financial impact and the socio-economic problems the illegal aliens represent to San Diego County.

You do quote a figure of more than two million dollars from County funds paid to University Hospital for medical treatment from 1971 through 1975. However, you do not specify what percentage of that figure represents costs for wrongful acts on the part of officers of the Immigration and Naturalization Service with regard to beatings, shootings, rapes and other abusive treatment perpetrated on illegal aliens by these officers. If the figure which you quoted also includes women (Mexican nationals) who deliver at University Hospital, you forgot to mention the fact that these women try to deliver in the United States in an attempt to legalize their status by so doing and that before they can begin to process their paperwork, they must have paid their bill at University Hospital.

With regard to the figures which you quote regarding the cost of schooling for Mexican nationals and illegal aliens, you also forgot to mention that children of Mexican nationals who are not legal residents or U.S. citizens have to pay a high premium for attending school in this country. Children of U.S. citizens have every right to attend school in this country and it is only due to a technicality of the State Department that they have not attained their legal status. This, by the way, should be one of your concerns. Children who are themselves U.S. citizens also have every right to attend school in this country and, therefore, the figure which you quote for these children should not be represented as an isolated cost for the County.

You mention the fact that much of the wages earned by illegal aliens is either sent back or taken back to Mexico, thus affecting the U.S. balance of payments. You forgot to mention the fact that money which is withheld from those wages for federal taxes, state taxes, disability benefits, unemployment benefits, and social security benefits are never collected or paid to those illegal aliens. I am sure that if you take that figure and add it to the money that illegal aliens spend on rent, food, and clothing in this country, the amount would stagger you even more.

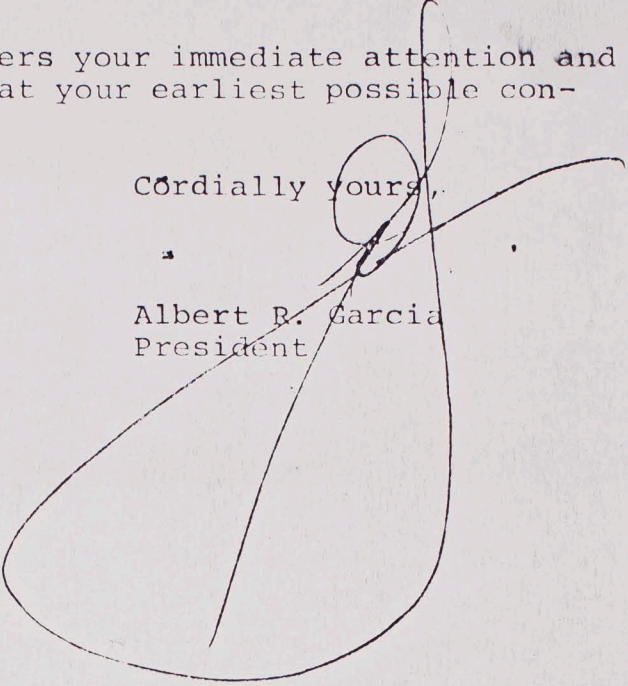
You should also be more concerned with the last statement which you made in the article regarding job discrimination against persons appearing to be of Latin American origin and how it affects the residents of the community which you represent. However, it seems that since this is not or has it ever been a "hot" issue at the national level, it does not merit your attention. That problem alone, if resolved, would greatly change the figures which you quoted for welfare payments and unemployment rates.

A large portion of the community which you represent is comprised of Mexican American residents and they are also quite concerned about your position on several issues since these issues are in no way related to problems which concern them and which are pressing. They are disappointed with your non-concern of issues which directly affect them and which do not seem to merit your attention. It is for this reason that they are seriously considering withdrawing their support in your behalf.

I hope you will give these matters your immediate attention and let me know your views on them at your earliest possible convenience.

Cordially yours,

Albert R. Garcia
President



'FREE AID FOR MEXICO'**Van Deerlin Hits
At Illegal Aliens**

Related Story Page A-10

By VI MURPHY

Mexico Special Writer The San Diego Union

The heavy flow of illegal aliens across the Mexican border into the United States "is providing a kind of wonderful free welfare system for Mexico," Rep. Lionel Van Deerlin, D-San Diego, said yesterday in an interview.

"The aliens flow across the border into the United States, relieving the Mexican government of the responsibility for solving their social and economic problems and putting the onus for their care and welfare on the American system," said Van Deerlin.

MONEY GOES BACK

He added, "Much of the money illegal aliens earn from American employers — who hire them because they will work for much lower wages than American workers demand — is sent or taken back to Mexico, affecting the U.S. balance of payments."

Officials with the U.S. Immigration and Naturalization Service estimate 90 per cent of more than 800,000 illegal aliens apprehended nationally are from Mexico.

Van Deerlin said illegal alien problems are multiplying drastically as thousands of Mexicans have begun to flee the deepening poverty and hunger caused by a severe depression now sweeping Mexico following floating and devaluation of the peso last Sept. 1.

270,000 SEIZED

U.S. Border Patrol officials reported more than 270,000 illegal alien apprehensions in 1976 in the San Diego area, believed to be about one-fourth of those who crossed the border illegally.

"These figures are staggering," said Van Deerlin.

"When you consider they represent illegal entries on only a 10-mile sector of a 2,000-mile border and that the local unemployment ratio is now up to 11.2 per cent, you begin to realize the impact of the situation on San Diego County," he noted.

Although few illegal aliens actually wind up on welfare rolls — only 10 reported so far — the financial impact of their numbers and socio-economic problems is costing San Diego County taxpayers millions of dollars annually, county officials report.

NEW DATA DUE

A study of the illegal alien impact on San Diego County was compiled by the Human Resources Agency for 1975 and detailed some of the costs of maintaining the illegal alien population.

The report is being updated for 1976 and county officials expect the new results shortly.

Costs to San Diego County taxpayers from county funds for care of Mexican nationals, including illegal aliens, included:

— More than \$2 million from county funds paid University Hospital, alone, for medical treatment from 1971 to through 1975;

SCHOOLING COSTS

— County government costs for schooling Mexican nationals, including illegal aliens, rose from \$106,937 in 1971 to \$227,733 by 1975;

— Processing illegal aliens through the county judicial and law enforcement system in San Diego County is costing more than \$106,000 annually;

— Processing illegal juvenile aliens is costing more than \$87,000 from county funds.

251,000 HOLD JOBS

An estimated 1.3 million illegal aliens are believed to be living in California with approximately 251,000 holding regular jobs, including at least 9,000 in San Diego County.

Officials in the U.S. Immigration and Naturalization Service base these estimates on information gleaned from apprehended aliens who are questioned before being returned to Mexico.

"Solution to the illegal alien problem is going to require vigorous presidential leadership," said Van Deerlin, whose district includes the border area of San Diego.

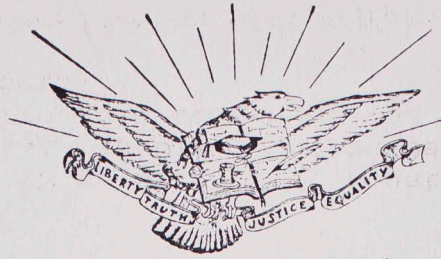
BACKS NEW BILL

He added, "One place to start is by President Carter putting strong support behind a new bill ready for introduction by Rep. Peter Rodino, D-N.J."

The bill would penalize American employers who hire illegal aliens and thus encourage them to enter the United States illegally to get to the jobs waiting for them. Van Deerlin said, "The new bill has been modified from the original legislation introduced two years ago by Rodino. I believe it is much more workable."

Modifications to the original bill include means for preventing job discrimination against persons appearing to be of Latin American origin, Van Deerlin reported.

United California



Mexican-American Assn.

318 EAST SAN YSIDRO BLVD.
SAN YSIDRO, CALIFORNIA 92173
(714) 428-2742

February 28, 1977

Mr. Jess Haro, Councilman
8th District, Chairman, Public
Service and Safety Committee
202 "C" Street
San Diego, CA. 92101

Dear Jess:

As Chairman of the Public Service and Safety Committee, we hereby request that your committee give its immediate attention to the following matters:

1. On July 18, 1976, Mr. Albert Puente, a veteran of 20 years with the San Diego Police Department, was assaulted, brutally beaten, maced and degraded by police officers.
2. The recent exoneration of ten San Diego Police officers by the department's Internal Affairs Unit which further represents an affront to all those who believe in the code of law.

We are greatly concerned about the proper follow-up of these two cases because they represent the constant "whitewash" of the abusive behavior by officers of the San Diego Police Department. Mr. Puente's case is typical of the police brutality which continues to go unchecked in spite of numerous reports and investigations.

Mr. Puente was exonerated of all charges by a jury of his own peers and our organization is thus taking this opportunity to join in the request for the establishment of a civilian review board, so that these and similar cases can be judged from equal perspectives.

Enclosed please find copies of articles and statements pertinent to both issues for your further perusal.

Mr. Jess Haro
Page Two.

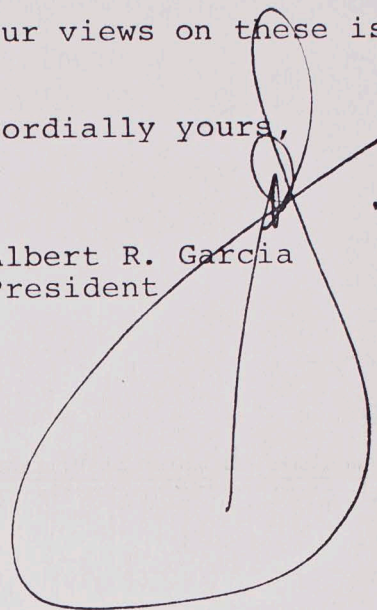
I would greatly appreciate receiving your views on these issues
at your earliest possible convenience.

Cordially yours,

Albert R. Garcia
President

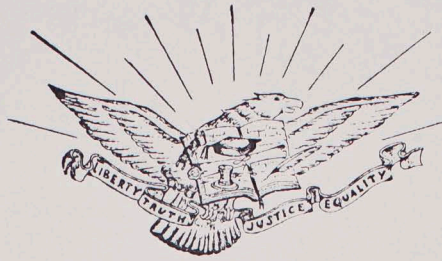
ARG/cs

Enclosure

A large, stylized handwritten signature in black ink, which appears to be 'Albert R. Garcia'. The signature is written over the typed name and extends upwards into the 'Cordially yours,' line.

United California

03/24/77



Mexican-American Assn.

318 EAST SAN YSIDRO BLVD.
SAN YSIDRO, CALIFORNIA 92173
(714) 428-2742

FOR IMMEDIATE RELEASE

FOR IMMEDIATE RELEASE

PRESS RELEASE

Albert Garcia, Herman Baca and other heads of organizations will be meeting with the new Commissioner of the Immigration and Naturalization Service, Leonel Castillo, on March 31st in Houston, Texas. The purpose of this meeting is to apprise Mr. Castillo of the severity of the inflammatory campaign that the INS is promoting and which is working in a detrimental manner against the Chicano community in this country. They also wish to make Mr. Castillo aware of the totally irresponsible attitude of districts such as San Diego and Los Angeles where immigration petitions are delayed a year or more - petitions which are being filed by immediate family members who are trying to reunite with their loved ones who are already legally in this country. These individuals are made to wait by the non-concern and inefficiency of INS officials who quite often do little more than sit around and drink coffee in their offices. It is imperative, Garcia stated, that there be a re-organization within all districts of the INS in order to make the employees of said service realize that the conscientious and efficient fulfillment of their duties represents a major role in the lives of thousands of individuals whose futures depend upon the outcome of their immigration petition. It is cruel and unjust punishment to make these individuals wait so long when it only takes four minutes to adjudicate an I-130 petition and immediately refer it to the American Consulates where said petition is to be accepted.

The Mexican-American organization is also concerned with the violations of human rights of Mexican-Americans throughout the southwest region and other parts of the nation.

Garcia stated that the economic situation in the San Ysidro border area is deplorable and is the result of the harassments, abuses and

lifting of I-186 cards from resident citizens of Tijuana, Tecate and Baja California. We are trying to bring more businesses into the area, Garcia said. These businesses would create jobs and attract more Mexicans to purchase their goods in the San Ysidro area. Mexicans spend more than 120 million dollars a year in the San Diego area and this figure should be increasing. However, this figure is rapidly dropping as a result of the newspaper stories about abuses and invective attitude towards individuals of Mexican descent on the part of INS officers, in addition to the negative and inciting propaganda being spread and publicized by the INS.

Also included in the agenda of Mexican-American leaders is discussion regarding the creation of a national committee of Mexican-Americans throughout the country to oversee the practices and operation of the INS in order to insure that it operates as a service agency rather than a law enforcement agency which condones abuses, maltreatments, and actual beatings of both Mexican citizens and Mexican-American citizens in this country.

Garcia stated that a definite communication gap has existed since the leadership of General Leonard Chapman and throughout the Nixon and Ford administrations. They feel that under the direction of Mr. Castillo many changes can be effected within the immigration laws of this country which can alleviate the present situation.

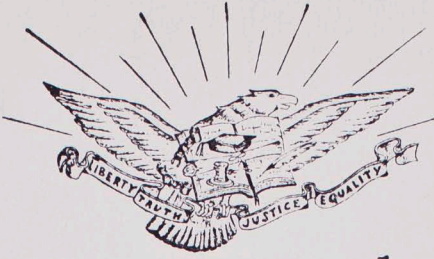
Mexican-American organizations have pledged their support to the new Commissioner on the condition that the human dignity and rights of individuals be respected.

There is a basic and urgent need for better training for immigration inspectors which will provide them with badly needed cultural awareness and courtesy practices. This training should be mandatory for all immigration and border agents at all ports of entry. This type of training has been lacking for the last 100 years within these agencies and is one certain step towards the resolution of the present co-existence problem which is ardently being sought by the private citizens who are human rights advocates in our country.

FOR FURTHER INFORMATION PLEASE CALL MR. ABLERTO R. GARCIA AT (714) 428-2565 - 2742 OR HERMAN BACA AT (714) 477-3800.

United California

Mexican-American Assn.



318 EAST SAN YSIDRO BLVD.
SAN YSIDRO, CALIFORNIA 92173
(714) 428-2742

February 28, 1977

Gerald Warren
Editor, San Diego Union
P.O. Box 191
San Diego, CA. 92112

Dear Mr. Warren:

We would like to thank you for meeting with members of the various Chicano organizations on Monday, February 21, to discuss the biased coverage by the San Diego Union newspaper of the "illegal alien" issue.

We have on numerous occasions brought to the attention of the San Diego Union their responsibility to all segments of the community, in an effort to appease the rightfully aroused concerned individuals and organizations. However, it has been to no avail.

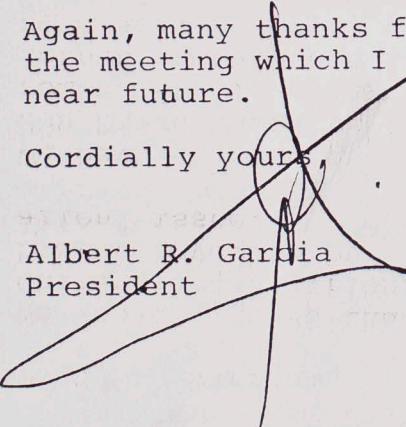
With regard to the "illegal alien" issue in particular, the San Diego Union has repeatedly given full coverage to biased views and opinions, with no regard for "equal time" for a balanced and proper perspective coverage of the news.

We sincerely hope that our meeting served the purpose of making the San Diego Union aware of the importance of giving serious consideration to the legitimate complaints which were brought forth. The 250,000 persons of Mexican ancestry in San Diego County can no longer continue to put up with non-action in this regard on the part of the San Diego Union.

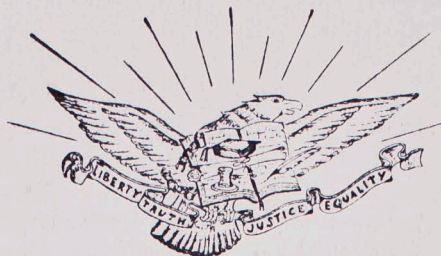
Again, many thanks for your participation and cooperation in the meeting which I hope will provide meaningful results in the near future.

Cordially yours,

Albert R. Garcia
President



United California



Mexican-American Assn.

318 EAST SAN YSIDRO BLVD.
SAN YSIDRO, CALIFORNIA 92173
(714) 428-2742

February 28, 1977

Edwin Miller, District Attorney
220 West Broadway
County Courthouse
San Diego, CA. 92101

Dear Mr. Miller:

This letter will bring to your attention the case of Mr. Albert Puente, a veteran of 20 years with the San Diego Police Department, who was brutally assaulted and beaten by officers of the same department and who was recently exonerated of all charges by a jury of his peers.

Enclosed please find a copy of the statement concerning this abusive behavior on the part of the San Diego Police Department officers.

Our organization is hereby joining the position that your office consider filing charges against the police officers involved under Penal Code Sections 147 and 149.

We would greatly appreciate receiving your reply concerning this issue at your earliest possible convenience.

Cordially yours,

Albert R. Garcia
President

ARG/cs

Enclosure



Border-Friendship Lions Club, Inc.

874 La Huerta Way, San Diego, California 92154

February 28, 1977

ALFONSO CAMBEROS
PRESIDENT

JOSE CAMARENA
SECRETARY

JOSE LUIS ARREOLA
TREASURER

TED GANTS
1ST. VICE PRESIDENT

ALBERTO GARCIA
2ND. VICE PRESIDENT

ANTONIO MADRAZO
3RD. VICE PRESIDENT

DAVID VASQUEZ
TAILTWISTER

DIRECTORS:

MARCO A. GARCIA M.

ROBERT EGGER

RAY PARRA

RAY ZUÑIGA

Congressman Tom Steed
Chairman, Committee on
Appropriations
House of Representatives
Washington, D.C. 20515

Dear Congressman Steed:

Our organization is deeply concerned over the abusive behavior on the part of members of the Immigration & Naturalization Service, Customs, and other federal agencies and the impact this is having on the business community at large throughout the State of California in addition to the direct discriminatory practices on individuals.

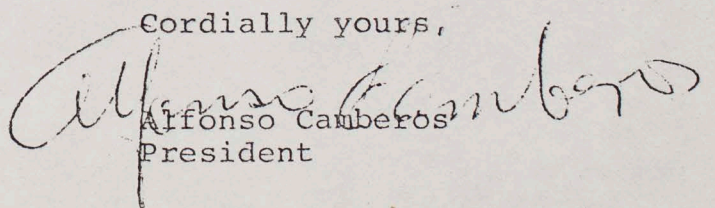
This constant abusive behavior is threatening the day-to-day existence of U.S. citizens of Mexican-American ancestry, as well as that of Mexican nationals who cross the border on a daily basis to consume our products and to do business with local merchants.

We can no longer ignore the pleas of local businessmen and individuals who are at present afraid to cross the border for fear of being abused, mistreated or assaulted with no justification whatsoever.

We join in the request for investigative hearings into these abuses. Unfortunately, we must face the fact that this is the only way out. The precedent with was set by the congressional hearings which were held in San Diego in April, 1972, cannot be denied but must be repeated. Witnesses and testimonies are available and are only awaiting notification from your committee with regard to the setting up and initiation of said hearings.

We would greatly appreciate receiving your prompt reply regarding the issues raised in this letter and your reaction to our request.

Cordially yours,


Alfonso Camberos
President

AC/cs



San Diego County

Human Relations Commission

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

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3-9-77*

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SAN DIEGO
- MY A. WILKINS
IDENTIAL ASS'T
CHIEF S DEPT.
COUNTY OF SAN DIEGO

March 4, 1977

Congressman Tom Steed
Chairperson, Committee on Appropriations
2405 Rayburn House Office Blvd.
Washington, DC 20515

Dear Congressman Steed:

On February 14, 1977, a letter was sent to you by Albert R. Garcia, President of United California Mexican-American Association, raising some extremely serious questions about the operation of the Immigration and Naturalization Service, Customs and other Federal agencies involved in border activities.

His concerns about abusive and discriminatory behavior by Federal employees within Federal agencies is shared by the San Diego County Human Relations Commission. This letter is written to support his call for an on-site investigation by your Committee and to offer the assistance of this agency.

Currently, the San Diego County Human Relations Commission has established a Task Force on Immigration Issues as they relate to human rights in San Diego County. Upon completion, we will share our report with you.

These issues raised by Mr. Garcia are serious and fundamental human rights concerns. I urge you to give full consideration to examining this important area of domestic and international activity.

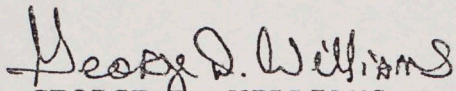
EXECUTIVE COMMITTEE MEMBERS

EXECUTIVE DIRECTOR
JAMES S. FUKUMOTO

Congressman Tom Steed
March 4, 1977
Page 2

If I may assist you in any way in this important matter, please let me know. Awaiting your response, I am,

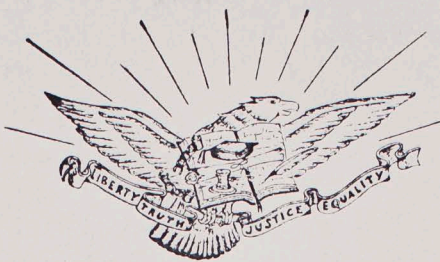
Yours for Justice,


GEORGE D. WILLIAMS
Executive Director

GDW:cc

cc: Congressman Edward R. Roybal
✓ Albert R. Garcia

United California



Mexican-American Assn.

318 EAST SAN YSIDRO BLVD.
SAN YSIDRO, CALIFORNIA 92173
(714) 428-2742

March 18, 1977

Senator Alan Cranston
United States Senate
Washington, D.C. 20510

Dear Senator Cranston:

I am sure you are well aware of the inflammatory campaign which has been going on for some time now with regard to the illegal alien issue. I will address myself to this because the situation has reached the point of non-tolerance.

At a time when President Carter is repeatedly stressing the preservation and respect for people's civil rights, on a world-wide level, there seems to be a complete disregard for people's rights right here in our own country. Incidents involving the violation of people's rights are occurring on a daily basis and no one at the national level seems to be concerned with a thorough investigation into these violations. It is only the negative side of the problem of the undocumented alien which seems to have aroused national and media interest.

The rights of Mexican nationals, Mexican-American legal residents and United States citizens of Mexican descent are being violated by officers of the Immigration and Naturalization Service, Customs, and the U.S. Border Patrol, with complete disregard for their lawful, constituted, or guaranteed rights.

The trend seems to be to applaud statements regarding the respect for people's civil rights when President Carter expresses his views on the subject, but when it comes to putting these ideals into practice, people in positions at the decision-making level are not responding at all.

The people's representatives are not fulfilling their responsibilities in protecting their constituents' civil rights or in their efforts to keep them informed on all sides to issues which affect their community.

The people in this country are entitled to read about both sides of any issues which are supposedly affecting the welfare of this country. The Mexican-American community has not been given the opportunity to expound their views or to provide facts which have bearing on the opposite side of the problem.

The other day, the Attorney General, Griffin Bell, was here in San Diego and during an interview, he stated that he did not know enough about the illegal alien issue. It is not surprising - all of the coverage in the newspapers, radio, and television is biased and misleading since only the officials within the Immigration & Naturalization Service have been allowed to offer their viewpoints and well chosen statistics.

I think it is about time President Carter and his staff became well informed about both sides of this issue. I think that you as a representative of a community which is being affected by this issue should be one of the most interested in seeing to it that all facets of this problem be thoroughly explored and investigated.

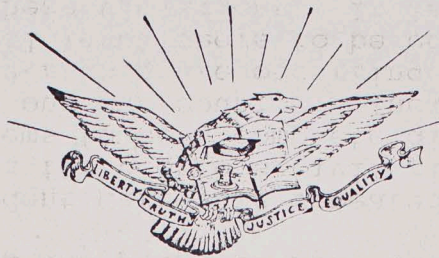
It is for this reason that I am hereby requesting you to assist us in obtaining an appointment with President Carter for myself and a delegation from California as soon as possible.

Hoping to hear from you at your earliest possible convenience with regard to my request and concerns, I remain,

Cordially yours,

Albert R. Garcia
President

United California



Mexican-American Assn.

318 EAST SAN YSIDRO BLVD.
SAN YSIDRO, CALIFORNIA 92173
(714) 428-2742

March 18, 1977

Joseph Aragon
Special Assistant to
the President
The White House
Washington, D.C.

Dear Mr. Aragon:

I am sure that you are well aware of the inflammatory campaign which has been going on for some time now with regard to the illegal alien issue. I will address myself to this because the situation has reached the point of non-tolerance.

At a time when President Carter is repeatedly stressing the preservation and respect for people's civil rights, on a world-wide level, there seems to be a complete disregard for people's rights right here in our own country. Incidents involving the violation of people's rights are occurring on a daily basis and no one at the national level seems to be concerned with a thorough investigation into these violations. It is only the negative side of the problem of the undocumented alien which seems to have aroused national and media interest.

The rights of the Mexican nationals, Mexican-American legal residents and United States citizens of Mexican descent are being violated by officers of the Immigration and Naturalization Service, Customs, and the U.S. Border Patrol, with complete disregard for their lawful, constituted, or guaranteed rights.

The trend seems to be to applaud statements regarding the respect for people's civil rights when President Carter expresses his views on the subject, but when it comes to putting these ideals into practice, people in positions at the decision-making level are not responding at all.

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The other day, the Attorney General, Griffin Bell, was here in San Diego and during an interview, he stated that he did not know enough about the illegal alien issue. It is not surprising - all of the coverage in the newspapers, radio, and television is biased and misleading since only the officials within the Immigration & Naturalization Service have been allowed to offer their viewpoints and well chosen statistics. A case in point is the repetition of misleading data which has been issued by the National Commissioner of Immigration, General Leonard Chapman.

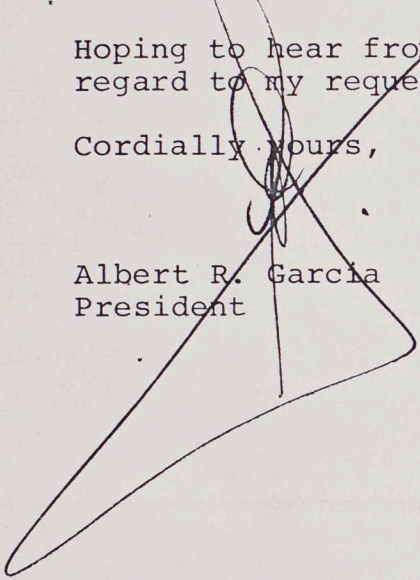
I think it is about time President Carter and his staff became well informed about both sides of this issue. I think that you as Special Assistant to President Carter should be especially interested in keeping abreast of the complete sphere of any and all issues.

It is for this reason that I am hereby requesting you to assist me in obtaining an appointment with President Carter for myself and a delegation from California as soon as possible.

Hoping to hear from you at your earliest possible convenience with regard to my request and concerns, I remain,

Cordially yours,

Albert R. Garcia
President



United California



Mexican-American Assn.

318 EAST SAN YSIDRO BLVD.
SAN YSIDRO, CALIFORNIA 92173
(714) 428-2742

April 7, 1977

Congressman Tom Steed
Chairman, Committee on
Appropriations
House of Representatives
Washington, D.C. 20515

Dear Congressman Steed:

This letter is in reference to my February 14, 1977 letter regarding the abuses and violations of human, civil, and constitutional rights of individuals when crossing the San Ysidro Border Station in San Ysidro, California. Although there are two or three agencies represented at that border crossing, the one which is most involved in contact with the public is the U.S. Customs Service. Let me mention again that since the Congressional hearings which were held in San Diego on April 29, 1972, the situation seemed to alleviate itself somewhat, but the problems have persisted and have continued to increase in seriousness and frequency to the point that we once more feel that the U.S. Customs Service needs monitoring on the part of this committee. At present, the general public has no guarantees of their safety or of the validity of their human, civil or constitutional rights.

Let me at this point give you a blatant example of the seriousness of the problems with the U.S. Customs Service:

During the years 1975-76, the U.S. Customs Service operated a machine which they installed to check persons coming through the pedestrian lane and which they called the "Smelling Machine". Said machine was installed in order to detect all types of narcotics which were being smuggled into the United States. This machine turned out to be nothing more than a complete waste of the taxpayers' money and a source of justification for violations of the freedom of travel, civil and constitutional rights of the travelling public, in addition to demeaning and unjustified forms of personal search of individuals.

Hundreds of thousands of individuals were illegally detained, stripped and had cavity searches performed on them because of the reliance which was given to this machine and its purported effectiveness. Females were embarrassed, taken into rooms and were undressed and touched by female inspectors. These individuals were unjustly forced to undergo all types of abuses with no explanation or justification. Male Customs inspectors were having a good time laughing at the resultant operation of the machine which they realized was a complete mockery and a total waste of the taxpayers' money. Of the thousands of individuals who were detained and searched, not one was found to be carrying contraband. However, this machine did indeed detect tortillas, tamales, and other food items that border crossers were carrying and which they had already declared to the primary inspection officer. In essence, this machine cost the taxpayers millions of dollars and it was a total failure with regard to its intended purpose. I am also, therefore, requesting that a full investigation be conducted to determine why the U.S. Customs Service was permitted to perform these illegal activities.

Another issue which I would like to bring to light is the ineptness of the cross-designation procedure which is undertaken by the U.S. Customs Service and the Immigration and Naturalization Service. The inefficient manner in which this cross-designation is conducted serves only to further the abuse of individuals by these two agencies. The cross-designation process involves the training of U.S. Customs inspectors during a 6-hour briefing period, orienting him regarding documentation, immigration laws, etc. It is impossible that in such a short period of time, they can learn enough about the responsibilities of an immigration officer, so that they can deal with the public effectively. Another one of the inordinate steps which is taken in their attempt at over-exerting authority by the U.S. Customs Service is the unrestrained use of television monitors by U.S. Customs personnel at the Port of Entry at San Ysidro, California. The actions and voice of every person who is taken into the office is recorded. This is done without the expressed consent, and often without the knowledge of the persons being searched. Doesn't this raise the question as to the statute or authority which allows the U.S. Customs Service to conduct this type of surveillance? And the implications regarding the Freedom of Information Act and the Right to Privacy Act.

These types of abuses which are being perpetrated by the U.S. Customs Service officers on a daily basis are further exemplified by the following cases of individuals who have submitted sworn affidavits regarding their experiences. Since I am enclosing copies of these affidavits for your careful perusal, I shall only go into detailed categorizing of the nature of the complaints, rather than the detailed accounting of individual cases.

All of the affidavits represent abusive behavior towards individuals crossing the border. These are individuals who should be greeted

as they enter the United States because, as you will note, there was no justification for their mistreatment. These cases also represent illegal search of individuals, based on nothing more than prejudice on the part of U.S. Customs officers. The behavior on the part of said officers exemplified rudeness, aggressiveness towards Mexicans, Mexican-Americans (legal residents and U.S. citizens), undocumented aliens, and minorities in general. You will note when you review these cases that they all involve unjustified and unexplained abuse of authority on the part of U.S. Customs Service officers and Immigration officers. In some cases, there were actual threats and in others, illegal and demeaning searches and/or physical violence.

The case of Mr. Alberto Garcia (myself) exemplifies the ineptness of the cross-designation process. It only causes increased misuse and abuse of authority on the part of border officers.

The case of the Scolari brothers represents prejudiced behavior on the part of the U.S. Customs Service without even the courtesy of providing a response to their inquiries.

The other cases represent abusive behavior specifically towards females in the form of rape, cavity searches, insults, and physically abusive treatment.

Enclosed you will also find copies of letters of support for the Congressional hearings which I hope will soon become a reality. It is quite evident from reading the aforementioned affidavits that a full investigation investigation is needed to halt such violations of peoples' human, civil and constitutional rights.

The wave of discrimination which is presently being conducted against the hiring of undocumented aliens in the form of a boycott and which is being supported by the U.S. Customs Service and the Immigration and Naturalization Service personnel (at the border) is based on rationale which is completely biased and unfounded. A solution to the problem cannot be derived from such rationale.

In addition to the ongoing problems of mass discrimination, mistreatment, civil and constitutional rights violations against Mexicans and Mexican-Americans & others minorities, such discrimination has also permeated the system itself.

Incidents of discrimination in the form of non-promotions of Mexican-Americans and other minorities to higher positions at the decision-making level are constantly being reported. Blacks have been kept in lower eschalon positions without permitting them to move up because of the selected groups which exist among the Anglo supervisors who are in charge of evaluating minorities. These types of decisions have delayed the upgrading of better treatment to the public who is crossing the international border and who is not receiving the decent and courteous treatment from officers of this agency. Officers who

are supposed to greet and welcome travelers into the United States of America. For the past three years, we have struggled with the Community Border Affairs Advisory Council, trying to work together to solve many of the inequities that directly or indirectly affect our people, as well as the businesses on the American side of the border. These businesses have suffered tremendously because of the Gestapo attitudes which border officers display towards Mexican tourists who cross said border on a daily basis. Civil rights organizations, chambers of commerce and the business community have tried to make the local district director and regional commissioner understand the complex problems and the consequences suffered due to the non-response we have received to charges which have been brought to their attention.

I look forward to your committee taking whatever steps are necessary to expedite the much needed on-site investigations of the problems at the San Ysidro Port of Entry.

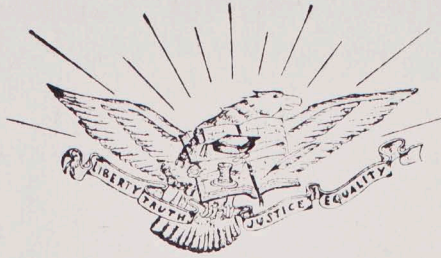
Cordially yours,

Albert R. Garcia
State President

Enclosures

C.C. Congressman Edward R. Roybal
Congressman Herman Badillo
Senator Alan Cranston
Senator Donald W. Riegle Jr.
Mr. Joe Aragon, Special Assistant to the President

United California



Mexican-American Assn.

318 EAST SAN YSIDRO BLVD.
SAN YSIDRO, CALIFORNIA 92173
(714) 428-2742

June 27, 1977

Jimmy Carter
President of the United States
The White House
Washington, D.C.

Dear President Carter:

We would like, once again, to request a meeting with you to discuss the problem of the undocumented aliens in this country.

This problem is a very complex one and its solution if it is to be equitable and effective must result from a combined effort on the part of your duly appointed staff, as well as that of the leaders of the Mexican-American community.

We have been involved with the problem, its complex ramifications, and its impact on the Mexican-American community and on the population of the United States as a whole for many years. We have made it a point to remain abreast of the different issues and of the results which have been effected through legislation or attempted corrective and/or preventive measures in an effort to resolve this situation.

We are, however, quite concerned because we have not been able to meet with you to discuss this and other related issues. We are aware that you have made it a point to meet with members of other minority groups to discuss issues which concern them as well as your administration. It is for this reason that we feel slighted, as you have to date demonstrated no interest in meeting with the leaders of the Mexican-American community to discuss those issues which are of concern to us, particularly the issue of the undocumented aliens which we know is presently of great concern to you due to the increasing severity and impact on the nation as a whole.

The Mexican-American community demonstrated its support in your behalf when you were campaigning for the presidency and we carried that support through to the polls because we believed in the sincerity of your words of assurance and promise regarding our concerns. However, this support can falter heavily if those assurances and promises are not fulfilled or even dealt with by you and your staff on a personal level, as you have seen fit to do with other minority groups.

President Jimmy Carter
Page Two.

Your fervor regarding the issue of human rights, however, leads us to believe that perhaps your non-responsiveness is merely an unintentional oversight on your part.

We are therefore quite anxious to hear from you regarding our requested meeting with you to discuss the issue of the undocumented aliens. Please let us know at your earliest possible convenience so that we can organize and formalize our commitments accordingly.

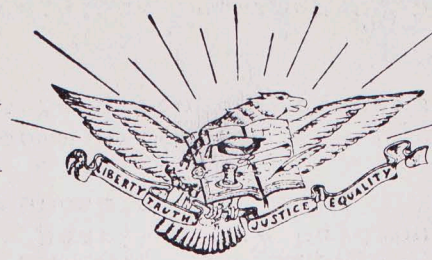
Respectfully yours,

Albert R. Garcia
State President

C.C.

Mr. Gilbert G. Pompa, Director U.S. Department of Justice.
Senator Edward M. Kennedy
Senator S.I. Hayakawa
Senator Alan Cranston
Congressman Lionel Van Deerlin
Congressman Edward R. Roybal
Congressman Herman Badillo
Mr. Jesse Ramirez, Director, Chicano Federation, San Diego, CA.
Mr. Herman Baca, Chairman, MAPA. National City, CA.
Congressman Henry Gonzalez .

United California



Mexican-American Assn.

318 EAST SAN YSIDRO BLVD.
SAN YSIDRO, CALIFORNIA 92173
(714) 428-2742

March 14, 1978

The Hon. James O. Eastland, Chairman
Subcommittee on Immigration
Committee on Judiciary
United States Senate
Dirksen Senate Office Bldg., Room 2306
Washington, D.C. 20510

Dear Senator Eastland:

I would like to hereby request an opportunity to testify before the Subcommittee when hearings are held on President Carter's immigration policy proposals.

I join the Hispanic community in its efforts towards representation on an issue which has long been of concern to peoples of Hispanic descent.

I would further request that hearings be held in Los Angeles, San Diego, New York, Chicago and Texas, in order that these largely affected communities be afforded the opportunity of testifying regarding a proposal which will greatly and deeply affect the lives of many Hispanic families.

The associations which I have represented for the last ten years join with me in the desire to share the benefits of their experiences in an effort to strive for better understanding of the Hispanic community and of those immediate families who are documentable and yet are at the present time in the United States illegally.

I submit the following summary of my knowledge and expertise on the issue at hand.

State President of the United California Mexican-American Association

Chairman of the Community Border Affairs Advisory Council

The Hon. James O. Eastland, Chairman
Page Two.

Chairman of the National Association on Immigration Laws

Former Chairman and Founder of the San Diego County
Immigration Council

Let me reiterate my request that you provide for the proper representation of Hispanic concerns during the hearings when the Administration will be testifying, as well as the request to hold further hearing sessions in those field areas which are primarily affected by the issue at hand. I am sure the Committee would greatly benefit from the input provided by those affected communities and the organizations which represent the affected Hispanic peoples.

Thanking you in advance for your prompt consideration of my request, I remain,

Cordially yours,

Albert R. Garcia
State President

cc: Members of the Subcommittee



RSE
6/1/78

United States Department of Justice

WASHINGTON, D.C. 20530

ASSISTANT ATTORNEY GENERAL

June 1, 1978

Mr. Alberto R. Garcia
State President
United California Mexican
American Association
318 East San Ysidro Blvd.
San Ysidro, California 92073

Dear Mr. Garcia:

The Attorney General has requested that I respond to your letter of May 6, 1978. I apologize for the tardy reply.

The Attorney General is concerned about the treatment of undocumented aliens in this country and he has expressed that concern to Congress, Mr. Pompa, Mr. Castillo, and, my superior, Mr. Days.

The Civil Rights Division is charged with the responsibility of investigating and enforcing alleged deprivations of civil rights of persons within this country either by the United States Border Patrol or any other governmental agency where the act is carried out under "color of law." We intend to vigorously enforce 18 U.S.C. §242, regardless of who the offender may be.

Please forward all complaints alleging civil rights violations to this office.

Sincerely,

John E. Huerta
Deputy Assistant Attorney General
Civil Rights Division

Executive Committee

- ALBERTO R. GARCIA *President*
- JUAN RODRIGUEZ *Vice President*
- CARLOS PENAGOS *Secretary-Treasurer*
- JOSEFINA ADAME *Secretary*

Dinner Chairman

ALMA REBECA PUENTE

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- Augie Bareño

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- David Vazquez
- Florence Vazquez
- Doris Baker
- Pete Rios
- Joe Casillas
- John Bareño
- Joe Francis
- Margarita Navarro
- Gilberto Murrieta
- Rosa Ma. Scolari
- Dr. Ralph Ocampo
- Ruth Harper
- Abel Olivares
- Cristina Gonzalez

United California Mexican-American Association

cordially invites you to attend a

Dinner Dance

in honor of the National Association of Latino Democratic Officials.

Guest Speakers

Congressman EDWARD R. ROYBAL (California)
National Chairman of N.A.L.A.D.O.

Congressman HERMAN BADILLO (New York)
National Secretary-Treasurer of N.A.L.A.D.O.

ANNIE GUTIERREZ, Associate Director
Domestic Policy Staff
*The White House
Washington, D.C.*

Invocation by Rev. JAIME RASURA, S.J.

Master of Ceremonies

Xavier G. Medina, Esq.

Saturday, November 5, 1977

Hilton Inn
Hawaii, Maui Room
1775 E. Mission Bay Dr.
San Diego, California

No Host Cocktails	6:30 P.M.
Dinner	7:30 P.M.
Dance	9:00 P.M.

Music by: Joe Serrano
y su Combo Latino

Mariachi El Gusto

Donation \$12.50 per Person

Special Guests

Senator Alex P. Garcia
Los Angeles, California

Senator Ruben S. Ayala
San Bernardino, California

Assemblyman Richard Alatorre
Los Angeles, California

Councilman Jess Haro
City of San Diego

Mario Obledo
*Secretary Health and Welfare,
State of California*

Fernando E. C. De Baca
*Secretary Department of Health and Environment
for the State of New Mexico*

Lic. Fernando Marquez Arce
Mayor of Tijuana

Gilbert G. Pompa
*Director Community Relations Service
U.S. Department of Justice, Washington, D.C.*

Herman Sillas
*Director Department of Motor Vehicles,
State of California*

Xavier G. Mena
*Executive Assistant to the Secretary of Health and
Welfare, State of California*

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United California Mexican-American Association
c/o Alberto Garcia
318 East San Ysidro Boulevard
San Ysidro, California 92073

United California Mexican-American Association

DINNER - DANCE

Saturday, November 5, 1977

Guest Speakers

Congressman EDWARD R. ROYBAL (California)

Congressman HERMAN BADILLO (New York)

ANNIE GUTIERREZ, Assoc. Director,
Domestic Policy Staff, The White House

Name _____

Address _____

Phone _____

R.S.V.P. 428-2565 or 232-5696

Enclosed is my check for the amount of \$ _____

for _____ tickets at \$12.50 each.

Community Border Affairs Advisory Council

318 E. SAN YSIDRO BLVD.

SAN YSIDRO, CA 92173

714-428-2565

AGENDA ITEMS

PLACE: U.S. BORDER STATION - U.S. CUSTOMS SERVICE
DIRECTOR OF BORDER OPERATIONS CONFERENCE ROOM
PORT OF ENTRY, SAN YSIDRO

DATE: JUNE 14, 1978

TIME: 5:00 P.M.

1. ROLL CALL
2. CALL TO ORDER
3. APPROVAL OF MAY 10, 1978 MINUTES
4. DISCUSSION:
 - A) TRAFFIC STATISTICS, MEMORIAL DAY, 1978. (MANNY MAJERA)
 - B) REPORT OF TRAFFIC OPERATIONS
 - C) EXTENSION OF THE BORDER - MEXICAN SIDE (CARMEN MORALES)
 - D) INTRODUCTION BY ALEX CAMPINO
 1. COMMUNITY BORDER AFFAIRS ADVISORY COUNCIL ANALYSIS OF BORDER OPERATIONS.
5. NEW BUSINESS
6. OLD BUSINESS
7. ADJOURNMENT

May 10, 1978

The meeting was called to order by Chairman Garcia at 5:20 p.m. Roll call was taken; a list of those in attendance is attached.

Motion was made and seconded that the minutes of the April meeting be approved as written. Motion carried.

California Highway Patrol Inspection Procedures

As directed at the last meeting, the Chairman contacted the CHP in regards to the concerns of the truck drivers who have been issued citations as they enter the United States after they have left Customs. Three representatives from the CHP were present at this meeting: Mr. Elliot, Mr. Eidson, and Mr. Guerrero.

There has been some question as to what the actual law regarding Mexican trucks in California is. Mr. Eidson stated that according to California Vehicle Code #12505B, any foreign driver driving a vehicle for compensation must have a valid California license. He said that this law has been set by the court and it is the law that the CHP enforces.

Mr. Garcia questioned whether this law could be amended and Mr. Eidson answered that it could be by going through the administrative process. He noted that it had, in fact, been changed 4 times since 1962. Mr. Garcia then recommended that a petition be sent requesting both Governors to ask for an amendment to this particular section of the law.

The motion was made and seconded that Messrs. Murreta and Scolari send a letter through GNH to advise them that their California license should list their Mexican address and that they are allowed to give an American P.O. Box number in addition. This letter will help them out in complying with the laws of California as they stand at this time. They can also send a memo to the brokers, send a press release to the Mexican papers, and post a notice at Custom's commercial entry. Motion carried.

Long Delays at San Ysidro Port of Entry

The Chairman welcomed the Regional Commissioner of Customs, Mr. Bergesen, who came to speak concerning the long delays at the Border Crossing.

Mr. Fink advised the council that Mr. Bergesen is doing everything possible to help solve this problem. He has authorized 40 additional people to work in the San Diego District, 28 of whom will work at San Ysidro POE. When these inspectors are approved in Washington it should be of help in the problem.

Commissioner Bergesen stated that he was very concerned about the delays at San Ysidro. He said that it is important that they open West Secondary and that they will need the assistance of INS to do this. Mr. Coderre of INS stated that they also have a serious manpower shortage which would make it difficult for them to staff the west secondary; they need an additional 15 people. Mr. Bergesen said that he would talk with Mr. O'Conner of INS to see what they could do about this.

Mr. Bergesen noted that a study is being made to see when the delays are most likely to occur. In previous studies, they have been unable to predict when delays would occur. If delays could be predicted, extra people could be scheduled to work at those times.

CBAAC Analysis of Border Operations

The Chairman advised the council that the Legal Aid Service is providing two or three college students to study various border agencies including the U.S. Customs Service, Border Patrol, Immigration and Naturalization Service, and the Customs Patrol. They will then report to these agencies, telling them what they see and what actions they recommend. Mr. Garcia stated that he will be supervising these people and he wants to know of any objections the agencies might have.

Mr. Bergesen said that any suggestions that are constructive and objective are welcome but he doesn't understand how they are going to go about it. He said that he doesn't see what college students can do to analyze the agencies.

Mr. Garcia replied that these people will be talking to many of the leaders of the community and to personnel of the agencies to get an idea of their ideas and concerns.

Mr. Bergesen stated that these people should be considered a subcommittee of this council and the council should outline in some detail what they are to be doing.

NEW BUSINESS

There has been some question as to what the rules are for bringing liquor across the border. It was stated that individuals fall into one of the following categories:

Residents

All returning residents, 21 years of age or older, may import no more than one quart of alcoholic beverage providing no part of the exemption has been claimed within the 30 days immediately preceding his arrival.

Non-Residents

Non-Resident adults, 21 years of age or older, may import no more than one quart of alcoholic beverages for their own consumption while in the United States.

They may also import as bonafide gifts, no more than one wine gallon of alcoholic beverage, providing such persons have not claimed an exemption under 812.25 TSUSA within 6 months immediately preceding his arrival and intend to remain in the United States for not less than 72 hours.

No duty or tax may be assessed on any alcoholic beverage arriving as passenger baggage at any port of entry in the State of California.

Mr. Fink stated that he wanted to thank everyone for the cooperation he received while he was the District Director at San Diego. He will be going to San Francisco in June.

Mr. Garcia said he wanted to thank Mr. Fink on behalf of the committee for the items he has taken care of while he was in San Diego.

Dr. Tapia made a motion that the committee send a letter of appreciation to Mr. Fink with a copy going to his immediate supervisor. This letter would recognize him as a person who has been of assistance to the community. Motion carried.

A motion was made and seconded that a farewell party will be held for Mr. Fink at the June council meeting. Motion carried.

The meeting adjourned at 7:00 p.m.

ATTENDANCE LIST

J. Elloit - CHP
W. Eidson - CHP
R. Guerrero - CHP
C. Coderre - INS
H. Fink - Customs
H. O'Briant - Customs-OES
F. Smith - Customs
R. Perkins - Customs
S. Rodriguez
A. Scolari - Border Affairs
A. Garcia - U.C.M.A.A.
G. Navarro - U.C.M.A.A.
Dr. Tapia - M.A.C.C.
C. Romero
T. Welsh - Customs
A. Bergesen - Customs

COMMUNITY BORDER AFFAIRS ADVISORY COUNCIL
June 10, 1978

The meeting was called to order by Chairman Garcia at 5:25 p.m. Roll call was taken; a list of those in attendance is attached.

Motion was made and seconded that the minutes of the May meeting be approved as written. Motion carried.

CBAAC Border Operations Analysis

At the last meeting, the Chairman was asked to introduce the students who will be involved with the analysis of the different border agencies which will be done by the Legal Aid Society. He introduced Alex Campillo who spoke briefly on what he will be doing in the analysis. Last year, Mr. Campillo worked with the White House in setting up the Border Reorganization Plan; he also spoke on his accomplishments there.

Memorial Day Traffic Statistics

Mr. Welsh spoke on the traffic situation during the Memorial Day weekend. The following are the statistics given:

DAY	VEH.	PED.	BUS -	PAX	WT. IN EXCESS OF 30 MINS.		
					MINS.	PERIOD	NO. LANES
FRIDAY	23,042	8,971	61 -	708	0	NA	NA
SATURDAY	25,595	14,330	66 -	925	45	6 - 7 PM	18
SUNDAY	27,164	14,597	56 -	1,136	35	12 N - 1 PM	19
					40	2 PM	19
MONDAY	29,028	14,002	66 -	1,014	40 - 45	10 - 11 AM	17
					60 - 75	12N - 5 PM	20
TUESDAY	<u>24,927</u>	<u>8,646</u>	<u>59 -</u>	<u>583</u>	0	NA	NA
TOTALS	129,756	60,546	308 -	4,366			

In conclusion, Mr. Welsh stated that it was one of the busiest 3-day weekends San Ysidro has had.

Traffic Operations on the Mexican Side

The Chairman had requested Senora Carmen Reyes to check on the highway work being done on the Mexican side. She reported that the work will help to alleviate the traffic problems at the border.

Mr. Scolari made the motion that Senora Reyes be appointed the council's representative to the three phases of the Mexican government, City, State, and Federal, to seek and obtain traffic direction on the Mexican side of the border. Senora Reyes agreed to accept the duty; however, she would like a letter sent to her by the Council to officially give her these instructions. Chairman Garcia agreed to send her this letter. The motion to appoint Senora Reyes was approved.

NEW BUSINESS

Tim Barker stated that he had read in the newspaper that, because of Proposition 13, the City Council may be cutting out the Border Crime Task Force. This Task Force has been working to protect the undocumented aliens in the border areas. Mr. Barker made the motion that the Council send a letter to the City Council advising them that this Task Force performs a vital function and should not be cut. The motion was seconded and carried.

In the past, the minutes of these meetings have not been translated into Spanish. Senora Carmen Reyes requested that they be translated from now on. It was agreed that they will be translated by Customs.

OLD BUSINESS

At the last meeting, it was agreed that the Council would send out a bulletin to the Mexican individuals who are operating trucks in California. This bulletin would advise them that they need a California Driver's License with their Mexican address on it. This bulletin has been posted at the Customs Commercial office and copies were sent out to each of the Customs Broker's offices. The information was also given to the Mexican press.

The Chairman advised the council that on June 26, there will be a one-day hearing at the Westgate Plaza Hotel. It will deal with Civil Rights violations to members of the Mexican-American community by the United States Border Patrol. Chairman Garcia stated that he will be speaking on behalf of this Council and everyone is welcome to attend.

Mr. Welsh briefed the Council on what is being done in anticipation of the dock strike which may be declared on June 30. Both governments are working together to alleviate the problems that the strike could cause, especially the heavy conjection of traffic.

Agenda For the Next Meeting

The following items were recommended for the agenda of the next meeting:

1. Report on the dock strike (if it occurs)
2. Border Task Force
3. Southbound Checkpoint

Meeting adjourned at 6:45 p.m.

ATTENDANCE LIST

Alberto Garcia - U.C.M.A.A.
Arthur Scolari - U.C.M.A.A.
Gilberto Murrieta - U.C.M.A.A.
R.R. Wilhelm - U.S. INS, San Ysidro
Carmen Morales De Reyes - Tijuana
Tom Welsh - Customs Service, San Ysidro
Carolina Romero
Hector Scolari
Margaret Navarro - U.C.M.A.A.
Gloria Salazar - Casa Servicios
Tim Barker - Legal Aid Society
Alex Campillo - Legal Aid Society

United California



Mexican-American Assn.

318 EAST SAN YSIDRO BLVD.
SAN YSIDRO, CALIFORNIA 92073

(714) 428-2742

June 29, 1978

Leonel Castillo, Commissioner
Immigration and Naturalization Service
Washington, D.C.

Dear Mr. Castillo:

The President and the Board of Directors of the United California Mexican-American Association have authorized and instructed me to convey to you their opinions and questions regarding the shooting of Emiliano Zapata Coleman by Border Patrolman Donald Heidt.

We are informed that the facts were as follows: Heidt in the company of another Border Patrolman was drinking at a local restaurant, was apparently refused additional drinks by the restaurant, proceeded to threaten at least three people with a .357 magnum, drove his vehicle on the streets of Chula Vista, running into the car of Coleman, then shooting Coleman.

QUESTIONS: Was Heidt on duty at the time? Why was Heidt carrying a .357 magnum? On duty or off-duty, why this killer weapon? Why was he carrying it in a restaurant? When he was drinking, why? Was his fellow Border Patrolman also armed? And drinking?

Other more long-range questions: what sort of record does this man have? Had he been tested for his propensity for violence? Do you test future Border Patrolmen psychologically? For mental competence? Do you give them the polygraph examination such as the Sheriff here does to ascertain background facts, including instability? How much training has this man, and any others, in the handling of a weapon? Does he and the Service not know that the use of this weapon is deadly? That an encounter with such a weapon is usually deadly? Do Border Patrolmen on this border generally use this weapon? If so, why?

For this Association, as well as all others on this border who wish both peace and law and order, we must emphatically denounce this attack on the Spanish-speaking Black man in downtown Chula Vista by an armed officer of the United States. While we must in part hesitate to make a final judgment against the man, we must protest

Mr. Leonel Castillo
June 29, 1978
Page 2 --

to the Service the actions of Mr. Heidt, since they are at least in part actions of and by the Service. Such a dangerous weapon should not be present in downtown Chula Vista. In all probability such a dangerous man should not be employed as an officer of the United States.

Many of us had hoped that this sort of violence had ceased along the border. Years back we sought and secured money judgments against the Border Patrolman Ken Cook when he was accused of having sexual relations with his prisoner (she consented), and against Border Patrolman Jon Holman who tore up Mr. Daniel Magana's apartment, together with Border Patrolman Francis, looking for illegal aliens in his books and chili peppers. In this last case there was testimony about the officers drinking before their rampage. Here again we have an apparent alcohol problem. Again our question: What is being done about this sort of activity? What is going to be done? Is it necessary for our people to be armed to protect themselves from "peace officers"?

Urgently, please look into this matter.

Sincerely,

UNITED CALIFORNIA MEXICAN-AMERICAN ASSN.

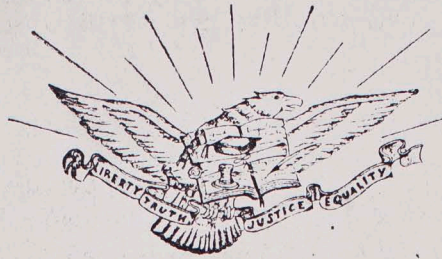
BY:

FREDERICK HETTER, Counsel

ALBERT GARCIA, President

FH:h

United California



Mexican-American Assn.

318 EAST SAN YSIDRO BLVD.
SAN YSIDRO, CALIFORNIA 92073
(714) 428-2742

January 26, 1979

Laurie Campbell
Attorney Advisor
Western Regional Office
312 N. Spring St., Room 1015
Los Angeles, California 90012

Dear Laurie:

This is in reference to your letter dated January 3, 1979 regarding numerous complaints that our organizations receives on a daily weekly or monthly basis.

The following is approximately from January 1977 through December 1978.

Item 1 of your letter goes to approximately ten to fifteen complaints per week including harassment on local transit bus and greyhound and other transportation vehicles for the public.

Item 2 it averages approximately twenty complaints per month and this consist in verbal accusations on harassment, maltreatment and abusive behavior by U.S. Border Patrol Inspectors.

Item 3 should be the same as Item 2.

Item 4 We get approximately fifteen to twenty complaints of abuse, harassment, deportation of legal residents aliens and also detention of holders of Silva letters.

Item 5 these complaints go against unexperienced immigration inspectors who refuses entry to U.S. American citizens of Hispanic descent because they do not speak English or did not attend school in the United States or are not dressed properly or simply because the immigration inspector feels that he is God and refuses entry to many uneducated citizens of the United States that can not defend themselves against abuse of authority. These complaints averages approximately between fifteen and twenty per week.

Item 6 this would have to be categorized with Item 1 on local buses and we would have to include traffic violations on Mexican American citizens or a person of Hispanic descent is stopped by San Diego Police, Sheriff's Department, Highway Patrol, U.S. Customs Patrol and San Diego Port Police. All these law enforcement agencies call the U.S. Border Patrol to continue harassing that individual as long he is of Hispanic background. I would say that we receive between fifteen or twenty complaints per week just on these type of abuses.

Item 7 I can safely say that some times it goes between 100 and 200 per month just on different issues, beatings, maltreatment, abuse of authority, ilegal deportation of legal resident aliens or holders of Silva letters and many others.

Item 8 can be categorized from Item 1 through Item 7.

If you need further information regarding this matter please feel free to contact me.

Sincerely yours,

Alberto R. Garcia
State President

ARG/fchr

c.c.

Herman Baca, Chairman C.C.R.
Tim Barker, Esq.
All Chicano organizations.

officer who

albeit for

the Fire Crocker

on July 4th

1978 was

officer

Martinez

UNITED STATES DEPARTMENT OF JUSTICE
IMMIGRATION AND NATURALIZATION SERVICE
WASHINGTON, D.C. 20536

OFFICE OF THE COMMISSIONER

FEB 02 1979

12cc
2/5/79

PLEASE ADDRESS REPLY TO

AND REFER TO THIS FILE NO.

CO 893.1-C

Mr. Alberto R. Garcia
State President
United California Mexican-American Association
318 East San Ysidro Boulevard
San Ysidro, CA 92073

Dear Mr. Garcia:

This is in reference to your letter of December 29, 1978, regarding the allegation that Border Patrol Agents have, in the past, obtained firecrackers from the U.S. Customs Service at San Ysidro.

Pursuant to your recommendation, the matter was discussed with Mr. Manny Najera, the District Director of the U.S. Customs Service in San Diego, who advised that he had received information that U.S. Customs personnel may have given firecrackers to Border Patrol Agents in the past; however, Mr. Najera advises that he has issued a firm policy that no such seized merchandise will be released to any person without proper authority. Mr. Najera did not provide specifics regarding the reported release of this merchandise.

The Chief Patrol Agent at Chula Vista is being instructed by separate correspondence to bring this matter to the attention of all personnel in the Chula Vista Sector, and to remind them that obtaining and using firecrackers or other unauthorized material in the manner described in your previous correspondence may subject them to disciplinary action. With the above action, I trust that there will be no recurrence of this type of activity.

With reference to the low level flights of our helicopters in the San Ysidro area, I call your attention to the contents of our letter of December 7, 1978, in which we explained to you the essence of our helicopter operation in the Chula Vista Border Patrol Sector. I assure you that our helicopter pilots are no more desirous of flying at critically low altitudes than the local residents are in having them do so. Operation of a helicopter at altitudes of 50 feet or below is very critical in terms of safety for those on board the aircraft, as well as any persons who may be in the immediate ground area.



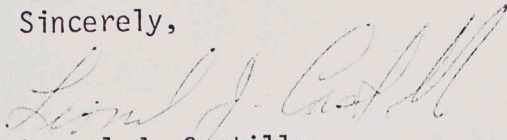
Mr. Alberto R. Garcia

2

Please be assured that the operation of our helicopters at these low altitudes will be done only in extreme circumstances, and then every precaution will be taken by our pilots, to the maximum extent possible, to assure that low altitude flights are conducted only in unpopulated areas.

Thank you for bringing these matters to my attention.

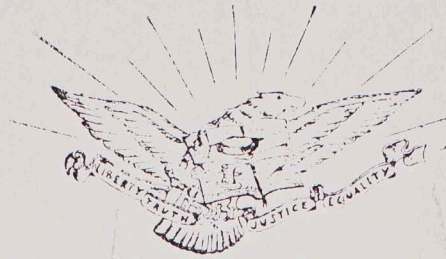
Sincerely,

A handwritten signature in cursive script, appearing to read "Leonel J. Castillo".

Leonel J. Castillo
Commissioner

United California

Mexican-American Assn.



318 EAST SAN YSIDRO BLVD.
SAN YSIDRO, CALIFORNIA 92073

(714) 428-2742

December 29, 1978

Commissioner Leonel Castillo
U.S. Department of Justice
Immigration and Naturalization Service
Washington, D. C. 20536

Re: CO 893.1-C and CO 700-C

Dear Mr. Castillo:

This is in reference to your letter of December 6th and 7th 1978 signed by Mr. Charles C. Sava where he states that Donald Cameron, Chief Patrol Agent, Chula Vista Sector contacted Mr. Ray Seewald, U.S. Customs Supervisor, San Ysidro Port of Entry alleging investigating the fire cracker incident of July 4th, 1978.

First of all to investigate a serious matter like this, I believe your office should of contacted U.S. Customs Service in Washington, D. C. to follow the chain of command for proper action. Secondly I believe it is poor judgement on the part of Chief Patrol Agent Cameron to go directly to a Customs Supervisor who has the worst record in this type of incidents and who in our opinion is a person who lies and is not qualified to inform you or anyone else since he, himself has participated in delivering said fire crackers to border patrol agents. He has used worse judgement in the passed than Border Patrol Agents.

You and your Agency has demonstrated very little professionalism to seek the truth from an individual of his calibre. I recommend that if you are serious in getting the truth on this type of abuse, you should contact the appropriate source as I mentioned to you in my letter of September 30, 1978 where I told you that this criminal act was disannounced to U.S. Customs authorities, G.R. Dickerson, Deputy Commissioner, Washington, D. C., Albert G. Bergesen, Regional Commissioner, Los Angeles, California and the San Diego U.S. Customs District Director Many Najera.

Commissioner Leonel Castillo
Page Two.

I have contacted Mr. Najera regarding this matter and he has advised me that your office never contacted him for this purpose. He is ready and willing to give you the proper information and the truth in regards to these activities. Mr. Najera has the authority and will be the proper person to contact and terminate this matter once for all.

I would then urge you to take the appropriate disciplinary action against the persons involved and suspend them from duty.

Also in your letter of December 7th, you give me an unneeded explanation of your helicopter operations. What the residents in this area say is for you to keep this machine away from residential areas to avoid the noise and a future fatal accident on a home or some innocent standing in the way. These helicopters are flying below 50 feet in the San Ysidro area and I urge you to keep them away.

This community will not tolerate future air abuse against their love ones.

Sincerely yours,

Alberto R. Garcia
State President

ARG/ichr

C.C.

President Jimmy Carter
Attorney General Griffen Bell
Gilbert G. Pompa, Director Community Relations Service.

UNITED STATES DEPARTMENT OF JUSTICE
IMMIGRATION AND NATURALIZATION SERVICE
WASHINGTON, D.C. 20536

PLEASE ADDRESS REPLY TO

DEC 6 1978

Rec
12/9/78

AND REFER TO THIS FILE NO.
CO 893.1-C

Mr. Albert R. Garcia
United California Mexican-American Association
318 East San Ysidro Boulevard
San Ysidro, CA 92173

Dear Mr. Garcia:

This is in reference to your letter of September 30, 1978, in which you responded to our request for additional information concerning the alleged use of firecrackers by Border Patrol Agents to detain undocumented aliens.

An inquiry was made of Mr. Donald M. Cameron, Chief Patrol Agent, Chula Vista, California, and Mr. Raymond Seewald, Supervisor, Customs Service, San Ysidro, California, concerning the allegation.

Mr. Seewald stated that contraband firecrackers had neither been requested nor supplied to any Border Patrol Agents by the U.S. Customs Service at San Ysidro.

Mr. Cameron stated that since his appointment as Chief of the Chula Vista Border Patrol Sector on March 31, 1978, there have been no complaints made to him regarding the use of firecrackers by agents under his direction. He further stated that he has no knowledge or evidence that would support the allegation, nor would he tolerate the employment of such a tactic in the Border Patrol operation.

In view of the foregoing, I feel that any further inquiry into the matter would be unproductive. As you know, we are deeply concerned with all allegations of misconduct by Border Patrol Agents and will promptly investigate them providing sufficient information is made available to initiate a meaningful inquiry into the matter.

Thank you for bringing this matter to my attention. Your continued interest in the relationship between the community and members of this Service is appreciated.

Sincerely,

Charles C. Sava

Charles C. Sava
Associate Commissioner, Enforcement

Alberto R. Garcia

Consultant



318 E. SAN YSIDRO BLVD., SAN YSIDRO, CA 92073



2-9-80

Herman Baca, Chairman
M.A.P.A.
1839 Highland Ave.
National City, CA 92050

Community Border Affairs Advisory Council

318 E. SAN YSIDRO BLVD.

SAN YSIDRO, CA 92173

714-428-2565

A G E N D A

DATE OF NEXT MEETING:

MAY 16TH, 1979

TIME: 5:00 P.M.

PLACE: U.S. BORDER STATION, U.S. CUSTOMS SERVICE,
CONFERENCE ROOM, SAN YSIDRO, CALIFORNIA

AGENDA:

1. ROLL CALL
2. CALL TO ORDER.
3. APPROVAL OF MINUTES OF MARCH 21ST, 1979.
4. ITEMS OF DISCUSSION FOR MEETING:
 - A) DAVID ROGUS, CONSUL, AMERICAN CONSULATE
TIJUANA, B. C.F.A. MEXICO
 - B) RAMIRO ZUÑIGA, JEFE TRANSITO DEL ESTADO,
TIJUANA, B.C. MEXICO. TRAFFIC CONTROL ON MEXICAN
SIDE OF BORDER.
 - C) I-186 CARDS PROCEDURES ON LOST CARDS AND BUSINESS
APPLICANTS.
 - D) BOB PERKINS JR., ASSISTANT DISTRICT DIRECTOR
LANDING CERTIFICATES IN-BOND MERCHANDISE.
5. NEW BUSINESS.
6. OLD BUSINESS.
7. ADJOURNMENT.

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COMMUNITY BORDER AFFAIRS ADVISORY COUNCIL
MARCH 21, 1979

The meeting was called to order by Chairman Garcia at 5:10 p.m. Roll call was taken; a list of those in attendance is attached as an official part of these minutes. It was moved and seconded that they be approved as written. Motion passed.

EO - U. S. CUSTOMS SERVICE

Balt Yanez, Equal Opportunity Officer for the U. S. Customs Service, Los Angeles Region, spoke on the functions of his office and the goals and accomplishments of the Customs EO Program.

May 14, 1979, has been designated by the Hispanic Program Coordinator, Customs Inspector Rogelio Cisneros, as the date when EO training will be initiated for Customs personnel. Inspector Cisneros requested a representative from CBAAC to speak at the training session. He would like the representative to explain the purpose and goals of CBAAC. It was agreed that a speaker will be made available.

Mr. Yanez answered questions relative to his program in Customs.

TRAFFIC CONTROL ON MEXICAN SIDE OF THE BORDER

Mr. Garcia explained the traffic problems encountered during those periods when a traffic backup exists in Mexico. Transito Federal (Federal Transit Police) have jurisdiction over the area in question; therefore, Mr. Garcia recommended a letter requesting personnel from that agency be assigned during periods of high peak traffic conditions.

Discussion followed relative to the problems and especially the danger to pedestrians followed.

A motion was made that the CBAAC shall petition the responsible authorities in Mexico, through Messrs. Francisco de la Madrid and Roman Cardenas, requesting assistance. Motion seconded and approved.

PROCEDURES TO TALK WITH IMMIGRATION SUPERVISORS

Mr. Wilhelm was asked to explain the procedure whereby a person may talk to an INS supervisor. He stated that whenever a person desires to speak to a supervisor, he/she may do so by merely requesting. Mr. Wilhelm then remarked that if at any time a person is not allowed to talk to an INS supervisor, he (Wilhelm) should be advised.

Specific instances of refusals were enumerated by Mrs. Navarro, further stating that the individuals involved in these cases were threatened with removal from the facility by Federal Protective Officers.

ISSUANCE OF NUMBERS

Mrs. Navarro explained that, with concurrence of the INS, she, Dr. Tapia, and some helpers, issued numbers to Mexican people waiting in line to talk to INS officials relative to receiving permits. She stated that the numbers were issued only to those persons who had the proper documents, i.e., Form 13, Mexican passports, etc. The INS personnel honored the numbers and everything was handled smoothly. Some days after this procedure was started, Mrs. Navarro was accused of selling the numbers and the system was terminated by INS. Mrs. Navarro and Dr. Tapia deny the allegation.

A motion was made that the committee send a letter to Mr. Clayton, asking that Supervisor Tellez write a formal letter of apology to Mrs. Navarro and Dr. Tapia.

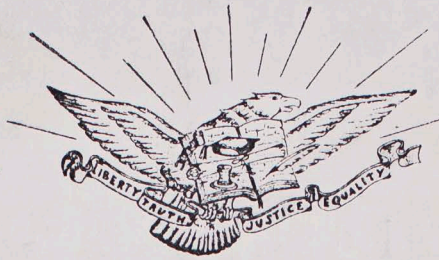
A discussion indicated that the committee has heard only one side of the story and, prior to accepting this motion, Mr. Tellez should be invited to speak before the CBAAC.

The motion was amended to read that Mr. Wilhelm will call a meeting with Mr. Tellez, Mr. Clayton, Mrs. Navarro, Dr. Tapia, and Mr. Garcia, to obtain the facts, and, if appropriate, to have Mr. Tellez apologize. This motion was seconded. David Rogus and Mr. Wilhelm did not vote.

Dr. Tapia and Mrs. Navarro suggested that Mexican Immigration officials be responsible for the issuance of numbers to the people, since it has been determined that this is a Mexican problem. Discussion disclosed that the committee is against this suggestion.

Meeting adjourned at 7:55 p.m.

United California



Mexican-American Assn.

318 EAST SAN YSIDRO BLVD.
SAN YSIDRO, CALIFORNIA 92073
(714) 428-2742

September 10, 1979

University Hospital
225 Dickinson St.
San Diego, CA 92103

Attention: Sheldon King, Administrator

Dear Mr. King:

On August 14, 1979, I requested a meeting with you to discuss a complaint that was brought to our attention by newspaper reporter, Malena de Esquivel, ---- regarding some abusive treatment received by Hospital personnel.

One month has gone, and we have not had the courtesy of a reply from you. If we do not hear from you during the next ten days we will consider this matter like many others ignored by Hospital Administrators and we will then recommend to Mrs. Esquivel to seek legal advice to proceed against the responsible parties.

Sincerely yours,

Alberto R. Garcia
President

ARG/tm

c.c. Herman Baca

FROM THE DESK OF
ALBERT R. GARCIA

October 16, 1979

FOR YOUR INFORMATION

THE WHITE HOUSE

WASHINGTON

September 13, 1979

MEMORANDUM FOR THE HEADS OF

EXECUTIVE DEPARTMENTS AND AGENCIES

SUBJECT: The Human Rights of Undocumented Aliens

Protection of the basic rights of all persons in our land is a vital part of our commitment to a just and humane society. This Administration's policy on human rights can only be effective if we assure the rights of all persons in the United States, whether or not they are citizens of this country.

I will continue to enforce vigorously this nation's immigration laws. Those found in violation will be dealt with as the law prescribes. But persons accused of being undocumented aliens must be treated fairly and humanely. No one in our country should be vulnerable to mistreatment or exploitation because he or she is afraid to secure protection of the law.

Since many of the problems in this area are under state and local jurisdiction, I sent letters to the Nation's Governors on May 4, asking for their concern, assistance and advice in dealing with these problems. In those letters, a copy of the text of which is attached, I also described some of the significant efforts the Federal Government has made in this area.

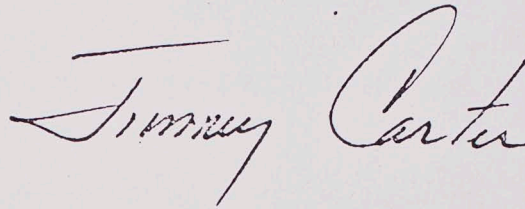
The work of each of your departments and agencies touches upon some aspects of the treatment of undocumented aliens in the United States. I will not dwell on all Government activities in this message but will mention some issues of particular importance.

A number of Federal, or Federally-assisted, social welfare and medical programs by law must exclude specifically persons who are not citizens or legal permanent residents of the United States. In such cases, I ask that the concerned agencies review their policies and practices in implementing these requirements to ensure that they are clear, equitable, adequately disseminated and understood and compassionately

applied within the limits of the law, and that they are carried out with respect for the basic dignity and privacy of all persons concerned.

I urge you to give full cooperation to Consular and other officials of Mexico and other countries who, in the discharge of their duties in the United States, seek your help in investigating possible incidents of abuse involving their citizens. I also ask you to work closely with the Department of State and the working groups of the U.S.-Mexico Consultative Mechanism.

I urge you to continue to keep this Administration's commitments in mind as you develop and carry out your programs and I would particularly welcome your recommendations of possible remedies for additional problems in this area of which you may be aware.

A handwritten signature in cursive script that reads "Jimmy Carter". The signature is written in dark ink and is positioned to the right of the main body of text.

Attachment:

Letter to the State Governors,
Dated May 4, 1979

THE WHITE HOUSE

The following is the text of a letter from the President to the 50 governors following conversations with Mexican President Lopez Portillo:

During my visit to Mexico City in mid-February, I had a frank and useful discussion with President Lopez Portillo on the complex issue of border law violations and particularly the problem of undocumented workers. We agreed to cooperate closely to explore the question in the context of the social and economic problems involved--a solution that also respects the dignity and human rights of those concerned. One aspect of this question, the treatment of undocumented workers in the United States, has been of particular concern to me and to President Lopez Portillo.

As I stated in Mexico, it is my responsibility to enforce our immigration laws. Those individuals who violate the law will be dealt with as the law prescribes. But it is also our responsibility to deal fairly and humanely with any persons accused of being undocumented workers.

For some time we have been making a special effort at the Federal level to ensure their fair treatment under the law. The Immigration and Naturalization Service has steadily improved the conditions under which undocumented workers are temporarily confined and has adopted a number of measures to prevent mistreatment and to allow apprehended aliens time to settle their affairs before departure. The Department of Labor is making a special effort in those areas believed to have a sizeable presence of undocumented workers to enforce wage, hour, safety and health standards and to assure that workers who are apprehended and removed from the country receive all wages due them.

Since many of the problems that undocumented aliens experience are under state and local jurisdiction, I ask that you give these concerns your close personal interest. I, in turn, would welcome your suggestions of areas you might suggest in which further Federal action would be useful.

The Department of Justice is giving special attention to investigating and, where warranted, prosecuting, possible civil rights violations against any persons of Hispanic origin.

Our country's deep commitment to standards of justice and humaneness requires us to protect the basic rights of all people who find themselves in this nation.

JIMMY CARTER



DEPARTMENT OF THE TREASURY

U.S. CUSTOMS SERVICE
SAN YSIDRO, CALIFORNIA



REFER TO INV-18
January 2, 1980

Mr. Alberto R. Garcia
Chairman, Community Border Affairs Advisory Council
318 E. San Ysidro Blvd.
San Ysidro, CA 92173

Dear Alberto:

This is in reply to your letter of December 4, 1979, concerning the declarations of Maria Elena Esquivel in which she makes serious allegations against Customs Inspector A.J. Rodriguez who she encountered on November 26, 1979, while crossing the International Border at San Ysidro. Your letter also mentions other incidents which occurred on November 27, 1979, involving Inspector Lonon and Supervisory Inspector Seewald; an incident involving Inspector Pahio and Mrs. Inelda Moreno on November 23, 1979; and an incident on November 28, 1979, involving Inspector Pahio and Messrs. Hector Scolari and Manuel Parra.

I have personally conducted a thorough inquiry into the charges made by Ms. Esquivel. This inquiry included interviews and written reports from those persons having knowledge of the incident in answer to the specific allegations made by Ms. Esquivel. Because of the serious nature of some of these allegations, the matter has been referred to the Office of Management Integrity for investigative consideration. If they concede to investigate, I am certain they will want to also interview Ms. Esquivel personally.

The report submitted by Inspector Rodriguez and my interview with him refutes all the allegations made by Ms. Esquivel. The reports from other inspectors and his immediate supervisor corroborate portions of Inspector Rodriguez's account of the events which transpired during the inspection of Ms. Esquivel.

Ms. Esquivel alleges that Inspector Rodriguez abusively tried to grab her purse, threw half of his body over her person, touching her breast and body with his hands and arms. Inspector Rodriguez stated in his report that after receiving her Immigration and Customs declaration, he requested to see her purse and she refused to allow him to search it. Rather than become involved in a confrontation, Inspector Rodriguez elected to escort Ms. Esquivel to the secondary inspection area where witnesses would be present and the inspection could be completed in a reasonable manner. Inspector Rodriguez denies making any overt movement towards Ms. Esquivel or coming in physical contact with her.

Ms. Esquivel alleges that while being escorted to the inspection area, Inspector Rodriguez grabbed his gun and threatened to shoot her if she played any games with him. Although there are no witnesses to this allegation, I must say in all honesty that I find this difficult to believe. Inspector Rodriguez has been in law enforcement related occupations for approximately ten years and has received intensive training in the proper use and responsibilities of carrying a firearm. Inspector Rodriguez denies threatening Ms. Esquivel or making any overt action towards his weapon which might have been construed by Ms. Esquivel as a threat. The alleged statement made by Inspector Rodriguez, "If you play any games with me, I will shoot you," is vehemently denied by Inspector Rodriguez. I find it unbelievable that any inspector would make such a statement, and much less an inspector such as Gus Rodriguez.

Ms. Esquivel further alleges that upon arriving at the inspection area, Inspector Rodriguez instructed about ten inspectors to search the vehicle for him. Not only do we seldom have that many available inspectors in the inspection area, but also, as a matter of port policy, vehicles are searched by the escorting inspector and not by a group of inspectors working in the inspection area. Inspector Rodriguez did request the dog handler to run his detector dog on the vehicle.

Ms. Esquivel also accuses Inspector Rodriguez of taking her purse by force and throwing the contents on the counter while using abusive language. She also states that a female inspector subjected her to a pat-down as a further harassment. Inspector Rodriguez's report states that he carefully removed the contents of her purse item by item and replaced them in a like manner. This has been corroborated in the reports prepared by the supervisory inspector and senior inspector on duty. As to the pat-down conducted by a female inspector, it is our policy to conduct a pat-down for weapons of all persons being inspected in the secondary office. This precautionary measure is for the protection of other inspectors working in the office and other persons undergoing inspection. With regard to the use of abusive language, all reports submitted by the inspectors involved indicated that Inspector Rodriguez conducted himself in a professional manner and at no time resorted to the use of abusive language.

I have received only favorable reports concerning the manner in which Inspector Rodriguez performs his inspectional duties. All of his supervisors, without exception, consider Inspector Rodriguez as a man of integrity and honesty who conducts himself in a professional manner at all times.

I will reserve my final decision on this matter pending the outcome of our referral to the Office of Management Integrity, but my opinion at this time is in support of Inspector Rodriguez who I believe did not commit any of the actions described in Ms. Esquivel's letter.

With regard to the other allegations mentioned in your letter, let me assure you that I have made a thorough inquiry into the circumstances involved in each incident. I have concluded that the actions of Inspectors Pahio and Lonon were in accordance with all Customs policies and procedures. I hope that you would never equate inspectors performing their sworn duties as a form of harassment and mal-treatment. With regard to personal searches, I have every confidence in our supervisors that they are adhering to the prescribed guidelines pertaining to personal searches.

Since we are entrusted with the important responsibilities of protecting the revenue and interdicting general contraband, narcotics, and prohibited merchandise, we will never forego our obligation in this area regardless of how convenient it may appear under a given set of circumstances. I do maintain, however, that courtesy and professionalism are compatible with our enforcement efforts.

You also elected to criticize the manner in which Supervisory Customs Inspector Seewald handled the incident involving yourself, Mr. Scolari, and your wives. You refer to Mr. Seewald as an incompetent supervisor. I do not share your opinion. Mr. Seewald's report states that he explained what had to be done and Mr. Scolari was satisfied with his explanation. I understand the entire inspection took no more than four minutes which I do not consider an unreasonable delay under the circumstances. Please keep in mind that Title 19 USC 1461 gives Customs inspectors the authority to search handbags, luggage compartments, and vehicles entering the United States.

Although a woman may feel that her purse is very personal and "off limits" even to her own family, a purse falls within the purview of handbags and is subject to inspection when entering the U.S. Frankly, we believe you should realize that if a woman's purse could not be inspected, we would be severely hampered in complying with our legal responsibilities and, in effect, ineffective. Because we realize a woman considers her purse untouchable, we instruct Customs inspectors to ask a woman politely to open her purse or make it available for our inspection.

Just recently, we have inaugurated an update refresher training on inspectional procedures. In this training, we are emphasizing the tact and diplomacy that must be exercised in inspecting purses. All employees, including supervisors, will attend these refresher sessions. Our purpose is to improve and update the skills of our inspectors in performing their inspectional duties as real professionals.

It is my understanding that one of the principal purposes in establishment of the Community Border Affairs Advisory Council was to achieve a forum for constructive, two-way communication for community concerns and local federal inspectional processes. Because of this,

I would like to take a few minutes of CBAAC time to explain Customs policies on searching of purses, and the training mentioned above.

In the course of our meetings, I have attempted to express to you my personal committment to achieve the legitimate execution of our responsibilities in a fair, equitable, and professional manner. I am concerned over any demonstrated and corroborable deviation from professionalism in the conduct of our personnel.

You expressed concern in your letter that some members of the council were being harassed, maltreated, or humiliated by personal searches at the border. I assure you that this is not so. They are professionally treated like anyone arriving from a foreign country and are subject to our inspectional processes. As a point of fact, some of the inspectors involved in the incidents you referred to do not know any of the individual council members. In no way then could their inspectional actions be considered as a personal affront against council members.

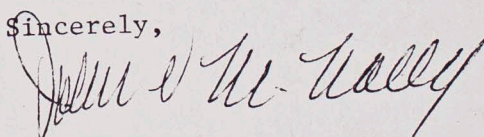
We take pride in the overall restraint normally shown by our inspectors in dealing with uncooperative and sometimes obnoxious individuals they encounter during the inspectional process. I am sure you will admit their job is frequently difficult. We expect a lot from them and they do not normally let us down. In the constant effort to always remain professional, they may not always convey to the public the perpetual image of a friendly, warm human being, especially if a member of the human race with whom they deal harasses or attempts to intimidate them by belligerency.

I hope and expect that neither yourself or any of the council members would ever resort to any actions or activities that could be considered as provocative regardless of the motivation that could inspire them. Actions intentionally taken to provoke, trigger, or test the human endurance of an inspector would be completely uncalled for and defeat the constructive communication needed to make the council viable and effective in its relationship with the U.S. Customs Service at San Ysidro.

Any legitimate concern over incidents involving our inspectional procedures should be factual, unembellished, and completely truthful. We will endeavour to comply with our mandated responsibilities in a professional manner and complainants will restrict their concerns to legitimate and completely factual deviations from professionalism on the part of any of our employees.

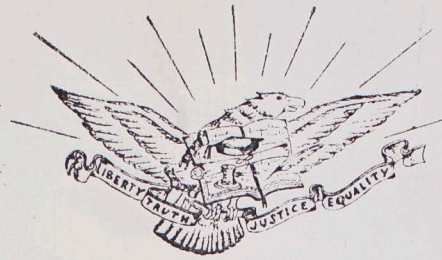
If we can work within these parameters, we can improve upon or achieve the mutual goal of treating every individual as we would wish to be treated while involved in the necessary inspectional procedures.

Sincerely,



John V. McNally
Director, Border Facility

United California



Mexican-American Assn.

318 EAST SAN YSIDRO BLVD.
SAN YSIDRO, CALIFORNIA 92073
(714) 428-2742

March 18, 1980

William H. Selzer,
Acting Deputy Chief Patrol Agent
U.S. Border Patrol
Immigration and Naturalization Service
3752 Beyer Blvd.,
San Ysidro, California 92073

Dear Mr. Selzer:

For the last many years I have been active in many community affairs at the local, state and national level. I have been responsible for many congressional investigations on abuses, beatings, maltreatments, shootings, rapes and killings committed against undocumented aliens, legal resident aliens and United States citizens of Mexican-American ancestry. My name has appeared in many researches, recommendations and newspaper articles at the international level. I am not the special person that a U.S. Border Patrolman, Immigration Inspector, U.S. Customs Inspector or Law Enforcement Officer would call me his friend, I have been responsible for many changes within the U.S. Immigration and Naturalization Service, U.S. Customs Service and many other government agencies. My life has been threaten by telephone calls, dirty letters and in many occassions verbal abuse on the part of federal officers that consider my criticism against the above mentioned agencies a position of diservice to our system of government because I am against abuse in general. I am also considered by many border patrol agents a controversial person because of my constant criticism of violation of human and constitutional rights.

On March 10, 1980 I contacted you personally on or about 4:55 p.m. to advise you of an incident that took place at my place of residence with a U.S. Border Patrol Agent driving government vehicle Lic. G-1597 and who refused to show me his name plate so that I could not identify him with his Supervisors.

This is what happend.

At approximately 4:20 p.m. I was leaving my residence after having a late lunch that day and as I was ready to go out my drive way, the above mentioned individual blocked my exit, he got out of his government vehicle and proceeded to walk into the property next to my home which I own, I called to his attention that he was blocking my drive way, and he made the following statement: "You go and fuck yourself, I am a Federal Officer and I can do whatever I want, I can go into any property and you or anyone else cannot do a god dam thing about it ", I proceeded to face the individual to ask him why he was using that language and to further test his ability as a border patrol officer, it was to my surprise that this individual had little knowledge of human rights and less knowledge to be a U.S. Border Patrol agent. He further threaten to take out his gun and shoot me which then I really got upset and told him to leave my property that he was ilegally abusing me in my property and that I was not going to take any further abuse from him. I guess he then realized that he had created a serious problem against a person of my position and decided to leave the area. Immediately as I left my home I went directly to my office to call you and advise you of what had taken place. After I talked to you, my wife called me on the phone to tell me that another officer who also refused to show his name plate and driving government vehicle J-15042 went to my home and verbally abused my wife and intimidated her so that she would give him my name he then was ordered away from my home and was told to leave before she call the police.

It is my position that this border patrol agent violated Section (8) U.S.C. 1357 because he was not in pursued of anyone, he had no reasonable cause nor probable cause he was in violation of all powers granted to him by the law and violated in general Section 287.3 of the operation instructions for all patrol agents, when entering private land consent should be given by the owner where no search warrant was available and no probable cause existed if the agent or agents just because they are Federal they can not step on persons rights and violate the U.S. constitution.

Mr. Selzer, by means of this complaint I wish to advise you that I am asking for a full investigation from an independent agency to investigate the attitude, abusive behavior, abusive tactics that were used against me and my family I will make the U.S. Border Patrol or the Immigration and Naturalization Service responsible for any attempts that are made against my life.

Sincerely yours,

Alberto R. Garcia
State President

c.c. Jimmy Carter, President of the United States

c.c. Senator Alan Cranston
Senator Edward Kennedy
Congresswoman Elizabeth Holtzman
Congressman Hamilton Fish
Congressman Edward R. Roybal
Congressman Lionel Van Deerlin
Congressman Bob Wilson
Benjamin Celivetti, Attorney General
Commissioner Matt Garcia, U.S. INS
Gilbert G. Pompa, U.S. Department of Justice
Michael Walsh, U.S. Attorney
Governor Jerry Brown Jr.,
Herman Baca, Chairman CCR
Raul Yzaguirre, National Council of La Raza
Esteban Torres, Special Assistant to the President
Tim Barker, Attorney At Law
Peter Schey, Attorney At Law
Frederick L. Hetter, Counsel United California Mexican American
Association

c.c. TO ALL CHICANO ORGANIZATIONS, California, Arizona, Texas,
New Mexico, New York, Chicago, Puerto Rico & Mexico City.

Ralph Arreola, Legal Aid Society
Carlos Vazquez, Legal Aid Society
U.S. Consul General Robert Kent
U.S. Consul, William H. Tienken



United States Department of Justice

UNITED STATES ATTORNEY

Southern District of California
United States Courthouse
940 Front Street, Room 5-N-19
San Diego 92189

Rec
5-7-80

TELEPHONE:
(714) 293-5610

ADDRESS REPLY TO
UNITED STATES ATTORNEY
AND REFER TO
INITIALS AND NUMBER

PKN:pad

May 5, 1980

Mr. Alberto R. Garcia
State President
United California Mexican-
American Association
318 East San Ysidro Boulevard
San Ysidro, California 92073

Re: Your letter of March 18, 1980; allegations of
Border Patrol misconduct

Dear Mr. Garcia:

This office is one of many that received a copy of your letter of March 18, 1980, addressed to William M. Selzer at the Chula Vista Sector Headquarters of the U. S. Border Patrol. That letter referred to a confrontation that occurred between you and two Border Patrol agents on March 10 of this year at your residence in San Ysidro. Specific allegations of misconduct were contained in that letter.

You should be advised that several days before the receipt of your letter, this office had received copies of the incident reports filed by the agents involved. Those reports contained specific allegations of misconduct concerning your actions. Basically, those reports indicate that the two agents had observed a person believed to be an illegal alien running behind the houses near the 2600 block of East Beyer Boulevard. While an agent attempted to head the suspect off, the other agent pulled up in front of your residence in order to search for the suspect, at which point the two of you became involved in a verbal confrontation. The agents allege, among other things that you threatened to shoot them. Needless to say, the two versions of what happened differ dramatically.

There is no reason to disbelieve the agents' statements that they arrived at your residence in pursuit of a suspected illegal alien. There is no other logical explanation for their presence there. Whatever you believe your reputation in the community to be, there is no reason to believe that these agents knew who you were, or knew that the house they had parked at belonged to you. Accordingly, I am persuaded that the agents were in fact pursuing a suspect at the time of the

confrontation, and did not come to your house to harass you as you suggest. Since, as you say, you were just coming out of your residence, the fact that you apparently did not see the suspect who was being pursued does not alter that conclusion.

This office has examined the Border Patrol reports to determine if your conduct violated any federal criminal law. While we have concluded that no violation was committed, you should be aware of the following statutes.

Title 18 U.S.C. §111, makes it a crime to forcibly assault, resist, oppose, impede, intimidate, or interfere with a federal officer engaged in the performance of his official duties. The penalty for such violation is a \$5,000 fine and/or up to three years' imprisonment. If a dangerous weapon is used, the penalty is increased dramatically.

Under 18 U.S.C. §2231, anyone who forcibly assaults, resists, opposes, prevents, impedes, intimidates, or interferes with a federal officer authorized to conduct searches and seizures is subject to the same penalties as for section 111.

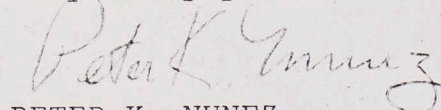
Under 18 U.S.C. §3, anyone who receives, relieves, comforts or assists a person who he knows has committed an offense in order to hinder or prevent his apprehension or arrest becomes an accessory after the fact. For example, if someone were to assist an illegal alien to avoid arrest, or hinder the Border Patrol in their efforts to arrest an illegal alien, they could be prosecuted as an accessory.

Furthermore, under 8 U.S.C. §1357 (a) (3), a Border Patrol agent does have the power without warrant to have access to private lands (but not dwellings) within twenty-five miles of the border to prevent the illegal entry of aliens.

Since, in this case, no force was used by you during your confrontation with the agents, no violations of Sections 111 or 2231 occurred. And since there is no evidence indicating that you intended to assist an illegal alien to avoid arrest by the Border Patrol, no violation of Section 3 occurred. I have notified the Border Patrol of this decision.

It is my understanding that your allegations of abusive conduct by the agents involved have been referred to the office of Professional Responsibility for review. If you have any further questions in that regard, I suggest you contact Acting Deputy Chief Patrol Agent Selzer.

Very truly yours



PETER K. NUNEZ
Assistant U. S. Attorney

cc:

Chief Donald N. Cameron, Chula Vista Border Patrol
Congressman Lionel Van Deerlin
Gilbert G. Pompa, U. S. Department of Justice
U. S. Consul General, Robert Kent
U. S. Consul, William H. Tienken

WMA

United California Mexican American Association
Cordially invites you to their seventh annual
GOLDEN EVENING OF UNITY
Dinner-Dance

Saturday, October 25, 1980
Hilton Inn Hotel, 1775 E. Mission Bay Drive
San Diego, California

Honoring Mexican-Americans in Government
Guest Speaker: Ambassador RAUL CASTRO
Master of Ceremonies, Danny Villanueva,
President and General Manager Channel 34, Los Angeles

No Host Coctails 6:30

Dinner 7:30

Dance 9:00

Music By: Henry Dominguez

Mariachi

Dress: Formal (Optional)

Donation: \$25 per person

HONOREES

Mat Garcia, Designated Commissioner, Immigration and Naturalization Service
Ambassador Julian Nava, Ambassador to Mexico
Gilbert G. Pompa, Director, Community Relations Service
U. S. Department of Justice
Annie Gutierrez, District Director, Immigration and Naturalization Service
U. S. Embassy, Mexico City
Fernando E. C. De Baca, Former Assistant to President Ford
Albert Zapanta, Former Assistant Secretary Of The Interior
Romana Banuelos, Former United States Treasurer
Henry Ramirez, Former Executive Director, President's Cabinet Committee
on Opportunities For The Spanish Speaking
Alex Armendarez, Director, Office of Minority Business Enterprises "OMBE"
Peter Shey, Directing Attorney, Legal Services, Alien Rights Program

John T. Baren, Former Executive Director,
Cabinet Committee On Opportunities For The Spanish Speaking
Ambassador Phillip Sanchez
Herman Sillas, U. S. Attorney, Eastern District
Cristobal Aldrete, Federal Co-Chairman, Southwest Border Regional Commission
Senator Alfredo Gutierrez, Minority Speaker, State of Arizona
Thomas C. Aranda, Former Special Assistant to President Ford
Martin Castillo, Former Chairman, Cabinet Committee
On Opportunities For The Spanish Speaking
Carlos C. Villarreal, Former Director United States Mas Transit
Benjamin Fernandez, Former Presidential Candidate
Joe Casillas, Former regional Director, Office of Economic Opportunity, Denver
Timothy Barker, Deputy Director, Legal Services, Alien Rights Program

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United California Mexican-American Association
GOLDEN EVENING OF UNITY
DINNER-DANCE

Saturday, October 25, 1980

Guest Speaker
Ambassador Raul Castro

Name _____

Address _____

Phone _____

R.S.V.P. 428-2565 — 427-2486 — 232-5696

Enclosed is my check in the amount of \$ _____
for _____ *tickets at \$25.00 each.*

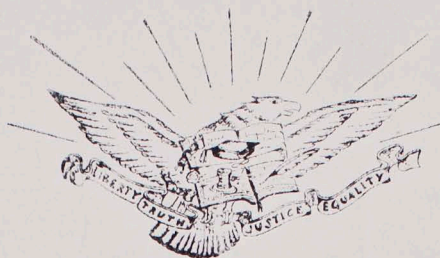
United California Mexican-American Association

c/o Alberto Garcia

318 East San Ysidro Boulevard

San Ysidro, California 92073

United California



Mexican-American Assn.

318 EAST SAN YSIDRO BLVD.
SAN YSIDRO, CALIFORNIA 92073
(714) 428-2742

June 12, 1980

U.S. Attorney
Peter K. Nunez, Assistant U.S. Attorney
U.S. Department of Justice
Southern District of California
U.S. Court House
940 Front St., Rm 5-N-19
San Diego, California 92189

RE: PKN:pad

Dear Mr. Nuñez:

This is in reference to your letter dated May 5, 1980 regarding my allegation of Border Patrol abuse.

Said letter was received with many concerns, and after reviewing your answers used against my person it brings me to the conclusion that your opinion is onesided inclined to play games with the concerns of respectable citizens on this country. I have also noticed that you are also trying to impress U.S. Border Patrol leadership.

Mr. Nuñez, I will not in any way be intimidated with all sections of Federal law outlined in your letter with regard to Immigration Law and procedures. I am well acquainted with said sections of the law and I also see that your position is with the U.S. Border Patrol not with citizens that are abused on a daily basis by that agency. You state that you have no reason to disbelieve the statements submitted by these agents, you should know better than to trust some of these border patrol agents since they are accustomed to lie when they submit reports to their supervisors and completely disregard the true facts as it happens. It has been our experience for the past 15 years to see how border patrol officials lie, abuse, maltreat, beat and sometimes kill human beings who come into contact with that agency.

You should also be aware of their dirty tricks when trying to prejudice someone who has had the courage to call to their attention, their illegal activities regarding the rights of citizens and property owners in this country.

It is sad to think that you want to become part of their world when a half a dozen witnesses saw the reality of their actions, and to further their abuse the agent went to my home to continue harassing my wife as to my whereabouts. There was no pursuit of a suspected undocumented alien, not illegal alien Mr. Nuñez that is a word that is derogatory and offensive to the proud people of Hispanic descent, you should know by now that Border Patrol, Immigration or Customs agents have constantly and for years protected themselves by filing false reports as to incidents of different categories. This border patrol agent has stipulated that he was in pursuit of a person, that is a lie. There was no suspected alien in sight, why did this agent abusively block my drive way, why did he verbally abuse me, why did he threaten to take his gun out and shoot me, and then moved off after I advised him that he was violating all powers granted to him by the law and was violating Section 287.3 of the operation instructions for all patrol agents? By the way I wish to advise you that you should again check very carefully 8 U.S.C. 1357 in general which is my understanding that the powers given by congress to border patrol officers are to protect the citizens of the U.S. and not to harass or abuse them.

You should also be aware of U.S. Supreme Court decision of 1973 invalidating purported border searches conducted without probable cause or consent anywhere but at the ports of entry. Your agents should be aware of reasonableness, see: U.S. v. Avalos Ochoa c.a. CAL.1977 and to say that he was in pursuit he must have specific articulable facts and rational inferences therefrom creating a reasonable suspicion that there is someone in that property. Not just because he carries a gun, badge, and uniform he or she can step on the rights of citizens.

Mr. Nuñez, I am the victim in this matter and I am suffering the consequences by receiving unanimous phone calls with threats to my life with racial remarks. I am not in accordance with having the office of professional responsibility to investigate this incident, I am not a believer that the same agency can investigate their own because they protect their own. It has been brought to my attention that investigators working now with the professional and responsibility agency (INS) have been some of the worst violators of human and constitutional rights and to see them investigating their own is very irresponsible and unusual since you will not see changes or prosecutions from that department.

I was very encouraged to file my complaint with your office since I strongly believed that your office would not tolerate this kind of attitude on the part of border patrol outlaws.

By the way, I truly hope that you get the position as prosecuting attorney with the Immigration and Naturalization Service.

Sincerely,

Alberto R. Garcia
State President

ARG/il

c.c. Senator Alan Cranston
Senator Edward M. Kennedy
Congresswoman Elizabeth Holtzman
Congressman Hamilton Fish
Congressman Edward R. Roybal
Congressman Lionel Van Deerlin
Congressman Bob Wilson
Benjamin Celivetti, Attorney General
Commissioner Matt Garcia, U.S. INS
Gilbert G. Pompa, U.S. Department of Justice
Michael Walsh, U.S. Attorney
Governor Jerry Brown Jr.,
Herman Baca, Chairman, CCR ✓
Raul Yzaguirre, National Council of La Raza
Esteban Torres, Special Assistant to the President
Tim Barker, Attorney At Law
Peter Schey, Attorney At Law
Frederick L. Hetter, Counsel United California Mexican
American Assn.
c.c. TO ALL CHICANO ORGANIZATIONS, CALIFORNIA, ARIZONA,
TEXAS, NEW MEXICO, NEW YORK, CHICAGO, PUERTO RICO AND
MEXICO CITY.
Ralph Arreola, Legal Aid Society
Carlos Vasquez, Legal Aid Society
U.S. Consul General Robert Kent
U.S. Consul, William H. Tienken

United California



Mexican-American Assn.

318 EAST SAN YSIDRO BLVD.
SAN YSIDRO, CALIFORNIA 92073
(714) 428-2742

September 2, 1980

Herman Baca, Chairman
C.C.R.
1837 Highland Ave.
National City, CA 92050

Dear Herman:

This is in reference to package submitted to the U.S. Attorney General in Washington, D. C. on July 22, 1979 regarding abuses, beatings and killings against undocumented aliens such as the death of Manolo Alberto, Mario Cañedo, Efren Reyes, Benito Rincon and many others where 150 pages of documented evidence was also submitted to the Senate Committee of the Judiciary, Congressman Edward R. Roybal, Congressman Fish and other federal government agencies.

I also wish to advise you that on or about September 10, 1979 I personally delivered the same package that was given to the U.S. Attorney General in Washington, D. C. to the office of Mr. Michael H. Walsh then U.S. Attorney San Diego District.

I sincerely hope that this information will assist you in securing further investigations against the U.S. Border Patrol in their abuses.

Sincerely yours,

Alberto R. Garcia
President

ARG/il

FROM THE DESK OF
ALBERT R. GARCIA



HERMAN:

AQUI TE MANDO COPIAS

RELACIONADAS CON EL INCIDENTE
DE MARGARITA NECESITAMOS
TU APOYO PARA TRAER UNA
INVESTIGACION CONGRESIONAL
POR FAVOR LLAMAME PARA
DISCUTIR EL CASO.

ALBERTO

318 E. San Ysidro Blvd.
San Ysidro Calif. 92073

Tel. (714) 428-9530



6-15-81

International Chamber of Commerce of San Ysidro
Camara de Comercio Internacional de San Ysidro

PRESS RELEASE FOR IMMEDIATE RELEASE PRESS RELEASE

THE INTERNATIONAL CHAMBER OF COMMERCE OF SAN YSIDRO HAS THE PRIMARY DUTY TO DEFEND, SUPPORT AND PROMOTE THE FREE ENTERPRISES SYSTEM. ANYTHING THAT IMPEDES, RESTRICTS OR IN ANY WAY ADVERSELY AFFECTS IT, WE STRONGLY OPPOSE, IN PARTICULAR WE CONDEMN THE U.S. CUSTOMS SERVICE ACTIONS OF DISRESPECT AND ABUSES INFLICTED ON THE TRAVELING PUBLIC AT THE SAN YSIDRO PORT OF ENTRY.

THE RECENT INCIDENT WHERE MRS. MARGARET GUTIERREZ, MANAGER OF THIS CHAMBER AND MEMBER OF THE SAN YSIDRO SCHOOL BOARD AND MANY OTHER PROMINENT ORGANIZATIONS IN THIS COUNTY WAS VERBALLY ABUSED, PHYSICALLY BEATEN AND ILLEGALLY DETAINED, ILLUSTRATES THE MAGNITUDE OF THE PROBLEM WE FACE AT THIS TIME, STATED ALBERTO R. GARCIA PRESIDENT OF THE INTERNATIONAL CHAMBER OF COMMERCE OF SAN YSIDRO. MR. GARCIA ALSO STATED THAT CONGRESSMAN EDWARD R. ROYBAL CHAIRMAN OF THE SUBCOMMITTEE ON APPROPRIATIONS WHICH HANDLES THE ENTIRE BUDGET FOR THE U.S. CUSTOMS SERVICE HAS BEEN ASKED TO CONDUCT A CONGRESSIONAL INVESTIGATION INTO THE ATROCITIES THAT U.S. CUSTOMS INSPECTORS COMMITTED AGAINST MARGARET GUTIERREZ AND SPECIALLY AGAINST THE MEXICAN-AMERICAN AND MEXICAN COMMUNITY ON BOTH SIDES OF THE BORDER. TWO YEARS AGO TWO INFANTS DIED IN THE HANDS OF CUSTOMS INSPECTORS BECAUSE OF THEIR IRRESPONSIBLE ACTION MOTIVATED BY THEIR PREJUDICE AGAINST HISPANICS. HE ALSO STATED THAT MANY CASES HAVE BEEN BROUGHT TO THE ATTENTION OF THE CHAMBER ON ABUSES, BEATINGS AND ILLEGAL DETENTIONS. THE U.S. HISPANIC CHAMBER OF COMMERCE, THE STATE MEXICAN-AMERICAN CHAMBER OF COMMERCE AND CHAMBERS THROUGHOUT THE COUNTRY HAVE BEEN ASKED FOR THEIR SUPPORT IN CONTACTING THE PRESIDENT OF THE UNITED STATES TO IMMEDIATELY INTERVENE ON THIS PEARL HARBOR ASSAULT.

THERE IS NO QUESTION ABOUT IT. THE U.S. CUSTOMS SERVICE NEEDS TO CLEAN HOUSE AND SUSPEND MEMBERS OF THE K.K.K. WHO HAS INFILTRATED THIS AGENCY.

FOR FURTHER INFORMATION PLEASE CONTACT MR. ALBERT R. GARCIA, PRESIDENT OF I.C.C.S.Y. (714) 427-2565.

318 E. San Ysidro Blvd.
San Ysidro Calif. 92073



Tel. (714) 428-9530

International Chamber of Commerce of San Ysidro
Camara de Comercio Internacional de San Ysidro

June 16, 1981

President Ronald Reagan
The White House
Washington, D. C. 20510

Dear President Reagan:

Once more we regret to have to bring to your attention the unprofessional and abusive behavior of Federal Government employees who use their authority as a tool to harass, humiliate and in some cases injure innocent people.

Specifically I am referring to the U.S. Customs Service at the San Ysidro Port of Entry where on June 2, 1981 Margaret M. Gutierrez, Manager of the International Chamber of Commerce and member of the San Ysidro School Board, was verbally abused, threatened, beaten and illegally detained.

This situation can no longer be tolerated and we urge you to take action to stop this atrocious situation that degrade this great country of ours.

Your assistance and immediate intervention on this matter is urgently needed.

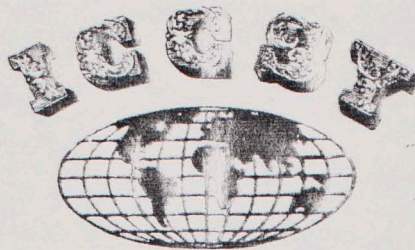
Respectfully Yours,

Alberto R. Garcia
President

ARG/il

318 E. San Ysidro Blvd.
San Ysidro Calif. 92073

Tel. (714) 428-9530



International Chamber of Commerce of San Ysidro
Camara de Comercio Internacional de San Ysidro

June 15, 1981

The Honorable Edward R. Roybal
Chairman-Sub Committee on the
Committee on Appropriations
2404 Rayburn Office Bldg.
Washington, D.C. 20515

Dear Mr. Chairman:

Once more I am requesting your intervention on the never ending problem of abuses, harassment and beatings by U.S. Customs Inspectors at the San Ysidro Port of Entry. Since the last congressional hearing which you chaired and conducted on your own time going beyond the call of duty. I have trusted and admire you for your efforts to alleviate the problems at the San Ysidro Port of Entry, but I regret to have to tell you that the situation has not changed, on the contrary it's getting unbearable.

For this reason at this time I am requesting that your committee look into the abuse of authority, beatings and illegal actions that customs is using against the traveling public. The most recent one is the case of which I talked to you over the phone about Mrs. Margaret Gutierrez, manager of the International Chamber of Commerce and member of the San Ysidro School Board, who was verbally abused, beaten, injured and arrested.

Enclose you will find her declaration and facts about such outrageous incident. This type of abuses can no longer be tolerated. If you need more information please let me know. Your assistance and immediate intervention on this matter is urgently needed. With best regards.

Yours very truly,

Alberto R. Garcia
President

318 E. San Ysidro Blvd.
San Ysidro Calif. 92073



Tel. (714) 428-9530

International Chamber of Commerce of San Ysidro
Camara de Comercio Internacional de San Ysidro

June 16, 1981

Congressman Duncan Hunter
District Office
2530 Highland Ave.
National City, CA 92050

Dear Congressman Hunter:

At this time we are seeking your support to bring a congressional investigation on the U.S. Customs Service at the San Ysidro Port of Entry in regards to cases of abuse, beatings and illegal detentions.

Enclosed you will find the declaration of Mrs. Margaret M. Gutierrez and her 11 year old son regarding incident that took place on June 2, 1981. We want you to be aware of this incident since it is not an isolated case, we have many more similar documented cases in our files.

We feel this situation can no longer be tolerated and we urge you to take action to stop this atrocious situation that degrades this great country of ours.

Your assistance and immediate intervention on this matter is urgently needed.

With Best Regards,

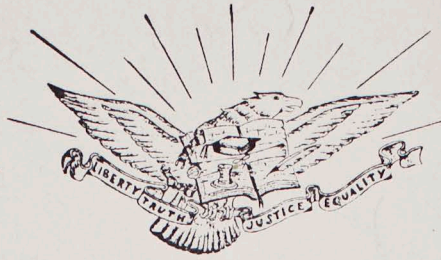
Yours Very Truly,

Alberto R. Garcia
President

ARG/il

Enclosures

United California



Mexican-American Assn.

TO: LEONEL CASTILLO,
COMMISSIONER, INS.

318 EAST SAN YSIDRO BLVD.
SAN YSIDRO, CALIFORNIA 92173
(714) 428-2742

FROM: ALBERTO R. GARCIA

We would like to stress the importance of the following grievances which we are stipulating for your consideration:

1. We would like to see a check system go into effect against the inflammatory type of propoganda that is currently being instigated by the Immigration and Naturalization Service. We are not concerned with press coverage of the problem per se, but we are terribly concerned with the fact that the news releases are biased. An issue which is presented to the nation should be presented in true perspective by seeking out its pros and cons, presented by all population sectors involved. This has not been the case with the issue of the undocumented aliens. The issue has enough prejudice and racism attached to it, without stirring more by the presentation of distorted and out of context facts, in order to worsen the effect. We therefore urge that steps be taken to end this type of negative, biased and prejudiced campaigning by the INS.
2. We urge that there be an acceleration in the processing period of petitions for immigration which are currently being delayed in San Diego for 10 months and in Los Angeles for 18 months. Some of the petitions in question are I-130, -600, -400 and I-90, and many other petitions which are being submitted on a daily basis in the San Diego and Los Angeles offices. Personnel involved throughout the processing of said petitions should be made keenly aware that their efficiency or non-efficiency in the completion of their duties can and does affect and manipulate the destinies of the individuals submitting these petitions, and the overall importance and magnitude of the procedures involved should be stressed. We seek the minimization of the waiting period for these petitions to be processed and resolved.
3. We are seeking better training programs for all immigration officers at all ports of entry throughout the United States - training which would stress cultural awareness and respect for human rights. This training should also be extended to Border Patrol officers throughout the country. This type of training if effectively provided and followed should

minimize the abusive treatment of undocumented aliens, U.S. citizens of Mexican-American descent, and Mexican-American legal residents who are at present victims of INS personnel who are completely lacking in both cultural awareness and respect for human rights.

4. We are asking that there be more cooperation with community organizations in the San Diego area by INS officers in charge, district directors, and chief patrol officers; also, the participation of San Ysidro, San Diego and Los Angeles members on the Immigration and Naturalization Service Advisory Council.
5. We are asking that the officer-in-charge at the American Consulate and the San Ysidro Port of Entry receive I-130 petitions, so that they can be adjudicated in the same offices; also, that officers-in-charge and supervisors expedite the issuance of I-186 cards (border crossing cards) in order that the economic situation be improved in border towns throughout the Mexican and American borders.
6. We urge that immigration officers and border patrolmen stop harassing, mistreating, and physically abusing undocumented aliens, U.S. citizens of Mexican-American ancestry and legal resident aliens.
7. We seek the creation of a special unit within the district offices of the INS so that applicants for legal resident status be placed under docket control and be permitted to remain in the United States, until their appointments are available.
8. We are requesting that the constant flying of helicopters over the San Ysidro community at 2:00, 3:00 and 4:00 in the morning be discontinued due to the lack of consideration it represents for children who have to go to school the next morning, the sick and the aged residents of the community in particular, although the noise disrupts and affects everyone.
9. We would like a change in the practice of the INS to close their border offices at 4:00 PM every day and then leave the people who seek their services at the mercy of abusive immigration inspectors who offer no direction, assistance or information. The other part of the problem, of course, is the actual closing of the offices at 4:00 PM when the need for the services provided at ports of entry should justify a revision in the schedule.

10. The GS-13 Immigration Officer position at the American Consulate General, Tijuana, B. Cfa. Mexico needs study and evaluation. The officer qualifies for premium compensation of 15% to 25% of the base of GS-10 for "uncontrollable" overtime worked in conjunction with the regular duties of the position which supposedly entail more than 50% investigative work which is a farce. Check the G-23 work measurement reports for last six months, that office workload is way down, especially the first three months of 1977. The Western Region has a remote adjudication program in effect whereby heavy workload offices such as Los Angeles can mail their adjudications work to other offices for completion. Although the Tijuana office is under control of the Central Office a plan could be worked out to have visa petitions and other adjudications sent to Tijuana so that officer can at least put in a justifiable sight hours of public service. Also the Tijuana officer should have some latitude to accept visa petitions outside of his jurisdiction in special visa cases involving U.S. citizen petitioners or where humanitarian factors are involved.

11. The entire Immigration Service is now preoccupied and obsessed with fraud. They have too many "fraud" programs going and not enough people to service them. Granted many adjudications do have some element of fraud but conversely many do not, the legitimate petitioner has to wait many months because his petition is backlogged in a "fraud" unit when there is no fraud involved in the first place. They have a "up front" processing unit which is supposed to separate the possible fraud cases from the legitimate ones but that program is not working and the District and Regional Offices are not following up on that program to make it work. A legitimate visa petition filed today in San Diego takes up to six months to be adjudicated and perhaps 1 year to 18 months in Los Angeles, which is ridiculous. Many visa petitions can be adjudicated in five minutes, especially the immediate relative and second preference.

12. The Immigration Service needs to be reorganized, they have adopted a national policy of management by objective and have hired many special management analyst and specialist, now they are preoccupied with so many "forward plans", estimates, work reports, etc., that they don't have the time or the money to do their job. They should reduce the Planning and Evaluation sections and personnel at the Central Office and Regional Office levels and get out into the field to find out what is going on in the Service. Regional personnel do not make enough field inspections simply because they are tied up with the "special projects" of Planning and Evaluation.

13. The Ports of Entry needs more Immigration Inspectors, especially the large ports such as San Ysidro, Calexico, Nogales, El Paso, Hidalgo, Brownsville, etc. Also more IIs are needed at the large airports of entry, Los Angeles, San Francisco, Honolulu, Guam, etc. There is a definite abuse of overtime in the Immigration Service and under the present accounting procedures it is difficult to correct because the abuse or error is discovered long after the Inspector has already been paid for the overtime work. The Comptroller General's office should look into the abuse of overtime payment in the Immigration Service it will shock the public known. Immigration Inspectors should be upgraded to a journeyman GS-11 position and the overtime curtailed or confined to Sundays and holidays. GS-11 S11s earned \$40,000.00 and GS-9 journeyman earned \$30,000.00 last year at San Ysidro, CA.
14. Immigration examiners are not doing their job - they are slow. The national average adjudication figure is wrong - estimate they are goofing off -

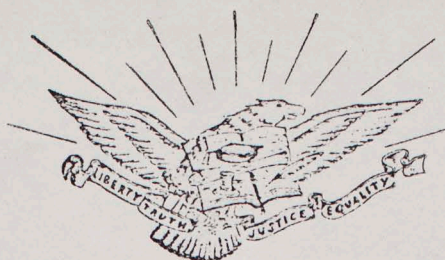
I-130 can adjudicate 40 and they only do 10

I-538 takes 5 minutes and they take 20 minutes

I-539 takes 3 minutes and they take 25 "

besides they pad figures.

 United California



 Mexican-American Assn.

318 EAST SAN YSIDRO BLVD.
 SAN YSIDRO, CALIFORNIA 92173
 (714) 428-2742

PRESS RELEASE

Much has been published regarding the problem of the undocumented alien. However, most of the articles are extremely biased in their reporting and their viewpoint. A case in point is the article "Van Deerlin Hits At Illegal Aliens."

The article quotes figures of local unemployment rates of 11.2 per cent in relation to the number of illegal aliens who cross the border illegally. It alleges that the illegal aliens are taking the jobs which should be rightfully held by the legal residents and U.S. citizens who are unemployed. No importance is given to the fact that those jobs would not be filled by U.S. citizens who are unemployed. These jobs are unskilled jobs which pay very low wages and have terrible working conditions. It is a well known fact that a U.S. citizen would not work as a house maid, or a field worker or a factory worker for the same pay and under the same working conditions if they can or are getting more money from unemployment benefits or from welfare.

The same attention that is given to the illegal alien issue should be given to the vast inefficiency of the Department of Human Resources and to the question of why it is that some people who are obviously of Latin American extraction who apply for unemployment benefits are almost forced to accept positions which are lower in status and pay than those they previously held and, yet, people who do not appear to be of Latin American extraction can continue to collect unemployment benefits indefinitely until they can find a job suited to their needs.

The article refers to the fact that there are 10 known cases of illegal aliens who have received welfare benefits, yet it is terribly vague in defining the financial impact and the socio-economic problems the illegal aliens represent to San Diego County, as alleged.

The article quotes a figure of more than two million dollars from County funds which were paid to University Hospital for medical treatment from 1971 through 1975. However, it does not specify what percentage of that figure represents costs for wrongful acts on the part of officers of the Immigration and Naturalization Service with regard to beatings, shootings, rapes and other forms of abusive treatment perpetrated on illegal aliens by these officers. If the figure

also includes women (Mexican nationals) who deliver at University Hospital, there was no mention of the fact that these women try to deliver in the United States in an attempt to legalize their status by so doing and that before they can begin to process their paperwork, they must have paid their bill at University Hospital.

Regarding the figures quoted regarding the cost of schooling for Mexican nationals and illegal aliens, there was no mention of the fact that children of Mexican nationals who are not legal residents or U.S. citizens have to pay a high premium for attending school in this country. Children of U.S. citizens have every right to attend school in this country and, therefore, the figure which was quoted for the cost of schooling these children should not be represented as an isolated cost for the county.

The article mentions the fact that much of the wages earned by illegal aliens is either sent back or taken back to Mexico, thus affecting the U.S. balance of payments. However, no mention is made regarding the money which is withheld from those wages for federal taxes, state taxes, disability benefits, unemployment benefits, and social security benefits which are never collected or paid to those illegal aliens. That figure if added to the money that illegal aliens spend on rent; food, and clothing in this country would be even more staggering.

If an issue is to be pursued, it should be well-balanced in its presentation to the public.

Prepared by: Alberto R. Garcia
State President