

Mr. Bernie Jones:  
As per our conversation  
enclosed for your  
consideration for an  
opinion piece.  
H. Baca



Committee on Chicano Rights

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August 16, 2000

SD Union  
C/o: Bernie Jones  
Editorial

Statement attributed to Attorney Matthew Roberts and “white washed” by Superior Court Judge Richard Mills reported August 11, 2000 in the SD Union (see enclosed article).

**“HEAT IS NOT THAT BIG OF A DEAL FOR PEOPLE WHO ARE HISPANIC”**

**QUESTION:** What is the difference with the above racist statement and the following racist statements?

- “Mexicans like to work as a family.” – stated by growers to justify child labor in agriculture.
- “Mexicans are built low to the ground.” - stated by growers to justify the physical disabling short hoe handle in the fields.
- “All Mexicans carry knives.” - stated by law enforcement to justify shootings.
- And it is, “cool to shoot beaners” - the young “skinhead” statement in the recent Carmel Valley attack on innocent Mexican workers.

**ANSWER:** Absolutely nothing, except that the individual (Matthew Roberts) who made the statement is not a “skinhead”, but an attorney. The fact that Attorney Matthew Roberts made the racist statement is bad enough, but even more disturbing is that presiding Superior Court Judge Richard Mills condoned the statement. Judge Mills stated “clearly, none of your remarks were taken as racist remarks and the newspapers shouldn’t take them as such, either.” Judge Mills’ response can only be seen as a blatant attempt (from the bench) to cover up, redefine, or minimize a clearly racist statement against persons of Mexican ancestry. Furthermore, Judge Mills attempted to coerce, influence, or censor the news media from reporting Attorney Roberts’ racist statement. The fact that Judge Mills’ made the above comments and took the action against the media in a court of law raises some very serious issues and questions involving legal proprieties and judicial ethics. Also, the matter of Judge Mills’ duty of impartially (in court) towards persons of Mexican ancestry has come into question.



(2)

Judge Mills additional statement that, “he did not take that comment to imply any racism on Roberts' part” reminds those who are familiar with history of the legal officiating which took place in the segregated Southwest and the antebellum South by “good old boy” judges. His statements have added further insult and injury to a community that has historically suffered discrimination, and harsh treatment at the hands of the judicial system.

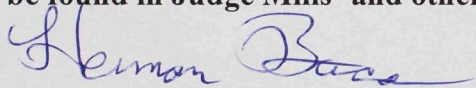
The Commission on Judicial Performance must now investigate and determine if Judge Mills is doing his job competently, fairly, impartially and unbiasedly. Another issue that the Commission should investigate, is whether similar behavior is practiced by other judges and is the reason the Chicano community (who also pay taxes and the judges salaries) continues to be mistrustful and fearful of the judicial system.

If justice is to be blind, it is imperative that the Commission on Judicial Performance not only investigate but also admonish Judge Mills' behavior and immediately order a complete stop to this type of unacceptable behavior in San Diego and California's courts.

On the other hand, we understand politically that Attorney Roberts' views and Judge Mills' actions could be but the tip of the iceberg of an outdated judicial system. The solution might be major repairs, or even a complete overhaul by the State of California.

I am certain that most readers will dismiss the issues raised above as, petty, another “politically correct” tantrum, or that the attorneys' and the judges' words and statements were taken out of context and misinterpreted. However, just like persons in the Anglo community, who are now beginning to question the judicial system about Prop. 21 (the youth initiative), questions about the judiciary also continue to be raised in our community.

Questions like the ones raised above and the major one, why are there more young Chicanos in prisons than in the colleges? Many in our community ask, could the answers be found in Judge Mills' and other judge's courtrooms in San Diego and California?

A handwritten signature in blue ink, appearing to read "Herman Baca", with a stylized flourish at the end.

Herman Baca,  
President

Cc. News Media



# Felony charge reduced for father

## Four youngsters left in an open van

By Onell R. Soto  
STAFF WRITER

VISTA — A San Marcos father who left his four children in a van outside an Escondido Kmart store last month did not put their lives in danger and should not face felony child-endangerment charges, a judge ruled Tuesday.

Superior Court Judge Richard Mills reduced the felony charges against Rogelio Ramirez, 38, to misdemeanor charges after telling a prosecutor that the evidence did not support the accusations.

"I don't think they are proper," Mills said. "I don't think it's fair."

Felony child endangerment, which carries a maximum penalty of six years in prison, re-

quires that prosecutors prove the children suffered or were likely to suffer death or great bodily injury.

Mills said he was not convinced a jury would find Ramirez guilty even of the four misdemeanor child-endangerment charges, but the judge said prosecutor Mara Allard could take the case to trial anyway.

Conviction on a misdemeanor charge would carry a maximum penalty of one year in jail.

In a preliminary hearing, Mills heard two Kmart workers and a police officer testify that Ramirez's four children, ages 3 months to 7 years, were discovered in his van outside the Kmart the afternoon of July 24.

A manager called police, who put a thermometer from the store on one of the van's windows and recorded a temperature of 100 degrees before arresting Ramirez, who was inside the store.

While Ramirez did leave the children in the van, the windows were open and he kept an eye on them from inside the store, said his lawyer, Matthew Roberts.

Roberts questioned the accuracy of using the store thermometer to determine the temperature inside the van.

He also argued, "Heat is not that big a deal for people who are Hispanic," in defense of his client, a Mexican national.

Mills, who did not rely on that argument for his decision, said he did not take that comment to imply any racism on Roberts' part.

"Clearly, none of your remarks were taken as racist remarks and the newspapers shouldn't take them as such, either," the judge said in court.

Later, Roberts said he got caught up in the argument and made a mistake.

"I said something stupid," he said.





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Commission on Judicial Performance  
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August 21, 2000

Dear Correspondent:

This letter is to acknowledge receipt of your recent complaint against a California judge(s). We are presently reviewing this information and you will be advised in writing, at a later date, of the Commission's action in this matter.

Very truly yours,

*Bernadette M. Torivio*  
Bernadette M. Torivio  
Executive Secretary

BMT:hs

Confidential under California Constitution,  
Article VI, Section 18, and Commission Rule 102