

Called Cranston - 1-10-78

Liz will check into it

Talked to Ventura - 1-10-78

will try to be at 1-10-78 meeting



Committee on Chicano Rights, Inc

FOR IMMEDIATE PRESS RELEASE

Enclosed is a statement from Mr. Jose Zapata (see enclosure A) alleging brutality against himself and his family by U.S. Border Patrolmen. Also enclosed is a letter to INS Commissioner Leonel Castillo (see enclosure B) and a letter (see enclosure C) to U.S. Senator Alan Cranston, U.S. Senator S.I. Hayakawa, U.S. Attorney Terry Knoepp, and the U.S. Federal Grand Jury requesting an investigation of this matter. For any further information call 474-8195.

STATEMENT BY JOSE ZAPATA

On September 17, 1977 at about 1:30 PM, my wife, myself and our four year old daughter were in downtown Fallbrook. My wife observed a young man in the custody of the U.S. Border Patrol who resembled our son, Carlos. I called out and it turned out to be our son. The immigration officers then demanded we park our car, which I did near the officers' two cars. As I got out of the car an "Anglo" officer struck me with an open hand and locked my hands behind me. At this point he had never asked for any identification or why he was treating me in such a manner. I told him, "I'm a U. S. citizen."

The officer released me and I showed him my original birth certificate. The officer then said, "This fucking thing won't work," and threw the certificate on the ground. My wife then produced a paper the U.S. Immigration Service had given me when we applied for her permanent resident status. (A voluntary departure letter for 12-6-77) The officer grabbed it from her hand and said, "This fucking thing won't work either." He then picked up my birth certificate and walked over to the patrol car. I might add these harsh words were said in front of my four year old daughter.

I then walked up to the patrol car and asked if I could go to my house and unlock the door because my children were coming home from school and they did not have a key to get in. The officer said I could go to my house but he and the other officers would follow me home. We all arrived at our house (860 Wisconsin Ave., Fallbrook, CA.) at the same time. Our kids were all waiting outside. I got out of the car and so did the officers, and unlocked the door and told the children to go inside. After the kids got inside the house I shut the door. The "Anglo" officer walked up to the door and shouted, "Who's in there?" and then kicked the door open with his foot breaking the door frame. The officer then entered the house and I followed. The officer started running through the house screaming at the children, "You fucking swine," and opening and slamming doors. Another officer entered about two minutes later, named Gonzales. He said, "Permit me to pass," and walked in. I never had time to respond to the officer Gonzales' question. Later a third officer entered.

The "Anglo" officer then asked, "Do your children have papers?" I didn't know what to say. I had been told by the Escondido clinic that my children were citizens by reason of my U.S. citizenship. I showed the officer the calling card of the Clinic with the name of an attorney on it. The "Anglo" officer tore it up and said, "This man is a charlatan." The officers then brought my son Carlos in the house and said, "This doesn't look like your fucking son. He looks like the milk man's son." The officers questioned various children, always using filthy language and shouting at them.

I was showing the officers pictures of my son Carlos to prove he was my son, because they would not believe it. My wife called the Legal Clinic and gave the phone to one of the officers. After a conversation with the attorney there the officers said, "Well, maybe he is your son and maybe you are a citizen", and left in a quiet manner as if nothing had ever happened.

Jose Zapata



Committee on Chicano Rights, Inc

December 13, 1977

Commissioner Leonel Castillo
Immigration Naturalization Service
425 "I" Street
Washington, D.C. 20536

Commissioner:

Enclosed is a serious complaint that our office has recently received involving brutality against a Mr. Jose Zapata (a U.S. citizen) and his family by some of your border patrolmen.

On your last visit to San Diego you stated that you had no plans to utilize dogs in your operation, but it appears that the officers involved with abusing Mr. Zapata and his family, have proven you wrong. This matter was turned over to your local I.N.S. officials but as always, they are side stepping the complaint and it now appears that they are heading (once again) towards their traditional whitewashing of the complaint. Actions by the accused officers and the handling of the entire matter by I.N.S. officials is in our opinion not an isolated incident, but rather an ingrained practice when it comes to dealing with the Chicano Community. Statements by your local I.N.S. officials that the matter is being resolved by another agency is not acceptable to us!

Because the Escondido Legal Clinic and the Zapata family have been unable to get redress on this matter, they have requested our assistance in hopes of resolving this matter. It is apparent to us that your local officers are either unable or unwilling to deal with this serious allegations and we therefore demand that you personally intervene in this matter by:

- 1) Calling for a full investigation of the allegations made by Mr. Jose Zapata and his family attorney.
- 2) A full public disclosure of the findings in this matter.
- 3) Immediate dismissal of the guilty officers and their superiors if they are found guilty.

The issue is before you. We will be expecting a prompt reply on this matter.

Sinceramente,

Herman Baca

Herman Baca
Chairman



Committee on Chicano Rights, Inc

December 13, 1977

Senator Alan Cranston
815 E Street Room 103
San Diego, California 92101

Dear Senator:

Enclosed is a complaint by a Mr. Jose Zapata involving brutality against him and his family by U.S. border patrolmen. Mr. Zapata and his attorney have attempted to seek redress but have been unable to because of side steeping by local I.N.S. officials. It is for this reason that we are requesting an investigation by your office into this serious matter. We will be expecting a prompt reply on this matter.

Thank you,

Herman Baca
Chairman

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Jose Zapata



Committee on Chicano Rights, Inc

Terry Knoepp
U.S. Attorney
940 Front St. Rm. 5n 19
San Diego, Ca. 92189

Dear Mr. Knoepp,

Enclosed is a complaint by a Mr. Jose Zaqata involving brutality against him and his family by U.S. Border Patrolmen. Mr. Zapata and his attorney have attempted to seek redress but have been unable to because of side-stepping by local I.N.S. Officials.

It is for this reason that we are requesting an investigation by your office into these serious allegations. We will be expecting a prompt reply on this matter.

Thank you

Herman Baca, Chairman



Committee on Chicano Rights, Inc

December 13, 1977

Commissioner Leonel Castillo
Immigration Naturalization Service
425 "I" Street
Washington, D.C. 20536

Commissioner:

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On your last visit to San Diego you stated that you had no plans to utilize dogs in your operation, but it appears that the officers involved with abusing Mr. Zapata and his family, have proven you wrong. This matter was turned over to your local I.N.S. officials but as always, they are side stepping the complaint and it now appears that they are heading (once again) towards their traditional whitewashing of the complaint. Actions by the accused officers and the handling of the entire matter by I.N.S. officials is in our opinion not an isolated incident, but rather an ingrained practice when it comes to dealing with the Chicano Community. Statements by your local I.N.S. officials that the matter is being resolved by another agency is not acceptable to us!

Because the Escondido Legal Clinic and the Zapata family have been unable to get redress on this matter, they have requested our assistance in hopes of resolving this matter. It is apparent to us that your local officers are either unable or unwilling to deal with this serious allegations and we therefore demand that you personally intervene in this matter by:

- 1) Calling for a full investigation of the allegations made by Mr. Jose Zapata and his family attorney.
- 2) A full public disclosure of the findings in this matter.
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The issue is before you. We will be expecting a prompt reply on this matter.

Sinceramente,

Herman Baca

Herman Baca
Chairman

1/12/78

Rec. 1-17-78

For your info
Jesse R.

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

OFFICE OF THE COMMISSIONER

PLEASE ADDRESS REPLY TO

AND REFER TO THIS FILE NO.

*cc: [unclear]
[unclear]*

November 25, 1977

Mr. Jesse Ramirez
Executive Director
Chicano Federation of San Diego
County, Inc.
1960 National Avenue
San Diego, California 92113

Dear Mr. Ramirez: *Jesse*,

Regarding your letter of October 17, 1977 and specifically the incident with the Zapata family, I hope your conversations with Regional Commissioner O'Connor and others produce a satisfactory conclusion.

I'll be interested in getting a response from you on the conclusion of this matter.

Sincerely,

Leonel J. Castillo
Leonel J. Castillo
Commissioner

RECEIVED
NOV 30 1977
CHICANO FEDERATION
OF SAN DIEGO COUNTY, INC.

UNITED STATES DEPARTMENT OF JUSTICE
IMMIGRATION AND NATURALIZATION SERVICE
WESTERN REGION

SAN PEDRO, CALIFORNIA 90731

OFFICE OF THE REGIONAL COMMISSIONER

December 1, 1977

PLEASE REFER TO THIS FILE NO.

WR 71/15.5

Jesse Ramirez, Director
Chicano Federation of San Diego
1900 National Avenue
San Diego, CA 92113

Dear Mr. Ramirez:

In regard to our conversation concerning the Border Patrol and Mr. Zapata, as discussed with Commissioner Castillo last Tuesday, upon returning to my office the following action was taken:

I immediately forwarded this case to the Federal Bureau of Investigation since there is a distinct possibility of a civil rights action.

The FBI has jurisdiction over all cases of this nature. As soon as I hear from them, I will advise you of what action they are taking.

Sincerely,

Ed O'Connor

Ed O'Connor
Regional Commissioner

RECEIVED

DEC 6 1977

CHICANO FEDERATION
OF SAN DIEGO COUNTY, INC.

Copy furnished:

Mr. Joe Seckelman, 2761 - 5th Avenue, #1
San Diego, CA 92103

Atty Howard B Frank, McInerney, Milchen & Frank
Bank of California Plaza, #1690
San Diego, CA 92101

12-7-77

Dear Mr. Baco:

The Escondido Legal Clinic, has been representing a Mr. Zapata in a serious case involving the United States Border Patrol agents. The basic facts of the case are as follows:

On or about September 26, 1977 two of Mr. Zapata's sons were driving their automobile in Fallbrook California when they were stopped by the Border Patrol Agents. The agents demanded everyone in the car to produce identification proving their citizenship. A friend of the Zapata boys who was riding along showed his "green card". The Zapatas had nothing to show because they were U.S. Citizens (although spoke no English) so the agents hit one of them across the face ~~and~~ ~~with~~ ~~the~~ ~~car~~ ~~key~~ and tore the car keys out of the hand of the other. The boys then pleaded with the agents to permit their friend to drive the automobile home. Their request was denied and the car towed away. The Zapatas were then loaded into ~~separate~~ separate vehicles and taken away.

Carlos Zapata was taken to downtown Fallbrook where his parents saw him locked in a Border Patrol vehicle. After approaching the vehicle the Border Patrol went to work on the senior Zapatas: indiscriminately using the word force in front of the four year old Zapata daughter, striking Mr. Zapata, kicking the door in off his home, terrorizing the Zapata family for an hour in their home etc.

Our office has been seeking to rectify this incident for two months. However, we have been met with pure bureaucratic side stepping ~~and~~ by the local offices of I.N.S. and conduct tantamount to white washing by the Washington bureaucrats.

It would seem a most propitious moment to call on the aid of your good offices to seek redress of this ~~so~~ shocking incident.

The Zapatas have granted our office permission to ~~see~~ release the facts of this case to anyone that might help them hold those persons responsible - accountable.

We would like your office to do whatever is necessary in order to help the Zapatas, you have our permission and cooperation to do whatever is necessary to achieve that.

Sincerely,

Joe Seckelmann

JOE Seckelmann

Legal Law Student intern

Escondido Legal Clinic

J.D. Seckelmann

299-4720

Mr Zapata
1 - 28-5927



Committee on Chicano Rights, Inc

December 13, 1977

Senator Alan Cranston
815 E Street Room 103
San Diego, California 92101

Dear Senator:

Enclosed is a complaint by a Mr. Jose Zapata involving brutality against him and his family by U.S. border patrolmen. Mr. Zapata and his attorney have attempted to seek redress but have been unable to because of side stepping by local I.N.S. officials. It is for this reason that we are requesting an investigation by your office into this serious matter. We will be expecting a prompt reply on this matter.

Thank you,

Herman Baca
Chairman



Committee on Chicano Rights, Inc

December 13, 1977

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Immigration Naturalization Service
425 "I" Street
Washington, D.C. 20536

Commissioner:

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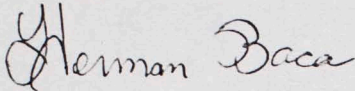
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Sinceramente,

Herman Baca

Herman Baca
Chairman

United States Senate

WASHINGTON, D.C. 20510

December 19, 1977

Herman Baca
Chairman, CCR, Inc.
1837 Highland Avenue
National City, Ca. 92050

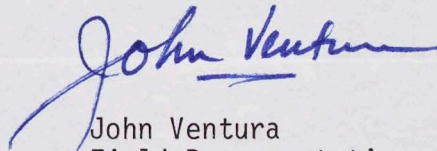
Re: Jose Zapata

Dear Mr. Baca:

This will acknowledge your undated letter transmitting a copy of Mr. Zapata's statement.

Before this office can initiate any action on Mr. Zapata's behalf, I will need more information from him. Consequently, I would appreciate it if you would ask Mr. Zapata to contact me directly.

Sincerely,



John Ventura
Field Representative
to Senator Hayakawa

JV/vb



FOR IMMEDIATE PRESS RELEASE

Enclosed is a statement from Mr. Jose Zapata (see enclosure A) alleging brutality against himself and his family by U.S. Border Patrolmen. Also enclosed is a letter to INS Commissioner Leonel Castillo (see enclosure B) and a letter (see enclosure C) to U.S. Senator Alan Cranston, U.S. Senator S.I. Hayakawa, U.S. Attorney Terry Knoepp, and the U.S. Federal Grand Jury requesting an investigation of this matter. For any further information call 474-8195.



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

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

WAB:dlj

December 19, 1977

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

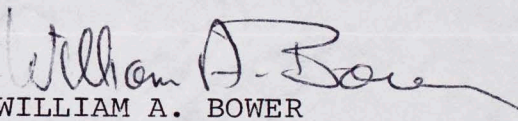
Re: Complaint by Jose Zapata

Dear Chairman Baca:

Mr. Zapata's complaint has been referred to the Federal Bureau of Investigation for investigation. You might suggest to Mr. Zapata that he personally make an appointment for an interview by the Federal Bureau of Investigation about this matter.

Yours truly,

TERRY J. KNOEPP
United States Attorney


WILLIAM A. BOWER
Assistant U. S. Attorney
Chief, Criminal Complaint Unit



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

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

WAB:img

January 4, 1978

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

Re: Complaint by Jose Zapata

Dear Mr. Baca:

The above-entitled matter is now under investigation by federal law enforcement officials. It is my understanding that Mr. Zapata has still not personally contacted the Federal Bureau of Investigation and at some point such contact may be necessary.

Would you please have Mr. Zapata make an appointment for an interview with the Federal Bureau of Investigation to discuss this matter.

Very truly yours,

MICHAEL H. WALSH
United States Attorney

WILLIAM A. BOWER
Assistant U. S. Attorney
Chief, Criminal Complaint Unit

Says not harassment

Border Patrol defends right to question

Controlling the illegal alien problem is impossible without questioning people, say Border Patrol Officials. And it is not harassment.

To Mexican-Americans' complaints of harassment by border patrolmen, Assistant Chief Patrol Agent Richard Jones responded, "There are people all over that complain.

"And it's not harassment. It just takes two seconds to check their papers."

HOWEVER, Mexican-Americans in the South Bay feel differently.

"It's interesting to know why border patrolmen stop people who are just walking on the street," said one local Mexican-American who wishes not to be named. "If they pick these people out of a group because they have brown skin or seem to be of Latin descent, then it's discriminatory.

"But if patrolmen think those people are involved in an accident or robbery, then there's probable cause to stop them."

Many Mexican-Americans who have lived in the South Bay for many years

feel their privacy has been invaded by "the watchdogs of the state."

CATALINA FLORES, 30, of San Ysidro, says San Ysidro is beset with a climate of fear because of the beefed up Border Patrol forces.

Local Mexican-Americans are insulted and made to feel like second-rate citizens, she says, because lifelong residents here are continually stopped for questioning by border police.

"It's just a fact of life that we're close to the border," said Jones, "and because of this, we've had to build up our forces.

"It will just be a matter of time before the group of new personnel becomes acquainted with the community and will recognize its citizens."

JONES believes the majority of local citizens is sympathetic toward the dilemma the Border Patrol now faces.

"It's a minority in terms of numbers who resent any questioning," he said.

Ruben Rubio, owner of Rubio's Little Mexico Restaurant in National City,

has heard of some troubles with Border Patrol among his people, but he said he has never had such experiences.

Rubio believes Mexican-Americans can avoid such hassles merely by being respectful toward a man in uniform.

"The first thing I always say to them is 'yes sir or no sir,'" he said.

JONES believes many stories of harassment of Mexican-Americans by Border Police "are hearsay rather than first-hand knowledge."

Like the story of Gama Puentes (see accompanying story), who was deported to Tijuana by a rookie border patrolman without being processed by immigration officials. The 15-year-old Puentes, a Southwest Junior High student, is undergoing naturalization and was here legally at the time of her deportation.

Rosa Puentes, Gama's mother, claims she sought aid from the Border Patrol when she heard her daughter was missing, but that they said they had no record of apprehending her and did not offer aid.

"We will surely investigate a case if

STARNEWS
1-5-78

a person makes a first-hand complaint," said Jones.

"We cannot deport a person without proper judicial backing because anything we do is subject to the laws of the United States. Any person we take into custody has to be processed."

Jones also said that those who are here illegally cannot be deported until they have received a special inquiry hearing before an immigration judge.

Puentes did not exercise these rights.

"Pending a hearing they can also be turned loose," he said, "and they can appeal to the appellate district court through the immigration people if they don't like the immigration court's decision."

JONES BELIEVES problems with alleged harassment could be solved if resident and visiting aliens carried the proper form of identification.

"What the state of California considers as proof isn't always so," he said.

"Like a driver's license. It just proves a right to drive in California. Anyone can get one because no proof of citizenship is required.

"And up until recently anyone could apply for a Social Security card.

"Documents such as these are used to make false claims of citizenship."

Resident or visiting aliens should carry proof of residence like the alien registration receipt card or green card, Jones said.

Other valid proof includes a non-resident alien border crossing card, which permits aliens to cross the border daily, or a birth certificate or proof of birth in the United States.

BUT Mexican-Americans who were born here and have lived here their entire lives resent being treated differently from other U.S. citizens.

"We should all remember that since 1820 there have been about 50 million immigrants, here," said a local Mexican-American.

"There is no one in this country that hasn't come from an immigrant stock, with the exception of the American Indian.

"And even they descended from a nomadic tribe."

United States Senate

WASHINGTON, D.C. 20510

OFFICIAL BUSINESS

Alan Cranston

U. S. S.

MR. HERMAN BACA, CHAIRMAN
COMMITTEE ON CHICANO RIGHTS, INC.
1837 HIGHLAND AVENUE
NATIONAL CITY, CA. 92050

S'west student had no papers to show

Kicked back across border: Teen's ordeal

By ROBIN AIHINI

Star-News Staff Writer

One of the most frightful days in 15-year old Gama Puente's life occurred only because she missed the South-west Junior High School bus one day.

Moments later she was alone, crying and penniless, at the southern edge of the U.S.-Mexico border without friend or relative.

GAMA'S nightmarish experience began as she walked toward a city bus stop. As a Mexican citizen, she was soon apprehended by a border patrolman who asked where she was headed and requested to see her immigration papers.

"Gama couldn't speak English so well because she only arrived in the United States in September," exclaimed Gama's mother, Rosa Puente. "So the border patrolmen told her to get in their car."

According to Puente, Gama told the men her immigration papers were with her mother at their 200 W. San Ysidro

Blvd. trailer home.

"But the men said it wasn't true, and they told her she was being taken to Mexico," said Puente. "She told them 'I have to tell my mother,' but they said that wasn't necessary."

"Then she told them that she had her school identification, but they said it wasn't worth anything."

UNDER LAW, aliens are required to carry proof of residence with an alien registration receipt card, otherwise known as "the green card," or with a non-resident alien border crossing card, known as "the visitor's permit" which gives aliens permission to cross daily.

Although Gama's mother, a U.S. citizen, has petitioned for her daughter's citizenship, her naturalization is still being processed.

If Gama had carried the required alien identification papers, as all resident or non-resident aliens older than 14 are required to, the incident might not have occurred, immigration

officials say.

But Gama was not even processed by the immigration office on her return to Mexico. She was merely "dumped in Tijuana," as one local official put it.

PUENTE, who works in the local fields as a farm laborer, did not learn her daughter was missing until that afternoon.

"I went to the Border Patrol station in San Ysidro and told them I was looking for my daughter, but they told me they had no reports on her," she said.

Assistant Border Patrol Chief Richard Jones confirmed this.

"Then I went to Immigration, and they told me she was probably playing hooky instead of being in school."

"But I said she was good in school and wouldn't do anything like that."

One of Puente's daughters then ran to the border, only to find Gama standing on the other side of the crossing, waiting to be rescued because she had no place else to go.

But with only several hundred yards between the two girls, Gama's sister was as helpless as she and could not save her.

Puente asked Immigration and Naturalization Service (INS) officials for permission to cross her daughter, but her request was refused because Gama was not a United States citizen.

"They didn't treat me like they should've," said Puente. "'Go home,' they said, 'we're busy.'"

THEN, a local agency which assists U.S. citizens and resident aliens and that wishes not to be named contacted the INS office and, saying Gama was its client, instructed border personnel to permit the young girl to enter the country.

Soon after, mother and daughter were reunited.

"She was crying when I found her," exclaimed Puente, "and was in a shocked state."

"Mexican border officers had been

✓ Please turn to back page, this section

Teen's ordeal: Kicked over border

(Continued from Page A-1)

asking her to go out with them. They said they had a lot of money and promised Gama a good time."

INS Supervisor Tom Acuna agrees the border patrolman who transported young Gama to Tijuana used poor judgment.

"Being a minor, he should've gone to her home to find out what documents she really had," said Acuna. "He also could've gone to the immigration office, where we have a record of her documents."

Acuna described the border patrolman as a young trainee who figured anyone without a document is illegal.

"And this case was the one out of a thousand which isn't followed through. There are very, very few cases like this one."

"Although the Border Patrol isn't under the jurisdiction of the INS, I apologized very deeply for them to Mrs. Puente and saw to it that she got her daughter back."

"I fixed everything up and explained it was all a mistake."

"We all make mistakes."

Starnews
1-5-78

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

PLEASE ADDRESS REPLY TO

OFFICE OF THE COMMISSIONER

JAN 12 1979

AND REFER TO THIS FILE NO.

CO 700-C

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

Dear Mr. Baca:

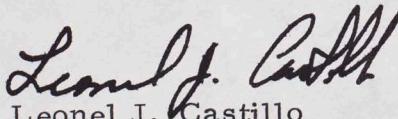
In reference to your letter of December 13, 1977, regarding the alleged abuse of the Jose Zapata family by agents of the U. S. Border Patrol. I assure you that I personally find the alleged acts as revolting as you do.

The acts set forth in the allegations of Mr. Zapata constitute possible criminal violations of the Civil Rights Act of 1968. The matter was referred to the Federal Bureau of Investigation, who in turn referred it to the Civil Rights Division of the U. S. Department of Justice for investigation and/or possible prosecution.

Rest assured that the results of their investigation will be furnished to this Service. For now INS must hold the matter in abeyance for the duration of the investigation initiated by the Department of Justice. When all available information including the Department of Justice investigation and any subsequent investigation undertaken by INS is gathered, I will personally review it and see that appropriate action is taken.

I wish to thank you for your interest in this matter of mutual concern.

Sincerely,


Leonel J. Castillo
Commissioner



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

PLEASE ADDRESS REPLY TO

OFFICE OF THE COMMISSIONER

JAN 12 1978

AND REFER TO THIS FILE NO.

CO 700-C

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

Dear Mr. Baca:

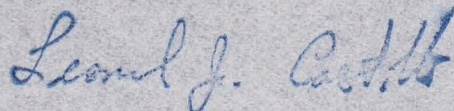
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I wish to thank you for your interest in this matter of mutual concern.

Sincerely,



Leonel J. Castillo
Commissioner

11/19/78

Dear Mr. Baca:

we wish to inform you of an important discovery we have happened upon concerning the Zapata case. Apparently Mr. Zapata has a record of arrest and conviction for transporting illegal alt aliens the details of this are as follows:

May 20, 1970 Mr Zapata and a Reynaldo Hernandez were arrested for transporting aliens and conspiracy to transport aliens. Mr. Hernandez and Mr. Zapata had separate trials. Mr. Hernandez pleaded not guilty but was found guilty by a jury on all counts. Mr. Zapata never showed up for his trial.

July 27, 1970 after not appearing for trial, a bench warrant was issued for the arrest of Mr. Zapata for not appearing for trial. the charge "bail jumping."

December 8, 1975 Mr. Zapata was arrested and tried for the 1970 charges. He entered a plea of guilty and was sentenced to on the count of transporting aliens (count #2) and was sentenced to 6 months in jail and 5 years probation.

September 30, 1976 Mr. Zapata was arrested for transporting an alien, a charge for which

(2)

he pleaded guilty and was sentenced to 30 days in jail.

These facts have caused us to seriously question the credibility of Mr. Zapata's complaint against D.N.S. Especially since Mr. Zapata was specifically asked the first day he came to our office (Sept. 21, 1977) if he had ever had any "problems" with the police or ~~F.N.S.~~ ^{F.N.S.} ~~authorities~~. Mr. Zapata replied "no, never".

However, in spite of these new facts we would still appreciate your office to proceed with an investigation into the matter. Even if the D.N.S. had full knowledge of Mr. Zapata's ~~background~~ ^{background} it gave the D.N.S. no legal reason to have the Zapata auto towed, strike the Zapata boy coils, use abusive ~~and~~ language, and harassment of the Zapatas, break into the Zapatas home without a search warrant. All these facts of the incident have been confirmed by the Mrs. Zapata and the Zapata children. ~~Obviously~~ there is no (at least as far as can be reasonably determined) ~~a~~ ^{an} credibility problem with these people.

- 100-111111, C.M.

We would like to caution you that with this new development the credibility of the entire incident is somewhat tarnished. Due to the fact that Mr. Zapata represented to us he never had any previous "problem" encounters with the police or I.D.S. when in fact he had a criminal record for smuggling illegal aliens.

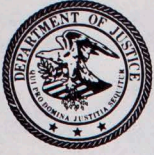
As far as our offices are concerned we are going to believe the story told by the Zapatas. The evidence strongly points in the direction that an incident did occur and the culpability lies with the I.D.S. officers. The eleven year old neighbor boy confirms that the officers were at the house acting in a loud and abusive manner, Mrs. Zapata and children confirm the whole story, Mesa towing and storage towed the Zapata automobile under the direction of the I.D.S. with these facts in mind we are therefore going to proceed to press for a full investigation and urge you and your offices to do the same.

Sincerely,

Joe Secheln

owner, a manager

Legal intern Law Student
Escondido Legal Clinic
Escondido, Cal.
101 W. 10th



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.
1-21-78

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

MHW:maj

January 20, 1978

Herman Baca, Chairman
Committee on Chicano Rights
1837 Highland Avenue
National City, California 92050

Dear Mr. Baca:

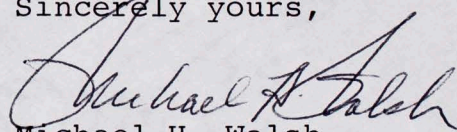
Thank you very much for your letter regarding the complaint of Mr. Jose Zapata, which was received in my former law office on December 19, 1977.

I would like to assure you that I am concerned whenever allegations of impropriety arise, and that I will always undertake to make an appropriate investigation to determine whether there is merit to such allegations.

I have caused this office to make inquiry into the matter and have been informed that an investigation is underway.

I will review the results of the investigation when it is completed and will at that time determine what, if any, action by this office is appropriate.

Sincerely yours,


Michael H. Walsh
United States Attorney



January 20, 1978

Leonel J. Castillo, Commissioner
UNITED STATES DEPARTMENT OF JUSTICE
Immigration and Naturalization Service
Washington D.C. 20536

Re: Complaint (CO-700-C)
Jose S. Zapata

Dear Commissioner,

We have received your letter dated January 12, 1978, in which you indicate that an investigation has been initiated regarding the Zapata case by the Federal Bureau of Investigation and the Civil Rights Division of the U.S. Department of Justice for investigation and or possible prosecution.

Enclosed is information forwarded to us by the Escondido Legal Clinic concerning Mr. Zapata's previous contacts with the Immigration and Naturalization Service. We have been assured by the Legal Clinic, who are representing the Zapata family, that the complaint filed with your office has been investigated and the incidents in their opinion are valid.

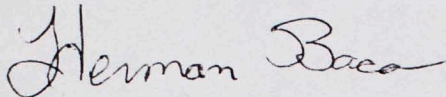
In forwarding this information to your office, we wish to state that our organization supports the Escondido Legal Clinics findings and we expect the investigation by your office and the above named agencies to continue so that the following allegations may be resolved:

- 1.) The confiscation of Mr. Zapatas vehicle.
- 2.) The breaking and entering of the Zapatas home without proper search warrant.
- 3.) and the harrassment and abuse suffered by the Zapata family.

UNITED STATES DEPARTMENT OF JUSTICE
Immigration and Naturalization Service
January 20, 1978
Page 2

Our organization will await for a copy of the results of the investigation and a report of any action the agencies will take. Also, if there are any questions regarding this matter, please feel free to contact us at 474-8195 or Mr. Joe Secklman of the Escondido Legal Clinic at 746-8641.

Yours Truly,

A handwritten signature in cursive script that reads "Herman Baca".

Herman Baca, Chairman

HB/cv

cc: Michael H. Walsh
U.S. Attorney
Jesse Ramirez, Director
Chicano Federation
J.D. Secklman
Escondido Legal Clinic
NEWS MEDIA

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

PLEASE ADDRESS REPLY TO

OFFICE OF THE COMMISSIONER

AND REFER TO THIS FILE NO.

CO 703.1001

DEC 19 1977 ✓

JAN 30 1978

Honorable Alan Cranston
Senate Office Building
Washington, DC 20510

Dear Senator Cranston:

This refers to your letter of November 18, 1977, with enclosure from Mr. Joe Seckelman, concerning alleged abuse of the Jose Zapata family by agents of the U. S. Border Patrol.

I received an identical letter directly from Mr. Seckelman and responded to it on November 16, 1977. As I advised Mr. Seckelman, I have asked my Regional Commissioner at San Pedro, California to look into this matter and to report his findings to me. I am awaiting his response. In addition, we have referred this allegation to the Federal Bureau of Investigation for their consideration of an investigation into possible violations of the Civil Rights Act of 1968.

I will be pleased to advise you further when I have additional information. Thank you for your interest in this matter of mutual concern.

Sincerely,

Leonel J. Castillo

Leonel J. Castillo
Commissioner

*Re your letter 12/13/77
arrived late*

*Helen Cannon
202-224-8122*

*2-14-78
Copy to Joe Seckelman*



STATEMENT BY JOSE ZAPATA

On September 17, 1977 at about 1:30 PM, my wife, myself and our four year old daughter were in downtown Fallbrook. My wife observed a young man in the custody of the U.S. Border Patrol who resembled our son, Carlos. I called out and it turned out to be our son. The immigration officers then demanded we park our car, which I did near the officers' two cars. As I got out of the car an "Anglo" officer struck me with an open hand and locked my hands behind me. At this point he had never asked for any identification or why he was treating me in such a manner. I told him, "I'm a U. S. citizen."

The officer released me and I showed him my original birth certificate. The officer then said, "This fucking thing won't work," and threw the certificate on the ground. My wife then produced a paper the U.S. Immigration Service had given me when we applied for her permanent resident status. (A voluntary departure letter for 12-6-77) The officer grabbed it from her hand and said, "This fucking thing won't work either." He then picked up my birth certificate and walked over to the patrol car. I might add these harsh words were said in front of my four year old daughter.

I then walked up to the patrol car and asked if I could go to my house and unlock the door because my children were coming home from school and they did not have a key to get in. The officer said I could go to my house but he and the other officers would follow me home. We all arrived at our house (860 Wisconsin Ave., Fallbrook, CA.) at the same time. Our kids were all waiting outside. I got out of the car and so did the officers, and unlocked the door and told the children to go inside. After the kids got inside the house I shut the door. The "Anglo" officer walked up to the door and shouted, "Who's in there?" and then kicked the door open with his foot breaking the door frame. The officer then entered the house and I followed. The officer started running through the house screaming at the children, "You fucking swine," and opening and slamming doors. Another officer entered about two minutes later, named Gonzales. He said, "Permit me to pass," and walked in. I never had time to respond to the officer Gonzales' question. Later a third officer entered.

The "Anglo" officer then asked, "Do your children have papers?" I didn't know what to say. I had been told by the Escondido clinic that my children were citizens by reason of my U.S. citizenship. I showed the officer the calling card of the Clinic with the name of an attorney on it. The "Anglo" officer tore it up and said, "This man is a charlatan." The officers then brought my son Carlos in the house and said, "This doesn't look like your fucking son. He looks like the milk man's son." The officers questioned various children, always using filthy language and shouting at them.

I was showing the officers pictures of my son Carlos to prove he was my son, because they would not believe it. My wife called the Legal Clinic and gave the phone to one of the officers. After a conversation with the attorney there the officers said, "Well, maybe he is your son and maybe you are a citizen", and left in a quiet manner as if nothing had ever happened.

Jose Zapata

UNITED STATES DEPARTMENT OF JUSTICE
IMMIGRATION AND NATURALIZATION SERVICE

RECORD OF SWORN STATEMENT

Office: Central Office, Office of Professional
Integrity

File No.: CHU-178

Statement by: MARIA ZAPATA

In the Case of: JOSE ZAPATA

At: Escondido, California

Date: February 21, 1978

Before: AMOS L. EDENS, Investigator

In the Spanish language. Interpreter: THOMAS PAGE

Miss Zapata you're advised that I am an officer of the United States Immigration and Naturalization Service, authorized by law to administer oaths and take testimony in connection with the enforcement of the Immigration and Nationality laws of the United States and internal administrative matters. I desire to take your sworn statement regarding your knowledge of what happened at your house on or about September 16, 1977 when officers of the Border Patrol were there.

Q. Any statement you make must be freely and voluntarily given. Anything that you say can be used in administrative or court proceedings. Are you willing to give me a statement at this time?

A. Yes, I am willing.

Q. Do you wish to have anyone present to advise you during this, this statement?

A. No, not if it's not necessary.

Q. There are two gentlemen here, Mr. Seckelman and Mr. Hawkins. Do you wish either one of these or both of these gentlemen present?

A. The two of them present please.

Q. Do you speak English?

A. No.

Q. Would you stand and raise your right hand please. Do you swear that the statement you are about to make will be the truth, the whole truth and nothing but the truth, so help you God?

A. Yes, I swear.

Q. Be seated. Miss Zapata, do you recall the time several months ago in September of last year when Border Patrol officers came to your house?

A. Yes, I remember it.

Q. & A. statement of MARIA ZAPATA (cont'd)
In re: ZAPATA, JOSE; CHU-173

Q. And can you tell me what happened that day?

A. We were outside the house waiting for our mother and father to come home and my father arrived and we thought he was on his own, but he was followed by Agents of the Border Patrol. My father opened the door and we all went in and he said that nothing had happened. As we went inside we started to prepare something to eat and when we had given the small children something to eat, my father came in with some Border Patrol Agents and then my father said not to be frightened, but just go on eating. We started to eat and some of the girls started to cry and my mother said there's nothing happening at all, and then another official, a light colored man, I don't know who he was, and he came in and started to open the doors to all the rooms, bedrooms, washroom and then he went into where my father was. Then this man, the border official went out and we closed the door, and we didn't, we had closed the door but we didn't lock it and then the light colored official came back, accompanied by two other officials. I heard them knocking on the door and then this border officer came in and he shouted at him, and said where's your father. He came in and shouted at my mother, where is your husband and got upset (inaudible) talk to my mother like that. I told him that my father was in the last room down on the left, and then I heard them say, excuse the word, but we were just alot of Mexican dogs and other things like that, and my father came and said everything's alright, nothings happening. Then this man went and they spoke on the telephone. Then they started to talk and they talked and then they asked my father for, they excused themselves from my father, but this Border Patrol officer, the light colored one, he behaved very badly and he used abusive language. That's all that I remember.

Q. What kind of language did he use?

A. They said you Mexican so-and-so's, you have no papers and you no right to be here, and while he was outside and we were inside, I heard him say to my father that he wasn't registered and that his birth documents were no good, and my father got angry and said, yes it's true that he was born here, and the officer said to my father, don't get angry like that, because if you do we can arrest you, and my father said, I'm telling you the truth. If you don't believe just take me away, and I've already related to you what happened and afterwards they said it was okay and they let my brother stay at home.

Q. When the officer told your father outside that his paper wasn't any good, how did he say it?

A. Now these papers are no good. You're not registered. He said these papers are no good to you sir, you are not registered.

Q. Where were you in the house during the time the officers were there?

A. When I told you about the question about the identification papers?

Q. & A. statement of MARIA ZAPATA (cont'd)
In re: ZAPATA, MARIA; CIU-178

Q. No, during all the time the officers were there in the house, where were you?

A. In the dining room.

Q. And is the dining room right next to the living room?

A. Yes.

Q. And can you see the front door from the dining room?

A. Yes.

Q. And when the officers entered, how did they, you say you heard them knock on the door and then what happened?

A. That was when the light colored Border Patrol officer came in and shouted at my mother, where is your husband.

Q. And were there any other Border Patrol Agents in the house at that time?

A. Yes, two others were there already.

Q. Two others were already in the house?

A. Yes, they were on the telephone.

Q. And how, when the officer knocked on the door and entered, did anyone tell him to come in?

A. No.

Q. Did he open the door himself?

A. He first knocked on the door and then he entered and that was when he shouted at my mother.

Q. And did he go back outside then?

A. Yes.

Q. And did he come in again?

A. After he shouted at my mother they all left, and then they came in again later.

Q. They all came in together later?

A. No, they just came slightly into the living room to tell my father that his son was there, and that they were leaving.

Q. Then how many times did the Anglo officer or blond officer enter the house?

A. He came in three times in all.

Q. & A. statement of MARIA ZAPATA (cont'd)
In re: ZAPATA, JOSE; CHU-178

Q. And what happened the first time he came in?

A. The three of them came in at first and said they said to my father they wanted to talk on the telephone. The light colored gentleman left, and then he asked for permission to come in and we gave him permission, but the light colored officer came in kicking the door down.

Q. What do you mean by kicking the door down?

A. Knocking hard on it, knocking it down.

Q. When you say they knocked on the door or knocked down the door, would you demonstrate for us please?

A. I'm pretending to be the officer, I'm outside. I knock on the door and push on the door so it will open.

Q. Did you see the doorknob being turned?

A. No, I saw it afterward and then he came in.

Q. You saw the doorknob turn before he came in?

A. Yes, but first he knocked on it.

Q. But I want to make sure if I understand correctly, the doorknob was turned before he came in?

A. No.

Q. Then I must have understood. When was the doorknob turned?

A. When he first knocked on the door and he wants to force the door in and then he used the door handle and came in, turned it and came in.

Q. Then he did not break the door down, or break the door in, is that correct?

A. Well, he was trying to open the door without turning the door handle and then he found the door handle and turned it and came in.

Q. Is it possible that the door was stuck?

A. No, you have to open the door the proper way otherwise it won't open. In addition to the previous statement by Miss Zapata, when the Border Patrol officer was trying to open, the door was moving but it wouldn't open.

Q. But I want to clarify the part, one part that you said, that before he actually came in the door, he turned the knob, he finally turned the knob and entered, is that correct?

A. First of all he knocked at the door, knocked on it, and then he turned the door handle after he had been knocking on the door.

Q. With how much force was he knocking on the door?

A. He was very angry and he was trying just to force the door in.

Q. & A. statement of MARIA ZAPATA (cont'd)
In re: ZAPATA, JOSE; CHU-178

Q. But he was not successful in forcing the door is that correct?

A. No, I think that he probably realized afterwards he has to turn the handle to open the door.

Q. Was he, he had been in the house before and he had left and then was coming back again when this happened, is that correct?

A. First the three of them entered, then the light colored gentleman left. When the light colored gentleman was returning this was when he hammered at the door, knocked at the door with force.

Q. Then he was returning to the area where his two fellow officers were inside the house, is that correct?

A. That's right.

Q. Do you know why he went outside?

A. No, I don't know.

Q. Getting back to the bad words that were used. Did any of the officers use any bad words directly to you?

A. Of the other two that came in, I don't remember if there were two, it would be light colored officer that did say that.

Q. Did say what?

A. These so-and-so Mexican dogs have no papers and they have no right to be here.

Q. Was he talking to the other officers when he said that?

A. I was watching where he was going, he was going, going through saying that. Then he went over to where the telephone was, to the other officers were.

Q. Well, who was he talking to? Was he talking to himself?

A. Yes, perhaps he was just going around there saying so that we would all hear what he was saying.

Q. Did you see any of the officers mistreat any, physically mistreat any of the family while they were at the house?

A. While I was inside I didn't see them physically mistreating any of my brothers, but they were shouting at my father. Yeah, they did mistreat him by saying things to him.

Q. I'm speaking of physically?

A. I didn't see any physical abuse but I did see them and hear them shouting at him, telling him he had no right to be here.

Q. Did you, Miss Zapata, did you hear any words said other than the ones that you've already related?

A. No, I only saw that gentleman who was very angry saying those words.

Q. & A. statement of MARIA ZAPATA (cont'd)
In re: ZAPATA, JOSE; CHU-178

Q. What were the words that he used?

A. The so-and-so Mexican girls they have no right to be here that's what I heard. My little sisters were very frightened and they asked them if they were going to take Carlos away, they were very frightened.

Q. Did, was the Anglo officer the only one that was conducting himself in this manner?

A. Yes, he's the only.

Q. Did the other two officers conduct themselves in a, conduct themselves the way you think officers should have conducted themselves?

A. Yes, the other two officers behaved well and they treated us like people should be treated.

Q. Do you have anything further you'd like to add to this statement Miss Zapata?

A. No, just say what I think.

Q. I have one more question. Do you, were you present the night that Lopez, a Mr. Lopez came over to the house to sign this paper?

A. Yes, yes the three of them signed it. This Mr. Lopez and my two brothers.

Q. Did anyone explain what this said before they, before Mr. Lopez signed it?

A. They explained everything to him.

Q. And what did he say?

A. He said yes, okay, he'd sign because that was the truth.

Q. Did he protest that that wasn't his name?

A. I don't know what his name is. He said that wasn't his real name, I don't remember what his real name was. He had to sign his name here, the way it appeared on there.

Q. Who told him to do that?

A. That he should sign like that?

Q. To sign his name that way?

A. He signed this because that's the way he wanted to sign it, when they caught my brother, that he signed his name this way because that was the name on his papers when the Immigration caught him. Because if he gave another name they wouldn't even know who he was.

Q. Yeah, but that night, did he say that that was not his name?

A. Yes.

Q. & A. statement of MARIA ZAPATA (cont'd)
In re: ZAPATA, JOSE; CHU-178

- Q. Who did he tell that to?
- A. I don't remember very well when he signed it. He said to Daniel, he told this to Mr. Daniel, but I didn't pay much attention I was watching television.
- Q. By Mr. Daniel, are you speaking of Mr. Seckelman?
- A. Yes.
- Q. And what did Mr. Seckelman say?
- A. I don't remember what he said to him. I was watching television.
- Q. Do you know if he told him before he signed it or after he signed it?
- A. I don't remember very well. He explained everything to him and then he signed it. He had to sign it because that was happening.
- Q. Was any pressure put on Mr. Lopez to sign that?
- A. No. My father went for him and told him, Jorge if you want to sign this it's got to be true, but if it's not true what is said in the paper, don't sign it.
- Q. What other members of the family, what other children were with you in the dining room during the time that they were coming and going, the officers?
- A. All of the, my brothers and sisters except the one that's in high school.
- Q. Do you have anything further you'd like to add to this statement then Miss Zapata?
- A. No, I've, I don't want to add anything further. I've said all that I know to be true.
- Q. You're aware that this has been recorded, tape recorded, are you willing to sign it providing, after it's typed, providing it is a true transcript of the tape made today?
- A. Yes, I remember, yes, I'm willing to sign the transcription.

STATEMENT CONCLUDED

C E R T I F I C A T I O N

This is to certify that the preceding seven pages are a true, accurate, and complete transcription of the cassette tape recording of the sworn statement of MARIA ZAPATA, given before Investigator AMOS L. EDENS at Escondido, California on February 21, 1978.

Cheryl McKinney
Cheryl McKinney March 16, 1978
Clerk-Steno

UNITED STATES DEPARTMENT OF JUSTICE
IMMIGRATION AND NATURALIZATION SERVICE
RECORD OF SWORN STATEMENT

Office: Washington, D.C.

File: CHU-178

Statement by: Jose Zapata

Date: February 21, 1978

In the Case of: Jose Zapata

At: Escondido, CA

Before: Amos L. Edens, Investigator

In the Spanish language. Interpreter, Thomas Page.

Mr. Zapata, you are advised that I am an officer of the United States Immigration and Naturalization Service authorized by law to administer oaths and take testimony in connection with the enforcement of the Immigration and Nationality laws of the United States and internal administrative matters.

I desire to take your sworn statement regarding a complaint that you have made against members of the Border Patrol, arising out of an incident on or about September the 16th, 1977 near Fallbrook, California.

Before we ask you any questions you must understand your rights. You have the right to remain silent. Anything you say can be used against you in court or in any immigration or administrative proceeding. You have the right to talk to a lawyer for advice before we ask you any questions and to have him with you during questioning. If you decide to answer questions now without a lawyer present you will still have the right to stop answering at any time. You also have the right to stop answering at any time until you talk to a lawyer.

A. Agreed.

Q. Do you wish to have a lawyer or any other person present to advise you?

A. Yes, certainly.

Q. Do you have a lawyer with you today to represent you?

A. These two gentlemen present, yes.

Q. For the record, the respondent is indicating Attorney Murray Hawkins, who has submitted Form G-28 in this case. Are you willing to answer my questions at this time?

A. Yes.

Q. & A. Statement of JOSE ZAPATA (cont'd)
In re: ZAPATA, JOSE; CHU-178

Q. Would you stand and raise your right hand, please? Do you swear that all the statements that you are about to make will be the truth, the whole truth and nothing but the truth, so help you God?

A. Yes sir, I swear.

Q. Be seated. For the record, would you state your full, true and correct name?

A. Jose Salvador Zapata.

Q. And where and when were you born?

A. On the 17th of August 1932 in San Antonio, Texas.

Q. And where do you presently reside?

A. In Fallbrook.

Q. Do you have any children?

A. Ten children.

Q. Would you name them please?

A. Carlos Zapata, Victor Zapata, Maria Zapata, Miguel Zapata, Jose Umberto Zapata, Leticia Zapata, Lydia Zapata, Amparo Zapata, ~~Jianita~~ Zapata, Jorge Zapata.

Q. Mr. Zapata, I now show you a sworn statement...correction, a statement which is not sworn to but signed by you in which you made certain allegations of complaint against members...against unnamed members of the Border Patrol. Do you recognize this statement?

A. Yes, certainly. Yes, that's the way it is, I made that statement.

Q. And that is your signature?

A. Yes, that's my signature.

Q. If you don't mind I would like to refer to this statement and attempt to clarify or elaborate on the different complaints that you have made therein. You apparently repeatedly refer to an "Anglo" officer. Do you have a complaint against more than one officer or just the one Anglo officer?

A. Three of them entered my house, but one of them caused damage in the house and insulted my children and he treated me like a pig. It was the Anglo-American Border Patrolman who called me a pig.

Q. Then exactly what is your complaint against the other two officers?

A. The exact complaint is that there was a mistake also against the Mexican gentleman.

Q. A mistake?

A. It was a mistake but not as big as the mistake that the Anglo-American man committed.

Q. What mistake was that?

A. (Answer not translated).

Q. I think the question was misunderstood. What I'm speaking of...what mistake was that by the one that you say did not make as serious a mistake as the Anglo?

A. No, the mistake was when they asked my identification papers, one of the patrolmen was at the radio and he got out of the car and he said no, don't start that, don't go into that, without even seeing my papers.

Q. Who was that? Was that the Mexican-American officer?

A. The Mexican from Texas. That's all about him. There's another man. He came into the house, but he didn't do anything. No, he just told us in English that they were just checking the place and that we were alright. The last one of them.

Q. I'll ask you again. Do you have a complaint against the other two officers, other than the Anglo?

A. The big mistake...the most serious error was against what the Anglo-American officer did and I consider it unjust either in this country or any other country.

Q. The reason I ask you these questions, Mr. Zapata, is to try to clarify whether or not we should discuss what all of the officers did or concentrate on what the Anglo officer did. Or I should say, allegedly did. Exactly where were you when you first encountered the Border Patrol?

A. I was coming to Escondido with my wife to the Unemployment Office. When I arrived in Fallbrook and I was passing through the center of Fallbrook and I saw that they were taking away my son in one of those Immigration cars. My wife said, look see where Carlos is and then I stopped. I asked him, Carlos, what happened? While I was saying this two Immigration officials came out and said, you're the one we want to see. Stand over there and in front of a park where there were a lot of cars. I go over and I stand there in front, they changed and then the first one who got down was the Anglo-American.

Q. When you first arrived there to talk to your...and was talking to your son, was he outside of the car or inside?

A. He was inside.

Q. & A. Statement of JOSE ZAPATA (cont'd)

In re: ZAPATA, JOSE; CHU-178

Q. And what was he doing?

A. No, he wasn't doing anything. He couldn't have. He was locked up inside.

Q. Was he drinking anything?

A. No, he was coming from work.

Q. When you first encountered the Border Patrol, were they moving or were they stopped?

A. They were stopped outside McDonald's, that's why they told me to stop there opposite.

Q. And what were they doing at McDonald's?

A. They were minding them. They were there when I came and I didn't know what they were doing. When I arrived, when I asked Carlos what's happened, at that moment the two of them came out and I didn't look to see what they were doing.

Q. Do you recall whether they were drinking anything or not, a soft drink of any kind?

A. I didn't look to see what they were doing. I don't know what they were doing.

Q. When you approached the Border Patrol vehicle, you were on foot, is that correct?

A. No, I had parked my car and I went over on foot to where they had Carlos.

Q. Then what happened?

A. And I said that to him. Two men came out, two officials, and said you are the one that we've been looking for. Stand over there.

Q. They didn't talk to you right there, is that correct?

A. No, no they spoke me where I had brought the car over to.

Q. And after they had started speaking to you or after you moved to the other place they told you...they asked you to move to, what happened then?

A. The Border Patrol also moved over to that parking area. One of them picks up the radio, because I saw that. The Anglo-American got out and he says to me, where are you...where are you from. I said from San Antonio, Texas. They...he just said that to me, he didn't ask to see any identification. He tried to hit me this way. I jumped backwards. Afterwards he just stood there for awhile and then he said, let's see your identification.

Q. & A. Statement of JOSE ZAPATA (cont'd)
In re: ZAPATA, JOSE; CHU-178

Q. For what reason would he have tried to hit you at that point?

A. That's what I'm asking. Why would he do it?

Q. Were you arguing with him or anything?

A. No, they didn't give me time to argue.

Q. And what happened then?

A. Then I gave them the identification papers, but he didn't look at anything. He said that shits doesn't count, you are not on file and he threw it on the ground. I want to clarify...I want to clarify that this is exactly how it happened. I know that they are never going to accept that but you are asking me and I am telling you exactly what happened to me.

Q. What happened then?

A. He got out of the car, the other one, the Mexican official. The Mexican border officer said to me, don't get like that because we can arrest you and you have the right to remain silent and you can get a lawyer for yourself. But neither of them had examined my identification papers.

Q. You indicated that the one Anglo officer hit you?

A. He tried to hit me.

Q. Oh, he tried to hit you?

A. No, because I put my hand this way and he couldn't hit me, but he tried to hit me.

Q. Could you demonstrate exactly what he did?

A. The car was here and the roadway is here. This is the driver, Gonzalez, on the radio. This one jumps out running. He says to me where are you from and he swings at me like this and then I put my hand up like this and I jump backwards. I want to clarify that all three of them arranged this so that they would have no witnesses against them and this is what happened to me. My little daughter, 4-years old, and my daughter were there crying.

Q. Did the officer's hand actually make contact with you?

A. Yes, it made contact with this hand that I raised to protect myself.

Q. Were you running at that time?

A. How could I be running? I just got out of the car and I didn't know what was going to happen. It simply...it must seem incredible even to you.

Q. & A. Statement of JOSE ZAPATA (cont'd)
In re: ZAPATA, JOSE; CHU-178

- Q. Is it possible that the officer may have been making a gesture with his hand that you took for an attempt to hit you?
- A. No, we're old enough and we're not that ignorant that we don't understand what a person is going to do. We don't have very much education but we're quite well aware of what goes on.
- Q. You stated, I believe, that the officer's hand made contact with you. Was it with any type of force?
- A. No, it was more like a slap. But it doesn't matter. I consider that he was going to hit me.
- Q. Did you make any statement during that time that you were going to force the Border Patrol to arrest you?
- A. I said no and Gonzalez the Mexican said to me, when the Mexican official, Gonzalez, said to me, you know, you have the right to a lawyer and all that. I asked him, are you going to arrest me and then I said to my wife, come and let us get on with the Border Patrol, otherwise they are going to arrest us and then Gonzalez said, be a little calm and just wait for a moment and then I said to him, please sir, I have got to go and open the house because my children were coming out of school. He said that's alright but we're going to follow behind you and they came behind me.
- Q. When you saw Carlos in the Border Patrol vehicle, did you become excited?
- A. Not really frightened but I know how they are and I know how they treat people. I became rather nervous.
- Q. Were you in any way belligerent with the Border Patrol?
- A. No, I don't feel like fighting with anybody because I have enough to do fighting my children.
- Q. Were you belligerent in the sense of being argumentive with the Border Patrol?
- A. No, they were the ones that were belligerent and they were the ones that wanted to have an argument with somebody.
- Q. Now, you say that the officer put his arm up...or hand up and made contact with your arm which you had put up to defend yourself, is that correct?
- A. No, he not only raised his arm but he actually flung his arm out towards me.

Q. & A. Statement of JOSE ZAPATA (cont'd)
In re: ZAPATA, JOSE; CHU-178

Q. And is that all that he did?

A. That's all because he stepped back and then he reacted to what had happened. That was when he asked to see my identification papers. And it was afterward then when he took it from me, he threw it on the ground.

Q. But he did not use any physical force on you after making contact with his hand?

A. No, only words, pretty words for him to I think.

Q. And did you do anything to this officer?

A. What could I do to him?

Q. You didn't do anything at all to him?

A. I didn't do anything, I didn't say anything because we're not used to treating people like that. He should know exactly what he did.

Q. Well, I'm asking you. I'm wanting to know from you and I expect you know, that if that's all he did, that's all you should say, right? You indicated that when you handed him your papers he made some uncomplimentary remark. What was that remark again?

A. No, there was no uncomplimentary remark he just took the papers from me and flung them on the ground and he said to me, you're not from Texas, you're just a pig he said and you're not from Texas at all. Don't give me that.

Q. What did he say about your papers?

A. That was when Gonzalez got out of the car and Gonzalez bent down, picked up my wallets off the ground and gave it back to me. He didn't look at it and he says to me, you have a right to a lawyer and other search warrants.

Q. You say your wallet off of the ground. You say, I think you said you handed him your papers?

A. When he got out of the car, the first one, the Anglo-American officer, he was the one that asked me for the papers and then he wanted to hit me because Gonzalez was at the radio.

Q. Then what did the Anglo officer say about your papers?

A. No, he didn't say nothing to me, he said, you asshole, he said you're not even registered and he threw it on the ground. My wife was there and he pulled the permit out of our hand and said, this piece of shit is no good and threw it on the ground. ----- Referring to the word, chingadera, when the interpreter said, the Border Patrolman said that this piece of shit is no good and threw on the ground, it would be better translated by, this fucking thing is no use and then he threw it on the ground.

Q. & A. Statement of JOSE ZAPATA (cont'd)

In re: ZAPATA, JOSE; CHU-178

Q. He threw the paper or your wallet?

A. It was my wallet. He did not throw my wife's permit on the ground, he snatched it out of her hand and made off with it. Up and down he was walking.

Q. Mr. Zapata, you have testified about this matter on two other occasions. One is your statement that I am referring to now, another is a statement that you gave to an Investigator of the Immigration Service earlier, and in each instance you have changed your testimony somewhat and that's why I'm asking you...I have asked you several times today to tell me exactly what happened and whether or not the officer touched you on more than one occasion or touched you more than just the one time with his hand. You testified before, on one other occasion, that the officer locked your hands behind you then you testified on another occasion that the officer locked your hands behind you and you kicked him. What do you have to say to this discrepancy?

A. I didn't say that he locked my hands behind my back, I said that he tried to lock my hands behind my back, that was his intention. When I jumped back he couldn't possibly lock my hands behind my back. That's when he reacted and didn't move. I never said that...I did not say that he ~~locked~~ my hands behind my back but that that was his intention.

Q. What did the officer say when he took the birth certificate of your wife? Correction...when he took the paper, the Immigration paper, from your wife?

A. No, he kept it in his hand and he said, this fuckin' thing is no good. He went over to the car radio and then he walked up and down. There's a detail which I haven't mentioned to either of the attorneys. If you want to do a real investigation, I'm not going to say it but why don't you ask this Anglo-American asshole what he said to my daughter. And I've never said it to anyone, not even my attorneys. Let's see what he'll say to you.

Q. Is that the type of language that you were using to the officer?

A. I never use any other. It's not very correct, but that's my way of speaking. I can't use words like chingaditas, fucking things, because my children were there. Because if I get into a habit of using words like that, they'd come out through my family.

Q. & A. Statement of JOSE ZAPATA (cont'd)
In re: ZAPATA, JOSE; CHU-178

Q. You indicated in your previous statement, that the officers followed you to your home?

A. That's the way it was, yes.

Q. And what happened when you arrived there?

A. I stopped, I went to open the door for my children, go inside, I told my children don't worry about anything. I closed the door again. That was when the other fellow got out immediately and that's what happened cuz they were all waiting for me there, my children, cuz the door was locked, cuz I had come here to Escondido.

Q. Who went in the house first?

A. The children, my children.

Q. Okay, who went in next?

A. Gonzalez was the first one, the Mexican officer.

Q. Why did he go in?

A. I didn't know what to do and I'd locked the door. That's when the second fellow, the Anglo-American officer went into the house...he didn't open the door, he knocked it down.

Q. Where were you when this happened?

A. There at the door.

Q. And where was the Mexican-American officer?

A. He had already gone in.

Q. And why did he go in?

A. Now you'd have to ask him that.

Q. Did you open the door for agent Gonzalez?

A. Yes, to him. I let him in. He said Mr. Gonzalez wasn't wrong, he just said, may I have your permission. Gonzalez never used a bad word.

Q. And for what reason did Gonzalez go in the house?

A. I'm asking you now, why did the other three go in, or the other two, I should say. Why did they open all the doors in the rooms, in the bathrooms, for what reason.

Q. Would you like to answer my question?

A. I don't know why he went in. He was already inside when I spoke to this gentleman, indicating the attorney. Gonzalez was already inside.

Q. & A. Statement of JOSE ZAPATA (cont'd)
In re: ZAPATA, JOSE; CHU-178

Q. Had he gone inside to answer the telephone to talk to the attorney?
A. No, Gonzalez had already gone into the house before I spoke to this gentleman. My wife called this gentleman.

Q. Is it correct that you opened the door for Agent Gonzalez...and he entered, then where were you, in the inside of the house or on the outside of the house? And at that time did you...and at that time where was the Anglo officer?

A. Here outside.

Q. How far outside?

A. I cannot say how far. I'd like to see you people in a position like we were in at that time, being able to answer questions like this, to be able to give exact answers.

Q. Was he near the house or was he in the car or where, do you recall?

A. It's possible he was about, he was near their car, possibly.

Q. Then did you close the door?

A. As soon as Gonzalez went in I closed the door so the others couldn't get in. I already signalled to my wife to make a telephone call. ~~That was the reason Gonzalez answered the telephone, but afterwards the other fellow came.~~

Q. And where were you when the other fellow came?

A. Inside.

Q. In the living room or in the bedroom or where?

A. I was near the dining room, with my children.

Q. And were all your children in the house at that time?

A. Only one, Miguel, was at high school. He was the one that wasn't there.

Q. And where were you...is this where you were then when the Anglo officer entered the house?

A. I wish I knew, I don't want to lie, I should...I was probably inside. Or I might've been outside. I was so terribly upset at that moment, not fear. I simply feared for my children, that's all. It's quite impossible for a man in this hearing to state exactly what happened.

Q. I'm not asking you to do that, Mr. Zapata, I'm only asking for your recollection. Did you see the Anglo officer enter the door?

A. I heard knocking but I couldn't say whether he was inside or outside. I was very upset at the time. I didn't know what to do, who to turn to, turn to the police, it's just the same. I wanted to see somebody of those who lived there because to call the police for something that the Immigration is doing, nothing.

Q. & A. Statement of JOSE ZAPATA (cont'd)

In re: ZAPATA, JOSE; CHU-178

Q. The question was, Mr. Zapata, did you see the Anglo officer enter the door?

A. Yes, he came in the door.

Q. The question was, did you see him come in the door?

A. No. My wife, yes. Yes, because she was outside with my daughter.

Q. I believe you just said a minute ago that you heard knocking on the door?

A. It could've been him knocking on the door or it could've been Gonzalez knocking on the beds because he was already in there, cuz Gonzalez was already inside the house.

Q. When I asked the question or reminded you that you indicated that you heard someone knocking on the door, I would like to clarify the interpretation. What I meant by that is not somebody banging on the door, but merely knocking on the door in a normal manner?

A. No, it was something very strong it wasn't just a light knocking. The door wasn't broken, but the lock on it was. The door was closed but not locked and there was no need to kick it or to push it in.

Q. How do you know the door was kicked or pushed?

A. Anybody'd know. Since the lock was broken...

Q. You indicated Mr. Zapata, that the door was not broken but the lock was, is that correct?

A. The knocks must've been very, very hard because it was the lock on the door that was broken.

Q. When you say lock, are you talking about the metal face plate that fits on the facing of the door?

A. What came out was this metal piece here. This was the metal piece that came out...

Q. Just explain.

A. Mr. Zapata's answer...it's a, the striker plate came out, therefore, the knocks on the door must've been very, very strong and the door was cracked up to about a height of about three feet on the side.

Q. Was that striker plate loose before that?

A. The door closed properly and opened properly. To find that out, you'd have to go to the person who rents us the house. We haven't told him anything, because otherwise he'd make us pay for it to have it repaired. Yes, it was in good condition.

Q. & A. Statement of JOSE ZAPATA (cont'd)

In re: ZAPATA, JOSE; CHU-178

- Q. Then what you said, I believe, is that you did not see the Anglo officer enter the door?
- A. It's possible and it's not possible. Only my wife knows because she was outside with my little daughter who was crying. I know only one thing. They came in and they were inside.
- Q. Did anybody ever demonstrate to you or show you how they broke in the door?
- A. Who would show me, because the door wouldn't close afterwards. It does close, but it won't lock.
- Q. Then I ask you, Mr. Zapata, how could you demonstrate to me, the investigator, when I was at your house, exactly how the officer put his foot on the door and kicked it and thereafter put his shoulder to the door and forced it, if you did not even see this happen or no one even told you about it?
- A. Why couldn't it have been like that? Because the door won't close afterwards. No, he said why couldn't it have been like that because...
- Q. It's not a matter of why couldn't it have been like that, Mr. Zapata, as a matter of fact you demonstrated to me exactly how the officer did it, leading me to believe that you were an eye witness on the outside of the house?
- A. I don't know whether I was inside or outside and after...during another investigation two years later, how can I know? I work. I have just come from...I have just come from gathering lemons and I have children, six months have gone by. What I do remember is that they called my children and myself pigs and asshole and with all the problems I have got with my family, money problems, I can't keep thinking or remembering how these things happened exactly and I don't keep recalling what happened to come here with steady testimony.
- Q. You indicated, Mr. Zapata, that the officers questioned your children. What sort of questions were they asking the children?
- A. What they told me is one thing, as for Carlos and Victor, they are the only ones that know because I wasn't with them. I know what they told me, my children. They are the only ones that know and they are the only ones that can tell you. I don't know. I wasn't with them until the moment I saw Carlos.
- Q. But I'm speaking of your small children at home.
- A. They didn't ask them questions.

Q. Did they in any way molest the children?

A. No, they were frightened by the behavior of the Anglo-American officer.

Q. And what behaviour is that?

A. My children were frightened when the Anglo-American officer came and started opening the doors of all the rooms, bedrooms, washrooms and then he sat down on the table where they were. That's why they were frightened but he didn't ask them any questions.

Q. He didn't talk to them at all?

A. No, not with the children, not at all. He was the only one that was talking, calling us assholes and so on. Looking at the rooms and saying pigs and what's here but they didn't ask any of my children any questions.

Q. Did any of the officers make any disparaging remarks about your attorney?

A. He told me that the lawyer was a charlatan. Your son is an asshole and that lawyer is a charlatan, that's what he said.

Q. What does charlatan mean?

A. A charlatan is a man who is tricky and he deceives the people.

Q. And you're positive that that's the exact word that he used?

A. I'm quite willing to have a lie detector test to prove to you I'm telling the truth. He not only said the word charlatan once, he said it several times and I'm certain of it.

Q. Do you use the word? Is that a word that is commonly used in Spanish? Do you use that word very much?

A. It's not used very often. I don't hear it very often, but he did use it and it's used by a man who don't know anything at all.

Q. You have indicated in your previous statements that the officers did not think that Carlos was your son. Did they say anything... what were their comments concerning this...or, yes what were their comments or the person...the agent's comment?

A. On the wrong side they sat down on the bed, the two of them, one of them always remained standing and silent. I took out the photographs of Carlos. I showed them the photographs and said look, this is my son. He has a boxing belt. He was a champion at one time, amateur, in Mexico. I showed them to them. I showed them everything, all to no avail.

Q. & A. Statement of JOSE ZAPATA (cont'd)

In re: ZAPATA, JOSE; CHU-178

Q. Is that all that was said?

A. No, they said he wasn't my son.

Q. Did they say why they suspected this?

A. No, they never gave me any reason, never told me anything.

Q. When did it come to your attention that the Border Patrol had taken your son, Victor, to Temecula?

A. When the thing with Carlos happened and Carlos had remained at home, the Immigration officials had gone and Victor told me they took Carlos away from me and they took him away. That's why I went to look for the Immigration officials. It wasn't possible, I couldn't find them. I went to Temecula and then I came from Temecula to this control point here in Escondido on the road to... First of all I went to the offices of the Immigration in Temecula. They told me it's not possible that he's in the review at Temecula.

Q. Well, that's unimportant at this point. Mr. Zapata...

A. It is possible that he is in the review.

Q. The question was, of course, when did it come to your attention that Victor was taken by the Border Patrol to Temecula and you indicated that it was after the Border Patrol left and you talked to your son, Carlos. When you went to Temecula and you did confront your son there with the Border Patrol, did your son, Victor, deny that you were his father?

A. Never.

Q. Do you deny that you told the Border Patrol that you had had an argument with Victor and had kicked him out of the house and that's why he was denying that he was your son?

A. No, during the review or lineup, he didn't deny that I was his father, that was before. Before that we had a falling out because he married very young. For that reason he didn't talk to me. When this happened to him, naturally I went to see him. He was with his wife and the Immigration boss. He was with his wife because he was put into prison and all of his belongings were thrown into one big blanket. Gonzalez, that's what Victor told me. I didn't see it. Yes, I did bring the things from where they had them up there in the bus, cuz I said to Gonzalez, they could take care of my son's wife cuz she has no papers but never her belongings, he had no reason to take her belongings.

Q. & A. Statement of JOSE ZAPATA (cont'd)
In re: ZAPATA, JOSE; CHU-178

Q. At what point did you attempt to recover the car that Victor was driving?

A. Legally. I said if they can't give me the car, I'm very poor and we really need the car.

Q. Was that the same day?

A. Same day and the next day.

Q. And why didn't they release the car to you?

A. Because there is an order from Immigration that they shouldn't hand him over his car, shouldn't release it to him.

Q. And was Victor driving the car that day?

A. Yes.

Q. And did you have the papers on the car?

A. Yes, I have them at home right now.

Q. Did you have them that day when you tried to get the car out?

A. Yes.

Q. Were they in your name?

A. No, no they were in the name of the owner of the car but he had signed a form for me authorizing me to use it.

Q. How long before that had you obtained the car?

A. About ten days.

Q. And how long did it take you to actually change the ownership of the car?

A. They didn't change the ownership for me until I had paid little by little. When this happened, I went to Los Angeles, I asked the owner of the car to please, that he should pass the ownership over to me to come and pick it up, that's why the other I day I had the title, I went for the car.

Q. Did the owner of the storage yard tell you that he would not release the car to anyone other than the owner on the papers?

A. That's why I went and got the title. I went at night time and the next day I went to pick up the car, the title. We have orders not to release the car. I don't know...I don't know who telephoned when I was there for the car with Victor, Immigration officials arrived, they asked to see our identification papers, we showed them to them and they went off and then the owner of the storage place thought that we had entered illegally and so he wants to get rid of us to keep the car, even though it mightn't be worth much but he wants to keep it. They work like that. I want to clarify that afterwards

Q. & A. Statement of JOSE ZAPATA (cont'd)

In re: ZAPATA, JOSE; CHU-178

I kept going for the car, they didn't give it to me. 22 days elapsed and they told me I'd have to pay \$270 for the car.

Q. When you went the first time to get the car, did you have the title to the car?

A. No.

Q. When you went the second time, did you have the title to the car?

A. The second time, yes.

Q. And whose name was on the title?

A. Garcia.

Q. And did the man explain to you that he would not release the car to anyone other than the registered owner?

A. Yes, he said that after several days had elapsed he told me that if I paid \$270 I could pick up the car.

Q. I'm speaking of the second day when you went back and had the title of the car when the title was in the name of Garcia. Did the man at the yard explain to you that he could not release the car to anyone other than the registered owner?

A. No, the man in the storage place told me that he could not release the car to anybody by order of the Immigration, to anybody, whether they have the title or not. They would, however, after several days had elapsed, release the car to me on payment of \$270.

Q. Was this after you had obtained the title in your name?

A. The second day I already had the title.

Q. But the second day the title was in the name of Garcia, isn't that correct?

A. No, I do not have the title in my own name because the car is there and I have no money. But, however, they were willing to release the car to me after 22 days on payment of \$270. I'd have to pay \$270.

Q. Are you saying that the car is still not in your name?

A. Okay, I think an explanation is required here.

Q. Mr. Zapata, can you recall about what date Mr. Garcia, the owner of that vehicle, signed it over to you, signed the title himself, giving you custody or giving you ownership of the vehicle?

A. Sometime ago, I can't remember the date, but he signed it for me ~~when~~ the car was already impounded.

Q. & A. Statement of JOSE ZAPATA (cont'd)

In re: ZAPATA, JOSE; CHU-178

- Q. About how long had the car been impounded, when he signed it over to you?
- A. One day cuz that night I went off to Los Angeles and I asked him to sign it over to me, that I would keep on paying him so that I could go pick up the car.
- Q. Have you ever had the title transferred into your name?
- A. No, I haven't had the title transferred into my name because it's impounded and how am I going to get it, they won't give it to me. Now I've got to pay, whether they give me the car or not, I've got to continue paying and if they don't give it to me and it's transferred into my name, what do I gain from it?
- Q. Did your son, Victor, ever tell you that he signed an Immigration form requesting that the car be stored?
- A. He told me that they had given him some paper to sign, but they never told him what it was for and this is not new, they're always being presented with papers, they're very often shown papers they are asked to sign, this is not new and they don't know what they're signing, it is not explained to them.
- Q. Does your son read Spanish?
- A. He went to school...he speaks a little, but he doesn't read very well. He knew that I had a problem once with Immigration. I tell you this because I'd like to clarify it to you if I may. This very often happens. Immigration comes to me and they ask me to sign down here on the bottom and they cover up the top of the document. That could have happened with Victor.
- Q. What kind of problems have you had with Immigration before?
- A. I was taking a person in the car. This was sometime ago I had undertaken to help this person. I wasn't aware that I had certain rights. To have my family here. They made an agreement with me. I wanted to bring Miguel here, the small one and another son of mine and they caught me. In Temecula they caught me on several occasions cuz we were working here. But I didn't know that I could have my children here legally. We work around here and we are very often caught around here.
- Q. Have you ever been arrested by the Border Patrol?
- A. Yes, around here they have caught me several times with my children.
- Q. Specifically, Mr. Zapata, I want to ask you, did you...have you ever been arrested and charged with smuggling?
- A. Yes.

Q. & A. Statement of JOSE ZAPATA (cont'd)
In re: ZAPATA, JOSE; CHU-178

Q. How many times?

A. Once, six months.

Q. You were convicted, is that correct?

A. Sentenced to six months.

Q. And were you arrested any other time and charged with smuggling?

A. For bringing other people and the children they gave me six months and five years probation. I don't know what happened, after the five years probation they gave me another six months.

Q. How many times have you been stopped by the Border Patrol coming from the border?

A. Coming from the border, only that one occasion when I got six months. We work around here, around Escondido, and we're going to the fields to plant or to pick avocados, we're stopped all the time, my children and myself.

Q. Do you resent the Border Patrol?

A. No, he said I don't resent the Border Patrol. If I commit a fault they have to punish me but five years probation, I think that the only type of person that should get a sentence like that is somebody who is drunk and lazy and won't work. I think the judge exaggerated when he gave me five years probation. No, whoever commits a fault, I committed a fault and I agree that anyone who breaks the law must be punished by this country or any other country. I have no resentment.

Q. Did you ever make a statement to Mr. Gonzalez, Agent Gonzalez that we're talking about here, one of the three officers we're talking about, that you did not like gringo officers?

A. Never. One day in Fallbrook I was filling up my car with gasoline, he arrived all on his own in an immigration car, he says, how's it going Mr. Zapata? I said, how are you and we spoke for about five minutes. He says to me, I'm sorry for what happened the other time and I said to him well, these things happen but the one that caused so much damage in my family was the other fellow. He said yes, well sometimes they make mistakes because they're new. And he said it was a terrible thing what they did to us but these things sometimes happen because the people are new. And then he says, okay, Mr. Zapata, see you now, bye bye. And I have never said that to Gonzalez or anybody. Why should I say that? Why should I hate a gringo? We're all the same, Mexicans, gringos, anybody else. I feel a certain amount of anger for what happened and because my children saw it and I believe that that is 100 percent unjust what happened there.

- Q. I only have one other question. And I'd like to get back to the part about your door being allegedly broken. You indicated that you did not see the officer enter the door, but you had heard a knock. Do you know if any member of your family...which member of your family told you that they actually saw the Anglo officer enter the door?
- A. It was my children we talked about and commented on a lot, but actually it was my wife that told me. I haven't talked about it any more to my children because I want them to forget about it. My wife knows exactly. She was the one that saw. She's the one that knows everything.
- Q. I'd like to clarify also, the knock that you indicated that you heard on the door. Was that a knock that sounded like it was made by someone knocking with their hand or knuckles?
- A. No, it couldn't have been that, no. I wish it had been ~~that way~~. No, I don't know, what can I say now? Everything was like that. I wish it just simply hadn't been like that.
- Q. You indicated that you were in the dining room at the time you heard the knock?
- A. Yeah, I was in the dining room because I tried at all times to remain beside the children. I was either there or I was either inside where Gonzalez was. I was in one of those two places, either the dining room or inside with Gonzalez. What I don't remember is... oh yeah, the question that I'm being asked is this? Was I in the dining room or was I further in where Gonzalez was? Most the time I spent beside my children. Of course, it's a very ugly situation. There are so many things and it's rather difficult to clarify them. He was very wrong, the man, very wrong. He doesn't understand people. He was very wrong. He understands maybe people's reactions but he was wrong. I can't say what was the matter with him but I was very much afraid for them, simply for them. I'm sure you, I assure you I'm not exaggerating and Gonzalez must know what that man was doing. If they're really men and men that belong to the state, they should be...better behave without lies. They should be sincere. They should know how that man behaved. They should say. I shouldn't have to say it, they should say it. That's how men should act towards the Government. They should say what that man did and what conditions he did it in.
- Q. Then, I believe you say that your wife actually saw the Anglo officer enter the house?
- A. Do you realize she saw everything? My ~~eldest~~ daughter, 15 years old, we never mentioned anything to her or the other children.

Q. & A. Statement of JOSE ZAPATA (cont'd)
In re: ZAPATA, JOSE; CHU-178

Q. Who called the lawyer?

A. She did, my wife.

Q. And was she in the room with Agent Gonzalez when he talked to the attorney?

A. We were all there, my wife was there and my children was there, the three officials were there, officers, three officers were there. I want to clarify ... the last one to enter, he entered and he looked at what was going on and he was checking the place.

Q. Who was that?

A. It was another fellow. I don't know whether he was from Mexico or Puerto Rico, an Immigration officer.

Q. He entered to see what was going on?

A. It's possible that's what he came in for.

Q. And did he come in before the Anglo officer or after the Anglo officer?

A. He was the last to come in. He came in almost at the end. He didn't bother us in any way and I believe he saw what was going on. He didn't say anything but he was looking.

Q. You indicated before that there was something said to your daughter that you had never mentioned before, what was that?

A. I don't want to mention it but ask him, he knows what he said. I never even said it to these two attorneys present. It's not to better my position to be accusing and I don't...and it wouldn't even please me that they'd be punished. That man knows what he said to my daughter.

Q. Do you know what he said to your daughter?

A. I know but I'm not going to say. If they ask him he should tell.

Q. Which daughter was that?

A. The one that's fifteen years old.

Q. And what's her name?

A. Maria Zapata. Her name is Maria Zapata, just like my wife, more or less.

Q. One more question, Mr. Zapata. Back to ... Mr. Zapata, you indicated before that the officers did not believe that Carlos was your son? This was at the time when you were at your home and did the officer... did any of the officers make any kind of remark about why they didn't believe that Carlos was your son?

A. No, they gave me no explanation. All they said to me was that we don't believe he's your son.

- Q. And did they make any kind of a remark why they didn't think he was your son?
- A. All they said to me was this asshole is not your son. That's all they said to me. I showed them the photographs and his birth certificate and we showed them all these things. He was born in Mexico, but we showed them. When they left they spoke with this gentleman, Mr. Murray Hawkins. They never accepted that he was my son and I had the proof in my hand.
- Q. Did they indicate whose son they thought it was?
- A. No, they only told me that they didn't believe he was my son. They never told me why they thought that he wasn't my son or whose son he was.
- Q. Did Carlos ever indicate to you that he did not tell the officers that Victor was his brother?
- A. Would you repeat that question again, sir?
- Q. Did Carlos ever indicate to you that he told the officers...or he did not tell the officers that Victor was his brother?
- A. I knew nothing. When Carlos...I didn't even know that Victor had been detained. When the Immigration officials left, Carlos told me that they took away Victor and I said why and he said I don't know and that's all.
- Q. Mr. Zapata, have you ever been treated for a mental problem?
- A. No. No.
- Q. Have you ever told anyone that you had a tumor in your head?
- A. I had a lesion in my head, or I used to have, because of an accident I had while gathering lemons, but I'm not mad, I'm not crazy.
- Q. Have you ever been treated in a hospital in San Diego?
- A. Yes.
- Q. Which hospital?
- A. University.
- Q. And what kind of treatment did you get?
- A. They told me I had a nervous lesion because of the accident I had and the treatment was really one of rest.
- Q. How long were you treated this way?
- A. I don't know, about two months I think. I go to see Dr. Lennon in Fallbrook and he says I'm normal.

Q. & A. Statement of JOSE ZAPATA (cont'd)

In re: ZAPATA, JOSE; CHU-178

Q. How long ago was that that you were in San Diego?

A. I think it was in 1972.

Q. Did any of the officers indicate to you that your son looked like someone else?

A. Something like that, they told me something, something like that. I don't deny in this case, they told me something like that.

Q. Something like what?

A. He said something, I can't say what I don't know, once only they told me, once only they told me.

Q. Mr. Zapata, did anyone encourage you to make a complaint in this matter?

A. No, simply nobody. I considered I should do it. I have never complained about anything. I suffered a lot because of my children when it came to this. No, nobody, who could it be? I just did what I felt.

Q. I have a statement here by Victor Zapata, a Carlos Zapata and one Jorge Lopez. Do you know about this statement? Do you know what was said in this statement?

A. Yes, a little, I do.

Q. Do you know who Jorge Lopez is?

A. Yes, I know him. Just the other day he went to my house to talk to me.

Q. Were you there when he signed this paper?

A. Yes.

Q. How did it come about that he came to your house that day?

A. I went to look for him. I asked him to go. He was in the car and I want him to tell the truth about the matter. I wanted to hear too what he had to say. To have some kind of a basis to find out if my children were telling the truth. I want to say that this boy went to that house once more and asked me not to get him mixed up in these matters. He had just given a permit to Immigration and didn't want to get mixed up. I told him that since he was in the car, if he was called to give evidence, all he had to do was just tell the truth.

Q. Did he know what was in this letter that he was signing?

A. I explained everything to him.

Q. You explained it to him?

A. My children. My children and this gentleman, Mr. Seckelman, they explained it to him.

Q. And were you aware that that was not his real name?

A. I don't know, they always call him Jorge.

Q. Didn't he tell you that that was not his name?

A. I don't know whether that's his name or not. I didn't even know, my children always call him Jorge and where he works he's known as Jorge always.

Q. Did you go and get this Mr. Lopez or did your son, Victor, go and get him?

A. I don't remember, I think it was Victor. It's possible it was Victor. He'd just finished working, I think it was Victor. I think it was Victor cuz he used to take the car to work. No, it was a friend of Victor's not of Carlos.

Q. You indicated, I believe, that you explained a part of this to Mr. Lopez and that a Mr. Joe Seckelman, I believe you indicated Mr. Seckelman also explained it to him?

A. He explained to him well and I said to Lopez, if it happened just like that, like my children said and since he was in the car, it's necessary for him to help us and to sign in order to attempt to recover the car that we have, my children need it to go to work. I said to George, if it's true, you should do it. If it's not true, don't do it. I said that Jorge. And he said, that's the way it happened. Just like my children had told me.

Q. Mr. Zapata, do you have anything else you'd like to add to this statement?

A. No, just thank you very much and I'm very sorry the problems that I have caused that I certainly didn't want to cause them but really it wasn't me that started all this that caused all these problems. What happened to me wasn't so important but I just didn't like them entering the house the way they did, that's all. I want to say I have nothing against anybody. I don't like to see other people being punished. I'm not doing it for that reason. I consider it unjust that people who...like that, who work for the Government shouldn't do things like that. I also find it unfair that they should take the car from me cuz I still owe payments on it. It's not hatred that has motivated me to do this. It's nothing. Even though they don't consider me my brother, I consider them my brothers, we're all human beings are the same.

Q. & A. Statement of JOSE ZAPATA (cont'd)
In re: ZAPATA, JOSE; CHU-178

As I said before, I don't feel any pleasure if they're going to be punished, if that's going to happen. I just regret that they have those defects and thank you very much.

Q. Mr. Zapata, do you feel that you've been treated fairly during this inquiry?

A. More than I deserve.

Q. Now, you consented to and realize that this statement was taken on tape. After it is transcribed are you willing to sign it providing it is a true and correct transcript of the tape made today?

A. I'm quite willing to sign this transcript provided it has exactly what I said. I just want to tell the truth.

Q. Very well. Interview terminated.

Q. & A. Statement of JOSE ZAPATA (cont'd)
In re: ZAPATA, JOSE; CHU-178

CERTIFICATION

This is to certify that the preceding 24 pages are a true, accurate and complete transcription of the cassette tape recording of the sworn statement of JOSE ZAPATA given before Investigator AMOS L. EDENS at Escondido, CA on February 21, 1978.

March 14, 1978

Dayva C. Sutherland
Dayva C. Sutherland, Clerk (Steno)

UNITED STATES DEPARTMENT OF JUSTICE
IMMIGRATION AND NATURALIZATION SERVICE

Mezbe

RECORD OF SWORN STATEMENT

Office: Central Office, Office of Professional Integrity File No.: CHU-178

Statement by: MARIA ZAPATA

In the Case of: ZAPATA, MARIA

At: Escondido, California

Date: February 21, 1978

Before: AMOS L. EDENS, Investigator

In the Spanish language. Interpreter: THOMAS PAGE

I am an officer of the United States Immigration and Naturalization Service, authorized by law to administer oaths and take testimony in connection with the enforcement of the Immigration and Nationality laws of the United States and internal administrative matters. I desire to take your sworn statement regarding an allegation of misconduct of Border Patrol Agents made by your husband, Jose Zapata, regarding an incident that took place near Fallbrook, California on or about September 16, 1977.

Before we ask you any questions, you must understand your rights.

You have the right to remain silent.

Anything you say can be used against you in court or in any immigration or administrative proceeding.

You have the right to talk to a lawyer for advice before we ask you any questions and to have him with you during questioning.

If you decide to answer questions now without a lawyer, you will still have the right to stop answering at any time. You also have the right to stop answering at any time until you talk to a lawyer.

- Q. Do you wish to have a lawyer or any other person present to advise you?
- A. Yes, I wish to be presented by Mr. Murray Hawkins, the lawyer and also by the law student, Mr. Joe Seckelman.
- Q. Are you willing to answer my questions at this time?
- A. Why not.

Q. & A. statement of MARIA ZAPATA (cont'd)

In re: ZAPATA, MARIA; CHU-178

Q. And your attorney is present with you today, is that correct?

A. Yes, that's right.

Q. Would you stand and raise your right hand please? Do you swear that the statements you are about to make will be the truth, the whole truth and nothing but the truth, so help you God?

A. Yes, the whole truth, yes.

Q. For the record, would you state your full name?

A. Maria Atzimba, A-T-Z-I-M-B-A, Rangel, R-A-N-G-E-L, De Zapata.

Q. Where and when were you born?

A. In Morelos, Michoacan, in Mexico, the 26th of April 1937.

Q. And what is your present immigration status in this country?

A. (At this point the attorney for the respondent has asked to explain the, Mrs. Zapata's status. HAWKINS: She's in possession of a Levi letter and she has applied for status as a permanent resident under grounds that her husband is a U.S. citizen.)

Q. And where do you live Mrs. Zapata?

A. In Fallbrook.

Q. Mrs. Zapata, do you recall an incident that occurred about September 16, 1977 in which the Border Patrol questioned your son Carlos?

A. We did not see our Carlos when they asked him questions.

Q. Did you observe the Border Patrol maltreating Carlos in any way?

A. No. My husband yes. Only my husband.

Q. You were with your husband in the car when you encountered your son Carlos, in custody of the Border Patrol downtown Fallbrook, is that correct?

A. Yes.

Q. Did any of the Border Patrol Agents mistreat any of your family that you observed?

A. My children were scared at first because Agents of the Border Patrol came in first, one was a light skinned fellow. Then my husband said to the children, get under the table, the small girl was crying. I was inside because I still wouldn't believe that Carlos was outside. My husband came running in, he said to get out the photograph of Carlos when he was a boxer, to show to this light colored border official. I left the room. I went into the room and I got some photographs of Carlos out of the cornercase to show to this light colored border official so that he would leave us alone. I run to get the photographs and the door was closed.

Q. & A. statement of MARIA ZAPATA (cont'd)
In re: ZAPATA, MARIA; CHU-178

Q. Just a minute. I think we're getting ahead a little bit. My question originally to you was, when you encountered the Border Patrol downtown Fallbrook, did you observe the Border Patrol mistreating any member of your family at that point?

A. In the (inaudible) Fallbrook, my husband was there. We only have the little daughter with us and this light colored Border official mistreated my husband. The only members that were with me in downtown Fallbrook when the light colored border official came up and mistreated my husband was, myself, the little daughter and my husband.

Q. How did the official mistreat your husband?

A. When I saw Carlos detained by the Border Patrol I didn't think it was Carlos. I stopped to have a look. I said Jose it looks like Carlos that's detained by the patrol, Border Patrol, he run over and my husband run over, saw it was Carlos and said yes, it's him and one of the official came up and said you're the one we want to see, just stop where you are, pull over and stop there in front.

Q. Then what happened?

A. Then my husband went off. He parked the car and then two patrolmen came and they stopped beside him, the light colored gentleman got out of the car. They didn't ask him for any kind of identification. My husband said he's my son, he said, and he has papers. We have rights here. This gentleman refrained to Mr. Seckelman had given my son certain papers to say that he was in the process of getting immigration papers and my husband told this to the border official and they said no, no he's an illegal here, he has no papers. Then he said why are you telling me all those things like this, because he was using alot of abusive language.

Q. Who was using abusive language?

A. The light colored gentleman.

Q. What kind of abusive language?

A. Ass-hole, pigs and then he asked my husband for identification and my husband said no, no I'm from Texas. You're not even registered. Then, then my husband took his wallet out of his pocket and showed his identification and the Border Patrolman said this fucking thing is no good. When they saw that my husband was angry, this fucking thing is no good and he said well arrest me. It was a dark colored official I believe he was from Texas, he goes over to where my husband and the light colored gentleman are, he said what are you talking about, don't you think we can arrest him. If you're within your rights, arrest me, my husband said to them. This light colored gentleman picked up my husband's identification papers and kept them. I was, I was scared because I thought they were going to hit him. My little girl was crying during this time and you, madam what kind of papers do you have.

Q. & A. statement of MARIA ZAPATA (cont'd)
In re: ZAPATA, MARIA; CHU-178

Then I took out the (inaudible) in which they gave me at immigration in San Diego, and I gave them one of my lawyer's cards so he could call him by phone. He said these fucking papers are no good and besides that lawyer is just a (inaudible) and then he takes away my permit. This is not good, but if it's no good then I just left it with him. I was scared. Then my husband said to me, call the lawyer. I went to a public telephone to call the lawyer at his office to see if he was there. My husband remained with these Border Patrol and my son Carlos was inside the patrol car. Then we went home.

Q. At this point, where you said you thought the officer was going to hit your husband, what did he do that made you think he was going to hit him?

A. Because when he was taking the papers off, he went like this, swinging his arm and he hit him in the face. And then my husband moved back and said what's the matter, what have you got with me. And I thought they were going to fight there. I got scared, then my husband said to him, I have nothing more to say. My children are out and they are coming out of school shortly, my husband left and said come on, lets go home. And the Border Patrol followed my husband home. My children are already outside the house. When the children saw Carlos detained in the Border Patrol truck, the younger ones started to cry. I stayed outside the house with the smallest daughter (cuz) she was the one that was most scared. It was at this moment that the light colored border official kicked in the door, that I went to show the photographs to.

Q. Did you see him kick in the door?

A. I was in the middle of the room and I was just about to go over and get the photographs to show them to this light colored gentleman to prove that he wasn't, Carlos was my son. I was in the middle, I was standing in the middle of the room and the door was closed. I heard him rushing the door and he hit it again, then he stands there with his hands on his hips, and said madam, where is your husband? I couldn't answer because I was on the verge of crying. One of my daughters was fourteen years old and the two smaller ones were under the table. My daughter was there and she was eating something in her mouth and she turned and looked at me and the officer said, get into the back. Then he came in, I was too frightened to go and look for the photographs and he tried to open the door, one of the bathrooms which is on this side, the washroom was on one side and the bedroom on the other and he turned around, he opened the door and he continued straight on. And my husband was in the last room where the telephone is. They said, father they want to talk to you. Then he went he turned around and left with them. Okay, he turned around making, I don't know what kind of accusation, what do you want with him?

Q. Mrs. Zapata, back to the, your encounter in downtown Fallbrook, when you said you thought the officer was going to hit your husband, did he actually hit him or did you just think he was?

A. He slapped him in the face and said what do you want with me?

Q. & A. statement of MARIA ZAPATA (cont'd)
In re: ZAPATA, MARIA; CHU-178

- Q. And who said, what do you want from me?
- A. My husband said what do you want with me.
- Q. And did the officer hit him with the palm of his hand or the back of his hand?
- A. We were turned this way and my husband jumped back when the officer slapped him in the face. And the officer did not try to putsue him but my husband said, what do you want with him?
- Q. What did your husband do at that point?
- A. Nothing. I don't know whether my husband gave him a kick to get him off and said what, what are you doing here, you think we can't arrest you. Then my husband said, if you think you're within your rights, arrest me.
- Q. Did you see your husband kick at the officer?
- A. When the Immigration officer slapped my husband in the face, he withdrew backwards and his foot came up into the air slightly.
- Q. Did they do, did they do anything else with your husband?
- A. No, I run off to call the lawyer. I went across the road to a gas station to telephone to the lawyer. Two border officials, the light colored one and the dark Texan stayed there discussing the matter with my husband.
- Q. Now, do you have any complaint against the actions of the two Agents other than the Anglo, other than the Anglo officer?
- A. No, I don't. It was the light colored gentleman that used foul language in front of me and my children. The Texan no. The other one never said anything at all. The third one only intervened after I called the lawyer. When I was bringing the photographs out to show to the light colored gentleman, this third officer said talk to your lawyer. I called this office, the lawyer's office and the young lady answered, and they told me they were going to get in touch with Mr. Daniel, not to hang up, and then Mr. Daniel came to the phone and I told that the officers were already inside the house and Mr. Daniel who was also I believe Mr. Seckelman, said how come they're already inside the house, let me talk to them. Okay, there was a small living room near the exit and my husband went to the phone to talk to the lawyer. That's when the officers came in and also the other one who never said anything.
- Q. Did you Mrs. Zapata, did you invite the Mexican American officer in the house to talk on the telephone to your lawyer?
- A. I don't know who spoke. I put them on the phone to Mr. Daniel. They were already inside. They were already in the house when Mr. Daniel was talking on the phone.

Q. & A. statement of MARIA ZAPATA (cont'd)
In re: ZAPATA, MARIA; CHU-178

Q. When you arrived at the house, who went in the house first?
A. The light colored officer.

Q. He was the first person in the house when you arrived?
A. I stayed outside with my little daughter and my husband went inside. I stayed outside with my little daughter and my husband went in and two border officials followed him, I don't know which one went in first, I stayed outside with my little daughter because she was crying and I told her they weren't going to do anything to her father.

Q. When you indicated that your husband went in, then two others went in, were you speaking of two officers?
A. Two Border Patrolmen, the light colored one and the Texan.

Q. And where were you at that time?
A. I stayed outside, my little daughter was crying. She wanted Carlos to get out of the patrol car.

Q. And was, you say the light colored officer entered the house at that time, is that when the door was, you say that the door was forced open?
A. They had already kicked the door down and entered. When they came up and went back in again, the two of them, and they came out when I went in to see my husband, when I went to get the photographs, the light colored gentleman only him, when he knocked on the door and he knocked on it the second time and knocked it down, and he said, madam where is your husband? I was surprised, I couldn't answer because I was afraid and scared at this time, that was my daughter was eating and she turned around and he said to her, get into the (inaudible) on the right.

Q. Did, did you hear, did you hear anyone knock on the door?
A. When they knock on the door is one thing, but when they knock it down it's another. I heard him knocking it down.

Q. And did you actually see the officer when he came through the door?
A. Yes, I saw him. That's when he went out to see my husband, started opening doors. Even down to the last room.

Q. Was one of the officers or were any of the officers already in the house at that time?
A. The Texan had already left. And when the light colored gentleman knocked down the door, then came the others. The Texan came in, but the other fellow hesitated, he didn't want to go in. The three of them did come in, sat down on the bed. They took the phone and began to speak to Mr. Daniel.

Q. You say that they had been in the house before and left?
A. Yes.

Q. For what reason did they leave?
A. They were just walking in and out.

Q. & A. statement of MARIA ZAPATA (cont'd)
In re: ZAPATA, MARIA; CHU-178

Q. Was there alot of commotion there, was there alot of talking, was everybody excited?

A. Everybody was working.

Q. When you say that the officer was breaking down the door, was the family excited?

A. Yes. One little girl was crying the other one was under the table. They were frightened. The husband told them not to move, they weren't even eating.

Q. Were you and your husband also talking to the officers outside the house?

A. Inside.

Q. But you were not talking to them outside?

A. No, they were coming in and going out, one of the border officials (inaudible), I understood this conversation, he was asking why are they bothering these people, because the light colored gentleman was in a rotten mood and the other one just followed him in.

Q. Have you ever had any problems with the Border Patrol before?

A. No sir.

Q. Is that the only contact you ever had with the Border Patrol?

A. We've never had any problems or any trouble with anybody. We don't bother anybody and nobody bothers us.

Q. Where were the kids during all of this time that the officers were there at the house?

A. They were standing at the table, my husband had told them don't move from there.

Q. And is that where they were all of the time that the officers were there?

A. Yes, they were standing there. They didn't move.

Q. They were not playing outside the house?

A. No.

Q. Were there any witnesses other than just the family there?

A. A little boy saw it.

Q. What little boy?

A. The little boy that lives next door. He had come out of school and he stopped there to look. The little boy didn't went the house, he just stayed outside watching.

Q. & A. statement of MARIA ZAPATA (cont'd)
In re: ZAPATA, MARIA; CHU-178

Q. Did he see any of this?

A. I think he should have seen it. When I saw him through the window, I saw the little boy standing outside, but I don't know what time he could have arrived there.

Q. What's his name?

A. Eduardo.

Q. Eduardo what?

A. Eduardo Valencia.

Q. Was he there until the officers left?

A. I don't know, I didn't notice. When the officers left we came out to (inaudible) down. The light colored gentleman, the Texan became very nice, they took Carlos down from the car and they explained to him, no he said, you can have your papers arranged, you can become American citizen, and that was when they left. They took him down out of the car.

Q. Are you saying that the Spanish officer, Mexican-American officer was trying to help the family?

A. There were two of them. There were two dark colored men, the other one was very good, he was a very nice fellow, he never said anything, the Texan in the end began to help. This dark colored official was saying, well, what are they doing ni this, this is a nice family. I understood that he was saying to the others, come on lets go. He was a very nice fellow, he never got involved for any reason whatsoever. In a way, I felt like saying something to the light colored gentleman right there.

Q. Mrs. Zapata, to clarify a point about the children were during the time the officers were at the house. The question was, were, did the children remain inside the house all of the time that the officers were there?

A. They were standing there eating, because my husband had told them not to move from there.

Q. Mrs. Zapata, were you with your husband when you went up to Temecula to see about your son Victor who was in custody of the Border Patrol up there?

A. Yes.

Q. Did your son Victor at first deny that Jose was his father?

A. Yes.

Q. And why was this, do you know?

A. Victor never understood my husband from tiny little boy, and he had problems with Victor and he run him out of the house, and Victor has always worked in Fallbrook. And when we went to see, my husband run him out and he never returns home since.

Q. & A. statement of MARIA ZAPATA (cont'd)
In re: ZAPATA, MARIA; CHU-178

Q. Do you know what name Victor had given to the Border Patrol?
A. I don't remember.

Q. Do you know if he had given the Patrol a name other than his true name?
A. Yes, because the Texan official said he did.

Q. Was your husband there, was your husband present when Victor denied that he was his father?

A. No. We didn't know that they had also retained Victor.

Q. No, no. I'm speaking of when you went to Temecula and Victor denied that Jose was his father? Was Jose there when Victor said that?

A. When they took Victor out they already had him in the buss, they took him out because Carlos said to Jose, Carlos said, Daddy they also retained Victor. How did they retain Victor, he said, yess Daddy they did. We were going with Carlos and the Border Patrol was coming with the Texan and then my husband got out and said they were also detaining my other son, boy was called Victor, he looked at the list and said no, no Victor here and Carlos said to him, Carlos said this is my brother and they asked why did he have another name, since he got out my father though they were going to hit him. And he says yes he's my son also. Is he a light colored fellow and he says yes. One has an operation scar here on his throat. Lets go to Temecula he's there. Are you going to follow me and then my husband took off after the Border Patrol to follow them. And then they took Victor out and we were in the office and then they said to him, why did you deny that he's your father. We haven't spoken to each other for years, and why didn't you tell me I would have dropped you off at your house with Carlos, look where you are now, that's what they said to him.

Q. That's what the Border Patrol said?

A. Yes, the Agent at the Border Patrol.

Q. Did the Border Patrol ask Victor in front of Jose if Jose was his father?

A. Inside yes.

Q. And what did Victor say?

A. They brought Victor from the buss.

Q. What did Victor say?

A. The Immigration officer asked Victor who is this lady? My mother. What's her name? This gentleman? My father.

Q. But you indicated that before that Victor had denied that Jose was his father?

A. When they were first detained.

Q. He didn't deny it in front of his father?

A. No.

Q. & A. statement of MARIA ZAPATA (cont'd)
In re: ZAPATA, MARIA; CHU-178

Q. Mrs. Zapata, getting back to the conditions of the door, of your front door, prior to the time the officers were there. Was the striker plate on the door frame loose before that?

A. No. It was alright, cuz even the screws were on the ground. The piece of sheet metal that's on the door when it's open, when it's open (inaudible) comes off. When the door was opened, the metal weather seal was knocked off.

Q. And is that metal weather seal still off?

A. When they opened the door it came off. Half of it from the top to the bottom is falling off.

Q. How about the, I'm speaking though of the striker plate, the little metal plate that the door latch goes into, was that loose before?

A. It fell off.

Q. And was it loose before?

A. No. It only has two small screws, when the door was forced, since it was a metal, it fell off.

Q. Do your children ever play where they're running in and out of the house?

A. No, they go to school and when they come back they play in the park, and when they come in they watch television. Even less now because the plate is (inaudible) and if you put your hand on it, you'll cut yourself.

Q. Do they ever play hide and seek?

A. No, they usually do it in the garage, because it's much bigger.

Q. Mrs. Zapata, did you observe any of the officers mistreating, physically mistreating anyone other than the time you said that you saw one of the officers, the Anglo officer, strike your husband downtown Fallbrook?

A. Inside the house, the light colored officer went into the house and another officer and the three of them were there, my husband and the two officers, but I didn't see what happened, because I was outside with the little girl who was crying. I, the light colored officer went into the house. I heard shouts but I stayed outside with the little girl, I didn't go in.

Q. What kind of shouts?

A. They were arguing like that, saying things.

Q. Then the question was, you did not observe, as I understand your answer, you did not observe anyone being physically mistreated other than the one time?

A. I entered afterwards with the little girl. When I entered the house afterwards, my husband was very upset and very worried, but I don't know what transpired.

Q. & A. statement of MARIA ZAPATA (cont'd)
In re: ZAPATA, MARIA; CHU-178

- Q. Did any of the officers say any bad words to any, directly to any of the children?
- A. With all of them. They were saying bad words in front of all the children inside the house, pigs, ass-hole.
- Q. They were not saying these things to the children but merely in front of them, is that correct?
- A. Just, he said those bad words in front of the children, because they was hid and he was walking up and down.
- Q. Did they say nay of these bad words while they were outside?
- A. Outside and inside, very mad and they had no reason to be mad.
- Q. Do you have anything further that you would like to add to this statement Mrs. Zapata?
- A. That was all.
- Q. Do you feel that you've been treated failry during this interview?
- A. Yes sir.
- Q. You are aware that this statement is being tape recorded, are you willing to sign it after it is transcribed providing it it a true and correct transcription of the tape made today?
- A. Yes.
- Q. I have one last question. I have a statement here that was signed by your sons and a person by the name of Jorge Lopez, were you present in the house the night that this was signed?
- A. Yes.
- Q. And was the contents of this, this statement explained to this person named Lopez?
- A. Yes, he saw it.
- Q. Who explained it to him?
- A. Mr. Daniel Seckelman. He was there at the table.
- Q. But who actually explained it to him?
- A. It was Mr. Daniel Seckelman.
- Q. Did this person named Lopez object that that was not his name?
- A. Yes.
- Q. And, and what was said?
- A. I only saw when he was signing it.

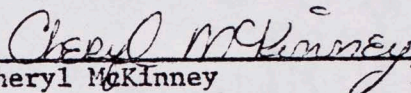
Q. & A. statement of MARIA ZAPATA (cont'd)
In re: ZAPATA, MARIA; CHU-178

- Q. The question was Mrs. Zapata, did this person that signed as Lopez object that that was not his name and you indicated that he did, then what was said?
- A. Jorge Lopez signed the papers, because Mr. Seckelman had said that if he had seen how they had treated Victor he had seen everything how they treated Victor that after he had detained him, they took him with the Border Patrol, they took his car away from him. Jorge had said to Victor to give me the keys, I'll take your car to your father and the Immigration officials did not want to let him have the keys, and he signed those papers.
- Q. But you said that he had objected that that was not his, his name, his true name. What was said after that?
- A. Jorge Lopez wanted to sign those papers. The, he said, he said that was his name and the alien card he had on him, but his name is other than that, I don't know what his real name is.
- Q. Well, did he indicate that he did not want to sign as Jorge Lopez?
- A. No, I don't know. I only know that he's called Jorge Lopez cuz that's the name on his alien card. But he signed...
- Q. But you said that he protested that that was not his name?
- A. He signed Jorge Lopez. He signed as Jorge Lopez.
- Q. But did he say that, did he say that that's not my name?
- A. He signed Jorge Lopez, because of the alien card that he had, he's carrying his name, but I don't think that that was his real alien card, didn't belong to him, cuz now he has a permit.
- Q. What kind of alien card did he have?
- A. I don't know.
- Q. Did you see it?
- A. No.
- Q. Do you have anything then further to add to this statement Mrs. Zapata?
- A. That's all I know.

STATEMENT CONCLUDED.

C E R T I F I C A T I O N

This is to certify that the preceding 12 pages are a true, accurate, and complete transcription of the cassette tape recording of the sworn statement of MARIA ZAPATA, given before Investigator AMOS L. EDENS at Escondido, California on February 21, 1978.


Cheryl McKinney March 8, 1978
Clerk-Steno

UNITED STATES DEPARTMENT OF JUSTICE
IMMIGRATION AND NATURALIZATION SERVICE

RECORD OF SWORN STATEMENT

Office: Central Office, Office of Professional Integrity File No.: CHU-178

Statement by: CARLOS ZAPATA

In the Case of: ZAPATA, CARLOS

At: San Diego, California

Date: February 22, 1978

Before: AMOS L. EDENS, Criminal Investigator

In the Spanish language. Interpreter: TERESA ORTIZ

Mr. Zapata you are advised that I am an officer of the Immigration and Naturalization Service, authorized by law to administer oaths and take testimony in connection with the enforcement of the Immigration and Nationality laws of the United States. I desire to take your sworn statement regarding your knowledge of what happened at a Border Patrol checkpoint on Deluce Road near Fallbrook, California on or about September 16, 1977, in which you have made a complaint against Agents of the Border Patrol.

Before we ask you any questions, you must understand your rights.

You have the right to remain silent.

Anything you say can be used against you in court or in any immigration or administrative proceeding.

You have the right to talk to a lawyer for advice before we ask you any questions and to have him with you during questioning.

If you decide to answer questions without a lawyer, you will have the right to stop answering at any time.

Q. Do you wish to have a lawyer or any other person present to advise?

A. There's nobody.

Q. Do you wish to have a lawyer present?

A. No, I don't need one, it's not necessary.

Q. I don't think you understood the question, Mr. Zapata. Do you wish to have an attorney represent you?

A. Yes. The attorney is him, okay.

Q. & A. statement of CARLOS ZAPATA (cont'd)
In re: ZAPATA, CARLOS; CHU-173

- Q. Let the record show that the respondent indicated Timothy Barker, who is present and who represents the Legal Aid Society of San Diego. Are you willing to answer my questions at this time, Mr. Zapata?
- A. Yes.
- Q. Would you stand and raise your right hand please? Do you swear that the statements you are about to make will be the truth, the whole truth and nothing but the truth, so help you God?
- A. Yes.
- Q. Be seated please? For the record, would you state your full, true and correct name?
- A. Juan Carlos Zapata-Rangel.
- Q. And where and when were you born?
- A. In June '55 in
- Q. What day in June?
- A. 19.
- Q. And what is your father's name?
- A. Jose Salvador Zapata.
- Q. And your mother's name?
- A. Maria (inaudible) Rangel.
- Q. Is Victor Zapata your brother?
- A. Yes.
- Q. And where was Victor born?
- A. In McAllen.
- Q. McAllen, Texas.
- A. Yes.
- Q. Do you recall being in an automobile with your brother, Victor, and a, another person that was stopped by the Border Patrol on Deluce Road near Fallbrook, California on or about September 16, 1977?
- A. Yes, by the Immigration.
- Q. Where were you in the car?
- A. In the back part.
- Q. In the back seat?
- A. In the back seat.

Q. & A. statement of CARLOS ZAPATA (cont'd)
In re: ZAPATA, CARLOS; CHU-178

Q. And who was driving the car?

A. My brother.

Q. And who was the other person in the car?

A. Jorge.

Q. Jorge what?

A. Jorge Lopez.

Q. Do you know him by any other name?

A. No. By Jorge only I know him.

Q. Did the officers, did any of the officers ask you any questions?

A. To Jorge or to me?

Q. You.

A. Yes. They asked me for my documents.

Q. And what did you, what did you do then?

A. I show him what I had.

Q. And what did you have?

A. I show him what, in the office they gave me, I don't remember the name but I will find out right now.

(Let the record show that the respondent has presented a letter by the, with the heading "North County Community Action Program, Inc., 166 West Mission Avenue, Escondido, California." Which says, "please be informed that we are representing the Salvador J. Zapata family who is immigration to the United States."

"Juan Carlos Zapata-Rangel is a member of that family and presently his application is being processed by the U.S. Immigration authorities under section (scratched out) of the Immigration and Nationality Act." Signed by J. Daniel Seckelmann, Legal Intern.)

Q. And which officer, were you talking to all of the officers at that time or to a particular officer?

A. With one officer and then with another.

Q. To which officer did you present this document that you have shown me?

A. A Mexican.

Q. & A. statement of CARLOS ZAPATA (cont'd)
In re: ZAPATA, CARDOS; CHU-178

Q. A Mexican officer?

A. He looks like he's Mexican.

Q. Do you see that officer in this display of photographs?

A. This one is the one that mistreated me very bad.

Q. (Let the record show that the respondent is pointing to photograph #6, of a photo display of 12 photographs and indicated that that officer mistreated him.)

Q. Mr. Zapata, how did that officer mistreat you?

A. He pushed me and he told me that he was going to put his foot in back of my butt, and he was just scaring me very bad, completely. He took, he mistreated me so bad and he told me too many bad words and they're really very bad. He didn't believe me nothing. He didn't want to investigate anything. He was very hypocrite.

Q. Did he say, did he say anything about the paper that you, that you showed him?

A. He threw the attorney's card away. He took this letter away from my wallet. He took some documents out of my wallet, and he mistreated me very bad.

Q. How did he mistreat you?

A. He pulled his pants real hard and he says, he was telling him why do you do that for, and he was doing it on purpose real hard. He was going to put him up by his pants.

Q. Was, was he at that point, was he taking you from one place to another?

A. Yes.

Q. From where to where?

A. From the car to the van.

Q. From the car to the where?

A. To the van.

Q. To the van.

A. Van.

Q. Did any of the other officers talk to you or...

A. Which one, of the two of them.

Q. & A. statement of CARLOS ZAPATA (cont'd)
In re: ZAPATA, CARLOS; CHU-178

Q. Were there two or three?

A. Three, but he says that the other, he doesn't recall, he's here but the other Mexican officer treated him better and asked him for the papers and treat him better.

Q. Do you, can you identify the three officers that were there that day from this photograph display?

A. Number two looked like the American one. He looks familiar, but he's not sure about number one.

Q. And you have indicated #1 and #2 as possibilities, that's two, now who is the third one?

A. He says the American, he looks exactly the same but that face he will never forget, number six.

Q. (Let the record show that the respondent is identifying positively #6 and failure sure of the #1 and #2.)

Q. Were you physically mistreated in any way that day?

A. How?

Q. In any manner?

A. Yes.

Q. Please explain?

A. This one got me and throw me to the van.

Q. Threw you into the van?

A. He says he treat me like something not worth it, is that true.

Q. But I'm speaking of did he hurt you physically?

A. No, not with punches like this, no, but I feel that it was better to hit me then to push me the way he mistreated me, and after all the words he told me.

Q. Is it correct then, what you're saying is that he hurty your feelings?

A. Alot.

Q. But you were not hit at any time, is that correct?

A. Not hitting me, no.

Q. All these acts that you're describing that you were humiliated were they done, were they done by one particular officer?

A. This one hit me, gave me a punch only.

(Let the record show that the respondent points to #2 as having hit him.)

Q. & A. statement of CARLOS ZAPATA (cont'd)
In re: ZAPATA, CARLOS; CHU-178

Q. Now you have just testified that nobody, notbody hit you.

A. Yes but only this one, the man in #2, that was all. Then this one took over, #6, took over.

Q. And how were you hit by the person in photograph #2?

A. With an open hand.

Q. What part of your body did the open hand contact?

A. Right here.

(Let the record show that the respondent indicates on the face, side of the face.)

Q. Now, why did he do that?

A. Because they wanted to get my, the truth out of me. They didn't believe, but what truth they wanted. I took them to my house. They took me around and around.

Q. When they took you to Fallbrook were they looking for your father?

A. Yes. I told them.

Q. And when they arrived at your house, nobody was home, is that correct?

A. Yes.

Q. And then they took you downtown at Fallbrook?

A. Yes.

Q. And did you have anything to drink there?

A. A coke.

Q. And did, did one of the officers buy the coke for you?

A. Number six gave it to me.

Q. And what happened while you were downtown Fallbrook?

A. My father saw me where they gave me the coke. Then he screamed and he went out of the car, he went with the officers and they moved from there and I parked myself, and I put my head down and I was thinking and thinking and thinking, that's all. And I just pray for God to help me, but that's all. Then from there they took me to my ohouse and from then they took me down. I got to the house and they left me out.

Q. While you were downtown Fallbrook and the officers were talking to your father, was your father excited?

A. He was excited because of the way the officers were treating him.

Q. & A. statement of CARLOS ZAPATA (cont'd)
IH re: ZAPATA, CARLOS; CHU-178

Q. How was that?

A. Because they mistreated to bad at the beginning.

Q. In what way?

A. I didn't see anything. I was just with my head and I didn't want to know nothing.

Q. Well then how do you know they treated them bad?

A. Because I was hearing.

Q. What did you hear?

A. Screaming.

Q. Who screaming?

A. My father and they were saying that the papers were no good, and they wanted to pick him up too.

Q. Back to the place where you say you were hit on Deluce Road, who else was present when the officer slapped you?

A. My brother.

Q. Where was Victor when this happened?

A. In the van, (inaudible), I don't want to say anymore.

Q. You don't want to say anymore?

A. No, I want (inaudible), I'm tired of everything. I'm tired of everything. (Inaudible).

(At this point the respondent became uncomposed, started jumping up and down, waving his fists in the air and crying and left the room indicating that he was not going to return, therefore the interview is terminated.)

C E R T I F I C A T I O N

This is to certify that the preceding seven pages are a true, accurate, and complete transcription of the cassette tape recording of the sworn statement of CARLOS ZAPATA, given before Investigator AMOS L. EDENS, at San Diego, California on February 22, 1978.

Cheryl McKinney
Cheryl McKinney March 2, 1978
Clerk-Steno

UNITED STATES DEPARTMENT OF JUSTICE
IMMIGRATION AND NATURALIZATION SERVICE

RECORD OF SWORN STATEMENT

Office: Central Office, Office of Professional Integrity File No.: CIU-178

Statement by: VICTOR ZAPATA

In the Case of: ZAPATA, VICTOR

At: San Diego, California

Date: February 22, 1978

Before: AMOS L. EDENS, Criminal Investigator

In the Spanish language. Interpreter: TERESA ORTIZ

Mr. Zapata, you are advised that I am an officer of the United States Immigration and Naturalization Service, authorized by law to administer oaths and take testimony in connection with the enforcement of the Immigration and Nationality laws of the United States. I desire to take your sworn statement against Agents of the Border Patrol who stopped you and talked to you at a roadcheck near Fallbrook, California on or about September 16, 1977.

Before we ask you any questions you must understand your rights.

You have the right to remain silent.

Anything you say can be used against you in court or in any immigration or administrative proceeding.

If you decide to answer questions now without a lawyer present, you will still have the right to stop answering at any time.

You also have the right to stop answering at any time until you talk to a lawyer.

Q. Do you wish to have a lawyer or any other person present to advise you?
A. Yes.

Q. Do you have an attorney present?
A. Yes.

Q. And who is your, let the record show that Timothy Barker, B-A-R-K-E-R, is present and representing the respondent. Are you willing to answer my questions at this time?
A. Yes

Q. & A. statement of VICTOR ZAPATA (cont'd)

In re: ZAPATA, VICTOR; CHU-178

Q. Would you stand and raise your right hand please? Do you swear that the statements you are about to make will be the truth and nothing but the truth, so help you God?

A. Yes.

Q. Be seated. For the record, would you state your full, true and correct name, date of birth and place of birth?

A. 30 of March 1957, McAllen, Texas.

Q. What is your full, true and correct name?

A. Victor Manuel Zapata-Rangel.

Q. What is your father's name?

A. Jose Salvador Zapata.

Q. And your mother's name?

A. Maria (inaudible) Rangel.

Q. Are you saying that you were born in McAllen, Texas?

A. Yes.

Q. You, I now show you a statement made by you, Carlos Zapata and Jorge Lopez, in which you complain of maltreatment by Agents of the Border Patrol. I ask you do you recognize this document?

A. Yes.

Q. Is everything that you said in this statement true?

A. Yes.

Q. Who is Jorge Lopez?

A. A man who was with us in the car.

Q. How did it come about that, excuse me, is that his real name?

A. This is the way I know him for five years.

Q. But is that his real name?

A. That's the way I know him. I don't know.

Q. How did it come about that Jorge Lopez signed this document?

A. Because he was with us and that's the way he signed.

Q. Where was he, where was he when he signed it?

A. He went to his house with Daniel. I went to his house and I told him that Daniel typed this up and to sign it.

Q. And did he sign it at his house or your house?

A. In my house because Daniel was in my house and I went (inaudible) to make sure that he sees when the other one signs it.

Q. & A. statement of VICTOR ZAPATA (cont'd)
In re: ZAPATA, VICTOR; CHU-178

Q. Who explained to him what was in the, in this statement?
A. Daniel.

Q. Who's Daniel?
A. Daniel is the one who's studying law.

Q. Is Daniel the one that assisted you in making your complaint?
A. Yes.

Q. Isn't, isn't it true that this Jorge Lopez stated before he signed the document that that was not his name?
A. That he told us that it was not his name? No, he signed it, he didn't ask anything, he just signed it.

Q. When you were stopped by the Border Patrol on Deluce Road near Fallbrook, California, on September 16, 1977, who was driving the car?
A. I.

Q. And who did the car belong to?
A. They sold it to my father and then he was paying them payments. A friend of him gave him the car for payments.

Q. Whose name was the car in?
A. Roberto Gonzalez.

Q. Did you have anything with you at that time to show that the car was being paid for by you or your father?
A. No. He says his father's friend and he wanted to have a car and when he finished paying for it in payments, he was going to give him the property of the car.

Q. You mean by giving the property, sign the car over to him?
A. When his father finished paying for it he was going to be his father's property when the payments were finished.

Q. When the Border Patrol stopped you what did they ask you?
A. If we had documents.

Q. And what did you tell them?
A. I was a citizen.

Q. Did they ask for any proof?
A. No. They told us to move to the side of the line on the freeway.

Q. Then what happened?
A. The officers said get everything out of the pockets and put it on top of the hood.

Q. & A. statement of VICTOR ZAPATA (cont'd)
In re: ZAPATA, VICTOR; CHU-178

Q. And then what happened?

A. He went and talked to the other one and told me to wait, but yelling and he told me to, and he told me that if I'm not saying the truth he was going to put me in jail for a long time, but then he didn't ask me for anything.

Q. Did you, did you tell him what you're real name was?

A. He didn't, ask me because then, because he was screaming at me and I got a little scared. Because he told me he was going to put me in jail. That's when I started getting very scared and then, then when I was real scared I show him another document that were not mine, because I was very scared and I left the other documents in my house.

Q. What, what name, what name was on the document you showed the officer?

A. Fred Anderson.

Q. Fred Anderson?

A. Fred Anderson.

Q. And where did you get that document?

A. I found it.

Q. Where did you find it?

A. In the lemon camp.

Q. And what kind of document was that?

A. One exactly like mine.

Q. One what?

A. Birth certificate.

Q. And where did, where did the docu---, where did the birth certificate say you were, you were born if you were Fred Anderson?

A. In Sacramento.

Q. Sacramento, California?

A. Yes.

Q. And did you at any time, did you at any time out of Deluce, while you were out on Deluce Road, did you tell any of the officers that your father's name was Jose Zapata?

A. He didn't ask me anything.

Q. The question was, did you tell any of the officers this?

A. What?

Q. Did you tell any of the officers while you were out there on Deluce Road that your father's name was Jose Zapata?

A. I didn't tell them. Because I don't talk to him since I got married and I didn't tell him anything of that because we didn't talk to each other.

Q. & A. statement of VICTOR ZAPATA (cont'd)
In re: ZAPATA, VICTOR; CHU-178

Q. And did you tell them that, that, or did you show the officers a letter from the Escondido Clinic?

A. Me?

Q. Showing that they were trying to arrange your papers?

A. Yes, but it was Temecula Office, and I told them everything.

Q. But I remind you that this document here, this statement made by you, signed by you, indicated, indicates that you told the officers that the Escondido Clinic was arranging your papers and that you showed them a letter from the Escondido Clinic?

A. No, not me. Carlos my brother.

Q. This, this letter, this statement that I have shown you here, is written as though it were you talking and indicates that you showed the officers a letter from the Escondido Clinic, then according to what you say now, this, this statement here is not correct?

A. Maybe, it was a mistake because Carlos my brother has the letter.

Q. Do you know what this statement actually says?

A. He explained to me. That the person who did this statement, just did it and then after that I told him I was a citizen, but the person who did the document did not realize that I was a citizen when he was doing it at the time.

Q. Alright. At first you claimed to be Fred Anderson, is that correct?

A. Yes.

Q. And then, did you claim to be someone other than Fred Anderson?

A. Yes.

Q. And what, what name did you give them?

A. That I gave him another name because I wasn't to be deportable under another name, so I don't have to use my name.

Q. And do you recall what name you gave them?

A. Alvaro Lopez.

Q. Is it correct that you gave them Alvaro Lopez-Lopez?

A. Yes.

Q. And where did you tell them you were born?

A. When he asked me my name?

Q. When you told them your name was Alvaro Lopez-Lopez?

A. In Mexico.

Q. And did I understand you correct that you told them this because you wanted to be deported?

Q. & A. statement of VICTOR ZAPATA (cont'd)
In re: ZAPATA, VICTOR; CHU-173

- A. Yes, because I wanted to be deportable, because I didn't want them to ask me anymore questions.
- Q. And when, were you still out on Deluce Road when you told them that your name was Alvaro Lopez-Lopez?
- A. Only one time I told them.
- Q. Where were you?
- A. Right there in Deluce.
- Q. And at that time did they tell you you would have to go with them?
- A. They took me.
- Q. And did they ask you what you wanted to do with the car?
- A. No.
- Q. Did you sign a paper?
- A. Yes, they didn't tell me what it was, they said sign here.
- Q. Do you read Spanish?
- A. Yes.
- Q. Isn't it correct that that document you signed was in Spanish?
- A. I didn't see it. I was so scared and I just sign it. If I would have known what it was for the car I wouldn't sign it.
- Q. You would have chosen to leave the car out on the road?
- A. Yes. No. Yes.
- Q. Which is it, no or yes?
- A. Yes, but the car was going to be drove by Jorge, but he didn't want to. And the Immigration officer didn't want...
- Q. Did any of you have any proof that the car belonged to you?
- A. We had the registration, but not in my name.
- Q. Then how were the officers to know that that car belonged to you?
- A. They didn't ask us anything about that.
- Q. After you told the officers that you were Alvaro Lopez-Lopez and that you were born in Mexico, did you tell them that you were, were illegally in the United States?
- A. They didn't ask me.
- Q. Did they ask you if you as Alvaro Lopez-Lopez had any docu---, any Immigration documents?
- A. No.

Q. & A. statement of VICTOR ZAPATA (cont'd)
In re: ZAPATA, VICTOR; CHU-178

Q. After you told the officers that you were Alvaro Lopez-Lopez and that you were born in Mexico, did you tell them illegally in the documents?

A. They didn't ask me.

Q. Did they ask you if you as Alvaro Lopez-Lopez had any Immigration documents?

A. No.

Q. After you arrived, after they transported you to Temecula, California, and your father arrived up there, did you deny that, that your father was actually your father?

A. No.

Q. Isn't it true that you did deny at one time that Jose Zapata was your father?

A. No.

Q. Not at any time?

A. No. They didn't ask me anything about that. When they asked me that I was in Temecula and before I saw him and Immigration officer went and he asked me, by myself, tell your, tell me all your name and the truth about yourself and I told him everything.

Q. Isn't it true that when Jose Zapata arrived up there that the officer asked you is that your father and you said no?

A. No, I never said that.

Q. Was your, is your, what's, what is your wife's name?

A. Gloria Gonzalez. They asked why, they asked her if my mother was her mother and she said no.

Q. What is your wife's name?

A. Gloria Gonzalez.

Q. And where is she from?

A. Mexico.

Q. Does she have any Immigration documents?

A. No.

Q. Did you tell the officers that the, that day when they apprehended you?

A. Yes.

Q. And did you request that they also go to your house and get your wife so that she could go to Mexico with you?

A. They told me lets go to your house. I took them there and we were inside the house, they went into the house too. And they started putting things in blanket and they took my wife in and they deport her to Mexico.

Q. & A. statement of VICTOR ZAPATA (cont'd)
In re: ZAPATA, VICTOR; CHU-178

- Q. Did you request that they go to your house so that she could go with you?
A. No, they took me.
- Q. At the, at the place where you were stopped on Deluce Road, did you at any time tell the officers that Carlos was your brother?
A. They didn't ask us.
- Q. Why didn't you tell them?
A. I didn't want my father to know.
- Q. You didn't want your father to know what?
A. I didn't want anybody to know and I didn't want my father to find out nothing, because I didn't want nothing on my father.
- Q. Who did the car belong to that you were driving, you or your father?
A. It was my father's, but he gave it to Carlos, Carlos didn't want it and he was going to give it to me so I could pay for it.
- Q. And are you saying that Jose, your father Jose, did not know where you were or where you live?
A. Yes, he knows where I was, I live.
- Q. Then why, why, why did you not want your father to know that you were out there?
A. Because, because we had a fight before and we didn't talk to each other.
- Q. What did that have to do with telling the officers the truth?
A. That's when I made my mistake because I didn't tell them.
- Q. During the time that you were talking to the officers, did they, did they maltreat you in any way?
A. They told me alot of bad words.
- Q. Like what?
A. Very uglies.
- Q. Like what?
A. Pendejo. The other one I cannot say in front of you because it was the worst thing I ever heard in my life.
- Q. What is, what is pendejo mean?
A. It is a very bad word for us. And he knew what they were telling me.
- Q. Does pendejo mean a stupid or what?
A. Yes.

Q. & A. statement of VICTOR ZAPATA (cont'd)
In re: ZAPATA, VICTOR; CHU-178

Q. And what was the other word that was used?

A. He says he's not going to tell me in front of.

Q. If you're not willing to say the word then we're going to assume that there was no word said.

A. (TRANSCRIBER'S NOTE: Spanish conversation between interpreter and respondent unintelligible.) Va a poner tu pinche culo en la carcel.

(EDENS: At this point the interpreter, who is a female, refused to translate the words used by the respondent. Mr. Barker, do you have any objection if I translate those words myself at this point?

MR. BARKER: As long as the Spanish appears on the written portion of the oral transcript. In other words if you're going to translate I would like the actual words spelled out in Spanish on the record of sworn statement. EDENS: Very well the translation of those words, accepted translation of those words is, I'm going to put your fucking ass in jail. The words pinche is P-I-N-C-H-E, the word culo is C-U-L-O.)

Q. Senor Zapata, los oficiales usaron algunas ostras palabras malas ademas de es os?

A. Me dijeron pinche mejicano pendejo.

Q. Yes. Translation: Yes, they said pinche mejicano pendejo. That's loosely translated, that's stupid fucking Mexican. The word pendejo is spelled P-E-N-D-E-J-O. Senor Zapata, es, es todos las palabras malas usaron?

A. Si.

Q. His answer was yes. Did any of the officers physically mistreat you in any way?

A. Not me, not me.

Q. Can you identify, would you be able to identify the officer that, that said the bad words to you?

A. Yes.

(Let the record show that I now show the respondent 12 photographs.)

Q. Can you pick the person out?

A. He said---

(Let the record show that the respondent indicated to photograph #6, that the person that talked to him said the bad words was with photograph #6 and he then pointed to photograph #2 indicating that he believed that was the person that that talked to him bad.)

Q. & A. statement of VICTOR ZAPATA (cont'd)
In re: ZAPATA, VICTOR; CHU-178

- Q. Do you see the photographs of all three of the officers that were there that day?
- A. For sure, for sure it's #6. Not to sure, but he's almost exactly the same as the other one. That one, #6, #2 were together and another one. But the other one is not here. The other one had black eyeglasses, but not this one.
- Q. Did any of the officers mistreat any of the three of you that were stopped that day on Deluce Road?
- A. The one that got more mistreated was Carlos my brother.
- Q. What happened to Carlos?
- A. I couldn't see, because they put me in a car and then they put him in another car.
- Q. Are you saying you don't know what happened to Carlos?
- A. I heard, I heard they said bad words to him and they put him in one side and they put me up.
- Q. Then am I correct that you did not see any of the officers mistreat, physically mistreat either the other two, either your brother or the, or the third person that was in the car with you?
- A. No, because they put me in another place right away.
- Q. Then if that is correct the, this statement that you made before is not true?
- A. Why?
- Q. Because it says, the statement says which you signed, that you saw one of the officers mistreat one of the others.
- A. I saw Carlos when they put him down.
- Q. What do you mean by put him down?
- A. I saw when they grab him from the arm and they throw him and I didn't see anything.
- Q. What do you mean by throw him?
- A. They grab him right here and throw him through the other side. It was the American officer and the American officer took me over there.
- Q. What do you mean by throw him to the other side?
- A. What do you want him to say, for me to say? Is that's what happened.
- Q. Did they take him by the arm and lead him somewhere?
- A. The only thing I saw is they grab him by the arm and they throw him and then I didn't see anything.

Q. & A. statement of VICTOR ZAPATA (cont'd)
In re: ZAPATA, VICTOR; CHU-178

Q. When you say they threw him, did Carlos fall?

A. No.

Q. How far did they throw him?

A. They grab him by the arm and then they throw him and then I put my head down and then they took me in.

Q. How far did they throw him?

A. I didn't pay attention. I just saw him when they grab him from the arm and they throw him.

Q. When they threw him, did they turn him loose?

A. I didn't see. They separate us right away, I didn't see.

Q. Did you see anything other than, than take hold of his arm?

A. I saw when they grab him from the arm and they throw him, and then I put my head down and I didn't see nothing.

Q. Can you identify the officer that did that? I show you now the photographs again?

A. (Let the record show that the respondent pointed to picture #2.)

Q. Was Carlos injured in any way?

A. No.

Q. In this statement that we're referring to here, made by you before you indicated that Jorge Lopez showed the officers his green card.

A. Yes.

Q. Did he have a green card?

A. I don't know, but I saw that he show a green card. I know since before I saw that green card before in his hands and I never saw, I do not know if it belonged to him.

Q. Did you see him show the card to the officers that day?

A. Yes.

Q. Did any of the officers talk to you about whether you wanted to leave the car out there on the road or have it towed in?

A. They didn't tell me anything about that.

Q. Did you sign a paper while you were still out on Deluce Road?

A. Yes, but I didn't know what it was.

Q. & A. statement of VICTOR ZAPATA (cont'd)
In re: ZAPATA, VICTOR; CHU-178

Q. Was it in Spanish or English?

A. I don't know. I didn't see it.

Q. How long was it after the officers talked to you on the road that day until you made a complaint?

A. I don't remember the day, but, but within the next coming weeks on the 16th or 17th. Around 20 to 21, I don't remember.

Q. Why didn't you complain right away?

A. He says that my father talked to the people who had been helping him all the time and they told him to make this.

Q. Someone else told your father to make the complaint?

A. He says that the person who typed this up, he says he was going to send some letters to Washington.

Q. And did anyone explain to you what this statement that you signed actually said?

A. He told me sort of it, of what the statement said, he told me more or less what the statement said. Because he doesn't speak good Spanish he told me in half and half.

Q. He told you half English and half Spanish?

A. Everything in Spanish but with caught words.

Q. You mean Spanish words you didn't understand?

A. Yes, I understand them but not too good.

Q. The interpreter is now going to read this complete statement to you and I want you to tell me then whether it is a true statement or not? I now ask you after the statement has been read to you, is that a true statement or not?

A. Yes, it's true, but yes it's true but when the statement says that they hit him with an open hand I did not say that.

Q. Did any of the officers make any remarks about the, about the attorney?

A. Yes.

Q. Who were they saying that to?

A. To Carlos when he showed the letter.

Q. And who said that?

A. (Let the record show that the respondent indicated photograph #2 in display.)

Q. Then it's correct that this statement is not totally cor—, totally true?

A. While I explain to the person who typed this document is that he had, the officer had these open hand and grabbed him but because of the language

Q. & A. statement of VICTOR ZAPATA (cont'd)
In re: ZAPATA, VICTOR; CHU-178

problem he didn't understand me and he put with an open hand hit him, he said that Carlos actually said that they hit him.

Q. During the time that you were stopped out on Deluce Road, were there any other people present other than the officers and the three of you?

A. Not to everybody but to the Mexican and some of them they was talking to.

Q. Were there any—, was anybody present as a witness to any of this, any of the things that you have said here?

A. About stopping the car?

Q. While you were stopped there and what happened on Deluce Road, are there any witnesses?

A. Only the us three.

Q. Do you have anything else to add to this statement?

A. No.

STATEMENT CONCLUDED.

C E R T I F I C A T I O N

This is to certify that the preceding 13 pages are a true, accurate, and complete transcription of the cassette tape recording of the sworn statement of VICTOR ZAPATA, given before Investigator AMOS L. EDENS, at San Diego, California on February 22, 1978.

Cheryl McKinney
Cheryl McKinney March 6, 1978
Clerk-Steno



FOR IMMEDIATE PRESS RELEASE

Enclosed is a statement from Mr. Jose Zapata (see enclosure A) alleging brutality against himself and his family by U.S. Border Patrolmen. Also enclosed is a letter to INS Commissioner Leonel Castillo (see enclosure B) and a letter (see enclosure C) to U.S. Senator Alan Cranston, U.S. Senator S.I. Hayakawa, U.S. Attorney Terry Knoepp, and the U.S. Federal Grand Jury requesting an investigation of this matter. For any further information call 474-8195.



Committee on Chicano Rights, Inc

December 13, 1977

Commissioner Leonel Castillo
Immigration Naturalization Service
425 "I" Street
Washington, D.C. 20536

Commissioner:

Enclosed is a serious complaint that our office has recently received involving brutality against a Mr. Jose Zapata (a U.S. citizen) and his family by some of your border patrolmen.

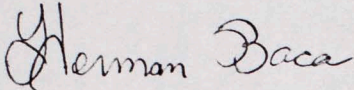
On your last visit to San Diego you stated that you had no plans to utilize dogs in your operation, but it appears that the officers involved with abusing Mr. Zapata and his family, have proven you wrong. This matter was turned over to your local I.N.S. officials but as always, they are side stepping the complaint and it now appears that they are heading (once again) towards their traditional whitewashing of the complaint. Actions by the accused officers and the handling of the entire matter by I.N.S. officials is in our opinion not an isolated incident, but rather an ingrained practice when it comes to dealing with the Chicano Community. Statements by your local I.N.S. officials that the matter is being resolved by another agency is not acceptable to us!

Because the Escondido Legal Clinic and the Zapata family have been unable to get redress on this matter, they have requested our assistance in hopes of resolving this matter. It is apparent to us that your local officers are either unable or unwilling to deal with this serious allegations and we therefore demand that you personally intervene in this matter by:

- 1) Calling for a full investigation of the allegations made by Mr. Jose Zapata and his family attorney.
- 2) A full public disclosure of the findings in this matter.
- 3) Immediate dismissal of the guilty officers and their superiors if they are found guilty.

The issue is before you. We will be expecting a prompt reply on this matter.

Sinceramente,

A handwritten signature in cursive script that reads "Herman Baca". The signature is written in dark ink and is positioned above the printed name and title.

Herman Baca
Chairman

S'west student had no papers to show

Kicked back across border: Teen's ordeal

By ROBIN AIHINI

Star-News Staff Writer

One of the most frightful days in 15-year old Gama Puente's life occurred only because she missed the South-west Junior High School bus one day.

Moments later she was alone, crying and penniless, at the southern edge of the U.S.-Mexico border without friend or relative.

GAMA'S nightmarish experience began as she walked toward a city bus stop. As a Mexican citizen, she was soon apprehended by a border patrolman who asked where she was headed and requested to see her immigration papers.

"Gama couldn't speak English so well because she only arrived in the United States in September," exclaimed Gama's mother, Rosa Puente. "So the border patrolmen told her to get in their car."

According to Puente, Gama told the men her immigration papers were with her mother at their 200 W. San Ysidro

Blvd. trailer home.

"But the men said it wasn't true, and they told her she was being taken to Mexico," said Puente. "She told them 'I have to tell my mother,' but they said that wasn't necessary.

"Then she told them that she had her school identification, but they said it wasn't worth anything."

UNDER LAW, aliens are required to carry proof of residence with an alien registration receipt card, otherwise known as "the green card," or with a non-resident alien border crossing card, known as "the visitor's permit" which gives aliens permission to cross daily.

Although Gama's mother, a U.S. citizen, has petitioned for her daughter's citizenship, her naturalization is still being processed.

If Gama had carried the required alien identification appers, as all resident or non-resident aliens older than 14 are required to, the incident might not have occurred, immigration

officials say.

But Gama was not even processed by the immigration office on her return to Mexico. She was merely "dumped in Tijuana," as one local official put it.

PUENTE, who works in the local fields as a farm laborer, did not learn her daughter was missing until that afternoon.

"I went to the Border Patrol station in San Ysidro and told them I was looking for my daughter, but they told me they had no reports on her," she said.

Assistant Border Patrol Chief Richard Jones confirmed this.

"Then I went to Immigration, and they told me she was probably playing hooky instead of being in school.

"But I said she was good in school and wouldn't do anything like that."

One of Puente's daughters then ran to the border, only to find Gama standing on the other side of the crossing, waiting to be rescued because she had no place else to go.

But with only several hundred yards between the two girls, Gama's sister was as helpless as she and could not save her.

Puente asked Immigration and Naturalization Service (INS) officials for permission to cross her daughter, but her request was refused because Gama was not a United States citizen.

"They didn't treat me like they should've," said Puente. "'Go home,' they said, 'we're busy.'"

THEN, a local agency which assists U.S. citizens and resident aliens and that wishes not to be named contacted the INS office and, saying Gama was its client, instructed border personnel to permit the young girl to enter the country.

Soon after, mother and daughter were reunited.

"She was crying when I found her," exclaimed Puente, "and was in a shocked state.

"Mexican border officers had been

✓ Please turn to back page, this section.

Teen's ordeal:
Kicked over border

(Continued from Page A-1)

asking her to go out with them. They said they had a lot of money and promised Gama a good time."

INS Supervisor Tom Acuna agrees the border patrolman who transported young Gama to Tijuana used poor judgment.

"Being a minor, he should've gone to her home to find out what documents she really had," said Acuna. "He also could've gone to the immigration office, where we have a record of her documents."

Acuna described the border patrolman as a young trainee who figured anyone without a document is illegal.

"And this case was the one out of a thousand which isn't followed through. There are very, very few cases like this one."

"Although the Border Patrol isn't under the jurisdiction of the INS, I apologized very deeply for them to Mrs. Puente and saw to it that she got her daughter back.

"I fixed everything up and explained it was all a mistake.
"We all make mistakes."

Starnews
1-5-78

Says not harassment

Border Patrol defends right to question

Controlling the illegal alien problem is impossible without questioning people, say Border Patrol Officials. And it is not harassment.

To Mexican-Americans' complaints of harassment by border patrolmen, Assistant Chief Patrol Agent Richard Jones responded, "There are people all over that complain.

"And it's not harassment. It just takes two seconds to check their papers."

HOWEVER, Mexican-Americans in the South Bay feel differently.

"It's interesting to know why border patrolmen stop people who are just walking on the street," said one local Mexican-American who wishes not to be named. "If they pick these people out of a group because they have brown skin or seem to be of Latin descent, then it's discriminatory.

"But if patrolmen think those people are involved in an accident or robbery, then there's probable cause to stop them."

Many Mexican-Americans who have lived in the South Bay for many years

feel their privacy has been invaded by "the watchdogs of the state."

CATALINA FLORES, 30, of San Ysidro, says San Ysidro is beset with a climate of fear because of the beefed up Border Patrol forces.

Local Mexican-Americans are insulted and made to feel like second-rate citizens, she says, because lifelong residents here are continually stopped for questioning by border police.

"It's just a fact of life that we're close to the border," said Jones, "and because of this, we've had to build up our forces.

"It will just be a matter of time before the group of new personnel becomes acquainted with the community and will recognize its citizens."

JONES believes the majority of local citizens is sympathetic toward the dilemma the Border Patrol now faces.

"It's a minority in terms of numbers who resent any questioning," he said.

Ruben Rubio, owner of Rubio's Little Mexico Restaurant in National City,

has heard of some troubles with Border Patrol among his people, but he said he has never had such experiences.

Rubio believes Mexican-Americans can avoid such hassles merely by being respectful toward a man in uniform.

"The first thing I always say to them is 'yes sir or no sir,'" he said.

JONES believes many stories of harassment of Mexican-Americans by Border Police "are hearsay rather than first-hand knowledge."

Like the story of Gama Puentes (see accompanying story), who was deported to Tijuana by a rookie border patrolman without being processed by immigration officials. The 15-year-old Puentes, a Southwest Junior High student, is undergoing naturalization and was here legally at the time of her deportation.

Rosa Puentes, Gama's mother, claims she sought aid from the Border Patrol when she heard her daughter was missing, but that they said they had no record of apprehending her and did not offer aid.

"We will surely investigate a case if

STARNEWS
1-5-78

a person makes a first-hand complaint," said Jones.

"We cannot deport a person without proper judicial backing because anything we do is subject to the laws of the United States. Any person we take into custody has to be processed."

Jones also said that those who are here illegally cannot be deported until they have received a special inquiry hearing before an immigration judge.

Puentes did not exercise these rights.

"Pending a hearing they can also be turned loose," he said, "and they can appeal to the appellate district court through the immigration people if they don't like the immigration court's decision."

JONES BELIEVES problems with alleged harassment could be solved if resident and visiting aliens carried the proper form of identification.

"What the state of California considers as proof isn't always so," he said.

"Like a driver's license. It just proves a right to drive in California. Anyone can get one because no proof of citizenship is required.

"And up until recently anyone could apply for a Social Security card.

"Documents such as these are used to make false claims of citizenship."

Resident or visiting aliens should carry proof of residence like the alien registration receipt card or green card, Jones said.

Other valid proof includes a non-resident alien border crossing card, which permits aliens to cross the border daily, or a birth certificate or proof of birth in the United States.

BUT Mexican-Americans who were born here and have lived here their entire lives resent being treated differently from other U.S. citizens.

"We should all remember that since 1820 there have been about 50 million immigrants, here," said a local Mexican-American.

"There is no one in this country that hasn't come from an immigrant stock, with the exception of the American Indian.

"And even they descended from a nomadic tribe."



Committee on Chicano Rights, Inc

U.S. Grand Jury
U.S. Attorney's Office
U.S. Courthouse
940 Front St.
San Diego, Ca. 92189

December 13, 1977

Grand Jury,

Enclosed is a complaint by a Mr. Jose Zapata involving brutality against him and his family by U.S. Border Patrolmen. Mr. Zapata and his attorney have attempted to seek redress but have been unable to because of side-stepping by local I.N.S. Officials.

It is for this reason that we are requesting an investigation by your office into these serious allegations. We will be expecting a prompt reply on this matter.

Thank you,

Herman Baca, Chairman



Committee on Chicano Rights, Inc

December 13, 1977

Senator Alan Cranston
815 E Street Room 103
San Diego, California 92101

Dear Senator:

Enclosed is a complaint by a Mr. Jose Zapata involving brutality against him and his family by U.S. border patrolmen. Mr. Zapata and his attorney have attempted to seek redress but have been unable to because of side stepping by local I.N.S. officials. It is for this reason that we are requesting an investigation by your office into this serious matter. We will be expecting a prompt reply on this matter.

Thank you,

Herman Baca
Chairman

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

PLEASE ADDRESS REPLY TO

OFFICE OF THE COMMISSIONER

AND REFER TO THIS FILE NO.

JUL 5 1978

CO 703.1001

Honorable Alan Cranston
Senate Office Building
Washington, DC 20510

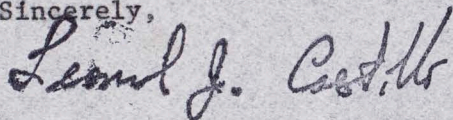
Dear Senator Cranston:

This is in further reference to your letter of November 18, 1977 with enclosure from Mr. Joe Seckelman concerning alleged abuse of the Jose Zapata Family by agents of the U. S. Border Patrol.

At the request of the Department of Justice's Civil Rights Division, our Office of Professional Integrity conducted an investigation of the subject matter. Our investigation did not substantiate the allegations. A copy of our investigative report has been forwarded to the Civil Rights Division for a decision as to whether they concur with the results.

Again I thank you for your interest in this matter.

Sincerely,



Leonel J. Castillo
Commissioner