

U.S. Marshal's Foster Care
Program
Catholic Community Services
349 Cedar
San Diego, California
92102



Catholic Community Services

of the Diocese of San Diego

Telephone
(714) 231-2828

Foster Home Requirements

U.S. Marshall's Program

349 Cedar Street
San Diego, CA 92101

Process for Becoming a Foster Parent

1. Orientation
2. Return completed application
3. Have home study
4. Completion of above does not guarantee license

Basic Requirements

1. Be of good character
2. Fingerprinting
3. TB test, *physical exam C.S.*
4. Comfortable living accommodations (safe and suitable)
5. Non-discrimination
6. No corporal punishment (hitting, spanking, depriving of food)
7. Foster parents must be emotionally, physically and mentally able
8. Each family member must be willing to accept child
9. Foster parent must provide for adult supervision when absent

The following are copies of forms many foster parents
have questions about:

1. Authorization for Emergency Medical Care
2. Fingerprint Card
3. Injury/Death Report
4. Physical
5. Reference Letter



Catholic Community Services
of the Diocese of San Diego

Telephone
231-2828 Ext. 42

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

AUTHORIZATION FOR EMERGENCY MEDICAL CARE

U.S. Marshal's Foster Care Program

MINOR

The U.S. Marshal's Office, Southern District of California, U.S. Department of Justice, U.S. Courthouse, 940 Front Street, San Diego, California 92189. Phone 293-6620 or 293-6622 (24 hour line) and Catholic Community Services, 349 Cedar, San Diego, California 92101, have entrusted the above named minor for temporary foster care with _____

Such adult person/persons is/are hereby authorized in an EMERGENCY to consent to any x-ray examination, anesthetic, medical or surgical diagnosis or treatment and hospital care to be rendered to said minor under the general or special supervision and upon the advice of a physician and surgeon licensed under the provisions of the Medicine Practice Act or to consent to an X-ray examination, anesthetic, dental or surgical diagnosis or treatment and hospital care to be rendered to said minor by a dentist licensed under the provisions of the Dental Practice Act. All non-emergency examination treatments and hospital care shall be authorized by the U.S. Marshal's Office.

Said examination, treatment, and care to be billed to and paid for in full by the U.S. Marshal's Office.

A photocopy of this Authorization for Care shall be as valid as the original.

Foster Care Director
Catholic Community Services
349 Cedar
San Diego, CA 92101

U.S. Marshal's Office
940 Front Street
San Diego, CA 92189

CATHOLIC COMMUNITY SERVICES

349 Cedar Street
San Diego, CA 92101

_____ have applied for a foster care license and have given us your name as a reference. Please fill in this confidential report and give any additional information regarding the applicant's competence for the license.

We will be making a personal visit with at least one of the references given. If you would like to discuss any matter of concern please call me at _____.

Thank You.

- _____
1. In what way are you acquainted with the applicants? Is it through kinship, marriage, friendship or business? _____
 2. How long have you known them? _____
 3. Would you consider them kind and considerate in their treatment of children? _____
 4. Can you recommend the applicants' character and conduct? _____
 5. Is the applicant a good homemaker and manager? _____
 6. Would you consider it a desirable home for a child related to you? _____
 7. Cite any limitations and give examples _____
 8. Additional information _____

Reference's Signature _____ Date _____

INJURY/DEATH REPORT

Notify licensing agency within 48 hours

Date

1. Name of Facility

2. Address

3. Individual's Name

4. Placement Agency

5. Date and Approximate time Injury Occurred

6. Describe How and Where Injury Occurred

7. What Appears to Be the Extent of the Injuries?

8. Persons who Observed the Injury

9. What Action Did You Take? (Attach Sheet if More Space is Needed)

Signature of Person Reporting

Date

(See reverse side for Death Report)

INJURY/DEATH REPORT

Notify licensing agency within 48 hours

1. Name of Facility	Date
2. Placement Date	
3. Address	
4. Deceased's Name	
5. Age	6. Sex
7. Placement Agency	
8. Date and Time of Death	9. Place of Death
10. Describe Immediate Cause of Death (If Coroner Report Made, Send Copy)	
11. Describe Conditions Contributing to Death	
12. What Action Did You Take? (Attach Sheet if More Space is Needed)	
13. Name of Attending Physician	
Name of Mortician	
Signature of Person Reporting	Date

(See reverse side for Injury Report)

APPLICANT

LEAVE BLANK

TYPE OR PRINT ALL REQUESTED DATA
LAST NAME FIRST NAME MIDDLE NAME

MAIDEN NAME/ALIASES

THIS DATA MAY BE COMPUTERIZED IN
LOCAL, STATE AND NATIONAL FILES

*CONCEALED WEAPONS APPLICANTS FILL
OUT REVERSE SIDE COMPLETELY

STATE OF CALIFORNIA
DEPARTMENT OF JUSTICE
Bureau of Identification
P.O. BOX 13417
SACRAMENTO, CA 95813

AGENCY
AND ADDRESS

LEAVE BLANK

SIGNATURE OF PERSON FINGERPRINTED

SUBMITTING AGENCY
No.

SEX

HT. (IN.)

WT.

EYES

HAIR

DATE OF BIRTH

SIGNATURE OF OFFICIAL TAKING
FINGERPRINTS

(DATE)

PLACE OF BIRTH (STATE)

LEAVE BLANK

CLASS

DATE FINGERPRINTED

SEARCHED BY:

VERIFIED BY:

**PAYMENT
OF FEE
REQUIRED FOR
PROCESSING
BY BID**

FBI No.

1. R. THUMB

2. R. INDEX

3. R. MIDDLE

4. R. RING

5. R. LITTLE

6. L. THUMB

7. L. INDEX

8. L. MIDDLE

9. L. RING

10. L. LITTLE

L. THUMB

R. THUMB

BUREAU OF IDENTIFICATION
SACRAMENTO, CALIFORNIA

LEFT FOUR FINGERS TAKEN SIMULTANEOUSLY

RIGHT FOUR FINGERS TAKEN SIMULTANEOUSLY

DO NOT FOLD
Type or Print All Requested Data

STATE OF CALIFORNIA
DEPARTMENT OF JUSTICE

DO NOT FOLD
Type or Print All Requested Data

BUREAU OF IDENTIFICATION
P. O. BOX 13417, SACRAMENTO, CALIFORNIA 95813

° Voluntary—Social Security Number will be used for identification purposes only.
APPLICANT: Failure to fill out both sides of this form completely may cause unavoidable delay.

ONE OF THESE BOXES MUST BE CHECKED

APPLICANT FOR

- | | |
|--|--|
| <input type="checkbox"/> Teachers Credential | <input type="checkbox"/> Concealed Weapon License |
| <input type="checkbox"/> School Employee | <input type="checkbox"/> State Employee |
| <input type="checkbox"/> Public Employment | <input type="checkbox"/> Other License or Permit |
| <input type="checkbox"/> Peace Officer | <input type="checkbox"/> Law Enforcement Personnel |

Drivers License Number

Social Security Number °

PLEASE COMPLETE INFORMATION BELOW

Residence Address	Business Address	Current Employment
In Emergency Notify—Name	Address	Relationship

Even though spaces below apply, it is advisable to fill out all information indicated above, for permanent personal identification record.

IF APPLICATION FOR PUBLIC EMPLOYMENT

Department or Agency of Employment	Statutory Code (If Applies to Job Title)	Title of Position
------------------------------------	--	-------------------

°° IF APPLICATION FOR CONCEALED WEAPON LICENSE

Reason for Desiring License. Knowingly furnishing false information is a misdemeanor (Penal Code Section 12051b)
I attest that all of the statements and information on this card are true and correct.

Signature of Concealed Weapon License Applicant		Date	
Make	Type	Caliber	Serial Number

IF APPLICATION FOR OTHER LICENSE OR PERMIT

Application for <input type="checkbox"/> License <input type="checkbox"/> Permit For:	Statutory Code (If Applies to License or Permit)
Licensing or Permit Issuing Agency	Agency and Address

An issue of tremendous controversy faced by the United States and Mexico is immigration. Some of the factors which assure the continuing migration of Mexican people who enter the United States both legally and illegally are two thousand miles of border that is difficult to patrol and the lure of employment opportunities in a neighboring country for a poverty stricken population in a Third World country.

An undocumented person is someone who enters the United States without legal status and is subject to deportation.

We are the Catholic Community Services' and United States Marshall's Pilot Foster Care Program. Our concern is with the dependent children of undocumented persons in the custody of the U.S. Marshall as material witnessess in professional illegal smuggling of persons into this country.

Our efforts are mostly with adolescents who are incarcerated at the Metropolitan Correctional Center although they are not considered juvenile delinquents nor are they charged with criminal offenses. Most are from the interior of the Republic of Mexico. They and their families paid a professional smuggler, one who often preys on the helpless and destitute, in exchange for safe passage into this country. Here they hope to find work and financial refuge.

Instead, they find themselves in custody until the cases involving those who smuggled them in are concluded. Then with parents or relatives they are returned to Mexico or other country of origin.

HOW DOES THE U.S. MARSHALL'S FOSTER CARE PROGRAM WORK?

Through outreach activities prospective foster parents are recruited and orientated by a social worker. Application for a foster home license is made at Catholic Community Services, 349 Cedar, San Diego, 92101, or in the applicant's own home.

A social worker from Catholic Community Services is available to the foster family to answer questions, provide support and help meet any problems that arise. The social worker also assists in determining the age, sex, and number of foster children who would best fit in with each family.

The placement process begins with a request from the U.S. Marshall's office, U.S. Courthouse, 940 Front Street, San Diego, California, 92189. CCS is asked to find a foster home for one of the young persons defined by the Marshall's office as a "low risk" individual who would benefit from temporary placement in a foster home as an alternative to housing and care at the Metropolitan Correctional Center.

If the family agrees to accept placement the Marshall's office transports the foster child to the home. A social worker from CCS may also accompany the child.

Funding for this program is provided through LEAA, the Law Enforcement Assistance Administration Office of Juvenile Justice and

Delinquency Prevention, 633 Indiana Ave. N.W. Rm. 442, Washington,
D. C., 20531. This program was conceived by James R. Laffoon,
United States Marshall, Southern District of California and defined by
him and many others over a period of more than one year.

This handbook is about caring for children and young people, mainly of Mexican origin. Unlike the typical youngsters of American television these children do not come neatly packaged, well-scrubbed, and with problems that can be solved in thirty minutes or less. The reality of life for them differs from the reality of life for many American families and the happy endings are few and far between.

The placement of children in foster homes is difficult on everyone involved. Many parents may feel sad, worried, or nervous. On the other hand, thankfulness may be felt by some who trust and understand the temporary nature of foster care for their children. But to child and parent both, placement means a tremendous loss of support. No matter how inadequate the care the child is receiving, from his or her point of view, when the child is placed it may be even worse because then he may feel completely alone. His concern is then "Who will take care of me?"

According to California law, any person, other than a close relative, caring for a child must have a license. Licenses are issued by Catholic Community Services through the Department of Social Services, Community Care Licensing, 6150 Mission Gorge Road, Suite 116, San Diego, California, 92120.

To comply with licensing requirements, in addition to completing

an application foster parents will need to be fingerprinted and have a physical exam and TB test. A social worker will schedule several visits in your home to get acquainted with your family and check to make certain you have adequate room for foster children. The persons whose names you give as references will be contacted. A home study will be made and you will learn about some problems you might have to confront and how to cope with them.

It takes 60 to 90 days from the time your application is received to complete the licensing of your home. Foster home licensing is a protective and preventive service to children who must live apart from their families, even temporarily. Among the standards used to attempt to assure a secure, friendly and healthy environment are:

Stable families. Married or single persons may apply.

Age: no set upper limit

The parent(s) and the family's own children should be willing to accept a "stranger" into their home.

The ability to realize that the child is not permanently in your home.

Ability to provide security, understanding, acceptance, and other positive qualities of parenting regardless of size of home or income.

Ability to accept and learn to handle the unique problems that these foster children may have and to treat each child individually.

Income: sufficient income in the home to meet the family's own needs as defined by them without depending upon foster care payments for support.

Employment: Both parents should not be employed outside the home if it will adversely affect the care of the child.

Health: Good physical and mental health. Physical exam and TB test.

Criminal Record: Fingerprint clearances are required.

References: Satisfactory personal references are required.

Discrimination: Foster parents may not refuse to take a child solely because of the race or religion of that child.

Discipline: No use of corporal (spanking, hitting, slapping, etc.) punishment is allowed.

Safety: Housekeeping standards and health standards should be satisfactory.

Sleeping Accomodations: Bedrooms of sufficient size may be shared. Brothers or sisters may share a bed.

WHAT IS A HOME STUDY?

A home study is an opportunity for the foster family to acquaint themselves with the agency and for the social worker to know the foster family. It is the means by which the worker can understand the desires, expectations, and concerns the foster parents have. It also serves to acquaint the worker with the accommodations you plan to offer and gives the worker an insight into each family's home pattern such as time and type of meals served and tasks assigned to family members. This helps the social worker to prepare the child for entry into the routine of the foster family.

It is helpful to learn about your background and experiences as well as your interest in foster care. A home study consists of information compiled from foster parents and family members through interviews in the home. This information is on types of discipline, affection displayed in the home, and home management. It is important to know what experiences foster parents have had with their own children or upbringing. How have you handled problems in the past and what behavior do you find unacceptable? How can you help a child to change such behavior, what problems do you feel unable or unwilling to work with? What age child do you feel most comfortable with and why?

The home study will explore how a foster child will affect the lives of the family, especially if there are children already in the home. Sometimes a foster child fits easily into the foster family,

sometimes not. Another person in the home means more work and may add or intensify problems already in the home. The foster child's personality may just not mesh with those of others in the home.

Children in the home may also be disturbed when the foster child has to leave. The entire family may worry about what will happen next to the child and wonder what fate awaits him. Children in the home may worry that they too could be faced with leaving and they may act out this fear.

Some foster parents may like their social worker and the help and support the worker and agency can offer, especially in stressful situations. But sometimes it can be very difficult to have a social worker hovering about -- someone who perhaps has no parenting experience but who still wants to give advice and assistance. It is very natural to have mixed feelings about the social worker and the agency.

Once placed the agency is committed to making the placement work until the child must be deported. To do this the social worker must rely on you to share information and feelings that affect the placement.

WHAT MAKES A GOOD FOSTER FAMILY?

Every family, just as every foster child, is unique. Some share hobbies and many activities together. Other families are more withdrawn or home-centered. None of these characteristics is necessarily good or bad and there are no ideal families. There are characteristics which can increase the potential success of a good foster home such as:

Similar to child's experience in terms of family structure, culture and activities

Stable marriage and home life

Stable employment

Interest in role as foster parents because aware of need and wish to help, not because of interest in money

Like to help others and enjoy children and young people

Cheerful and warm disposition

Understanding and patient

Flexible and able to handle stress, use common sense

The needs of foster children include security, companionship, affection, supervision, and good family experiences. People who accept foster children are not model families, rich, or perfect in any way. Our program seeks families who get along well with each other and others in general. Families whose homelife is free from undue stress and thus better able to manage behavior problems or stress caused by the foster child.

Most foster children are disturbed by separation from their family. Ours are additionally burdened by a language barrier and fear over what has and is happening to them. The foster family should approach this with patience and understanding. Any unusual problems can and should be shared with your social worker.

Most important is that everyone in the family agree on having a foster child in the home as all must contribute to providing a supportive and caring climate for the foster child or young person.

Foster Home Requirements
U.S. Marshall's Program

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8. Each family member must be willing to accept child
9. Foster parent must provide for adult supervision when absent

The Guidelines of the Foster Parents

Food Service

Meals must be served regularly and the diet shall be nutritionally well balanced, adequate and suitable for the age of each child.

Medical Care

- a. First aid equipment, which meets the American Red Cross standards, should be available at all times and foster parents should be familiar in emergency first aid.
- b. Authorization for medical, dental or eye glasses must be obtained in advance, if the government is to be billed for such work.
- c. In an emergency when medical treatment is clearly necessary to conserve the child's health, the foster parent may proceed with necessary treatment. Notification of treatment must be made.
- d. Advance arrangements must be made for hospitalization of a child who is injured or becomes ill, including isolation if necessary, notification to the Catholic Community Services Counselor who will notify the Enforcement Specialist for medical care.
- e. Foster homes shall not accept children who are mentally retarded unless within the discretion of the Project Director, the care of the child is permitted. Such permission will be given only when all of the following conditions are met:
 1. The home can meet the individual needs of the child.
 2. Presence will have no adverse effect on any other children.

The Foster Home

- a. Age and sex of the children the foster parents are permitted to accept is determined by the type of sleeping quarters available.
- b. The foster home must provide meals that are served regularly and the diet shall be nutritionally well balanced, adequate and suitable for the age of each child.
- c. The home life of the foster family shall be sufficiently harmonious to provide emotional security for foster children. Each member of the

The Guidelines of the Foster Parents

foster family shall be willing to accept the foster child.

- d. Houses shall be clean, reasonably orderly and shall have a home like atmosphere.
- e. Foster parents shall provide protection, care and guidance of children in a safe, home setting. The mother must evaluate each child daily for illness.
- f. Foster parents shall provide training in personal hygiene and cleanliness for each child.
- g. All foster parents shall be in good health, both physically and mentally and free from defects and disabilities.
- h. Foster children shall have individual beds with good springs and clean comfortable mattresses. Two (2) brother and sisters of suitable age are permitted to occupy a double bed.

HOW DO I APPLY TO BE A FOSTER PARENT?

Direct all inquiries to Catholic Community Services, 349 Cedar, San Diego, California, 92101, U.S. Marshall's Foster Care Program. Telephone NO. 231-2828. An appointment will be made for you to come to CCS and meet a social worker, or you may request that the worker visit you in your own home. The worker will help you fill in your application and discuss the age and sex of the child or young person with whom you wish to share your home.

IS RELIGION A FACTOR?

It is not necessary that foster parents be Catholic but the agency places mostly Catholic children.

MAY WE EXPECT FINANCIAL HELP?

Yes. Checks will be sent to you on a monthly basis, ten dollars per day for children ages 11 to 14, or fifteen dollars per day for young people ages 15 to 18. The date of placement and the date of departure will be counted as a single day.

WHAT WILL BE COUNTED IN EACH PAYMENT?

Room and board. This includes meals, laundry, use of household supplies (soap, toothpaste, shampoo, sanitary articles) and medicine cabinet supplies (aspirin, band-aids, etc.)

WHAT DO I DO WHEN A FOSTER CHILD MISBEHAVES?

Foster parents cannot use corporal punishment on a foster child. This includes spanking, pulling hair, slapping, pinching, and depriving the child or young person of any necessities such as food or drink.

When you are upset by the child's behavior, etc., discuss your feelings openly with your social worker. The worker will make regular visits to your home to see how things are going and to give you a chance as well as the child, to discuss any problems before they become unmanageable.

Remember that a person may protect himself by remaining withdrawn for a time or he/she may attempt to provoke you and create a wall of anger. The child may be overly obedient to avoid relating to you with any depth or he may minimize what you as a foster family offer. These tactics may prevent you from becoming involved with the child so the child then has no worry about rejection. In effect, he creates or causes the very action he fears.

What can you as a foster parent do about this? You can be clearly aware of problems you may face and accept that as a human being your own personal problems may make it difficult to be as good a parent as you would like to be. Recognize that foster children and young people also have difficulties and therefore may need to protect themselves against closeness.

Your social worker will provide you with a pamphlet on discipline

written by a local psychiatrist.

HOW LONG DO CHILDREN REMAIN IN THE FOSTER HOME?

Each case is handled on an individual basis and is dependent on many factors. An average length of placement is 2 weeks.

HOW OLD ARE THE FOSTER CHILDREN?

Those involved in the foster care program range in age from eleven to eighteen years. Those less than age eleven stay with their mothers.

DO THEY ATTEND SCHOOL?

No.

ARE WE TO HAVE ANY CONTACT WITH THE CHILD'S PARENTS?

No, although arrangements can be made with your social worker for the child or young person to visit his/her parents. This will vary with individual situations and your social worker will transport and accompany the youngster.

WHAT ACCOMODATIONS MUST WE OFFER?

There must be enough room for foster children, brothers or sisters may share a double bed, and each child should have a place to keep any personal belongings.

MAY WE HAVE CHILDREN OF OUR OWN AND FOSTER CHILDREN TOO?

Yes.

IS THERE AN AGE LIMITATION ON FOSTER PARENTS?

Not ordinarily. Each case is different and the age of the child being placed and the capabilities of the family are considered.

GIFTS

Your generosity with material things depends upon your circumstances. You are not encouraged to provide any extras but neither are you discouraged from doing so. Do make sure any gifts are given no strings attached and let the foster children know what is theirs to take with them and what remains in the home.

INCOME TAX

As a general rule foster care payments are considered reimbursement for expenses, not income.

RELIGION

If you have a foster child who is not of your own religious faith you must not attempt to influence the child's beliefs. If there is no religion to which the foster child belongs he may attend services with you if he/she wishes to do so. Church attendance must be voluntary.

RUNAWAYS

When a child runs away notify the U.S. Marshall's office as soon as possible. Call your social worker.

SITTERS

We expect foster parents to have a life of their own and this will occasionally call for a sitter. Choose the person who will provide adult supervision as carefully as if you were arranging it for your own child. Each situation may vary and you may want to discuss this area with your social worker beforehand.

TRIPS/VACATIONS

If you plan any trips outside of San Diego County contact your social worker first. Your worker will provide you with an identification and travel card for the foster child. Remember that Los Angeles and Disneyland are outside San Diego County. Tijuana is outside the country and under no circumstances should you travel there with foster children. If you are planning a trip or vacation you may want to notify your worker so that special arrangements can be made for care.

WILL WE AS FOSTER PARENTS NEED MEDICAL CLEARANCES?

Yes, information on your general health and TB tests should be sent to your social worker.

WHAT ABOUT THE FOSTER CHILD'S MEDICAL CARE?

Foster children placed by CCS receive medical care at the Metropolitan Correctional Center or Sharp Hospital in San Diego.

DO report all illnesses immediately to your social worker at CCS Tel. No. 231-2828 or the U.S. Marshall's office Tel. No. 293-6620, 6060, 6061

DO arrange for each appointment with your social worker. Visits are by appointment only. Your social worker will transport and accompany the child or young person to MCC or Sharp's Hospital.

IN CASE OF AN EMERGENCY

Notify your social worker or the Marshall's office as soon as possible. If you live some distance from Sharp's Hospital and circumstances necessitate a trip to your nearest medical facility, DON'T hesitate. Your social worker can help you to

EMERGENCY TELEPHONE LIST

<u>NAME</u>	<u>PHONE</u>	<u>DAYS</u>	<u>TIME</u>
Catholic Community Services Foster Care Program 349 Cedar San Diego, California 92101	231-2828 Ext. 42	Mon./Fri.	9am/5pm
U.S. Marshal's Office 940 Front Street San Diego, California 92123 James R. Laffoon, U.S. Marshal	293-6620 293-6622	Mon./Fri. Evening/Weekends/	8am/4pm Holidays
Metropolitan Correctional Center 808 Union Street San Diego, California 92101	232-4311		
Sharp Hospital 7901 Frost San Diego, California 92123	292-2121 292-2266 EMERGENCY		
Ambulance From National City	238-1212 477-4111		
Fire From Del Mar	238-1212 481-1212		
Police From National City From Del Mar	236-5911 474-5511 755-0355		
Poison Center	294-6000		
DEFY Crisis Hotline From Del Mar	236-3339 ZENITH 3339	24 HOURS ASK OPERATOR FOR	

There is always the pressure that a foster family is after all a temporary refuge. No matter how attracted you may be to the child and how appealing the young person might be the legal reality is that the child must return to his/her parents and be deported to an unknown fate.

Some foster families can deal with this well and enter the situation understanding that a permanent relationship is not possible. Even under these circumstances try to invest yourself in the children and do the best job of parenting you can.

GUIDELINES FOR DISCIPLINE

BY

DR. THOMAS JOHNSON

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ACKNOWLEDGEMENT

THIS BOOKLET IS EXTRACTED FROM A SPEECH MADE BY DR. THOMAS JOHNSON, CHILD AND ADULT PSYCHIATRIST, AT THE CLAIREMONT ADULT SCHOOL COURSE, "WHO'S GENERATING THE GAP." Cover by April Drew Foster.

Published As a Public Service

By

THE YOUTH SERVICE BUREAU

And

SAN DIEGO COUNTY PROBATION DEPARTMENT

THE CORNERSTONE OF RAISING CHILDREN

I would like to present some guidelines in discipline. My primary intention is to present an approach into which you might plug your rules or punishments.

Discipline is a cornerstone of raising children into responsible adults. It is unfortunate that many times we think of discipline as so unpleasant that we are made uncomfortable by it. It need not be that way although I won't say that discipline is ever going to be fun for either party.

We start out with the basic assumption that the child, if he had his "druthers," would choose to live within the law and gain respect and approval from his parents and the other important figures in his life. When a child is chronically misbehaving, it means that something has gone wrong in key relationships in his life, such as with his parents, siblings and teachers. Children have few ways to show us that they are displeased. They cannot, for example, tell their parents they can't watch television. They often show it by frustrating the parents in those areas they know are important to the parents.

For example, if a youngster from an academically oriented family wants to frustrate his parents, he may do poorly in school. Children know this. We tell them, in a sense, by the particular things we emphasize that they should or should not do.

Because misbehavior is a child's way of showing his frustrated, angry feelings, it makes no sense to try to put the lid on them. You cannot make them go away. You can only transform them or use them up. If a parent tells a child, "Don't be angry with me," or "quit being angry with your sister," he may get the child to superficially make the anger disappear, but it will still be there and it will be there until it comes out. If the child finds a way to keep it in for a long period of time, then he may have troubles from the anger in other ways, such as ulcers, eczema, asthma, etc. I'm not saying that any child who has those things has them for emotional reasons, but we do know that anger and similar feelings not expressed do cause physical ailments.

Therefore, it behooves us to help the child express his feelings whenever we get any clue that he indeed is having strong feelings. If the feelings are forced underground and you can get the child to quit being angry with you in the kitchen, then he may go out and kick the dog. To expect that a child should, through logic or through demand, suppress his feelings is unreasonable. This does not mean that we let

the child do what he wishes with his angry feelings, but it does mean that we say to him, "Tell me about your anger, let's talk it out, but you may not hit, you may not use certain words." However, this is not likely to work if you tell the child not to use words that the parents use. If either of the parents are using certain words or doing certain things in anger, then you can't expect more control from the child. You can ask it, but you should not reasonably expect it.

ATTENTION IS IMPORTANT!

The single most important thing to a child is not love or food or water or friends -- it is attention. Any system of discipline which gives the child more total attention for doing the job wrong is in danger of rewarding the child for bad behavior. You should not be surprised if the child continues to do it. The chronically misbehaving child has a problem in low self-esteem and so he will take his attention any way he can get it. Any teacher among you could give examples of youngsters who seem determined to get 90 percent of the attention. It is an interesting thing about bad behavior. We tend to have a fatigue factor, and one broken window doesn't bother us today, if we've had broken windows for the last 50 days, but maybe 5 broken windows will shake us up today. The children know this and they get on this kind of a treadmill.

Because of the problem in self-esteem, it does not make sense to approach the brash, cocky child with the attitude, "I'll show him a thing or two." The bravado is a superficial facade which he wears because he is feeling so inadequate. We help him by building him up, not by tearing him down.

There are several ways to think about this that can be helpful. For example, you disapprove of what the child does, never of what he is or how he feels. That's important! It means that phrases like "shame on you," "you're a bad girl," "you're a naughty boy," should be thrown out. A person can change what he does, but children do not feel that they can change what they are. If possible, try to give the child the feeling that there is nothing, absolutely nothing, that he could do that could decrease your love for him. Regardless of his actions, you would still stand up and claim him in front of the world as your child. You would want him treated or punished, or whatever else seemed indicated, but you would not desert him. This does not give children the feeling of having a license to steal as you might think. Instead it gives them the kind of feeling that allows them to go out and try new things without worrying that if they fail, they're wiped out.

Many forms of discipline humiliate children; for example, standing them in the corner and long lectures. Try to find punishments that don't humiliate. Now I realize this is sometimes difficult to do, but it is a goal to shoot for. The smaller you make the child feel, the more driven he is going to be to getting his attention through misbehavior. I have not found in my experience a child who is having problems who did not also have serious problems in low self-esteem.

SETTING UP A SYSTEM

Let's think for a minute about how one goes about setting up a system of discipline. The first step is to decide on your rules, or your expectations for the child's behavior. There is a tendency for people now to expect too little of their children. If a child is asked to do a half hour's work, there's moaning and groaning. The parents look around the neighborhood and see other children aren't having to do that much. They think, "Perhaps I'm being too tough on the child." All they have to do is think back 20 or 30 years to find out what kind of work schedule children had when they were five and six and seven years old. They turned out pretty well as a rule. At least the problems they had were not the result of the work they did. So look at the expectations you have for your children and see, if anything, they might be raised a little bit. I'm not thinking here about grades. I'm talking here about things such as common courtesy, participation in family functions and participation in chores around the home. Having expectations that a child can contribute and can control his behavior is important in creating a child that you will be proud of and who will be proud of himself. It is extremely critical.

Some years ago, there was an ad on television for a toothpaste in which a little boy got up from the table to play baseball. His mother said, "Wait, you have to brush your teeth," and he got angry. Mother did something that was very important. Instead of saying, "Okay, brush them later," she said, "no, you're going to brush now," and she persisted. Now at that point we might say, "For a little thing, she sure made an ugly scene." But if she had said, "Okay, brush them later," some important things would have been undone. The boy next went outdoors and the other boys said to him, "Where ya been?" "My mother made me brush my teeth." "Yeah, she's always making ya do that." Then he said, "Yes, but I bet I have fewer cavities than you do." Now what in effect this boy is saying is, "My mother cares more about my teeth than your mother cares about your teeth; my mother loves me more

than your mother loves you." She could praise that child a thousand times a day, but if in the little ways of dealing with him she was giving him the message, "I don't care that much about you," and "I don't think you're capable," she lowers self-esteem. What this little boy got out of that incident was "my mother cares and she thinks I can do a good job." That may seem like very sophisticated thinking for small children. Of course, they don't come to those conclusions in so many words, but the message seeps through as this kind of thing is repeated and repeated.

SELF-ESTEEM IS A KEY

The Mayo Clinic did a study in this regard. They were trying to find out why children born with a variety of handicaps were growing up with different personalities. On the one extreme, there would be children who were outgoing, friendly, popular, successful, and their counterparts would be sarcastic, withdrawn, unpopular, failure-oriented youngsters. Two children might seem to have pretty much identical defects and come from similar families where both sets of parents love the children equally. What was the difference? The biggest factor that determined how the child did was not the defect, but his sense of self-esteem, how he felt about himself. What determined that? The biggest factor that determines a child's sense of self-esteem is what he thinks his parents think of him. That is not what his parents really think of him, it is what he believes they think of him.

For example, I'll make up a situation in which a child is supposed to take a turn at doing the dishes. Let's assume he has a disfiguring birthmark on his face. In the family where the child does not do well, when the child starts to do the dishes, he hears his friends playing outside, leaves, goes outside to play. His parents come by, see the job undone, think about calling him in and say to themselves, "He's got such a tough life ahead of him anyway with that birthmark, I'll be darned if I'll mess up an evening's fun." So brother, sister, or mother or father finishes the job. The child at the time is superficially happy, but the message that got through is "I must not be the same as the other children if I don't have to do the same thing that they do." He wonders if "they don't care about me or they don't think I'm capable enough to do a good enough job to justify the trouble that it would be to get me back in."

In those families where the children did well, the parents marched the child back into the house and made him do the dishes. The only

exception for that would be if he happened to be a child who was born without arms. He wouldn't have to do the dishes, but he would do something else. He would be expected to perform to the full limits of his capacity with the exception of his particular handicap.

WHO REALLY MAKES DECISIONS?

Where possible, it is good to invite the child's participation in the planning of the rules and of the consequences. I would like you to think of setting up your rules and your consequences much like a road map. A course of action brings a response and it is predictable. If you drive on the road from here to Yuma, you arrive in Yuma, not in Los Angeles. If you do not have your chores done by a certain time, a certain consequence will follow. You can depend on it and bribery, cajolery or threats won't change it. It will happen! You know how children are. If you say "if a job is not done by 9:00, there will be no television tonight," they will come back with "but tonight is the only night 'How the Grinch Stole Christmas' is going to be shown." The parents think "that this is true and I surely don't want them to miss that lovely story -- okay, if you sweep the garage too, it will be all right. You can miss your TV tomorrow night."

When you start making that kind of exception, you might as well throw your whole system of discipline out the window. Children are natural-born gamblers. If they think there is a little chance that they get around a rule based on your past performance, they will try it.

Let's say that a family is having trouble with the mealtimes. They might sit down together (not when everybody's angry) and say, "We've been having a lot of trouble with our meals. Let's talk about it -- let's see if we can come up with a better way." Maybe the kids will say, "I think we ought to have a rule about not throwing rolls." Whatever they come up with, don't put them down for it! Say, "Okay, I think that is a good idea. Any other ideas?" Out of this kind of discussion you bring about the main things that you want to work into a set of rules.

It is important that you not think that such a meeting should be brought to a vote. The only kind of things that should be brought to a vote are decisions about going to the mountains or the beach, not what the rules are going to be.

You listen to what they have to say, but you make the decision. There are some people talking to parents these days, advising approaches

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to children that sound to me like democracy. A family should never be a democracy; it should be a dictatorship -- a benevolent dictatorship in which the parents have the true interest of the children at heart. They listen to the children, they don't sit and read while the child is trying to explain his side. They really listen. When they have listened and thought about it, in discussion with the child, they inform the child of the decision.

Sometimes people say to me, "The way you would run a home sounds like a military barracks. You have a rule for this, that and everything else." That is not what I intend and I want to clear that up. If you will apply this test to all of your rules, you will find that you won't have a rule for everything. Throw out any rule that you do not feel so strongly about that you would be willing to enforce it under essentially any and all circumstances. Think of it this way -- would you have the rule and enforce it in the middle of the child's birthday party, or when grandmother is visiting, or when you're out in a Safeway Store? If you're not willing to then, maybe it is a rule that you don't feel strongly enough to really justify keeping it. Better to get rid of it. Instead of having the kind of atmosphere that might exist in a recruit barracks, you will find that there is less unpleasantness, less shouting, less talking, less punishment needed in following these guidelines.

If there is one key rule to remember in discipline, it is consistency. If a rule is a rule, it must be a rule yesterday, today and tomorrow predictably. This does not mean you can't change a rule if you later find it no longer fits or if you think it's not a good one. But if you change it, do it openly and aboveboard. Say to the kids, "Look, I don't think this is a good rule." For example, in a moment of anger you have said, "You cannot leave the house for five years." The next day you think it over and wonder about who is going to be punished with a rule like that, and you decide to change it. Change it openly. Say to the children, "Look, I was pretty angry yesterday and I think five years was a little too long; instead we will do such and such." Children will not lose respect for you if you make your changes in that way.

You should anticipate as many things as you can and try to decrease those situations where you're suddenly angry and have to make up a punishment. Because you have anticipated it, you will have thought out a reasonable consequence at a time when logic rather than anger prevailed.

Consequences should be as simple, as prompt and as related to the situation as you can make them. Taking away that which the child has

misused is very good any time you can do it. For example, if he is misusing the privilege of playing outdoors after supper by coming in too late, take that privilege away for a night or two. You don't need to take away dessert or something unrelated. Food, as a rule, is not a good thing to use as punishment. It has many different meanings to children and it can become complicated and a serious problem.

SOME BASIC RULES

Some "don'ts"

1. Never ask a child why he did something wrong. Chances are he doesn't know. If he does know, he is not likely to tell you. The reason he did it is not one you will like and he knows that, so you put him in the position of having to come up with a lie.
2. Don't lecture. Lectures serve only one good function. They help parents let off steam and feel like they've really done something. They do not instruct children! They put the parent in the position of being vulnerable to the child's turning him off. Don't put yourself in this kind of situation, if you can help it.
3. Don't warn. If you have to warn a child, do it in a specified way. Say to him, "I don't think you're capable of remembering to empty the wastebaskets every day because, goodness knows, you're only 18." Frequently parents give the child five warnings and only the sixth time that the child misbehaves will a parent institute consequences. You know exactly what will happen. They will do it six times. We think about warnings because it seems we can keep a showdown from coming, but it always comes. "Sometimes," parents think, "isn't it really unfair though not to give a child lots of warnings because they don't remember very well." They remember what they think it is worth their while to remember. If they think there will be a consequence that they do not like for forgetting to practice the piano or to empty the wastebaskets, and they think for sure that the consequence is going to come, they will remember.
4. Punishments do not have to be severe. An old rule from criminology says the effectiveness of a punishment is determined by the certainty, not the severity. A mother once told me that discipline did not work with her children. To prove her point she

said, "Dr. Johnson, last week alone I took television away from my children for a year, three times." She could have threatened capital punishment and those children would not have behaved any better. They would have figured it wasn't going to happen and they would have been right. The parents feel the child should change because he should want to do what his mother wants or that he can't like those things said to him all day long. The child will take attention any way he can get it. If mother instead said, "If the wastebaskets are not emptied by 8:30, there will be no television for the rest of the day," and at 8:30 sharp she says, "The wastebaskets must be emptied immediately, young man," she marches him out, she supervises, she sees that it is done right now and she informs him there will be no television for the rest of the day. She should not say things like "what did I ever do to deserve you? Can't you remember anything? How are you ever going to get a job," and all of the other things we feel we ought to get in there to really make the point. The point of discipline will be made by the consequence. If you choose a consequence that he won't like and one that you're comfortable using; if you do it consistently and recognize you're not going to get results right away, gradually over a period of weeks or a few months and the child gets the message and you do what you say you're going to do, it will work. I have never felt that a parent who applied this system, who really believed in it and tried it, had a failure with it. I mean a failure in the sense that they just came up against a stone wall and nothing worked, except in those situations where the youngster might be so severely disturbed that he actually was in need of psychiatric hospitalization or an extreme case like that.

5. Explanations: We're trying to raise responsible citizens and not robots. We are trying to raise people who can be individuals in their own right, not just a carbon copy of mother and father, so the thinking part of the discipline is important. We owe children explanations for what we say. However, if the child does not seem to understand or accept your explanation for a particular rule, you do not have to feel that you can't use it. This is easy to see when you are talking about a 3-year old who wants to cross the freeway, and you say, "no." You explain about traffic and he still says, "I want to." You don't say "yes," you say "no" and you stand on that. But somehow or another when children get older, when they get to be teenagers particularly, this fundamental rule gets lost. If the child can come up with "all

the other kids are, you're the only mother who won't," we sometimes weaken. I don't mean to imply that you should not constantly be re-evaluating your rules because even a good system of rules needs revision from time to time, but your overriding concern should be always how you feel about it inside. If you sincerely believe that your 15-year old should be home on Saturday nights by 9:00 and yet all of the others are out until 3:00, you are doing that child a disservice if you allow him to stay out til 3:00. He should be in at 9:00 because he knows that's what you think is best for him, and to do less is to let him down. I have heard children repeatedly tell me, "My mother never does what she says she's going to do." The child thinks, "I'd like to be out until 3:00," but they would prefer to have their mother say what they know mother believes. That's why you don't have to worry about whether or not your rules are fair rules. That isn't the point. Are your rules the rules that you personally believe in? Children can be raised with unfair rules and do just fine, if the parents approach it consistently and reasonably. The best set of rules in the world is not going to do you any good, if you approach it in a slipshod way.

6. The other half of the coin in the system of discipline is the praise. Go back to the point about attention. Where formerly we might have been nagging or lecturing or reminding the child, we now should turn that time into praising him. If the child is doing the job, if he gets up in the morning and he empties the wastebaskets, never let a day go by that you don't say something good about it. How long should you keep it up? Keep it up as long as he lives with you. It will not spoil him, it will not hurt him, it will not make him somebody who always has to have a pat on the back. It just doesn't work that way.
7. It is worthwhile to take a few minutes every day for your children as their time alone with you, good behavior or bad. Ideally this would be each parent giving each child a few minutes of time. It isn't always practical, but you should try to get together with them. It should be their time, not your time; not a time for you to go over their math, but time to use as they wish. It doesn't have to be a lot of time, it can be five minutes. It's the quality that counts. He should have the right to say, "I'd rather not have the time tonight, Dad." Don't have hurt feelings. This time should not be withheld as a punishment because if it's given in the right spirit, it's time the parent enjoys too.

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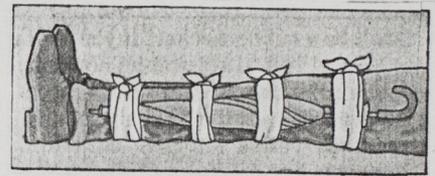
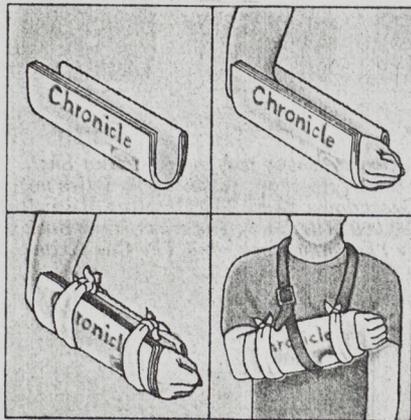
THESE RULES DON'T CHANGE

1. Don't disapprove of what a child is - disapprove of what he does.
2. Give attention and praise for good behavior, not bad behavior.
3. Parents should allow and encourage discussion, but the parent makes the final decision.
4. Punishment should be swift, reasonable, related to the offense, and absolutely certain to occur - it does not have to be severe.
5. Throw out all rules that you are unwilling to enforce, and be willing to change rules if you think it reasonable to do so.
6. Don't lecture and don't warn - youngsters can remember things they think are important to remember!
7. Don't feel you have to justify rules, although you should be willing to explain them.
8. As your youngster gets older, many rules may be flexible and subject to discussion and compromise, however, on those few rules you really feel strongly about, enforce them even if other parents have a different rule.
9. Allow the child or youth to assume responsibility for his decisions as as he shows the ability to do so.
10. Don't expect children to show more self-control than you do as the parent.
11. Be honest with your youngster - hypocrisy shows.
12. The most important thing in your youngster's self-image is what he thinks you think of him, and his self-image is a major factor in how he acts and what he does.

The Accident Kit

You'll probably find many of these items around the house. You may want to include other items not mentioned here. Keep the kit in a specific place and make sure everyone knows where it is and how to use it.

- Ammonia: to revive a person who has fainted
- Bandages: gauze bandages for dressing cuts and burns
- Distilled Water: for cooling burns
- Folded sheet or cloth: can be cut to make slings, wrappings, etc.
- Feminine napkins: work like gauze to help stop heavy bleeding
- Scissors and safety pins: have many uses



An umbrella can make a good leg splint. Secure it with pieces of sheet, bandages, belts, etc. Splints can also be fashioned from boards and pillows.

Splints prevent further damage and make the victim more comfortable. You can use a rolled newspaper and secure it with a belt. Put the arm in with the thumb up.

“Remember: you always have your most valuable equipment with you. The use of your hands and the breath of life in your lungs.”

(The American Trauma Society)



UNIVERSAL CHOKING SIGN

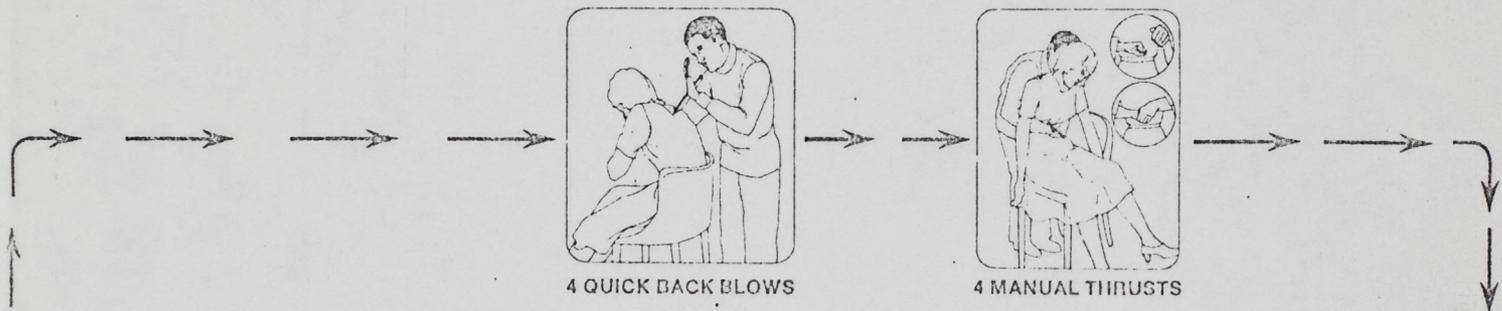
FIRST AID FOR CHOKING

victim can cough, speak, breathe ➔ *Do not interfere*

victim cannot cough speak breathe

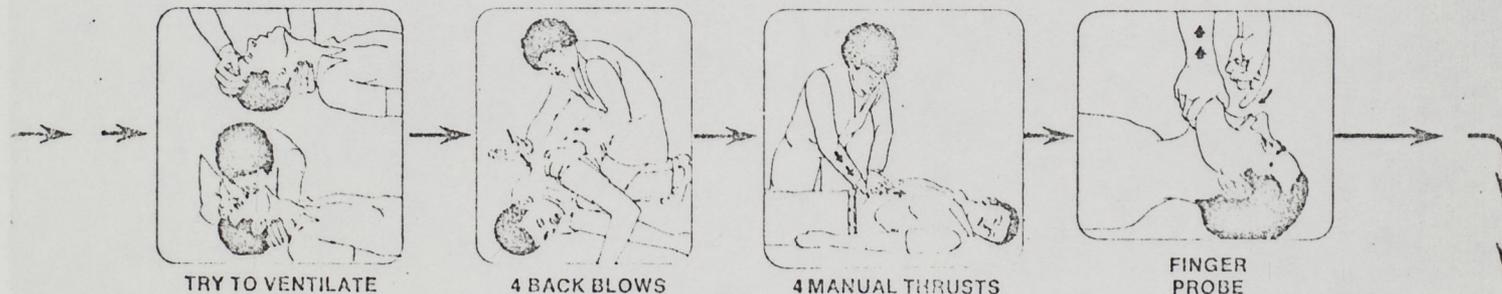
Have someone call for help.

TAKE ACTION: FOR CONSCIOUS VICTIM



Repeat steps until effective or until victim becomes unconscious.

TAKE ACTION: FOR UNCONSCIOUS VICTIM



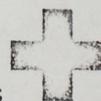
Repeat steps until effective.

Continue artificial ventilation or CPR, as indicated.

Everyone should learn how to perform the above first aid steps for choking and how to give mouth-to-mouth and cardiopulmonary resuscitation. Call your local Red Cross chapter for information on these and other first aid techniques.

Caution: Abdominal thrusts may cause injury. Do not practice on people.

A Courtesy of THE AMERICAN NATIONAL RED CROSS



WHEN BREATHING STOPS



IF A VICTIM APPEARS TO BE UNCONSCIOUS

TAP VICTIM ON THE SHOULDER AND SHOUT, "ARE YOU OKAY?"



IF THERE IS NO RESPONSE

TILT THE VICTIM'S HEAD, CHIN POINTING UP. Place one hand under the victim's neck and gently lift. At the same time, push with the other hand on the victim's forehead. This will move the tongue away from the back of the throat to open the airway.



IMMEDIATELY LOOK, LISTEN, AND FEEL FOR AIR.

While maintaining the backward head tilt position, place your cheek and ear close to the victim's mouth and nose. Look for the chest to rise and fall while you listen and feel for the return of air. Check for about 5 seconds.



IF THE VICTIM IS NOT BREATHING

GIVE FOUR QUICK BREATHS.

Maintain the backward head tilt, pinch the victim's nose with the hand that is on the victim's forehead to prevent leakage of air, open your mouth wide, take a deep breath, seal your mouth around the victim's mouth, and blow into the victim's mouth with four quick but full breaths just as fast as you can. When blowing, use only enough time between breaths to lift your head slightly for better inhalation. **For an infant, give gentle puffs and blow through the mouth and nose and do not tilt the head back as far as for an adult.**



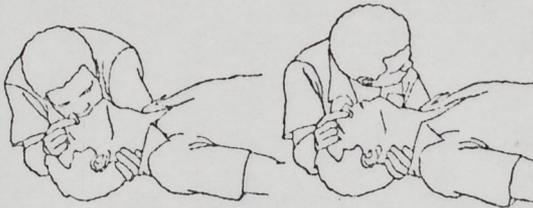
If you do not get an air exchange when you blow, it may help to reposition the head and try again.

AGAIN, LOOK, LISTEN, AND FEEL FOR AIR EXCHANGE.

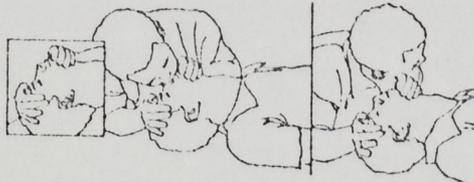
IF THERE IS STILL NO BREATHING

CHANGE RATE TO ONE BREATH EVERY 5 SECONDS FOR AN ADULT.

FOR AN INFANT, GIVE ONE GENTLE PUFF EVERY 3 SECONDS.

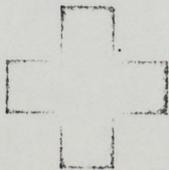


MOUTH-TO-NOSE METHOD



The mouth-to-nose method can be used with the sequence described above instead of the mouth-to-mouth method. Maintain the backward head-tilt position with the hand on the victim's forehead. Remove the hand from under the neck and close the victim's mouth. Blow into the victim's nose. Open the victim's mouth for the look, listen, and feel step.

For more information about these and other life-saving techniques, contact your Red Cross chapter for training.



AMERICAN RED CROSS

ARTIFICIAL RESPIRATION

Everyone knows accidents only happen to other people. What many of us don't know is how to react, what to do when accidents occur and we suddenly become that other person:

What's the most important thing to remember when a serious accident occurs? There are three things worth remembering:

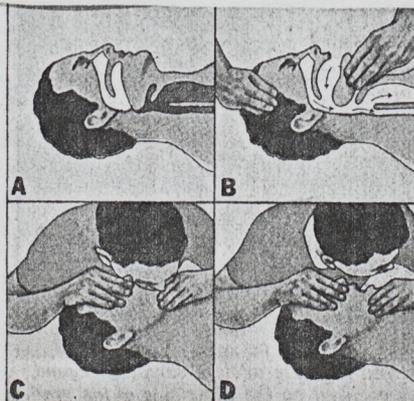
1. Don't panic. You need your strengths and common sense.
2. Think. Do what needs to be done in logical order. Don't do more than your qualified to do.
3. Don't try to be a hero. Call or send for help as soon as possible.

What are the basic first aid procedures I should know? Dr. William O'Riordan, spokesman for the American College of Emergency Physicians, says the following are the most useful:

1. Starting breathing-

- A. The back of the tongue may obstruct the airway.
- B. Lift the jaw forward to help open it.
- C. Pinch the nose shut. Take a deep breath. Open your mouth wide and put it over the victim's mouth. Make a tight seal. Blow to fill the lungs. Watch the chest rise.
- D. Listen for air to come out. Watch the chest fall. Repeat steps C and D over and over every 5 seconds until the victim starts to breathe. (For an infant, puff gently into nose and mouth at the same time.)

Someone who has stopped breathing can die in 4 to 6 minutes. Serious brain damage can occur after just 2 or 3 minutes. Start mouth-to-mouth breathing right away! Don't wait!



Follow these steps for mouth-to-mouth resuscitation, described above.

2. Stopping bleeding - On arms and legs that are not broken, press directly against the wound with the cleanest cloth or pad available, and hold the arm or leg up. Keep the pressure on until the bleeding stops. If the cloth or pad becomes soaked, leave it on, and put another on top. (Use direct pressure to stop bleeding in other areas of the body, too.)

If direct pressure doesn't stop the bleeding, also try using a pressure point shown above.

A person can bleed to death in one minute if a major blood vessel is cut. Don't wait! Stop the bleeding right away!

NOTE: Don't apply a tourniquet unless it's absolutely necessary. Completely shutting off blood to a limb could mean the loss of that limb.

3. Treating shock - Shock can happen to anyone who is badly hurt, especially if he's bleeding. A person in shock may have sweaty skin, look pale and weak, and have an unusually rapid heartbeat.

Try to get him to lie down, and prop up his feet. Keep him as comfortable as possible. Wrap him in a blanket or coat. Words of encouragement always help.

4. Treating eye injuries - If a foreign object like glass or wood is lodged in the eye, leave it alone, and wait for medical help. If no foreign matter is involved, cover both eyes with a cloth or gauze. This will reduce movement of the injured eye.

5. Treating burns - Try to cool the burn by rinsing it with clean, clear water. Then cover it with a clean cloth. But don't apply any ointments. Treat for shock. What if a victim's heart has stopped? Use CPR only if you've had professional instruction. CPR stands for cardiopulmonary resuscitation. It's a technique used to get the heart and lungs working again once they've stopped.

6. Don't attempt to move a victim if you suspect she might have a broken neck or back, unless it's absolutely necessary to do so. Try asking the victim to wiggle her fingers or toes. If she can't, her neck or back could be broken. Wait for trained medical personnel to arrive on the scene if at all possible.



Committee on Chicano Rights, Inc
PARA PUBLICACIÓN INMEDIATA

SAN DIEGO, CALIFORNIA

19 ABRIL 1985

"ORGANIZACIONES CHICANO/LATINAS AMENAZAN BOICOT"

"DECLARAMOS UN BOICOT EN AMBOS LADOS DE LA FRONTERA SI LAS DESMEDIDAS CONSECUENCIAS RACISTAS PROPUESTAS POR EL SAN DIEGO MOTOR RACING ASSOCIATES, INC., SDMRA, PARA LA SIN/PATRULLA FRONTERIZA NO SON RESCINDIDAS," DIJO HERMAN BACA, PRESIDENTE DEL COMITÉ PRO DERECHOS CHICANOS Y PORTAVOZ DE LA COALICIÓN CHICANA/LATINA.

PAÚL JIMÉNEZ, PRESIDENTE DEL AMERICAN G.I. FORUM, GREG SANDOVAL, PRESIDENTE DEL SAN DIEGO MEXICAN-AMERICAN POLITICAL ASSOCIATION, AL DUCHENY, PRESIDENTE DEL HARBORVIEW COMMUNITY COUNCIL, VERONICA ENRIQUE, DIRECTORA DEL CENTRO CULTURAL DE LA RAZA, BEA ESTRADA, DE LA LEAGUE OF UNITED LATIN AMERICAN CITIZENS, Y TOBY MONGE, ADMINISTRADOR DE LA MESA DIRECTIVA ESCOLAR DE SAN YSIDRO, JUNTAMENTE CON EL COMITÉ PRO DERECHOS CHICANOS, HAN FORMADO UNA COALICIÓN PARA Oponerse a LA PROPUESTA AFRENTOSA DE LA SDMRA.

SEGÚN DECLARACIONES HECHAS POR SDMRA EL 16 DE ABRIL 1985, LA CORPORACIÓN ESTÁ TRATANDO DE APACIGUAR A LA SIN/PATRULLA FRONTERIZA POR CONVENIR EN ESTABLECER: RETENES DE CONTROL, CENTROS DE DETENCIÓN, TORRES DE VIGILANCIA, BARRERAS EN FORMA DE CERCAS MÚLTIPLES, Y UN CUERPO PRIVADO DE SEGURIDAD COMPUESTO DE 200 A 300 PERSONAS QUE TRABAJARÁN COMO AGENTES DE LA PATRULLA

FRONTERIZA EN LA AUTO PISTA PROPUESTA PARA LA MESA DE OTAY.

LA AUTO PISTA INTERNACIONAL OCUPARÁ 520 ACRES A UN COSTO DE \$10,000,000 DÓLARES. SU INAUGURACIÓN ESTÁ PREVISTA PARA EL MES DE JUNIO DE 1986. EL CONSEJO DE PLANIFICACIÓN Y REVISIÓN AMBIENTAL DEL CONDADO DE SAN DIEGO TOMARÁ EN CONSIDERACIÓN LA APROPIACIÓN DEL PROPUESTO PROYECTO EN SU SIGUIENTE SESIÓN.

"ES MUY EVIDENTE QUE LA XENOFOBIA ANDA DESENFRENADA BAJO LA ADMINISTRACIÓN DEL PRESIDENTE REAGAN," DECLARÓ BACA. "ESTA COALICIÓN QUIERE DEJAR CLARO QUE LOS CHICANOS/LATINOS DE ESTA COMUNIDAD NO SE QUEDARÁN CALLADOS MIENTRAS EMPRESAS PRIVADAS SE UNEN EN UNA ALIANZA PROFANA CON LA POLICIA NACIONAL, LA PATRULLA FRONTERIZA DE LA SIN. NO DEJARAMOS SACRIFICAR LOS DERECHOS CONSTITUCIONALES DE 20 MILLONES DE PERSONAS DE ASCENDENCIA MEXICANA POR LOS INTERESES DE NINGUNA EMPRESA."

"ESTA IRRUPCIÓN EN EL SECTOR PRIVADO PLANTEA GRAVES PREGUNTAS, V.G., ¿QUIÉN LE HA DADO LA AUTORIDAD SIN PRECEDENCIA A LA PATRULLA FRONTERIZA DE IMPONER CONDICIONES A UNA EMPRESA PRIVADA DE QUE, CÓMO, Y CUÁNDO CONSTRUIR EN SU PROPIEDAD; Y SUJETAR A PERSONAS DE ASCENDENCIA MEXICANA A UNA SUSPENSIÓN TOTAL DE SUS GARANTIAS CONSTITUCIONALES? ¿EN QUÉ OTROS SITIOS IMPONDRÁ SUS RETENES DE CONTROL TIPO GESTAPO, TORRES ARMADAS, CENTROS DE DETENCIÓN, CERCAS Y AGENTES PRIVADOS SUPLENTE DELEGADOS POR LA PATRULLA FRONTERIZA? ¿SERÁ GENERAL DYNAMICS, NATIONAL STEEL, GREAT AMERICAN SAVINGS & LOAN, JACK MURPHY STADIUM, LAS IGLESIAS, CENTROS COMERCIALES, HOGARES, Y HASTA EL AYUNTAMIENTO?" INTERPELÓ BACA.

PARA CONCLUIR, HERMAN BACA AÑADIÓ QUE LA HÍSTERIA

MANIFESTADA POR LA PATRULLA FRONTERIZA DURANTE SUS RECIENTES
INTRUCIONES DENTRO DEL SECTOR COMERCIAL DEL CONDADO DE SAN DIEGO
HA CREADO UN CLIMA REPRESIVO CONTRA PERSONAS DE ASCENDENCIA
MEXICANA. "EL TRATO DE PERSONAS DE ASCENDENCIA MEXICANA DENTRO
DE LA SOCIEDAD ESTADUNIDENSE SE ESTÁ PARECIENDO CADA DIA MÁS AL
TRATO DE NEGROS BAJO EL SISTEMA DE APARTHEID EN SUD AFRICA."

AUTO
PISTA · RACISTA · INTERNACIONAL

GRINGOS UNICAMENTE

SECCION MEXICANA

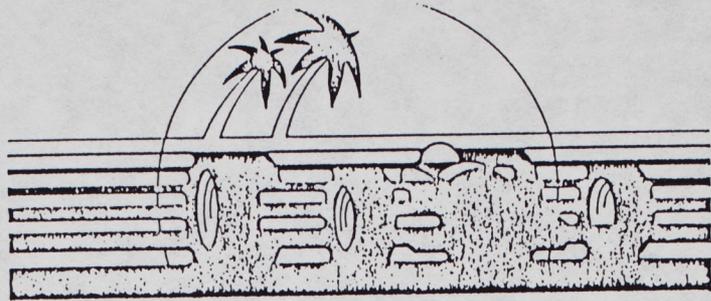


¿QUIEN
CONDUCE ?



LA MIGRA
COMO SIEMPRE
METIENDOSE
DONDE NO
DEBE

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1985 SAN DIEGO GRAND PRIX

News Release

APRIL 15, 1985

PLEASE DO NOT RELEASE
UNTIL APRIL 16, 1985:

CONTACT: Steve Luster
Spear/Hall Communications, Inc.
619/232-7655

SAN DIEGO MOTOR RACING ASSOCIATES MAKE
MAJOR CONCESSIONS TO U.S. BORDER PATROL
IN EFFORTS TO BRING RACEWAY TO SAN DIEGO

SAN DIEGO -- With only two days left before the San Diego County Planning and Environmental Review Board makes an interim decision on the fate of the proposed San Diego International Raceway, backers of the racing complex have made major concessions to the U.S. Border Patrol, whose objections to the raceway's location abutting the international border have been the major stumbling block in gaining the Board's approval.

The proposed \$10 million, 520-acre raceway is being developed by San Diego Motor Racing Associates, Inc. (SDMRA) to handle nine to ten major racing events each year, including a Formula One Grand Prix, Indianapolis and NASCAR-type car racing, the CANAM Challenge Cup, a TRANSAM event, SCORE Off-Road events, a World Endurance Championship, an IMSA race series and a World Championship Motorcycle Grand Prix.

-MORE -

ADD ONE -- SDMRA Makes Major Concessions to Border Patrol

"We want to do the very best job we can to assist the Border Patrol," said Jim Stanton, SDMRA president. "They have a nearly impossible and thankless task. We feel we can offer mitigating solutions to their fear that the raceway will provide an easy means for illegal aliens and drugs to enter the United States."

The Border Patrol and members of the federal Drug Enforcement Agency (DEA) had expressed concern that illegal aliens and drug smugglers could easily blend into the 100,000-plus fans attracted to major racing events such as a Formula One Grand Prix. They also objected to the structure of the raceway itself, which they believe would block their unobstructed view of the international border from their present surveillance post on nearby Otay Mountain.

"We share these same well-founded concerns with the Border Patrol and DEA," said Stanton. "We'd designed several security measures into our planning already, and after accessing their points of concern, we feel we can offer mitigating solutions to their fears."

According to Stanton, plans for the raceway already included three fences to be erected between the international border and the property, encirclement of the entire property by dirt berms and fencing, high-powered night-time lighting around the perimeters, a 24-hour security force to patrol surrounding areas and a private security force of 200 - 300 to reinforce the regular security during race event weekends.

Now, said Stanton, SDMRA will offer special concessions to the Border Patrol and DEA in order to make their responsibilities in the raceway sector easier. A Border Patrol Check Point, like the one on Interstate 5 at San Onofre, would be established on the exit road from the raceway. Permanent, on-site facilities would be provided for agents, as well as a temporary detention center

ADD TWO -- SDMRA Makes Major Concessions to Border Patrol

To insure that the Border Patrol continues to have a clear view of the international border, SDMRA will offer to install a surveillance post on the highest building in the raceway complex. SDMRA will offer both land and funding to widen and improve fencing in the international border's 'no-man's land'. Additionally, SDMRA will make its own private security forces available to assist the Border Patrol in their duties.

"Instead of being a permanent weak-link in border security, we believe we can work together with the Border Patrol to make San Diego International Raceway a secure stronghold -- one area less that they need to devote their already scarce manpower to," said Stanton.

The world-class raceway project, the first major racing facility of its kind to be built in North America in more than two decades, is currently under consideration by the three-member San Diego County Planning and Environmental Review Board.

If all goes well at the next scheduled hearing set for this Thursday, final approval could come sometime during May, with ground breaking on the raceway as early as this summer and a full racing season in 1986.

In addition to the racing events, SDMRA also plans to include a branch of the Bob Bondurant School of High Performance Driving, law enforcement driver training, race team testing, commercial production facilities, a country club for auto enthusiasts, product testing by automotive industry-related companies and rental of facilities to car clubs for weekend activities.

"In all, we've projected a direct gross income of \$225 million for the first ten years of operation," said Stanton. "Using a multiplier of ten, the same figure which was used in the argument to bring the Superbowl to San Diego, the economic impact on the community-at-large can exceed over \$2 billion.

ADD THREE -- SDMRA Makes Major Concessions to Border Patrol

"Actually, having a Formula One Grand Prix in San Diego each year is equivalent to holding the Superbowl here every year in terms of economic impact," he said.

Additionally, according to Stanton, the international media exposure for San Diego will be substantial. Worldwide, over one billion people watch Formula One events on television each year.

#

SDMRA1/SL
4/15/85

Backgrounder:

The Border Patrol Issue

We want to do the very best job we can to assist the U.S. Border Patrol: they have a nearly impossible and thankless task. We feel we can offer mitigating solutions to the Border Patrol's fear that San Diego International Raceway will provide an easy means for 'drug smugglers and undocumented aliens' to enter the United States.

Rather than being a permanent weak point in border security, we believe the following designed-in factors will serve to make San Diego International Raceway a secure stronghold -- one area less that the U.S. Border Patrol need devote its scarce manpower resources to.

1. Three fences will be erected between the border and the property.
2. Additionally, the entire property will be encircled by dirt berms and fences.
3. Perimeters will be brightly lit at night by high-power lighting.
4. A 24-hour private security force will patrol the surrounding areas.
5. During race event weekends, a private security force of 200 - 300 will reinforce the regular contingent.

Further, we willingly offer the following special concessions to the Border Patrol in order to make their responsibilities in the Raceway area easier:

1. SDMRA will help establish a Border Patrol Check Point on the property.
2. SDMRA will install a Border Patrol surveillance post on the highest building in the Raceway complex.
3. Permanent, on-site facilities for the Border Patrol will be provided.
4. SDMRA's private security force will assist the Border Patrol.
5. The international border's 'no-man's land' will be both widened and fenced.

3-27-85
SAN DIEGO
UNION

Raceway at border would be disaster, say drug officials

By Arthur Golden
Staff Writer

Federal law enforcement officials yesterday warned that a proposed automotive raceway accommodating 100,000 spectators on the San Diego side of the Mexican border at Otay Mesa would attract so many fans that drug smugglers and undocumented aliens could sneak into the crowd to avoid detection.

"We're looking at disaster" for federal law enforcement, declared Alan Eliason, chief patrol agent for the Border Patrol in San Diego.

Top officials of the Border Patrol, Customs Service and Drug Enforcement Administration, in separate interviews, expressed sharp opposition to the proposed track, saying its location directly on the border would make their jobs much more difficult.

"It would increase the chances for concealment of drugs brought across the border and make it easy for smugglers to blend into the crowd," said Larry McKinney, a DEA spokesman in San Diego.

Jerry Martin, chief inspector for the Customs Service in San Diego, said he feared the raceway would lure smugglers with all kinds of contraband who want to elude U.S. border guards.

Plans for the 520-acre "San Diego International Raceway" were disclosed in papers filed Feb. 7 with the County Planning and Land Use Department.

The tract — abutting the Mexican border, a mile and a half east of the new Otay Mesa Border Crossing — is now zoned to allow a house every 20 acres, and some agriculture and other highly restricted uses.

The owner of the tract, listed in the papers as San Diego Motor Racing Associates Inc., says in the papers that it will invest \$8 million to \$10 million to develop the raceway and that crowds of up to 100,000 are expected.

According to the papers, the raceway will have parking space for 26,000 automobiles and 600 motorcy-

See RACE on Page B-4

Race: Border facility seen as a disaster

Continued from B-1

cles, and will provide overnight facilities for 1,000 recreational vehicles.

Ben Grame, a senior planner for the county, said the developers have spoken of holding "big Indianapolis-type car races" and other events at the raceway.

The three-member Planning and Environmental Review Board held a hearing March 7 on the owner's petition to obtain a major use permit for the raceway. Grame said the hearing was continued until April 18 because the board wanted more information on the raceway's environmental impact.

Grame said construction of the raceway could begin if the board approved the requested change in zoning.

Larry Stanton, identified in the papers as a principal of San Diego Motor Racing Associates, did not return messages left with his telephone answering device.

Stanton said the company hoped to start construction this summer. A Formula 1 grand prix is tentatively scheduled for next February or

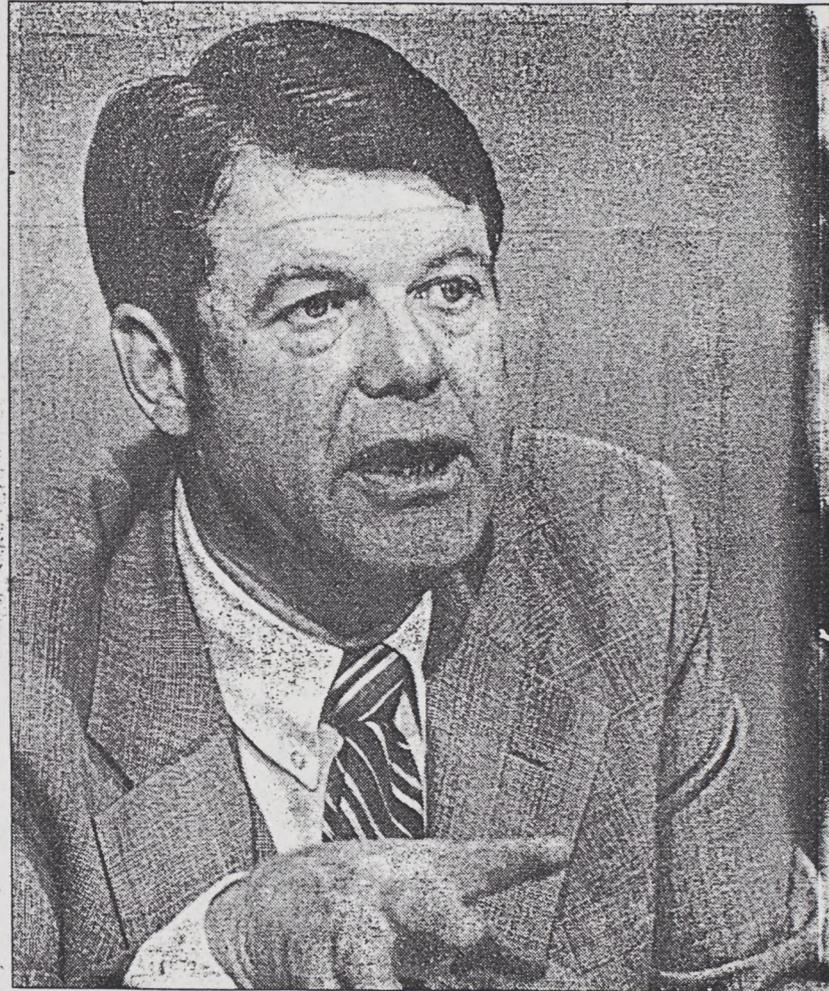
March, he said.

Officials of the Border Patrol, DEA and Customs Service conferred with the developers several weeks ago, but Eliason said the company "adamantly refused" to move the raceway away from the border.

Eliason and Carlos García, chief of the Border Patrol's Brown Field station, which covers Otay Mesa, and other patrol officials spoke out against the proposed raceway in an interview with editors of *The San Diego Union*.

At any one moment, the officials said, no more than 30 Border Patrol agents are deployed along the mesa. But in the last fiscal year, the officials said, those agents detained 117,000 undocumented aliens, 17 percent of the total apprehended along the 2,000-mile border with Mexico.

García said the Otay Mesa area is now so sparsely populated that any group of people spotted there is automatically suspected of being undocumented aliens. That will change if the raceway is built, he said.



The San Diego Union/John Gibbins

Alan Eliason, chief patrol agent for the U.S. Border Patrol in San Diego, during an interview yesterday.



Committee on Chicano Rights, Inc

FOR IMMEDIATE PRESS RELEASE

APRIL 25, 1985

SAN DIEGO, CA

THE COMMITTEE ON CHICANO RIGHTS (CCR) TODAY CALLED ON CONGRESS TO APPOINT A SPECIAL PROSECUTOR TO INVESTIGATE AND PROSECUTE U.S. BORDER PATROL AGENT EDWARD COLE FOR THE SHOOTING OF 12 YEAR OLD HUMBERTO CARRILLO ESTRADA. IN CALLING FOR THE APPOINTMENT BY THE U.S. CONGRESS, CCR CHAIRMAN HERMAN BACA STATED, "IT IS IMPOSSIBLE FOR EITHER SAN DIEGO DISTRICT ATTORNEY EDWIN MILLER, OR U.S. ATTORNEY PETER NUNEZ TO CARRY OUT A THOROUGH AND IMPARTIAL INVESTIGATION, OR A VIGOROUS PROSECUTION AGAINST ANY BORDER PATROL AGENT IN SAN DIEGO. THEIR DISMAL TRACK RECORD OF THE PAST ATTESTS TO THAT."

BACA, IN HIS LETTER TO HOUSE SPEAKER THOMAS "TIP" O'NEILL, POINTED OUT THAT THE LATEST SHOOTING INTO MEXICO BY A BORDER PATROL AGENT INVOLVES SERIOUS FOREIGN POLICY AND INTERNATIONAL IMPLICATIONS. "LOCAL DISTRICT ATTORNEY EDWIN MILLER HAS NO JURISDICTION OVER THESE MATTERS AND HAS NO BUSINESS INVOLVING HIMSELF."

ACCORDING TO BACA, "SAN DIEGO DISTRICT ATTORNEY EDWIN MILLER IN 1979 CHOSE NOT TO PROSECUTE BORDER PATROL AGENT DAN COLE FOR THE SHOOTING DEATH OF EFREN REYES AND THE WOUNDING OF BENITO RINCON WHILE BOTH MEN WERE HANDCUFFED TO EACH OTHER. MILLER AT THAT TIME CLAIMED THE KILLING WHICH TOOK PLACE IN U.S. TERRITORY WAS A FEDERAL MATTER OVER WHICH HE HAD NO JURISDICTION." U.S. ATTORNEY PETER NUNEZ, ON

THE OTHER HAND, WAS CRITIZED BY BACA FOR "FOR ABDICATING HIS AND THE U.S. JUSTICE DEPARTMENT'S RESPONSIBILITY. THEY HAVE FAILED TO ENFORCE THE POLICY PROHIBITING BORDER PATROL AGENTS FROM SHOOTING INTO MEXICO, AND HAVE REFUSED TO PROSECUTE AGENT COLE IN CLEAR VIOLATION OF NUNEZ' OWN 1979 POLICY WHICH PROHIBITS THE USE OF DEADLY FORCE EXCEPT IN THE FOLLOWING CIRCUMSTANCES:

1. THE AGENT IS ACTING IN DEFENSE OF HIS OWN LIFE;
2. IS ACTING IN THE DEFENSE OF ANOTHER AGENT;
3. OR WHEN SAVING THE LIFE OF AN INNOCENT 3RD PARTY.

IN CONCLUSION, BACA STATED, "THE SHOOTING OF A 12 YEAR OLD CHILD IS BUT THE LATEST INCIDENT OF VIOLENCE AGAINST PERSONS OF MEXICAN ANCESTRY RESULTING FROM:

1. THE MILITARIZATION OF THE U.S./MEXICO BORDER AS A POLICY TO RESOLVE THE IMMIGRATION ISSUE;
2. THE NAMING OF EDWIN MEESE AS U.S. ATTORNEY GENERAL, WHO HAS GIVEN THE GREEN LIGHT TO THESE TYPES OF ACTIONS;
3. THE HYSTERIA AGAINST PERSONS OF MEXICAN ANCESTRY CREATED BY THE ESTABLISHED MEDIA, ESPECIALLY THE COPLEY PRESS;
4. THE DIRTY POLITICS BEING PLAYED BY THE REAGAN ADMINISTRATION, THE INS/BORDER PATROL, AND ITS APOLOGISTS, TO APPROVE PASSAGE OF LEGISLATION LIKE THE SIMPSON-MAZZOLI AND LUNDGREN BILLS.

FOR FURTHER INFORMATION CALL (619) 474-8195.



Committee on Chicano Rights, Inc.

April 26, 1985

Mr. Thomas "Tip" O'Neil
Speaker of the House
2231 Rayburn House Office Bldg.
Washington, D.C. 20515

The committee on Chicano Rights is formally requesting that the United States Congress immediately appoint a special prosecutor/ investigator to investigate and prosecute U.S. Border Patrol Agent Edward Cole for the shooting of 12 year old Humberto Carrillo Estrada. The shooting on April 18, 1985 took place at the U.S./Mexico International Border while young Estrada was standing on the Mexican side of the Border, and has prompted Mexico to file a formal protest with the United States. According to published reports, young Estrada was shot by Agent Cole in the back through the fence which separates both countries. Agent Cole then left the scene, leaving the child to bleed to death. Details of the incident are enclosed.

We believe that the appointment of a special prosecutor is necessary because of the following reasons:

- a) The dismal record of both the San Diego District Attorney and the U.S. Attorney General in investigating and prosecuting similar cases in the past. Previous investigations and prosecutions have resulted in white washes and outright cover-ups.
- b) The shooting which involves a federal agent and the shooting of an individual in another country has serious foreign and international implications and is obviously a matter that a local district attorney has no jurisdiction over or no business involving himself with.
- c) The U.S. Attorney on the other hand, has abdicated his and the U.S. Department of Justice responsibility by failing to enforce the policy prohibiting border patrol agents from shooting into another country, or prosecuting the Agent for use of deadly force in violation of his own 1979 policy.

Your immediate response is immediately requested on this matter.

Herman Baca
Herman Baca-Chairman

1837 Highland Avenue, National City, CA 92050 (619) 474-8195

DA Will Not File Charges In Manacled-Alien Slaying

By MICHAEL D. LOPEZ

Staff Writer, The San Diego Union

District Attorney Edwin Miller said yesterday that he will not issue a criminal complaint against a senior Border Patrol agent who shot and killed a Mexican alien and wounded another on March 17 when the two men attempted to escape while handcuffed together.

In a decision expected to trigger renewed protest from local Chicano activists and Mexican officials, Miller said supervising Border Patrol agent Dan Cole, 49, probably would have been charged if he had been a state law enforcement officer.

State law prohibits the use of deadly force against fleeing misdemeanants, but because Cole is a federal agent, Miller said his actions come under the jurisdiction of federal law which holds that resisting arrest or escape from a federal officer is a felony that probably justifies Cole's use of a gun.

With the reasonable prospect that this case, if brought to trial, would be removed to federal court and tried under federal rules, Miller said, "it becomes more clear that the prospect of obtaining a conviction has become so diminished as to foreclose charging agent Cole."

Local Chicano activists, led by the Committee on Chicano Rights, earlier sent telegrams to congressmen to protest the shootings and other incidents that they called evidence of a "pattern of brutality against Mexicans" along the border by Border Patrol agents.

Some Mexican officials also called for an investigation of the shootings in the wake of the Chicano protests.

In a letter explaining his decision to Chief of Police William Kolender, Miller said, "The facts of the case have been reviewed at length by the United States attorney for this district. He advises me that it is his view that the activity in which

(Efren) Reyes (who was killed by Cole), and (Benito) Rincon Hernandez were engaged at the time they were shot constitutes a chargeable felony under federal law."

Miller's letter added, "My research fails to reveal any reported federal cases in which conduct of the type attributable to Reyes and Rincon Hernandez was found as justification for the use of deadly force. I must, however, be mindful of the manner in which federal law is understood . . . by the ranking federal legal authority in this district."

The results of Miller's investigation of the case, first disclosed in

yesterday's letter to Kolender, showed that Reyes, 23, of San Luis Potosi, and Rincon Hernandez, 22, of Mexico City, were shot while they were struggling to escape from Cole, who had just arrested them about 30 yards inside the U.S. border.

A third alien arrested with the two, Rogelio Mendez Diaz of Guatemala, escaped back into Mexico while Cole struggled with the handcuffed men.

Miller said his investigation disclosed that "neither of the handcuffed men made any move to strike or kick the agent, nor did either of

(Continued on B-5, Col. 1)

Friday, May 18, 1979

Agent Will Not Be Charged In Alien Killing

(Continued from B-1)

them make any move to suggest that they were reaching for a concealed weapon. The agent had not, however, determined that neither of them was in possession of some weapon."

Cole and his superiors claimed after the incident that the agent shot the men in self-defense, while Rincon Hernandez and Mendez Diaz claimed the two victims were shot in the back.

Miller rejected the latter contention, however, "on the

basis of indisputable physical evidence that the shots entered both men from the front."

Rincon Hernandez has not been charged with a federal felony, Miller said. He said U.S. Attorney Michael Walsh "advised that his decision not to charge Rincon Hernandez was based on the fact that the man already had suffered substantially as a result of the confrontation with the officer."

Police sources said Mendez Diaz voluntarily returned from Mexico to aid in the investigation.

Miller said the legal understanding of the case on the part of federal authorities "complicates an already difficult situation," and that, "viewed from the perspective of whether or not this shooting was justifiable as having been in self-defense, the picture is no less clouded."

He noted that Cole was on duty "in a combat zone atmosphere" of the border, and earlier that night had been the target of rock-throwers along the Mexican zone.

Saying that his was a difficult decision reached only after "long and painful reflection," Miller said he did not condone the conduct of the Border Patrol agent and that he did not believe the shootings were justified.

"But I am bound to make my decision in conformity with the law as I understand it to be," Miller said.



Committee on Chicano Rights, Inc.

July 4, 1985

The Organization of American States
Inter-American Commission on Human Rights
17th Street and Constitution Avenue N.W.
Washington D.C. 20006

Director/To Whom It May Concern:

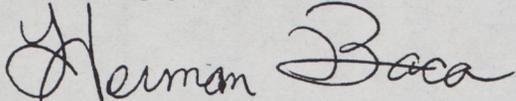
The Committee on Chicano Rights on behalf of our community and it's children, hereby petitions the Organization of American States, Inter-American Commission on Human Rights to conduct an immediate investigation into the issue of child abuse by the U.S. Border Patrol. The specific policies and practices which are being carried out by the U.S. Border Patrol against children of Mexican ancestry which our organization is requesting the Inter-American Commission on Human Rights to investigate are as followed:

- 1) Arresting young children regardless of their age or place of birth
- 2) Holding children in detention centers and deporting them without due process
- 3) Intimidating and arresting children on the streets because they fail to carry birth certificates or other documents of citizenship
- 4) Shooting children, (Estrada shooting) kidnapping (14 year old from Calexico) and arresting children (12 year old Carlos Ahumada)
- 5) Failing to have a humane process for releasing children and notifying their parents

Enclosed for your information is a packet of documentation involving the shooting, kidnapping, arrest, incarceration and deportation of minor children of Mexican ancestry by the U.S. Border Patrol. Our organization's repeated request for investigations into these complaints have resulted in stone walling, white washes and out right cover-up by Public Officials. The recent increase of such incidents and the failure of local, state and federal officials to stop this inhumane and barbaric policy of the Reagan Administration against innocent children makes it imperative that the OAS intervene and investigate these human rights issue. For further information or documentation regarding this matter please feel

free to contact our Organization or myself at (619) 474-8195.

Awaiting your prompt reply,


Herman Baca, Chairman

* Police Probe of Boy's Shooting by Border Patrol Ready for D.A.

LA TIMES
4/23/85

By TOM GREELEY, *Times Staff Writer*

San Diego police on Monday completed their investigation into the shooting of a 13-year-old boy in Mexico by a Border Patrol agent on the U.S. side of the border, and today will send to the district attorney's office a report recommending whether the agent should be prosecuted.

A police investigator declined to speculate on whether charges would be filed against Edward D. (Ned) Cole, 34, the agent who shot Humberto Carrillo-Estrada through the border fence Thursday.

Cole remains on duty performing strictly office work pending completion of the investigation. Gene Smithburg, assistant chief patrol agent for the local Border Patrol station, said Monday.

The Border Patrol is also investigating the shooting, Smithburg said. He refused to comment further.

Mexican Consul General Javier Escobar has threatened a stern reaction or legal action from his government over the incident, including a demand for an investigation by the U.S. attorney's office.

"We haven't heard from them yet," said Peter Bowie, chief assistant U.S. attorney in San Diego. "There's no question the remedies they could seek are broad, and the way we handle it will depend on their actions. . . ."

"It would not be surprising if the family sought monetary damages from the Border Patrol."

Escobar could not be reached for comment Monday.

Mariano Lopez, a Los Angeles attorney who has represented the United Farm Workers and myriad Latino causes, has been retained by Humberto's mother. Lopez's office confirmed Monday. Lopez was not available for comment.

Humberto, who was struck in the side of the chest by the bullet fired by Cole into a

Please see SHOOTING, Page 3

SHOOTING: D.A. Gets Report on Border Incident

Continued from Page 1

large group of people, was listed in good condition at Mercy Hospital and reported to be recovering quickly from his wounds. Officials there have allowed Humberto's mother to stay in a room at the hospital free of charge until the boy is released.

The San Diego Police Department's homicide division conducted the investigation because a law enforcement officer was involved in the shooting, although there was not a fatality. "They always get these kind of sensitive cases because of their expertise," said police spokesman Lt. Dave Spisak.

"It's come along very nicely," the homicide division's Lt. Paul Ybarrondo said Monday of the investigation. "We've completed our interviews, and the transcript will be to the district attorney by tomorrow. Then it's up to them to decide on charges."

Ybarrondo said San Diego police have spoken with Humberto, his 15-year-old brother, Eduardo, and other witnesses from both sides of the border. "I'm not going to draw any conclusions from the information we relayed to them, or as to whether there might be any charg-

es filed," Ybarrondo said.

San Diego police say the incident occurred after Border Patrol agents spotted Eduardo on U.S. soil. Eduardo ran toward the border, and when the agents caught him just as he reached the fence, a small crowd on the other side began throwing rocks and bottles, police said.

Cole fired two warning shots before firing a third round through the fence, hitting Humberto in the back, police said.

Humberto was then carried into the United States by a Mexican citizen and flown by Life Flight helicopter to Mercy Hospital.

Strong reaction to the shooting has been registered by local Latino groups. Herman Baca, president of the San Diego Committee on Chicano Rights, said Monday the shooting of Humberto was "a manifestation of the terrorism employed by the Border Patrol against persons of Mexican ancestry."

Baca also criticized the Police Department's role in the investigation. "It's like having a husband investigate his own wife--there's no objectivity there," he said. "An outside, independent group should be looking into this."

Border Agent Arrested on Complaint of Mexican Boy

By MARJORIE MILLER,
Times Staff Writer

Calexico police have arrested a U.S. Border Patrol agent on suspicion of kidnaping a 14-year-old Mexican boy, attempted extortion and assault with a deadly weapon, Calexico Police Chief Leslie Ginn said Monday.

Ginn said Robert M. Ferrick, 24, was arrested Sunday night after the boy told police Ferrick had terrorized him over a three-day period, handcuffing him, cutting his hair, forcing him to strip and firing a shot near his head while he lay on the ground.

Ferrick is being held at the Imperial Valley Jail in El Centro in lieu of \$100,000 bond for arraignment today.

Dale Musegades, chief agent in charge of the Calexico station, said the Immigration and Naturalization Service is investigating the case. He said that if Ferrick is released on bail he will be reassigned to a desk job pending the outcome of the investigation and legal case.

Ferrick joined the Border Patrol a year ago last month and has had no other complaints against him, Musegades said. He said the youth who made the charges is a resident of Mexico who has been detained 18 times in the last nine months for being in the United States illegally.

Musegades said that Mexicans who regularly cross the border illegally and the agents who patrol the area tend to know each other by name.

Musegades said the youth told police Ferrick was retaliating

Please see BORDER, Page 2

BORDER: U.S. Agent Seized on Boy's Charge He Was Kidnaped

Continued from Page 1

against him because the boy allegedly stole a pair of binoculars from Ferrick's vehicle in March.

Ginn said the extortion charge related to "money for the binoculars" but declined to elaborate on the charge.

The youth accused Ferrick of terrorizing him on Friday, Saturday and Sunday after the youth had been detained by Border Patrol agents each day. Mexican illegal aliens usually are offered voluntary departure and are released at the border, Ginn said.

After Ferrick completed his Thursday night shift on Friday morning, he allegedly took the youth from detention to a remote area on Mt. Signal Road, about 10 miles west of Calexico, physically abused him and left him there, Ginn

said.

On Saturday, Ferrick again allegedly took the youth from detention to the remote area, handcuffed the boy, and cut off some of his hair with scissors.

"The victim was forced to lie on his back while the agent threatened him and fired a shot into the ground about two feet from his head. The juvenile was then forced to undress and was kicked into a ditch," Ginn said.

On Sunday, Ferrick allegedly drove the juvenile to the Mt. Signal area for a third time and cut off the rest of his hair. "He forced the youth to undress, threw the youth's clothes into the All American Canal and left him," Ginn said.

He said the unidentified juvenile fished his clothes out of the canal and found some fishermen to give him a ride back to Calexico, where he reported his charges to Calexico

police about 11:30 a.m.

Ginn said he and two sergeants immediately launched an investigation.

"We found the hair, we found the bullet," Ginn said. He said Ferrick was arrested with a search warrant at his home in Holtville, about eight miles northeast of Calexico, at about 7:30 p.m. Sunday. He said Ferrick did not resist arrest.

Ginn said he did not know how or why the youth could have been released to Ferrick each day. "I am not going to have the Police Department investigating Border Patrol procedures. I don't know what happened. Possibly there's no paper work on the kid."

The youth, an orphan, is being held at the county juvenile detention facility.

Ferrick is the second agent from the Calexico office to be investigated by the INS internal affairs unit.

Last month, a Calexico doctor, José A. Cisneros, said he was beaten and humiliated by Agent Kevin Jarvis.

Times staff writer H.G. Reza contributed to this report.



Committee on Chicano Rights, Inc.

April 26, 1985

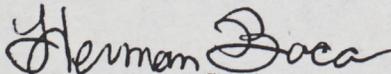
Mr. Thomas "Tip" O'Neil
Speaker of the House
2231 Rayburn House Office Bldg.
Washington, D.C. 20515

The committee on Chicano Rights is formally requesting that the United States Congress immediately appoint a special prosecutor/ investigator to investigate and prosecute U.S. Border Patrol Agent Edward Cole for the shooting of 12 year old Humberto Carrillo Estrada. The shooting on April 18, 1985 took place at the U.S./Mexico International Border while young Estrada was standing on the Mexican side of the Border, and has prompted Mexico to file a formal protest with the United States. According to published reports, young Estrada was shot by Agent Cole in the back through the fence which separates both countries. Agent Cole then left the scene, leaving the child to bleed to death. Details of the incident are enclosed.

We believe that the appointment of a special prosecutor is necessary because of the following reasons:

- a) The dismal record of both the San Diego District Attorney and the U.S. Attorney General in investigating and prosecuting similar cases in the past. Previous investigations and prosecutions have resulted in white washes and outright cover-ups.
- b) The shooting which involves a federal agent and the shooting of an individual in another country has serious foreign and international implications and is obviously a matter that a local district attorney has no jurisdiction over or no business involving himself with.
- c) The U.S. Attorney on the other hand, has abdicated his and the U.S. Department of Justice responsibility by failing to enforce the policy prohibiting border patrol agents from shooting into another country, or prosecuting the Agent for use of deadly force in violation of his own 1979 policy.

Your immediate response is immediately requested on this matter.


Herman Baca-Chairman

1837 Highland Avenue, National City, CA 92050 (619) 474-8195



I THOUGHT YOU MIGHT BE
INTERESTED IN THE ATTACHED
MATERIAL. IF YOU HAVE ANY
QUESTIONS, PLEASE CALL ME

AT

(202) 225-5452 *or*

Chula Vista
691-1166

Jim Bates

Congressman

1632 Longworth House Office Building

Washington, D.C. 20515

Please

Review & Comment



JIM BATES
44TH DISTRICT, CALIFORNIA

Congress of the United States
House of Representatives
Washington, D.C. 20515

PLEASE REPLY TO:

- 1632 LONGWORTH BUILDING
WASHINGTON, D.C. 20515
(202) 225-6452
- 880 FRONT STREET
ROOM 5-S-35
SAN DIEGO, CA 92108
(619) 234-2766

May 3, 1985

Ed Miller
District Attorney
County of San Diego
220 West Broadway
San Diego, CA 92101

Dear Ed:

In your letter of May 1st to Chief of Police William Kolender, you note that under existing federal law, federal prosecutors have no appropriate recourse in the April 18th shooting of 12-year old Humberto Carillo Estrada by Border Patrol agent Edward Cole.

Only a full and complete investigation by all relevant agencies can determine whether or not agent Cole's actions were justified. However, it would be a travesty if improper conduct were indeed determined to have occurred and no criminal penalties were applicable because the victim was not on U.S. soil.

I intend to introduce legislation next Monday that will remove the loophole and insure proper prosecution in all similar circumstances. You apparently have given much consideration to this issue, and I am requesting that you provide me as soon as possible with the necessary language to amend the federal statutes.

I look forward to working with you to resolve this tragic situation.

Sincerely,

JIM BATES
Member of Congress

JIM BATES
44TH DISTRICT, CALIFORNIA

Congress of the United States

House of Representatives

Washington, D.C. 20515

May 3, 1985



The Honorable Romano L. Mazzoli
Chairman
Subcommittee on Immigration, Refugees,
and International Law
2137 Rayburn House Office Building
Washington, D.C. 20515

Dear Chairman Mazzoli:

I appreciated the opportunity to meet with you to discuss the recent shooting of a Mexican youth by the border patrol, and your offer to be of assistance. As we discussed, on April 18th, Humberto Carrillo Estrada, a 12 year-old Mexican boy, was shot by United States Border Patrol Agent Edward Cole. Humberto was standing on the Mexican side of the border and was reportedly throwing rocks at agents who were trying to apprehend his 15 year-old brother Eduardo, who was attempting to return to the Mexican side of the border. The United States Attorney's office in San Diego has determined that the shooting was legally justified and filed a report to this effect.

This decision has provoked great controversy in San Diego and among Mexican officials. Various reviews are currently pending and full and accurate accounting of the situation is yet to be determined. At this point it is unclear whether the border patrol was acting properly or not; however, it would be a travesty if improper conduct were indeed determined to have occurred and no criminal penalties were applicable because the victim was not on U.S. soil. I intend to introduce legislation next Monday that will remove the loophole and insure proper prosecution in all similar circumstances.

I ask your assistance in securing the possession of the following: the report from the Office of Professional Responsibility of the Immigration and Naturalization Service, the copy of the report filed by the U.S. Attorney's office in San Diego, the report filed by the San Diego Police Department. Thank you again for your concern and assistance in this matter. I look forward to hearing from you soon.

Sincerely,

A handwritten signature in black ink, appearing to read "J. Bates", written over a large, stylized, illegible scribble.

JIM BATES
Member of Congress

PERSPECTIVE

Michael Tuck

10NEWS, P.O. Box 85347, San Diego, California 92138, Telephone (619) 237-1010

The Great Wall of China would pale by comparison. In fact, if you think about all the man-made barriers we've put up throughout society, there's only one so monumental, so darkly foreboding as to guarantee the isolation of people on separate sides. The language barrier. Tear that one down and at least you can start to work on all the others.

That's why it hit me as sadly ironic today, when efforts to make English this country's official language drew such a stinging response from the Chicano Federation. Said Spokesman Herman Baca, The effort is "...racist, demagoguery, a long-term assault on people trying to assimilate into American society."

Well, I can understand the sensitivity of Chicano leaders, if not their logic. But, it seems to me it's the present system that leads to racism and demagoguery. English may not be the official language, but it already is the language of mainstream America; of the economy, the only language of hope for breaking that cycle of poverty that's gripped immigrants to this country for two hundred years.

If they can't even speak the language, how can they possibly assimilate? What kind of decent jobs can they get, what kind of intelligent vote can they cast, even if the ballot did happen to be in their native tongue? It seems to me that doing everything possible to teach Americans the English language and encourage them to use it, is the most compassionate, least racist thing you can do for them.

Making English the official language would not stop bi-lingual education, wouldn't prevent our schools from offering special classes to teach Hispanics and others English, wouldn't stop the present requirement that all students learn a foreign language. The only thing it might do is encourage a kind of unity to help wipe out the problems of racism and poverty. But, that unity will never happen as long as some people are separated by that worst barrier of all, the language barrier.

I'm Michael Tuck, and that's my perspective.

AIRD ON KGTV MAY 21, 1986



Committee on Chicano Rights, Inc.

FOR IMMEDIATE PRESS RELEASE

SAN DIEGO, CA

JULY 3, 1985

THE COMMITTEE ON CHICANO RIGHTS (CCR) IN REACTION TO THE RECENT RASH OF CHILD ABDUCTION, ARREST, INCARCERATIONS, BEATINGS AND SHOOTING BY THE U.S. BORDER PATROL ANNOUNCED THAT IT HAS PETITIONED FOR AN INVESTIGATION FROM THE ORGANIZATION OF AMERICAN STATES, (OAS,) INTER-AMERICAN COMMISSION ON HUMAN RIGHTS. AT A PICKET PRESS CONFERENCE BEFORE THE FEDERAL COURT HOUSE HERMAN BACA CHAIRMAN OF THE CCR CHARGED, "THAT THE REAGAN ADMINISTRATION HAS UNLEASHED THE BORDER PATROL AGAINST CHILDREN OF MEXICAN ANCESTRY IN ORDER TO TERRORIZE THE THE MEXICAN POPULATION IN THE U.S. AND ALONG THE U.S./MEXICO BORDER." BACA IN HIS LETTER TO THE OAS ACCUSED THE U.S. BORDER PATROL OF "CHILD ABUSE," AND CHARGED THE AGENCY WITH THE FOLLOWING:

- 1.) ARRESTING YOUNG CHILDREN REGARDLESS OF THEIR AGE OR PLACE OF BIRTH
- 2.) HOLDING CHILDREN IN DETENTION CENTERS AND DEPORTING THEM WITHOUT DUE PROCESS
- 3.) INTIMIDATING AND ARRESTING CHILDREN ON THE STREETS BECAUSE THEY FAILED TO CARRY BIRTH CERTIFICATES OR OTHER DOCUMENTS OF CITIZENSHIP
- 4.) SHOOTING CHILDREN, (ESTRADA SHOOTING,) KIDNAPPING (14 YEAR OLD FROM CALEXICO,) AND ARRESTING CHILDREN (12 YEAR OLD CARLOS AHUMADA)

5.) FAILING TO HAVE A HUMANE PROCESS FOR RELEASING CHILDREN
AND NOTIFYING THEIR PARENTS

AT THE PICKET BACA ALSO CHARGED THAT, THE LATEST INCIDENTS REPRESENT
BUT THE TIP OF THE ICEBERG OF CHILD ABUSE CASES BY THE U.S. BORDER PATROL
(SEE ENCLOSED PACKET).

"ONE CAN ONLY WONDER HOW MANY "MISSING CHILDREN" ARE IN INS/BORDER PATROL
JAILS, OR HAVE ALL READY BEEN DEPORTED TO MEXICO OR OTHER COUNTRIES,"
STATED BACA. "I ASK," SAID BACA, "WHAT MOTHER OF A MEXICAN/LATINO CHILD
CAN NOW FEEL SAFE IN SENDING HER CHILD TO SCHOOL, TO THE STORE, OR TO THE
PLAYGROUND, KNOWING THAT THE BORDER PATROL CAN INTIMIDATE, ARREST, AND
DEPORT HER CHILD SIMPLY BECAUSE HIS SKIN IS BROWN?" "IS IT NOW THE
POLICY OF THE REAGAN ADMINISTRATION TO REQUIRE THAT EVERY CHILD OF
MEXICAN ANCESTRY CARRY THEIR BIRTH CERTIFICATE IN ORDER TO WALK THE
STREETS OF THE U.S. WITHOUT FEAR?" ASKED BACA." THIS INHUMANE AND BARBARIC
PRACTICE ACCORDING TO BACA, "SIGNALS A POLICY SHIFT THAT HAS BEEN INTIATED
BY U.S. ATTORNEY GENERAL ED MEESE AGAINST, THE CHICANO/LATINO COMMUNITY
IN RETALIATION FOR OUR COMMUNITY OPPOSITION AGAINST THE RACIST SIMPSON/
MAZZOLI IMMIGRATION LEGISLATION."

IN CONCLUDING, BACA STATED, "THAT THE ISSUE IS NO LONGER ONE OF THE U.S.
BORDER PATROL ENFORCING IMMIGRATION LAWS, BUT WHETHER U.S. SOCIETY IS
GOING TO PERMIT THE REAGAN ADMINISTRATION TO CONTINUE FINANCING AND
AUTHORIZING AN ARMED FORCE OF PSYCHO-PATHS TO WAGE WAR ON INNOCENT
CHILDREN."

FOR FURTHER INFORMATION CALL HERMAN BACA AT (619) 474-8195



Committee on Chicano Rights, Inc.

PARA PUBLICACION IMEDIATA

SAN DIEGO, CA

3 DE JULIO 1985

LA RECIENTE RACHA DE SECUESTROS, ARRESTOS, ENCARCELACION, PALIZAS, Y DISPARO DE ARMAS POR LA SIN/PATRULLA FRONTERIZA CONTRA NIÑOS DE ASCENDENCIA MEXICANA, HA SIDO EL CAUSANTE DE UNA PETICION POR EL COMITE PRO DERECHOS CHICANOS (CCR) A LA ORGANIZACION DE ESTADOS AMERICANOS, (OSA), LA COMISION INTERAMERICANA SOBRE LOS DERECHOS HUMANOS, PARA QUE SE HAGA UNA INVESTIGACION DE ESTOS ACTOS ALEVOSOS.

EN UNA CONFERENCIA DE PRENSA DURANTE EL PIQUETE ANTE LAS OFICINAS DE LA CORTE FEDERAL, HERMAN BACA, DIRIGENTE DE LA CCR, DENUNCIÓ, "QUE LA ADMINISTRACION REAGAN HA DADO RIENDA SUELTA A LA SIN/PATRULLA FRONTERIZA PARA ASI ATERRORIZAR AL PUEBLO MEXICANO DE ESTADOS UNIDOS CON ESPECIALIDAD A LO LARGO DE LA FRONTERA MEXICO/USA." EN SU CARTA A LA OSA, BACA ACUSO A LA PATRULLA FRONTERIZA DE MALTRATO DE NIÑOS Y LES HIZO LOS SIGIENTES CARGOS:

- 1.) DE ARRESTAR A NIÑOS SIN TOMAR EN CUENTA LA EDAD Y LUGAR DE NACIMIENTO
- 2.) DE RETENER A NIÑOS EN CENTROS DE DETENCION Y DEPORTANDOLCS SIN PROCESO LEGAL
- 3.) DE INTIMIDAR Y ARRESTAR A NIÑOS Y ADOLECENTES, EN LAS CALLES POR NO TRAER ACTAS DE NACIMIENTO U OTRA DOCUMENTACION DE CIUDADANIA
- 4.) DE DISPARAR, HERIR (EL NIÑO ESTRADA) SECUESTROS (JOVEN DE 14 ANOS DE CALEXICO) Y ARRESTAR A NIÑOS (CARLOS AHUMADA, 12 ANOS.)

5.) DE NO TENER UN PROCESO HUMANITARIO PARA PONER EN LIBERTAD A LOS NIÑOS Y DE AVISAR A LOS PADRES Y FAMILIARES DE ESTOS.

ADEMAS DECLARO BACA QUE LOS ULTIMOS INCIDENTES NO SON MAS QUE LO QUE SE VE EN LA SUPERFICIE.... NO QUEDA MAS QUE PREGUNTARSE, "CUANTOS NIÑOS DESAPARECIDOS ESTARAN EN CARCELES DE LA SIN/PATRULLA FRONTERIZA, O HAN SIDO DEPORTADOS A MEXICO U OTROS PAISES."

Y TAMBIEN PREGUNTO, "QUE MADRE DE NIÑOS MEXICANO/LATINO, PUEDE SENTIRSE TRANQUILLA HOY EN DIA AL MANDAR A SUS HIJOS A LA ESCUELA, LA TIENDA, O CAMPO DE JUEGO, SABIENDO QUE LA PATRULLA FRONTERIZA PUEDE INTIMIDAR, ARRESTAR, Y DEPORTAR A SUS HIJOS SIMPLEMENTE POR SU TEZ MORENA?"

"SERA AHORA LA POLIZA DE LA ADMINISTRACION REAGAN DE REQUERIR QUE CADA NIÑO DE ASCENDENCIA MEXICANA PORTE SU ACTA DE NACIMIENTO PARA DEAMBULAR SIN TEMOR POR LAS CALLES DE ESTE PAIZ?"

"ESTA PRACTICA BARBARA E INHUMANA SEGUN BACA SEÑALA UN CAMBIO DE POLIZA POR EL PROCURADOR GENERAL EDWIN MEESE, HECHO COMO REPRESALIA CONTRA LA COMUNIDAD CHICANO/LATINA POR NUESTRA OPOSICION A LA PROPUESTA LEY RACISTA SIMPSON MAZZOLI."

PARA CONCLUIR BACA AÑADIÓ QUE, "EL CASO YA NO SE TRATA DE QUE SI LA PATRULLA FRONTERIZA ENFORSARÁ LAS LEYES DE INMIGRACION SINO...QUE SI, LA SOCIEDAD AMERICANA PERMITIRA A LA ADMINISTRACION REAGAN SEQUIR FINANCIANDO Y AUTORIZANDO A UNA FUERZA ARMADA DE PSYCOPATAS PARA HACER GUERRA CONTRA NIÑOS INOCENTES."

JOHN K. VAN DE KAMP
Attorney General

State of California
DEPARTMENT OF JUSTICE



*Jim Harro
298-3284*

P. O. Box 944255
Sacramento 94244-2550

1515 K STREET, SUITE 511
SACRAMENTO 95814
(916) 445-9555

April 29, 1986

*234
3504
Chico
Admission*

Honorable Edwin L. Miller, Jr.
District Attorney
County of San Diego
County Courthouse
220 West Broadway
San Diego, California 92101

*Committee
on
Hudson
of
Admission
Bacon
477 8195*

Dear Ed:

On April 18 of last year a U.S. Border Patrol agent shot and seriously injured a 12-year-old Mexican boy, Humberto Carrillo Estrada. The agent, Edward Cole, said the shooting was necessary to defend his partner, Patrick Lonergan, at whom Humberto was throwing softball-sized rocks.

You considered the possibility of prosecuting Cole, and decided it was not legally justified. Public outcry greeted your decision. A number of groups and individuals, including then Assemblyman Richard Alatorre, asked the Attorney General to review your decision.

We have done so. Our investigation and analysis have been vigorous and thorough, involving several of our deputies, special agents from our Bureau of Investigation, my assistant in San Diego, myself, and the Attorney General. Members of our staff have, on three occasions, visited the scene of the shooting. The Attorney General and I accompanied them on one of those visits; I was along on yet another. I have met with the wounded boy's attorney, Marco Lopez, as, on two other occasions have members of our staff. They also met with his investigator.

We requested additional investigation from your office, and it was promptly rendered. Finally, we independently contacted witnesses. Then we turned to a careful analysis of relevant law. We applied that law to the facts and reasonable inferences before us.

By these efforts we were brought to a conclusion: your decision, as District Attorney of San Diego, was not an abuse of discretion.

Hon. Edwin L. Miller, Jr.
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The reports upon which your determination was based were prepared within days of the shooting. They did not include statements from all witnesses; but what they described is consistent with what we learned from additional investigation by your office and ours.

Between 3:00 and 4:00 p.m. on April 18, 1985, agents Edward Cole and Patrick Lonergan of the U.S. Border Patrol were patrolling a short distance east of the San Ysidro port of entry. They came upon a young man fleeing other agents on the United States side of the border. This was Eduardo Carrillo Estrada, a Mexican alien. He was running toward the fence which separates Mexico from the United States. That fence is a large sieve: nine feet high, made of chain link and further ventilated by large holes that can be (and frequently are) climbed through.

As Lonergan chased Eduardo, Humberto and his friend Maria Omar-Melendez threw several rocks at him from the Mexican side of the fence. Lonergan drew his weapon briefly, then reholstered and continued the chase.

When Eduardo reached the fence, Lonergan was fast upon him. He violently resisted, and they struggled: Lonergan for control, Eduardo for Mexico. Agent Foley arrived to assist Lonergan.

Humberto, south of the fence, began throwing rocks again, as did his friend Maria. Several, the size of softballs, landed within inches of Lonergan. Cole said that Humberto lifted two more rocks, one in each hand, and cocked one back, as though to throw it at Lonergan. At this moment, Cole was about twelve feet north of the scuffle. "Look out!" he shouted, then drew his weapon and fired three or four shots, one of which wounded Humberto.

Agent Lonergan corroborated Cole's account. He reported that Humberto threw rocks over the fence during the chase. He said that while he was wrestling at the foot of the fence with Eduardo, Humberto was again lobbing "pretty good sized" rocks -- and they were landing "within six inches" of him. He feared for his safety. He said he heard the gunshots less than five seconds after the rocks landed near him; that some five to ten seconds before the shots Humberto was within a foot of the fence. When Lonergan heard the shots he was trying to handcuff Eduardo and did not see what Humberto was doing.

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Cole's statement was further corroborated by Humberto himself. On two occasions he admitted throwing rocks at the agents trying to arrest his brother. He said that the rocks were about the size of baseballs -- and that he was picking up another and about to throw it when he was shot.

Three other agents in the area, Foley, Tatro and Meyer, verified the rock throwing. So did several Mexican citizens who viewed the event.

Much concern has been expressed over how close Humberto, Lonergan, Foley, and Eduardo were to a hole in the border fence. This is because Cole told San Diego police investigators that, to the best of his knowledge, the boy was at the hole in the fence within arm's length of his partner, and that Humberto, "came running up real fast and he had a rock in each of his hands. They were good sized rocks, maybe softball size, they weren't little ones." Humberto told police investigators he had already thrown several rocks, had another one about the size of a baseball in his hand and was about three feet away from the hole about to throw it when he was shot.

However, investigators attempting to reconstruct times and places have cast doubt on both Cole's and Humberto's statements about the boy's nearness to the hole. Based on some estimates of the parties' positions one might conclude that the boy must have been 25 to 30 feet from the hole and that (assuming this), he presented no reasonable danger to the agents, and the shooting was not justifiable.

Such a conclusion overlooks or misreads much of the evidence: Cole never said he was afraid the boy was going to throw a rock through the hole in the fence at his partner. He said:

"The one teenager, that had been throwing rocks earlier was near Pat [Lonergan] on the other side of the border. He came running up real fast and he had a rock in each of his hands. They were good sized rocks, maybe softball size, they weren't little ones. I told Pat, 'Look out'. The kid cocked his hand like he was going to hit Pat upside the head. I drew down and fired, there wasn't any lapse of firing. I just drew down and fired."

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Regarding the hole in the fence he was asked:

"You're saying that this young man was about to reach through the hole in the fence and strike Pat?"

Cole answered:

"The picture that I have is that he had his arm cocked ready to hit him. I don't know, I can't say what, I don't know. I did see him run up with rocks in his hands."

Officer Cole's statements don't make it clear whether he thought Humberto was going to throw the rocks over the fence (as witnesses reported he had been doing), whether his partner's head was close enough to the chain link fence that he feared Humberto could injure his partner despite the fence, or whether he thought the hole was close enough for Humberto to reach through. The fence is patched and spotty. From Cole's elevated position the background behind the chain link fence is a broken cobblestone street. It is difficult to quickly distinguish the pattern of chain link from the pattern of cobblestones, and, against this background, difficult to distinguish patches from holes. This difficulty would be heightened in a tense shooting situation.

The relevant question is not whether the hole was where Humberto could have thrown a rock through it, but rather whether he acted in a manner that reasonably caused Cole to believe that Humberto was threatening Lonergan with death or serious bodily injury. We give considerable weight to uniform reports (from varied sources) that children, including Humberto, were throwing large rocks at the officers. If the throwing of a softball-sized rock over a nine-foot fence can be seen as threatening serious bodily injury (or death) the shooting was legally defensible. Statements of witnesses at the scene overwhelmingly support such a conclusion.

Agent Cole said Humberto and others had been throwing rocks previously, and that Humberto was approaching the fence with two more, his arm cocked, when he was shot.

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Agent Lonergan, who with Agent Foley arrested Eduardo at the fence, said that Humberto had been throwing rocks at him earlier in the chase, and he had drawn his weapon then because one rock landed right by his foot. Humberto stopped, and Lonergan reholstered. However, Lonergan reported the rock throwing resumed while he was attempting to handcuff Eduardo on the ground at the base of the fence. He said:

"I pulled him [Eduardo] off the fence and on to the ground to try and handcuff him. He was resisting a little bit by squirming around while I was trying to cuff him. There was at least one other agent from the I.B. station trying to help me. There might have been more but I'm not sure. As I was cuffing this guy, I looked up and the same kid [Humberto] was now lobbing rocks over the fence. He was making sure the rocks were just clearing the fence. The rocks were pretty good sized, and at least big enough to hurt if they hit you. Although none did. They were landing right next to me, maybe six inches away."

Lonergan said Humberto was six inches to a foot away from the fence just before the shots were fired, and the shots happened just seconds after the rocks came over the fence.

Ana Rosio Olivares is a Mexican citizen who saw the shooting from the Mexican side. She said that at least two people on the Mexican side were throwing rocks at the agents trying to arrest Eduardo and that she saw an agent pull his gun and fire at one of the people throwing rocks.

Agent Tatro saw the shooting from approximately 100-150 yards away. He said approximately five people on the Mexican side of the fence were throwing rocks at the agents trying to pull Eduardo from the fence. He looked up at the helicopter, and then heard gun shots. He looked down to see one agent reholster his weapon.

Agent Meyer was the pilot of the border patrol helicopter hovering over the scene. He saw at least two youngsters on the Mexican side throwing rocks over the fence as agents were attempting to pull Eduardo from the fence.

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Jose Luis Perez is a 12-year-old who knows Humberto and witnessed the shooting. He said an agent was using his baton on Eduardo. Humberto "tried to defend his . . . brother on the fence" [Humberto] "had rocks in his hand." However, Perez also said that the border patrol agent who had the baton dropped the baton and drew his gun. He shot Humberto. (No other evidence suggests that Cole ever used his baton on Eduardo.)

Rubil Ortiz also saw the shooting from the Mexican side. He reported that at the time of the shooting two agents were trying to restrain a male Mexican climbing the fence, and several rocks were being thrown over the fence by three or four kids (including "a girl") on the Mexican side.

Joel Diaz Toro is a 14-year-old who saw the shooting and claimed Humberto was on the American side about six feet away from the struggle at the fence when he picked up a rock and was shot. He also reported that Humberto, wounded, ran through the hole in the fence to the Mexican side where he was shot at twice more. Toro's is the only story placing Humberto on the American side at the time of the shooting.

Consuelo Olivares Gonzalez also saw the shooting from the Mexican side and said she saw Humberto pick up a rock just before he was shot.

Humberto Carrillo Estrada gave two separate statements on the day of the shooting. In both he admitted throwing rocks over the fence at Lonergan while the agent was arresting Eduardo. Humberto said he was about to throw another rock about the size of a baseball when he was shot. Subsequently, Humberto's attorney Marco Lopez reported that Humberto denied having thrown rocks. Published interviews with Humberto also report this subsequent denial.

Maria Omar-Melendez was identified by several witnesses (both U.S. and Mexican) as the young lady throwing rocks over the fence with Humberto. She denied that Humberto threw any rocks at the agents, but said he did have one in his hand as he demanded the agents let his brother go.

Eduardo Carrillo Estrada said he never saw anyone throw rocks, and categorically denied that either Humberto or Maria threw any.

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The point of this detailed recounting of witness statements is to show there is near unanimity among both American and Mexican witnesses that people on the Mexican side (Humberto specifically) were throwing rocks over the fence at the agents trying to arrest Eduardo. Those who say differently are Maria, identified by several witnesses as one of the rock-throwers; Eduardo, Humberto's brother, who was busy wrestling with two U.S. agents at the time of the shooting; and Humberto himself, who initially admitted throwing rocks and now denies it.

If agent Cole were prosecuted for shooting Humberto Estrada, a jury would likely be instructed in the language of CALJIC Nos. 5.10 and 5.16 as follows:

"Homicide [or attempted homicide] is justifiable and not unlawful when committed by any person when resisting an attempt to commit a forcible and atrocious crime.

"A forcible and atrocious crime, as the term is used in these instructions, is any felony, the character and manner of the commission of which threatens, or is reasonably believed by the defendant to threaten, life or great bodily injury so as to cause in him a reasonable fear of death or great bodily injury."

The factual and legal issues boil into this question: whether lobbing softball-sized rocks over (or through) a nine-foot fence at agents near the fence on the other side could be "reasonably believed by the defendant to threaten life or great bodily injury."

Humberto was throwing such rocks over the fence at the agents. We have visited the scene and hefted some of the softball-sized rocks which litter the area. We easily lobbed several in an arc high enough to clear the fence without traveling any great horizontal distance. We heard the sound they made when they hit the ground. Convincing a jury (beyond a reasonable doubt) that it was unreasonable for Officer Cole to believe Humberto presented an immediate threat of serious bodily injury to agent Lonergan, is most improbable.

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One final piece of evidence, uncovered well after the close of your investigation, adds substantial support to Cole's position. Members of our Bureau of Investigation have learned that Agent Cole was the victim of a previous rock attack in August 1982. He was patrolling the border on horseback when he was attacked by several Mexicans. He was hit and nearly lost consciousness. His head wounds required 16 stitches to close. Although this event was not part of the information before you when you made your decision, it buttresses Cole's stated concern for his partner's safety.

This incident developed from a tense and difficult situation presented at this area of our international border with Mexico. It has generated substantial emotional controversy. No one likes the picture of U.S. officers shooting across the border and injuring Mexican nationals. This is particularly true when the wounded person is a youngster.

Certainly nothing in our review or conclusions is intended as approval of Agent Cole's actions, nor do our conclusions reflect in any way on the civil suit Mr. Lopez intends to bring on behalf of the wounded boy. Rather, our inquiry and conclusions address only the question of criminal charges. You decided not to prosecute Agent Cole. Your decision was not an abuse of discretion.

Very truly yours,

JOHN K. VAN DE KAMP
Attorney General



STEVE WHITE
Chief Assistant Attorney General

cc: Honorable Richard Alatorre
Grand Jury Forewoman Betty Boone
Marco Lopez, Esq.

Manifestación de Niños en la Corte de S. Diego

EL HERALDO
7/4/85

Protestan por las Violaciones de la ley Cometida por la Border Patrol

SAN DIEGO, Cal., Julio 3 (INFORMEX).- La severa persecución en contra de mexicanos, que incluso ha causado arrestos, lesiones, encarcelamientos y deportaciones en perjuicio de niños, es producto de una represalia del Procurador General Edward Meese contra la comunidad mexicana, porque se rechazó la propuesta de la Ley Simpson-Mazzoli, denunció hoy Herman Baca.

El presidente del Comité pro Derechos de los Chicanos en California, con un grupo de 30 niños, realizó hoy una manifestación frente a la Corte Federal en San Diego, y anunció que ha enviado una carta a la Organización de Estados Americanos (OEA), denunciando la violación de derechos humanos que comete la administración de Ronald Reagan contra niños "peor que si estuviéramos en época de guerra".

El líder chicano les expresó a los niños que este día debían recordarlo toda su vida, porque con su actitud estaban defendiendo a muchos otros menores que están en las cárceles de la Patrulla Fronteriza, que son vejados, maltratados y golpeados solo por tener piel morena.

Baca, que llevaba un zapato tenis en la mano, reveló que últimamente los agentes de la Patrulla Fronteriza están arrestando a menores de ascendencia latina, intimidándolos y exigiéndoles documentos que los identifiquen como residentes legales, "lo que parece increíble".

Afuera de la corte federal ante la mirada de decenas de personas mientras los niños caminaban en una trayectoria oval sobre la banqueta llevando sus pancartas, Baca señaló que la administración de Ronald Reagan a través de la Patrulla Fronteriza busca aterrorizar la comunidad mexicana a lo largo de la frontera.

En la carta que Herman Baca envió a la OEA, señala que arrestan niños sin tomar en cuenta su edad y lugar de nacimiento; retienen niños en centros de detención, hay deportación ilegal; intimidan y arrestan a niños en las calles por no traer actas de nacimiento u otra identificación de ciudadanía.

"Disiparan, hieren, secuestran, como sucedió con Humberto Carrillo Estrada, Carlos Ahumada y otro niño de Caléxico.

También los acusa de no tener un procedimiento humanitario para poner en libertad a los jovencitos y de nunca avisar oportunamente a los padres y familiares de estos.

Recalcó que la comunidad mexicana en San Diego, está sumamente preocupada, porque ahora temen enviar a sus hijos a la escuela, a la tienda o a los campos de juego.

Finalmente expuso que los niños desaparecidos en el sur de Estados Unidos pudieron haber sido deportados por la Patrulla Fronteriza sin que nadie tenga conocimiento de los hechos.

HERALDO
DE BAJA CALIFORNIA



SAN DIEGO, Calif.- Unos 300 niños participaron ayer en una manifestación contra la persecución y vejaciones contra menores mexicanos, organizada por Herman Baca, del Comité

Pro Derechos de los Chicanos afuera de la Corte Federal. Allí anunciaron que pidieron una investigación a la OEA por la violación de derechos humanos que comete la Patrulla

Represalia Contra la Comunidad Chicana

EL MEXICANO

7/4/85

Arrestos y Deportaciones Porque se Rechazó la Propuesta Simpson-Mazzoli

SAN DIEGO, Calif.-La severa persecución contra mexicanos y que incluso ha causado arrestos, lesiones, encarcelamiento y deportaciones en perjuicio de niños, es producto de una represalia del Procurador General Edward Meese contra la comunidad chicana porque se rechazó la propuesta de la Ley Simpson Mazzoli, denunció ayer Herman Baca.

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realizó ayer una manifestación frente a la Corte Federal en San Diego, y anunció que ha enviado una carta a la Organización de Estados Americanos denunciando la violación de derechos humanos que comete la administración de Ronald Reagan contra niños "peor que si estuviéramos en época de guerra".

(Pasa a la página cuatro)

Con unos 30 niños, todos de tez moreno hijos de padres mexico-americanos en pleno corazón de San Diego, en la Avenida Broadway y Front, guió a los pequeños y los dotó de cartulinas señalando vejaciones y abusos en contra de otros menores.

Baca, se dirigió a los niños en inglés, señalándoles que aún cuando no sabían porqué estaban en esa manifestación (picket), los habían llevado sus padres que están preocupados por defender sus derechos civiles y humanos en Estados Unidos.

El líder chicano les expresó que ese día debían recordarlo toda su vida, porque con su actitud estaban defendiendo a muchos otros niños que están en las cárceles de la Patrulla Fronteriza, que son vejados, maltratados y golpeados sólo por tener piel morena.

Baca, de baja estatura, con su clásico Levis desdibujado y llevando un zapatito tenis en la mano, reveló que últimamente los agentes de la Patrulla Fronteriza están arrestando a menores de ascendencia latina, intimidándolos y exigiéndoles documentos que los identifiquen como residentes legales. "Lo que nos parece increíble" externó.

Afuera de la Corte Federal, ante la mirada de decenas de curiosos, mientras los niños caminaban en una trayectoria oval sobre la banqueta llevando sus letreros, Baca señaló que la administración de Ronald Reagan a través de la Patrulla Fronteriza busca aterrorizar a la comunidad mexicana a lo largo de la frontera con México.

En la carta que envió a la OEA, señala que arrestan niños sin tomar en cuenta su edad y lugar de nacimiento; retienen niños en centros de detención, deportándolos sin proceso legal; intimidan y arrestan a niños y adolescentes en las calles por no traer acta de nacimiento u otra identificación de ciudadanía; disparar, herir, secuestrar y arrestar niños como sucedió con Humberto Carrillo Estrada, Carlos Ahumada y otro jovencito de Caléxico.

También los acusa de no tener un procedimiento humanitario para poner en libertad a los niños y de avisar a los padres y familiares de éstos.

El dirigente chicano señaló que incluso, por declaraciones publicadas en el New York Times de ex agentes de la Patrulla Fronteriza, algunos de los oficiales de esa agencia federal han cometido violaciones en perjuicio de pequeñas niñas de 12 y 13 años de edad.

Recalcó que la comunidad mexicana en San Diego está sumamente preocupada, porque ahora temen enviar a sus hijos a la escuela, a la tienda o a los campos de juego porque a lo mejor ya no regresan.

Finalmente expuso que cuántos niños desaparecidos en el sur de Estados Unidos no pudieron haber sido deportados por la Patrulla Fronteriza, sin que nadie tenga conocimiento de los hechos.

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HERALDO
DE BAJA CALIFORNIA

Boy and his family swept up in the law

By Ernesto Portillo Jr.
Staff Writer

OCEANSIDE — For 12-year-old Carlos Ahumada, going to Del Mar on Saturday mornings was routine.

There he would help his good neighbor, Suzanne Lyons Shumaker, well-known proprietor of the flower stand at 15th Street and Camino Del Mar. Ahumada, a fifth-grader at Ditmar Elementary School, has been helping Shumaker trim the flower stems and keep the stand tidy for several years.

There were never any problems — until a week ago Saturday, when Border Patrol agents picked up Carlos because he could not produce citizenship papers. Four days later the Border Patrol released him to his parents, who had to acknowledge that they are undocumented Mexican nationals illegally in the United States.

As a result, the Ahumada family,

including two of Carlos' siblings who are U.S. citizens, face a deportation hearing in about six months with the Immigration and Naturalization Service.

"For us, we want our children to grow up here," said Epigmenio Ahumada, Carlos' father. "In Mexico, we have no home."

"We are very happy here," said Carlos' stepmother, Beatriz Ahumada.

Sitting in the Shumaker living room on Brooks Street, Carlos and his parents discussed the incident and prospects of having to leave their home of eight years.

"I felt strange," Carlos said of his four-day stay in the Border Patrol's San Ysidro holding cell. There he met other boys — some as young as 8 — and several from El Salvador.

He had been picked up about 11

See CARLOS on Page B-3



The San Diego Union

Carlos Ahumada, 12, ran afoul of the U.S. Immigration Service quite unexpectedly, and now he and his whole family, above, face possible deportation.

a.m. by four agents who arrived simultaneously in two vans at the flower stand, Shumaker said. With several customers present, she said, the agents told her: "Get out of the way. It's not your concern."

Carlos said an agent first asked him if he was a U.S. citizen and he answered yes. Another agent told him in Spanish that if he was lying he would be sent to jail, Carlos said.

He told them he was not lying. The agents then asked him for his "papers" and Ahumada said he didn't have any.

"He was shaking the whole time," Shumaker said.

Agents put Ahumada in the van with other men apprehended that day. In San Ysidro he was not able to call his parents until 7 p.m. Shumaker had already notified them of what had happened but no one knew where he had been taken.

"When we first found out that Carlos had been picked up, some of his uncles drove to the San Clemente Border Patrol checkpoint to look for him," Mrs. Ahumada said. With Shumaker's help, the parents sought their son's release Tuesday afternoon.

Ironically, they were given a document that guarantees their stay in this country pending their deportation hearing — in effect, legalizing this undocumented family's residence here, if only temporarily.

Shumaker said angrily she did not understand how Border Patrol agents decided to stop at the flower stand for the sole purpose of questioning Ahumada.

Assistant chief patrol agent Gene R. Smithburg in San Ysidro said Border Patrol agents constantly patrol North County. Agents often receive "a lot of information from a lot of people," he added.

Smithburg explained it is possible that someone called the Border Patrol and said that Ahumada was working at the flower stand.

The prospect of Carlos' deportation concerns his fifth-grade teacher and principal at Ditmar.

"I can see it's changed him," said teacher Juanita D. Murillo. Before the incident, she said, he was an outgoing and talkative child. On the day he returned to school — the last day of the school year — Carlos was quiet and withdrawn.

Ditmar principal James E. Cos-

man said he has done well academically and has been very active.

Several days before the Border Patrol picked him up, Carlos, a captain in the school safety patrol, received several citations at a school awards presentation. He received an award for reading the most books — 16 — and for perfect attendance.

It is his participation in the school patrol that has improved Carlos' role in school, Murillo said.

Cosman added that the family has been cooperative and supportive of their children's education. Also attending Ditmar are Hector, 9, and Yadira, 8. Yadira and Oscar, 2, were born in the United States.

Shumaker credited Carlos' parents with helping to organize the Neighborhood Watch Program. She said they explained the program's intent to the many Mexican families in the neighborhood.

Mr. Ahumada for the past year has been taking English classes after working in a local pharmaceutical company, where he has been employed for 2½ years. Earlier he worked in the nearby agricultural fields. His wife works as a seamstress.

The family previously had lived in Rosarito Beach, about 15 miles south of Tijuana, before coming to the United States. Carlos was born there, while his brother Hector was born in the Mexican state of Nayarit, meaning they are illegal aliens while their younger brother and sister are not.

For the family to successfully fight the hearing, they will have to prove that deportation could result in harm to the family, said Ernesto H. Azhocar, the family's immigration representative. Additionally, they will have to prove that they have lived here continuously for more than seven years and are of "outstanding moral character."

He said no date has been set for their deportation hearing.

Mr. and Mrs. Ahumada said they would have no future in Mexico — their families have emigrated to this country and some are U.S. citizens.

They have tried applying for citizenship, they said, but it is costly. They also would have jeopardized their stay by admitting they lacked necessary documents.

"What are we going to do?" Mrs. Ahumada said, indicating the children. "Take two and leave the other two?"

Border Agent Arrested on Complaint of Mexican Boy

By MARJORIE MILLER,
Times Staff Writer

Calexico police have arrested a U.S. Border Patrol agent on suspicion of kidnaping a 14-year-old Mexican boy, attempted extortion, and assault with a deadly weapon, Calexico Police Chief Leslie Ginn said Monday.

Ginn said Robert M. Ferrick, 24, was arrested Sunday night after the boy told police Ferrick had terrorized him over a three-day period, handcuffing him, cutting his hair, forcing him to strip and firing a shot near his head while he lay on the ground.

Ferrick is being held at the Imperial Valley Jail in El Centro in lieu of \$100,000 bond for arraignment today.

Dale Musegades, chief agent in charge of the Calexico station, said the Immigration and Naturalization Service is investigating the case. He said that if Ferrick is released on bail he will be reassigned to a desk job pending the outcome of the investigation and legal case.

Ferrick joined the Border Patrol a year ago last month and has had no other complaints against him, Musegades said. He said the youth who made the charges is a resident of Mexico who has been detained 18 times in the last nine months for being in the United States illegally.

Musegades said that Mexicans who regularly cross the border illegally and the agents who patrol the area tend to know each other by name.

Musegades said the youth told police Ferrick was retaliating

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BORDER: U.S. Agent Seized on Boy's Charge He Was Kidnaped

Continued from Page 1

against him because the boy allegedly stole a pair of binoculars from Ferrick's vehicle in March.

Ginn said the extortion charge related to "money for the binoculars" but declined to elaborate on the charge.

The youth accused Ferrick of terrorizing him on Friday, Saturday and Sunday after the youth had been detained by Border Patrol agents each day. Mexican illegal aliens usually are offered voluntary departure and are released at the border, Ginn said.

After Ferrick completed his Thursday night shift on Friday morning, he allegedly took the youth from detention to a remote area on Mt. Signal Road, about 10 miles west of Calexico, physically abused him and left him there, Ginn

said.

On Saturday, Ferrick again allegedly took the youth from detention to the remote area, handcuffed the boy, and cut off some of his hair with scissors.

"The victim was forced to lie on his back while the agent threatened him and fired a shot into the ground about two feet from his head. The juvenile was then forced to undress and was kicked into a ditch," Ginn said.

On Sunday, Ferrick allegedly drove the juvenile to the Mt. Signal area for a third time and cut off the rest of his hair. "He forced the youth to undress, threw the youth's clothes into the All American Canal and left him," Ginn said.

He said the unidentified juvenile fished his clothes out of the canal and found some fishermen to give him a ride back to Calexico, where he reported his charges to Calexico

police about 11:30 a.m.

Ginn said he and two sergeants immediately launched an investigation.

"We found the hair, we found the bullet," Ginn said. He said Ferrick was arrested with a search warrant at his home in Holtville, about eight miles northeast of Calexico, at about 7:30 p.m. Sunday. He said Ferrick did not resist arrest.

Ginn said he did not know how or why the youth could have been released to Ferrick each day. "I am not going to have the Police Department investigating Border Patrol procedures. I don't know what happened. Possibly there's no paper work on the kid."

The youth, an orphan, is being held at the county juvenile detention facility.

Ferrick is the second agent from the Calexico office to be investigated by the INS internal affairs unit.

Last month, a Calexico doctor, Jose A. Cisneros, said he was beaten and humiliated by Agent Kevin Jarvis.

Times staff writer H.G. Reza contributed to this report.



NEW ARRIVALS

Tribune photo by Bob Ivins

BACK TO MEXICO

Undocumented alien minors get a last look at the U.S. before deportation.

Juveniles return to Mexico with smiles

By Vicki Torres
Tribune Staff Writer

Immigration officials say it was a "major relief" to return to Mexico 500 undocumented alien minors held since last week in San Diego motel rooms because of a court ruling.

"You never saw a happier bunch of juveniles when they found they could go back to Mexico," said Gene Smithburg, assistant chief of the Border Patrol in the Chula Vista sector. "They did not want to be here, and it's a shame they had to be locked up."

Since Thursday, undocumented aliens younger than 18 who were detained by Border Patrol agents were required to be held in the United States until their parents could be contacted.

The procedure was a result of a temporary restraining order issued last week in Los Angeles by U.S. District Judge Terry Hatter Jr.

The order had been sought by the National Center for Immigrants' Rights in Los Angeles after Mario Moreno Lopez, 14, a legal alien from Santa Ana, was deported to Mexico on

Feb. 15 after he signed a waiver forfeiting his right to a deportation hearing.

Under a previous court order issued Jan. 24, immigration officials were required to advise such young people of their right to an attorney or legal aid before presenting the waiver.

The boy's father, who was not contacted by immigration officials before the teenager's deportation, searched the streets of Tijuana for his son, who was found in San Diego six days after his deportation.

The immigration-rights group said immigration officials had not properly advised Mario and 15 other individuals of their rights before deportation. The center won the temporary restraining order from Hatter.

However, yesterday Judge Edward Rafeedie lifted the order.

Gil Carrasco, director of the center, said the judge emphasized that immigration officials must advise minors of their rights before deporting them or be found in contempt of court.

He said the judge's statements would ensure that immigration officials follow proper proce-

dures.

Alan Eliason, chief patrol agent of the Chula Vista sector, said Border Patrol agents here began in February to follow the January court order.

"There is no case where a juvenile alien has not received this advisement," Eliason said.

Last week's order resulted in the detention of 511 juveniles, Eliason said.

All but 11, who have asked for deportation hearings, were being returned to Tijuana, he said. The process was expected to be completed today.

Keeping the juveniles in motels and at Border Patrol stations over the weekend cost about \$50,000, Eliason estimated. He said their return to Mexico was a "major relief" for the Border Patrol.

Also yesterday, Immigration and Naturalization Service officials in Los Angeles said an investigation into the arrest and deportation of Mario revealed no misconduct by Border Patrol agents.

ET 2/28/84

Suit Claims INS Holds 4-Year-Old 'Hostage'

Class Action Claims Children Used to Get Their Suspected Illegal Alien Parents to Turn Selves In

By LAURIE BECKLUND, *Times Staff Writer*

Orlando Ramirez left El Salvador Aug. 5 with a group of other Salvadorans to come to the United States. His father had been killed the year before. His mother had moved to Los Angeles to work as a domestic.

But when he crossed the border near Tijuana, he and his group were caught by the Border Patrol. By Saturday, Orlando had been in custody in San Diego for 15 days.

What is uncommon about this all-too-common story is Orlando's age. He is 4 years old.

On Friday, he became the centerpiece of a class action lawsuit that charged that Orlando and other children like him are being kept "hostage" by the U.S. Immigration and Naturalization Service to lure their illegal alien parents into turning themselves in.

Orlando's mother was identified in the suit only as a "Jane Doe." Orlando is her only child.

The suit estimates that there are about 200 children like Orlando in custody around the country at any given time because they were apprehended while traveling without their parents.

INS officials counter that it would be irresponsible of them to release such children to the custody of anyone other than their parents.

"They (attorneys for the children) charge that we are being inhumane," said INS general attorney Martin Soblick. "But can you

imagine what they would charge if we were to release the children to someone irresponsible and something happened to them afterward?"

However, in the class action suit, filed in federal court in San Diego, the National Center for Immigrants' Rights Inc. and El Rescate, a legal service center for Central Americans based in Los Angeles, charge that INS policy constitutes the use of children as "hostages" or "bait."

"As a condition of releasing detained children," the suit said, "the INS requires that a parent appear at the agency's office, waive (the) right to remain silent, waive (the) right against self-incrimination, and provide statements so that the agency can meet its burden of proof in subsequently initiated deportation proceedings."

The suit was filed after the immigrants rights groups lost two battles in immigration courts last week. An immigration judge in San Diego, where the boy is being held, agreed that the INS could require that a parent or legal guardian personally pick up the child. The Board of Immigration Appeals in Washington, D.C., upheld that ruling Thursday.

"We have no objection to that part of the court decision that requires a parent to personally appear to pick up a child," said Peter Schey, director of the Na-

Please see 'HOSTAGE,' Page 2

'HOSTAGE': Suit Targets INS

Continued from Page 1

tional Center for Immigrants' Rights Inc., in an interview.

"What we do object to is that the INS insists she be subjected to interrogation, and to give up her constitutional right to remain silent so INS can gather evidence to begin deportation proceedings against her."

However, Soblick said, Orlando's mother will not be arrested immediately if she appears to post bail for her son.

"It is generally conceded that the mother of this child is an undocumented, and we certainly have a right to question her," he said. "The courts have agreed with us. If, after questioning, it is determined that she is an undocumented, she will be allowed to go home with the child."

Common Occurrence

Deportation proceedings would then begin, he explained, and the burden of proof would be on the mother to show cause why she and her son should not be deported.

It is not uncommon for minors to be picked up by the immigration agents without their parents because parents often travel to the United States to earn enough money for their children's fare. In this

case, Schey said, Orlando's mother worked for nearly a year as a domestic to earn the roughly \$500 necessary to send for her son.

Schey said the woman has the funds to post the \$500 bond set by INS and that she may assign legal guardianship for her son to someone temporarily so that person can arrange for him to be released. However, Schey said, "Most people are not in the position to set up a legal guardianship for their children and are naturally reluctant to do so, anyway."

Orlando's mother, Schey said, "is caught between two impossible choices: to fight legally, which means her son could remain separated from her for a long time, or to just surrender, at which time they would both be deported to El Salvador."

The attorney said the woman has spoken to her son by telephone twice a month since she left El Salvador last year after her husband was killed in fighting there.

"She has been able to talk to him by telephone a few times since he's been in custody, and all he does is just cry," Schey said.

The boy is being kept either at a foster home or at a contract housing facility set up to care for children until the case is resolved, Soblick said.

S.O. 2007
9/1/89

Settlement disclosed in INS case

By Bill Ott
Staff Writer

An attorney for the National Center for Immigrants' Rights has announced that a \$7,500 settlement has been reached with the government to compensate an American citizen who was wrongly returned to Mexico as an undocumented alien five years ago.

The settlement will go to Christopher Robles-Enciso of Imperial Beach. He is now 20 and works for a construction firm.

When Robles-Enciso was taken into custody by the Border Patrol at the San Clemente checkpoint on Sept. 7, 1979, he was 15, according to Gilbert Paul Carrasco, attorney for the National Center for Immigrants' Rights.

Carrasco, during a press conference in front of the federal courthouse, said a 1981 lawsuit against the Immigration and Naturalization Service alleged that Robles-Enciso was taken off a bus at the checkpoint, handcuffed, interrogated for 19 hours, was abused and coerced into waiving his rights for voluntary return to Mexico with undocumented aliens.

This occurred, he said, despite the fact that Robles-Enciso produced his Social Security card and birth certificate, showing he was born in Los Angeles.

One of the Border Patrol agents involved in the incident was indicted and pleaded guilty to violating Robles-Enciso's civil rights. The border patrolman was fined \$1,000 and placed on probation for three years.

Carrasco said he still sees such incidents, involving Hispanic children, as a problem in the San Diego area.

"Children are particularly vulnerable to such abuses of authority," he said. "The arrest procedures employed by the INS are deficient ... This becomes alarmingly apparent in the context of an unaccompanied minor who may live in a cultural environment where Spanish is the primary language ..."

Carrasco said the center now has a class-action suit pending in federal court in Los Angeles on behalf of all unaccompanied minors apprehended by the INS.

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"What we do object to is that the INS insists she be subjected to interrogation, and to give up her constitutional right to remain silent so INS can gather evidence to begin deportation proceedings against her."

However, Soblick said, Orlando's mother will not be arrested immediately if she appears to post bail for her son.

"It is generally conceded that the mother of this child is an undocumented, and we certainly have a right to question her," he said. "The courts have agreed with us. If, after questioning, it is determined that she is an undocumented, she will be allowed to go home with the child."

Common Occurrence

Deportation proceedings would then begin, he explained, and the burden of proof would be on the mother to show cause why she and her son should not be deported.

It is not uncommon for minors to be picked up by the immigration agents without their parents because parents often travel to the United States to earn enough money for their children's fare. In this

case, Schey said, Orlando's mother worked for nearly a year as a domestic to earn the roughly \$500 necessary to send for her son.

Schey said the woman has the funds to post the \$500 bond set by INS and that she may assign legal guardianship for her son to someone temporarily so that person can arrange for him to be released. However, Schey said, "Most people are not in the position to set up a legal guardianship for their children and are naturally reluctant to do so, anyway."

Orlando's mother, Schey said, "is caught between two impossible choices: to fight legally, which means her son could remain separated from her for a long time, or to just surrender, at which time they would both be deported to El Salvador."

The attorney said the woman has spoken to her son by telephone twice a month since she left El Salvador last year after her husband was killed in fighting there.

"She has been able to talk to him by telephone a few times since he's been in custody, and all he does is just cry," Schey said.

The boy is being kept either at a foster home or at a contract housing facility set up to care for children until the case is resolved, Soblick said.

After Year Apart, Mother and Her Son, 4, Reunited

By MICHAEL SEILER, Times Staff Writer

LOS ANGELES—Little Orlando, the 4-year-old who an attorney says was held "hostage" by the U.S. Immigration and Naturalization Service to lure his mother, an illegal alien, into turning herself in, was reunited with her Tuesday after a year apart.

The smiling boy and his teary-eyed mother were brought together again 17 days after Border Patrol agents seized him at the San Clemente checkpoint and held him in a foster home in San Diego as lawyers for Los Angeles-based El Rescate, a refugee center for Central Americans, launched a legal and public relations battle to win the reunion.

With television lights and cameras all around, Orlando was carried into El Rescate's offices on Pico Boulevard near the Convention Center in the arms of the organization's lawyer, Della Behan.

While Orlando alternately smiled and stared at reporters, Behan, his newly appointed legal guardian, got off another blast at the INS.

'It's Repulsive'

"I don't believe it's right to hold children hostage," she said. "I think it's repulsive what they (the INS) have done."

The INS sees the matter differently.

"We have a very strong interest in protecting the child," said Charles E. Hamilton, chief legal officer of the INS San Diego district in an interview Tuesday after Orlando was released to Behan.

Hamilton pointed out that Orlando was the youngest of a dozen Salvadoran children found crammed into a concealed compartment of a smuggler's truck last

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JACK GAUNT / Los Angeles Times

Orlando, 4, is reunited with his mother, Ana Margarita, 30

'HOSTAGE': Mother Reunited With Her Son, 4

Continued from Page 1

month. The driver, the only adult present, was arrested on suspicion of smuggling illegal aliens, and INS agents set about trying to track down the parents.

"We were not going to take the child to San Ysidro and turn him loose on the border," Hamilton said.

When Orlando was not delivered to her in Los Angeles, his mother, Ana Margarita, 30, (she has not disclosed her full name or Orlando's for fear of reprisals against relatives in El Salvador), contacted Behan, who tracked down Orlando to the INS in San Diego.

Behan said Tuesday that Ana Margarita had left El Salvador a year ago, fearing for her life after Orlando's father was killed by a right-wing death squad for reasons the mother does not know. Leaving the child with relatives, she came to Los Angeles and worked as a domestic to raise the \$500 needed to bring Orlando north.

It was no easy decision for Ana Margarita to subject her young son to the uncertainties of the smugglers' route to the United States, said Behan, who added emphatically:

"The mother is not responsible

for the conditions that exist in her country, nor is she responsible for the specific problems of her coming here to survive."

Behan said that once the boy was found to be in INS protective custody, she arranged a phone conversation between mother and child. That was easy; the rest was considerably more complicated.

Lawyers for El Rescate and the National Center for Immigrants' Rights Inc. filed a class-action suit in federal court in San Diego charging the INS with using about 200 children like Orlando as bait to catch their illegal-immigrant parents.

The suit charged that the INS required parents, separated from their children in INS custody, to waive their rights to remain silent and not incriminate themselves. In other words, the suit said, for a parent like Ana Margarita whose immigration status is illegal to reclaim her son, she would have to admit her status and, in effect, get both of them tossed out of this country without due process.

In addition to filing the suit, lawyers representing Ana Margarita and Orlando fought without success to get a San Diego immigration judge to waive the INS

requirement that a parent or legal guardian personally pick up the child from the INS. The Board of Immigration Appeals in Washington upheld that ruling Thursday.

So on Friday, Behan went into Los Angeles Superior Court and had herself named Orlando's legal guardian. She presented the INS in San Diego with those court papers Tuesday, and the boy was turned over to her.

It will be months, perhaps years, before the immigration status of Orlando and his mother is settled, both Behan and Hamilton agreed. In the meantime, they may live for a time with Behan or return to Ana Margarita's modest quarters near downtown Los Angeles.

Asked what happens next, Ana Margarita replied simply in Spanish, "Work and school."

As for Orlando, he wasn't saying much at the reunion. He was just smiling and crying, but mostly smiling.

U.S. agents targeted by protesters

Chicanos critical of Border Patrol

By David Jefferson

Tribune Staff Writer

A group of 30 Hispanic children carrying signs declaring "Reagan and the Border Patrol are child abusers" and "Where's your birth certificate, pilgrim?" marched in front of the downtown federal courthouse yesterday in a protest staged by the Committee on Chicano Rights.

The committee said Border Patrol agents have harassed Mexican-American children and treated them harshly.

The committee said agents have been arresting Hispanic children regardless of their age or place of birth, holding the children in detention centers and deporting them without due process; and that they have been intimidating children on the streets because they failed to carry birth certificates or citizenship documents.

Herman Baca, chairman of the committee, accused U.S. Attorney General Edwin Meese III of "unleashing the Border Patrol to terrorize the Latino community in the United States for our adamant opposition to Simpson-Mazzoli," legislation to change immigration laws.



Tribune photo by Janice Gordon

E.T. 7/4/85

LATINO CHILDREN PROTEST TREATMENT BY BORDER PATROL The Committee on Chicano Rights says agents are harassing and abusing youngsters

The committee has petitioned the Organization of American States' Inter-American Commission on Human Rights to investigate "the recent rash of child abduction, arrest, incarcerations, beatings and shootings by the U.S. Border Patrol."

Baca referred to the April shooting

of a 12-year-old Mexican boy by a U.S. Border Patrol agent and to allegations that a 14-year-old Mexican boy was kidnapped in June by an agent in Calexico.

"As long as the Border Patrol exists, you will never have rights," Baca told the children at yesterday's

protest. "You will be second-class citizens."

The children were sons and daughters of committee members.

Border Patrol officials had little reaction to the protest.

"If he's going to make allegations, he should give specific examples,"

said Gene Smithburg, assistant chief agent in San Diego. "If we have any questionable incidents, we investigate them."

Smithburg added, "They will oppose anything we do ... but usually there is not much substance to it all."