

- 1) LETTER TO VAN  
DE CAMO
- 2) ~~LETTER~~ TO ACLU  
of LAM BUILD
- 3) Aiming for CITY  
COUNCIL JULY 9,  
75 PEOPLE



**AZTEC PRINTING COMPANY**

1837 HIGHLAND AVENUE, NATIONAL CITY, CALIFORNIA 92050

**477-3800**

- ① I KNOW MOST OF  
YOU DON'T KNOW  
WHY YOU ARE HERE.
- ② BUT WHEN YOUR ADULT  
YOU'LL REMEMBER THIS  
DAY
- ③ & WHEN YOU DO  
I WANT YOU TO  
REMEMBER THE  
FOLLOWING THINGS



**AZTEC PRINTING COMPANY**

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**477-3800**

(A) THAT YOUR  
MOTHER & FATHER  
BROUGHT YOU HERE  
BECAUSE THEY  
CARE FOR YOUR  
RIGHTS YOUR RIGHTS  
ARE THE MOST IM-  
PORTANT THING YOU  
HAVE

(B) THAT YOU ARE HERE  
NOT ONLY FIGHTING  
FOR YOUR RIGHTS, BUT  
ALSO FOR THOSE OTHER

CHILDREN WHO ARE  
IN B. P. JAIL



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**477-3800**

FROM THE DESK OF...

1 - BLOCK AWAY

NO TALKING TO THE  
CHILDREN



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**477-3800**

**FROM THE DESK OF...**

OR HAVE BEEN DEPORTED  
SIMPLY BECAUSE THEY ARE  
BROWN.

I WANT YOU TO

REMEMBER ~~THE~~ WHEN

YOU ARE AN ADULT

THAT AS LONG AS THE

B.P. EXIST YOU + YOUR

PEOPLE WILL NEVER

HAVE, RIGHTS, FREEDOM +

THAT YOU WILL ALWAYS



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**477-3800**

FROM THE DESK OF ...

BE A 2ND CLASS  
CITIZEN IN THIS COUNTRY

THIS IS WHY THE  
ONLY SOLUTION TO  
STOPPING THE ABUSE OF  
CHILDREN LIKE YOURSELF

IS TO ABOLISH THE

B.P. ~~TO~~ ~~TO~~ I

WANT YOU TO ALWAYS  
REMEMBER THAT



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**477-3800**

231-0111-

231-

A.M.P.

MASSCO

INDEXES

B. CARD

FLOR

AMBASSADOR

DEPT -

STATE

APPENDIX

BOARD

231-888  
75-CAS

46.70

15.00

26.70

28.50

105.20

6.31

111.51

1 rights guaranteed by the First Amendment. Plaintiff Baca claims  
2 the maintenance of such records is expressly prohibited by the  
3 Privacy Act.

4 COUNT I

5 [Freedom of Information Act]

6 2. This claim by the Committee on Chicano Rights, Inc. and  
7 Herman Baca is based on their rights secured by the Freedom of  
8 Information Act.

9 Jurisdiction

10 3. This Court has jurisdiction in this matter under  
11 5 U.S.C. §552(a)(4).

12 Parties

13 4. Plaintiff the Committee on Chicano Rights, Inc. (herein-  
14 after C.C.R.), formerly known as the Ad Hoc Committee on Chicano  
15 Rights, is a corporation duly organized and existing under the  
16 laws of the State of California, and has its principal office in  
17 San Diego County, California. The purposes of the Committee on  
18 Chicano Rights are:

19 a. to foster and perpetuate the basic principles of  
20 democracy, freedom of the individual, and equal social oppor-  
21 tunities through education;

22 b. to advance an understanding of persons of different  
23 ethnicity through education; and

24 c. to develop and improve the educational, social,  
25 and economic conditions of Chicanos by encouraging their partici-  
26 pating in education, community, and civic affairs.

27 5. Plaintiff Herman Baca is a citizen of the United States  
28 and a resident of National City, San Diego County, California.  
29 For over nine (9) years Herman Baca has been a non-violent Chicano  
30 civil rights leader.

31 6. Defendant United States Department of Justice is an  
32 agency of the federal government, which has in its possession

1 and control records which plaintiffs seek to inspect and copy.

2  
3 The Freedom of Information Act

4 7. The Freedom of Information Act, 5 U.S.C. §552 et seq.,  
5 grants to any person the right to obtain records held by agencies  
6 of the United States Government.

7 8. To receive records from an agency, a person must make  
8 application under 5 U.S.C. §552(a)(3). An agency may deny a  
9 request only under the exemptions listed in 5 U.S.C. §552(b)(1)-  
10 (9). A person may then appeal the agency's denial and exhaust  
11 his administrative remedies under 5 U.S.C. §552(a)(6)(A)-(C).  
12 Upon exhaustion of the administrative remedies, a person may  
13 file an action to permit the inspection and copying of withheld  
14 and excised records in the federal district court under 5 U.S.C.  
15 §552(a)(4).

16 Factual Allegations

17 9. By letter dated May 15, 1978 to William Webster,  
18 Director of the Federal Bureau of Investigation (FBI), plaintiffs  
19 requested an opportunity to examine and copy all records and  
20 memoranda maintained by the FBI concerning plaintiffs' activities.  
21 A true copy of that letter is attached hereto as Exhibit "A".

22 10. By letter dated May 24, 1978, Allen H. McCreight, Chief  
23 Freedom of Information-Privacy Acts Branch, Federal Bureau of  
24 Investigation (McCreight), advised plaintiffs that a search of  
25 the indexes to his records would be made in an effort to determine  
26 if it had the information plaintiffs sought. A true copy of  
27 that letter is attached hereto as Exhibit "B".

28 11. By letter to McCreight dated October 30, 1978, plaintiffs  
29 requested that defendant indicate how much additional time would  
30 be necessary for the agency to comply with their request, as a  
31 considerable amount of time had lapsed since the original request.  
32 A true copy of that letter is attached hereto as Exhibit "C".

1 12. By letter dated November 3, 1978, McCreight transmitted  
2 approximately 190 pages of records to plaintiff Baca, which were  
3 received November 21, 1978. Substantial portions of the records  
4 received were excised. The original request by plaintiffs  
5 sought information from 1971 to the present. The records  
6 received were dated through February, 1976. No records were  
7 released concerning plaintiff C.C.R. A true copy of that letter  
8 is attached hereto as Exhibit "D".

9 13. On December 14, 1978, plaintiffs filed a timely written  
10 appeal by letter to the Attorney General Griffin Bell, United  
11 States Department of Justice, Office of Privacy and Information  
12 Appeals, seeking access to the undisclosed materials in plain-  
13 tiffs' files. A true copy of that appeal letter is attached  
14 hereto as Exhibit "E".

15 14. By letter dated January 2, 1979, Janice Adams, Acting  
16 Administrative Assistant, United States Department of Justice,  
17 Office of Privacy and Information Appeals (Adams), acknowledged  
18 receipt of plaintiffs' administrative appeal and advised them  
19 that their requests would be delayed due to a substantial backlog  
20 of prior pending appeals and a shortage of attorneys. A true  
21 copy of that letter is attached hereto as Exhibit "F".

22 15. By letter dated January 19, 1979, Salliann M. Dougherty,  
23 Freedom of Information/Privacy Act Officer, Civil Rights Division,  
24 United States Department of Justice, forwarded copies of two  
25 Civil Rights Division documents located by the FBI which allegedly  
26 pertained to plaintiff Baca. No information was forwarded con-  
27 cerning plaintiff Baca's records compiled after February, 1976,  
28 or concerning plaintiff C.C.R. A true copy of that letter is  
29 attached hereto as Exhibit "G".

30 16. By letter to Adams dated February 7, 1979, plaintiffs  
31 requested that the Office of Privacy and Information Appeals  
32 expedite its response to plaintiffs' appeal and forward the

1 documents requested therein. A true copy of that letter is  
2 attached hereto as Exhibit "H".

3 17. No further response by the defendant from plaintiffs'  
4 appeal of December 14, 1978 and letter dated February 7,  
5 1979, has been received by plaintiffs.

6 Claims for Relief

7  
8 18. Plaintiffs have exhausted all administrative remedies  
9 pursuant to 5 U.S.C. §552(a)(6)(A)-(C).

10 19. As a result of the actions complained of herein, defen-  
11 dant has violated plaintiffs' right:

12 (a) to inspect and copy all records, without excisions  
13 and to acquire records after February, 1976; and

14 (b) to promptly receive records upon request.

15 COUNT II

16 [Privacy Act]

17 20. This claim by Herman Baca is based on his rights secured  
18 by the Privacy Act of 1974.

19 21. Plaintiff realleges each and every allegation in para-  
20 graphs 5, 6, and 9 through 17 of Count I.

21 Jurisdiction

22 22. This Court has jurisdiction over this claim under 5 U.S.C.  
23 §552a(g)(1).  
24

25 The Privacy Act

26 23. The Privacy Act of 1974, 5 U.S.C. §552a et seq., grants  
27 to any individual the right to inspect and correct his records  
28 held by agencies of the United States.  
29

30 24. To receive records from an agency, an individual must  
31 make application under 5 U.S.C. §552a(b) and 5 U.S.C. §552a  
32 (d)(1). An agency may deny a request under the exemptions listed

1 in 5 U.S.C. §552a(k).

2 25. The Privacy Act requires an agency to promulgate appeals  
3 procedures under 5 U.S.C. §552a(f). An individual may then appeal  
4 the agency's denial and exhaust his administrative remedies under  
5 that procedure.

6 26. The defendant Department of Justice treats Privacy Act  
7 and Freedom of Information Act requests and appeals in the same  
8 way. 28 C.F.R. §16.57 (March 1, 1977). Upon exhaustion of the  
9 administrative remedies, an individual may file an action to compel  
10 delivery of the records for inspection, copying and correction.  
11 5 U.S.C. §552a(g)(1).

12  
13 Claims for Relief

14 27. Plaintiff has exhausted all administrative remedies  
15 pursuant to 5 U.S.C. §552a(k) and 28 C.F.R. §16.57 (March 1, 1977).

16 28. As a result of the actions complained of herein, defendant  
17 has violated plaintiff's right:

18 (a) to inspect, copy, or correct all records, without  
19 deletions including those compiled since February, 1976; and

20 (b) to receive records promptly upon request.  
21

22  
23 Count III

24 [First Amendment Activity, Privacy Act]

25 29. This claim by plaintiff Baca is premised on the Privacy  
26 Act which prohibits the defendant from maintaining records which  
27 describe an individual's exercise of rights guaranteed by the  
28 First Amendment.

29 30. Plaintiff realleges each and every allegation of para-  
30 graphs 5, 6 and 9 through 17 of Count I and paragraphs 25 and 26  
31 of Count II

32 31. Plaintiff Baca claims that on at least two occasions

1 during the period 1971 to 1976, agents of the defendant deter-  
2 mined that surveillance of Baca was not pertinent to authorized  
3 law enforcement activities. Yet on each occasion defendant  
4 continued the surveillance of plaintiff without plaintiff's  
5 authorization.

6  
7 Jurisdiction

8 32. This Court has jurisdiction over this claim under  
9 5 U.S.C. §552a(g)(1).

10 Applicable Law

11 33. The Privacy Act expressly prohibits agencies from  
12 maintaining records describing an individual's exercise of  
13 rights guaranteed by the First Amendment except in three specific  
14 circumstances where authorized: (1) by statute; (2) by the  
15 individual; or (3) where pertinent to and within the scope of  
16 an authorized law enforcement activity. 5 U.S.C. §552a(e)(7).

17  
18 Claims for Relief

19 34. Plaintiff Baca has exhausted all administrative remedies  
20 pursuant to 5 U.S.C. §552a and 28 C.F.R. §16.57 (March 1, 1977).

21 35. As a result of the actions complained of herein, defen-  
22 dant has violated plaintiff Baca's rights in that:

23 (a) it has maintained records which describe plaintiff's  
24 exercise of First Amendment rights without plaintiff's permission,  
25 without statutory authorization and beyond the scope of authorized  
26 law enforcement activity; and

27 (b) it has failed to promptly make available to plaintiff  
28 copies of said records upon his request and to destroy the  
29 originals of said records.

30  
31 ///

32 ///

financially able to obtain adequate representation but have not retained counsel, the magistrate may assign counsel and order the payment of reasonable attorney's fees or may direct the juvenile, his parents, guardian, or custodian to retain private counsel within a specified period of time.

The magistrate may appoint a guardian ad litem if a parent or guardian of the juvenile is not present, or if the magistrate has reason to believe that the parents or guardian will not cooperate with the juvenile in preparing for trial, or that the interests of the parents or guardian and those of the juvenile are adverse.

If the juvenile has not been discharged before his initial appearance before the magistrate, the magistrate shall release the juvenile to his parents, guardian, custodian, or other responsible party (including, but not limited to, the director of a shelter-care facility upon their promise to bring such juvenile before the appropriate court when requested by such court unless the magistrate determines, after hearing, at which the juvenile is represented by counsel, that the detention of such juvenile is required to secure his timely appearance before the appropriate court or to insure his safety or that of others.

As amended Sept. 7, 1974, Pub.L. 93-415, Title V, § 504, 88 Stat. 1135.

1974 Amendment. Pub.L. 93-415 substituted "Duties of magistrate" for "Probation; commitment to custody of Attorney General; support" in section catchline, and substituted provisions relating to procedure before, and duties of, magistrate, for provisions relating to probation, commitment to custody of Attorney General, duties of Attorney Gen-

eral, and procedures aiding court in determining whether to place juvenile on probation or commit him to custody of Attorney General.

Legislative History. For legislative history and purpose of Pub.L. 93-415, see 1974 U.S.Code Cong. and Adm.News, p. 5283.

### § 5035. Detention prior to disposition

A juvenile alleged to be delinquent may be detained only in a juvenile facility or such other suitable place as the Attorney General may designate. Whenever possible, detention shall be in a foster home or community based facility located in or near his home community. The Attorney General shall not cause any juvenile alleged to be delinquent to be detained or confined in any institution in which the juvenile has regular contact with adult persons convicted of a crime or awaiting trial on criminal charges. Insofar as possible, alleged delinquents shall be kept separate from adjudicated delinquents. Every juvenile in custody shall be provided with adequate food, heat, light, sanitary facilities, bedding, clothing, recreation, education, and medical care, including necessary psychiatric, psychological, or other care and treatment.

As amended Sept. 7, 1974, Pub.L. 93-415, Title V, § 505, 88 Stat. 1135.

1974 Amendment. Pub.L. 93-415 substituted "Detention prior to disposition" for "Arrest, detention and bail" in section catchline, deleted provisions relating to discretionary power of arresting officer or marshal to confine juvenile in jail, provisions relating to bail and default of bail, and added provisions relat-

ing to mandatory separation of juvenile from adjudicated delinquents, and provisions relating to the physical conditions of confining facility.

Legislative History. For legislative history and purpose of Pub.L. 93-415, see 1974 U.S.Code Cong. and Adm.News, p. 5283.

### § 5036. Speedy trial

If an alleged delinquent who is in detention pending trial is not brought to trial within thirty days from the date upon which such detention was begun, the information shall be dismissed on motion of the alleged delinquent or at the direction of the court, unless the Attorney General shows that additional delay was caused by the juvenile or his counsel, or consented to by the juvenile and his counsel, or would be in the interest of justice in the particular case. Delays attributable solely to court calendar congestion may not be considered in the interest of justice. Except in extraordinary circumstances, an information dismissed under this section may not be reinstated.

As amended Sept. 7, 1974, Pub.L. 93-415, Title V, § 506, 88 Stat. 1136.

1974 Amendment. Pub.L. 93-415 substituted "Speedy trial" for "Contracts for support; payment" in section catchline, and substituted provisions relating to dismissal of information due to delay for provisions relating to contracts with public or private agencies for custody and care of juvenile delinquents.

Legislative History. For legislative history and purpose of Pub.L. 93-415, see 1974 U.S.Code Cong. and Adm.News, p. 5283.

3. Motion to dismiss. Defendant, who was juvenile delinquent, was not brought to trial following arrest, de or consented to by counsel were not actually on the record said that in consideration of interest of justice solely due to court notwithstanding trial that motion to dismiss consistent with the defendant or ruling proceeded in an ex that there was no government counsel. Gonzalez, C.A.Cal.1977.

### Index to Notes

Definition 4  
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#### 1. Interest of Justice exception

Fact that Government desired to file material witness complaint against defendant, who was accused of being a juvenile delinquent, did not fall within the "interest of justice" exception to this section. U. S. v. Gonzalez-Gonzalez, C.A. Cal.1975, 522 F.2d 1040.

#### 2. Waiver of right

Defense counsels' statement, in response to trial court's inquiry whether setting of matter for trial on specified date, which was the 31st day following arrest, was a convenient date, that it was "convenient" did not constitute a waiver of defendant's right, as an accused delinquent, to be brought to trial within 30 days of arrest. U. S. v. Gonzalez-Gonzalez, C.A.Cal.1975, 522 F.2d 1040.

### § 5037. Dispositional hearing

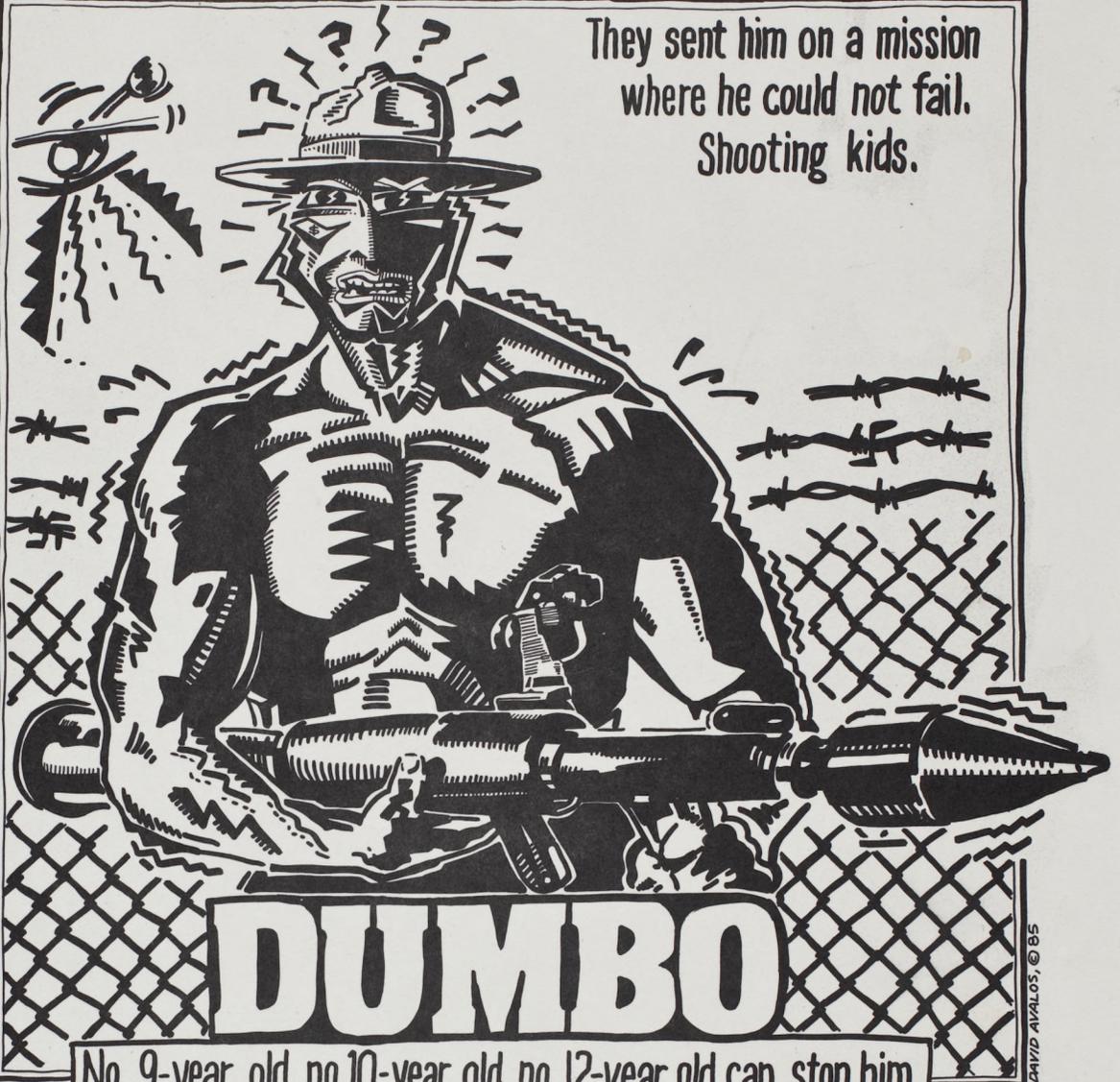
(a) If a juvenile is adjudicated delinquent, a separate hearing shall be held no later than twenty court days after the court has ordered further study in accordance with section 5036. Copies of the presentence report shall be provided to both the juvenile and the Government a reasonable time before the hearing.

(b) The court may suspend the adjudication of disposition of the delinquent on such conditions as it deems appropriate, or commit him to the custody of the Attorney General on probation, commitment, or commitment in accordance with section 5035. Probation, commitment, or commitment shall not extend beyond the juvenile's twenty-first birthday. The maximum term which could have been imposed on an adult for the same offense, whichever is sooner, unless the juvenile is committed to the custody of the Attorney General on probation, commitment, or commitment in accordance with section 5035, shall not exceed the lesser of two years or the maximum term which could have been imposed on an adult convicted of the same offense.

(c) If the court desires more detailed information concerning the alleged or adjudicated delinquent, it may commit him, or the juvenile, to a hearing at which the juvenile is represented by counsel of the Attorney General for observation and study by the Attorney General or an agency. Such observation and study shall be conducted on an out-patient basis, unless the court determines that inpatient observation is necessary to obtain the desired information. In the case of a juvenile delinquent, inpatient study may be ordered only if the juvenile and his attorney. The agency shall make a study of the alleged or adjudicated delinquent to ascertain his personal characteristics, his background, any previous delinquency, any mental or physical defect, and any other relevant information. The Attorney General shall submit to the court and the a-

# BORDER PATROL

They sent him on a mission  
where he could not fail.  
Shooting kids.



DAVID AVALOS, © 85

No 9-year old, no 10-year old, no 12-year old can stop him.



EDUARDO CARRILLO, 12  
SHOT IN THE BACK BY A  
BORDER PATROL AGENT.

APRIL, 1985



CARLOS AHUMADA, 12  
SURROUNDED BY FOUR  
AGENTS, ARRESTED AND  
IMPRISONED FOR FOUR DAYS.

JUNE, 1985



SYLVIA ALVARADO, 10  
JAILED BY THE BORDER PATROL  
FOR 7 WEEKS WITHOUT  
BEING CHARGED WITH A CRIME.

1980

YOUR CHILD NEXT?

**western union**

**Telegram**

IPMSDLB SDG  
1-041029M059-001 02/28/80  
ICS IPMSDLB SDG  
RETRIEVAL REPLY: 1-040555M059 ICS IPMSDLB SDG  
02043 SANDIEGO CA 293 02-28 317P PST  
PMS PRESIDENT JIMMY CARTER  
WHITE HOUSE DC  
MR. PRESIDENT,

CHILDREN, INCLUDING BABIES AS YOUNG AS 24 MONTHS ARE BEING IMPRISONED IN THE FEDERAL PRISON SYSTEM. CHILDREN ARE BEING HELD AT THE METROPOLITAN CORRECTIONAL CENTER, EL CENTRO DETENTION CENTER AND THE SAN YSIDRO DETENTION CENTER FOR A PERIOD OF 1 DAY TO 90 DAYS. SAN DIEGO U.S. ATTORNEY MICHAEL WALSH, ACCORDING TO OUR INVESTIGATION CLAIMS THAT THE ARREST AND IMPRISONMENT OF CHILDREN AND THEIR MOTHERS IS NECESSARY BECAUSE THEY ARE NEEDED AS "MATERIAL WITNESS" IN CASES INVOLVING ILLEGAL ALIEN SMUGGLERS. THESE CHILDREN ARE BEING GIVEN CRIMINAL RECORDS EVEN THOUGH THEY ARE POWERLESS OVER THE CIRCUMSTANCES INVOLVING THEIR ARRESTS.

OUR SOURCES INFORM US THAT SOME OF THESE CHILDREN ARE WITH THEIR MOTHERS, BUT THAT OTHERS ARE BEING IMPRISONED WITHOUT THEIR PARENTS. OUR INVESTIGATION ALSO REVEALED THAT ONCE THE CHILDREN ARE NO LONGER NEEDED AS "MATERIAL WITNESSES", THE INS AUTHORITIES SIMPLY TOSS THEM INTO MEXICO WITHOUT MAKING ANY EFFORT TO INSURE THAT THE CHILDREN ARE REUNITED WITH THEIR PARENTS. FURTHERMORE IT HAS ALSO BEEN REPORTED TO US THAT CHILDREN WHO ARE TURNED OVER TO MEXICAN AUTHORITIES ARE KEPT FOR ONE WEEK AND THEN ARE TURNED LOOSE IN THE STREETS TO FEND FOR THEMSELVES.

JUST YESTERDAY FEB. 27, 1980 A 12 MONTH OLD BABY WAS BEING HELD AT THE METROPOLITAN CORRECTIONAL CENTER. THESE PRACTICES ARE INHUMAN, BARBARIC AND AN INDICTMENT OF THE CURRENT IMMIGRATION POLICY. IN THE NAME OF HUMAN DECENCY OUR ORGANIZATION DEMANDS THE IMMEDIATE CESSATION OF THE IMPRISONMENT OF CHILDREN AND AN END TO ALL THE DEGRADING POLICIES INVOLVED IN THIS SYSTEM. THE INSANITY OF THESE ACTIONS CRY OUT FOR AN IMMEDIATE INVESTIGATION TO DETERMINE RESPONSIBILITY FOR THESE ACTS. AS THE HIGHEST ELECTED OFFICIAL IN THE COUNTRY IT IS YOUR RESPONSIBILITY TO PUT AN END TO THIS BORDER MADNESS.

THANK YOU.  
HERMAN BACA  
CHAIRPERSON COMMITTEE ON CHICANO RIGHTS INC

(CCR/1837 HIGHLAND AVE/NATIONAL CITY CA 92050/FN/7144748195/  
104/O/BACA).  
1859 EST

IPMSDLB SDG

*Evening Tribune*  
*July 14, 79*

# Church group seeking foster homes for aliens

By PAT CALLOWAY

Catholic Community Services of San Diego, under contract with the U.S. marshal's office here, has launched a campaign to find foster homes for children of Mexican nationals who cross the United States-Mexico border illegally.

The Social Service arm of the Roman Catholic Diocese of San Diego, CCS will act as a screening agent in helping to identify candidates for foster parents and provide six-hour training programs for potential foster parents.

In addition to the CCS contract, the marshal's office also has a contract with the Salvation Army that provides temporary lodging for the Mexican mothers and their infants.

Older children will be given the option of remaining with their incarcerated counterparts at the Metro-

politan Correctional Center or in the care of foster parents.

The U.S. marshal's office sought alternative lodging and foster care facilities after its contracts with Hillcrest Receiving Home and the Juvenile Hall became obsolete. Both facilities were overcrowded with illegal aliens, officials said.

Under the new contracts with CCS and the Salvation Army, juveniles will be given an opportunity to be placed in a foster home after screening and interviewing. Mothers and their infants will take lodging at the Salvation Army facility, which opened its doors Monday.

Cynthia Leyva of the Catholic Community Services Center said only "low-risk" juveniles will be selected for foster care. She said the agency foresees "lots of problems because

the majority of the children are going to be frightened and some might run away."

CSS has received at least six inquiries about the foster care program and, according to Leyva, three families have been interviewed.

The agency is looking for comfortable foster homes where families are bilingual and able to cope with temporary visitors. Single individuals also will be considered as foster parents.

Laffoon said he prefers placing Mexican juveniles in homes where "the mores of their country are respected."

"We want the mother (Mexican national) to know that her children are in good hands," said Laffoon, for the program is designed to "treat the woman (alien mother) and her children as well as the American people would want an American woman and her children treated."

Local foster parents are asked to prepare to keep the juveniles for an average of two weeks, according to Leyva. She said foster parents caring for children under 14 years old will receive \$10 a day and \$15 for children age 15 to 17.

Laffoon said the new program will cost a maximum of \$200,000 annually. Last year's program, which provided lodging primarily at MCC, cost about \$2.3 million, he said.

The Metropolitan Correctional Center, built in 1974, once the only accommodating facility for adult aliens, is overcrowded and unprepared to deal with the growing number of women and children held there, officials say.

Many adult Mexican nationals at MCC are there as witnesses in cases against alien smugglers, and, in many cases, infants have been allowed to stay with their mothers there.

Prior to the opening of MCC, juvenile illegal aliens were transported to the Santa Barbara Juvenile Hall — a program that "had them on the road all the time and was very expensive and tiring for both officers and juveniles," Laffoon said.

Laffoon described the new foster care program as a humane effort to solve the problems of illegal aliens. He said San Diego's program is a pilot project for the United States and will be adopted by other border towns if it proves effective.

# Mexican children imprisoned in U.S.

## SPECIAL TO THE PW

CHICAGO—The Midwest Coalition in Defense of Immigrants has denounced the mass imprisonment of Mexican minors and infants in U.S. prisons and called for a national campaign to free the children.

Of 340,000 people arrested on the U.S. side of the Mexican border in 1979, it was revealed, more than 8,000 were children.

Juan Manuel Soliz, speaking for the broad coalition of civic, community, legal and labor groups based in the large Chicano community here, told the press the jailing of these children is "a violation of the most elementary human rights of children" and was the result of the racist policies of the Dept. of Justice and the Immigration and Naturalization Service (INS).

Herman Baca, president of the California-based Commission on Chicano Rights, exposed the U.S. government policy of jailing Mexican children. They are held in gruesome federal prisons which John Celary, executive director of Federal Defenders, denounced as "unconstitutional, inhuman and atrocious."

Many are held because they or their parents are material witnesses slated to testify against "coyotes"—people who bring immigrants across the border for money—who operate illegally. But as Soliz pointed out the "coyotes" are usually out on bail within one day, while the immigrants and their children are deprived of all rights and jailed for months even though not charged with any crime.

Children are separated from parents, finger-printed and treated like criminals by police and prison authorities. Para Rosa Rivas told the Mexican daily paper *Excelsior* recently she was detained as a witness against a "coyote" she had never seen, and her two children (one six, the other just a year old) were taken from her and imprisoned.

Children are jailed in federal facilities in California at San Diego, Calexico, San Ysidro, Chula Vista and El Centro. In some cases, they have been "lost" in the federal bureaucracy and permanently separated from their families; in other cases, they are deported alone to various Mexican cities—regardless of where these children came from—and abandoned.

Soliz criticized President Carter's hypocritical posture as a defender of human rights in other countries while immigrant children are jailed here—especially during the International Year of the Child in 1979. "Hundreds of Mexican children fleeing hunger, unemployment and unhealthy conditions try to cross into the U.S. with their families only to encounter repression and racism," Soliz charged.

The Midwest Coalition called on people in the U.S. to launch a letter campaign of protest to President Carter demanding immediate release of children in federal jails. Further, the coalition called for general, unconditional amnesty for all undocumented workers.

## Alien Youngsters Who Witnessed Smuggling Wait At MCC

By **BILL OTT**

Staff Writer, The San Diego Union

Jose is from Durango, Mexico.

Yesterday he played volleyball on the roof of the sun drenched 12-story Metropolitan Correctional Center overlooking San Diego Bay.

The physical exertion of his game released some of the tension of his confinement.

By far, he was in much better condition than when he was taken into custody with his father at a remote drop house for aliens smuggled into the United States. He was hungry and dirty then.

Before being taken into custody by Border Patrol agents, Jose and his father — along with countless others — waited in Tijuana's Colonia Libertad area, hoping that the coyote, or smuggler, they had paid could safely bring them into the United States and financial refuge.

Here, perhaps, they could find work.

The dream collapsed when they were caught on this side of the border.

Jose and his father are being held in custody as material witnesses as federal prosecutors try to convict the smugglers who prey on the destitute and hopeful.

Jose is only 15.

As of yesterday, he was one of more than 20 youngsters in custody at MCC. The juveniles are charges of U.S. Marshal James R. Laffoon.

"They aren't considered delinquents," Laffoon said. Nor are they charged with criminal offenses.

The youngsters, Laffoon said, are caught up in circumstances that are not of their own making. But they are material witnesses to alien smuggling.

Thus, the confinement at MCC.

The number of juveniles caught up in these

circumstances during the year of April 1, 1977, to March 31, 1978, totaled 292, Laffoon said. Of the total, 215 were males, whose total custody added up to 4,893 days. The 77 females spent a total of 1,297 days in custody.

The average time the juveniles spent in custody was about 20 days.

But there was the 17-year-old girl from Puebla, Mexico, who was in custody 86 days; a 17-year-old boy from Jalisco, 145 days; a 12-year-old girl from Michocan, 22 days; a 15-year-old boy from Zacatecas, 36 days.

They were in custody until the cases involving those who smuggled them in were con-

cluded. They testified as material witnesses. Then, with their parents or other relatives who brought them in, they were returned to Mexico.

At the present time, Laffoon said, MCC is the best answer to holding these juveniles.

"They're here," he said. "They were taken into custody, not charged with any crime, but what do you do with them? Who do you turn them over to here until they can be returned to Mexico?"

There is no immediate answer.

(Continued on B-2, Col. 1)

# Alien Youths At MCC Wait As Witnesses

(Continued from Page B-1)

Walter Lumpkin, MCC's warden, said: "Our mission — whether the inmates are adults or juveniles — is to hold them in an environment as humane and secure as possible."

Teen-age males, he said, are segregated from male adults as much as possible. There is no verbal contact, only visual contact at times.

As to very young children — and there have been some who are 5 or 6 years old — they are allowed to remain in custody with their mothers.

Associate Warden Lowell Kincaid said these youngsters are sometimes frightened, bewildered, and it would be more of a trauma to separate them from the parent.

Lumpkin said the youngsters, like the adults, have both dental and medical care while they are in custody. The medical care is provided by physicians' assistants, short of any major medical emergency such as appendicitis or childbirth.

The latter happened on at least one occasion. A material witness in custody was pregnant. When it came time for her to give birth, she was taken to a local hospital. After the baby was born, and enough time passed, she was returned to custody with her baby.

What about the custody for the youngsters? They are housed in separate floors of the MCC. Each floor has 48 cells, each cell accommodating two. The cells are unlocked from 6 a.m. until 11 p.m., so they are free to roam the floor's open area. Each floor has one common television set. Each floor has exercise equipment, pool tables, pingpong, cards, checkers, dominoes.

And there is the rooftop, with two basketball courts, handball, volleyball and shuffleboard. The meals are a balanced diet.

But, then, it is confinement, even if it is as humane as possible.

And time hangs heavy with the young.

28 GRIEVANCES LISTED

# Inmates Plan Hunger-Work Strike Starting Monday At Prison Here

By KEN MIMMS  
Staff Writer, The San Diego Union

Three inmates of the Metropolitan Correctional Center in downtown San Diego say they will lead a non-violent "hunger and no work" strike, beginning Monday at the federal prison, to draw attention to a list of 28 grievances, it was learned yesterday.

The grievances, which include a call to end separation of children of suspected illegal aliens from their parents, are included in a strike plan that includes a "code of conduct"

urging striking inmates to "refrain from any and all violence."

The strike is to begin about 6:30 a.m. Monday and will "take place in the form of no food intake (adults only), work stoppage and court stoppage (not compulsory)," according to a statement issued by the trio and smuggled out of the MCC yesterday.

By "court stoppage" the inmates mean refusal to cooperate in making court appearances.

"Most of the public is not aware that children (infants to 17 years of age), are housed on the sixth floor.

We wish to . . . to exact a change to an appalling practice of separating children from their parents, most of whom are Hispanic speaking and are not able to understand what's going on," the statement said.

Asked if word of the strike had reached the MCC staff, Assistant Warden Lowell Kincaid said he was "not aware of anything of that sort."

"I have had no indication that the inmates are unhappy . . ."

Kincaid said children under 10 years of age are not separated from their parents. "And, on a periodic basis, (parents) are permitted to visit older children, who are housed in the Juvenile Unit; but I'm not sure how often our policy allows this," he said.

According to the grievance, the children do not have access to an "out of doors playground." But the roof of the MCC is used as a recreation area and "all inmates, including children, are offered time on the roof each day," Kincaid said.

In addition to their concern for the children, the strike leaders, inmates Allen M. Swarthout, Anthony R. Brinkworth and Jesus A. Cruz, demanded "(oxygen) breathing apparatus for all people in custody" and an emergency evacuation plan in the event of a fire or other life-threatening emergency.

"The MCC does not have any mattresses here that could emit toxic fumes (in the event of a fire)," he said in reference to mention in the grievance of a fire in a Tennessee jail that killed 44 persons when burning mattresses emitted cyanide fumes.

The statement by the strike leaders stressed the importance of non-violence, because "violence will only serve to alienate and deteriorate the conditions that already exist," and full participation: "A hunger strike is no good without solidarity."

The grievance list also asks: an end to "frozen TV-type" foods; availability of telephones to inmates from "wake-up to 11 p.m. to avoid altercations"; the right of inmates to seal outgoing mail and "unlimited free mailing"; daily access to the law library without delays; that inmates not be forced to work unless paid the minimum federal wage, and guaranteed time off for good behavior amounting to 15 days for each

S.D. UNION 10-2-79

# MCC Inmates' Hunger Strike Has Little Bite

By MICHAEL D. LOPEZ

Staff Writer, The San Diego Union

A threatened "hunger and no-work" strike by inmates scheduled to begin yesterday at the downtown Metropolitan Correctional Center has fizzled, according to assistant warden Lowell Kincaid.

Inmates Allen M. Swarthout, Jesus A. Cruz and Anthony R. Brinkworth, who last week said they would not eat, work or attend court appearances until their list of 28 demands was met by prison officials, were locked in segregation cells Saturday after word of their threatened strike was leaked to outsiders.

But although a dozen other inmates reportedly missed breakfast yesterday morning, Kincaid said all inmates at the prison showed up for their work assignments, as well as the noon and evening meals.

"As far as I'm concerned, the strike has been broken before it even took place," Kincaid said yesterday.

Among the demands the three inmates presented to prison officials last week was one

calling for an end to the practice of separating Mexican alien children from their parents. (Mexican alien families are often held at the prison as material witnesses while awaiting trials of suspected alien smugglers.)

U.S. Marshal James R. Lafoon said Saturday that all women and children in the MCC were to have been transferred over the weekend to a Salvation Army facility in Kearny Mesa which has been used to house material witnesses for several weeks. Lafoon has responsibility for federal material witnesses.

Kincaid said yesterday that he did not know how many Mexican alien women and children were among the 650 inmates at the prison. "I haven't seen the daily inmate count," he said. "But we have never separated children under 10 years old from their parents."

Also included in the list of demands drawn up by Swarthout, Brinkworth and Cruz was greater access to outdoor recreational facilities for the children inmates, an end to "frozen TV-type foods," and an evacuation plan in the event of fire or other life-threatening emergen-

cies.

Other demands included greater access to telephones to prevent altercations between inmates, the right of inmates to seal outgoing mail and "unlimited and free" mailing privileges and that correctional officers not take action "in any shape or form" against striking inmates and the strike organizers.

Kincaid said yesterday that evacuation plans for the prison that have been approved by local fire authorities have been made known to all inmates.

"As to telephones to prevent inmate altercations," he said, "I know of no such altercations. Other than that, I have no intention of defending their charges or commenting on each and every one of them."

Kincaid also said he would not comment on what, if any, actions have been taken against the three inmate strike leaders.

# It's Costly To Hold Illegal Aliens As Witnesses

1978

By **BILL OTT**

Staff Writer, The San Diego Union

Since the beginning of this decade the U.S. Border Patrol has apprehended more than 1.7 million illegal aliens in San Diego and Imperial counties.

To prosecute the smugglers who bring many of them here, it is necessary to keep many of the aliens in custody here as material witnesses.

The cost of holding those people in custody here — housing them, feeding them and returning them to

Mexico — is a huge expense in the government's efforts to prevent illegal aliens from entering this country.

According to statistics released by the office of U.S. Attorney Michael Walsh, of the 1,717,167 million people apprehended, 21,302 were held for U.S. District Court actions. Of that number, about 75 percent, or 16,083, were held as material witnesses to testify in 2,450 alien smuggling cases.

"We're talking about an astronomical problem," said Chief Assistant U.S. Attorney M. James Lorenz.

"It's impossible to believe that our office alone could stem the flow of aliens. It's a problem also involving Congress and the State Department when you consider the volume of people. We're doing our best in actively pursuing the smugglers who are preying on the economic problems of the aliens.

"Our efforts," Lorenz said, "are concentrated on the smugglers. It would be unrealistic for us to concentrate on the aliens when we're talking of more than 1,700,000. But even concentrating on the smugglers creates the material witness

problem."

Some of those smuggled across the border have to be available as witnesses to testify in a trial. Therefore, they are held in custody at the Metropolitan Correctional Center.

And it's expensive.

A report compiled by U.S. Marshal James R. Laffoon points out: "The total cost (to the U.S. Marshal Service) for the support of prisoners in the Southern District of California from 1970 through June 30, 1978 was \$10,525,092 (including those in custody on charges not involving aliens)."

(Continued on B-4, Col. 1)

## It's Costly To Hold Aliens As Witnesses

(Continued from Page B-1)

Of that total, however, \$2,136,323 was disbursed for persons facing immigration charges, with \$1,612,710 going to support material witnesses in alien smuggling cases. The material witnesses involved in the time period received subsistence pay of \$1 per day, or \$350,449. (Subsistence is money with which to buy items from prison commissaries). Witness fees of \$20 per day, for each day of trial, totaled \$11,450. These figures combined give a total of \$1,974,609 disbursed on material witnesses since 1970.

The Metropolitan Correctional Center had expenses for material witnesses as follows:

The month of December 1974 (when the center began operating) and the year 1975, \$903,700; 1976 \$205,732; 1977 \$601,364, and January through June 30, 1978, \$858,959. Total: \$2,569,756.

That amount is covered by the Bureau of Prisons. Add to that amount the \$1,974,609 for support of prisoners derived from the U.S. Marshal Service fund and the total cost for material witnesses has run \$4,544,366.67 for the time period covered.

"This is a direct outlay to which should be added administrative, processing and apprehension costs which I cannot determine," Laffoon says in his report. "I can only estimate this would raise the costs to around \$6 million primarily from apprehension and deporting expenses."

But the marshal, in his report to Walsh, points out that efforts are being made to reduce the days in custody of

material witnesses through speedier trials and by cooperation of prosecutors and defense attorneys in agreeing that not all witnesses are required for trial.

For example, from July 1, 1976 to June 30, 1978, 3,901 material witnesses were held for 78,490 custody days, or an average of 20.12 days, a decrease of 5.85 days from the previous year.

## BORDER PARADOX: WITNESSES JAILED

LA Times  
9/4/78

# Aliens Held, Smuggler Suspects Get Bail

BY PATT MORRISON

Times Staff Writer

At first glance, it appeared that life was not treating Cayetano Lino badly.

The clothes were clean, the food was plentiful—if tediously bland to his tongue—and there were television programs to watch, but in English, a language he does not understand.

English is not the only thing he does not understand.

Lino, 37, cannot comprehend why he sat in a Phoenix, Ariz., county jail, awaiting trial, for two months.

Somebody else's trial.

For somebody else's crime.

Lino was kept in jail as a "material witness" lest he try to flee before he testified against the smuggler whom he had paid \$100 in his native Mexico to bring him safely, if illegally, into the golden land, the U.S.A., where he could earn fabulous sums of money.

When Lino and the smuggler were caught just inside this country, both went to jail. But it was Lino, charged with no crime, who stayed there. The

formally charged smuggler was released on bail.

There are, at any moment, hundreds of these "material witnesses" like Lino in federal and local jails—men, women, even children, incarcerated under a controversial federal appeals court ruling designed to protect defendants' constitutional rights.

In some facilities, witnesses outnumber bona fide prisoners, and the cost and logistics of complying with

the letter of the law is beginning to take larger and larger portions of law enforcement's time, energy and budgets.

Since the ruling was handed down in 1970, the federal government in the San Diego area alone has spent upwards of \$5 million to house and care for illegal aliens being held as material witnesses. There may be 400 or 500 in federal jail at any given moment, officials said.

It cost the U.S. government in Arizona more than \$500,000 last year to care for illegal alien witnesses, including the \$1 a day jail payment and additional fees they collect.

In Lino's case, he never did testify. The smuggler pleaded guilty just before his trial was to start. After two months in jail, accused of no crime, Lino was let go.

"I'll never, never come back here again," vowed the embittered and perplexed Lino before his release. "I'd rather live poor in Mexico than rich

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# Illegal Aliens Jailed as Witnesses

Continued from First Page here, where I am punished for another man's crime."

Michael Hawkins, the U.S. attorney for Arizona, has a nostalgic love for his oak desk, the vast 1910 model used by a forgotten territorial attorney back before Arizona was a state.

And he might well think longingly of those days when crime and punishment were so simple.

Now, it seems the world is full of paradoxical cases like Cayetano Lino's.

"The human equation is this," said Hawkins. "People not even accused of crimes are detained in jail while people accused of crimes (alien smuggling) are out on bond, walking the streets. It's a macabre, Kafkaesque thing where you've got essentially the victim in jail and the bad guy out on the street."

In a justice system that prides itself on individual rights, it is an anomaly, a paradox found in the border regions of California, Arizona, New Mexico and Texas.

It is called the Mendez-Rodriguez problem—a legal catchword—and Hawkins explained it thusly:

In the "old days," back before 1970

or so, back before the worsening press of poverty and high birthrates made almost as many Mexicans flee their cities as live in them, the now-overworked Border Patrol's job—and the U.S. attorney's job—were easier.

There weren't many alien smugglers then, as there are now—not today's large-scale, commercial smuggling rings as organized as public transit and "more profitable than dope smuggling."

When a smuggler was caught, he was arrested. The aliens he brought over for a price were interviewed by the Border Patrol—sometimes on the spot, by flashlight on a dark, mesquite-crowned mesa.

If one or two aliens looked to be good witnesses, truthful and well-spoken, they were kept to testify against the smuggler. Sometimes they were kept in jail. Sometimes they worked on farms until trial. But the other aliens were usually let go after processing and returned to Mexico within hours of capture.

In 1970, Hawkins said, all that changed. When a man named Manuel Mendez-Rodriguez claimed at his smuggling trial that three of the six aliens he had allegedly smuggled into

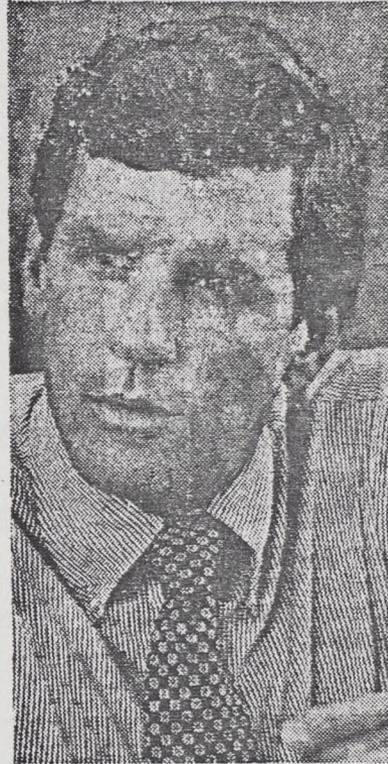
this country were unconstitutionally allowed to return to Mexico by the Border Patrol after official questioning.

By doing so, by keeping three as prosecution witnesses and letting the rest go, Mendez-Rodriguez argued that the government had violated his Fifth and Sixth Amendment rights—due process and the right to summon his own favorable witnesses.

The attorneys knew who the other three aliens were, and where they lived. But Mexico is beyond the reach of a U.S. subpoena. And the 9th Circuit Court of Appeals agreed: depriving Mendez-Rodriguez the opportunity to interview all the smuggled aliens deprived him of "elemental fairness and due process . . ."

"Viewed in a vacuum, that's a correct decision," Hawkins said. "But practically, the problems are unbelievable."

What the Mendez-Rodriguez ruling means, Hawkins said, is that every time a border patrolman catches a suspected alien smuggler with his group of "pollos" ("chickens," aliens), and thinks it could be a "good" case, all the aliens have to be kept in custody as potential witnesses



Michael Walsh

until the smuggler—often free on bond—can find or have appointed a lawyer, who must interview each alien to decide if he or she could help the defendant's case.

It is a process that can take three, five, even 10 days.

The ones the defense and the prosecution decide they need as witnesses (and that is a high percentage of the total, some claim) are kept in custody, in jail, until the case is settled—30 days, 40, 60 or longer. The Arizona average is 43.5 jail days.

One Arizona-jailed alien, the case against his smuggler long since settled, was simply forgotten about, and after four frustrated months in jail, he just escaped.

"Sometimes," explained a concerned attorney, "with so many, one just falls through the cracks and is lost."

The requirements of Mendez-Rodriguez do not sound onerous or inconvenient until numbers are attached: —Last year alone, Border Patrol agents from Texas to San Diego caught nearly 1 million aliens, many of them brought into the country by prosecutable smugglers.

—In just one recent weekend in San Diego, large-scale smuggling arrests brought about 200 new material witness aliens into the federal Metropolitan Correctional Center there.

—In Arizona, an average day found 75 aliens jailed as material witnesses and housed in officially substandard facilities in small, hot, crowded city and county jails, because there is little room for material witnesses in Arizona's federal prisons, which are nearly full, Hawkins said.

—In Arizona and in San Diego, apprehended children have to be kept,

too. Authorities try to farm them out to Catholic social service homes but sometimes must keep them in juvenile hall.

One prosecutor who had a "terrific" case against a smuggler dropped it when he found that two of the smuggled aliens were a 15-year-old mother and her 6-month-old baby. "It will not keep 15-year-old mothers and 6-month-old babies in jail," he declared.

For a legally impeccable decision, Mendez-Rodriguez has become a lo-

**"They are basically people who trade ... in human flesh."**

gistical and humanitarian nightmare.

Said Michael Walsh, U.S. attorney for San Diego's southern district:

"Here it is: if we don't keep the aliens and bring them in, our prosecutions would be simply dismissed. If we round up 25 in a truck at Calexico, and we don't bring in all 25 and put them in custody on material witness warrants under Mendez-Rodriguez, our prosecution will be dismissed, flat and simple. If we let three go, if we let two go, if we let one go, we've lost our case."

Of Mendez-Rodriguez, an "argu-  
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# Hundreds of Aliens Held as Witnesses

Continued from 14th Page

ably sensible" decision, he adds, "in truth and in fact, there's an enormous conflict between the theoretical aspects of the case and its practical effects. The cost both in dollar terms and in terms of social costs are enormous. The practical benefits to the defense are, I believe, minuscule."

The sheer numbers of aliens, the time needed by defense attorneys to interview them all, the "inevitable delays" of law, the necessarily ponderous gait of justice—all have conspired to make Mendez-Rodriguez a horror for border patrolmen, prosecutors, magistrates, defense attorneys and judges alike—not to mention the aliens themselves.

Nobody, they say, nobody loves a smuggler.

Not the 59 middle-class Columbian who paid \$1,000 each to be smuggled from inside Mexico to the Arizona border town of Naco—and got caught.

Not the group of Mexican parents whose smuggler said he would send their children on into the United States separately, to make it easier—and then held the children for additional "ransom" from the impover-

ished parents before he would reunite the families.

Not Hawkins nor Walsh, whose job it is to put them in jail.

"It seems to me that people of goodwill can genuinely agree," Walsh said, "that alien smugglers are not very nice people. They are basically people who trade or transact in human flesh."

The smuggler, called a "coyote" in the language of the border, has the usual constitutionally guaranteed court rights. But the fact that the evidence in his case is human throws a wrench into the judicial works.

The fact is they're human contraband, human evidence," said a Border Patrol antimuggling agent. "Human evidence is not like 2 tons of marijuana locked in a storeroom. It can't be."

The overwhelming numbers of potential witnesses who have to be housed, fed and questioned has forced a decrease in the number of smuggling cases that can be prosecuted. There is simply not enough room for all the material witness aliens and, said an assistant U.S. attorney, you feel bad about having to incarcerate the ones you've got.

"What it means is that we cannot

effectively enforce federal laws," Walsh said.

There is, in San Diego, a rush to get cases to trial, and one attorney said privately that he feared haste made it easier for either side to come unprepared and lose the case.

"It's hard," said presiding federal Magistrate Edward J. Harris in San Diego, "but we try to get to trial in 30 days or less. Judges make an almost inhuman effort to expedite—they exchange cases, do anything they can to get them tried so the witnesses can go."

And the witnesses themselves, not so immutable as 2 tons of locked-up marijuana, can grow discouraged, forgetful, even bitter.

In San Diego, a young Ecuadorian woman, "a good witness," cooperative and bright, was kept to testify against the smuggler who brought her in. Her other companions were sent back to Ecuador. The woman who was detained even found the "drop house" for investigators, the place in Tijuana's dirty warrens and alleys where she waited for her ride.

But after spending two months in jail as a material witness, she balked. According to one official, "She said, 'Hey, I saw all the aliens who lied and

wouldn't talk to you, and you let them go. I told you the truth and cooperated, and I get kept in jail. I'm not going to tell the truth any more.'"

And she didn't. She deliberately lied on the stand, and the accused smuggler went free.

"It's like rolling the dice," Arizona's Hawkins said. "They (defense attorneys) think there's always the chance the government is going to screw up and not have all the witnesses there, and if they're not, they can always make their Mendez-Rodriguez arguments and the case goes out."

Speaking "clinically," not statistically, both he and Walsh believe the defense uses the witnesses it keeps "very infrequently—so few that I can hardly remember them."

In San Diego, said Magistrate Harris, "defense lawyers are extremely cooperative for the most part," about keeping only crucial witnesses so the rest can be released, "and most of the time, they use the witnesses they have requested."

But in Arizona, Hawkins said some defense attorneys indulge in a "charade" of insisting "every one of the witnesses being held is material to their cases—every one. He must have

them. And then they do not use them in the case."

Particularly aggravating to him, Hawkins said, is when alien witnesses are jailed for weeks or months and, just before the trial, a defendant pleads guilty, making the material witness' jail stay "useless," or when he tries to plead to a lesser charge, using the jailed alien witnesses as humanitarian leverage. Accept a plea and they (the witnesses) can go;

## Housing the aliens in more pleasant circumstances was suggested.

don't accept and they'll have to stay there until trial.

But an Arizona attorney who defends smugglers said that it is not a "charade," that they frequently use the witnesses they keep, that a client—free on bond—might wait almost until his trial date to plead "to show the court that while he was free, he worked to better himself as a person."

And don't forget, reminded a Los Angeles attorney who sometimes defends accused smugglers, the aliens are in this country illegally, whether they are charged for that offense or not.

"What we basically have," Walsh

said, "are a whole range of options, none of which is very attractive, from among which we must choose the option that is the least unattractive, the least objectionable."

First on Walsh's list is a test case to get the Mendez-Rodriguez question back before 9th Circuit Court of Appeals.

In Arizona, Hawkins is experimenting to see whether judges will accept, instead of the aliens themselves, the aliens' testimony, videotaped in a question-and-answer session with attorney, defendant, prosecutor and magistrate.

Critics say it would be bulky and cumbersome. Judges still are unsure whether to accept videotape testimony, uncertain whether it guarantees Fifth and Sixth Amendment rights.

In San Diego, Walsh said there is a "feeling in our courts that the problems associated with videotaped depositions are greater than the problems associated with very speedy trials."

What he would rather explore, he said, is how to get the alien material witness into some more pleasant circumstance while waiting to testify.

There is the foster home idea, particularly for children and teen-agers, to be placed in suitable homes until a case is settled.



Committee on Chicano Rights, Inc

Mr. President,

Children, including babies as young as 24 months are being imprisoned in the Federal Prison System. Children are being held at the Metropolitan Correctional Center, El Centro Detention Center and the San Ysidro Detention Center for a period of 1 day to 90 days. San Diego U.S. Attorney Michael Walsh, according to our investigation claims that the arrest and imprisonment of children is necessary because they are needed as "material witness in cases involving illegal alien" smugglers.

Our sources inform us that some of these children are with their mothers, but that others are being imprisoned without their parents. Our investigation also revealed that once the children are no longer needed as "material witnesses", the INS authorities simply toss them into Mexico without making any effort to insure that the children are reunited with their parents. Furthermore it has also been reported to us that children who are turned over to Mexican authorities are kept for one week and then are turned loose in the streets to fend for themselves.

Just yesterday Feb.27, 1980 a 12 month old baby was being held at the Metropolitan Correctional Center. These practices are inhuman, barbaric and an indictment of the current Immigration policy. In the name of human decency our organization demands the immediate cessation of the imprisonment of children and an end to all the degrading policies involving this system. The insanity of these actions cry out for an immediate investigation to determine responsibility for these acts. As the highest elected official in the country it is your responsibility to put an end to this border madness.

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Commissioner Crosland said that, under immigration service policy, a Miranda warning was supposed to be given at the moment it became evident that a suspect was likely to be bound over for deportation or other proceedings. But several officers said that was, in practice, almost never the case.

Potentially abusive practices also occur far from the border. Marc Van Der-Hout, an immigration lawyer in Redwood City, Calif., near San Francisco, told of immigration agents stopping passers-by on the street, demanding their "papers" and arresting those who could not produce any.

Until they were stopped last Nov. 26 by Attorney General Benjamin R. Civiletti, officers in Los Angeles — where there is the largest concentration of illegal aliens in the country — were conducting mid-night raids on private homes. They sometimes forced doors or windows, entering with weapons drawn, surprising couples in bed and taking away, in various stages of undress, those they suspected of illegal residency.

The brutality against aliens takes many forms, including that of sexual assaults, some immigration officials said. But even in these cases Federal charges are almost never brought against the offending officers.

#### Agent Allowed to Resign

In Chula Vista, a few miles north of here, a Border Patrol agent accused of raping an alien in his custody resigned after the United States Attorney declined prosecution. Two border patrolmen accused of the same crime in El Paso were suspended for three days.

In Laredo, Tex., charges that a border patrolman had raped an alien in his custody were dropped after prosecutors said they could not locate the complaining witness, a problem that has thwarted similar prosecutions elsewhere.

Mr. Drew, the former border patrolman, remembered one senior patrolman, a supervisor, who would occasionally visit a pond on the American side of the border where women from Mexico gathered each morning to wash clothes. One day, Mr. Drew said he watched while the man dragged a young girl away from the pond and raped her. "She couldn't have been more than 12 or 13," he said.

Sometimes later, he said, he saw the

with one night last year when an immi-  
gration investigator discovered him  
forcibly abusing a 13-year-old girl from El  
Salvador in an office at the port head-  
quarters. The investigator filed an inter-  
nal complaint and said he would have  
pressed criminal charges against the  
man, but the immigration service re-  
fused to allow the girl back into the  
United States to testify against her as-  
sailant. The inspector resigned.

Asked about the case, Mr. Crosland said he was "aware" of it and that no ac-  
tion had been taken against the man be-  
cause, once he resigned, he was beyond  
the reach of the service. "Anybody can  
quit," Mr. Crosland said.

The closest thing to common currency  
along the border is I.N.S. Form I-188, the  
border crossing card, a highly prized  
document that permits the holder to visit  
the United States for three days at a time,  
to sightsee or shop, but not to work.

In El Paso, as elsewhere along the bor-  
der, hundreds of Mexican women use the  
cards illegally to enter the country each  
day to work, most of them as maids earn-  
ing about \$25 a week. The inspectors who  
pass them through know why they are  
coming, however, and some take advan-  
tage of the situation to molest the women,  
some officers said.

#### Maids 'Protesting the Abuse'

Last March, maids from Juarez,  
across the border from El Paso, staged a  
two-day demonstration to object to such  
treatment. "We're here protesting the  
abuse they hand out," one woman, Petra  
Reyes, said. "The immigration inspec-  
tors have been mauling the young  
women. They take us into the office and  
make us undress, then they feel us all  
over."

Another maid, Dolores Hernandez,  
said: "They've told me to take off my  
clothes for them. But I have to work here,  
because there's no work in Mexico."

Oftentimes, citizens or legal resident  
aliens whose skin is the wrong color or  
who speak accented English present  
valid papers to immigration officers at  
the border only to see them rejected as  
"counterfeit." Marguerita Orta, presi-  
dent of the Center for the Defense of Im-  
migrants, told of crossing into the United  
States at Eagle Pass, Tex., not long ago  
with a young Mexican American boy.

"He presented his birth certificate,"  
she said. "The agent at the border said  
nothing to him, just opened the door of the

### not enough money or personnel to prosecute all brutal- ity complaints.

of his illegal status by employing what he  
termed "the standard threats from  
Miami to Seattle" — promises of high  
bail, a long time in jail and eventual  
deportation anyway.

Mr. Schey said his client, who is suing  
the service, finally gave up and agreed to  
be "returned" to Mexico, and was only  
allowed back into the United States after  
much difficulty.

Underlying the attitude of the immi-  
gration service toward the Hispanic and  
other aliens with whom it has to deal each  
day is a degree of contempt tinged with  
racism.

Mr. Begley, who worked as an immi-  
gration inspector here for 15 months in  
1977 and 1978, said that among his col-  
leagues Mexican aliens were routinely re-  
ferred to as wetbacks, wets, tanks, moja-  
dos and worse. "It is the degrading of the  
applicants that disturbs me," he once  
wrote in a memorandum to his superiors.

#### Treatment of Alien Children

The agency is sometimes especially in-  
sensitive in its treatment of alien children  
when they are taken into custody with  
their parents. Theodore P. Jakaboski, a  
Federal immigration judge in El Paso,  
told of an 8-year-old Colombian girl who  
was separated from her mother and sent  
by the Border Patrol, alone and penni-  
less, from El Paso to Juarez in the middle  
of the night.

Mr. Begley recalled an immigration  
officer at San Ysidro who arrested a  
woman with a 5-year-old daughter,  
placed the mother in a holding cell and  
sent the child back to Tijuana by herself.

"A lot of times," Mr. Begley said, "you  
can get information out of a 4- or 5-year-  
old kid. 'What's your name?' 'What's  
your daddy's name?' If you browbeat  
them enough, tell them 'We're going to  
leave your mama locked up forever if you  
don't tell us the truth,' the kid'll tell you  
everything."

Asked whether he had ever heard an  
immigration officer make such threats to  
a child, Mr. Begley replied, "Oh, many  
times. In fact, I made them myself a cou-  
ple of times, I'm ashamed to admit."

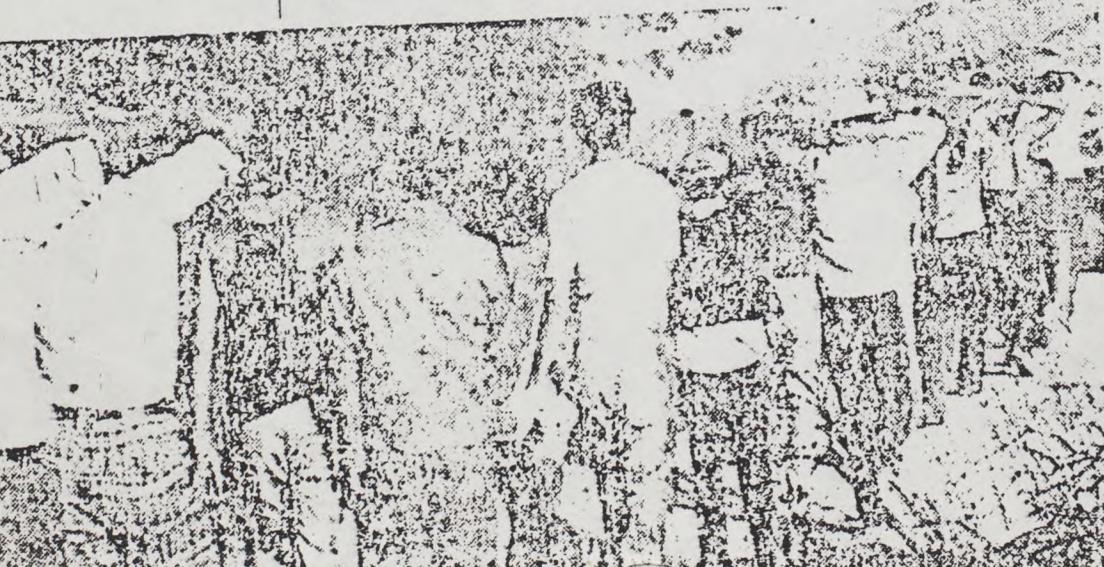
In one instance, Mr. Begley said, he  
was ordered to "break" a 13-year-old  
girl. "After being detained for several  
hours, repeatedly questioned and threat-  
ened with arrest and detention without  
food," he said, the girl "confessed that  
she was born in Mexico."

The United States birth certificate she  
was carrying was confiscated and the girl  
was classified as an illegal alien and re-  
turned to Mexico with no papers or  
money.

#### Allowed Entry Later

A few days later, the girl appeared at  
the border with her outraged father and  
with undeniable proof of her American  
citizenship, and was admitted.

Mr. Begley said he began to complain  
loudly about the incident and to take  
steps, which met with resistance, to ex-  
punge the arrest from the girl's record.  
That, he recalled, "was the beginning of  
the end of my Civil Service career."





Committee on Chicano Rights, Inc

February 28, 1980

President Jimmy Carter  
White House  
Washington, DC

Mr. President:

With all due respect, our organization wishes to inform you of a crucial issue requiring your immediate attention. The issue involves the disgraceful and inhumane practice of imprisoning undocumented children in the U.S. Federal Prison system as "material Witnesses" in smuggling cases.

It is our organizations position that the victimization through imprisonment of innocent children for whatever reasons must cease immediately and that new alternatives must be developed to deal with this issue on a more humane level.

For those reasons our organization is proposing that the government of the United States and Mexico immediately begin talks on developing a bilateral commission so that solutions and responsibilities can be sought to end victimization of innocent children. The proposed commission should investigate the issue of the imprisonment of children in the U.S. and also the reported issue of deported children by the INS/Border Patrol being left to fend for themselves in the streets of Tijuana and other border cities.

Over the last ten years our organization has witnessed numerous violations of human, civil and constitutional rights with the unresolved immigration issue, but the issue of children being imprisoned represents a new low concerning this matter.

It is our sincere hope that the proposed bilateral commission will receive your immediate attention and that our recommendation for such a commission will become a reality leading to a positive resolution of this degrading issue.

Sincerely,

*Herman Baca*  
Herman Baca, Chairman



Committee on Chicano Rights, Inc

Febrero 28, 1980

Jose Lopez Portillo  
Presidente de la Republica Mexicana  
Plaza de la Constitucion  
Los Pinos, Mexico D. F.

Sr. Presidente,

Con todo respeto, nuestra organización desea comunicarle algo tocante un asunto crucial, que requiere su atención inmediato. El asunto se trata del vergonzoso e inhumano acto de encarcelar a niños. Encarcelar a hijos de personas detenidas sin documentación; estan en prisiones federales de los Estados Unidos, como testigos materiales en casos de contrabando de personas.

La posición de nuestra organización, es de que debe cesar inmediatamente esta victimación, el encarsamiento de niños inocentes por cualquier motivo, y que nuevas alternativas deberían ser resueltas, para aliviar este asunto a un nivel más humanitario.

Por estas razones nuestra organización le propone a los gobiernos de Mexico y los Estados Unidos, que comiencen con los preparativos para formar una Comisión Bilateral, para buscar mejores soluciones y responsabilidades para terminar esta victimación de niños inocentes.

La propuesta comision deberá investigar este asunto de niños encarcelados en los Estados Unidos y tambien el asunto de niños deportados por el INS/Border Patrol y abandonados en Tijuana así como en otras ciudades fronterizas.

A través de estos últimos diez años, nuestra organización a sido testigo a varias violaciones a los derechos humanos, civiles y constitucionales, estos en asuntos de enmigracion aún irresoluto pero esto de niños encarcelados representa algo de lo más bajo concerniente al asunto.

Es nuestra sincera esperanza, que la propuesta comisión bilateral, reciba su inmediata atención, y que nuestra recomendación para tal comisión se convierta en una realidad, para llegar a una solución positivo a este asunto tan degradante.

Sinceramente,

Herman Baca, Presidente



Committee on Chicano Rights, Inc

Febrero 28, 1980

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Presidente de la Republica Mexicana  
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Sinceramente,  
*Herman Baca*  
Herman Baca, Presidente



# CCR

Committee on Chicano Rights, Inc

Traducción de un telegrama Western Union, mandado el 2/28/80

Sr. Presidente Carter:

Hay niños encarcelados, encluyendo bebitos de 24 meses, en el sistema Federal de Prisiones.

Hay niños presos en el Centro Correccional Metropolitano, en el centro de Detención de El Centro, California y en el centro de Detención de San Ysidro.

Estos estan presos por un día, haste noventa (90) días; El Licenciado representante de los Estados Unidos, el Sr. Michael Walsh dice, sigein nuestras investigaciones que, el arresto y detención es necesario, porque los niños son testigos materiales, en los casos de contrabandistas de personas sin documentación.

Nuestras informas indican que, algunos niños estan encarcelados con sus madres, pero que tambien hay niños encarcelados, sin sus padres.

Non informan tambien que cuando ya no son necesitados los niños como "testigos materiales" los oficiales del I.N.S. son liberalmente hechados a México sin procurar sus familias ni padres. Además es reportado que cuando cuales niños son entregados a las autoridades Mexicanas, que son detenidos por una semana y luego soltados a la calle.

Ayer mismo, Martes 27 de febrero, fue detenido un bebito de 12

meses en el Centro Correccional Metropolitano. Estas practicas son inhumanos, barbaros y otra denuncia de la poliza actual de Emigracion.

En el nombre de la decencia humana, nuestra organizacion demanda la anulacion inmediata del encarcelamiento de niños y un fin a las practicas degradantes de este sistema.

La locura de estas acciones imploran una investigacion inmediata, para determinar la responsabilidad de estos actos.

Usted, como el oficial electado mas elevado del pais, es su responsabilidad de ponerle fin a esta situacion lunatica aqui en la frontera.

Gracias,

Herman Baca

# Alien Juveniles Get Foster Homes

11-30-79

By MITCH HIMAKA  
Staff Writer, The San Diego Union

The U.S. marshal's office and the Catholic Community Services of the San Diego Roman Catholic Diocese begin an experimental foster homes program today for the care of undocumented alien juveniles waiting to be called as material witnesses in federal court cases.

U.S. Marshal James R. Laffoon said four youngsters will be placed with four families this morning.

Laffoon said that if this program is successful, it would combine with another program operated in conjunction with the Salvation Army to solve the problems created when San Diego County said it could no longer accommodate the federal government by accepting custody of such material witnesses.

The Salvation Army program, initiated July 9, allows mothers and young children to remain together in family life settings.

The new program will allow children in the 12 to 17 age bracket to move about more with their foster care families, even traveling reasonable distances, except to Mexico, with the families, Laffoon said.

Until the new programs were started, all material witnesses were kept in the Metropolitan Correctional Center with the men and women separated.

Laffoon said those in the new program or the Salvation Army program usually are held here two weeks or longer until the cases for which they are needed is completed.

"This eliminates the use of the MCC for juveniles held as material witnesses in alien smuggling cases and provides care for the juveniles in a family setting compatible to them at less cost to the government," Laffoon said.

He said the Salvation Army program has drawn praise from Washington officials, prompting them to look into starting similar programs in Los Angeles.

Cynthia Leyva, coordinator for the Catholic Family Service, will serve as liaison with the participating families.

Laffoon said the program also has been cleared by the Immigration and Naturalization Service.

James J. O'Keefe, INS district director, has agreed to issue each participating youngster with document identification for traveling with a family within the community or on trips.

**WU**  
western union

Telegram

IPMSDLB SDG  
1-041029M059-001 02/28/80  
ICS IPMSDLB SDG  
RETRIEVAL REPLY: 1-040555M059 ICS IPMSDLB SDG  
02043 SANDIEGO CA 293 02-28 317P PST  
PMS PRESIDENT JIMMY CARTER  
WHITE HOUSE DC  
MR. PRESIDENT,

CHILDREN, INCLUDING BABIES AS YOUNG AS 24 MONTHS ARE BEING IMPRISONED IN THE FEDERAL PRISON SYSTEM. CHILDREN ARE BEING HELD AT THE METROPOLITAN CORRECTIONAL CENTER, EL CENTRO DETENTION CENTER AND THE SAN YSIDRO DETENTION CENTER FOR A PERIOD OF 1 DAY TO 90 DAYS. SAN DIEGO U.S. ATTORNEY MICHAEL WALSH, ACCORDING TO OUR INVESTIGATION CLAIMS THAT THE ARREST AND IMPRISONMENT OF CHILDREN AND THEIR MOTHERS IS NECESSARY BECAUSE THEY ARE NEEDED AS "MATERIAL WITNESS" IN CASES INVOLVING ILLEGAL ALIEN SMUGGLERS. THESE CHILDREN ARE BEING GIVEN CRIMINAL RECORDS EVEN THOUGH THEY ARE POWERLESS OVER THE CIRCUMSTANCES INVOLVING THEIR ARRESTS.

OUR SOURCES INFORM US THAT SOME OF THESE CHILDREN ARE WITH THEIR MOTHERS, BUT THAT OTHERS ARE BEING IMPRISONED WITHOUT THEIR PARENTS. OUR INVESTIGATION ALSO REVEALED THAT ONCE THE CHILDREN ARE NO LONGER NEEDED AS "MATERIAL WITNESSES", THE INS AUTHORITIES SIMPLY TOSS THEM INTO MEXICO WITHOUT MAKING ANY EFFORT TO INSURE THAT THE CHILDREN ARE REUNITED WITH THEIR PARENTS. FURTHERMORE IT HAS ALSO BEEN REPORTED TO US THAT CHILDREN WHO ARE TURNED OVER TO MEXICAN AUTHORITIES ARE KEPT FOR ONE WEEK AND THEN ARE TURNED LOOSE IN THE STREETS TO FEND FOR THEMSELVES.

JUST YESTERDAY FEB. 27, 1980 A 12 MONTH OLD BABY WAS BEING HELD AT THE METROPOLITAN CORRECTIONAL CENTER. THESE PRACTICES ARE INHUMAN, BARBARIC AND AN INDICTMENT OF THE CURRENT IMMIGRATION POLICY. IN THE NAME OF HUMAN DECENCY OUR ORGANIZATION DEMANDS THE IMMEDIATE CESSATION OF THE IMPRISONMENT OF CHILDREN AND AN END TO ALL THE DEGRADING POLICIES INVOLVED IN THIS SYSTEM. THE INSANITY OF THESE ACTIONS CRY OUT FOR AN IMMEDIATE INVESTIGATION TO DETERMINE RESPONSIBILITY FOR THESE ACTS. AS THE HIGHEST ELECTED OFFICIAL IN THE COUNTRY IT IS YOUR RESPONSIBILITY TO PUT AN END TO THIS BORDER MADNESS.

THANK YOU.  
HERMAN BACA  
CHAIRPERSON COMMITTEE ON CHICANO RIGHTSING

(CCR/1837 HIGHLAND AVE/NATIONAL CITY CA 92050/FN/7144748195/  
104/O/BACA).  
1859 EST



Committee on Chicano Rights, Inc

Traducción de un telegrama Western Union, mandado el 2/28/80

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Usted, como el oficial electado mas elevado del pais, es su responsabilidad de ponerle fin a esta situacion lunatica aqui en la frontera.

Gracias, .

Herman Baca



Catholic Community Services  
of the Diocese of San Diego

Telephone

235-6481 231-2828 Ext 42

Catholic Family Service  
349 Cedar Street  
San Diego, Calif. 92101

Mr. Baca,

2-28-80

I'm sending you a copy of a  
letter I send to President Carter. I would  
like to hear your side.

Sign

Mary L. Montes

superase

Gilbert bond

25% COTTON

Mary Louise Montes  
1028 Goodyear St.  
San Diego, CA 92113

February 28, 1980

Dear President Carter:

As a citizen of the United State I would like to know what happen to justice? This country is suppose to have a law against discrimination. Then why isn't that law being enforce?

I would like to know why do we close our hands to some people and open our hands to others.

Is it against the Constitution of the United States to keep any minor childern of any sort in an adult jail or prison? If so then our own law inforcement is breaking the law. Because they are keeping minor childern in adult jail. Becuase they are smuggled into this country,

The funny thing is the boat people were brought into this country with out being immigrated, but as soon as a Mexican is smuggled in they go to jail. No, matter how young they are they are still treated like adults. They are being snap-shot, finger printed just like adult criminals.

But at the same time we can provide shelter, clothes, food, and money, ect. to the BOAT PEOPLE at the same time. Even start them with thier own businesses. Don't you think that is discrimination against the Mexican?

The good old United States can open hands to whom ever they want to and close them to whom they want to. That isn't justice, that is discrimination and unhumanity.

But at the same time we can use this people for MATERIAL WITNESSES. They are willing to testify in the court of law, but still they treat them like animals. Even in the condition that they are lock-up they still do it.

I'm not saying that they shouldn't stop smuggling. But if they are going to use them as witnesses why treat them like that. They shouldn't have to treat the minors like criminals because what do they know? The human law does unhuman thing.

It's funny how we have funds for every country but we don't really look at our own. Why don't we start correcting our country first, before we try to help others.

If there is anything you can please do. Please let me know. Or how do we get around and ask for help? What can we do for this people. Doing it the law way.

Thank You

Mary Louise Montes

CATHOLIC COMMUNITY SERVICE  
Diocese of San Diego  
349 Cedar Street  
San Diego, California 92101



Herman Baca  
1837 Highland Ave  
National City, CA 92014



Committee on Chicano Rights, Inc

FOR IMMEDIATE PRESS RELEASE

FEBRUARY 29, 1980

NATIONAL CITY, CA.

Herman Baca, Chairman of the Committee on Chicano Rights, today accused San Diego U.S. Attorney Michael Walsh and the U.S. Department of Justice of imprisoning children in the Federal Prison System. In a telegram (see enclosure) to President Jimmy Carter the CCR has demanded an immediate cessation of imprisoning children and has requested a full scale investigation into the matter. According to Baca "The U.S. Attorney Michael Walsh must explain his actions and show cause why he is arresting, finger-printing (or foot printing) babies as "material witness" in cases involving "illegal alien" smugglers. This inhuman practice of imprisoning mothers and their children and parentless children is further indictment of the present immigration policy." The CCR also announced that it was requesting, in a letter to President Jimmy Carter and President Jose Lopez Portillo, the formation of a bilateral committee to work out a humane solution to the victimization of children on both sides of the border.

# The San Diego Union

## Federal Official Denies Charge Of Imprisoning Alien Children

A federal official who initiated programs to care for the children of undocumented Hispanics being held as witnesses against smugglers yesterday denied that youngsters are being imprisoned needlessly.

U.S. Marshal James R. Laffoon said no child is being held at the Metropolitan Correctional Center (MCC) unless it is for his own interest.

It was at Laffoon's urging that the federal government worked out programs with the Salvation Army and Catholic Community Services for temporary care of youngsters. During fiscal 1979, more than \$500,000 was earmarked for the programs, he said.

"Baca's all wet on this," Laffoon said, adding that he was concerned about participation in the programs because of Baca's accusations.

Laffoon's statements were in response to charges by the Committee on Chicano Rights. At a press conference yesterday, Herman Baca, president of the group, said he had sent a letter and a telegram to President Carter urging a bilateral commission to investigate "the disgraceful and inhumane practice of imprisoning undocumented children in the U.S. Federal Prison system as

material witnesses in smuggling cases."

He said children are detained at El Centro, San Ysidro and the MCC.

"It is our organization's position that the victimization through the imprisonment of innocent children for whatever reasons must cease immediately and that new alternatives must be developed to deal with this issue on a more humane level," Baca said.

Baca said that a similar letter was sent to President Jose Lopez Portillo of Mexico.

Baca said he disputes the necessity of detaining children and mothers as witnesses against smugglers where there are others who can testify against them.

Laffoon said undocumented Hispanics are held as material witnesses as long as it is determined they are needed by the defense and prosecution.

Lowell Kincaid, MCC associate warden, said fingerprints are taken of children over the age of 10 and all are photographed. He said it is part of the internal record keeping process.

Laffoon said each undocumented child who is picked up is given a medical examination at the MCC

and may be required to remain there for treatment or go to a hospital for treatment.

Under a contract with the marshal's office, the Salvation Army cares for mothers and for children up to 10 years of age. Catholic Community Services is charged with finding Spanish-speaking homes for children aged 11 to 18.

Sometimes, youngsters remain in the MCC for more than a day or two because they are detained on a weekend, over a holiday, or because they have medical problems that need attention, he said.

Baca also charged that once the children are no longer needed as material witnesses, "the INS (Immigration and Naturalization Service) authorities simply toss them into Mexico without making any effort to insure that the children are reunited with their parents."

However, Clifton Rogers, INS assistant district director for deportation, said young children are not released to authorities of Mexico or other Hispanic nations unless they are with their parents or contact is made with a responsible adult who will care for them.

UNO + UNO (30/III/80)

## El Servicio de Inmigración de EU desmiente que haya niños mexicanos detenidos en la frontera

Señor director:

Junto con un cordial saludo, me permito enviarle la carta adjunta enviada por la señora Annie Gutiérrez, directora regional del Servicio de Inmigración y Naturalización de Estados Unidos, al señor Bert Corona, en respuesta a un telegrama en el que denunció que niños mexicanos son detenidos en cárceles estadounidenses.

En virtud de que la información relacionada con el telegrama del señor Corona suscitó algunos comentarios de columnistas que colaboran en su periódico, le proporcionamos el material anterior mencionado, esperando que, en interés de una mejor y mayor comprensión de los hechos, lo ponga al alcance de los lectores.

Larry J. Ikels, agregado de prensa, embajada de Estados Unidos.

*A continuación, la carta de Annie Gutiérrez:*

Estimado señor Corona:

Cuando llegó su telegrama del 15 de febrero, yo me encontraba en América Central. A mi regreso me ocupé del asunto a que se refiere, en el sentido de que se detiene a muchos niños mexicanos durante largo tiempo, en el Centro Correccional Metropolitano (MCC) en San Diego, California, en calidad de testigos de cargo. Igualmente, me ocupé de aseveraciones de otras personas de que 600 niños mexicanos están en prisiones estadounidenses, como testigos de cargo.

Puedo asegurar categóricamente que ninguna de estas afirmaciones es cierta. Los procedimientos seguidos por el Servicio de Inmigración y Naturalización de Estados Unidos y por el alguacil de Estados Unidos se basan firmemente en los siguientes principios y normas:

1) Aunque preferiríamos no detener a testigos de cargo, sin embargo es preciso hacerlo a fin de poder llevar a juicio a aquellos que introducen ilegalmente a extranjeros al país. Los testigos sólo son detenidos cuando ellos han sido parte de un caso de contrabando a gran escala;

2) Los niños no se utilizan como testigos de cargo;

3) Las mujeres que son testigos de cargo y los niños no son detenidos en la cárcel durante largo tiempo;

4) Jamás se coloca a jóvenes detenidos en la misma área en que están los adultos, a no ser que se trate de niños pequeños que necesitan la atención de sus progenitores; los jóvenes y los testigos nunca están con criminales.

Bajo nuestras leyes, el acusado tiene derecho de interrogar al testigo. Por lo tanto, las cortes han decidido que cuando se detenga a una persona que introduzca ilegalmente a extranjeros al país, los testigos también sean detenidos. Con anterioridad, los abogados defensores insistían en que se retuviera a los testigos hasta que se celebrara el juicio. En los últimos meses se han hecho grandes esfuerzos con el objeto de acortar el tiempo de detención de los testigos.

Las personas más jóvenes que se aceptan como testigos deberán tener no menos de 15 o 16 años de edad, dependiendo de que dichos jóvenes tengan algo importante que declarar que sólo ellos puedan hacerlo. Esto sucede en raras ocasiones. A los jueces y abogados no les gusta presentar jóvenes en las cortes como testigos, a menos que sea absolutamente necesario. Por otra parte, la norma que sigue el Servicio de Inmigración es de no repatriar por separado a los miembros de una familia, sino que los retiene con el objeto de que regresen juntos.

Durante los últimos nueve meses, se ha alojado a mujeres y niños del área de San Diego en una propiedad del Ejército de Salvación denominada la Puerta de la Buena Esperanza, o con familias particulares a través de la Agencia Católica de Servicios para la Familia.

En cuanto el juez inicia el proceso se envía a las mujeres y los niños a la casa del Ejército de Salvación, que no es un lugar de encierro, ni está vigilado por la policía. El sitio cuenta con habitaciones privadas para mujeres con niños y semiprivadas para las solteras. También hay una guardería para los niños, con juguetes y televisión, y un patio de juegos.

Los jóvenes menores de 18 años, que no van acompañados de adultos de la familia, son hospedados con familias de la Agencia Católica de Servicios para la Familia.

Empero, hay una excepción a esta regla: tratándose de jóvenes de 16 o 17 años que viven en el área de la frontera, no se les hospeda con familias estadounidenses justo al otro lado de la frontera, pues por experiencia sabemos que en esos casos prefieren volver a sus hogares. Estos jóvenes son enviados al MCC.

El MCC está compuesto de varios pisos. Cada piso donde se aloja a los testigos de cargo y a los jóvenes está dividido en una amplia sala central y de descanso con cuartos individuales alrededor. La sala central, generalmente, se usa para tomar los alimentos, ver televisión, para juegos de mesa, labores creativas, lecturas, o simplemente para conversar. No hay bares. De ninguna manera estas áreas de descanso se parecen a una cárcel típica.

Por otra parte, se me ha asegurado que en el MCC se fotografía y toma huellas digitales tanto a los testigos de cargo como a los jóvenes detenidos con el único propósito de identificarlos, y que ninguna información relacionada con ellos pasa la computadora que mantiene la información relativa a los criminales. Por lo tanto, no se les considera como fichados.

Las aseveraciones hechas por otros de que hay 600 niños mexicanos encarcelados como testigos de cargo, son falsas del todo. El total de testigos fluctúa diariamente; sin embargo, el promedio de la última semana fue de 135 en los Condados de San Diego e Imperial. El número de niños menores de 18 años ha sido alrededor de 25 por día. Por lo general, no se ha detenido en todo el país a más de 225 testigos en cualquier día. Del total de detenciones efectuadas por la Patrulla Fronteriza en el área de San Ysidro (de mil 350 a mil 750 diarias), calculamos que un 3.3 por ciento son niños y jóvenes menores de 18 años.

Me he extendido en la respuesta a su telegrama con tanto detalle, porque creo que es esencial tratar este importante asunto a la luz de los hechos. No es posible que los cargos irresponsables y la información inexacta contribuyan a comprender mejor este tema o a resolver estos problemas —objetivos que estoy segura, todos deseamos alcanzar.

Annie Gutiérrez.

N. de la R.: Carta resumida.

## Anticonstitucional e Inhumano: Cleary

- ★ Tres Meses Presos Para ser Testigos de Cargo
- ★ De Nada se les Acusa; Sólo los usa el Fiscal
- ★ Figuran Millares en las Fichas Criminales

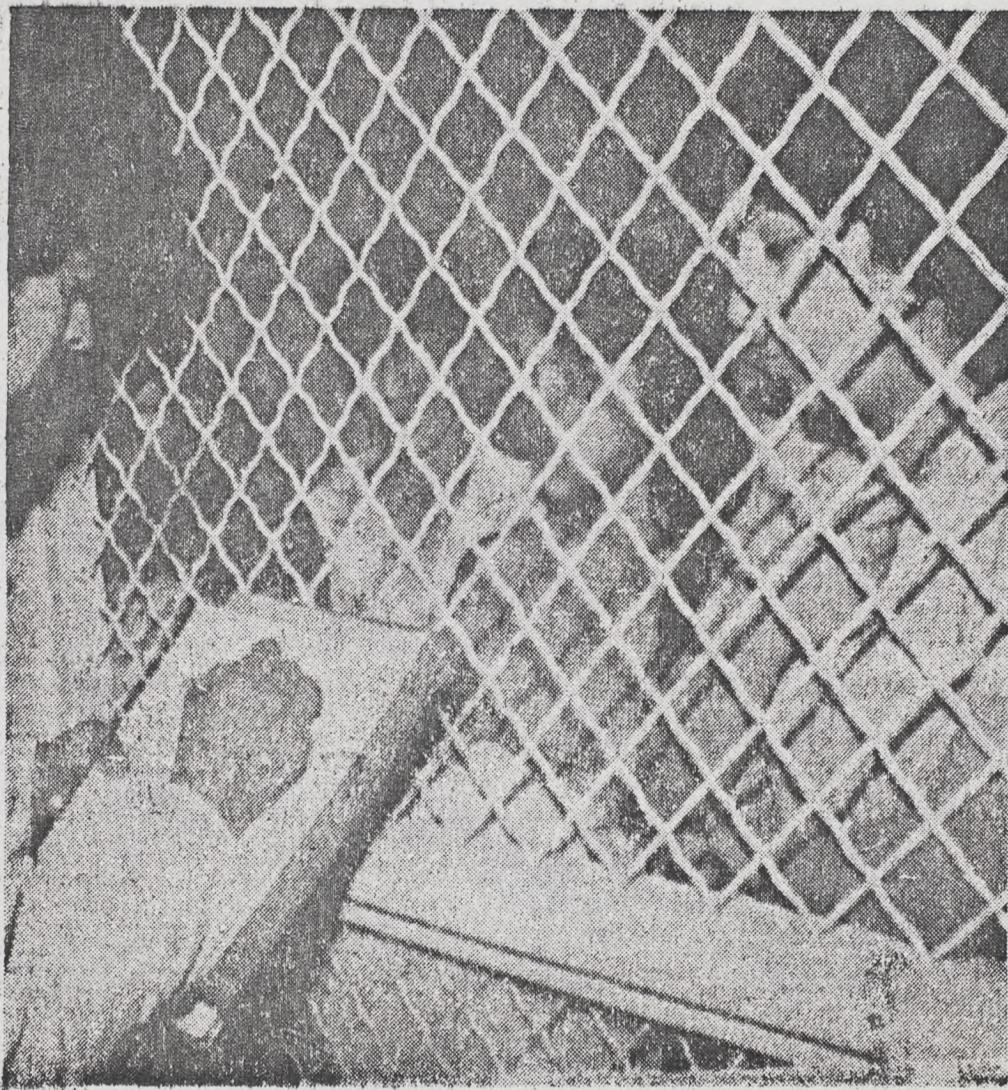
Por FERNANDO MERAZ,  
enviado de EXCELSIOR

— 1 —

SAN DIEGO, Cal., 10. de marzo—Al margen de lo dispuesto por las leyes de este país y de la Declaración Universal de los Derechos Humanos, más de 600 niños mexicanos están reclusos como testigos de cargo en las prisiones de San Diego, Calixico, San Isidro, El Centro y Chulavista.

De los 340,000 mexicanos ilegales capturados en 1979 por la Border Patrol en esta zona fronteriza, 8,300 eran adolescentes y niños que acompañaban a sus padres en la aventura: abandonaron casa y familia para buscar el sustento y ahora se hallan aquí como actores de un drama aún más cruel, que

SIGUE EN LA PAG. DIECINUEVE



VARIAS JOVENES indocumentadas, menores de edad, fueron entrevistadas por el reportero Fernando Meraz, en la cárcel del Condado de San Diego, California, en donde se encuentran reclusas. (Foto de Eduardo Zepeda)

# Junto a Homicidas y Asaltantes, 600 Niños Mexicanos en 5 Presidios de EU

Sigue de la primera plana

les llevó a la cárcel en calidad de reos, les privó de toda libertad y les negó cualquier derecho, antes de regresarlos derrotados a su país, a revivir su propia, la trécha suerte, en tanto que las Naciones Unidas declaraban el "Año

Internacional del Niño". La detención de menores de edad es práctica común de las patrullas del Servicio de Migración y Naturalización de Estados Unidos, según lo comprobó el reportero mediante extensa investigación realizada en la zona fronteriza, que per-

mitió integrar la primera prueba documental sobre la denuncia presentada el lunes de la semana pasada por los principales dirigentes de la comunidad chicana al gobierno del Presidente James Carter, y reiterada el viernes ante la prensa estadounidense por

un comité encabezado por el dirigente Herman Baca, la comisionada federal, Anita Caslow y el sacerdote católico Francis Riley.

En todos los casos, los menores detenidos no son sujetos de cargos criminales. Sin embargo, son enviados a las prisiones federales, en calidad de "material witnesses", o testigos de cargo en los procesos que la fiscalía federal, en esta zona a cargo de Michael H. Walsh, abre en contra de los "polleros" o tratantes de ilegales.

Al iniciar un proceso, la fiscalía debe presentar testimonio en contra de los

tratantes y el único posible es el de sus propias víctimas. Es por eso que éstas deben permanecer a disposición de la fiscalía durante todo el tiempo que la corte estime necesario, según explicó a los enviados de EX-CELSIOR Peter Núñez, asistente del procurador Walsh en asuntos de emigración.

Sin embargo, esta práctica generalizada, al obligar en contra de su voluntad a los ilegales detenidos a permanecer en prisiones incluye en graves violaciones a la propia Constitución de Estados Unidos; a los artículos 10, 11 y 12 de la De-

claración Universal de los Derechos del Hombre, declarada norma obligatoria por el gobierno de Carter en este país, y a la Ley de Libertades Civiles Estadunidense, aseveró el director del Federal Defenders—defensoría de oficio—del condado de San Diego, Michael John J. Cleary.

El propio Cleary, indignado "por el carácter policia- co y represivo de la Patrulla Fronteriza por las cotidianas y comunes violaciones a los derechos humanos en contra de los indocumentados y por la terri-

EXCELSIOR Domingo 2 de Marzo de 1980 19-A

SIGUE EN LA PAGINA 32

# 600 niños presos de la migra

Una investigación por el Comité pro Derechos Chicanos de San Diego, Calif., (CCR), condenó la práctica federal de detener a niños mexicanos como "testigos materiales" contra "coyotes y polle-ros" (traficantes de indocumentados).

De acuerdo a Herman Baca, dirigente de CCR, los niños se encuentran detenidos en cárceles de San Diego, Caléxico, San Ysidro, El Centro y Chula Vista. Los detenidos, muchos que apenas llegan al año de edad, son fotografiados y fichados

en archivos del Depto. de Justicia. El diario mexicano Excelsior calcula que la migra tiene detenidos a 600 niños mexicanos en California.

CCR envió telegramas denunciando esta vil violación de derechos humanos al

Presidente Carter y al Presidente Lopez Portillo de México, pero Baca dijo al *Clarín* por teléfono que "como siempre, no han contestado."

PUEBLOS  
DEL MUNDO  
UNIOS PARA  
DERROTAR AL  
IMPERIALISMO

# El Clarín

ORGANO  
DEL  
PARTIDO  
COMUNISTA  
(M-L)



PRESIDENCIA DE LA REPUBLICA  
SECRETARIA PARTICULAR

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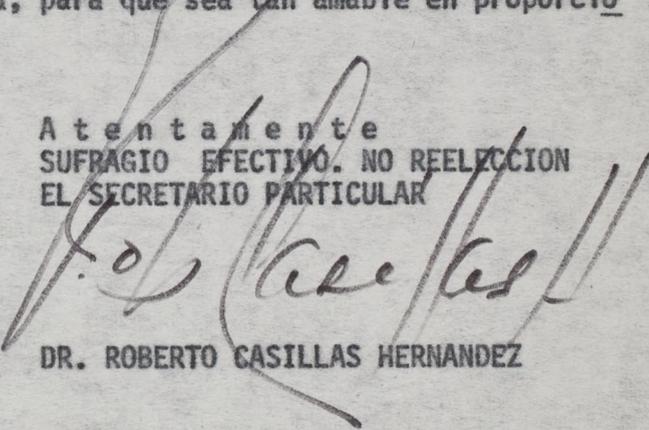
Palacio Nacional, marzo 20 de 1980.

C. Lic.  
JORGE CASTAÑEDA ALVAREZ  
Secretario de Relaciones Exteriores.  
P r e s e n t e .

El C. Presidente de la República recibió escrito de Herman Baca, Presidente del Comité sobre los Derechos del Chicano, quien denuncia violaciones a los derechos humanos en los Estados Unidos de Norte América, al encarcelar a menores, hijos de personas de detenidos sin documentación.

El Primer Magistrado me indicó remitiere a usted fotocopia del escrito de referencia, para que sea tan amable en proporciónarla la atención procedente.

Atentamente  
SUFRAGIO EFECTIVO. NO REELECCION  
EL SECRETARIO PARTICULAR

  
DR. ROBERTO CASILLAS HERNANDEZ

✓ Anexo: fotocopia

✓ c.c.p.- C. Herman Baca.- Presidente del Comité sobre los Derechos del Chicano.- Presente.

RCH'aqg.



# CCR

Committee on Chicano Rights, Inc

Febrero 28, 1980

Jose Lopez Portillo  
Presidente de la Republica Mexicana  
Plaza de la Constitucion  
Los Pinos, Mexico D. F.

Sr. Presidente,

Con todo respeto, nuestra organización desea comunicarle algo tocante un asunto crucial, que requiere su atención inmediato. El asunto se trata del vergonzoso e inhumano acto de encarcelar a niños. Encarcelar a hijos de personas detenidas sin documentación; estan en prisiones federales de los Estados Unidos, como testigos materiales en casos de contrabando de personas.

La posición de nuestra organización, es de que debe cesar inmediatamente esta victimación, el encarsamiento de niños inocentes por cualquier motivo, y que nuevas alternativas deberían ser resueltas, para aliviar este asunto a un nivel más humanitario.

Por estas razones nuestra organización le propone a los gobiernos de Mexico y los Estados Unidos, que comiencen con los preparativos para formar una Comisión Bilateral, para buscar mejores soluciones y responsabilidades para terminar esta victimación de niños inocentes.

La propuesta comision deberá investigar este asunto de niños encarcelados en los Estados Unidos y tambien el asunto de niños deportados por el INS/Border Patrol y abandonados en Tijuana así como en otras ciudades fronterizas.

A través de estos últimos diez años, nuestra organización a sido testigo a varias violaciones a los derechos humanos, civiles y constitucionales, estos en asuntos de enmigracion aún irresoluto pero esto de niños encarcelados representa algo de lo más bajo concerniente al asunto.

Es nuestra sincera esperanza, que la propuesta comisión bilateral, reciba su inmediata atención, y que nuestra recomendación para tal comisión se convierta en una realidad, para llegar a una solución positivo a este asunto tan degradante.

Sinceramente,

Herman Baca, Presidente



PRESIDENCIA DE LA REPUBLICA  
SECRETARIA PARTICULAR

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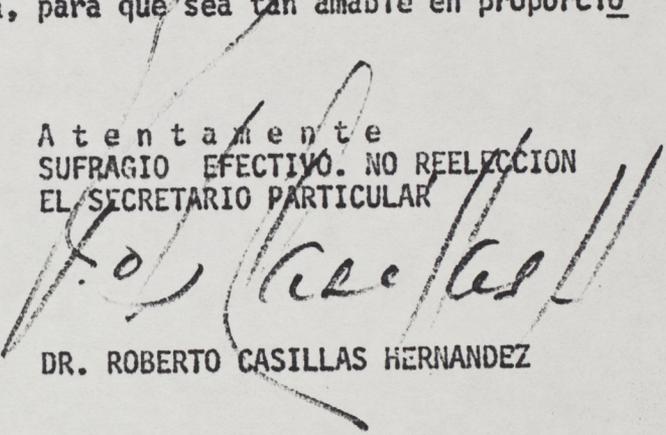
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EL SECRETARIO PARTICULAR

  
DR. ROBERTO CASILLAS HERNANDEZ

✓ Anexo: fotocopia

✓ c.c.p.- C. Herman Baca.- Presidente del Comité sobre los Derechos del Chicano.- Presente.

RCH'aqq.

# Illegal Aliens Said Separated From Children

Children as young as 2 are being held apart from their parents in the federal Metropolitan Correctional Center and in detention centers for undocumented aliens in San Ysidro and El Centro, Herman Baca, chairman of the Committee on Chicano Rights, said in a telegram to President Carter yesterday.

Baca said he will elaborate on the charges today during a press conference.

Federal officials here denied any knowledge of incidents described by Baca.

Baca said an investigation by his committee determined that the children are held as material witnesses in cases against smugglers of undocumented aliens.

"Once the children are no longer needed as 'material witnesses,' the INS (Immigration and Naturalization Service) authorities simply toss them into Mexico without making any effort to insure that the children are reunited with their parents," he said in the telegram.

"Furthermore, it has also been reported to us that children who are turned over to Mexican authorities are kept for one week and then are turned loose in the streets to fend for themselves," Baca said.

United States Attorney Michael Walsh could not be reached for comment yesterday.

Assistant U.S. Attorney Herb Hoffman said children in some cases are held with their parents, but added that he knew of no cases where children were imprisoned by themselves.

## Encarcelan Niños Como Testigos en Casos de Detención de "Polleros"

Por Rogelio LAVENANT SIFUENTES.

NATIONAL CITY.- Herman Baca, dirigente del Comité de Derechos Chicanos, acusó ayer al Fiscal Federal Michael H. Walsh y al Departamento de Justicia de los Estados Unidos, de encarcelar niños y menores de edad, "como testigos materiales" en casos de detención de "polleros" o traficantes de indocumentados.

En una conferencia de prensa ofrecida ayer en la avenida Highlnd 1300, el líder chicano anunció haber enviado un telegrama al Presidente Carter, denunciando lo anterior, y pidiéndola que ordene una investigación a fondo de esta situación. Lo mismo al Presidente de México, Lic. José López Portillo.

"Los niños están siendo tratados como criminales -dijo Herman Baca a EL MEXICANO- y en la mayoría de los casos ni siquiera están conscientes de lo que está pasando a su alrededor. Son separados de sus madres y fichados, imprimiendo las huellas de sus pies o manos, según su edad como si fueran delincuentes".

Citó algunos casos, aunque dijo que quienes le informaron de "estos actos bárbaros e inhumanos" pidieron que no fueran revelados sus nombres "Algunos perderían sus empleos, otros no quieren sufrir represalias", comentó Baca.

"Niños, incluyendo bebés tan de corta edad como de unos 24 meses de nacidos, están siendo aprisionados en el sistema de cárcel federal. Unos están siendo detenidos en el Metropolitan Correctional Center, el Centro de Detención de El Centro, California, y en el centro de detención en

San Ysidro, estos dos últimos de la Patrulla Fronteriza", aseguró el dirigente del Comité de Derechos Chicanos.

"Conforme nuestra investigación -añadió- aparece que el arresto y aprisionamiento de los niños y sus madres, son necesarios porque ellos son necesitados como "testigo material" en casos en que se ven involucrados los contrabandistas de ilegales y estos niños están recibiendo sus "records" (antecedentes) criminales aunque ellos están impotentes para prevenir las circunstancias en que son detenidos".

También dijo Herman Baca, que, según sus fuentes de información, algunos de los pequeños están con sus madres, pero otros no. Una vez que los menores no son necesitados mas como "testigos materiales" las autoridades del servicio de Inmigración y Naturalización, simplemente los echan a territorio mexicano sin hacer ningún esfuerzo para asegurarse que podrán reunirse con sus padres.

"Lo que es más- enfatizó Baca- también nos ha sido reportado que los niños que son turnados a las autoridades mexicanas, son guardados por una semana y luego echados a la calle para que ellos mismos se defiendan".

Por último, Herman Baca manifestó también que apenas el 27 de febrero, un niño de doce meses de nacido, fue recluso (detenido) en el Centro Correccional Metropolitano (MCC) de San Diego. Estas prácticas son inhumanas, bárbaras, y una demostración de la actual política de inmigración.

EL MEXICANO  
3-1-82

# No Answers For Aliens

S.D. Union  
2-29-80

The impression grows that the Carter administration is simply defeated by the illegal alien problem. Attorney General Benjamin Civiletti has now backed away from the proposal supported by his predecessor, Griffin Bell, that employers be subject to a fine if they employ undocumented aliens.

Mr. Civiletti told a House Appropriations subcommittee that enforcing a ban against hiring illegals would be "outrageously difficult and not very productive."

That leaves the Justice Department with no policy but to

try to check the flow of job-seeking aliens along the border and at ports of entry. But experience there has shown that our immigration laws are, to borrow a phrase from Mr. Civiletti, outrageously difficult to enforce. In fact, President Carter has cut back funds for hiring additional Border Patrol agents because, he said in his budget message, an increased enforcement effort would be "unproductive."

The excuse for this surrender is that a special commission on immigration policy is studying the problem and there is no point in trying to do much about it

until the commission makes its report next year.

What worries us is that the commission will recommend solutions like those which already are being resisted by ethnic organizations, labor unions, business lobbies, civil libertarians and others. A politically-sensitive Congress will find these new laws outrageously difficult to enact, and file the commission's report with other unproductive studies of the alien problem.

Meanwhile the exploitation of human beings by smugglers and unscrupulous employers goes on and on, and that's outrageous.

# Piden se investigue detención de hijos de indocumentados

Página 7

VOZ DEL PUEBLO

Sábado 29 de Marzo de 1980

Por JOSE ANTONIO GARCIA  
Herman Baca es el presidente del Comité de Derechos Chicanos (Committee on Chicano Rights, Inc.) en National City, California, ciudad situada muy cerca de la línea fronteriza entre México y los Estados Unidos. Baca llamó a una conferencia de prensa en febrero de este año para dar a conocer a todo el mundo que hijos de personas indocumentadas están presos en cárceles federales, como testigos materiales en casos de contrabando de personas.

El CCR, hizo un llamado a los presidentes de ambos países, para que tomaran acción inmediata y para que se formalizara una comisión que se encargue de una investigación a fondo del caso. Sin embargo, hasta hoy día no han recibido ninguna indicación, ni información de ninguno de los dos países. El CCR, ve el problema serio y urgente, y al mismo tiempo considera un insulto y humillación el que ni Jimmy Carter ni José López Portillo hayan respondido a su llamado de establecer una comisión bilateral, que estudie este problema y el complejo de problemas de la emigración mexicana, y de violaciones de los derechos humanos de los mexicanos y de los chicanos en los Estados Unidos.

La organización CCR, ha estado trabajando por más de diez años, por un alto a las constantes violaciones de los derechos humanos en este lado de la frontera. Lo que sigue es una entrevista con Herman Baca, presidente del CCR:

**¿Cómo se dio cuenta el Comité (CCR) sobre el encarcelamiento de estos niños?**

**Herman Baca:** Bueno, ese asunto de niños víctimas de Inmigración es un asunto muy viejo. Este problema ha existido por años. El año pasado nosotros nos enteramos que iban a otorgar fondos a dos agencias de servicios sociales: al Salvation Army y al Catholic Community Services. En ese tiempo pensamos que a lo mejor ya se iba a resolver el problema. Sin embargo, hemos estado recibiendo muchas quejas, quejas de personas que estaban en la cárcel, personas que estaban



Hermán Baca

trabajando en esas agencias, luego recibimos una llamada de una funcionaria del gobierno federal, donde nos informaba que había niños en las cárceles de San Diego (y todo el condado) y en otras partes, y que si acaso podíamos hacer una investigación. Nosotros le dijimos que sí, y comenzamos a hablar con mucha gente - dentro y fuera de las cárceles, y de diferentes agencias, y de ahí tenemos muchísima información.

**¿Cuándo y por qué se fundó el Comité de Derechos Chicanos?**

**Herman Baca:** El comité fue organizado en 1970. El objetivo es defender los derechos humanos y constitucionales de nuestra raza. El CCR, es una organización sin fondos federales, es una organización basada en la comunidad y es una organización de afiliación voluntaria. Hemos estado trabajando desde hace diez años, en cuestiones de racismo, derechos humanos, problemas del progreso social, político y económico que afectan a nuestra raza.

**¿Cómo ve este asunto de los niños?**

**Herman Baca:** Este no es un asunto aislado de todo el cáncer del problema. Nosotros hemos sido víctimas de vejaciones por parte de los agentes de inmigración. Han matado y baleado a nuestra gente. Nos han encarcelado sin ninguna causa, y tenemos testigos y somos testigos de innumerables violaciones de los derechos humanos. Es por eso que nosotros hemos estado tratando de, en primer lugar,

educar al pueblo y las organizaciones progresistas acerca del asunto. Nosotros vemos el asunto migratorio como la esclavitud del siglo veinte.

Nosotros somos en San Diego - en donde se aprehende a más de 10,000 personas semanales - como el Vietnam del Suroeste. Nosotros vemos que la solución (si es que va a ver una solución) tiene que venir desde las propias fuerzas de nuestra gente: como en las industrias en donde los trabajadores han dicho basta, como en General Motors, donde los trabajadores se cansaron y dijeron No, nos vamos a organizar, vamos a decidir nuestro destino, y cambiaron las cosas. Nosotros también vemos que esto tiene que suceder si acaso se va a formular una solución. Es por eso, que nosotros informamos a la comunidad y a diferentes organizaciones de lo que está sucediendo. Nosotros trabajamos con muchas organizaciones, dentro y fuera del país.

Nosotros creemos que cualquier forma de organización debe de basarse en la realidad de la comunidad; es por eso que no aceptamos ayuda de fondos federales. Porque creemos que tiene que ser la gente que se organice por su propia fuerza y determinación. Nosotros vemos que hay tres vertientes del problema migratorio: la racista: nos echan la culpa por el color de nuestra piel. La liberal: que realiza estudios, como Wayne Cornelius, quien propone que cambiemos los muebles aquí y allá, que los arreglemos mejor y propone un plan de importación de braceros. Y el de NOSOTROS y otras organizaciones como NOSOTROS: somos la solución. Nosotros buscamos la igualdad social, económica y política.

El CCR va a tener una marcha memorial en la frontera de Tijuana y San Diego los días 23, 24, 25 de mayo - para terminar las brutalidades y la militarización. Para más información llamar o escribir: 1837 Highland Ave. San Diego, California 92050 (714) 474-8185 o 477-3800) Committee on Chicano Rights.

# Kids In Prison

NEW YORK, NY--Mexican and Chicano children caught crossing the border are now being held in federal prisons. This charge, recently confirmed by the US Department of Justice, was first reported by the Committee on Chicano Rights (CCR) in San Diego.

Their information came from a number of unnamed employees working inside one California prison. Undocumented children are held for as long as 90 days and then released to foster homes while their parents continue to serve time.

Lowell Kincaid, deputy-warden of the Metropolitan Correctional Center, conceded that juveniles are held in the San Ysidro prison, located on the border, when he told LNS, "We have an obligation to house anyone held by the US Attorney. If it happens to be children, then we house them."

The new practice is part of a stepped-up effort by federal prosecutors to convict those who are paid to smuggle people across the US-Mexico border. But according to Herman Baca, chairman of CCR, "The fact is that smugglers have money and pull bail, while the 'material witnesses' must spend weeks, even months, imprisoned. We believe this inhuman practice of jailing mothers and their children, and parentless children, must be investigated. So that it is stopped."

4-80

In a telegram sent to both President Carter and President Jose Lopez Portillo, Baca says that CCR sources also revealed that those children who are not placed in US foster homes are turned over to Mexican authorities. In Mexico, they "are kept for one week and then turned loose in the streets to fend for themselves."

Leticia Jimenez, also of CCR, said, "Imagine the anguish involved. The child is apprehended, alone, in a strange country, and because of the illegality the parents are afraid to call Immigration. So, they are breaking up families."

Jimenez also believes that photographing, fingerprinting, and in the case of one 25 month-old baby, footprinting, which Kincaid told LNS "is for purposes of identification only," could possibly damage a child's chances of crossing the border legally in years to come. Baca called the practice "barbaric."

The letter to President Carter and President Portillo seeks the formation of a bilateral committee "to work out a humane solution to the victimization of children on both sides of the border."

CCR has also called a Chicano National Immigration conference to be held late in May "to unify on solutions to the escalating border violence."

Baca added, "We feel that the issue of illegal workers is being used to inflame people and destroy any progress, economic and otherwise, made by the Chicano movement. So, we're calling for a national crusade to end the violence and the policy."

# The New York Times

—NEW YORK, MONDAY, AUGUST 4, 1980—

## Border Sweeps of Illegal Aliens Leave Scores of Children in Jail



The New York Times / Lee Dodds  
Sylvia Alvarado

By JOHN M. CREWDSON  
Special to The New York Times

BROWNSVILLE, Tex., Aug. 3 — Looking very small and very frightened, 10-year-old Sylvia Alvarado was led from her tiny cinderblock cell to talk with a visitor about the events that had brought her to the Cameron County juvenile detention center here.

Her odyssey began June 16, Sylvia said through an interpreter, when she left her home in El Salvador in hopes of making her way to Virginia, where she thought her mother lived. Sylvia and her grandmother crossed Guatemala and Mexico by bus, arriving at the border a week ago. There they joined other Salvadorans and hired a man who said he would smuggle them into the United States. Outside Kingsville, Tex., 60 miles north of here, the Border Patrol caught up with the group. "I got scared," Sylvia said, her huge brown eyes welling with tears.

"She's very sad," said Juanita Amaro, a probation officer at the center. "She says she doesn't like it here. She's never been in a place like this before. Her family's never been separated before. She wants to go home."

But Sylvia cannot go home, at least not now. In its efforts to stem the smuggling of illegal aliens into this country, the Justice Department each year jails thousands of aliens, including hundreds of children who, like Sylvia, have not been charged with a crime.

Sylvia's grandmother is being held as a material witness at the county jail in case the Government needs her to testify against the man charged with bringing her and Sylvia into the United States. Although Federal prosecutors frequently use juveniles as witnesses, Sylvia will not appear at the smuggler's trials. She is

locked up, immigration officials said, because there is nowhere else for her to go.

Those held represent fewer than 10 percent of the 200,000 or so illegal aliens known to be smuggled into the United States each year. According to the United States Marshals Service, which has control of all Federal prisoners, in the 12 months ending next Sept. 30 about 15,000 aliens will have been jailed as witnesses, some 900 of them juveniles.

The witnesses, most of them from Mexico but an increasing number from troubled Central American countries like El Salvador, are held in a variety of facilities from Federal alien detention centers to county work farms and tiny border jails. In most instances relatives traveling together are separated while incarcerated. But even when they are not, the experience can be a frightening one. "These people come from lands where being in jail is tantamount to a death sentence," said a lawyer with the Federal Public Defender's Service, which represents both the smugglers and the aliens.

### Infants in Foster Homes

The witnesses are not charged; entering the United States without permission is a misdemeanor, but the Government almost always permits illegal aliens to return home without penalty. Nevertheless, except for mothers with infants, who are usually placed in foster homes, they are generally treated like ordinary offenders.

"They're subject to a lot of harassment by the general jail population," said Robert La Roche, the United States Marshal in Sacramento, "and a lot of them are young and naive."

Last month, a group of women from El Salvador, held in an Arizona jail with what one Federal official called "hard-core" female inmates, were subjected to a brutal homosexual attack. "It was real traumatic for them," the official said.

The jailing of Mexicans without charges has incurred considerable displeasure in Mexico, where newspaper editorials have charged human rights violations. Last year, the Mexican Government protested the jailing for 79 days of 20 Mexicans found in a Dallas-area "drop house" where they had been hidden by smugglers.

Mexico asked that the Justice Department, based on its standard witness fee of \$30 a day, pay the aliens a total of \$47,400 in compensation. The department refused, but officials say they are not insensitive to the plight of the witnesses.

### Unable to Meet Bond

"The department has been very, very concerned about the holding of witnesses," said Lupe Salinas, a special assistant to Attorney General Benjamin R. Civiletti, "especially when, within hours, the accused smuggler is able to get out on bail."

Most of the aliens, Mr. Salinas said, were unable to meet their material witness bond, which can range from \$1,000 to \$10,000, because "they've given up their last few hundred dollars to the smugglers, and they're broke." He said the Justice Department had begun studying the matter "to see if any more just solution can be reached" after the Mexican Government expressed its concern to Mr. Civiletti last May.

The alien witnesses frequently endure stays in jail as long as two months for nothing, since many of those charged with having smuggled them eventually forgo a trial and plead guilty. According to Federal prosecutors, however, the guilty pleas are often made a day or two before the scheduled trial.

It is the incarceration of juveniles that has most distressed Hispanic rights

groups. Last February, Herman Baca, who heads the San Diego-based Committee on Chicano Rights, sent a telegram to the White House calling the practice "inhuman and barbaric" and contending that when children were released the authorities "simply tossed them into Mexico without making any effort to insure that the children are reunited with their parents."

One such case involved a 14-year-old Mexico City boy arrested in Chicago last year by the Immigration and Naturalization Service. According to Herb Cooper, a Federal public defender in El Paso, the boy was returned not to his home but to Juarez, on the Mexican border, where he knew no one and was forced to survive by "garbage-can scrounging, living on rooftops and whatever."

Because many smugglers are arrested far from Federal facilities, the Marshals Service is forced to house witnesses in some 90 local jails around the country.

A few attempts are being made to reduce the long stays in jail, but they have not been wholly successful. In Arizona, Federal prosecutors are now recording the testimony of witnesses on videotape that can be replayed at trial. But the average stay for material witnesses in Arizona is still a month, and the use of videotape has been rejected by prosecutors in other states as cumbersome.

### Work Release Suggested

J. A. Canales, the United States Attorney in Houston, has called the imprisonment of witnesses "deplorable," and that of children "especially saddening." But the Justice Department, the Marshals Service and the immigration service insist that most of the witnesses would be likely to flee if they were released on bond or placed in halfway houses.

Al Velarde, an immigration counselor for the United States Catholic Conference in El Paso, said that the church had urged the Justice Department to adopt a kind of work-release program for witnesses waiting to testify.

"The reason these guys wanted to come up here in the first place was to work," Mr. Velarde said, adding that if they were permitted to hold jobs for limited periods, "you wouldn't have hostile witnesses, which you sometimes have after a guy's been incarcerated for four or five months."

He said that jailed witnesses, unable to work, left their families back home "many times on the brink of starvation."

One pilot project involving juvenile witnesses is under way in San Diego, and James R. Laffoon, the United States Marshal there, said it had produced almost no runaways. Under the program, which has been in operation for a year, witnesses between the ages of 13 and 18 are placed in foster homes supervised by a Catholic Welfare Agency. The Marshals Service is now hoping to set up a similar program in Florida.

### 'They Get Depressed'

But juvenile witnesses in San Diego are still held at the Federal jail for as long as three days for processing, and P. D. Bowser, Mr. Laffoon's chief deputy, acknowledged that those juveniles deemed likely to run away were not placed in the foster home program.

"Some of these 16-year-old kids from the other side of the border are pretty sophisticated," Mr. Bowser said. "If we were to place them in a foster home where there were no restraints, most of them would split."

UNITED STATES DEPARTMENT OF JUSTICE  
IMMIGRATION AND NATURALIZATION SERVICE

PLEASE ADDRESS REPLY TO

c/o American Embassy  
Apartado Postal 88 Bis  
Mexico 1, D. F.

AND REFER TO THIS FILE NO.

March 28, 1980

Mr. Bert Corona  
P. O. Box 154  
Pacoima, California 91331

Dear Mr. Corona:

When your February 15 telegram arrived, I was in Central America. Upon my return to Mexico, I looked into your allegation that very young Mexican children are detained as material witnesses in the U. S. Metropolitan Correctional Center (MCC) in San Diego, California, for prolonged periods of time, as well as the allegation by others that 600 Mexican children are being detained in U. S. prisons as material witnesses.

I can state categorically that neither of these allegations is true. The procedures followed by the U. S. Immigration and Naturalization Service and the U. S. Marshall are firmly based on the following policy and principles:

- 1) Although we would prefer not to hold material witnesses, they must be detained if smugglers of aliens are to be prosecuted. Material witnesses are held only if they are part of a major smuggling case;
- 2) Children are not used as material witnesses;
- 3) Women who are material witnesses and children are not detained in jail facilities for prolonged periods of time;
- 4) Juveniles are never placed in the same area as adults unless they are young children needing the care of their parent; and juveniles and material witnesses are never housed with criminals.

Mr. Bert Corona  
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Since I would share your alarm and concern if U. S. officials were not abiding by these policies, and in order to dispel any doubts, I will discuss our procedures in more detail.

Under our system of law, the accused has the right to cross-examine the witness. Thus, the courts have decided that when a smuggler is apprehended, all the witnesses must be detained. In the past, defense attorneys have insisted on keeping all of the material witnesses until the trial. In the past few months, great strides have been made in shortening the average detention time of material witnesses. Now, at the time of arraignment (within 24 hours of the detention), the judge gives the attorneys a fixed time (usually three to five days) in which to question the witnesses. At the end of that time, the attorneys and the judge together decide which limited number of witnesses will be kept for the trial (two or three, depending on the case), and the others are released. The trial is held within thirty days.

The youngest person that might be used as a witness in an alien smuggling case would be 15 or 16, if he had something unique to relate that no one else could testify to. This would be in rare instances. Judges and attorneys simply do not like to use juveniles in court as witnesses unless it is absolutely necessary. Therefore, young children are held only if other family members are witnesses. It is the policy of the Immigration Service not to return family members separately, but to keep them together, to be released at the same time.

For the past nine months, women and children have been housed in the San Diego area either at the Salvation Army property called Door of Good Hope or with private families through the Catholic Family Services Agency. When the smuggler and his cargo are stopped, the witnesses are brought to the MCC where photographs and fingerprints are taken and each individual is given a complete medical examination. The material witnesses remain there until the judge holds the arraignment and sets bail for them. The length of the stay at MCC depends on when the person came in. It is possible that women and children could be at the MCC for three or four days if they entered on a Friday evening or over a three-day holiday.

Following the arraignment with the judge, the women and children are taken to the Salvation Army home. This facility is not locked and

Mr. Bert Corona  
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Page Three

there are no police. It has individual rooms for women with children and semi-private rooms for the single women. There is a nursery with play toys and a television. There is a playground for the children.

Juveniles under the age of eighteen who are not accompanied by an adult family member are placed with individual families by the Catholic Family Service Agency. These youngsters live with the family and share in their normal activities. One indication of the success of the program is that several families, after having had material witnesses in their homes, have inquired about the possibility of housing and sponsoring young Mexicans who want to study but do not have the necessary resources.

There is one exception to the above. Sixteen or seventeen-year old youths who come from the immediate border area might not be placed with families, because experience has shown that when they live just on the other side of the border, they leave and go back home to Mexico. These youths would be housed at MCC.

The MCC is several stories high. Each floor occupied by material witnesses or juveniles is divided into a central living room-lounging area with private individual rooms around the perimeter. The common living area is used for meals, to watch television, play checkers and other games, read, do crafts, or just talk. There are no bars. These living areas do not in any way resemble the typical jail. Juveniles under the age of eighteen are not kept on the same floor with adults, except for very small children who are allowed to remain with their mothers. Material witnesses are not kept on the same floor with people convicted of crimes.

I have been assured that material witnesses and juveniles are photographed and finger-printed at MCC solely for identification purposes, and that the data concerning them does not enter the computers that retain criminal information. They are therefore not labeled with a "record."

I requested the list of all persons detained on the day that Fernando Meraz of Excelsior visited MCC, the Salvation Army home and the Catholic Family Services program. The computer list reveals that

Mr. Bert Corona  
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Page Four

there were twelve people classified as material witnesses under the age of eighteen at MCC and thirteen with the Salvation Army and the Catholic Family Services Agency. Of those that were at MCC, nine were awaiting medical examinations or arraignment before transfer to the Salvation Army or private homes. One was 15, six were 16, and five were 17. One had arrived that day, five had been there two days, one had been there three days, and one had been there four days. I was told that these last two went to the Salvation Army or to stay with a family that day. The other three had been there from 24 to 38 days.

The files on these three individuals showed that one was a 16-year-old who had been taken to a foster home, but asked to be returned to MCC because he knew he would leave, and he did not want to face an escape charge. Another 16-year-old was from Tijuana and was thought to be an escape risk. The 17-year-old's file showed that he had been placed with a family and was later returned at the request of the investigator, who was going to charge him as a driver for and accomplice to the smuggler.

Of those who were at the Salvation Army or with private families, three were one-year old, one was six, one was 12, one was 15, two were 16, and five were 17.

Occasionally, the Border Patrol discovers a young child who is being smuggled to his parents in the United States. This happened around the time of your telegram. A woman was stopped for the third time smuggling aliens in her car. She had a one-year-old baby on the front seat. All occupants of the vehicle denied knowledge of the child. The arrest took place at 2:00 a. m. at San Clemente; the officers did not know who the parents were or where they could be located. They took the baby to the Federal Building and placed it in a crib at the Marshall's office until the following morning when it was put in a county juvenile facility. The parents finally came forth a week later, from Los Angeles, and the baby was turned over to them.

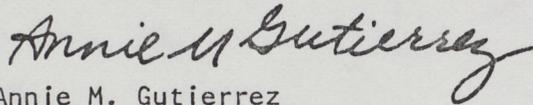
The allegation made by others that 600 children are imprisoned as material witnesses is certainly false. The total number of material witnesses fluctuates daily, but in the last week it has averaged

Mr. Bert Corona  
March 28, 1980  
Page Five

135 total material witnesses for San Diego and Imperial counties. The number of children under the age of 18 has been about 25 on any given day. We do not normally detain more than 225 material witnesses in the entire United States on any one day. Of the total number of apprehensions made by the Border Patrol in the San Ysidro area (1,350 to 1,750 per day) we estimate that around 3.3 per cent are children under the age of 18.

I have taken the time to respond in such detail because I believe it is essential to deal with this important subject from a basis of fact. Irresponsible charges and inaccurate information cannot contribute to a better understanding of this issue or to a resolution of these problems, which are goals I am sure we all share.

Sincerely,



Annie M. Gutierrez  
District Director



Committee on Chicano Rights, Inc

March 31, 1980

Ann Burly  
10 South Hampton Street  
London, England W-C2E-7HF  
International Secretariat

Dear Ms. Burly,

Enclosed is a packet of information concerning the violation of the "human rights" of children who are being processed and incarcerated in the U.S. Federal Prison System. Our organization, the CCR, is hereby formally requesting that Amnesty International investigate this inhuman and degrading system to determine if indeed the human rights of these children are being violated. Our organization has petitioned both the United States Government and the Mexican Government for action on this matter, but to date only the Mexican Government has responded. It is our position that children should not have to pay the price for the unresolved immigration issue between the U.S. and Mexico and that the present system of incarcerating them be abolished.

Hopefully Amnesty International will share our concerns and will give the matter their utmost consideration. If you have any need for further information feel free to call us at (714) 474-8195

Sincerely,

*Herman Baca*  
Herman Baca  
Chairman

established sometime in the future by the attorney general. By a convenient twist these sections of the guideline may be kept totally secret. Therefore, a victim of FBI crimes would have a difficult time building a case.

While the FBI charter been temporarily slowed in its voyage through Congress, a similar bill intended to provide a charter for the CIA brought the question of FOIA exemptions to the floor during the first week in April. At least 20 groups opposed to the new Foreign Intelligence Charter offered testimony in a last-ditch effort to defeat that bill. And a letter to Congress, signed by 135 organizations specifically targeted Section 1421D, which substantially exempts the CIA from the Freedom of Information Act. The statement urges the preservation of the FOIA on the grounds that the CIA has played a major role in world policy ever since World War II.

Recently other bills have been introduced that would further cripple the Freedom of Information Act. The Moynihan Bill, S1612 offered by New York Senator Daniel Patrick Moynihan, and the virtually identical HR3616, introduced by Rep. C.W. "Bill" Young, both contain provisions that would restrict the FOIA to citizens seeking personal data. And the CIA and FBI are not the only government agencies seeking an exemption. The Nuclear Regulatory Commission is hoping to win one and the Federal Trade Commission has already gained an exemption.

Ann-Marie Buitrago of FOIA, Inc. suggests that the bills are an example of how quickly a cold war atmosphere can set in during an election year. "Birch Bayh introduced this bill in an attempt to revive his troubled standing among his constituency," Buitrago said of the reputedly liberal Indiana senator. "We've got to show him he'll lose it by supporting the bill."

Since its passage, the FOIA has been one of the most valuable tools the political targets of government agencies could use in their defense. It has been instrumental in uncovering a series of illegal FBI activities that disrupted virtually every social movement that has existed from the late '60s until today. Documents now available prove that the FBI planted fake stories in newspapers and planted agent provocateurs, not only to gather information but also to promote factionalism within organizations and create excuses for police intervention. Such disruptive plots were used in attempts to destroy numerous political leaders and organizations, including attempts to drive Martin Luther King, Jr. to suicide.

According to Buitrago, if legislation restricting the FOIA is successful, the consequences will be grim. "It took 10 years of lobbying to get the Freedom of Information Act through, and it would be very difficult to reenact it," she told LNS. "The only thing that will stop this bill is a vocal public 'No!'"

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## CHICANOS/UNDOCUMENTED WORKERS

### CHICANOS PROTEST JAILING OF CHILDREN SEIZED ALONG MEXICAN BORDER

New York (LNS) -- Mexican and Chicano children caught crossing the border are now held in federal prisons. This charge, recently confirmed by the US Department of Justice, was first reported by the Committee on Chicano Rights (CCR) in San Diego. Their information came from a number of unnamed employees working inside one California prison. Undocumented children are held for as long as 90 days and then released to foster homes while their parents continue to serve time. Lowell Kincaid, deputy-warden of the Metropolitan Correctional Center, conceded that juveniles are held in the San Ysidro prison, located on the border, when he told LNS, "We have an obligation to house anyone held by (US Attorney) Walsh. If it happens to be children, then we house them."

The new practice is part of a stepped-up effort by federal prosecutors to convict those who are paid to smuggle people across the US-Mexico border. But according to Herman Baca, chairman of CCR, "The fact is that smugglers have money and pull bail, while the 'material witnesses' must spend weeks, even months, imprisoned. We believe this inhuman practice of jailing mothers and their children, and parentless children, must be investigated. So that it is stopped."

In a telegram sent to both President Carter and President Jose Lopez Portillo, Baca says that CCR sources also revealed that those children who are not placed in US foster homes are turned over to Mexican authorities. There they "are kept for one week and then turned loose in the streets to fend for themselves." Added Leticia Jiminez, also of the Committee on Chicano Rights, "Imagine the anguish involved. The child is apprehended, alone, in a strange country, and because of the illegality the parents are afraid to call Immigration. So, they are breaking up families."

Jiminez also believes that photographing, fingerprinting, and in the case of one 25 month old baby, footprinting, which Kincaid told LNS "is for purposes of identification only," could possibly damage a child's chances of crossing the border legally in years to come. Baca called the practice, "barbaric."

Undocumented people who have been through Michael Walsh's "Foster Homes Program" have reported that, in violation of prison regulations, babies and very young children have been separated from their parents and placed in juvenile units. Deputy-warden Kincaid substantially denied the charge. "In most cases, anyone under nine remains with the mother." When asked to define what he meant by "most cases" by describing the exceptions, Kincaid quickly reversed himself. "Make that, 'in all cases.'" he blurted. "In all cases children under nine remain with their mothers."

The letter to President Carter and President Portillo seeks the formation of a bilateral committee "to work out a humane solution to the victimization of children on both sides of the border." CCR has also called a Chicano National Immigration conference to be held late in May "to unify on solutions to the escalating border violence." Baca added, "We feel that the issue of illegal workers is being used to inflame people and destroy any progress, economic and otherwise, made by the Chicano movement. So, we're calling for a national crusade to end the violence and the policy."

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itself to be worthy of membership in the "free world," while still stifling all opposition.

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## FBI/GOVERNMENT

### PROPOSED FBI CHARTER OFFERS THE BUREAU "MORE, NOT LESS, POWER"

NEW YORK (LNS) -- "Three or four years ago, this bill would have been laughed out of Congress," commented Marshall Perlin, an attorney with the National Alliance Against Racist and Political Repression (NAARPR), one of many groups that has been organizing to fight the proposed FBI charter. "But now the political atmosphere is so different that it stands a dangerous chance of passing."

Perlin's assessment is shared by others such as the Campaign for Political Rights and the Fund for Open Information and Accountability (FOIA, Inc.) on two counts. They agree that the bill is dangerous and that its passage could be facilitated by the new Cold War atmosphere.

"The FBI Charter Legislation was at one time touted as the answer to tie the hands of the FBI," Ann-Marie Buitrago of FOIA, Inc. told LNS. "But it is now clear that it would provide the agency with more, and not less, power."

As evidence of this point, Buitrago and other critics of the proposed charter cite its failure to address the violations of constitutional and human rights committed under the FBI's most notoriously repressive program -- COINTELPRO (the Counter-Intelligence Program). Ostensibly aimed at "citizens or groups who may be engaged in clandestine intelligence activities on behalf of a foreign power," as FBI Director William Webster puts it, COINTELPRO actually operated as a campaign of surveillance, sabotage and outright terror against domestic opponents of government policy. But none of the documented abuses -- infiltration, dissemination of false information, entrapment -- that were used particularly against Black and other Third World movements ranging from Dr. Martin Luther King's Southern Christian Leadership Conference to the Black Panther Party and the Republic of New Africa would be prevented by the proposed charter. In fact, the only reference to the FBI's long history of illegal counter-intelligence activity seems to be in a provision that would keep assassination illegal, even for agents of the FBI. On the other hand, two other sections of the Charter could actually make it easier for FBI agents who commit crimes by guaranteeing them immunity from prosecution.

### NEW FREEDOMS, NOT NEW CONTROLS

Section 533A is one example of how the Charter, if it passed, would provide new freedoms for the FBI. The section does stipulate, using old language that predates COINTELPRO, that "the FBI shall not conduct an investigation solely on the basis of... a religious or political view lawfully expressed by a particular group or individual." But it goes on to say, "The FBI is authorized to conduct an investigation on the basis of facts or circumstances that reasonably indicate that a person

has engaged, is engaged or will engage in an activity in violation of a criminal law of the United States." Critics contend that the phrase "will engage" authorizes FBI investigation on the basis of ideas, opinions, speech, writings or associations alone.

"A strongly held radical ideology could be taken as indicating that a person will engage in illegal conduct," pointed out Thomas I. Emerson, emeritus professor of law at the Yale Law School, speaking on behalf of the National Committee Against Repressive Legislation.

Subsequent terrorism clauses would make "suspicious" civil mobilizations subject to FBI investigation. Because it could be considered "intimidating or coercing the civil population," a teachers strike might find itself in trouble. Anti-war, anti-apartheid or anti-nuke organizations which boycott banks could also be "guilty," since they are "influencing or retaliating against the government (or) against trade or economic policies of a corporation in international trade." This means that terrorism need only be alleged. Critics charge this is actually a direct violation of the First and Fourth Amendments.

A second section, Section 533B, specifically describes the circumstances under which an FBI agent may break the law. This section would permit undercover agents to commit crimes against individuals in order to obtain information or evidence for prosecution, to maintain cover, or to prevent death or injury to a fellow agent or informer. "The abuses in the past prove," snorted Terry Cannon of the National Alliance Against Racist and Political Repression, "that the rule has been eaten alive by the exception."

The charter's later provision proceeds to describe the specific methods the FBI may then use. Informers, undercover agents, physical surveillance, electronic surveillance, false interviews conducted by phony reporters are only the first wave of tactics allowed under the bill. In addition, doctors, lawyers, clergymen and journalists, all of whom now have claims to confidentiality, would become subject to questioning by FBI investigators.

Even warfare aimed at political leaders, such as COINTELPRO's campaign against the Black movement of the late '60s and early '70s, would be difficult to prove illegal. One example cited by critics is the 1969 police raid in Chicago that killed Black Panther Party leaders Fred Hampton and Mark Clark. The FBI was able to justify the attack to a special prosecutor by claiming it had reason to believe Hampton was harboring a cache of weapons. Under the new charter it would have been possible for the agents to claim immunity from prosecution on grounds that they were "obtaining evidence."

### PULLING THE CURTAIN ON FREEDOM OF INFORMATION

Perhaps the most dangerous section of the proposed FBI charter is the part that would protect future abuses from ever being revealed or discussed by granting an exemption from the Freedom of Information Act. The new charter would permit that attorney general to protect FBI infiltrators and informants from disclosure. Even a court order could not compel the FBI to reveal the secret identity of an agent.

The only restrictions in the charter would be



CHILDREN'S RIGHTS PROJECT

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New York, NY 10036  
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EXECUTIVE DIRECTOR  
ACLU FOUNDATION

August 11, 1980

Herman Baca  
Committee on Chicano Rights  
1837 Highland Ave.  
National City, Calif. 92050

Dear Mr. Baca,

Here is the New York Times article I promised to send to you. I apologize for the delay in getting this to you.

Thank you for your help in this matter.

Sincerely yours,

A handwritten signature in blue ink that reads "Lance Cassak". The signature is written in a cursive, flowing style.

Lance Cassak  
Children's Rights Project

"They want more money for fares, and they give us less service," said Ilse Wil

Continued on Page B3, Column 1

week, that he could think of circumstances under which he might withdraw support, though he would not specify any. His comments yesterday were consis-

## Border Sweeps of Illegal Aliens Leave Scores of Children in Jails

By JOHN M. CREWDSON

Special to The New York Times

BROWNSVILLE, Tex., Aug. 3 — Looking very small and very frightened, 10-year-old Sylvia Alvarado was led from her tiny cinderblock cell to talk with a visitor about the events that had brought her to the Cameron County juvenile detention center here.

Her odyssey began June 16, Sylvia said through an interpreter, when she left her home in El Salvador in hopes of making her way to Virginia, where she thought her mother lived. Sylvia and her grandmother crossed Guatemala and Mexico by bus, arriving at the border a week ago. There they joined other Salvadorans and hired a man who said he would smuggle them into the United States. Outside Kingsville, Tex., 60 miles north of here, the Border Patrol caught up with the group. "I got scared," Sylvia said, her huge brown eyes welling with tears.

"She's very sad," said Juanita Alfaro, a probation officer at the center. "She says she doesn't like it here. She's never been in a place like this before. Her family's never been separated before. She wants to go home."

But Sylvia cannot go home, at least not

Continued on Page A10, Column 3



The New York Times / Lee Dodds

Sylvia Alvarado

K cars are coming!  
K cars are coming!  
K cars are coming!—ADVT.

FOR THOSE  
CEMETERY  
FLUTE INFO

New York Times 8/4/80

## Continued From Page A1

now. In its efforts to stem the smuggling of illegal aliens into this country, the Justice Department each year jails thousands of aliens, including hundreds of children who, like Sylvia, have not been charged with a crime.

Sylvia's grandmother is being held as a material witness at the county jail in case the Government needs her to testify against the man charged with bringing her and Sylvia into the United States. Although Federal prosecutors frequently use juveniles as witnesses, Sylvia will not appear at the smuggler's trials. She is locked up, immigration officials said, because there is nowhere else for her to go.

Those held represent fewer than 10 percent of the 200,000 or so illegal aliens known to be smuggled into the United States each year. According to the United States Marshals Service, which has control of all Federal prisoners, in the 12 months ending next Sept. 30 about 15,000 aliens will have been jailed as witnesses, some 900 of them juveniles.

The witnesses, most of them from Mexico but an increasing number from troubled Central American countries like El Salvador, are held in a variety of facilities from Federal alien detention centers to county work farms and tiny border jails. In most instances relatives traveling together are separated while incarcerated. But even when they are not, the experience can be a frightening one. "These people come from lands where being in jail is tantamount to a death sentence," said a lawyer with the Federal Public Defender's Service, which represents both smugglers and aliens.

### Infants in Foster Homes

The witnesses are not charged; entering the United States without permission is a misdemeanor, but the Government almost always permits illegal aliens to return home without penalty. Nevertheless, except for mothers with infants, who are usually placed in foster homes, they are generally treated like ordinary offenders.

"They're subject to a lot of harassment by the general jail population," said Robert La Roche, the United States Marshal in Sacramento, "and a lot of them are young and naive."

Last month, a group of women from El Salvador, held in an Arizona jail with what one Federal official called "hardcore" female inmates, were subjected to a brutal homosexual attack.

The jailing of Mexicans without charges has incurred considerable displeasure in Mexico, where newspaper editorials have charged human rights violations. Last year, the Mexican Government protested the jailing for 79 days of 20 Mexicans hidden by smugglers in a Texas "drop house."

Mexico asked that the Justice Department, based on its standard witness fee of \$30 a day, pay the aliens a total of \$47,400 in compensation. The department refused, but officials say they are not insensitive to the plight of the witnesses.

"The department has been very, very

concerned about the holding of witnesses," said Lupe Salinas, a special assistant to Attorney General Benjamin R. Civiletti, "especially when, within hours, the accused smuggler is able to get out on bail."

Most of the aliens, Mr. Salinas said, were unable to meet their material witness bond, which can range from \$1,000 to \$10,000, because "they've given up their last few hundred dollars to the smugglers, and they're broke." He said the Justice Department had begun studying the matter "to see if any more just solution can be reached" after the Mexican Government expressed its concern to Mr. Civiletti last May.

### Long Stays in Jail

The alien witnesses frequently endure stays in jail as long as two months for nothing, since many of those charged with having smuggled them eventually forgo a trial and plead guilty. According to Federal prosecutors, however, the guilty pleas are often made a day or two before the scheduled trial.

It is the incarceration of juveniles that has most distressed Hispanic rights groups. Last February, Herman Baca, who heads the San Diego-based Committee on Chicano Rights, sent a telegram to the White House calling the practice "inhuman and barbaric" and contending that the authorities released children and "tossed them into Mexico without making any effort to insure that the children are reunited with their parents."

One such case involved a 14-year-old Mexico City boy arrested in Chicago last year by the Immigration and Naturalization Service. According to Herb Cooper, a Federal public defender in El Paso, the boy was returned not to his home but to Juarez, on the Mexican border, where he knew no one and was forced to survive by "garbage-can scrounging, living on rooftops and whatever."

### Case of Haitian Recalled

The problem is not confined to Hispanic aliens. Last year an eight-year-old Haitian girl was discovered, barefoot and ill, in a Palm Beach, Fla. jail cell by lawyers representing Haitian refugees there. According to Gerard Jean-Juste, a Catholic priest who runs the Haitian Refugee Center in Miami, the girl had been locked up for two weeks, separated from her parents who had no idea where she was.

The Haitian girl is the youngest known to have been imprisoned. But Rudy Diaz, a Federal public defender in Los Angeles, said that "there have been nine and 10-year-old kids in juvenile hall here," and children as young as 14 have been held at the big Immigration and Naturalization Service detention center in El Paso.

Because many smugglers are arrested far from Federal facilities, the Marshals Service is forced to house witnesses in some 80 local jails around the country.

A few attempts are being made to reduce the long stays in jail, but they have not been wholly successful. In Arizona, Federal prosecutors are now recording the testimony of witnesses on videotape that can be replayed at trial. But the



# Bewildered Young Aliens

average stay for material witnesses in Arizona is still a month, and the use of videotape has been rejected by prosecutors in other states as cumbersome.

J. A. Canales, the United States Attorney in Houston, has called the imprisonment of witnesses "deplorable," and that of children "especially saddening." But the Justice Department, the Marshals Service and the immigration service insist that most of the witnesses would be likely to flee if they were released on bond or placed in halfway houses.

One pilot project involving juvenile witnesses is under way in San Diego, and James R. Laffoon, the United States Marshal there, said it had produced almost no runaways. Under the program, which has been in operation for a year, witnesses between the ages of 13 and 18 are placed in foster homes supervised by a Catholic Welfare Agency.

But juvenile witnesses in San Diego are still held at the Federal jail for as long as three days for processing, and P. D. Bowser, Mr. Laffoon's chief deputy, acknowledged that those juveniles deemed likely to run away were not placed in the foster home program.

Almost everywhere else, children are held in facilities similar to the Cameron County Detention Center here, a modern institution run by sensitive professionals that is, nevertheless, still a jail.

"They don't even know where they are in the United States," said Joan Macrum, the center's director. "They get depressed. They'll cry, they'll isolate themselves from the rest of the group for long hours." The American children locked up with them, Miss Macrum said, "like to antagonize them, call them wetbacks, that kind of thing. We're very concerned about these kids."

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In Switzerland: 1204 GENEVE, c/o PROMECO S.A., 92, rue du Rhone-Tel. 214.922-214.923 TLX 422707 PROMEC



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By JOHN M. CREWDSON/C  
 c. 1980 N.Y. Times News Service/C

SAN DIEGO - Large alien-smuggling rings operating along the Mexican border are increasingly employing children and young teen-agers to guide groups of illegal aliens into the United States and to drive the aliens in cars and trucks to their destinations in the north. The rings are acting in the apparent belief that the youths will not be prosecuted.

The Justice Department is responding to the smugglers' latest ploy by arresting, prosecuting, convicting and, in some instances, imprisoning those as young as 16 who are found to have been involved in the booming business of smuggling illegal aliens for profit.

There is no shortage of youngsters willing to risk such involvement. They can be seen by the thousands each day in Mexico's teeming border cities, where nearly half the labor force is idle and where a payment of \$100 for driving a single load of aliens to Dallas or San Francisco is the equivalent to a month's wages.

Immigration officers say that children as young as 10 are now being used by the smuggling rings for the less dangerous, and also less remunerative, jobs of guiding groups of illegal aliens across the border on foot.

Those so young are not being prosecuted. They are simply returned across the border to Mexico, often to reappear a few days later, officials say, with another load of illegal aliens. But the older youths being hired to drive the aliens north, chiefly boys and girls ranging in age from 15 to 17, are sometimes meeting with a less happy fate.

"The transporters of illegal aliens are apparently telling these kids, 'You'll get a couple of nights in jail and the feds will bounce you back across the border,' " said Jerry Collins, an official of the United States Parole Commission, which has just begun a study of the problem. But such leniency from the Justice Department cannot be relied on, as Jose Luis Ramirez now knows.

Last Monday Jose Luis, a resident of Tijuana who turned 17 in June, was sentenced to six months in prison after his conviction in a federal court here of transporting illegal aliens, a felony. According to his lawyer, Crais Weimerman of the Federal Public Defenders' office, Jose is typical of the youths who become involved with smuggling.

"He's pretty much been living off the streets since he was 14," Weimerman said. "He hangs around Tijuana, somebody offers him some bucks to drive into the United States, so he does it. It's his way of surviving."

Although the prosecution of juveniles like Jose appears to be on the increase, it is by no means widespread. John Cleary, who heads the federal Public Defenders' office here, estimates that his staff has represented about 35 young defendants in similar felony smuggling cases in the last year, "an increase compared to a couple of years ago."

Because records in juveniles proceedings are often sealed, the precise number of such prosecutions nationwide could not be obtained. Other lawyers in Cleary's office, a government agency that provides legal counsel for indigents accused of federal crimes, said they represented a considerably larger number of juvenile smugglers, perhaps 75 a year, who were tried on misdemeanor charges, given mandatory sentences of probation and returned to Mexico. Like most defense attorneys involved with such cases, Cleary questions the value of the prosecutions, either to society or the young defendants. "They always hit the lieutenants and the sergeants," he said. "It's a manifestation

of our frustration with the alien problem - we tend to take it out on the ones we can get our hands on."

The border guides and drivers, like Jose Luis, are not even sergeants. They are the privates of the smuggling trade. Most of them know nothing about the organization that has employed them, probably not even the real name of the person who gave them the job. For this reason, Cleary believes, "it's foolish to initiate such prosecutions against children."

~~Peter K. Nunez~~ the principal assistant United States attorney here, disagrees.

"Why not?" he asked in a recent interview. "If we catch a 16-year-old who is violating a law and it's a serious case, then we'll prosecute."/L

The federal immigration statutes, Nunez said, made no distinction between juveniles and adults. "If Congress doesn't want us prosecuting juvenile aliens, they ought to say so," he added.

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## HEALTH and WELFARE AGENCY

OFFICE OF THE SECRETARY  
915 CAPITOL MALL, ROOM 200  
Sacramento, California 95814  
(916) 445-6951

*Mario G. Obledo*  
SECRETARY

*James W. Connor*  
UNDERSECRETARY

September 11, 1980

James R. Laffoon  
United States Marshal  
United States Department of Justice  
Southern District of California  
San Diego, CA 92189

Dear Mr. Laffoon:

Your correspondence of August 21, 1980, is hereby acknowledged. It neither angered nor upset me; on the contrary, it saddened me. For I found it difficult to believe a public official, especially a member of the justice system, would write such a letter. Thus, it is you who should be pitied and it is our citizenry who deserve some sorrow.

Permit me to explain. At a public hearing held in San Diego by the State Task Force on Incarcerated Minorities, a person testified that children of material witnesses held in the Federal facility in San Diego were also housed there. Soon thereafter, Mr. Herman Baca inquired as to what action the Task Force had taken as a follow-up to that testimony. He was informed we were requesting a report on the matter from your office. Mr. Baca later contacted my office, asked whether a report had been received, and requested a copy when informed that a report had indeed been submitted to us. I instructed my staff to comply with Mr. Baca's request but through some misunderstanding, our copy of the report was forwarded to the Mexican-American Legal Defense and Education Fund (MALDEF). Failing to hear from us in due time, Mr. Baca again called our office asking for the information. Since we no longer had our own copy, Mr. John Martinez of my staff then attempted to arrange with you the furnishing of such report to Mr. Baca directly. Apparently this action resulted in your August 21 communication; it appears rather clearly that you do not wish Mr. Baca to have access to the report and its information.

Have we learned nothing from Watergate, sir? Are we not first and last the servants of the people? Are not our files, except for precious few exceptions, the public's domain? Is it not best to conduct our activities under the full glare of public scrutiny? Does not secrecy allow the weakness of officials and the temptations of government to fester and spread their disease to the detriment of the body politic?

You state that Mr. Baca is hostile to your endeavors and has publicly belittled your programs. Please allow me to remind you that public officials are suppose to withstand public criticism. It is part of the job. In this country, the public has the right to subject its public officials to constant scrutiny and to demand as much information as is necessary to determine if official duties are being performed.

Mr. Baca follows in the footsteps of Patrick Henry, Paul Revere, Thomas Paine, Thomas Jefferson, Daniel Webster, and Henry Clay; all were great critics of government in their day. Had it not been for their criticism, we would be a British Colony today. It takes courage to speak out, particulary when public officials become distrustful of the very citizens whom they serve.

If the report involved will vindicate you, as you so contend, why keep it secret? The challenge in government is not in wielding power; it is in wielding power under the bright light of public scrutiny. Are you up to that challenge?

Sincerely,  
MARIO G. OBLEDO

MARIO G. OBLEDO

MARIO G. OBLEDO  
Secretary

cc: Senor Estaban Morales L.  
Consul General of Mexico  
San Diego, California

William E. Hall  
Director  
United States Marshals Service  
U.S. Department of Justice

Hon. M. James Lorenz  
United States Attorney  
Southern District of California

✓ Herman Baca, Chairman  
Committee on Chicano Rights



## United States Department of Justice

UNITED STATES MARSHAL  
SOUTHERN DISTRICT OF CALIFORNIA  
SAN DIEGO, CALIFORNIA  
92189

August 21, 1980

Mr. Mario G. Obledo  
Secretary  
Health and Welfare Agency  
915 Capitol Mall, Room 200  
Sacramento, CA 95814

Sir;

By the position and trust that you hold as Secretary of Health and Welfare for the State of California, I judged you to be a responsible person above petty deceit and chicanery with enough knowledge to know who should have a report prepared for, and at the request of a foreign government. I have erred about men before and each time it is a source of grief to me as this case is.

Having recovered from initial shock and anger, I can only view you with pity and sorrow. The audacity of your continuing forward with an official of the Foreign Office of the Republic of Mexico is beyond belief. But the shabby episode speaks for itself.

On the morning of August 20, 1980 when Mr. John Martinez, at your direction, telephoned me of your request for another copy of the report 'Material Witnesses from the Republic of Mexico' he said a routing slip in your office indicated you had released it to another agency, giving some initials. I assumed this to be an official agency of the State of California when in fact it was the Mexican-American Legal Defense and Education Fund. He said the agency had lost your copy.

Had you taken the trouble to read it, the report discusses the Material Witnesses Attorney Panel appointed by the Chief Judge of the U.S. District Court; in fact names them. This action should at least minimize the necessity and interest of the Mexican-American Legal Defense and Education Fund.

Since I have only one file copy of the report and refer to it frequently and clerical time available prevented my re-producing another with any despatch, I referred your Mr. Martinez to Senor Estaban Morales L., Consul General of Mexico. After he was



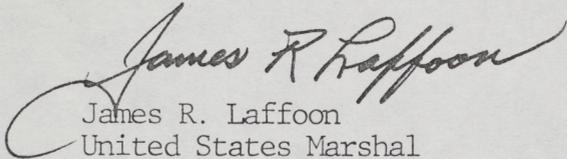
contacted he called me about this matter and I told him the request originated from Mr. Mario G. Obledo and identified who you are in the government of the State of California, and approved his assisting in the re-production of a copy for you.

Later Consul General Morales L. called and said a young lady came to him for his copy.

The Consul General inquired who she was and who would get the report and be responsible. She said she was Leticia Baca and the report was for Herman Baca. Consul General Morales L. declined to give her the report. But it must be said she was the first truthful person to emerge in this reprehensible affair.

On August 21, 1980 your Messrs. Martinez and Diaz called and wished to continue relations on your behalf. After considering the deception and affront, bordering on insult, to a Consul General of Mexico and a Marshal of the United States there is no alternative other than to decline any relationship with you and the Health and Welfare Agency of the State of California as long as you are Secretary.

From my conversation with him, I conclude Consul General Morales L. shares this decision.

  
James R. Laffoon  
United States Marshal

cc: Senor Estaban Morales L.  
Consul General of Mexico  
San Diego, California

William E. Hall  
Director  
United States Marshals Service  
U.S. Department of Justice

Hon. M. James Lorenz  
United States Attorney  
Southern District of California



## United States Department of Justice

UNITED STATES MARSHAL  
SOUTHERN DISTRICT OF CALIFORNIA  
SAN DIEGO, CALIFORNIA  
92189

August 21, 1980

Senor Estaban Morales L.  
Consul General of Mexico  
225 Broadway  
San Diego, CA 92001

Dear Consul Morales,

I want to express my appreciation of your good judgment and alertness regarding the possibility of the report concerning Material Witnesses being placed in the hands of Mr. Herman Baca.

As you know Mr. Baca is hostile to my endeavors and has publicly belittled our constructive care programs along with unwarranted criticism of both Mexican and American officials.

While there is nothing in the report that I wouldn't be willing to confront Mr. Baca or anyone about; I do not care to fuel the type of negative publicity he likes to generate. He has been described to me by a reliable person as actually and very sincere but without the realization that a different approach would accomplish more.

Stated simply, I cannot thank you enough.

In view of the deceptive affront to you, in my opinion little short of, if not, an outright insult, and the lies told to me, I have severed all relations and communications with Mr. Mario G. Obledo and the California Health and Welfare Agency.

Departing from the preceeding lying and conniving; I am sure you will welcome more pleasant news.

At 4:00 pm this date we will remove from the Metropolitan Correctional Center the first Material Witness husband and re-unite him and his wife at the Salvation Army "Door of Hope". He gave his word of Honor not to run away with her. Let us hope his Honor to be above some we have encountered lately.

Without a modification of our contract which would take quite some time; the Salvation Army has agreed to accept husbands on a trial basis. It is now up to them. If they Honor their word and behave reasonably well



we can handle families as a unit, coming and going. I believe this will be a comfort for the mothers and children.

If the husbands betray their word or cause other problems we can continue with the woman and children and discontinue with the men. In such case the best that can be said is it was a noble experiment and an honest try.

I have been in conference for two days (August 21-22) with Mr. James Murphy, an official from Washington about rapidly expanding the concept our programs elsewhere beginning in Texas and Colorado. With the program activated in June, 1980 in New Mexico this covers most of the Southwest and there are two new Federal projects beginning in Arizona. In addition at the Washington level I am informed there is activity for similar type programs for the Immigration and Naturalization Service.

With best regards.

Sincerely,

James R. Laffoon  
United States Marshal

TRUSTY TIME

U.S. DEPARTMENT OF JUSTICE  
BUREAU OF PRISONS

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CIRCLE ACTIVE BOOKING  
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SAN DIEGO MCC-BOOKING AND PROPERTY RECORD

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EMPLOYERS NAME & ADDRESS	OCCUPATION	HOW EMP
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PROPERTY SLIP 0199125 070980	DATE	BOOKING NO. 0038500	CELL BLK. HC	CASH \$ .00
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NAME MESA	JOSE LUIS	R	TMAT
WATCH NONE	RINGS NONE	BILLFOLD/PURSE NONE	

ITEMS OVER \$100, MISC. OR IN PROPERTY ROOM NONE
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FINAL RELEASE	CODE	DETAINERS	PRE-RELEASED BY:	REVIEWED BY:
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RELEASE DESTINATION IF RELEASED TO CUSTODY: BOP INST. _____ TO BE _____ MAILED BY US TREASURY	NON-BOP FACILITY
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RELEASED TO (DEPT)	SIGNATURE OF OFFICER	\$ _____
--------------------	----------------------	----------

RELEASE DATE:	RELEASE TIME:	RELEASED BY:
---------------	---------------	--------------

I UNDERSTAND MY SIGNATURE IS NOT AN ADMISSION OF GUILT OF ANY CRIMINAL OFFENSES: AND THIS SIGNATURE ACKNOWLEDGES THE CORRECTNESS OF THE INFORMATION FURNISHED BY ME.

INMATES SIGNATURE  
*X Jose Rodriguez Lopez*

TEMP. RELEASED TO: USM	TEMP. REL. DEPT.	AND ALL PROPERTY RECEIVED
Foster Home	M. V. Johnson	

TEMP. REL. DATE 7-10-80	REL. TIME	HOLDS CHECKED BY: Lopez	PRE-RELEASE BY: Lopez	TEMP. RELEASE BY:
----------------------------	-----------	----------------------------	--------------------------	-------------------

INMATE TEMP. RELEASE SIG.
---------------------------

I HEREBY CERTIFY THAT I HAVE RECEIVED ALL PROPERTY AND MONEY FROM SAN DIEGO MCC.

RELEASE TRACER NO.	RU	05498
--------------------	----	-------

Name Mesa, Jose Luis No. 38500-098

Started From MCC, San Diego, CA On 7/10/80  
Name of Institution Date

Destination U.S. Marshal, Foster Home  
Name of Institution

Major Diagnoses None

Reason for Transfer	
	Medical
	Surgical
	Tuberculosis
	Diabetes
	Psychotic
	Epileptic
	Chronic N. P.
XXXXX	Non-Medical

Medical Recommendations for Care Enroute None

Medication, etc. None

Special Housing or other Precautions (Suicide, etc.) None

*J. Willoughby*  
**J. Willoughby, P.A.**  
 Medical Officer

**PROGRESS NOTES ENROUTE**

Time	Institution*	Symptoms, Findings, Medications, Treatment, Orders, etc.

INSTRUCTIONS: Originals shall be delivered to Officer in Charge of shipment, who will carry them on a clip board for ready reference and turn them over to the receiving medical personnel at holdover institutions, where they shall serve in lieu of other medical forms. Carbon copy to be packed with prisoner's individual medical file. Bus Drivers will pick up originals from medical department at each holdover institution when shipment is ready to proceed and eventually deliver them to the medical staff at receiving institution. Enter all medical transactions enroute, adding additional sheets, or other records as necessary.

\* Signify "Bus" where indicated.

Age 17 years olds

Piedad Lopez Ayala

1-25-80 -2-13-80 = 19 days

Lantana Espinosa

12-12-79 -12-14-79 = 2 days

Age 17 year olds

Correa Alejandro Hernandez  
Zacatecas Mexico  
1-16-80 - 1-25-80 = 9 days



Soto Apolinar Vergara  
Guerrero Mexico  
1-15-80 - 1-21-80 = 6 days



Arrellano Francisco Rodriguez  
Michoacan Mexico  
1-30-80 - 2-13-80 = 14 days



Cortez Ismael Perez  
Michoacan Mexico  
1-3-80 - 1-9-80 = 6 days



Rodriguez Crispin Gomez  
Michoacan Mexico  
2-29-80 - 3-11-80 = 11 days



Cabrera Alfredo Ramirez  
Jalisco Mexico  
2-29-80 - 3-11-80 = 11 days



Gonzalez Antonio Rodriguez  
Michoacan, Mexico  
3-14-80 - 3-18-80 = 4 days



Gomez Gil Navarro  
Oaxaca Mexico  
4-15-80 - 4-17-80 = 2 days



Gomez Eutenio Navarro  
Oaxaca Mexico  
4-15-80 - 4-17-80 = 2 days



Age 16 year olds

Barrera Javier Rubio

Guerrero Mexico

1-15-80 - 1-21-80 = 6 days



Gonzales Roberto Leon

Michoacan Mexico

2-29-80 - 3-1-80 = 1 day



Olivarez Jose Solorzano

Jalisco Mexico

2-29-80 - 3-10-80 = 10 days



Garcia Saul Fernandez

Michoacan Mexico

1-31-80 - 1-9-80 = 6 days



Roberto Santiago Lascano

2-12-80 - 2-16-80 = 4 days

100752  
BOANVLOS

OLIVER VLS WIDE

Age 15 year olds

Ayala Javier Lopez

Michoacan Mexico

1-24-80 - 2-13-80 = 20 days



08-02-1

85% COTTON FIBRE  
SOUTH WORTH COLD SPA  
FOUR STAR BOND

Age 9 year olds

Juan Blancos Moreno

3-26-80 -3-28-80 = 2 days

# Encarcelan Niños Como Testigos en Casos de Detención de "Polleros"

Por Rogelio LAVENANT SIFUENTES.

NATIONAL CITY.- Herman Baca, dirigente del Comité de Derechos Chicanos, acusó ayer al Fiscal Federal Michael H. Walsh y al Departamento de Justicia de los Estados Unidos, de encarcelar niños y menores de edad, "como testigos materiales" en casos de detención de "polleros" o traficantes de indocumentados.

En una conferencia de prensa ofrecida ayer en la avenida Highlnd 1300, el líder chicano anunció haber enviado un telegrama al Presidente Carter, denunciando lo anterior, y pidiéndola que ordene una investigación a fondo de esta situación. Lo mismo al Presidente de México, Lic. José López Portillo.

"Los niños están siendo tratados como criminales -dijo Herman Baca a EL MEXICANO- y en la mayoría de los casos ni siquiera están conscientes de lo que está pasando a su alrededor. Son separados de sus madres y fichados, imprimiendo las huellas de sus pies o manos, según su edad como si fueran delincuentes".

Citó algunos casos, aunque dijo que quienes le informaron de "estos actos bárbaros e inhumanos" pidieron que no fueran revelados sus nombres "Algunos perderían sus empleos, otros no quieren sufrir represalias", comentó Baca.

"Niños, incluyendo bebés tan de corta edad como de unos 24 meses de nacidos, están siendo aprisionados en el sistema de cárcel federal. Unos están siendo detenidos en el Metropolitan Correctional Center, el Centro de Detención de El Centro, California, y en el centro de detención en

San Ysidro, estos dos últimos de la Patrulla Fronteriza", aseguró el dirigente del Comité de Derechos Chicanos.

"Conforme nuestra investigación -añadió- aparece que el arresto y aprisionamiento de los niños y sus madres, son necesarios porque ellos son necesitados como "testigo material" en casos en que se ven involucrados los contrabandistas de "ilegales" y estos niños están recibiendo sus "records" (antecedentes) criminales aunque ellos están impotentes para prevenir las circunstancias en que son detenidos".

También dijo Herman Baca, que, según sus fuentes de información, algunos de los pequeños están con sus madres, pero otros no. Una vez que los menores no son necesitados mas como "testigos materiales" las autoridades del servicio de Inmigración y Naturalización, simplemente los echan a territorio mexicano sin hacer ningún esfuerzo para asegurarse que podrán reunirse con sus padres.

"Lo que es más- enfatizó Baca- también nos ha sido reportado que los niños que son turnados a las autoridades mexicanas, son guardados por una semana y luego echados a la calle para que ellos mismos se defiendan".

Por último, Herman Baca manifestó también que apenas el 27 de febrero, un niño de doce meses de nacido, fue recluido (detenido) en el Centro Correccional Metropolitano (MCC) de San Diego. Estas prácticas son inhumanas, bárbaras, y una demostración de la actual política de inmigración.

5.0.0.0.1  
2-29-80

## Illegal Aliens Said Separated From Children

Children as young as 2 are being held apart from their parents in the federal Metropolitan Correctional Center and in detention centers for undocumented aliens in San Ysidro and El Centro, Herman Baca, chairman of the Committee on Chicano Rights, said in a telegram to President Carter yesterday.

Baca said he will elaborate on the charges today during a press conference.

Federal officials here denied any knowledge of incidents described by Baca.

Baca said an investigation by his committee determined that the children are held as material witnesses in cases against smugglers of undocumented aliens.

"Once the children are no longer needed as material witnesses, the INS (Immigration and Naturalization Service) authorities simply toss them into Mexico without making any effort to insure that the children are reunited with their parents," he said in the telegram.

"Furthermore, it has also been reported to us that children who are turned over to Mexican authorities are kept for one week and then are turned loose in the streets to fend for themselves," Baca said.

United States Attorney Michael Walsh could not be reached for comment yesterday.

Assistant U.S. Attorney Herb Hoffman said children in some cases are held with their parents, but added that he knew of no cases where children were imprisoned by themselves.

3-7-80

## Tossed Into Mexico

Regarding the accusations by Herman Baca that children are being imprisoned and then "tossed into Mexico," subsequently denied by federal officials, here is a true story:

The 15-year-old daughter of a friend of mine was picked up on the street by "La Migra," driven 150 miles to San Ysidro, and "tossed into

Mexico" at 1 a.m. Fortunately, just by chance, her schoolteacher witnessed the pickup and called the local immigration office to find out what they intended to do with the child. The teacher then called my friend who boarded the next bus for San Ysidro and managed to arrive there minutes before the immigration bus arrived.

What if the teacher had not witnessed this pickup? The child would have been abandoned — alone and penniless — on the streets of Tijuana in the middle of the night. And what about the anguish of the mother not knowing the whereabouts of her daughter?

ELIZABETH HUGHES  
Coronado

3-7-80



Vietnam of the Southwest

1) we have come here to ask for your help,

2)

2,700,000  
03  
5,100,000

MEXICAN-AMERICAN NATIONAL ORGANIZATIONS

PROGRAMA

RE-ENCUENTRO



FRANCISCO AMARO  
COORDINADOR NACIONAL

TELS. { (213) 383-1880  
(213) 737-2586  
(213) 384-1536

1124 SOUTH FEDORA STREET  
LOS ANGELES, CALIFORNIA 90006

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March 14, 1980

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Senator Edward Kennedy  
 Kennedy For President Committee  
 22nd and N Streets N.W.  
 Washington D. C. 20037

Dear Senator Kennedy:

It was my pleasure to participate in a press conference by a coalition of Mexican-American leaders in Los Angeles on March 13, 1980 endorsing you for president. At this time I am asking that you speak against the intolerable conduct by the U.S. Immigration Service in harrassing mexicans crossing the U.S. Mexican Border to purchase goods in El Paso, Texas. I am enclosing a copy of an article that appeared in La Opinion on March 14, 1980 relative to this matter.

Further, a group of Mexican-Americans from San Diego has informed me that U.S. Immigration service is arresting children and detaining them like criminals at the U.S. Border at San Ysidro, California. It would be appreciated if you would look into this matter through the Senate Judiciary Committee.

Very truly yours,

*Francisco Amaro*  
 FRANCISCO AMARO

"LOS GRUPOS HUMANOS SE DISTINGUEN  
 Y SE HACEN FUERTES, CUANDO PUEDEN  
 ENCONTRARSE RAZONES DE UNION"

LIC. JOSE LOPEZ PORTILLO  
 (PRESIDENTE DE MEXICO)

MAILGRAM SERVICE CENTER  
MIDDLETOWN, VA. 22645

Mailgram

4-077003E089002 03/31/79 ICS IPMRNCZ CSP LSAB  
1 2134841536 MGM TDRN LOS ANGELES CA 03-30 0828P EST

F AMARO  
2715 WEST PICO BLVD  
LOS ANGELES CA 90006

THIS MAILGRAM IS A CONFIRMATION COPY OF THE FOLLOWING MESSAGE:

2134841536 MGM TDRN LOS ANGELES CA 100 03-30 0828P EST  
ZIP  
PRESIDENT OF THE UNITED STATES JIMMY CARTER  
WHITE HOUSE  
WASHINGTON DC 20500  
DEAR MR PRESIDENT

IN BEHALF OF THE MEXICAN AMERICAN POLITICAL ASSOCIATION I WOULD LIKE TO  
RECOMMEND MR MANUEL LOPEZ A HIGHLY QUALIFIED MEXICAN AMERICAN FOR THE  
POSITION OF EMBASSADOR TO MEXICO SINCERELY

FRANCISCO AMARO  
MEXICAN AMERICAN POLITICAL ASSN OF LOS ANGELES  
2715 WEST PICO BLVD  
LOS ANGELES CA 90006

01:38 EST

MGMCOMP MGM

PRESIDENTIAL ADVISORY BOARD  
ON AMBASSADORIAL APPOINTMENTS

DEPARTMENT OF STATE  
WASHINGTON, D.C. 20520

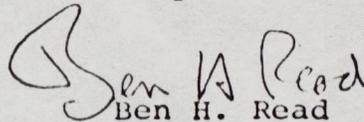
April 9, 1979

Dear Mr. Amaro:

The President has asked me to respond to your telegram of March 30 recommending Mr. Manuel Lopez for appointment as the next United States Ambassador to Mexico.

Though it is the policy of the Advisory Board not to discuss particular countries that have been referred to it for recommendations, Mr. Lopez' name has been placed before the Board for its review should Mexico be referred to it at some future date. In such an event I can assure you that his credentials, and your endorsement, will receive every consideration.

Sincerely,

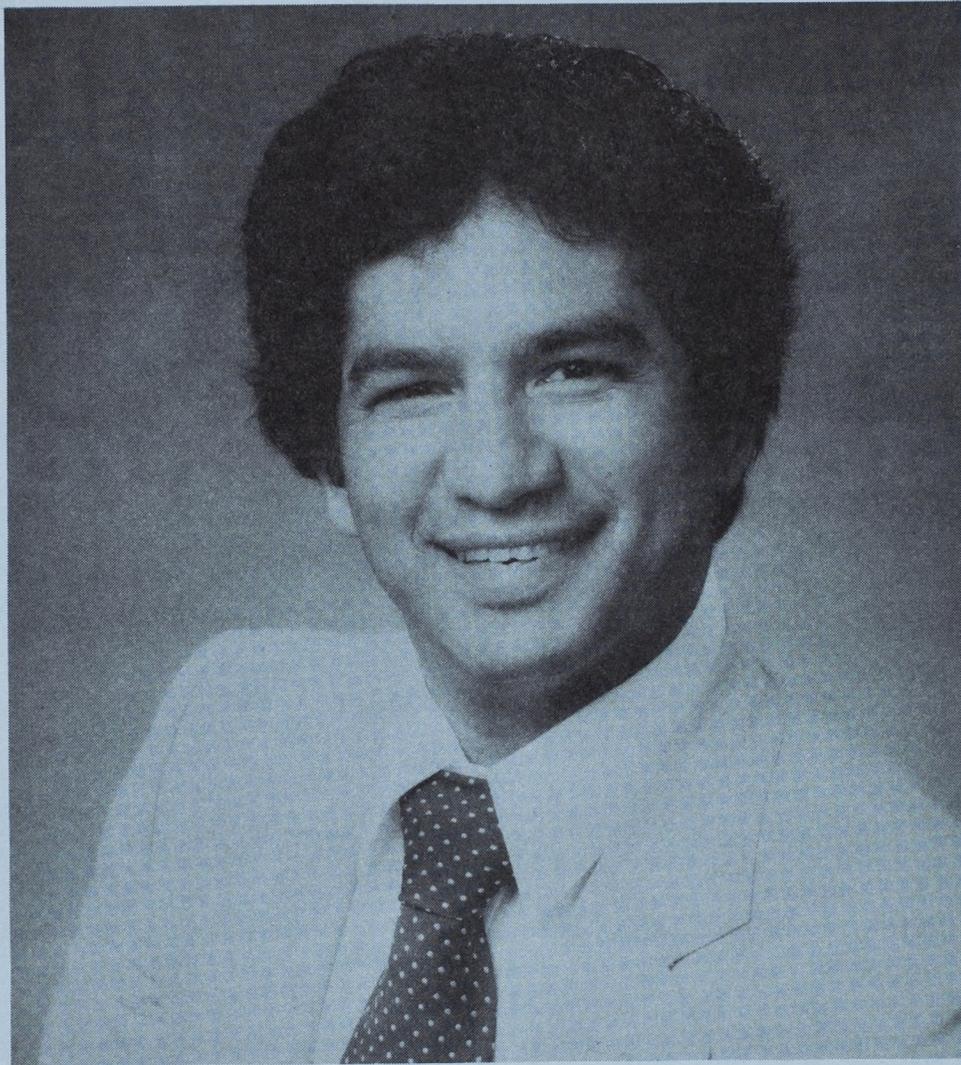
A handwritten signature in cursive script that reads "Ben H. Read". The signature is written in dark ink and is positioned above the typed name.

Ben H. Read  
Executive Secretary

Mr. Francisco Amaro,  
Mexican American Political  
Association of Los Angeles,  
2715 West Pico Boulevard,  
Los Angeles, California 90006.



**ADELANTE CON  
SALDAÑA**



**Lupe Saldaña**  
**for**  
**National Chairman**