



State of California
Department of Justice
George Deukmejian
PRONOUNCED DUKE-MAY-GIN
Attorney General

555 CAPITOL MALL, SUITE 550
SACRAMENTO 95814
(916) 322-3360

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

July 14, 1981

Dear Mr. Baca:

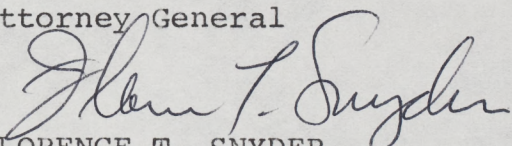
This is in response to your recent letter requesting an opinion from this office.

The Attorney General appreciates hearing from individuals such as yourself; however, pursuant to section 12519 of the California Government Code, the Attorney General is prohibited from giving opinions or legal advice to other than state officers and certain state agencies.

May we suggest that you direct your inquiry to your County Counsel. That office is charged with the responsibility for the legal representation of county agencies. Further, it is the policy of this office to refer to the opinion of the County Counsel of District Attorney before rendering an opinion.

Very truly yours,

GEORGE DEUKMEJIAN
Attorney General


FLORENCE T. SNYDER
Coordinator, Public Inquiry Unit

GD:FS

ROBERT S. TEAZE
ASSISTANT CITY ATTORNEY
CURTIS M. FITZPATRICK
SENIOR CHIEF DEPUTY CITY ATTORNEY

OFFICE OF
THE CITY ATTORNEY
CITY OF SAN DIEGO
JOHN W. WITT
CITY ATTORNEY

CITY ADMINISTRATION BUILDING
SAN DIEGO, CALIFORNIA 92101
(714) 236-6220

July 9, 1981

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

Dear Mr. Baca:

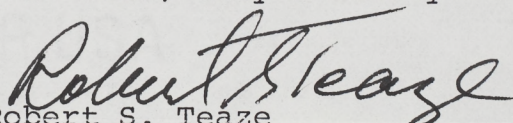
This is in reply to your letter of July 2, 1981
requesting a legal opinion about certain Council action.

Please be advised that this office does not give
legal advice to private organizations. However, you
can be assured that we pass on the legality of all Council
actions and any City contract, resolution or ordinance
will bear our approval as to form and legality.

Yours very truly,

JOHN W. WITT, City Attorney

By


Robert S. Teaze
Assistant City Attorney

RST:rc:040

sent to phone



Committee on Chicano Rights, Inc

(Beeling sent ms)
COPY

1981 JUL -3 PM 9:33

3 de julio, 1981

~~COPIA DE UN TELEGRAMA ENVIADO AL PRESIDENTE JOSE LOPEZ PORTILLO~~

Presidente Jose Lopez Portillo
Plaza de La Constitucion
Los Pinos, Mexico, D.F.

Sr. Presidente:

El Comité Pro-Derechos Chicanos de San Diego, California recomienda y le pide que cancele su (reunión) entrevista con el Alcalde de San Diego, Pete Wilson. Wilson como Alcalde recientemente envió un insulto y afrenta a los ciudadanos, a Ud. Sr. Presidente y a México. Wilson inició y introdujo una resolución legislativa para ser aprobada por los miembros del concilio de San Diego, la cual afectará y negará los derechos humanos a los trabajadores Mexicanos. 88

El Alcalde con su voto está intentando asegurar se que las condiciones de esclavos, las cuales los trabajadores indocumentados son objetos, no sean alteradas o mejoradas. Las pasadas acciones de el Alcalde son una burla a sus sinceros esfuerzos de establecer respeto de los Estados Unidos para México, y así mismo destruye sus intenciones de proteger los derechos humanos de los trabajadores indocumentados. 63

Es un insulto a su persona, a la Presidencia, que el Alcalde Wilson se reúna publicamente con Ud., después de los ataques calumniosos en contra de todas las personas de ascendencia Mexicana. Sr. Presidente, debido a la amistad y estrecha cooperación entre la administración de el Presidente Reagan y el Alcalde Wilson, podemos visualizar y esperar que los derechos, seguridad e intereses de los mexicanos no podran ser respetados, menos aun garantizados bajo el propuesto programa "Huesped de Trabajadores" de la administracion de Presidente Ronald Reagan. 86

Respetuosamente,

Herman Baca, Presidente
Comite Pro-Derechos Chicanos
1837 Highland Avenue
National City, California 14

1837 Highland Avenue, National City, CA 92050 (714) 474-8195

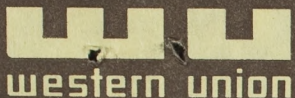
CASE: International Chamber of Commerce of San Ysidro

DATE: February 23, 1981

DESCRIPTION OF CASE:

Complaint in the form of a letter to President Reagan, dated February 23, 1981, by the International Chamber of San ysidro with regard to government interference that seriously hampers the free enterprise system, over the lack of respect for private property, of excessive and arbitrary regulation, of repressive spawning policies that make it even harder to operate or own a business.

The International Chamber of Commerce condemns the deliberate actions of the San Diego Police, the U.S. Border Patrol and the Immigration Authorities in making their business difficult to operate.



Telegram

13
SDA321(1819)(1-036546N196011-006)PD 07/15/81 1722

ICS IPMSDLA SDG

~~SUSPECTED DUPLICATE~~: 1-034778M196 SDA 239 ICS IPMSULE SDG

01171 07-15 0316P PDT

PMS SAN DIEGO CA

BT

1-178397G196 07/15/81

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PMS NATIONAL CITY CA

XDA200

JMNX CO MEME 044

MEXICO CITY 44 15 1900

SENOR HERMAN BACA

PRESIDENTE DEL COMITE PRO-DERECHOS CHICANOS

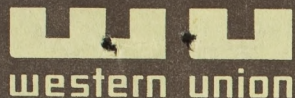
Telephone No. *tan*
474-8195-

Telephoned To City

Time 2429 *7-16*

By sd

To Be sd *for telegram*
7-16-84 LR



Telegram

1837 HIGHLAND AVE.

NATIONAL CITY CALIFORNIA

SPP 351215 POR INSTRUCCIONES DE) :. SECRETARIO PARTICULAR

SU MENSAJE FECHADO CUATRO ACTUAL, DIRIGIDO AL C.

PRESIDENTE CONSTITUCIONAL DE LOS ESTADOS UNIDOS MEXICANOS,

FUE ENVIADO PARA SU CONOCIMIENTO A LA SECRETARIA DE RELACIONES

EXTERIORES. ATENTAMENTE. EL SECRETARIO ADJUNTO

LIC CARLOS JAVIER VEGA MEMIJE

COL 1837 351215

NNN

1715 EST

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Committee on Chicano Rights, Inc

FOR IMMEDIATE PRESS RELEASE

July 2, 1981

National City, Ca

Herman Baca, Chairman of the Committee On Chicano Rights today "charged Mayor Pete Wilson with effecting dangerous political demagoguery because of his manipulation of the San Diego City Council's vote to end legal services to persons of Mexican Ancestry in San Diego.

"Mayor Wilson who engineered the June 29 ,1981 vote, which established the requirement that a contracted agency (Legal Aid Society) funding would be contingent on their not providing services to so called "illegal aliens", will sacrifice the civil and constitutional rights of the San Diego County's 300,000 Chicanos," Baca said.

"The vote establishes a dangerous precedent by forcing a contracted City funded agency to discriminate and act as a surrogate arm of the Immigration and Naturalization Service/Border Patrol against the Chicano community as a condition to receive funds."

"Chicanos and all Latinos have a constitutional and legal right not to be subjected to any other criteria such as the proof of citizenship that the general population is not subjected to. To require that Legal Aid Society or any other agency require any other proof,

other than needed and not required of everyone to receive a tax supported service is unconstitutional, racist and is a complete contradiction to the Bill of Rights and the U.S. Constitution of this country," indicated Baca. "We find the Mayor's actions unconscionable and an attempt to further the "Brown Peril" hysteria in San Diego where Chicanos, Mexican citizens and other Latinos have been murdered, raped, and denied all of their human, civil and constitutional rights by agencies to usurp federal powers in the area of Immigration have been condemned and were ruled illegal by the past Attorney General Griffin Bell in 1979."

According to Baca, what Mayor Pete Wilson is really saying by his vote is:

- 1.) persons of Mexican ancestry deserve to get killed, raped beaten and have their human, civil and constitutional rights violated by Border Patrolmen, police, employers, etc. without having access to someone to legally defend them.
- 2.) persons of Mexican ancestry in the County of San Diego should not have the right to have access to the court system in order to have their day in court as he and his rich and powerful friends do.
- 3.) he as a spokesperson for the vested interest of San Diego, does not want the privileged status quo of the rich and powerful disturbed.

Baca further stated, "We further question the sincerity of Mayor Wilson and the contingent of San Diego businessmen who just last month visited Mexico City and pledged their fullest cooperation to President Lopez Portillo to work to eliminate misunderstanding between the two countries. If the City Council's vote is any indication of that cooperation, it now appears that Mayor Wilson is a hypocrite who is willing to sacrifice

the international relationship and also the civil and constitutional rights of 6 million Chicanos in California in order that he may keep his gubernatorial candidacy alive. Baca ended by indicating that the Committee on Chicano Rights is requesting the City Attorney, the State Attorney General to immediately issue a legal opinion on the San Diego City Council's actions and that the U.S. Attorney General issue a federal injunction prohibiting the City to involve itself in immigration matters. The Committee On Chicano Rights also requested the U.S. Attorney General for a legal opinion into the legality and constitutionality of the San Diego City Council's action.....

Funds Voted For Legal Aid, Consumer Protection Unit

(Continued from B-1)

the cost of the consumer program. Also, funds previously slated for additional staff for the criminal and litigation divisions will be transferred to the consumer program to bring it to its current \$317,000 level of funding.

"The consumer fraud unit does not house a bunch of crusading do-gooders," said City Attorney John Witt. "It's a group of professionally qualified specialists who share the goal of protecting the freedom of the market place — making sure the consumer can deal with confidence that the business community is honest and that the businessman can compete without interference from those who break the law."

The consumer division — which includes four attorneys and three investigators — handles complaints involving deceptive advertising, unlicensed contractors, inaccurate restaurant menus, phony franchise schemes, and landlord-tenant disputes. Last year, it recovered \$60,000 in civil costs and penalties, \$7,500 in criminal fines, and \$174,000 in restitution to consumers.

City Manager Ray Blair — under council direction to hold down city spending — had recommended eliminating the consumer division but boosting the overall city attorney's budget by \$293,000 to allow expansion of the criminal and litigation divisions.

"It is no fun to make recommendations for the dele-

tion of a significant division in the city attorney's office or any other office," Blair said. "But you have to take first things first, and the fundamental, basic responsibilities of the city attorney's office are litigation and criminal prosecution."

In other action, the council voted to allocate \$36,314 in the upcoming year to the California Public Interest Research Group, (CalPIRG). The city manager had recommended allocating \$28,000, which CalPIRG said would force elimination of their newsletter and supermarket price survey.

Voting against the CalPIRG allocation were Wilson, Cleator and Schnaubelt.

The move to restrict the use of city funds allocated to the Legal Aid Society was engineered by Wilson and Cleator. On May 27, the Public Services and Safety Committee voted 5-0 to allocate \$300,000 to the group, without mentioning possible restrictions. When the issue reached the council last week, Wilson asked for a week's delay.

About two hours before

the issue was to be heard yesterday, council members were given a list of possible restrictions and were informed that Cleator planned to seek to amend the Legal Aid motion to include them. Councilman Mike Gotch reacted strongly to the short notice.

Gotch said the process of distributing information just hours before a council vote "stinks. We've done it here before, and I'm tired of it." The council was forced to act quickly on Legal Aid because its city funding expires at midnight tonight as the fiscal year ends.

Knoll said that without Legal Aid "there is no access for legal redress of grievances ... A large segment of our society feels alienated and left out of the legal system that seems to tell them that you're only allowed as much justice as you can buy."

But Schnaubelt told Knoll, "Some of us who pay taxes believe our taxes should not be used where there is an advocacy against our interests or the public's interests."

Council members were angered last year when Legal Aid attorneys mount-

ed a successful legal challenge to force the rent control issue onto the ballot. Knoll has said repeatedly that the Legal Aid lawsuit was not meant as an endorsement of rent control but rather as a means to help poor people use the initiative process.

Funds Voted For Consumer Fraud Unit

Council Also OKs Money For Legal Aid Society, With Restrictions

By ANTHONY PERRY
Staff Writer, The San Diego Union

The San Diego City Council yesterday voted to continue funding the consumer protection unit of the city attorney's office and the local Legal Aid Society.

The council, however, voted to restrict the Legal Aid Society from using city money to:

- File class action suits against any agency of the federal, state or local government.
- Provide an elected official with unsolicited advice.
- Provide information involving boycotts, strikes or picketing.
- Provide any legal advice to illegal aliens.

The restrictions are identical to those in the House budget allocation for the federal Legal Services Corp., the agency which has provided 75 percent of the funding for the Legal

Aid Society of San Diego. A joint House-Senate conference committee will decide whether the proposed restrictions on federal allocations to Legal Aid become law.

Voting in favor of the restrictions were Mayor Wilson, Deputy Mayor Bill Mitchell, and Councilmen Bill Cleator, Dick Murphy and Fred Schnaubelt. Even with the restrictions, Wilson, Cleator and Schnaubelt also voted against a motion to allocate \$300,000 to the Legal Aid Society. The funding motion passed 6-3.

Wilson said he "could think of better ways to spend (city money) other than Legal Aid."

Legal Aid Director Gregory Knoll said the restrictions — if also adopted in the federal budget — could severely restrict the ability of Legal Aid attorneys to represent poor people. The local group represents about 15,000 persons a year in San Diego, mainly in domestic relations, con-

sumer protection, government benefits and housing.

"The action is meant to insure that poor people don't have the same legal rights as the rest of society," Knoll said. "A class action suit against government for redress of grievances should be the right of every citizen. Middle-class people can hire lawyers; rich people can hire Luce Forward Hamilton & Scripps (Murphy's former law firm), but poor people will not have access to the courts."

Cleator and Schnaubelt told Knoll they disagreed with the type of cases the Legal Aid handles.

"The people of the Housing Authority tell me that if they could get you off their back they would have a much easier time," Cleator said. "You're constantly harassing them; (for example) an individual who is a pain in the butt and they're trying to kick him out of a (housing) project,

you're keeping him in there. And he's not paying the bill and he's destructive."

The motion will keep city funding at its current level. Legal Aid this year also received \$1.1 million from the Legal Services Corp. and \$80,000 from United Way and other private services. The council had voted last year to cut funding for 1981 after Legal Aid lawyers successfully forced the rent control issue onto the ballot.

The vote to restore funding for the consumer protection division in the city attorney's office was far less controversial. The vote was 8-1, with Schnaubelt dissenting to the budget process used by the city manager's office but still urging that the division be kept.

The council boosted the city attorney's \$3.8 million budget for next year by \$210,000 to partially cover

(Continued on B-8, Col. 1)

S. D. UNION

6-30-81

The San Diego Union

SAN DIEGO, CALIFORNIA, FRIDAY MORNING, JULY 3, 1981

Baca Scores Wilson On Legal Aid Restrictions

By ANTHONY PERRY
Staff Writer, The San Diego Union

The chairman of the Committee on Chicano Rights charged yesterday that Mayor Wilson was guilty of "dangerous political demagoguery" in leading a move to keep the Legal Aid Society from using city money to represent illegal aliens.

Committee Chairman Herman Baca said Wilson "engineered the vote to provide him with a political issue for his gubernatorial candidacy."

Wilson's press secretary, Roy Schneider, dismissed Baca's charge as "ridiculous."

The San Diego City Council voted 5-4 Monday to bar the Legal Aid Society of San Diego from using city funds to file class-action suits against public agencies, distribute information about boycotts or strikes, provide unsolicited advice to public agencies, or represent illegal aliens. Similar restrictions are being considered in Congress on federal funds for Legal Aid societies.

"On the heels of his disastrous defeat on the convention center, Wilson has turned to immigration as a politically expedient issue," Baca said. "Many politicians are trying to take advantage of the immigration issue and promise voters

that they'll get tough on so-called 'illegal' aliens and not use any taxpayers' money to provide services for them."

Baca sent a letter to U.S. Attorney General William French Smith asking that an injunction be sought to block the city from imposing the restriction. Baca said he believes the illegal-alien restriction is unconstitutional because it is an attempt by the City Council to usurp the federal government's authority over immigration laws.

The National City-based Committee on Chicano Rights, incorporated as a non-profit group in 1977, is involved in such issues as immigration laws, alleged police harassment and bilingual education. The group has been critical of the Border Patrol and U.S. immigration policies.

Baca cited a 1979 edict from then-Attorney General Griffin Bell that said local law officers could not arrest persons suspected of being illegal aliens but instead should summon federal agents.

Peter Nunez, chief assistant U.S. attorney in San Diego, said the issue of whether public services can be withheld from illegal aliens has not been fully decided by the courts. He noted that the U.S. Supreme Court is scheduled next session to consider a Texas law that restricts the use of public money to provide education for children of illegal aliens.

Nunez said it is wrong to extend Bell's rule about enforcement of immigration laws to the issue of public services. "It is really mixing apples and oranges," Nunez said. "Bell said nothing about local agencies in regard to services."

The Legal Aid motion passed by the council forbids the use of city funds to represent "any client who is not a citizen of the United States except for permanent resident aliens who are (a) married to a U.S. citizen, (b) are parents of a minor child who is a U.S. citizen and said parents have filed for permanent-residency status, or (c) refugees who have been granted political asylum."

Legal Aid director Gregory Knoll said the residency

restriction has a large loophole; namely, a person is not technically an illegal alien until a court has decided his or her individual immigration case. "I see nothing in this restriction that would keep us from representing people who want to fight deportation as illegals," Knoll said.

However, he said it would be foolhardy for Legal Aid to attempt to exploit such a loophole since it would almost certainly anger the City Council and prompt a cutoff of city funding. Even with the restrictions, the motion to approve \$300,000 for Legal Aid for the current fiscal year was opposed by Wilson and Councilmen Bill Cleator and Fred Schnaubelt.

Schneider said Wilson favored the restrictions because he "didn't see any reason that Legal Aid should be able to use city funds for things they probably won't be able to use federal funds for."

"It doesn't make any sense that illegal aliens should be able to cross the border and land on the doorstep of Legal Aid asking for help," Schneider said. "We aren't going to stand over there in jackboots acting as INS (Immigration and Naturalization

Service) agents — as Mr. Baca would have you believe.

Baca, who owns a printing shop in National City, said the move by Wilson makes him doubt the sincerity of the mayor's recent trip to Mexico City and his

pledge to Mexican President José Lopez Portillo to help promote better relations between the two countries. Wilson, Baca said, "is a hypocrite who is willing to sacrifice the international relationship ... in order that he may keep his gubernatorial candidacy alive."

RUBEN!
FOR YOU INFO.
SEE IF YOU CAN
PUT PRESSURE.

H



Committee on Chicano Rights, Inc

July 1, 1981

United States Justice Department
William French Smith
U.S. Attorney General
10th and Constitution N.W.
Washington D.C. 20530

Regarding: San Diego City Council Action

Dear Mr. Smith:

Our organization wishes to request an immediate injunction be sought in Federal Court against Mayor Pete Wilson and the San Diego City Council restraining the above parties from imposing illegal and unconstitutional requirements upon Chicanos from receiving services from local contracted agency. San Diego City Council has imposed upon contracted agency (Legal Aid Society) the restriction that they verify the immigration status of persons before receiving services. San Diego City Council by vote on June 29, 1981 to restrict contracted agency upon condition of receiving funding from providing services to "illegal aliens." This action has placed the San Diego City Council and it's local contract agency in the position of usurping federal power and jurisdiction in the Immigration area. In doing so it is imposing an unconstitutional requirement (violation of 14th amendment) upon San Diego's 300,000 Chicanos. Because of this your immediate attention is requested on this matter.

Thank You,

Herman Baca

Herman Baca,
Chairperson



Committee on Chicano Rights, Inc

July 2, 1981

United States Justice Department
William French Smith,
U.S. Attorney General
10th and Constitution N.W.
Washington D.C. 20530

Re: San Diego City Council Action

Dear Mr. Smith,

Our organization wishes to request a legal opinion on the legality and constitutionality of a legislative vote taken by the San Diego City Council on June 29, 1981.

The vote by the City Council was to restrict a contracted agency (Legal Aid Society) from providing any legal services to so called "illegal alien". The issue which we are requesting a legal opinion from your office are as follow:

- 1.) Does the San Diego City Council by its vote have the legal right to involve itself into the area of Immigration?
- 2.) Has the San Diego City Council by its vote, usurped the federal government jurisdiction in the area of Immigration?
- 3.) Has the City Council the authority and jurisdiction to force a contracted agency as a condition for their funding to determine and resolve the deportability/non-deportability, citizenship/non-citizenship of an individual before receiving services?

The San Diego City Council vote has raised serious concerns over the constitutionality and legality of there actions. If implemented, this action will subject the Chicano/Latino community to serious abridgment to there civil, constitutional rights, in our opinion.

Therefore, your prompt response is requested in this matter. If you have have any questions regarding the above matter, please call me at the listed number below. Thank you very much for your consideration.

Sincerely,

Herman Baca
Herman Baca, Chairman

Torros In Ensenada

By: Lynn Sherwood, Taurine Editor

The City Fathers of this delightful seaside village of Ensenada have always wanted to have a bullring and this Sunday, July 5th, thanks to Tijuana businessman Ernando Limon, they will have one.

Limon, who put together a portable bullring from stands gleaned from the Olympics in Canada, has discovered great success in San Luis Rio Colorado and in Tecate. This Sunday he will see how the Ensenada crowd enjoys the first catagory fights that he offers. The Corrida, scheduled for 4 p.m., Sunday, is a "beauty & the beast" affair. No, we are not speaking of the toro and the torero but rather of the toreros contracted for the affair. The beast is no other than Rodolfo Rodriguez, "El Pana," probably the most insane, controversial, and unpredictable Matador in Mexico. The beauty is Jesus "Chucho" Solorzano, one of Mexico's finest, most artistic & classical Toreros, when he is inspired.

Both Matadores place their own banderillas. "El Pana", in his own inimitable style, if one can call it a style & Solorzano, in his classical approach. It should be lots of fun this Sunday at 4 o'clock in Ensenada.

SPORTS FIGURES TO REPRESENT TUNED IN MAGAZINE

SAN DIEGO—John Jefferson (San Diego Chargers), Ozzie Smith (San Diego Padres), and Julie Vee (San Diego Sockers) have been signed, by TUNED IN, San Diego's entertainment, television and radio

free of charge on "Try the Trolley Days" July 23, 24 and 25.

Over 50,000 free souvenir tickets distributed by the Metropolitan Transit Development Board (MTDB) to merchants and public offices in the downtown area and South Bay, will be available to the public starting July 17. The tickets are a variation of the new "Read 10" ten-ride ticket which

con't from page 2

Hispanic Voters in U.S.

nation, particularly here in the Rio Grande Valley. In McAllen, for example the number of registered voters in predominantly Hispanic-American neighborhoods increased by nearly 14,000 over the past year, to the point where they now represent a majority of the town's voters.

But such successes are not universal, and there have been other problems that have not been overcome in the past five years, including lower-than-average turnouts of Hispanic-American voters and the reluctance of many municipalities to redraw voting jurisdictions to give minority-group voters maximum strength at the polls.

Moreover, a study two years ago by the Federal Election Commission asserted that the nation had been "quite reluctant" as a whole to face up to the problem of non-English-speaking voters. The commission found what is called "minimal" compliance with the bilingual provisions of the voting act in some areas including Texas, where some local elections officials acknowledged that they had never even read the law.

According to the most recent census figures available, there are about 13 million residents of Hispanic descent in the United States, of whom some 5.8 million, or about 44 percent, are eligible to vote. Recent studies by the Southwest Voter Registration and Education Project estimate, however, only 3.4, that million or about 59 percent, were registered in last year's Presidential election, and that only about 2.1 million, fewer than half of those eligible, actually cast votes.

Partly as a result of low registration and turnouts, Hispanic citizens are badly under-represented at all levels of government. There are currently only six Hispanic members of Congress, all of them in the House of Representatives and except in New Mexico, no Hispanic Americans now hold

voting laws.

Foremost among these changes has been the Justice Department's repeated objections to the election of officials on a citywide, or at-large basis, rather than electing them by single-member districts, along the lines of the "ward" system used for year in many Northern cities.

Some of the resulting changes have been dramatic. Until 1975, when the "pre-clearance" requirement was extended to include Texas, Mexican-Americans in San Antonio had never made up a majority of the City Council's membership even though they were a majority of the city's residents. After Justice Department objections led to the creation of single-member City Council districts, five Hispanic

con't from page 1

Cont: Cuatro de Julio

El crecer en un ambiente ruidoso desarrolla, aparentemente, el talento creador. hace algunos años, cuando me dediqué a las actuaciones teatrales como entretenimiento, el director me elogió por mi habilidad para proyectar mi voz. Le sorprendió enterarse de que no me había adiestrado formalmente.

En mi familia, según le revelé, hablar en voz alta era esencial para sobrevivir. Si uno no lo hacía, gritando que también uno tenía apetito, podía morir de hambre.

Otra ventaja es que siempre había con quien jugar. La soledad fue algo que nunca conocimos. Nos convertimos en los mejores amigos y guardianes recíprocos. A causa del gran apoyo que experimentamos todos, nos fue posible a todos arreglárnoslas para salir de la trampa de la pobreza. Hoy tenemos en mi familia un trabajador social, una enfermera, un delincuente, una secretaria, una maestra, un químico, un escritor y un joven estudiante de escuela superior que es también un músico excelente.

Podría creerse que, con tal historia de éxito para una familia grande, debiéramos ser un grupo fecundo. De modo interesante, de entre los adultos en edad de procrear, solamente mis dos

Americans, a majority of the City Council, were elected. One of

In addition to attempting to enhance the political participation of minorities, the Voting Right Act also contains provisions of their votes, principally by them Henry Cisneros, recently became the city's first Hispanic Mayor.

The issue of single-member districts is important because of what Chandler Davidson, a professor of sociology at Rice University in Houston, calls "racial blockvoting." Professor Davidson's studies have shown that Mexican-Americans like Mrs. Sausedo tended to vote in large numbers for Mexican-American candidates, and indeed, when Mrs. Sausedo was asked why she had voted for Dr. Casso her only answer was that he was "Mexicano."

(Following article appeared in The New York Times 5/22/81).

hijos. Las épocas difíciles que también recordamos vívidamente nos hacen vacilar, en apariencia, para continuar por el mismo camino que recorrieron nuestros padres. Sin embargo, como adultos somos una familia mucho más unida que la mayoría de ellas.

Me imagino que si existe el cariño y se hace un esfuerzo serio para llevar a cabo lo que sea mejor

para los hijos, entonces, a pesar de los altibajos, saldrán bien.

Es probablemente acerca de eso que estaremos hablando y riéndonos, cuando la familia se reúna en el parque de Weslaco, Tejas, este próximo Cuatro de Julio. Todos nosotros, desde los alrededores del Valle del Río Grande y tan lejos como Austin, estaremos allí. Todos, con excepción del que vive en California.

Pero yo estaré allí en espíritu.

(Jesus Mena es el editor administrativo de la revista literaria trimestral "XhismeArte", y coordinador del Taller de Escritores Latinos, con base en Los Angeles.

Lo Que Esta Pasando

FREE YOGA WORKSHOP

A free introductory Yoga Workshop is being offered on Wednesday, July 8, 6:30 - 8:30 P.M., at The First Christian Church, 430 - 2nd Avenue, Chula Vista.

A 6-week course will begin Wednesday, July 15. Call NATARAJA YOGA ASHRAM - 282-2111 - for more details.

Educational credit is available for nurses.

BAJA TRIP FOR HIGH SCHOOL STUDENTS

The Natural History Museum is offering high school students a chance to explore Baja California's northern coastal area Sunday July 12 through Wednesday, July 15.

The group will camp along beaches between Punta Santo Tomas and Cabo Colonet with opportunities to hike, swim, catch live animals and learn about the ecology of the area.

Discovering small Mexican villages, old ranchos and mission ruins will also be part of the educational experience.

Registration is limited to students aged 15 through 18, and is \$140 per person. It includes transportation, all meals and leadership. Students must provide their own camping equipment.

To register, mail a check to the Education Department, Natural History Museum, P.O. Box 1390, San Diego, 92112. For more information call the Museum at 232-3821, ext. 48.

"TRY THE TROLLEY DAYS"

The public will have the opportunity to ride the new San Diego Trolley

will go on sale for \$7.50 the middle of July.

Merchants and offices distributing tickets will place a sample in their window and no purchase is necessary. Members of the public who are unable to pick up a free ticket may send a self-addressed stamped envelope to MTDB, 620 C Street, Suite 400, San Diego, CA 92101.

MUSIC SCENE

Dancing to "big band" music is coming to San Diego County. KMLO radio is presenting a 20 piece band, "The KMLO Windjammers," at the Al Bahr Shrine Auditorium, Friday July 10, from 8 to 12 p.m.

Advance tickets for the event are \$6 and are available at the radio station. Tickets at the door will be \$7. For further information, call 724-8333.

GRAN TARDEADA

El Comité Pro-Fiestas Patrias de Escondido, hace una cordial invitación a la gran tardeada que se llevara a cabo el domingo 5 de Julio del presente, en el Lienzo Charro De La Asociación de Escondido (Prolongación de Valley Blvd, Camino a Valle Centro), dando comienzo a las 3 p.m., con la participación musical del mejor conjunto del momento...."RAZA"

CERVEZAS, REFRESCOS Y ESQUISITOS PLATILLOS MEXICANOS Y VARIAS SORPRESAS DESDE LA 1:00 P.M., DE LA TARDE.....cooperación.....\$5.00 por persona.

magazine, as part of the magazine's latest campaign to help various San Diego community projects. The new program will feature appearances by the pro-athletes at fundraising events for local churches, schools, and social organizations.

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At the local level, conditions are not much different. Here in Texas, where about one resident in five is of Mexican descent, only 12 percent of the state's legislators are Hispanic Americans, as are less than 10 percent of the members of city councils and school boards, according to the Mexican American Legal Defense and Educational Fund, one of the group leading the fight to extend the Voting Rights Act.

The city of McAllen, whose population is 16 percent Hispanic, has never elected a Hispanic Mayor. Mr. Brand defeated Dr. Casso in the runoff election, and until last month there had never been more than one Hispanic American on the five-member City Commission.

Effectiveness of Votes

In addition to attempting to requiring that the Justice Department approve potentially discriminatory changes in local

hermanas menores han tenido California.)

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DE LA SALUD

La Organización Mundial de la Salud calcula que el 20 por ciento de la población mundial de edad mediana, sufre de presión alta de la sangre. Para los adultos negros de los Estados Unidos la proporción es mucho más alta—tantos como uno de cada tres la tienen, de acuerdo a algunos estudios.

Es muy apto que se conozca a la presión alta de la sangre como el "asesino silencioso", porque sus síntomas no son frecuentemente obvios para el individuo. Sin embargo, la presión alta de la sangre es la enfermedad crónica más común tratada por médicos en las comunidades negras. Es diez veces más probable que aquella que se aplopejas fatales, enfermedades del corazón o enfermedades del riñón entre negros, que entre blancos de edad mediana.

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Se invita al interesado a atender las audiencias publicas para evaluar las obras y proyectos de el programa de desarrollo urbano. Empleados del condado y ciudades participantes estaran presentes para obtener opiniones de los proyectos emprendidos en las areas no incorporadas de el Condado y Ciudades participantes de Carlsbad, Coronado, Del Mar, Imperial Beach, National City, Lemon Grove, San Marcos y Vista.

Las audiencias se llevaran a cabo en las siguientes localidades:

Condado del Norte:
Miercoles, 29 de Julio de 1981 - 7:00 p.m.

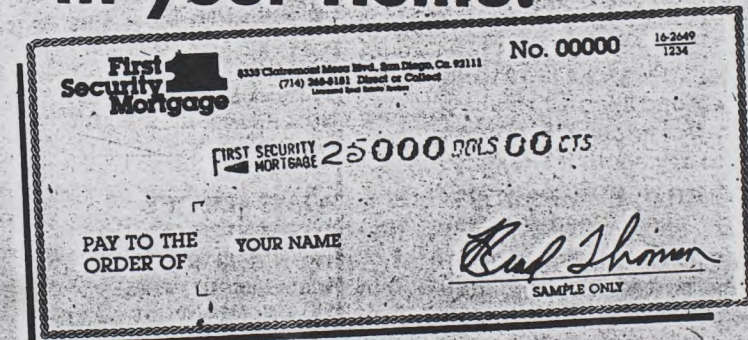
Carlsbad City Hall Council Chambers
Carlsbad, California

Condado del Este:
Miercoles, 15 de Julio de 1981 - 7:00 p.m.

Santee School District
9625 Cuyamaca Street
Santee, California

Condado del Sur:
Miercoles, 22 de Julio de 1981 - 7:00 p.m.
National City Community Center Building
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Mexican American Foundation Holds Artists Reception



Local - National - International Artists honored.



Diana Gomez, Chairperson Evening of Stars (L to R) Bussed by Marian Diaz, Art Auction Chairperson

Diana Gomez and a cortage of Mexican & American socialites held an Artists Reception this past Tuesday at the University Club in honor of the national, international and local artists whose works will be on auction Saturday, July 11 at the Westgate Plaza Hotel.

"For the First Time, in the ten year history of the Mexican & American Foundation, an art

auction will be part of the annual festivities of the Foundation", indicated Mrs. Gomez, Chairwoman of this year's events. "Original pieces of artwork will be placed on auction at popular prices. We hope to raise additional funds in this way for the of the Foundation." she said.

In attendance at the kickoff artists reception were Dave Covey, Art Photographer: Linda

O'Hagen, Oil Painting: Don Costello, Photographer: Margarita Popova, Jewelry: Kris Ulle, Ceramic Designs: Sue McNary, Water Color Paintings: Larue Manzano, Lithographs and Paintings: Sr. Juan Badia, Oil Painting: Pasha Turley, Printing: Salvador Medrano, Portrait Painting: Srita. Zulema Ruiz, Oil Painting: and Maria Lench, Expressionist Modern Painting

con't from page 1

Hispanic Voters In U.S.

Constitutional Rights, "is to encourage participation in the exercise of the right to vote."

Central provisions of the 15 year-old act are due to expire next year, and Congress is currently considering whether to allow it to lapse, to extend its provisions for 10 more years or to adopt a series of amendments that would dilute

and and Colleges.

Dolores Arias, this year's "Woman of the Year", in attendance alor with her husband Armando and daughter Chris, informed La Prensa that "the Auction would be enlivened with typical Mexican music and dances by local Folklorico groups. Which should make it a uniquely different Art Auction".

The auction is open to the

The bilingual provisions to help them now have been invoked in counties throughout the Southwest where residents do not speak English make up more than 5 percent of the population and where illiteracy rates have been higher than the national average and voter turnouts have been lower. The areas covered include all of Texas, Arizona, Alaska, much of California, Colorado and New Mexico and part of Florida.

public. All works bought at auction must be paid by cash or check. No credit cards. A small \$5.00 dollar donation will be asked at the door or may be paid in advance. A No-Host Bar will be available along with Hor D'Oeuvres commencing at 6 p.m. The auction will commence at 7:30 p.m., in the Rivera Room, Westgate Plaza Hotel, 1055

Second Ave., San Diego, Calif. For reservations or further information call 232-7175.



are available, but David Hall, the director of Texas Rural Legal Aid, estimated 40 to 45 percent of the adult population of the Rio Grande Valley was "monolingual in Spanish."

In the five years that the bilingual provisions have been in force, they have had substantial impact in some areas of the con't on page 4

Political Commentary

5TH DISTRICT COUNCIL RACE

With the announcement that he was not going to seek reelection for the 5th Council District seat, Councilman Fred Schnaubelt opened the flood gates to potential council candidates eager to replace

belongs to Kit Lavell who is enjoying the financial and organizational support of the Democratic stalwarts.

Kit Lavell, an old political pro is running a well oiled campaign for the 5th. His recent press conference to announce his candidacy was replete with press kits, photos, fancy brochures and even a plane ride for

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...nearby mesa, Clairmont, Miramar, Mira Mesa and Scripps Ranch is one of the fastest growing districts and one which has assumed the greatest share of the recent influx of Vietnamese.

Announced candidates currently includes **Phil Conner**, a Sierra Mesa Attorney (Democrat), **Ed Struiksma** (Republican) an insurance investigator, and **Kit Lavell** (Democrat), Consultant.

Ed Struiksma, is attempting to attract the Republican faithful to his campaign. Running essentially on a Bill Cleator platform, Struiksman to this date has failed to ignite any fires under his campaign. Many insiders consider Struiksman as having but an outside chance of winning the 5th. Councilman Bill Cleators influence, however, can be seen just behind the scene on this campaign. As of this date, Mayor Wilson has shown but lukewarm support for Mr. Struiksman as having the rest of the Republican faithful. It remains to be seen whether the Cleator money will pull him through.

Phil Conner, may be the sleeper on this campaign. Phil Conner has been quietly walking precincts in the 5th. To date his campaign hasn't received the attention that it should.....except where it counts, in the precincts. Running an independent campaign, Phil Conner is not the "Democratic" party's candidate that singular honor

remember at one time served as a County Supervisor.

Aside from the usual political pronouncements made by candidate Lavell, the most interesting aspect of this campaign is the list of supporters which adorn his letterhead and invitations....not surprisingly, Larry Lawrence, Dinah Fayman, and Harvey Furgatch are among those listed (all certified Democrats)..... what is surprising is to see the names of one **Bill Rick**, **Mike Madigan**, and **Mrs. Art Madrid** all Pete Wilson people....to many this appears that the Mayor is covering his bets.

This early in the game it is difficult to see how the campaign is going to evolve but certainly to be high on the agenda will be North City West, the Mayors pet project which to now he has been unable to push across....a 5th district vote in support of this project would certainly help the Mayor's image improve. To the present, only Phil Conner has been known to oppose this project.

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While the debate over extending the act has centered on the black vote, the law has also taken on a critical, but less recognized, importance for voters who speak little or no English, particularly Hispanic Americans in Texas and the Southwest.

In 1975, Congress broadened that act to protect the rights of such voters by requiring that bilingual ballots, voting materials and other assistance be made available in certain areas.

The bilingual provisions are due to expire in 1985, and minority rights groups are asking that they also be extended until 1992. But there are now three bills pending in the House and one in the Senate that would do away with the bilingual provisions altogether.

The debate over the act's extension reflects a large national controversy over Government efforts to accommodate those who speak no English. Some call such policies short-sighted and paternalistic and that other say they are simply a natural extension of the developing concept of "language rights."

speaking communities elsewhere in the United States that are covered by the bilingual provisions of the Voting Rights Act, most made up of those who speak only Spanish. Under the law, for example, Manhattan, Brooklyn and the Bronx, all of which have significant numbers of Puerto Rican residents, must conduct elections in Spanish as well as English.

Other counties in New York State have been included in the bilingual elections provisions as a result of lawsuits, and several in Mississippi, New Mexico, North Carolina, South Dakota and Oklahoma must make special provisions for non-English speakers.

There are large numbers of older citizens like Mrs. Sausedo in Texas and the Southwest, most of them native-born Americans, who grew up without the opportunity to learn English. No solid estimates of their number

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Vol. V No. 25

La Prensa San Diego 1950 Fifth

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July 3, 1981

Injunction Against San Diego City Council Asked For By Local Chicano Group

National City Calif.....Herman Baca, Chairman of the Committee on Chicano Rights today charged Mayor Pete Wilson and members of the City Council with illegally denying the Mexican citizens of San Diego services to which they are entitled to. "We are asking the U.S. Attorney General to place an immediate injunction against the City Council and hold in abeyance the city's requirements that Legal Aid, which is funded in part by the city ascertain citizenship of "Mexican" looking individuals prior to their receiving services".

Baca in his press conference charged the Mayor and City Council with being blatantly racist and bigoted in their recent vote on the funding of the San Diego Legal Aid Society.

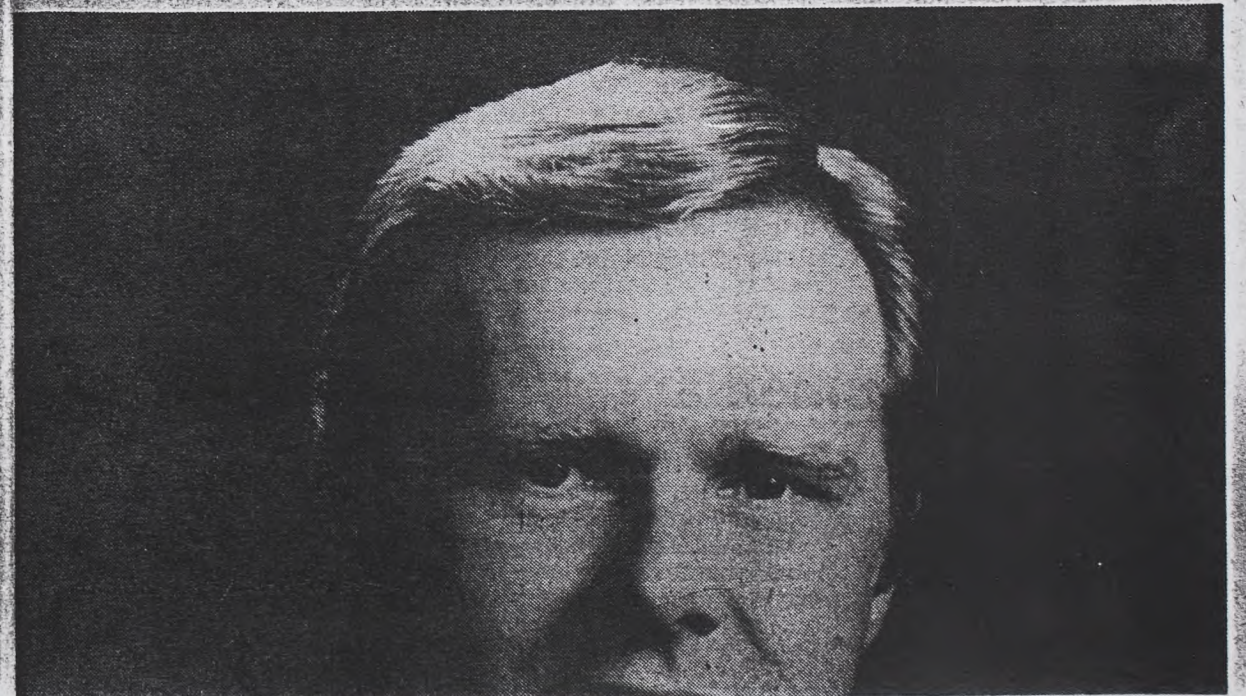
cing a "dangerous political demogouery" in what apparently is a desperat attempt to salvage his floundering Governors candidacy.

"Mayor Wilson engineered the June 29th Vote which established the requirements that Legal Aid Society Funding would be contingent on their not providing services to so call "Illegal Alians". Wilson for political purposes is willing to sacrifice the Civil and Constitutional Rights of San Diego's 300,000 Chicanos", said Baca. "The vote establishes a dangerous precedent by forcing a contracted city funded agency to discriminate, in provision of its services, against the Chicano community". Said Baca.

"Chicanos and all other Latinos

city council vote makes it clear that the Mayor is now willing to sacrifice the countries international relationships, the civil and constitutional rights of the states 6 million Chicanos to satisfy his political ambitions."

In the telegram sent to the U.S. Attorney Generals office, Baca asked that "an immediate injunction be sought in Federal Court against Mayor Wilson and the San Diego City Council restraining them from imposing illegal and unconstitutional requirements upon Mexican Americans.....(this action) has placed the City of San Diego and through it, its contract agencies in the position of usurping federal powers and jurisdiction in the Immigration areas.....(further) it is imposing an unconstitutional



The San Diego City Council on Monday voted to continue funding the local Legal Aid Society. However certain restrictions were placed on how city funding could be used by the Legal Aid Society.

Among the restriction placed were that they could not file class action lawsuits against any agency of the federal, state or local government. That they could not provide an elected official with unsolicited advice. That they could not provide service to "illegal aliens".

Voting in favor of the restrictions were Mayor Wilson, Councilman Bill Mitchells, Bill Cleator, Dick Murphy and Fred Schnaubelt. The move to restrict the funding was at the instigation of Mayor Wilson and Councilman Cleator.

Baca in a prepared statement charged the Mayor with practi-

right not to be subjected to any other test of need than the general population is subjected to. To insist that Legal Aid, or any other agency, require proof other than need to receive services, is unconstitutional, racist and is in contradiction to the Bill of Rights and the U.S. Constitution." continued Baca.

Past instances of local agencies involving themselves in immigration issues or problems of undocumented workers brought down a ruling from the U.S. Attorney General which indicated that local jurisdictions had no authority or legality interfering in the governments immigration policies, laws, or regulations. "We question the sincerity of Mayor Wilson and the San Diego business community which last month visited President Lopez Portillo and pledged to work for better understanding between the two countries. This

solely by San Diegos 300,000

Chicanos/Latinos". Baca ended the interview by indicating that they would be requesting an immediate investigation and a determination from the San Diego City Attorney, the State Attorney General, and the U.S. Attorney on the legality of the City Council Action.

In a telephonic interview with Mr. John Williams of the U.S. Attorney Generals Office, Civil Rights section, La Prensa was informed that "upon receipt of the telegram that the matter will be studied by a team of lawyers and the appropriate action will be taken."



Mayor Pete Wilson, City of San Diego

Un Feliz Cuatro De Julio Con Guion

Por: Jesús Mena

Creo que nosotros, los hispano-americanos - con guión y todo - amamos el Cuatro de Julio más que cualesquiera estadounidenses de palabra sencilla.

Lo hacemos, en parte, porque estimamos la herencia y los valores y, ¿por qué no? las oportunidades que vienen envueltas en la segunda mitad de nuestra identidad cultural unida con guión. Pero es también porque muchos de nosotros fuimos productos de familias grandes que vivían en casa pequeñas.

Con sus jiras campestres y fuegos artificiales, el Cuatro de Julio siempre nos proporcionaba una abundancia de alimentos, espacio y ruido, que son los ingredientes esenciales para la felicidad de cualquier niño en la etapa del crecimiento.

Eramos siete muchachos en nuestra familia chicana, y vivíamos con nuestros padres en una casa de dos dormitorios. Con tantos hijos, mis padres apenas tuvieron tiempo

para mantenerse al día en sus lecturas sobre paternidad.

Siempre me imaginaba a mi madre hablando consigo misma por la noche, a medida que se preparaba para apagar las luces:

"Veamos ahora.....Jorge, Manuel, Maipé, Alicia, Glora - ah, sí, Gilberto y Chuy. Veamos.....ví cada una de sus caras en la mesa por lo menos tres veces hoy." Y sonreía por el trabajo bien hecho.

Mientras la atención personal que anhela todo niño a veces faltaba, nunca me senti defraudado. Nuestras relaciones se efectuaban alrededor de la mesa de comer, donde mamá nos entretenía con chistes y cuentos que habían pasado de una generación a la próxima. Las bromas y anécdotas que recuerdo aún parecen ahora bastante trilladas. Pero entonces resultaban chistosas.

También habían muchos problemas resultantes de criarse en una familia grande. El compartir las camas, en cuanto a nosotros los varones, especialmente cuando

llegamos a la pubertad, resultó ser un asunto muy difícil. Mi hermano menor, por ejemplo, dormía sin descansar - era de la clase que escenificaba sus sueños. Compartir una cama con él era como tratar de dormir profundamente en una balsa a la deriva en un mar encrespado. Quizás si él era el avisado. Su comportamiento le ganó, con el tiempo, su propia cama.

Una gran cantidad de controversia se centraba en el hecho de que nuestra casa tenía solamente un cuarto de baño. Esto se volvía especialmente problemático siempre que alguno de nosotros sufriera de problemas estomacales. Si nos afectaban a dos o más a la vez, habían probabilidades de que estallara una guerra fraternal. Cuando estaba en la adolescencia, hice campaña una vez en la familia para establecer un sistema de números turnos como el que tenían los gringos en su panadería, al otro lado de la ciudad.

con't on page 4

Hispanic Voters Register Gains

By: John M. Crowdson
Special to The New York Times

McALLEN, Tex.---Dominga Sausedo was nervous as she walked from her cramped house to the neighborhood school a few blocks away. For the first time in the 48 years since she was born here in Texas, Mrs. Sausedo was on her way to vote.

Like uncounted thousands of American citizens, Mrs. Sausedo speaks no English, and the language and information barriers that existed until recently were enough to keep her away from the voting booth. "There are so many things that can go wrong," she said with a self-conscious smile, "to pull the wrong lever and make a mistake."

Once at the polls earlier this month, however, she found both a bilingual elections official and voting machines with instructions in Spanish and English. Her

confidence increasing by the moment, Mrs. Sausedo strode into the booth and pulled the lever for Ramiro Casso, a McAllen physician challenging the incumbent Mayor, Othal Brand. Then, feeling "contento," she said, she went home.

Dominga Sausedo has never heard of the Voting Rights Act of 1965. But without the protections the act extends to citizens who do not speak English, she would probably have yet to register and cast her first vote. Even so, as a Spanish-speaking voter, Mrs. Sausedo is in the minority: 41 percent of eligible Hispanic Americans cast ballots in the 1980 Presidential election. But the minority is also a rapidly growing one. The number of Hispanic Americans who voted last November was 20 percent higher than in 1976.

Despite such advances, the Voting Rights Act is not univer-

sally admired, particularly in those Sun Belt states where it has been most widely applied. Many election officials, asserting that their jurisdictions have been unfairly singled out, argue that such stringent provisions are no longer needed, or they agree with President Reagan that the law should be rewritten to apply to the entire country. But civil rights leaders contend that such a move would make effective enforcement impossible.

Some critics also contend that bilingual elections foster cultural separatism, an argument rejected by Archibald Cox, the Harvard law professor who is chairman of Common Cause, a public affairs lobbying organization. "The best way to avoid a separatist movement in this country," Mr. Cox, asserted in testimony before the House Judiciary Committee's Subcommittee on Civil and

con't on page 2



Committee on Chicano Rights, Inc

July 1, 1981

United States Justice Department
William French Smith
U.S. Attorney General
10th and Constitution N.W.
Washington D.C. 20530

Regarding: San Diego City Council Action

Dear Mr. Smith:

Our organization wishes to request an immediate injunction be sought in Federal Court against Mayor Pete Wilson and the San Diego City Council restraining the above parties from imposing illegal and unconstitutional requirements upon Chicanos from receiving services from local contracted agency. San Diego City Council has imposed upon contracted agency (Legal Aid Society) the restriction that they verify the immigration status of persons before receiving services. San Diego City Council by vote on June 29, 1981 to restrict contracted agency upon condition of receiving funding from providing services to "illegal aliens." This action has placed the San Diego City Council and it's local contract agency in the position of usurping federal power and jurisdiction in the Immigration area. In doing so it is imposing an unconstitutional requirement (violation of 14th amendment) upon San Diego's 300,000 Chicanos. Because of this your immediate attention is requested on this matter.

Thank You,

Herman Baca

Herman Baca,
Chairperson



Committee on Chicano Rights, Inc

July 2, 1981

United States Justice Department
William French Smith,
U.S. Attorney General
10th and Constitution N.W.
Washington D.C. 20530

Re: San Diego City Council Action

Dear Mr. Smith,

Our organization wishes to request a legal opinion on the legality and constitutionality of a legislative vote taken by the San Diego City Council on June 29, 1981.

The vote by the City Council was to restrict a contracted agency (Legal Aid Society) from providing any legal services to so called "illegal alien". The issue which we are requesting a legal opinion from your office are as follow:

- 1.) Does the San Diego City Council by its vote have the legal right to involve itself into the area of Immigration?
- 2.) Has the San Diego City Council by its vote, usurped the federal government jurisdiction in the area of Immigration?
- 3.) Has the City Council the authority and jurisdiction to force a contracted agency as a condition for their funding to determine and resolve the deportability/non-deportability, citizenship/non-citizenship of an individual before receiving services?

The San Diego City Council vote has raised serious concerns over the constitutionality and legality of there actions. If implemented, this action will subject the Chicano/Latino community to serious abridgment to there civil, constitutional rights, in our opinion.

Therefore, your prompt response is requested in this matter. If you have have any questions regarding the above matter, please call me at the listed number below. Thank you very much for your consideration.

Sincerely,

Herman Baca
Herman Baca, Chairman

The San Diego Union

SAN DIEGO, CALIFORNIA, FRIDAY MORNING, JULY 3, 1981

Baca Scores Wilson On Legal Aid Restrictions

By ANTHONY PERRY
Staff Writer, The San Diego Union

The chairman of the Committee on Chicano Rights charged yesterday that Mayor Wilson was guilty of "dangerous political demagoguery" in leading a move to keep the Legal Aid Society from using city money to represent illegal aliens.

Committee Chairman Herman Baca said Wilson "engineered the vote to provide him with a political issue for his gubernatorial candidacy."

Wilson's press secretary, Roy Schneider, dismissed Baca's charge as "ridiculous."

The San Diego City Council voted 5-4 Monday to bar the Legal Aid Society of San Diego from using city funds to file class-action suits against public agencies, distribute information about boycotts or strikes, provide unsolicited advice to public agencies, or represent illegal aliens. Similar restrictions are being considered in Congress on federal funds for Legal Aid societies.

"On the heels of his disastrous defeat on the convention center, Wilson has turned to immigration as a politically expedient issue," Baca said. "Many politicians are trying to take advantage of the immigration issue and promise voters

that they'll get tough on so-called 'illegal' aliens and not use any taxpayers' money to provide services for them."

Baca sent a letter to U.S. Attorney General William French Smith asking that an injunction be sought to block the city from imposing the restriction. Baca said he believes the illegal-alien restriction is unconstitutional because it is an attempt by the City Council to usurp the federal government's authority over immigration laws.

The National City-based Committee on Chicano Rights, incorporated as a non-profit group in 1977, is involved in such issues as immigration laws, alleged police harassment and bilingual education. The group has been critical of the Border Patrol and U.S. immigration policies.

Baca cited a 1979 edict from then-Attorney General Griffin Bell that said local law officers could not arrest persons suspected of being illegal aliens but instead should summon federal agents.

Peter Nunez, chief assistant U.S. attorney in San Diego, said the issue of whether public services can be withheld from illegal aliens has not been fully decided by the courts. He noted that the U.S. Supreme Court is scheduled next session to consider a Texas law that restricts the use of public money to provide education for children of illegal aliens.

Nunez said it is wrong to extend Bell's rule about enforcement of immigration laws to the issue of public services. "It is really mixing apples and oranges," Nunez said. "Bell said nothing about local agencies in regard to services."

The Legal Aid motion passed by the council forbids the use of city funds to represent "any client who is not a citizen of the United States except for permanent resident aliens who are (a) married to a U.S. citizen, (b) are parents of a minor child who is a U.S. citizen and said parents have filed for permanent-residency status, or (c) refugees who have been granted political asylum."

Legal Aid director Gregory Knoll said the residency

restriction has a large loophole; namely, a person is not technically an illegal alien until a court has decided his or her individual immigration case. "I see nothing in this restriction that would keep us from representing people who want to fight deportation as illegals," Knoll said.

However, he said it would be foolhardy for Legal Aid to attempt to exploit such a loophole since it would almost certainly anger the City Council and prompt a cutoff of city funding. Even with the restrictions, the motion to approve \$300,000 for Legal Aid for the current fiscal year was opposed by Wilson and Councilmen Bill Cleator and Fred Schnaubelt.

Schneider said Wilson favored the restrictions because he "didn't see any reason that Legal Aid should be able to use city funds for things they probably won't be able to use federal funds for."

"It doesn't make any sense that illegal aliens should be able to cross the border and land on the doorstep of Legal Aid asking for help," Schneider said. "We aren't going to stand over there in jackboots acting as INS (Immigration and Naturalization

Service) agents — as Mr. Baca would have you believe.

Baca, who owns a printing shop in National City, said the move by Wilson makes him doubt the sincerity of the mayor's recent trip to Mexico City and his

pledge to Mexican President Jose Lopez Portillo to help promote better relations between the two countries. Wilson, Baca said, "is a hypocrite who is willing to sacrifice the international relationship ... in order that he may keep his gubernatorial candidacy alive."

EL MEXICANO

GRAN DIARIO REGIONAL

Sección A

Año XXI

Núm. 7,782- Baja California, Viernes 3 de Julio de 1981

SERGIO GOMEZ SILVA
Director y Gerente General

Decretan Indefensión de los Indocumentados

SAN DIEGO.- "En una clara violación a los principios constitucionales, el consejo del Condado de San Diego votó a favor de un decreto que impide la ayuda legal a los trabajadores indocumentados, que proporcionaba la agencia Legal Aid con fondos del Gobierno Federal del vecino país".

Manifestó ayer lo anterior el presidente del Comité Pro-Derechos Chicanos, Herman Baca, después de señalar que la votación realizada por los consejeros del condado de San Diego y el Alcalde, Pete Wilson, en contra de la ayuda legal a los indocumentados, es una maniobra política de Wilson, que delata sus tendencias racistas y deseos de ganarse el voto de los agricultores californianos, en

(Pasa a la Pág. 2-B)

Decretan...

(Viene de la 1ª. Pág.)

su pretendida campaña para lograr la Gubernatura del Estado.

Baca advirtió que la aprobación irracional de un decreto que prohíbe la defensa legal de los trabajadores indocumentados, implica un grave riesgo a la población de ascendencia hispana y los indocumentados, ya que puede sentar un precedente de consecuencias catastróficas, pues está bien definido en la Constitución política de los Estados Unidos, que la única autoridad competente para legislar o conocer de asuntos migratorios es el Congreso Federal y el Senado de los Estados Unidos.

Ante esta situación, los chicanos enviaron un telegrama con carácter de urgente al Procurador General de los Estados Unidos, Frank Smith denunciando las maniobras de Wilson y el peligro de que se sienta un precedente en materia legislativa, que permita la intervención de autoridades del condado o estatales, en asuntos de competencia exclusiva del ramo federal, "que equivaldría a un retroceso en la aplicación de las leyes y de la jurisdicción, en lo que tanto hemos estado luchando, con el objeto de proteger a los ciudadanos de ascendencia hispana y a los indocumentados", puntualizó.

"Con la actitud de Wilson y el consejo del Condado, se deja entrever un criterio racista y discriminatorio, que da una idea del trato que recibirán los propuestos trabajadores huéspedes, que serán sujetos a permanentes violaciones de sus derechos y la explotación por parte de sus patrones, con la intervención anticonstitucional de los Gobiernos Municipales y Estatales, en caso de prosperar una iniciativa como la que aprobó el consejo de San Diego el lunes pasado, subrayó.

Por último, reiteró que el condado o sus autoridades no tienen ninguna autoridad para impedir que se de asistencia legal a los indocumentados, como pretenden hacerlo con su acuerdo que viola los principios constitucionales de los Estados Unidos.



Committee on Chicano Rights, Inc

July 2, 1981

City of San Diego
John W. Witt,
City Attorney
202 "C" Street
San Diego, Ca 92101

Re: San Diego City Council Action

Dear Mr. Witt,

Our organization wishes to request a legal opinion on the legality and constitutionality of a legislative vote taken by the San Diego City Council on June 29, 1981.

The vote by the City Council was to restrict a contracted agency (Legal Aid Society) from providing any legal services to so called "illegal alien". The issue which we are requesting a legal opinion from your office are as follow:

- 1.) Does the San Diego City Council by its vote have the legal right to involve itslef into the area of Immigration?
- 2.) Has the San Diego City Council by its vote, usurped the federal government jursdiction in the area of Immigration?
- 3.) Has the City Council the authority and jurisdiction to force a contracted agency as a condition for their funding to determine and resolve the deportability/non-deportability, citizenship/non-citizenship of an individual before receiving services?

The San Diego City Council vote has raised serious concerns over the constitutionality and legality of there actions. If implemented, this action will subject the Chicano/Latino community to serious abridgment to there civil, constitutional rights, in our opinion.

Therefore, your prompt response is requested in this matter. If you have have any questions regarding the above matter, please call me at the listed number below. Thank you very much for your consideration.

Sincerely,
Herman Baca
Herman Baca; Chairman

Funds Voted For Consumer Fraud Unit

Council Also OKs Money For Legal Aid Society, With Restrictions

By ANTHONY PERRY
Staff Writer, The San Diego Union

The San Diego City Council yesterday voted to continue funding the consumer protection unit of the city attorney's office and the local Legal Aid Society.

The council, however, voted to restrict the Legal Aid Society from using city money to:

- File class action suits against any agency of the federal, state or local government.
- Provide an elected official with unsolicited advice.
- Provide information involving boycotts, strikes or picketing.
- Provide any legal advice to illegal aliens.

The restrictions are identical to those in the House budget allocation for the federal Legal Services Corp., the agency which has provided 75 percent of the funding for the Legal

Aid Society of San Diego. A joint House-Senate conference committee will decide whether the proposed restrictions on federal allocations to Legal Aid become law.

Voting in favor of the restrictions were Mayor Wilson, Deputy Mayor Bill Mitchell, and Councilmen Bill Cleator, Dick Murphy and Fred Schnaubelt. Even with the restrictions, Wilson, Cleator and Schnaubelt also voted against a motion to allocate \$300,000 to the Legal Aid Society. The funding motion passed 6-3.

Wilson said he "could think of better ways to spend (city money) other than Legal Aid."

Legal Aid Director Gregory Knoll said the restrictions — if also adopted in the federal budget — could severely restrict the ability of Legal Aid attorneys to represent poor people. The local group represents about 15,000 persons a year in San Diego, mainly in domestic relations, con-

sumer protection, government benefits and housing.

"The action is meant to insure that poor people don't have the same legal rights as the rest of society," Knoll said. "A class action suit against government for redress of grievances should be the right of every citizen. Middle-class people can hire lawyers; rich people can hire Luce Forward Hamilton & Scripps (Murphy's former law firm), but poor people will not have access to the courts."

Cleator and Schnaubelt told Knoll they disagreed with the type of cases the Legal Aid handles.

"The people of the Housing Authority tell me that if they could get you off their back they would have a much easier time," Cleator said. "You're constantly harassing them; (for example) an individual who is a pain in the butt and they're trying to kick him out of a (housing) project,

you're keeping him in there. And he's not paying the bill and he's destructive."

The motion will keep city funding at its current level. Legal Aid this year also received \$1.1 million from the Legal Services Corp. and \$80,000 from United Way and other private services. The council had voted last year to cut funding for 1981 after Legal Aid lawyers successfully forced the rent control issue onto the ballot.

The vote to restore funding for the consumer protection division in the city attorney's office was far less controversial. The vote was 8-1, with Schnaubelt dissenting to the budget process used by the city manager's office but still urging that the division be kept.

The council boosted the city attorney's \$3.8 million budget for next year by \$210,000 to partially cover

(Continued on B-8, Col. 1)

S. D. UNION

6-30-81

Funds Voted For Legal Aid, Consumer Protection Unit

(Continued from B-1)

the cost of the consumer program. Also, funds previously slated for additional staff for the criminal and litigation divisions will be transferred to the consumer program to bring it to its current \$317,000 level of funding.

"The consumer fraud unit does not house a bunch of crusading do-gooders," said City Attorney John Witt. "It's a group of professionally qualified specialists who share the goal of protecting the freedom of the market place — making sure the consumer can deal with confidence that the business community is honest and that the businessman can compete without interference from those who break the law."

The consumer division — which includes four attorneys and three investigators — handles complaints involving deceptive advertising, unlicensed contractors, inaccurate restaurant menus, phony franchise schemes, and landlord-tenant disputes. Last year, it recovered \$60,000 in civil costs and penalties, \$7,500 in criminal fines, and \$174,000 in restitution to consumers.

City Manager Ray Blair — under council direction to hold down city spending — had recommended eliminating the consumer division but boosting the overall city attorney's budget by \$293,000 to allow expansion of the criminal and litigation divisions.

"It is no fun to make recommendations for the dele-

tion of a significant division in the city attorney's office or any other office," Blair said. "But you have to take first things first, and the fundamental, basic responsibilities of the city attorney's office are litigation and criminal prosecution."

In other action, the council voted to allocate \$36,314 in the upcoming year to the California Public Interest Research Group, (CalPIRG). The city manager had recommended allocating \$28,000, which CalPIRG said would force elimination of their newsletter and supermarket price survey.

Voting against the CalPIRG allocation were Wilson, Cleator and Schnaubelt.

The move to restrict the use of city funds allocated to the Legal Aid Society was engineered by Wilson and Cleator. On May 27, the Public Services and Safety Committee voted 5-0 to allocate \$300,000 to the group, without mentioning possible restrictions. When the issue reached the council last week, Wilson asked for a week's delay.

About two hours before

the issue was to be heard yesterday, council members were given a list of possible restrictions and were informed that Cleator planned to seek to amend the Legal Aid motion to include them. Councilman Mike Gotch reacted strongly to the short notice.

Gotch said the process of distributing information just hours before a council vote "stinks. We've done it here before, and I'm tired of it." The council was forced to act quickly on Legal Aid because its city funding expires at midnight tonight as the fiscal year ends.

Knoll said that without Legal Aid "there is no access for legal redress of grievances ... A large segment of our society feels alienated and left out of the legal system that seems to tell them that you're only allowed as much justice as you can buy."

But Schnaubelt told Knoll, "Some of us who pay taxes believe our taxes should not be used where there is an advocacy against our interests or the public's interests."

Council members were angered last year when Legal Aid attorneys mount-

ed a successful legal challenge to force the rent control issue onto the ballot. Knoll has said repeatedly that the Legal Aid lawsuit was not meant as an endorsement of rent control but rather as a means to help poor people use the initiative process.



Committee on Chicano Rights, Inc

July 2, 1981

State of California
George Dukmejian,
State Attorney General
555 Capital Mall
Sacramento, Ca 95814

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