



United States Department of Justice

WASHINGTON, D.C. 20530

ASSISTANT ATTORNEY GENERAL

MAR 20 1978

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PM

Ms. Vilma S. Martinez
President and General Counsel
28 Geary Street
San Francisco, California 94108

Dear Vilma:

Attorney General Bell has asked me to respond to your letter of February 9, 1978 regarding official violence against Chicanos in the Southwest.

I certainly share your concern about the incidents as documented in the attachments to your letter. I asked my staff to determine the status of each of the matters listed, and the current status of each is shown on the attachment to this letter.

As I know you are aware, criminal civil rights prosecutions are generally difficult cases because of the government's burden of proof beyond a reasonable doubt and because of the necessity of proving, under current federal law, that the defendant specifically intended to violate the victim's federal civil rights. We are encouraged by our recent successful prosecutions in the Torres and Morales cases in Texas, and we intend to continue to vigorously prosecute such cases where sufficient evidence exists to establish a violation.

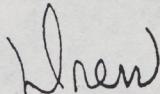
cc: Mike Dalton
Luther Estrella

- 2 -

We appreciate your bringing these matters to our attention, particularly those incidents concerning which we have not previously received complaints. I hope you will continue to do so in the future.

If I can provide any additional information, please do not hesitate to contact me.

Sincerely,



Drew S. Days, III
Assistant Attorney General
Civil Rights Division

A T T A C H M E N T

1. Barlow Benavidez - Oakland, California

An extensive FBI investigation has been completed and the matter is currently under review in the Criminal Section of the Civil Rights Division. A recommendation concerning further action will be made shortly.

2. David Dominguez - Los Angeles, California

This matter was not the subject of federal investigation. However, the facts set forth indicate the absence of color of law and, therefore, of federal jurisdiction. Moreover, the subject was prosecuted locally and sentenced to a life term.

3. Jesse Hernandez, Aldolfo Reyes - San Fernando, California

There has been a limited FBI investigation. The matter is under review by the Criminal Section.

4. Crescencio Ramirez - Wasco, California

This matter has been investigated by the FBI and is currently under review by the Criminal Section.

5. Edward Ramirez - Los Angeles, California

This matter is one of a number of investigations which we have recently initiated as a result of a series of reports by a Los Angeles television newsman. The FBI has not yet completed its investigation.

6. Noe Beltran

7. Ventura Flores - Brownsville, Texas

This matter has been investigated by the FBI and is currently under review in the Criminal Section.

8. Juan Galaviz - Big Springs, Texas

The FBI has not yet completed its investigation of this matter.

9. Pablo Garza - Bexar County, Texas

This matter was investigated and, after review by the Criminal Section, was closed on May 24, 1976.

10. Ricardo Morales - Castroville, Texas

Subsequent to their federal convictions on civil rights charges relating to the death of Ricardo Morales, on March 17, 1978 Frank Hayes was sentenced to life imprisonment, and his wife and sister-in-law to three years and 18 months, respectively. The defendants have appealed.

11. Edwardo Prieto - El Paso, Texas

This matter was investigated by the FBI and closed on August 31, 1977.

12. Santos Rodriguez - Dallas, Texas

Dallas Police Officer Darrell Cain was convicted of murder with malice in 1973 state court proceeding and was sentenced to five years imprisonment. The Civil Rights Division closed the matter subsequent to the state court conviction. However, we have recently reopened the matter

and intend to make a determination in the near future as to whether additional federal action is warranted.

13. Tiburcio Santome - Garden City, Texas

The FBI has not yet completed its investigation of this matter.

14. J. Campos Torres - Houston, Texas

Three former Houston police officers were convicted in a federal court prosecution of felony civil rights violations for their actions relating to the death of Torres. Sentencing is set for March 24, 1978. Another former officer pled guilty to a misdemeanor violation and testified for the government. A new trial date has not yet been set for former officer Kinney, who was severed from the first trial.

15. Danny Vasquez - El Paso, Texas

The FBI has not yet completed its investigation of this matter.

16. Albert Zaragoda - San Antonio, Texas

We have no record of this matter. We intend to initiate an investigation.

17. Juan Zepeda - Bexar County, Texas

The FBI has investigated this matter which is presently under review by the Criminal Section.

18. Juan Veloz-Zuniga - Hudspeth County, Texas

The FBI has investigated this matter which is presently under review by the Criminal Section.

19. Chris Barreras - Albuquerque, New Mexico

We have no record of this matter. We plan to institute an investigation.

20. Larry Corriz - Rio Arriba County, New Mexico

The Civil Rights Division conducted an extensive grand jury investigation of allegations of police misconduct in this county in 1976. This particular incident was not presented to the grand jury, but was investigated by the FBI and closed by the Civil Rights Division on June 15, 1977.

21. Jose L. Davis, Daniel P. Hembree - Albuquerque, N.M.

We have no record of this matter. We plan to institute an investigation.

22. Antonio Devargas - Rio Arriba County, New Mexico

This matter was investigated by the FBI and after review by the Civil Rights Division, was closed on April 27, 1977.

23. Jose Gamboa - Columbus, New Mexico

We have no record of this matter. We intend to initiate an investigation.

24. Alven Montoya - Albuquerque, New Mexico

We have no record of this matter. In light of the length of time which has passed since the incident and the results of the civil lawsuit, we plan to take no action.

25. Andrew Ramirez - Albuquerque, New Mexico

This matter is currently under investigation by the FBI.

26. Arthur Espinoza, James Hinojos - Denver, Colorado

An FBI investigation is pending.

27. Robert Fernandez - Pueblo, Colorado

This matter has been investigated by the FBI and is under review by the Criminal Section.

28. Dennis Lucero - Denver, Colorado

We have no record of this matter. However, the facts set forth indicate absence of action under color of law and, therefore, of federal jurisdiction.

29. James Montoya; Roger Montoya
Robert Montoya - Denver, Colorado

We have no record of this matter. We intend to initiate an investigation.

30. Joe Roy Sanchez - San Luis, Colorado

We have no record of this matter. We intend to initiate an investigation.

MEXICAN AMERICAN LEGAL DEFENSE EDUCATIONAL FUND

1028 CONNECTICUT AVENUE, SUITE 716 / WASHINGTON, D.C. 20036 / (202) 659-5166

FOR IMMEDIATE RELEASE

FOR FURTHER INFORMATION CONTACT:

Al I. Perez
MALDEF
1411 K Street, N.W. Ste. 300
Washington, D.C. 20005
(202) 393-5111

Vilma S. Martinez, President and General Counsel of the Mexican American Legal Defense and Educational Fund (MALDEF), testified ~~today~~ in opposition to the Administration's legislative proposal on undocumented aliens, S. 2252. Ms. Martinez, appearing before the full Senate Committee on the Judiciary, called the Administration's proposal unworkable, and stated that it would be the cause of lasting discrimination in employment against Americans of Mexican descent.

A copy of Ms. Martinez' testimony is attached. For further information, contact Mr. Al Perez, Associate Counsel.

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April 12, 1978

HAND DELIVERED

Hon. Griffin B. Bell
Attorney General of the United States
Department of Justice
Washington, DC 20530

RE: Official Violence Against Chicanos

Dear Judge Bell:

On February 9, 1978 I wrote to you about the epidemic of violence against Chicanos which has been sweeping Southwestern police forces. Attached to my letter were detailed 30 incidents of murder, brutality, and official lawlessness directed against our community. I then asked you urgently to address "the underlying problem", and to assert "strong moral and political leadership" to assure that Justice would wage a strong, coordinated campaign against the rising tide of official violence.

Drew Days has responded to me by summarizing the status of the Department's action in each incident on a case-by-case basis. We have answered Mr. Days' letter by continuing the dialogue he invites on this matter. But we are still seeking a response to our broader inquiry: what will the United States do about the problem, apart from dealing, on a limited, case-by-case basis, with a pitifully small number of its individual manifestations?

We would like to bring this question into sharper focus. As one means of doing so, I am enclosing a supplemental list of brutality incidents, as promised in my prior letter. This supplemental list describes 26 more police crimes, resulting in the deaths of 14 Chicanos, and the shooting, assault, or beating of 17 more. This latest list adds to the frightening record we previously summarized with respect to the Southwest.¹ In addition it shows that Hispanics in other parts of the country are the object of the same reign of police terror.²

We had thought that 30 cases in four states showed a dramatic pattern that requires systematic treatment. We now think that, with 56 cases in 8 states, the pattern is even clearer and the need even more urgent. As you requested, we are meeting with Mr. Civiletti to express our continuing outrage that such a pattern can exist and to work with him to develop an agenda for the meeting with you to articulate appropriate, strong corrective action which the Department could take on these issues. But we also continue to ask for your personal concern, attention, and leadership on this issue. Without a strong push from the top of the law enforcement structure of the United States, we fear nothing will change where it

¹ Of the 26 incidents, 7 occurred in California, 5 in Texas, 5 in Colorado, 2 in New Mexico, and 2 in Arizona.

² We document, as a first installment, 2 incidents in Chicago, 2 in Philadelphia, and 1 in New York. All involved Puerto Ricans.

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April 12, 1978

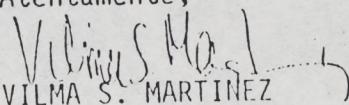
counts--out in communities where Chicanos are being shot, beaten, killed, and tortured weekly.

The distressing fact is that many law enforcement agencies do not value Chicano lives highly. Thus they are often, almost casually taken, as our descriptions show. Of course these law enforcement attitudes reflect a more widespread neglect of Chicanos' human rights and human worth throughout the communities where this police violence flourishes. Thus, a Chicano life was worth only a one-year sentence in the Campos Torres case--an outrageous affront to the justice system, as you yourself have recognized by having the Department of Justice seek resentencing. But that case is regrettably not unique. Police departments, prosecutors and juries have reacted with similar contempt for the value and dignity of our lives in case after case documented here.³

The fact that these incidents are not isolated but rather symptomatic can also be seen in the horrifying statistics for a single city--Los Angeles. (A large percentage of the victims there are of course from that city's very large Hispanic community.) In 1975, Los Angeles Police Department officers were involved in 72 shooting incidents, causing 30 deaths and 45 injuries. In 1976, there were 68 such shootings. In 1977, there were 48 fatal shootings in the County, 33 of them by the LAPD. The 1975-76 toll of victims includes 41 unarmed persons, 9 of whom were killed, plus 10 bystanders or hostages. The LAPD evidently shoots to kill: 40% of its shootings were fatal.⁴ The three recent Los Angeles police killings we summarize here fit this pattern.⁵

The bloodbath we describe here and in my previous letter requires more than a slow, careful investigation in a very few particularly egregious cases. We look to you to provide the commitment we have requested in my earlier letter. To be effective, that commitment must be public and unequivocal. We hope you will respond in that spirit.

Thank you for your continuing interest in this most urgent national matter.

Atentamente,

VILMA S. MARTINEZ
President and General Counsel

cc: Hon. Drew S. Days III
Hon. Benjamin Civiletti

³See, e.g., cases number 35 (police cover-up of police murder, assisted by judge); number 36 (another police cover-up of police murder, extending to death of Police Chief who bucked anti-Chicano sentiment); number 40 (repeated police beatings draw only 10 days suspension); number 44 (two-time police killer goes undisciplined); number 48 (judge refuses to allow effective prosecution of brutal policeman); number 51 (feeble prosecution of obviously misbehaving officer); and the Hanigan case, number 50 (all-white jury refuses to convict ranchers of anything in barbaric torture incident). Many others are summarized in the attachment of incidents.

⁴All statistics in this paragraph were compiled by the Coalition Against Police Abuse in Los Angeles and are believed to be reliable.

⁵See numbers 31, 32 and 34.

**Mexican American
Legal Defense
and Educational Fund**

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MALDEF

April 19, 1978

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

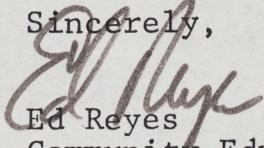
Dear Mr. Baca,

Included here is the second set of case summaries which we have documented with the generous assistance of concerned people across the country. They represent a continuing pattern of abuse of Latinos by law enforcement officials, and a deterioration of confidence by our community towards such agencies.

We have also enclosed the response to our first set of case summaries from the Justice Department, as well as our own letter accompanying the new cases.

MALDEF extends its sincerest appreciation for your continued assistance with this documentation in the hopes that our combined efforts can result in positive action by the Federal government to end this tragic abuse of our community.

Sincerely,


Ed Reyes
Community Education &
Activation Program

CC: Esther Estrada
Director, CEAP

Enclosures

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July 11, 1978

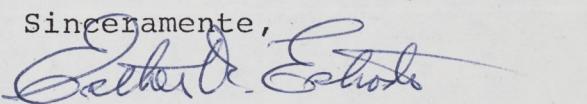
Dear Mr. Baca,

May I take this opportunity to extend my appreciation for your efforts in assisting our research on abuse and violence by law enforcement officers against Latinos.

Of the nearly 200 cases of killings, shootings and beatings which we have received since the inception of our documentation, we have sent 56 of the most complete to U.S. Attorney General Griffin Bell. We seek definite commitment from the U.S. Justice Department in providing the legal and moral leadership needed to end such blatant and dangerous disregard for the basic "human rights" of these victims, namely their physical well-being and protection. We have presented our documentation as a systematic pattern of abuse by law enforcement agencies, and feel that the Federal government must make a genuine and even more systematic effort to end these widespread violations. We hope that our limited efforts will contribute positively to our mutual goal of ridding our communities of the long-felt fear of officially perpetrated violence.

We, at the Mexican American Legal Defense and Educational Fund are extremely grateful for your assistance and concern regarding this issue. It is our hope that we can be of assistance to you sometime in the future.

Sinceramente,


Esther R. Estrada
Director, Community Education
& Activation Program

P.S. Please excuse the fact that this letter is photocopied. So many generously offered their time and effort that this became a necessity.

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MEXICAN AMERICAN LEGAL DEFENSE EDUCATIONAL FUND

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Testimony of Vilma S. Martinez
for Hearings on S.2252 before the Subcommittee on
Immigration of the Senate Committee on the Judiciary

May 4, 1978

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X

Testimony of Vilma S. Martinez
for Hearings on S.2252 before the Subcommittee on
Immigration of the Senate Committee on the Judiciary

I. Introduction

Mr. Chairman, members of the Committee, my name is Vilma Martinez. I am President and General Counsel of MALDEF, the Mexican American Legal Defense and Educational Fund. MALDEF is a national civil rights organization dedicated to the preservation and vindication of the civil and constitutional rights of the some 15 million Americans of Hispanic descent. Headquartered in San Francisco, MALDEF has offices in Washington, San Antonio, Los Angeles and Denver. For the past several years, much of our work has been concentrated in the areas of voting rights, public education, employment discrimination and immigration.

I am here today to testify in opposition to the Administration's bill on undocumented aliens -- S.2252. We at MALDEF are opposed to S.2252's enactment for the following reasons:

1. Enactment of S.2252 would lead to significantly increased discrimination, particularly employment discrimination, against United States citizens of Mexican descent;
2. The adjustment of status component of S.2252 fails to recognize the need to adopt a substantially more recent date than January 1, 1970 as the qualification date for permanent resident status;

3. The provisions creating a five-year temporary worker permit would not only institutionalize a subclass of alien laborers, but visit dramatic adverse consequences on the Mexican American community as a whole; and

4. Given the prevailing, almost total lack of factual data regarding the impact of undocumented persons upon our society, there exists no factual base to support the need for, or propriety of, the legislative approach adopted in S.2252, and until such a data base has been amassed and analyzed, it is premature to consider formulation and passage of any legislation whatsoever.

We at MALDEF have a rather intimate familiarity with S.2252, having actively opposed the approach to the so-called "undocumented alien problem" adopted therein since early 1977, when the Carter Administration first began to consider whether it would recommend such legislation to the Congress. MALDEF representatives met and corresponded repeatedly with Administration officials, including the Secretary of Labor, the Attorney General, the President's Domestic Advisor, and others, to explain the faults we found in the legislation. Other organizations prominent in the Hispanic movement did much the same.

Having been unsuccessful with the Administration, we must now turn to the Senate to plead our case -- the case of the

millions of Mexican Americans who are citizens and lawful residents of the United States -- as to why S.2252 threatens our community with severe adverse consequences, and should not be allowed to become law.

We have prepared a detailed Statement of Position which sets forth at length the grounds upon which we at MALDEF oppose S.2252, as well as other elements of the Carter Administration's undocumented alien legislative package. Further, we have prepared a concise factual analysis of such limited evidence as is presently available regarding the socio-economic impact of undocumented workers on this country. I will not now attempt to repeat in full the analysis and arguments contained in these two documents. Instead, I would ask that they be published in connection with these hearings as an addendum to my testimony. This will permit me to summarize briefly the major faults we find with S.2252, but at the same time make available to this Committee the substantially more detailed recitation of MALDEF's views, findings and conclusions provided in our two papers.

II. Employer Sanctions

Turning to our first principal objection to S.2252, we believe that the employer sanction component of S.2252, in application, would spawn significant employment discrimination against Mexican Americans. In essence, this component of the

bill tells an employer that he will be under continuous governmental scrutiny in his hiring practices, and that should he employ an undocumented alien, he might be subject to Justice Department prosecution. If nothing else, the in terrorem effect of this threat would be enormous. Further, many employers, preferring not to hire Mexican Americans because of personal prejudices, would find the employer sanction provision a convenient excuse for denying employment to otherwise qualified Mexican Americans.

Admittedly, efforts have been made to soften the employer sanction provision in an attempt by the Administration to minimize the discrimination which it as much as concedes would inevitably result therefrom. However, we see these efforts as largely ineffectual, and believe that they would have only a de minimis impact on the discrimination we think inevitably would flow from the statute.

For example, although only those employers found to have engaged in a "pattern or practice" of employing undocumented workers would be the focus of prosecution, "pattern or practice" has not been statutorily defined, and could be construed to apply to the hiring practices of virtually any employer. Similarly, the statutory defense given employers who can demonstrate that they were shown documentary proof of lawful status before hiring an undocumented worker would be rebuttable rather than absolute.

Thus, even if an employer demanded and was shown documentary evidence of a worker's lawful status, if the worker was discovered in fact to have been undocumented, the employer might still be subject to prosecution. "Pattern or practice" enforcement and the rebuttable statutory defense offer employers no more than a mere possibility that they would not be prosecuted for their hiring decisions. Not many employers, we suggest, would find this sufficiently reassuring.

We think it clear that most employers, either to assure avoidance of prosecution, to adhere to what they incorrectly perceive to be the legislation's requirements, or out of personal prejudice, would simply refuse to hire anyone whose skin color or accent made the employer suspicious of the person's lawful status in this country. As a matter of policy, we implore the Senate not to enact legislation that would have such a discriminatory impact.

Not only do we view the employer sanction proposal as ill-conceived from a policy point of view, we also believe that the legislation suffers from material constitutional deficiencies. Addressing those deficiencies briefly, we think that, in application, the employer sanction proposal would occasion clear-cut violations of the Fifth Amendment.

Although I refer you to the MALDEF Statement of Position for a detailed discussion of our views regarding the doubtful constitutionality of S.2252, in summary we believe that the

employment discrimination prompted by the legislation would violate Fifth Amendment equal protection guarantees; that the bill's failure to impose certain procedural requirements upon employers engaged in adjudging the legal status of a job applicant constitutes a violation of Fifth Amendment due process requirements; and finally, that the bill would effect an unconstitutional delegation of governmental authority to private individuals without articulating the necessary standards to be employed by those individuals in enforcing its mandate. In our view, given these constitutional infirmities, S.2252 should never be permitted to become law.

III. Adjustment of Status

Moving next to the adjustment of status component of S.2252, MALDEF takes issue with the wisdom of several aspects of that component as well. Let me address first the proposed amendment of Section 249 of the Immigration and Nationality Act to allow persons who have "resided continuously" in the United States from January 1, 1970 until the present, to qualify for permanent resident status. We think that adoption of January 1, 1970 as a cutoff date for adjustment of status is wholly inappropriate, and that the date should be brought forward to January 1, 1977 or a more recent date.

Were the January 1, 1970 date adopted, hundreds of thousands of undocumented workers who have made substantial

contributions to American society and have developed close ties to their local communities would wrongfully be denied permanent resident status. These are persons who have been gainfully employed in often unattractive jobs requiring long hours and hard manual labor; persons who have faithfully paid state and local taxes; persons who have lived law-abiding and productive lives. They should be permitted to emerge from the shadow existence they presently lead, and live in the light of permanent resident status that in time can lead to the full citizenship they so deserve and desire.

Turning to the bill's creation of a five-year temporary worker permit for all undocumented persons who have resided continuously in the United States since before January 1, 1977, but after January 1, 1970, we are strongly opposed to the creation of any such class of persons. Our reasons are multifold.

First, we regard the proposal as a move to institutionalize those persons qualifying for the five-year temporary worker permit as a formal subclass of American society. The low station they would be assigned is reflected in the very limited rights the legislation offers them -- basically only the right to work in this country without fear of deportation during a five-year term. They would be denied the right to bring their families into the United States, and they would be ineligible for such

federal social service benefits as Medicaid, food stamps, Aid to Families with Dependent Children, and Supplemental Security Income. Further, passage of such legislation by the Congress would surely motivate the states to deny persons in this statutorily-created subclass local social service benefits such as state welfare and disability payments. All this would be denied persons given the five-year temporary worker permit, and yet those very same persons would be expected to pay federal and state income taxes, social security taxes, and state sales taxes. When these facts are considered, the exchange offered by S.2252 is plainly nothing less than unconscionable. More importantly, we think that the constitutionality of exacting taxes from such a large class of persons resident in this country, but refusing to accord them access to the services paid for by their tax dollars, is subject to serious question.

Our opposition to the five-year temporary worker permit is based not only on our objection to the inequities we see it imposing upon persons assigned that status, but also on the adverse impact that creation of such a subclass would have upon the Mexican American community in general. The subclass institutionalized by the five-year temporary worker permit proposal would be populated largely by Mexicans, persons physically indistinguishable from the Mexican American citizenry of this

country. Just as many Americans would regard persons assigned the five-year temporary worker status as their inferiors, how long would it be before this sentiment would begin to overlap into a majority consensus regarding U.S. citizens of Mexican descent?

The final fault with the five-year temporary worker permit proposal which we wish to emphasize is that the proposal, as presently drafted, is unworkable. Its purported design is to bring undocumented aliens out into the open through their registration for the five-year temporary worker permit, and in this way to obtain a better appreciation for the scope of the "undocumented alien problem." However, we doubt this goal would be achieved. We think it likely that many undocumented persons would choose not to register for the five-year temporary worker permit, knowing that at the end of five years they might be deported. Without registering, the undocumented worker in all likelihood could continue to avoid apprehension and be employed in the same kind of work he could find if he had the five-year temporary worker permit. The undocumented person would be very reluctant to surrender the anonymity that to date had sheltered him from deportation in exchange for benefits he in effect already possessed and the remote possibility that at a later date the Congress might enact legislation that would allow him to qualify for permanent resident status.

The end result would be that the problems the legislation sought to cure would not be resolved because a substantial number of undocumented persons would opt not to register, and would thereby remain an invisible segment of society prone to exploitation and abuse at the hands of unscrupulous employers and others. Moreover, the five-year temporary worker permit proposal would create many new problems of its own since it would cast all persons choosing to register for such status into an alien laborer subclass with all the attendant evils I have mentioned earlier.

In connection with this discussion of the adjustment of status proposal, a topic that deserves serious consideration, but to date has received none, is the need for incorporating as part of any such legislation an amnesty for past immigration-related offenses. The fact is that many persons who would be registering for adjustment of status under S.2252 have been guilty of violations of the Immigration and Nationality Act, and are potentially subject to criminal prosecution for such violations. Such immunity is necessary to ensure that an overzealous prosecutor does not use the change of status registration process as a means of identifying persons who may have violated the immigration laws, and thus make a sham of the benevolent purpose behind the legislation.

The two offenses most commonly committed by undocumented persons, both punishable as misdemeanors, are entry into the United States without proper clearance by immigration officials, and failure to register and be fingerprinted annually as required by law. It should also be noted that the family and friends of an undocumented person might be subject to prosecution for a variety of statutory violations. Punishable offenses would include bringing the undocumented person into this country and harboring him here, transporting him within the United States with knowledge of his undocumented status, or encouraging or inducing his illegal entry.

When an undocumented person registers for permanent resident status, he should be immunized from prosecution for past violations of the immigration laws. A like immunity should be extended to the person's family and friends who might be subject to prosecution for immigration-related offenses.

IV. Absence of Factual Base

Turning now to my final, but perhaps most important point, MALDEF believes that, given the present, almost total lack of hard factual information regarding the impact of undocumented persons upon our society, it is clearly premature to enact any legislation directed at curing the so-called "undocumented alien problem."

To quote from the recent testimony of Dr. Charles Keely to the House Select Committee on Population:

We do not know how many undocumented aliens enter each year. We do not know how many remain here as more or less permanent additions to the population and how many are seasonal workers. Even data on 'apprehensions' are not all that certain since those data include repeaters and include persons who were never in custody. . . . We do not know how many jobs they fill. We do not know to what extent they displace workers or fill jobs U.S. workers are not available for. We have two conflicting paradigms to explain the labor force impact--one a supply-demand approach and the other a dual labor market approach. We have little data on the workers' desirability due to work habits and dependability, in addition to their clear exploitability. We do have scattered and not random data from small samples in various parts of the country of aliens in and not in INS custody that points to low wages, in dead end jobs. These same samples point to fairly high participation in tax withholding programs and even, surprisingly, private hospital plans, but little use of income transfer plans. . . . In short, we have scattered data, whose representativeness is not known since the sampling is not random. . . . [U]ndocumented aliens is such a broad concept with such heterogeneous groups included that many statements which attempt to be responsible descriptions can be both true and false. [Hearings before the House Select Comm. on Population, 95th Cong., 2d Sess. at 16-17 (Apr. 4, 1978).]

Review of the factual underpinnings of S.2252 reveals that the bill is premised on unsupported assumptions to the effect that undocumented aliens have an adverse effect on domestic labor market conditions, and are the source of a serious

financial drain on federal and state social service programs. Not only is there no reliable factual data to support either assumption, the facts that are known suggest just the opposite conclusions.

Considering first the alleged impact of undocumented workers on the labor market, the Administration asserts that these workers take jobs away from American citizens and legal residents, often forcing them onto public assistance; and that the presence of large numbers of undocumented workers fosters a depression of wages and working conditions, thereby worsening the competitive status of American workers vis-a-vis the undocumented.

As the MALDEF factual analysis submitted in connection with this testimony points out, the Administration's assumption is unsupported by the existing evidence. All the major analyses in the field demonstrate that, in terms of their occupation, wages and hours, most of undocumented aliens studied either had been working, or had once worked, at or near the bottom of the labor market. Such jobs offer the least not only in economic rewards, but also in social status, job security and upward mobility, and for this reason, by their very nature present a strong disincentive to the native worker. This evidence, MALDEF believes, clearly suggests that most undocumented workers appear to be taking jobs that Americans do not want.

Another fact to be considered is that public assistance is often more attractive to American workers than the jobs the undocumented will accept. Thus, for example, in Nevada, where the combined benefit level of Aid to Families with Dependent Children and food stamps is \$4200 per year, growers have difficulty finding anyone other than Mexican American farmworkers and undocumented aliens to harvest the potato crop. From the food processing plants of southern California, to the tomato fields of Iowa, to the factories of the Middle West, long hours, low pay and menial labor act as disincentives to American workers who can usually achieve a comparable, if not superior, income on public assistance. The Comptroller General recently noted in his report to the Senate Budget Committee that there is no evidence to substantiate the myth that the preference of some native workers for welfare is attributable to the presence of undocumented workers in the U.S. labor market. U.S. Comptroller General, "Impact of Illegal Aliens on Public Assistance Programs: Too Little is Known," p. 12 (December 1977) ("Comptroller General's Study").

Another unfounded assumption concerning undocumented workers is that they are responsible for a serious drain on tax-supported services and programs. Our analysis indicates that all of the major studies directly contradict this myth. The best

available evidence strongly suggests that while the large majority of undocumented workers make very substantial contributions to the local, state and federal tax systems, only a few of them participate in public assistance programs.

For example, the Comptroller General's study for the Senate Budget Committee found that more than 70 percent of the undocumented workers sampled had paid federal income and social security taxes in the form of withholdings from wages. Comptroller General's Study, pp. 14-15. Yet recent studies have found that only a very small percentage of undocumented persons make use of federal programs such as Aid to Families with Dependent Children, Supplemental Security Income, food stamps and unemployment insurance. Studies conducted by Los Angeles and San Diego counties demonstrate the same phenomenon on a state level -- substantial contributions by undocumented persons of tax dollars, but minimal claims for tax-supported services.

Thus, the facts known today provide what we regard to be relatively dramatic evidence that, contrary to the Administration's assumption, undocumented persons are not the source of an unrecompensed drain on social service dollars. Quite the contrary, they have contributed a disproportionately high percentage of the tax dollars which support those programs when compared with their very limited participation in the programs.

V. Conclusion

The studies and analyses to which I have referred and upon which MALDEF relies to defend its position that S.2252 is founded on nothing more than popular assumptions that are void of factual support, are themselves not conclusive. They do strongly suggest, however, that the "problem" of undocumented workers in this society is appreciably different in reality than it is in either the public or the official mind. Before national policy can be rationally formulated to deal with the issue of undocumented workers in this society, a credible data base needs to be developed to give policy makers an opportunity to analyze the probable effects of different policy approaches. Not all the possible approaches, it is obvious, entail the same mix of enforcement, foreign policy and statutory elements. Before any immigration policy reaches the legislative process, these options should be contrasted and compared in terms of their likely efficacy and impact in light of a full understanding of the presence and role of undocumented aliens in this country.

MALDEF strongly favors the creation of a Government-sponsored, blue-ribbon commission that would serve to gather this necessary detailed factual information, and to weigh the various policy options and legislative approaches which reliable factual findings suggest may be appropriate. We understand that a bill

will be introduced in the near future that would create just such a commission. Although, of course, we have not had an opportunity to review the bill in detail, we support the concept.

The work of the commission would be greatly assisted by a number of studies which are presently underway. For example, the Brookings Institute, the Commission on Civil Rights, the Immigration and Naturalization Service, and the State of California are all in the process of doing major studies that relate to various aspects of the undocumented alien question. The studies should contribute much to our understanding of the undocumented alien issue and would permit Congress to make a more reasoned judgment as to the solution.

Another factor arguing strongly against adoption of any undocumented alien legislation at this time is that a major reorganization of the Immigration and Naturalization Service is presently being considered by the Justice Department and the White House. Moreover, a Justice Department task force is now in the process of considering a major revision of the Immigration and Nationality Act. The results of these undertakings should be factored into congressional consideration of legislative needs and alternatives.

In conclusion, we urge the Senate to stay its hand at present until there exists a sound factual base upon which legislation may rationally and reasonably be founded. For lack of such a base, S.2252 is fatally flawed. We implore the Senate to reject S.2252 in its entirety, and to look afresh at the "undocumented alien question." Guided by facts rather than preconceptions, we rest assured that a solution to the question can be achieved which serves the interests of all, and sacrifices the interests of none.



April 13, 1979

TO: Interested Parties
FROM: Al Perez *Al Perez*
SUBJ: Voting Rights Act (VRA)

Enclosed is a letter we sent to Congressman Don Edwards concerning the VRA, particularly the bilingual election provisions.

The bilingual election provisions are under attack; we need to generate some letters to Mr. Edwards stressing the importance of and supporting bilingual elections. Your help is of critical importance; please write.

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1411 K Street, NW
Washington, D.C. 20005
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April 17, 1979

Honorable Don Edwards
Chairman
Subcommittee on Civil and Constitutional Rights
407 House Office Building
Annex No. 1
Washington, D.C. 20515

Dear Don,

It has been four years since we worked together to expand the Voting Rights Act (VRA) to include language minorities. I thought you and your Subcommittee might be interested in an update of what has occurred since that time.

OVERVIEW

It is clear that the expansion of the VRA to language minorities was the landmark event of the 1970's for Mexican Americans. The practical and symbolic impact of the VRA on our community has been extraordinary and has charted a course of progress and political advancement that is slowly but inexorably being felt nationally.

The covered jurisdictions have gradually accepted the requirements and dimensions of the VRA and are moving to implement it more fully. The doomsday predictions of the VRA opponents have not materialized and the cost factors have not been burdensome.

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SPECIFICS

The Section 5 provisions of the VRA have been very helpful in preventing covered jurisdictions from implementing discriminatory voting changes. This result is achieved in two ways. First, some jurisdictions that might be tempted to propose discriminatory voting changes are being dissuaded from doing so because they know such changes are subject to federal review. Second, some jurisdictions that propose discriminatory changes are prevented from implementing them through Section 5 objections.

Section 5 has also proved useful in assuring that the interests of Mexican Americans are protected and enhanced particularly when major voting changes (redistricting) are proposed. For example, the VRA-inspired-change from at-large to single member district councilmanic elections in San Antonio has resulted in a major enhancement of political power for Mexican Americans.* Other equally impressive results can be cited--objection to state purging statute, gains in El Paso councilmanic seats, review of Houston annexations, etc. The effects of Section 5 have been dramatic and tangible.

It is disappointing, however, that the Civil Rights Division of the Department of Justice has not litigated as plaintiffs more voting rights cases in language minority jurisdiction. While the Section 5 administrative work at the Division has stabilized and working more efficiently, there is lack of litigative follow-through by the Division. These concerns have been

* Since San Antonio provides political leadership to many other towns that have large numbers of Mexican Americans, the events in this city will have a major influence on what happens politically in these other towns.

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expressed to the appropriate officials at the Division; unfortunately, we have not noticed any interest to resolve these concerns.

Because of the federalism implications and the burden of proof requirements of the VRA, we expected major problems in Section 5 acceptability by covered jurisdictions. While this happened to some extent (i.e., Briscoe v. Levi), it has not been the struggle we anticipated. More resistance has been felt against the requirements for bilingual elections. Even here, however, the resistance has been isolated and vitriolic.

As you know, for language minorities the bilingual election coverage is geographically broader than the Section 5 coverage. Also, bilingual coverage can be based either on Section 4 of Title II or on Section 203 of Title III; coverage under one Section is independent of coverage under the other Section.

Bilingual elections requirement has been very helpful to the Chicano community. First, it has made it easier for non-English speakers to participate in the democratic process; second, it has provided symbolic assurance to Chicanos that somebody cares and is concerned about their struggle and welfare; finally, it has been a great sensitizing agent (about Chicano political concerns) for election administrators. There are, however, some problems that need to be reviewed.

The major problem with the bilingual election requirements of the VRA has been the lack of systematic enforcement by the Civil Rights Division. It is clear that enforcement of these requirements has a very low priority within the Division. The enforcement responsibility has been delegated to U.S. Attorneys; this responsibility is not being carried out aggressively. This failure has resulted in covered jurisdictions not implementing properly

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the bilingual election requirements.

A second problem is the assertions of covered jurisdictions that there is no need for bilingual elections in their jurisdictions because very few persons use bilingual materials. We have always maintained that the Congress, after long deliberations, concluded that bilingual elections were needed in certain jurisdictions. The Congress, however, also allowed for a bailout mechanism whereby covered jurisdictions could escape coverage of the bilingual elections requirement; this bailout mechanism, as you know, was deliberately made less stringent than the bailout mechanism of Section 5. Thus, covered jurisdictions that assert that there is no need for bilingual elections can easily escape coverage by filing a bailout suit. To my knowledge very few jurisdictions have attempted this.

Also, claims that bilingual materials are not being used have to be analyzed in the proper context: that is, usage of such materials depends on (1) history of discrimination against Chicanos by the covered jurisdictions; (2) efforts by the covered jurisdictions to involve Chicanos in the electoral process; (3) knowledge in the Chicano community of the existence of bilingual materials, and (4) availability of such materials. A soon-to-be-released bilingual elections study by the Federal Elections Commission (FEC) will show that the extent of bilingual election services provided by covered jurisdictions is to print bilingual election forms. There is no outreach, very little publicity, no community education, and very little community contact. In sum, what the FEC study will show is that VRA compliance by covered jurisdictions focuses on "paper compliance." It is not surprising, therefore, that there are claims that people are not using bilingual forms.

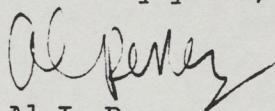
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There is no doubt that the Mexican American community is becoming increasingly involved in the democratic process. The VRA has provided a large part of the thrust for this involvement. It is inevitable that a statute that results in a more equitable sharing of political power in certain jurisdictions will draw heated criticisms. As is evident, however, the VRA has calmed the political process not disrupted it; it has given basic rights to some people at no cost to the basic rights of other people; it has improved democracy not detracted from it; and it has strengthened the republic not weakened it.

Sincerely yours,


Al I. Perez
Associate Counsel

AIP:rm

cc: Vilma S. Martinez
Joaquin Avila

**Mexican American
Legal Defense
and Educational Fund**

28 Geary Street
San Francisco, CA 94108
(415) 981-5800



MALDEF

January 19, 1979

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

Dear Herman:

Enclosed is the list of national Hispanic organizations that I promised to send. I hope it's helpful to you.

I don't know if you're aware of a directory which was compiled by the office of Senator Alex Garcia called, 'California Directory of Agencies and Organizations serving Latino, Asian and Pacific Island Communities'. Besides providing a very thorough list of organizations, it also gives a brief synopsis of the services and/or activities which each one offers. You could write to the Senator's office for a copy, if you're interested.

I'm awaiting your invitation to the rally in February, which I very much look forward to attending.

Sincerely,
A handwritten signature in blue ink, appearing to read "Esther".
Esther Estrada, Director
Community Education & Activation Program

EE:lm

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BRUTALITY BY LAW ENFORCEMENT AGENCIES: Case Summaries, PART II (in order by state)

CALIFORNIA

31) Name: BLANDO, James
Date: 2/20/76
Location: Los Angeles, CA

Case Type

On the night of the incident, Blando was fearful of gang reprisals against him, related to a previous incident. He called for police protection. The unit did not arrive until one hour later at the S. Hoover St. location. During this time Blando purchased a knife for his personal protection. Officers Norman Rouillier and James Wright immediately began to display aggressive behavior against Blando, who ran, eventually falling exhausted. Witnesses say that at no time did Blando threaten officers with the knife. Officer Rouillier fired one shot, wounding Blando, and Wright then proceeded to fire six shots, re-load, and fire six more shots into the body of Blando, killing him. Officer report states that Blando was threatening a young boy with his knife when they arrived, and turned to stab Rouillier. Immediately after the shooting, witnesses were physically abused by the officers.

32) Name: CORTEZ, Ruben
Date: 1/19/77
Location: Los Angeles, CA

Cortez was taken hostage by a gunman at his place of employment, and forced to drive. Officers gave chase with an exchange of gunfire. Officers were aware that there was a hostage in the car, and the units involved had complete radio communication with other units. Car lost control and crashed. Numerous witnesses stated that neither Cortez nor the gunman moved after the crash. Coroner's inquest indicates that Cortez was unconscious immediately after the crash. One officer then approached the crashed car and fired 4-5 rounds into the car, killing Cortez, who was unarmed. Coroner's report indicates that Officer Small's unit was that which gave pursuit. Officer R.V Montigo was also involved.

Legal Status

Blando's family filed a formal complaint with the LAPD. Police investigation concluded that killing was justifiable homicide. Blando's defense committee called for a D.A.'s investigation. Coroner's inquest denied. Blando's family has filed a wrongful death suit, which is pending. D.A. investigation is pending. No knowledge of Federal involvement.

Police and D.A. investigation still in progress. Coroner's inquest concluded that the officers were guilty of homicide. FBI has made inquiries.

BRUTALITY CASES (continued)

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- 33) Name: GARCIA, Tony
AMADOR, Bill
Date: 4/4/78
Location: San Bernardino, CA

The young boys were driving in the area of 7th and Roberts, when they were stopped by two marked police units for allegedly driving without lights. Angel Leon, an off-duty officer in one of the units, approached Amador and struck him in the face with his fist and challenged him to a physical confrontation, without any provocation. He then hit Garcia in the face area with his flashlight, and on a backstroke, struck another youth also present, breaking his nose. He struck a fourth youth in an attempt to provoke an altercation. Leon has had a well-known history of brutality against Chicano youth. He had previously been involved in gang investigations, which he conducted with much physical abuse. Leon was promoted to Homicide Division, which the Latino community has interpreted as encouragement of such activity. Two weeks previously, Leon's son had been killed, and he has been utilizing this to embark upon a personal shakedown of known gang members. Four on-duty officers stood by and watched throughout the incident.

- 34) Name: MONTES, Armando
Date: 5/5/77
Location: Los Angeles, CA

At 11th and Main Streets, Officer Frank Long, an off-duty, Central Division desk officer, claims that he observed a robbery in progress while driving his private vehicle. Long pursued the alleged robbers on foot, and as a witness has stated, he grabbed Montes by the back of his shirt, and spun him around. Montes then pushed the officer in the chest, and turned to run. Long drew his gun and shot point blank into Montes' back killing him. Research by the Coalition Against Police Abuse (CAPA) has shown that the police reports do not indicate that there was ever a robbery in progress as initially stated by Long. The question nevertheless remains that if Long did observe a robbery, why did he not call for help, which is police procedure? Statements by the witness clearly indicate that Montes' apprehension did not require such an excessive use of force, especially since no warning was given.

The youth's injuries were photographed, and they gave full statements at the police station. The Police Dept. is investigating. A formal complaint by the victim has not yet been filed. No charges were made against the youths. Booker Neil from the Community Relations Service of the Justice Dept., is currently trying to mediate between the police and the community. He was called onto the scene of the tension by MALDEF. There has been no disciplinary action against Officer Leon.

Formal complaint against the LAPD filed by Montes' family. Police have ruled the killing to be justifiable. A D.A.'s investigation is reportedly pending. No knowledge of Federal involvement.

35) Name: RIVERA, Luis

Date: 10/12/76

Location: National City, CA

City police officer, Craig Short, responded to a report of purse-snatching at a local church. One and one-fourth miles away from the church, Short and his partner encountered Rivera, who began to run when he saw Short approaching. Short drew his .357 Magnum and shot and killed Rivera in the back. The community is concerned at the fact that Rivera was walking toward the church at the time he saw Short; and that Short had threatened Rivera previously. The stolen purse was not found in Rivera's possession.

36) Name: TERRONES, Alberto

Date: 4/19/74

Location: Union City, CA

Terrones allegedly held up a store for some canned hams, at knife point. He then fled the scene on bicycle, at which time officer began to pursue. Terrones dismounted and ran into a trailer park. Officer John Miner, in pursuit, claimed that Terrones attacked him with a knife, and that he was forced to shoot him dead. There was serious dispute over whether Miner had used proper procedures in subduing his alleged attacker. There is strong community sentiment that events which occurred four days previously were very much linked to the case. At that time, an Anglo woman claimed that she was burglarized, and that one of her children, Gina Angelo, was stabbed to death. She said that the killer was a Latino. There is evidence that Miner linked Terrones with that slayer, and he was in fact, identified as such after his death. When the woman later admitted that it was she who had killed her own daughter, and that there had been no burglary, police denied that Terrones had ever been implicated. Community members feel that it was the anti-Mexican hysteria, whipped up the the death of Gina Angelo, which led Miner to overreact in his encounter with Terrones. Miner has had a history of abuse in the Latino community.

Grand Jury charged Short with second degree murder, but Judge Hoffman himself dropped the proceedings. There was a community uproar at the decision, and at the evidence of a cover-up by the police dept., e.g., Officer Short was sent on vacation immediately after the shooting, and police refused to identify the officer until the Committee on Chicano Rights pressed for such. The family has filed a wrongful death civil suit, which is pending. Some federal inquiry has been reported, but no official investigation is in progress.

After Terrones' death, the Latino community was in an uproar. The new Chief of Police, William Cann, met with the community in a conciliatory, fact-finding move. He was shot and killed by a sniper. Community members felt that his death was part of a cover-up by the city, since, Cann was sympathetic to the needs of the Latinos in Union City. There was a Police Dept., D.A., and Coroner's investigation. All exonerated Miner. Grand Jury ruled that Miner was not indictable. He was assigned to a desk job by the department. A representative from the Civil Rights Division of the Justice Dept. reportedly visited twice but no official investigation was reported.

BRUTALITY CASES (continued)

- 4 -

- 37) Name: TREVINO, Daniel
Date: 1/22/76
Location: San Jose, CA

Police responded to disturbing the peace complaint by friends of Trevino and Maria Duarte (Trevino's girlfriend) who were involved in an altercation. When the officers arrived, Trevino and Duarte were reportedly sitting calmly in Trevino's car. Upon arrival, officers ordered both to get out of the car. As Maria opened her passenger door to exit, shooting started. Both officers fired, killing Trevino. Although no weapons were found in the car, police allege that Trevino made motions as if to fire at them. Maria Duarte testified that Trevino was semi-conscious when the police arrived, as he had been drinking. Witnesses report that Trevino did not die immediately, but was left unattended on the street.

The Santa Clara County Grand Jury ruled that they had insufficient evidence to indict the officers involved, Lt. Don Edwards and Craig Smith. D.A. Louis P. Bergna presented evidence that put Trevino on trial instead of the police officers, according to Rebecca Trevino's attorney Everette Rowe. There is evidence of a cover-up, e.g., Rebecca Trevino hired a private pathologist, who could not determine Trevino's cause of death due to the fact that parts of his body were not found in the coroner's office, and no one in that officer knew of their whereabouts. Attorney Rowe has filed a \$2 million lawsuit on behalf of Mrs. Trevino, which is pending at this time. Community pressure arose for a Federal investigation. The U.S. Justice Dept. ordered the FBI to inquire in April '76, but found no reason to carry out a full investigation. Earlier, in February '76, Phil Montez, director of the regional U.S. Commission on Civil Rights stated that he could be of no help in investigating Trevino's death, but also promised to investigate some of the problems between the Chicano community and the local government. This investigation was never begun.

TEXAS

- 38) Name: ARGUELLO, Oscar P.
Date: 11/24/76
Location: San Antonio, TX

Off-duty patrolman (wearing uniform), Lorenzo Sanchez, had been working security at a skate center. According to his report, he saw four men arguing in the parking lot, and he told them to leave. A verbal exchange resulted between Arguello and Sanchez. Officer threatened to arrest Arguello for disorderly conduct. Officer claims that Arguello then started his car and grabbed the officer, pulling his body into the car, and began to drive away. According to the officer, Arguello then allegedly unstrapped the safety strap on Sanchez' service revolver. Sanchez grabbed the revolver and brought it into the car, since his lower body was entirely out of it. Arguello slowed the car, and with the officer running alongside, they began to wrestle for control of the gun. While the officer tried to turn off the ignition, he shot and killed Arguello. According to Ruben Sandoval, a Texas attorney, witnesses have refuted this improbable story, indicating a cover-up of an unwarranted police killing.

Police investigation concluded that the officer was guilty of no wrongdoing, and Sanchez was not suspended. The police report was forwarded to the D.A.'s office as well as for Bexar County Grand Jury, which is standard police procedure. That investigation is pending. No knowledge of Federal involvement.

39) Name: CAMPOS, Fernando
Date: 2/29/76
Location: El Paso, TX

A surveillance team of City Police Officers were involved in a stake-out at a local Pizza Hut, the site of a series of previous burglaries. Francisco Sotelo entered the back of the Pizza Hut, armed, in an attempt to commit robbery. He was shot by undercover officer Al Jones. Campos and Robert Dominguez, who were patronizing the Pizza Hut, were frightened at the gunfire since at no time was there identification by the officers. They fled, fearing that the shots were fired by an armed robber. Officer Ernesto Avalos, waiting outside, shot and killed Campos as he ran. There is serious dispute whether the officer used proper warning before firing.

40) Name: DURAN, Carlos
Date: 3/18/77; 8/17/77
Location: El Paso, TX

During massive drug sweeps in the latino sector of El Paso, Duran was arrested on various drug charges. His complaint states that he was then beaten in the streets. He was taken to the City-County Building, into a room with officers Cruz Jacquez and Guillermo Acosta. There, he was forced to strip naked, and while stripping Duran was beaten. Once stripped, he was beaten for another 10-15 minutes. Three other officers looked on while insulting and laughing at Duran.

In a separate incident, 8/17/77, Duran was beaten by Patrolman Guillermo Acosta, who reportedly struck Duran repeatedly with his fist while he was handcuffed and on ground. Duran was one of many protesting the Board of Directors of La Fe Clinic over an issue of real concern to the Latino community. Police responded to a call that Duran and Mario Lopez were breaking windows at the clinic. Police report says that Duran did not stop his protesting when the officers called him over. The beating ensued as a result. No windows were found broken.

Grand Jury refused to indict officer involved. He was no-billed. Attorneys for the Campos family, Joseph Sib Abraham and Luis Islas, have filed a civil rights action in state court against the city of El Paso and the El Paso Police Dept., as well as Pizza Hut, for wrongful death. The action is directed towards the duty both the city and the establishment in question, with respect to the customer's safety. No federal involvement has been reported.

Duran filed a complaint with the Police Dept 's internal affairs office. The officers involved were suspended for 10 days with no pay. The FBI did make some inquiry, but ruled that there was no substantiation for civil rights charges against the officers.

Duran filed a formal complaint with the Police Department, and that hearing is still pending. No reports of Federal involvement regarding this matter. There is evidence that Duran has been harrassed since filing his original complaint for the 3/18/77 incident. Duran's attorney is Russel Aboud.

41) Name: LOZANO, Lorenzo Ortega
Date: 1/22/78
Location: Austin, TX

On January 10, 1978, Lozano's car slid off the road. Officers (Ector County deputies Lee Roy Murphy and Gene Kloss) arrived and beat Lozano with a flashlight when he went to take out his license upon their request. Once handcuffed, Lozano was beaten once again, severely. While booking Lozano on two counts of aggravated assault, the booking deputies again beat him severely, again, while handcuffed. His handcuffs were removed, officers engaged him in a fight, and he was beaten still further. Lozano was held in jail for 12 days, and according to witnesses, faced severe harassment from jailors. On January 22nd, Lozano was removed from isolation. He complained about poor cell conditions, and was immediately taken to a hospital and sedated, whereupon he was returned to a padded cell. That same night, eight officers entered into Lozano's cell, and beat him until he died. Officers include Ector County Sheriff Elton Faught, a Dept. of Public Safety patrolman, a reserve deputy, and a state game warden. The others were Sheriff's Deputies.

42) Name: RODRIGUEZ, Modesto
Date: 6/20/75
Location: Frio County, TX

Rodriguez active politically with the Voting Rights issue in Frio County. He met with other Chicanos on this night to discuss information for Justice Dept. attorneys. About 11:00p.m., six police officers from the Texas Alcoholic Beverage Control Agency (ABC), and state and local police forces entered the bar, arrested many present, ordering them outside. Without provocation, Rick Dennis of ABC, approached Rodriguez and struck him hard from behind on the head, after having said some very unfriendly words to him. Dennis and several other officers proceeded to beat and kick him to the ground. At Frio County jail, Rodriguez was processed but not charged, and was denied badly needed medical attention. He was removed for proper treatment in a San Antonio hospital only after many hours, when his medical condition had become grave.

FBI initially refused to investigate, deferring to the Texas Rangers. Community pressure has since initiated a federal investigation from the office of the U.S. Attorney, Tony Canales. That investigation, however, is waiting on the inquest by Justice of the Peace Virgil Lumpee, who had initially ruled Lozano's death a suicide on January 22nd. Lumpee is currently awaiting the third Medical Examiner report. First examination concluded that the death was homicide. Local prosecutor, John Green, has promised prosecution if the verdict of the inquest is homicide. Strong evidence of attempted cover-up, e.g. after Lozano's death, the officers involved met at Faught's request to, as one witness stated, "get their stories straight." Faught claims that Lozano was mentally ill, but the question remains, why was he not taken to the hospital after 24 hours, which is Texas law?

Rodriguez was prosecuted on three criminal counts, including resisting arrest and assaulting an officer. Prosecution dropped these charges after the trial ended in a hung jury. Civil Rights Division of the Justice Dept. has decided not to pursue its investigation. Private action has been filed on Mr. Rodriguez' behalf by San Antonio attorney Gerald Goldstein, and MALDEF. That suit is pending in federal court.

BRUTALITY CASES (continued)

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NEW MEXICO

- 43) Name: LOPEZ, Richard
Date: 10/20/74
Location: Albuquerque, NM

City officers, Eduvigen Luera and Jimmy Steele, stopped Lopez for drunken driving. As officers approached the stopped car, Lopez rolled up his windows and locked the doors, refusing to emerge upon the orders from the officers. He eventually opened the lock, and a witness states that immediately the officers opened the door and began to beat Lopez without provocation. As a result of the beating and clubbing, Lopez received severe wounds to the face and head. On the way to the police station, Lopez has testified that the officers actually stopped on the freeway and struck him repeatedly.

- 44) Name: MOYA, Robert Max
Date: 7/14/77
Location: Albuquerque, NM

Officers stopped Moya's father for Driving While Intoxicated. James Babich was one of the arresting officers (SEE RAMIREZ, ANDREW, #25). Robert went outside of his house, where the events were occurring, to investigate. Robert was arrested for concealing his true identity, stemming from a previous encounter with Officer Babich. Robert then ran into his house, with the officers in pursuit. Officers kicked the door in, and Babich walked over to Robert and struck him with his flashlight over the head, without any movement by Robert (this according to Babich's own testimony). Babich grabbed Robert by the hair, dragged him outside, and beat him repeatedly with his flashlight. According to officers, Robert grabbed Babich's gun, at which time Officer Steve Torbett choked him until he passed out. Babich continued to beat Robert with his flashlight until he was unconscious. Robert's mother and sister ran to Robert's aid, were pushed across the room, and arrested for interference.

According to his attorney, Ronald Taylor, Lopez' beating was never investigated by a Grand Jury, or the Federal government. Lopez filed a damage suit in U.S. District Court against the officers, which was settled out of court. Officer Luera, who had a history of such abuse, was forced out of the department.

Robert Moya was convicted and sentenced to five days in jail for interference, resisting arrest, and concealing his true identity from a police officer, all misdemeanors. He was indicted on 3 counts of aggravated assault on a police officer, but was convicted, not for the charged felony, but for misdemeanor assault on an officer. He is now serving a one year sentence, pending appeal by his attorney Joseph Riggs. Before sentencing, Babich killed Andrew Ramirez in a similar flashlight beating. The judge denied Riggs' motion at that time to re-interrogate Babich. No action was taken against Babich. No federal involvement reported.

BRUTALITY CASES (continued)

- 8 -

COLORADO

45) Name: ABEYTA, Richard R.
CRUZ, Barbel
Date: 10/5/75
Location: Central City, CO

Abeyta, Cruz, and Cruz' husband were drinking at a bar when a fight erupted among the group. Officers George Armbright and his brother Paul, city officers, were also drinking at the bar. A bar employee asked the Cruzes and Abeyta to leave, and they did, escorted out by the officers. The officers ordered them out of town. As they were getting into their van to leave, George Armbright approached the van, and during the ensuing confrontation, the window was broken. Officers report that they thought Abeyta had a gun, and as the van drove away, officers fired 11 shots. Officers were some distance from the van when the shooting occurred, however, they claim that the van was used to try to run them down. Abeyta was shot and wounded 3 times, and Barbel Cruz was wounded once.

46) Name: GONZALES, David
JACKSON, Lawrence
Date: 11/1/74
Location: Pueblo, CO

David involved in an altercation at a local establishment. No private suit filed against officers and there is evidence of court-police collaboration. Lawrence convicted of resisting arrest and 1st degree assault in District Court. He was sentenced to 7-10 years in the state penitentiary. He appealed to the State Supreme Court, which affirmed the lower court decision. This was Lawrence's first offense. David was convicted of resisting arrest and sentenced to one year in the county jail, and this was his first offense. There was no D.A., or Grand Jury investigation. D.A. Joe Losavio has had a very poor record, as there have been many recall actions. Sutton has had a history of brutality (SEE RAEL, FRED, #49, infra).

- 47) Name: LUCERO, Richard Joseph
Date: 7/22/72
Location: Denver, CO

At Curtis Park, in the Chicano community of Denver*, officers called in to rescue a lady trapped in the restroom. Police radioed for more units to assist in opening the door, this according to police reports. As it was Saturday, there were a great many people at the park. Arriving shortly thereafter, assembled in full view, were a dozen police units. They cruised, lights flashing, and the officers dressed in full riot gear. Fear became widespread among the people in the park. Lucero, fearing his son's safety, went in search of him. He stopped to ask an officer what was going on. Two officers proceeded to strike Lucero several times, beating him with clubs, fists, and kicking him as well.

- 48) Name: MONTOYA, Raymond
Date: 2/28/74
Location: Denver, CO

Montoya was joyriding in a stolen car. He encountered a police car in an alley. Police were not pursuing him but Montoya was frightened, stopped his car and ran. He went down on his knees and hands, and then lost consciousness. He has charged that the officers in pursuit, Warren T. Montoya, and Ross Monahan, clubbed him initially to the ground, and beat him severely while on the ground. He woke up with numerous cuts, bruises on his body and head, broken front teeth, and needed 25 stitches on his head.

Lucero filed a complaint with the police department, which ruled that the actions did not require disciplinary action. He took the case to the Colorado Civil Rights commission, where he was informed that it had no jurisdiction over the incident. The U.S. sent in the FBI to investigate, but no action was forthcoming. In July '74, attorney for Lucero, James Breeze, filed a damage suit on behalf of his client, against the mayor, the police chief, and the officers involved, Fisher and Molleck. The mayor and the police chief were exonerated of any charges, but a local judge (no jury) found one of the officers had violated Lucero's civil rights by use of excessive force, and ordered a fine of \$750.

Montoya filed a damage suit against the officers in the State District Court. Court ruled that Officer Montoya, had used excessive force, but awarded only \$500. on a \$175,000. complaint. Monahan found not-guilty of any wrongdoing. Prosecution of Raymond Montoya was dismissed on the stolen car charges. In the officer's report it is stated that Raymond fell only once, that he made no resistance, and that he received all his injuries from the fall. In court the officers testified that Raymond resisted greatly. Attorney for Raymond, James Breeze, filed a motion for a new trial, which was denied by the judge, even after Breeze, the Judge, and Officer Montoya met in private chamber, and the latter admitted that he had smashed Raymond's head into the sidewalk. Judge dismissed this admission with criticism of the attorney's "pursuit of this information."

* Curtis Park was also the scene of the deaths of Arthur Espinoza and James Hinojos (7/30/77, SEE case number 26). Although this case is somewhat dated, the continuing brutality in the Chicano community, e.g. Curtis Park, is of serious concern.

49) Name: RAEL, Fred
Date: 3/11/76
Location: Pueblo, CO

Police stopped Rael at his home for allegedly driving without lights. Rael, with his wife and baby, claims that he turned his lights off while entering his driveway. Rael took his wife and baby into the house, and returned to where the officers waited. Officer struck him, at which time Rael ran into the house. Officers Lukenbill and Steve Sutton (SEE GONZALEZ, David, item #46, infra), kicked open the front door, entered the house, and beat Rael severely. Sutton had had a previous encounter with Rael when the officer had worked for Narcotics Division. As a result of the beating, Rael was hospitalized.

Officers involved were no-billed as a result of a Grand Jury investigation. It is felt that D.A. Losavio presented a very weak case, and one biased against Rael. Attorney for Rael filed a civil suit for damages. The suit was filed against the officers and against the Chief of Police. Both were found not liable. Darol Biddle is Rael's attorney. No Federal involvement has been reported.

ARIZONA

50) Name: HERRERA-MATA, Bernabe
GARCIA-LOYA, Manuel
RUELAS-ZAVALA, Eleazar
Date: 8/18/76
Location: Douglas, AZ

Prominent Douglas rancher and his two sons, the Hanigans, accosted three undocumented Mexican alien farmworkers at gunpoint, cattle-tied them at their four limbs, and tore off both their clothes and hair with hunting knives. The aliens were then dragged through the desert sand naked. The ranchers built a bonfire, and threw their clothing into the flames. They then heated an iron rod and branded one of the farmworkers. This branded victim was then hung by the neck from a nearby tree, but escaped death by supporting the weight of his body against a ravine wall. The other two Mexicans were forced to run bleeding and naked, and as they ran, they were shot in the back with shotgun pellets. Fifty pieces of ammunition were embedded in one of the victims and 127 in the other. The three were severely beaten throughout the encounter with the Hanigans, and repeatedly threatened with castration and death. The tortured victims were hospitalized in Mexico.

In Superior Court, jurors told reporters that they believed that the Hanigan ranchers had tortured the farmworkers, but that the prosecutors did not do as good a job in prosecuting as they should have. They acquitted the Hanigan ranchers on 22 felony counts, after the trial judge denied the all-white jury's request to allow the panel to convict the ranchers on reduced charges carrying lesser penalties. There is a private action pending against the Hanigan ranchers, and there is work by community groups, including MALDEF, and Antioch School of Law, to secure the involvement of the Federal government. There is also evidence that local law enforcement agencies were very active in a systematic cover-up of the incident.

51) Name: SINOHUI, Jose
Date: 7/2/77
Location: S. Tucson, AZ

Altercation at a local Jack-in-the-Box brought an officer to the scene. Although the parties involved had left the scene before he arrived, the officer's aggressive behavior upon arrival provoked derogatory remarks from the youth present, which in turn resulted in the arrest of a few individuals. The youths protested and the officer panicked, sending in an unnecessarily inflammatory report for assistance, i.e. officer-in-trouble call. Units from four jurisdictions quickly arrived (reported 50 units), and began arresting and beating the youth indiscriminately. Tucson police arrived with police dogs, a very provocative action for such an incident. Adding to the chaos was the fact that no one took overall command of the various jurisdictions present. Officer Christopher Dean was escorting one young person to the police van when Dean stepped in front of a truck, driven by Sinohui, traveling at 5 m.p.h. Sinohui was not involved in the confusion outside, as he had been patronizing the establishment, and was leaving the scene. All the witnesses stated that Sinohui stopped for the officer, and let him pass. Dean claims that Sinohui tried to run him down. He assumed a kneeling position, fired six times, and killed Sinohui. Dean had previously been fired from the Sheriff's Dept. for arresting a man, taking him into a cemetery, and beating him severely. Dean's actions were centered around a personal matter in this beating.

Community pressure forced the indictment of Dean, the first such action taken in South Tucson against a police officer. Three officers testified in the Superior Court trial against Dean, and there were 50 other witnesses. The charge was involuntary manslaughter. An all-white jury acquitted Dean of the charge on 1/23/78. John Roll, the deputy county attorney (prosecutor) presented more mitigating evidence than incriminating evidence, and made no recommendations and took no position to the trial jury. There are presently two civil suits for damages by the Sinohui family, and the passenger Mario Corrales. Bates Butler III, the Assistant U.S. Attorney has formally requested the Justice Department to investigate.

ILLINOIS

52) Name: MUNIZ, Salvador
Date: 7/2/77
Location: Chicago, IL

In the Puerto Rican community in Northwest Chicago, Muniz was standing on a street corner drinking beer. Officers arrived and ordered him to take the beer inside a club nearby. Muniz told them that he could not since there was some personal problem with the bartender. He then proceeded to pour the beer on the street. He was immediately arrested by the officers, and while driving to the station, was punched in the face. At the station, he was hit with great force in the stomach for no apparent reason, and then put in a jail cell. Muniz suffered severe pain in his stomach at the time he was bonded and sent home. The next morning the pain drove him to the clinic, where he was quickly rushed to the hospital where he was operated on for a ruptured liver and pancreas as a result of the beating. He was in the hospital for 2-3 months, undergoing 2 operations.

53) Name: OSORIO, Julio
CRUZ, Rafael
Date: 6/4/77
Location: Chicago, IL

During Puerto Rican Day festivities at Humboldt Park in the Puerto Rican community, a minor incident resulted in Police surrounding the park in great numbers, and in full riot gear. Added to the existing tension between police and the community was the harrassing and beating of the youth, and their subsequent arrests. Police began to fire their guns, causing the terrified people to flee. Witnesses observed Sgt. Thomas Walton take aim and shoot and kill Cruz in the back. At almost the same time, Osorio, who was with Cruz (they were friends), was shot in the back of the neck. The bullet exited through his throat, killing him. Walton claimed that Osorio fired a gun at him, but that the shots missed and killed Cruz. He then fired at Osorio, killing him. This contradicts all testimony by eyewitnesses who report that both Cruz and Osorio were together when killed. No gun was ever found on either Cruz or Osorio. Witnesses maintain that the shooting was unprovoked. Ballistics show that the bullet in Cruz came from Walton's gun. This incident included numerous other beatings by Chicago police afterwards, spreading terror throughout the community by entering homes illegally, and arresting and beating indiscriminately.

Charges against Muniz for disorderly conduct were dropped. Police admit that Muniz offered no physical provocation, but claim that they never touched him. Witnesses dispute that claim. His attorney, Flint Taylor, has filed a civil rights brutality suit on Muniz' behalf, which is pending. An FBI agent was sent in to investigate, but the community felt that this agency had not investigated in good faith a previous incident (SEE OSORIO, CRUZ). They rejected such an investigation since they charged that the FBI had used such a situation before to harrass the community regarding unrelated issues.

Officer Walton is still on the job. There is evidence of a police cover-up and the fabrication of evidence. There is a Grand Jury investigation pending, but City officials want to kill the proceedings. Eyewitnesses have testified before the Grand Jury, but there has been no indictment because officials claim that the Puerto Rican community has been uncooperative, even though it has promised to produce witnesses and documentation. The U.S. Attorney's office, and the FBI are investigating, but the community is very angered over the failure of the U.S. Attorney to act, and at the FBI for using the investigation as a pretext to harrass community members about other issues. The U.S. Attorney is Thomas Sullivan. There is a private civil suit for damages by the families of Osorio and Cruz now pending against the city, the Police Chief, the mayor and the officers involved.

BRUTALITY CASES (continued)

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PENNSYLVANIA

54) Name: ORTIZ, Edgardo
Date: 6/18/78
Location: Philadelphia, PA

Officers arrived at the scene of a disturbance call in in the Puerto Rican sector of Philadelphia. Police reported that upon arrival there was no disturbance in progress, but claim that Ortiz began to curse the officers and punched one of them which resulted in a fight. Several witnesses deny this version, saying that after a verbal altercation and without a warrant, police smashed through the glass panels of Ortiz' front door to open it. Once in, the officers slammed Ortiz through a window, and beat him with night sticks. During the beating, according to witnesses, Ortiz' overalls fell to the floor, and after asking permission to pick them up, the handcuffed victim was beaten with a blackjack as he bent over. Police never showed a warrant to enter Ortiz' home, and shouted obscene, racial epitaphs at the victim.

Ortiz convicted by a Municipal Court judge, 11/9/77, on charges of assaulting 3 police officers, resisting arrest, and disorderly conduct. Three officers, Thomas Giraldi, Robert Pawlos and Robert Leahy, were indicted by a federal grand jury on charges of violating Ortiz' civil rights. Federal charges against the officers were dropped. Ortiz and all of the civilian eyewitnesses have identified Gerard Salerno as the officer that was responsible for the beating. U.S. Attorney David K. Marston promised to investigate this police cover-up, but when two of the eyewitnesses could not identify one of the indicted officers, who has been utilized to cover-up Salerno's role, and who was not at the scene of Ortiz' beating, the investigation was dropped. Attorney for Ortiz, Anthony Jackson, has filed an appeal on his client's conviction, which is pending. Gerard Salerno has a well-known history of brutality in Philadelphia (SEE REYES, JOSE, item #55, infra), and is well-recognized by the community. Since he has been named in a number of previous brutality cases, the community feels that the police department wants to hide any further harmful publicity.

BRUTALITY CASES (continued)

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- 55) Name: REYES, Jose
Date: 7/77
Location: Philadelphia, PA

Police report states that officers called to Reyes' block to investigate a complaint of windows being broken. Upon arrival, police claim that Reyes came at them with an axe. Officer Gerard Salerno (SEE ORTIZ, EDGARDO) fired at him through the front windshield of the van he was in, since both officers were still inside the moving vehicle. The shot missed and officers followed Reyes into his house. According to the officers, inside the house, Reyes tried to hit Salerno with a long iron bar. Salerno fired twice killing him. Twelve witnesses have testified that Reyes did nothing to provoke the Police attack. When they arrived, Reyes ran, and in doing so, dropped the axe with which he was dismantling an old car, which he owned. Witnesses further state that as Reyes entered the house, he fell and never moved from that position. Officers ran up to the house, and Salerno fired two quick shots as Reyes lay there unresisting. He was not killed instantly, yet officers made no attempt to call in medical help. None of the witnesses saw an iron bar near Reyes, and one of them testified that one of the officers took a long iron bar from the kitchen of the house, after Reyes' body had been carried away, smeared it in the victim's blood, and carried it out to the street as evidence. Reyes had been the victim of many previous police beatings, and was very frightened of such harrassment and physical abuse.

Police Department, D.A., and Grand Jury investigations are pending. In January of 1978, the District Attorney, in a very unusual move, subpoenaed the officers involved. Lawyers for the officers appealed this action, and that is now pending in the Commonwealth Court. The FBI and the U.S. Attorney's office are investigating.

NEW YORK

- 56) Name: Rodriguez, Israel
Date: 6/13/75
Location: New York, NY

Rodriguez suspected in a previous robbery incident. Officers arrived at his home on a man with a gun call. Rodriguez barricaded himself in his room, and police officers allege that he fired a shot through the door. Officers then broke into the room and handcuffed Rodriguez. Officer Thomas Ryan then proceeded to ram the victim's head into a stove, and again into a sink. Other officers testified that Ryan beat Rodriguez again, on the way to, and also at the local South Bronx precinct. He died as a result of the beating.

Ryan was indicted by the State Grand Jury and in November of 1977 found him guilty of criminally negligent homicide. He was sentenced to 0-4 years in prison, the minimum sentence for that offense. Officer is appealing that decision. There is a civil suit pending on behalf of Rodriguez' wife for damages. That suit is pending. The gun that Rodriguez was alleged to have had was never produced at the trial. No report of Federal involvement.



MALDEF

Empleo — Nuevos Pleitos

Debido a una victoria en las cortes, pleitos nuevos, y un aumento reciente en la provisión de fondos, ha habido más actividad en el departamento de empleo de MALDEF. En una entrevista reciente, el Director de Litigios de Empleo, Joel Contreras, describió los nuevos esfuerzos:

P: Según entiendo, MALDEF ha logrado un éxito importante en el caso Lewis v. FMC. ¿Puede usted explicar lo que ha pasado?

C: Sí. Este caso demuestra la necesidad de estudiar cuidadosamente los puestos decretos por consentimiento. FMC es una corporación grande que emplea de 4,000 a 5,000 personas en el condado de Santa Clara. Los latinos forman una gran parte de los obreros que tienen trabajos de salario bajo en FMC pero sólo 4.5% de los obreros de más alto nivel son hispanos.

Un pleito entablado contra FMC en 1974 alegó que los latinos y los negros fueron negados oportunidades iguales de promoción a causa de exámenes y otros requisitos que no medían verdaderamente su habilidad para trabajar en puestos más responsables. El primer decreto por consentimiento propuesto en el pleito otorgó una cantidad considerable de paga retroactiva al demandante principal, pero el grupo de más representación en el pleito — los chicanos — no recibió nada.

Algunos trabajadores hispanos protestaron este tratamiento y pidieron la intervención de MALDEF. Junto con otros grupos, MALDEF diseñó un nuevo acuerdo que provee \$150,000 en fondos de paga retroactiva. Además, la compañía tendrá que aumentar el número de chicanos empleados en puestos de nivel más alto — hasta que se aproxima mucho más al porcentaje de chicanos disponibles para trabajar en el condado.

En sumo, estamos muy satisfechos con los resultados obtenidos en este caso.

Continuado en la pagina 4

New Employment Suits

A court victory, new lawsuits and recent funding increases have stepped-up activity in MALDEF's employment litigation unit. Employment Director, Joel Contreras discussed the new efforts in a recent interview:

Q: I gather there has been a major gain in Lewis v. FMC. Can you explain what has happened there?

C: Yes. That case shows the need to study proposed consent decrees carefully. FMC is a major corporation employing 4 to 5,000 people in Santa Clara County. Latinos formed a large proportion of the workers holding low-paying jobs at FMC, yet only 4.5% of the workers in higher-level positions were Hispanic.

A lawsuit filed against FMC in 1974 complained that Latinos and blacks were denied an equal chance for promotions by exams and other requirements that did

Continued on page 5

Voting Rights Appreciation Day

It was a birthday party! The scene was Washington, D.C. The guests were prominent federal officials and Hispanic leaders. The unconventional honoree was a set of four year old legislative amendments that has charted a course of political advancement for the nation's Latino voters.

The Voting Rights Act

Ten years after the Voting Rights Act (VRA) of 1965 had been enacted, it was being called the most effective civil rights legislation in the nation. It had nearly doubled the number of black registered voters and black elected officials had increased from under 100 to over 1,000. MALDEF and other minority advocates gained extension of VRA coverage to the nation's Latinos in 1975. New "Hispanic Amendments" were created. They allowed the Justice Department to take a

Continued on page 2



Vilma Martinez, MALDEF's President and General Counsel, and U.S. Representative Robert Garcia at the Voting Rights Appreciation Day reception in Washington D.C.

close look at changes in voting procedures in Texas and other parts of the Southwest to make sure those procedures did not keep Hispanics from exercising their right to vote. The amendments also provided for bilingual elections in areas where 5% or more of the populace is Spanish-speaking and where illiteracy rates are high.

Celebrating the Amendments

A MALDEF news briefing in Washington D.C. was held on August 1st to celebrate the 4th anniversary of the Hispanic amendments — and to make the nation aware of their importance. A wide range of congressional representatives, federal officials and Latino leaders co-sponsored the event.

The briefing was opened by Vilma Martinez. Referring to rising congressional opposition to the VRA, she said, "Legislators who introduce bills to repeal the VRA obviously are not aware of the continuing need for it, nor of the kinds of abuses Mexican Americans face when they attempt to exercise their right to vote."

MALDEF Washington Director, Al Perez, outlined the legislative history of the VRA and Voting Rights Director, Joaquin Avila, described the political access barriers still facing Chicanos in Texas. He cited the example of a recent Justice of the Peace election in Aransas County. A Chicano was running against an Anglo incumbent who died after the filing deadline for candidates had passed. "One would assume the Chicano would run unopposed and win the election" said Avila, "but that was not to be. The local democratic party took out full page newspaper ads urging citizens to vote for the dead person. The ad was effective, the dead person won and an Anglo was appointed to serve in his place."

Willy Velasquez, head of the Southwest Voter Registration Education Project (SWVREP) stressed that poor Chicano voter turnout in the Southwest is directly related to gerrymandering that keeps Mexican Americans from having any real chance to win elections. "Crockett County in West Texas," he noted, "used to have a 15% Chicano registration rate. As a result of successful redistricting, 95% of the Mexican Americans there are now registering and voting." A massive joint effort by MALDEF and SWVREP is working to gain fair election district lines for Chicanos in California and Texas. If this drive is successful, according to Velasquez, the impact of the Mexican American vote will increase dramatically during the 1980 presidential election. Lita Taracido, head of the Puerto Rican Legal Defense and Education Fund discussed the groundwork laid by that agency in the fight



MALDEF Washington Director, Al Perez, and U.S. Representative Father Robert F. Drinan, one of the major contributors to the Hispanic Amendments, at the VRA Day reception.

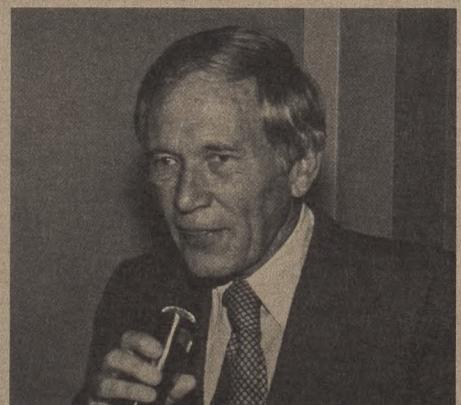


Former Congressman from Texas Bob Kruger and Paul Moreno, chair of the Chicano caucus in the Texas state legislature.

for bilingual elections. Texas state legislator Paul Moreno stressed the importance of the VRA as a political tool for Chicanos in his state.

A Call for Support

MALDEF called for sustained congressional and community support of the VRA amendments at the briefing and at a press conference held a few days later in San Antonio. Voting Rights Appreciation Day in Washington was rounded out by a 6:00 P.M. reception at the Rayburn House Office Building. About 300 VRA supporters attended. "We're not only here to celebrate the birth of the Hispanic amendments," commented Vilma Martinez at the evening reception, "but to see that they live to a ripe old age."



U.S. Representative Don Edwards, Chairman of the House Judiciary Committee on Civil and Constitutional Rights, at the Voting Rights Day celebration.

Brutality Decisions

Hispanic leaders cited as "commendable" a U.S. Justice Department decision in June to begin grand jury investigations in the well-known "Hanigan case" which charges three Arizona ranchers with the abduction and torture of three undocumented Mexicans. A grand jury will also be convened in the "Sinohui" case involving the shooting of a Chicano youth by a police officer. A later announcement declared that prosecution would **not** take place in the case of Larry Lozano, a Chicano who died while in police custody. The latter response is raising strong objections among Hispanic leaders.

The Anti-Brutality Effort

MALDEF sought action on the police brutality question last year by presenting 56 documented cases of police abuse involving Hispanics to the Justice Department. Letters and meetings with federal officials followed. MALDEF also joined Latino leaders and representatives of the Antioch School of Law in efforts to gain prosecution in the Hanigan suit.

Hispanic charges of government inaction on the brutality question stem in part from Justice Department refusal to pursue over 40 of the cases presented by MALDEF. "The Justice Department hasn't so much as slapped the hands of most of the police officers charged with brutality," says MALDEF President and General Counsel Vilma Martinez, "much less treated the problem with the attention it deserves."

Opposing Civiletti

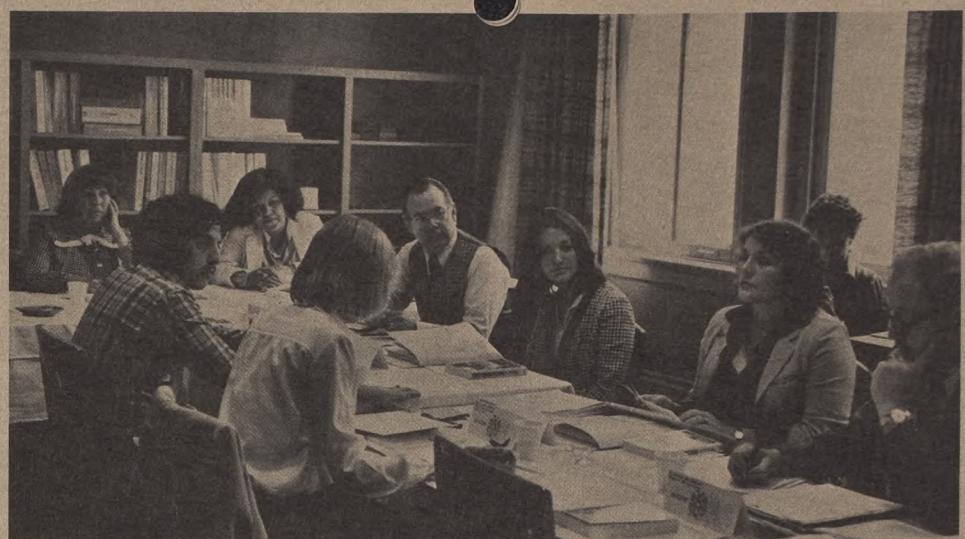
Testifying before a Senate Judiciary Committee in July, MALDEF and other Hispanic organizations opposed the appointment of Benjamin R. Civiletti as U.S. Attorney General. MALDEF objections were based on the specific grounds that, in his position as Deputy Attorney General in charge of Hispanic demands on the 56 cases, Civiletti has been insensitive to Latino needs.



MALDEF

"MALDEF" is a quarterly publication of the Mexican American Legal Defense and Educational Fund.

Jane Couch, Editor
Annette Oliveira, Writer and Assistant Editor
Tyler Kelly, A. Oliveira, Translators



The Advisory Committee to MALDEF's Law School Admissions Study met this July. Circling the table from left to right are a few of its members: Dean Judith McKelvey, Amiel Jaramillo, Dean Dorothy Nelson, Assistant Dean Lola Grant, Hon. Cruz Reynoso, Darlene Tullus a consultant to MALDEF's Policy and Research program, Beth Cobb O'Neill, Dean Marvin Anderson.

Advisory Group Meets

A prominent array of legal and educational experts who form the Advisory Committee to MALDEF's Law School Admissions Study gathered for the first time this July. The study, sponsored by the Department of Policy Research, is directed by Dr. Eduardo Marenco, Jr. Susan E. Brown, Esq. is project coordinator. The study's aim is to devise recommendations for admissions criteria that will increase access of qualified minorities to approved California law schools. The Committee members include:

MARVIN J. ANDERSON, Dean of Hastings College of Law, who has taught at California Western University School of Law and is a former Ford Foundation Fellow; KENNETH GRAHAM, professor of Evidence and Criminal Procedure at the University of California, Los Angeles School of Law; LOLA GRANT, Assistant Dean at Loyola University Law School, where she participates in minority admissions, recruitment and tutorial programs; AMIEL A. JARAMILLO, Co-Director of Legislative Affairs for the University of California's Student Lobby, recently named one of the nation's twelve outstanding Chicano students by "Nuestro" magazine; CHARLES LAWRENCE III, professor at the University of San Francisco Law School, who published a book entitled *The Bakke Case: The Politics of Inequality*; ROBERT B. MCKAY, Director of the Aspen Institute for Humanistic Studies, who has been an attorney with the U.S. Department of Justice and a Dean of New York University School of Law; JUDITH MCKELVEY, Dean of Golden Gate University School of Law; ARMANDO M. MENOCAL, an attorney with Public Advocates, Inc., who was lead counsel in a

major trial challenging cultural discrimination in standardized tests; DOROTHY W. NELSON, Dean of the University of Southern California School of Law and prospective nominee for the Ninth Circuit Court of Appeals; HON. FRANK C. NEWMAN, Associate Justice of the Supreme Court of California and former Dean at the University of California School of Law, Boalt Hall; BETH COBB O'NEIL, Director of Admissions and Financial Aid at the University of California School of Law, Boalt Hall, serves on the Law School Admissions Council Services Committee; HON. CRUZ REYNOSO, Associate Justice of the California Court of Appeals, has taught at the University of New Mexico School of Law; NERISSA SHKLOV, a Visiting Assistant Professor at the University of Santa Clara School of Law, was an Associate in Law at the University of California School of Law, Boalt Hall; HON. JOHN VASCONCELLOS, a seventh-term Assemblyman in the California legislature, chairs the Assembly Subcommittee on Postsecondary Education.

New Staff

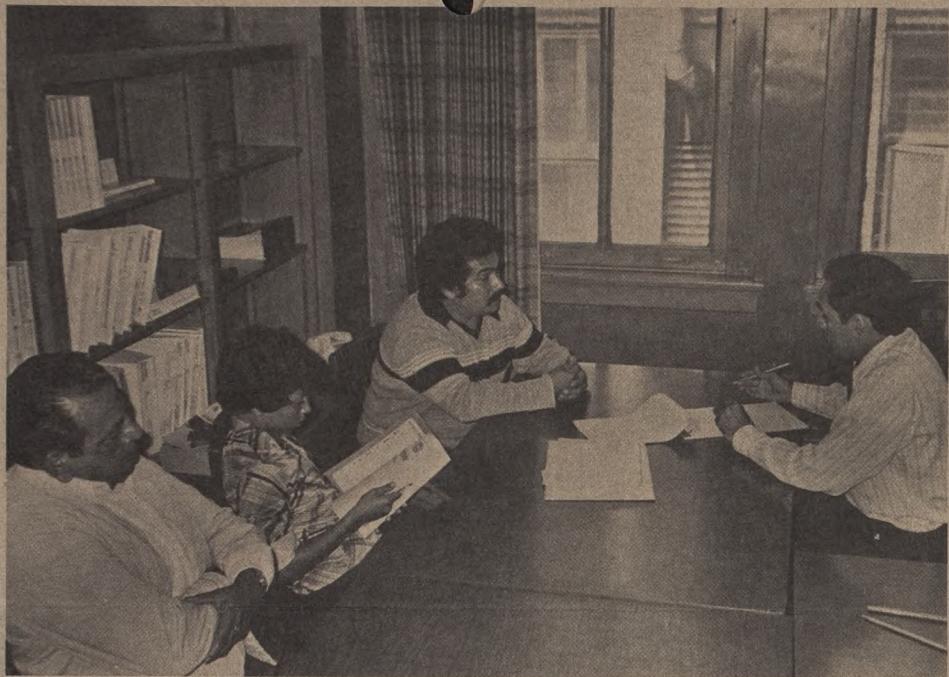
A MALDEF welcome to these new staff members:

San Antonio, Texas

Mary I. Gonzalez, Legal Secretary
Norma V. Solis, Staff Attorney

San Francisco, California

Francisco A. Blanco, Accounting Clerk
Doris Diaz, CEAP Secretary
Anita Quintanilla, Legal Secretary
Robert Ruiz, Legal Intern



San Francisco community members discuss employment issues with MALDEF Employment Director, Joel Contreras.

Empleo — Nuevos Pleitos—Continued

P: ¿Qué otros asuntos importantes están persiguiendo ustedes?

C: Despues del caso Bakke, pleitos nuevos alegando "discriminación al revés" en el empleo han aparecido en las cortes. En dos de esos casos, personas hispanas pidieron nuestra ayuda para confrontar dichas alegaciones.

P: ¿Cuales son esos casos?

C: Uno se llama *Tract v. Riverside*, un caso entablado contra el sistema de bibliotecas públicas en Riverside, California por una mujer norteamericana que había sido suspendida de su trabajo porque la biblioteca tuvo que reducir el número de sus empleados. Esta mujer tenía más señoría en su trabajo que una chicana y una negra, que no fueron suspendidas. La mujer entabló entonces un pleito que alega que los programas de "acción afirmativa" deben ser prohibidos en situaciones donde los empleados fueran suspendidos porque la agencia tuviera que reducir su personal. En estos tiempos después de la Proposición 13 — la nueva ley que reduce considerablemente los fondos públicos en California — este es un asunto de importancia crítica. La posible suspensión de empleados daña más a las minorías porque la mayoría de estas personas sólo consiguieron sus trabajos recientemente. Entonces si una agencia reduce el número de sus empleados estrictamente de acuerdo con señoría en el trabajo, el resultado es que las personas minoritarias son los primeros en ser suspendidos.

MALDEF decidió intervenir en este caso porque el sistema de bibliotecas en Riverside tiene un plan de reducción de personal que es más justo que muchos a las minorías. Es decir, cuando la biblioteca tiene que suspender a empleados, considera varios factores — por ejemplo, señoría, acción afirmativa, y otras cosas. Es un sistema que vale la pena defender. MALDEF intervino en pro de una chicana y una negra y convenció a la corte a rechazar el caso. Esto, esencialmente, es una victoria para nuestros clientes.

Esta clase de intervención es particularmente importante después del caso Bakke. En ese caso, la Universidad no defendió muy rigurosamente su programa de admisión de minorías, y creo que las minorías han aprendido que tienen que conseguir sus propios abogados para proteger los programas para minorías en instituciones públicas.

P: ¿Quiere usted decir que Bakke habría sido un caso mejor si alguien hubiera intervenido, como en Tract?

C: Exactamente. La Ciudad no va a decir a la Corte, "Necesitamos la acción afirmativa porque hemos discriminado horriblemente contra las minorías en el pasado, o porque nuestros servicios a las minorías son terribles". Las únicas personas que dirán estas cosas en una corte son las minorías sí mismas. Estamos desempeñando un papel semejante en el caso *STOPS v. Craig*.

P: ¿Que está pasando allí?

C: A responder a mucha presión, la Patrulla de Caminos de California (California Highway Patrol) empezó a reclutar personas minoritarias mediante un esfuerzo de acción afirmativa que resultó en miles de solicitantes nuevos. Los oficiales norteamericanos que dominan la Patrulla entablaron un pleito alegando que el reclutamiento especial de minorías era "discriminación al revés." Estos oficiales querían conseguir un orden de la Corte que prohibiera la administración del examen de calificación a estos solicitantes. Algunas organizaciones chicanas pidieron nuestra intervención y entonces ayudamos al Estado a convencer a la Corte de no impedir la administración del examen.

P: ¿Qué otros casos hemos empezado recientemente?

C: Nos hemos unido con algunos otros grupos en un caso que alega que el examen PACE del gobierno federal tiene un impacto discriminatorio hacia los hispanos. PACE es un examen que las personas que desean trabajos federales de nivel medio deben pasar. En general, los hispanos no pasan este examen.

P: ¿Porqué se ha concentrado MALDEF particularmente en esta área del empleo?

C: Porque el gobierno federal tiene tantos trabajos. Hay alrededor de 2.4 millones de puestos federales. Los hispanos sólo tienen 3.5% de estos trabajos, mientras nosotros somos más de 7% de la población nacional. En los puestos federales de bajo salario, estamos más o menos bien empleados, pero ahora queremos derribar las barreras que nos impiden dejar los puestos de oficina y conseguir puestos administrativos y profesionales.

P: ¿Supongo que la decisión en el caso Weber, que da aprobación a los programas voluntarios de acción afirmativa, le será útil?

C: El caso Weber es muy favorable. Con esta decisión, los hispanos tendrán una buena oportunidad de realizar algún progreso en el empleo. Muchos de los primeros aciertos en el área de acción afirmativa afectaron mayormente a los negros. Pero, hoy día, hay una conciencia creciente que los hispanos son un importante grupo minoritario que tiene que conseguir acceso a mejores trabajos. También, los mexicanoamericanos ya son mucho más conscientes de sus derechos y de la posibilidad de proteger esos derechos mediante el sistema legal. El número de llamadas a nuestras oficinas crece continuamente y estamos tratando de responder a esa necesidad.

New Employment Suits—Continued

not really measure their ability to handle more responsible jobs. The first consent decree proposed in the suit gave substantial back pay to the named plaintiff but none to the larger group of people represented by the suit who are mainly Chicano.

Some Hispanic workers, who thought they were being treated badly, asked us to intervene and, along with other groups, we forged a new settlement which gives a very broad class of minorities access to \$150,000 in back pay funds. FMC will also have to bring the percent of Chicanos in higher level jobs a lot closer to the percentages available for work in the County. We feel really good about turning a major case around at this point in its litigation.

Q: What other issues are you being called on to pursue?

C: After *Bakke*, a number of "reverse discrimination" cases were filed in the job area. Hispanics in two suits have asked us to fight those charges for them in court.

Q: What are those cases?

C: One is *Tract v. Riverside*, a case filed against the Riverside, California library system by an Anglo woman who was laid off even though she had more seniority than a Chicana and a black. She wanted to stop the use of all affirmative action programs in lay-off situations. In these post-Prop. 13 times, this is a crucial issue. Impending lay-offs could hurt minorities badly since most have been only recently hired and will be first-fired if cuts are made only according to seniority.

The Riverside library system was including seniority **and** affirmative action among a number of factors that could be taken into account when deciding on layoffs. This kind of system is unusual; it's fairer to minorities and, therefore we thought, worth battling over. We intervened on behalf of a Chicana and a black woman and we convinced the court to dismiss the suit, which is essentially a victory for our clients.

This kind of intervention is particularly important in light of *Bakke*. The University of California did not defend its minority admissions program very rigorously in that case, and I think minorities have learned that they have to seek their own attorneys to protect minority programs in public institutions.

Q: You mean Bakke would have been a better case if someone had intervened similarly?

C: Exactly. The city is not going to say in court, "we need affirmative action because we've discriminated horribly against minorities in the past or because our services to minorities are terrible."

The only people who **will** say that in a court of law are minorities themselves. We're playing a similar role in *STOPS v. Craig*.

Q: What is the situation there?

C: After a lot of pressure from minorities, the California Highway Patrol conducted an affirmative action recruitment effort that brought in thousands of new applicants. The current officers saw what was coming down the road and they filed suit charging that focused recruitment constituted reverse discrimination. They wanted to block the qualifying exam from being given. Some minority organizations asked us to intervene and we helped the state convince the court not to hold up giving the exam.

Q: What other cases have we embarked on recently?

C: We've joined a number of other civil rights groups in charging that the federal government's PACE exams are having a discriminatory impact on Hispanics. These are screening tests people have to pass to qualify for mid-level federal jobs. Hispanics generally receive poor scores on them.

Q: Why did you focus on this particular employment area?

C: Because the number of jobs at stake is so large. There are about 2.4 million federal jobs. Hispanics hold only 3.5% of these although we comprise over 7% of the national population. We are fairly well-employed in federal blue-collar positions. Now we want to shatter the barriers that keep us from moving out of the clerical pool into supervisory and professional positions.

Q: I suppose the Weber decision's approval of voluntary affirmative action will make your job easier?

C: Weber is very encouraging. It means that Mexican Americans really have a chance to achieve some progress in the jobs area. Many of the first affirmative action gains affected mostly blacks. These days, however, there's growing awareness that Hispanics are a significant minority group that must have better access to jobs. Mexican Americans themselves are much more aware of their rights and of how the legal system can help them. The number of calls to our offices has increased steadily and we are working hard to respond to that need.



Posing during MALDEF's Fiesta Ranchera are: Maritza Mendizabal, Carmen Zapata, Carolyn Hernandez Manager of Affirmative Action Programs for Kraft Corporation, Dionicio Morales, Vilma Martinez, Herm Wille Kraft's Urban Affairs Director and Grace Montanez Davis.

Fiesta Ranchera

Mariachis, arroz con frijoles, and dancing under the shade of avocado trees in bright finery from Oaxaca and Veracruz. A party in a charming Mexican village? No. It was MALDEF's Fiesta Ranchera, a novel fund-raising event held in Pico Rivera, California in May. Dionicio Morales, Executive Director of the Mexican American Opportunity Foundation, a multi-service Southern California agency, opened his home and spacious patio garden for the

fiesta. The Kraft Corporation kindly underwrote most of the expenses.

"By bringing together the major southern California Chicano leadership in a very informal setting," says Morales, "the Fiesta set the pace for a kind of cohesiveness we need much more of." Marimba music, cool drinks and the smiles of lighthearted guests rounded out the occasion.

Testimony Critiques Census

"Speech is the index of the mind," said Seneca in the days of the Roman Empire. MALDEF staff members used the power of words to speak the mind of the Mexican American Community in testimony on the Census this Spring.

Census Flaws Cited

Making the rounds of seven U.S. cities, a House Subcommittee on Census and Population chaired by Representative Robert Garcia began field hearings in April. These were some of the last chances Latinos would have to comment on 1980 Census procedures.

The 1970 Census failed to count 7.7% of the nation's blacks and at least as many Latinos. (Only 1.9% of whites were not counted.) With \$55 billion in federal funds tied to Census data, MALDEF representatives in three different cities issued strong warnings about Census Bureau plans that could produce an equally devastating undercount in 1980.

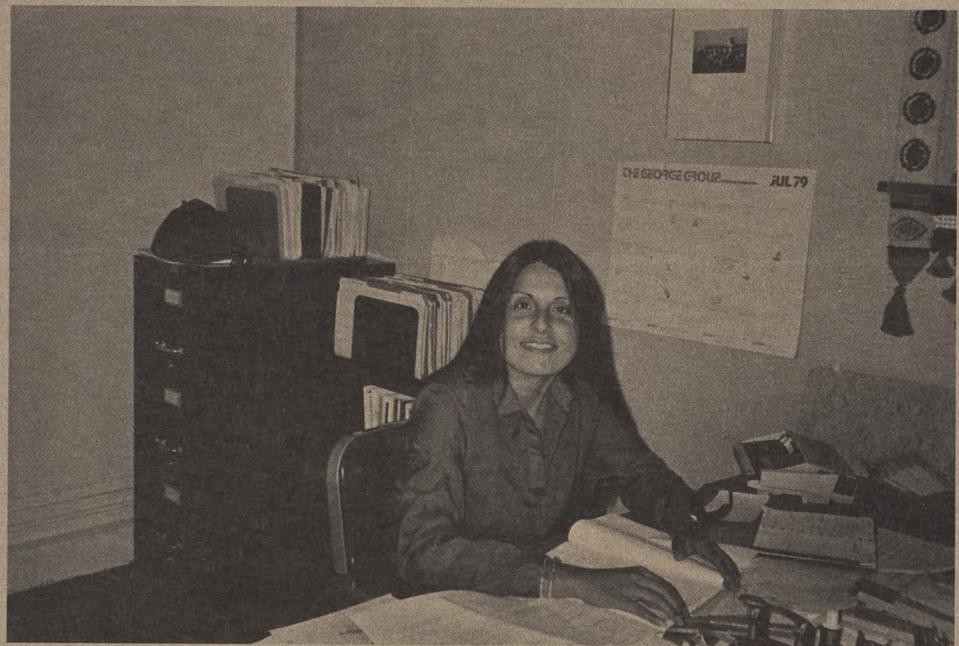
Speaking in San Francisco, MALDEF's Community Education Director, Esther Estrada isolated factors most likely to lead to an undercount. Primary is the plan to mail out 90% of Census forms rather than gather data by the usual door-to-door method. (In preliminary tests nationwide, fewer than half the homes in poorer neighborhoods have returned these forms.) The mail-out, mail-back procedure is particularly inappropriate for Hispanic "barrios" where shelters with no addresses are common. Many such homes are densely inhabited and will not be reached by mail. Estrada urged the Bureau to hire bilingual Census-takers and to send Spanish-language Census forms to Hispanic neighborhoods.

More Suggestions

Speaking before the Subcommittee in Los Angeles, Vilma Martinez cited a new question that designates Hispanic-origin respondents — and that will appear on all Census forms — as the "only solid victory" in Latino efforts to improve the 1980 Census count. Mentioning other reforms the Bureau has refused to implement, she urged wide publication of assurances that the confidentiality of Census data will be protected. Many Hispanics fear that Census information will be passed to the INS or to other public agencies. She also stressed the need for media and community outreach efforts urging Latinos to fully fill out forms. A Spanish-language brochure explaining the importance of being counted, she said, should be widely distributed.

In San Antonio hearings, Voting Rights Director, Joaquin Avila, emphasized the great need for the Census Bureau to produce block-by-block information rather than tabulating only larger Census tracts.

To be sure election districts are drawn fairly, block data is essential in many communities. This kind of breakdown is now planned only for cities with more than 10,000 people.



Attorney Carmen A. Estrada is the new Director for MALDEF's Chicana Rights Project. She succeeds Pat Vasquez who recently resigned.

Mental Health Monograph

Anyone who is poor, unemployed, caring for young children alone, and suffering malnutrition stands a good chance of encountering mental health problems. Although many Mexican American women experience these difficulties, most mental health therapists do not understand the Chicana's situation well enough to help her deal with the complex stresses she faces every day.

These and other important questions are discussed in "Chicanas and Mental Health," a new Chicana Rights monograph which combines the expertise of psychologist Carmen Carrillo, social worker Guadalupe Gibson, and MALDEF attorney Carmen Estrada.

The new booklet explores the social and economic situation of today's Chicana. It describes the "monumental" task confronting Mexican American women who strive to maintain a stable identity within the context of two different cultures at a time when women's roles and Mexican American lifestyles are swiftly changing.

The publication explains how ignorance of Latino culture can lead therapists to misevaluate Hispanic clients. It shows how mental health programs are failing to serve the Mexican American woman. The booklet also makes recommendations for improving mental health care for Chicanas. The 15-page publication can be obtained for \$1.00 from Chicana Rights Project, c/o MALDEF, 28 Geary Street, San Francisco, CA 94108.



San Francisco Jobs Won

Hispanics clearly had the numbers on their side, but it took two and a half years and the joint efforts of three organizations to turn those numbers into jobs for thousands of San Francisco Hispanics. A compliance agreement finally approved on July 17th by the City and County of San Francisco is "one of the most sweeping compliance agreements the federal Office of Revenue Sharing (ORS) has entered into in almost 10 years and the only one that focuses on Hispanics," according to MALDEF Litigation Coordinator, Mike Baller. The agreement will substantially increase the number of Latinos hired by the city, particularly for higher-paying positions. It was negotiated by MALDEF and the Employment Law Center on behalf of Latinos for Affirmative Action (LAA), a coalition of Latino organizations and individuals.

Filing the Complaint

The San Francisco job action began with an administrative complaint alleging across-the-board discrimination against Hispanics in the city workforce. It was filed in February, 1977 on behalf of LAA and the city's approximately 120,000 Hispanics. "San Francisco was among the few major cities in this country at the time which did not have an affirmative action plan," says attorney, Mike Baller. Although Latinos represented 13% of the people available for work in San Francisco, only 6% of city workers were Hispanic and most of those were in low-pay and temporary jobs.

An investigation by ORS followed. It found that many of San Francisco's employment practices were violating the federal government's requirement that cities receiving revenue sharing funds treat minorities fairly in employment. San Francisco had to change its hiring practices, said ORS, or risk losing 6,000 city jobs and up to \$200 million a year in federal monies.

After extensive negotiations, which were complicated by protests from local city worker unions, the city agreed in July to set up an affirmative action plan by September. That plan will be designed to make sure that the proportion of Latinos working for the city will be close to the percentage available for work in San Francisco. City hiring methods will be reviewed and changed. Programs will have to be set up to recruit Hispanic workers. Bilingual personnel will have to be hired where they are needed and the city will have to ensure that job qualifying tests and other requirements are not screening out Latinos unfairly. Hispanics have also been promised more promotions and full-time jobs.

LAA, MALDEF and the Employment Law Center will keep a close watch to assure that the compliance agreement is thoroughly implemented. San Francisco's mayor has also recently agreed to consider LAA's advice on all matters relating to Hispanic employment by the city.

Traducción en la pagina 8



As a non-profit organization, MALDEF is supported entirely by contributions from the public. Any help you can give us is deeply appreciated.

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Court Standards Questioned

Strong criticisms leveled at trial court practitioners by Supreme Court Justice Burger have spawned proposals for stringent new standards to be imposed on lawyers seeking to practice in federal courts. In testimony delivered this April to a Judicial Standards Committee, attorney Joel Contreras warned that some of those proposals could end up limiting the number of Chicanos admitted to federal practice. Since federal courts have been the most effective legal forum for minorities seeking to protect their civil rights, any changes that screen out Chicanos "would be a grave mistake," said Contreras.

The testimony firmly opposed creation of a new federal exam to be tacked onto state bar examinations. Contreras observed that there is no proof such tests really gauge a lawyer's skill although there is evidence that they tend to screen out minorities. The MALDEF testimony backed the idea of giving students more solid trial experience while they are in law school. Contreras suggested ways that new programs could be set up to serve minorities equally.

This issue will be decided by the U.S. Judicial Standards Conference in September. Interested persons should contact: Administrative Office of the U.S. Courts, Washington, D.C. 20554 or telephone: (202) 633-6127.



Clarification: HEW Petition

MALDEF would like to clarify a comment appearing in "Petition Seeks Bilingual Services," an article in our Winter, 1979 newsletter. We erroneously stated that the California Health and Welfare agency had not set up regulations to improve bilingual services in public social service agencies. We would like to correct that statement. We meant to say that the federal Department of Health Education and Welfare had not implemented bilingual social service reforms agreed to in an early MALDEF suit. We thank the California Department of Social Services for pointing out this discrepancy. We would also like to laud the department's efforts to improve service to limited English-speakers.

Más Trabajos en San Francisco

Los hispanos, claramente, llevaban la ventaja de los números, pero tomó dos años y medio, y los esfuerzos de tres organizaciones para convertir esos números en trabajos para miles de hispanos en San Francisco. Un acuerdo de cumplimiento aprobado por fin el 17 de julio por la ciudad y el condado de San Francisco es "uno de los acuerdos de cumplimiento más comprensivos en lo cual ha tomado parte La Oficina Federal de Compartimiento de Ingresos (ORS) en los últimos diez años, y el único que trata con los hispanos," según el Coordinador de Litigación de MALDEF, Mike Baller. El acuerdo aumenta grandemente el número de latinos empleados por la ciudad, particularmente en empleos con sueldos altos. El acuerdo fue negociado por MALDEF y el Employment Law Center, en nombre de Latinos for Affirmative Action (LAA), una confederación de organizaciones latinas e individuos latinos.

Planteando el Pleito

La lucha por empleos en San Francisco empezó con una queja administrativa alegando discriminación extenso contra hispanos e hispanas en la fuerza laboral de la ciudad. El pleito se planteó en febrero de 1977 en nombre de LAA y aproximadamente 120,000 hispanos de la ciudad. "San Francisco era una de las pocas ciudades en este país durante ese tiempo que no tenía un plan de acción afirmativa," dice el abogado Mike Baller. Aunque latinos representaban el 13% de la gente disponible para trabajar en San Francisco, solamente 6% de las personas que trabajaban para la Ciudad eran

hispanos y la mayoría de ellos tenían trabajos provisionales o de sueldos bajos.

El ORS inició una investigación y encontró que muchas prácticas de empleo de la ciudad de San Francisco estaban en desacuerdo con la estipulación del gobierno federal que las ciudades que reciben fondos de compartimiento de ingresos deben de tratar justamente a las minorías. San Francisco tenía que cambiar sus prácticas de empleo o arriesgar la pérdida de 6,000 puestos y cerca de \$200 millones por año en fondos federales.

Después de negociaciones que fueron complicadas por protestas de sindicatos de obreros de la ciudad, en julio la Ciudad de San Francisco acordó poner en ejecución un plan de acción afirmativa para septiembre. El plan será diseñado para asegurar que la proporción de Latinos que trabajan para la ciudad se aproxime al porcentaje disponible para trabajar en San Francisco. Los procedimientos para seleccionar empleados serán revisados y cambiados. La ciudad tendrá que emplear trabajadores bilingües en sitios donde se necesitan y tendrá que asegurar que los exámenes de calificación para trabajos y otros requisitos no excluyan a los Latinos injustamente. La Ciudad ha prometido que los hispanos consiguirán más promociones y trabajos permanentes.

LAA, MALDEF y el Employment Law Center estarán atentos para garantizar que se cumpla cabalmente el acuerdo de cumplimiento. La alcaldesa de San Francisco también acordó recientemente considerar el consejo de LAA en todos los asuntos que pertenecen al empleo de hispanos por la Ciudad.

Translation on page 7

MALDEF

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Lau Remedies Update

Schooling for Spanish-speaking pupils underwent a major shift in 1974 when the U.S. Supreme Court in *Lau v. Nichols* said that children with difficulty in English must be given special programs to deal with learning obstacles they encounter. "Lau Remedies" is the popular name for a federal document that spells out exactly the kind of programs that have to be set up to accomplish that aim. Recent protests of the bilingual education programs mandated in "Lau Remedies" have given Hispanics and some key senators a handful to deal with on Capitol Hill.

The upshot of this controversy has been a decision by Washington's Office of Civil Rights (OCR) to make the document's requirements clearer. The person charged with redrafting "Lau Remedies" is Tony Califa. Interested persons can contact Califa directly with thoughts on what the document should look like. His address is: Tony Califa, Office of General Counsel, Civil Rights Division, Room 5300 North Building, HEW, 330 Independence Avenue S.W., Washington D.C. 20201.



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MALDEF

Extern Wins Brutality Suit

The first police brutality suit ever to win substantial money damages in the city of Houston, Texas, was tried and won this summer by MALDEF legal extern Ruben Rendon and by co-counsel David Lopez. This is only the second time in Houston's history that a lawsuit protesting police violence has managed to score a victory.

Chicanos Beaten

The case was filed on behalf of four Mexican American men who were beaten by police in Houston's predominantly Chicano East Side where they were attending a party in 1975. The violence started when one officer beat plaintiff Elliott Navarro, a social worker, with a heavy flashlight. Three more Chicanos, who came out to investigate the disturbance, were eventually lined up against police cars and beaten as well. Navarro's friends included an organizer for the Texas Farm Worker's Union and two workers at a local community center. A judgement reached after a civil court trial awarded \$27,500 to the Chicano plaintiffs.

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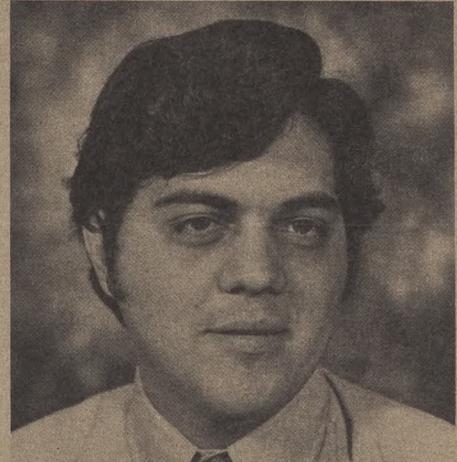
Senator Edward Kennedy, keynote speaker at MALDEF's 5th Annual Los Angeles fund-raising dinner.

Abogado Gana Pleito Contra La Brutalidad

El primer litigio contra la brutalidad policiaca que ha ganado considerables perjuicios monetarios en la ciudad de Houston, Tejas, fue litigado este verano por los abogados Rubén Rendón y David López. Esta es solamente la segunda vez en la historia de la ciudad de Houston que un pleito contra la brutalidad policiaca ha tenido éxito. Rendón recibió adiestramiento legal en el programa "legal extern" de MALDEF.

Golpearon A Chicanos

El litigio fue planteado por cuatro hombres méxicoamericanos, quienes, en 1975, fueron golpeados por la policía mientras asistían a una fiesta en el lado este de Houston—un barrio en donde los chicanos predominan. La violencia comenzó cuando un agente de policía empezó a golpear al demandante Elliott Navarro con una linterna eléctrica pesada. Tres chicanos más, que salieron a investigar el alboroto, fueron puestos en una línea contra los automóviles de la policía y



Legal Extern Attorney, Ruben Rendon

golpeados también. Los tres amigos de Navarro incluyeron un organizador del Sindicato de Obreros Agricultores de Tejas (Texas Farmworkers' Union) y dos trabajadores de un centro local de la comunidad. Un juicio después de un proceso en la corte civil otorgó \$27,500 en perjuicios monetarios a los demandantes chicanos.

"Lo que nos ayudó," dice Rendón, "fue que nuestros demandantes conocían bien sus derechos y sabían documentar bien el

Continuado en la pagina 2

Kennedy To Keynote MALDEF Dinner

Senator Edward M. Kennedy (D-Mass.) will be the keynote speaker at MALDEF's 5th Annual Los Angeles fundraising dinner to be held Friday, November 30, at the Bonaventure Hotel. "Our dinner will be the Senator's first major public appearance in Los Angeles on this trip West," said MALDEF President and General Counsel Vilma S. Martinez. "We're delighted he chose to speak to a Mexican American group." Tickets for the dinner are \$100 each and are tax-deductible. Please call (213) 553-5276 for information on the dinner.

Kennedy Dara Discurso En Cena

El Senador Edward M. Kennedy, Demócrata de Massachusetts, dala el discurso principal en la quinta cena anual de MALDEF en Los Angeles. La cena tendrá lugar el viernes, 30 de noviembre, en el Hotel Bonaventure.

"Nuestra cena será la ocasión del primer discurso público importante que hace el Senador en Los Angeles en este viaje al Oeste," dijo Vilma S. Martínez, Presidente y Abogada Directora, "y nos complace mucho que ha escogido un grupo méxicoamericano para esta primera presentación." Boletos para la cena cuestan \$100 cada uno y pueden ser descontados de los impuestos federales. Para más información, llame al (213) 383-6952.

Brutality — continued

"We were helped," says Rendon, "by the fact that our plaintiffs were all very aware of their rights and knew how to document the case well." Rendon, a graduate of Texas Southern University School of Law received a year of civil rights training at MALDEF. His present work is partially supported by a MALDEF extern grant. "This victory is a hopeful sign," asserts Rendon, "at least one other local attorney has told me that our suit is inspiring him to start filing brutality cases again, this time in civil rather than criminal court. For a long time, police abuse victories were so impossible to come by that the entire issue was just seen as a lost cause."

Brutalidad — continuado

caso." Rendón, que es graduado de la Escuela de Leyes de la Universidad del Sur de Tejas, recibió un año de adiestramiento en la ley de derechos civiles en MALDEF. Su presente trabajo está sostenido en parte por una subvención del programa "legal extern" de MALDEF. "Esta victoria nos da esperanza," dice Rendón. "Por lo menos un abogado en la vecindad me ha dicho que nuestro pleito le ha influenciado a empezar a plantear pleitos de brutalidad policiaca—en la corte civil en vez de en la corte criminal. Por mucho tiempo era tan imposible lograr victorias en esta área de la ley que todo el mundo lo veía como un caso perdido.



Census Coalition Spurred

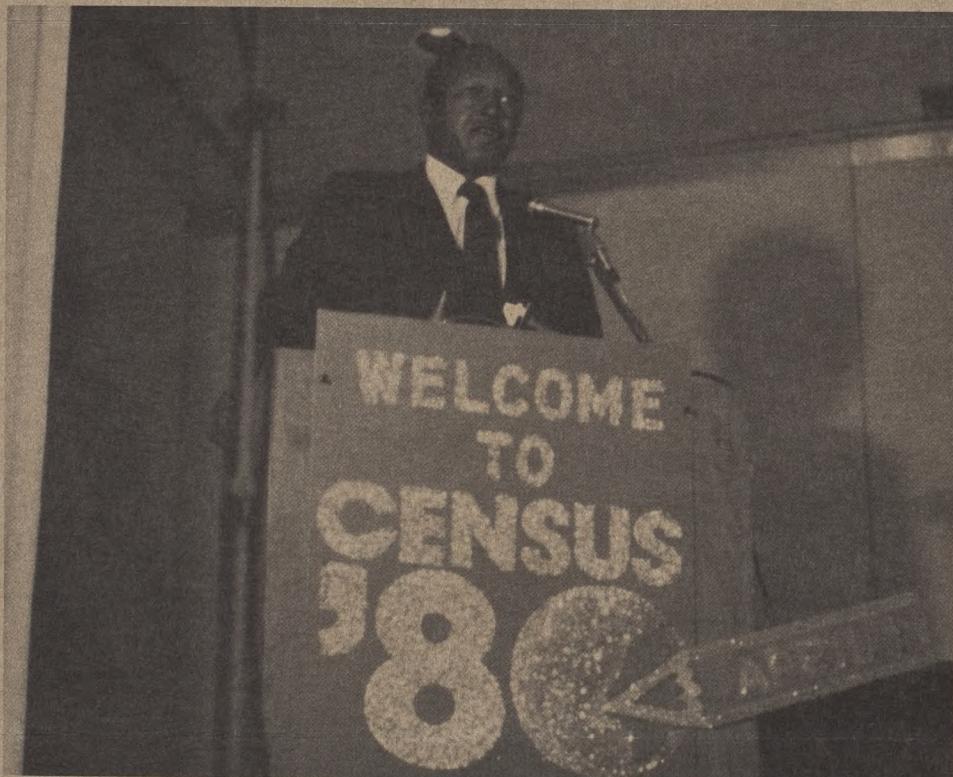
"Yo Cuento," proclaims the little tin button appearing on many Hispanics' lapels these days. It means "I count" in the 1980 Census. MALDEF is trying to convey that message to Latinos and other minorities throughout the nation.

The Los Angeles Effort

An invitation sent to community organizations and leaders in Los Angeles county brought close to 200 representatives of various minorities together this October to learn about Census Bureau plans in L.A. MALDEF urged formation of a coalition to work for an accurate count in local communities and to make sure that minorities are properly represented on state and federal bodies that will govern conduct of the Census.

Los Angeles mayor Tom Bradley was the featured speaker at the event. Census Bureau Regional Director Michael Long told the different groups what the Census Bureau would be doing in Los Angeles to reach minority communities. Representatives of the Asian American and Pacific Island, black, Native American and Hispanic communities discussed what they were doing to generate an accurate count.

"One of our main goals was to let minorities know how they could link into Census Bureau activities," says Esther Estrada MALDEF's Community Education Director, "For instance, the state has indicated that it's going to hire about ten



Los Angeles Mayor Tom Bradley speaks at the October Census Coalition meeting.

community service specialists in L.A. county. It's important to make sure the people hired are representative of the area they'll be working in. In East L.A., for example, a Chicano ought to be hired. A black should be selected to work in the black community and so on."

"The meeting was very positive," says Estrada, "because it brought very diverse groups together on one issue and gave them all valuable information." As Leo Estrada, a member of the Census Bureau's staff in Washington observed, "There is a new awareness about the Census. The days when the Bureau could go about its task in relative obscurity have ended."

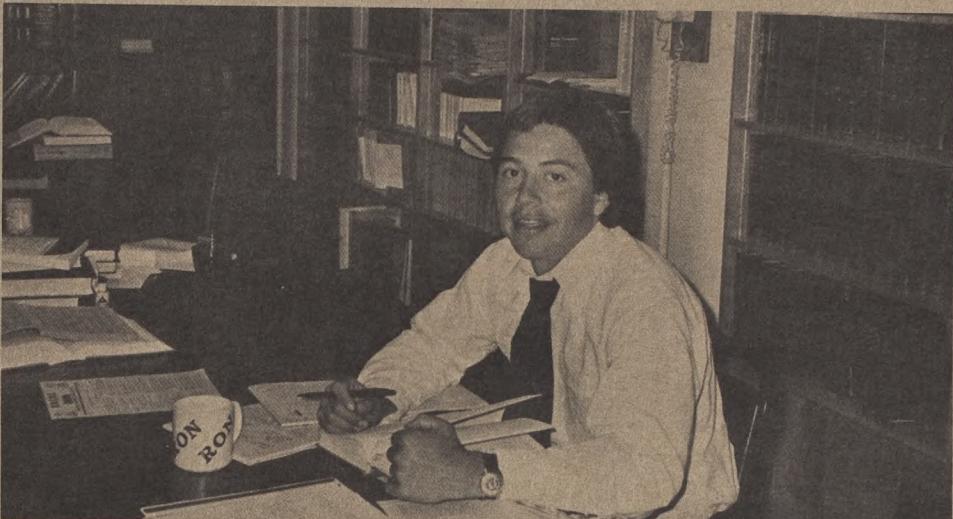


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GEO



Ron Vera, director of the new Ford-funded project that will study Hispanic access to higher education after Bakke.

Higher Education Access Studied

"We want to make sure the *Bakke* decision does not unfairly limit a Chicano's ability to go to a college or university," says attorney Ron Vera summarizing the long-term aim of a new two-year project he is directing for MALDEF. The project will study obstacles blocking Chicano access to higher education from a legal point of view and will work to remove them. A graduate of UCLA law school, Vera was a directing attorney for California Rural Legal Assistance in El Centro, California, and served as CRLA's deputy director in San Francisco. The new project is funded by a Ford Foundation grant.

The Effect of Bakke

"We knew higher education would be in a state of flux after *Bakke*," says Education Litigation Director Peter Roos, "and we wanted someone to look at the changes that would affect Hispanics. We want to know if Latino enrollment is declining, if admissions practices are changing, if new reverse discrimination suits are being filed." Ron Vera thinks schools are unlikely to change their policies blatantly after *Bakke*; "there's too much public inspection for that, but there will be subtle changes and we want to know what they are."

Learning About Changes

Vera has met with educators, students, and others concerned with Hispanic education. Through these meetings, a clearinghouse of information on Latinos in higher education is being developed for the use of MALDEF and outside groups. "Some studies, for example," says Vera, "are finding that Chicanos may be overconcentrated in two-year community colleges." Competency testing, which requires students to pass an exam before

receiving a high school diploma, is also an important issue since lack of a diploma can end a student's hopes of entering college. Hispanics seem to pass these exams less frequently than majority students.

Legal Technical Aid

Using the information he is gathering, Vera plans to analyze new developments and to give legal technical aid to groups affected by changes. "The University of Texas, for example," says Vera, "has been awarding graduate fellowships solely based on Graduate Record Examination scores. Some students there alleged that minorities do not score as well on GRE's as majority students and that other factors should be considered. A group of Chicanos in higher education asked us for an opinion on this in light of *Bakke* and I will be providing that." The project can let Hispanics know what their legal rights and remedies are when they feel they are being denied higher education opportunities.

Coordinating Efforts

The project will also help coordinate Hispanic efforts to improve access to colleges and universities. "I've already discovered several national groups working to better higher education for Hispanics," comments Vera. "Hopefully MALDEF can help them pool their efforts."

What is the ultimate goal of the project? "Making post-secondary education more available to Hispanics," says Vera. "I'm not saying college is for everyone, but right now it is not within the realm of choices the average Mexican American can make. We want coming generations of Chicanos to think of college as a goal they can really attain."

Corpus Christi Voting Suit Won

Oscar Phillips, a non-Spanish-surnamed Chicano, ran for school board election in Corpus Christi, Texas, in 1950. A widely-circulated flier notified voters that "our Latin American friends" were running a Mexican American for a school board seat and warned that if voters did not get to the polls on election day, "it could be later than you think." This was one of many tactics used over the decades to limit Mexican American representation on the town's school board. In a major decision handed down this October, federal district court judge Owen Cox cited the at-large system now used to choose Corpus Christi's school board as one of those discriminatory tactics. His decision in *LULAC v. Williams*, a MALDEF lawsuit, declared that the at-large, by-place election system was adopted for the express purpose of limiting Mexican American school board participation and was therefore unconstitutional.

School Board Exclusion.

A lengthy court trial held in August of 1978 revealed a history of voting irregularities and racially polarized voting in Corpus Christi school board elections. The school district's students are 61.7% Mexican American; yet, over the last 60 years, only five Spanish-surnamed candidates have been elected to the seven-member board. No more than two have served at any one point.

Evidence revealed by MALDEF at trial clearly indicated that the former "single-shot" method of electing school board members was replaced in 1956 by the at-large, by-place system, in the words of Judge Cox, "for the purpose of diluting the voting strength of Mexican Americans and thereby suppress their election to the board."

A Major Victory

"The Corpus Christi decision is a major victory," declared MALDEF Voting Rights Project Director Joaquin Avila. "It sets a precedent that can support future efforts to strike down at-large elections."

The court has ordered the Corpus Christi Independent School District to submit a plan for election of trustees that will not discriminate against Hispanics. The Chicano plaintiffs MALDEF represents will urge implementation of single-member district elections.



MALDEF attorney Carmen Estrada, legal extern attorney J. Manuel Sanchez and plaintiff, Loretta Lopez discuss the new lawsuit seeking border patrol jobs for Mexican American women.

Chicana Rights Suits Filed

Border Patrol jobs and equal access to health care during pregnancy are being sought for Mexican American women in two lawsuits filed this September by MALDEF's Chicana Rights Project in California.

Equal Care For Pregnant Women

Administrative complaints filed in Madera, California, by MALDEF lawyer Carmen Estrada along with attorneys for California Rural Legal Assistance protest the new Madera community hospital policy of refusing to treat pregnant women who do not have staff physicians. The complaint alleges that this policy discriminates against poor and minority women.

"Hispanic women are disproportionately affected by this policy," says Estrada. Most of the 'drop-in' obstetrical patients who did not have staff physicians before the policy became effective were Hispanic. Now they have to travel 25 miles to Fresno Valley Medical Center to receive the care they should be getting in Madera."

The MALDEF complaint alleges that this policy violates state and federal anti-discrimination laws as well as Title VI of the Public Health Service Act which requires that facilities receiving federal construction funds serve everyone living in the hospital area. "Should services continue to be denied to drop-in patients," says Estrada, "we are asking that state

and federal governments terminate their funding of the hospital."

Border Patrol Jobs Sought

The Immigration and Naturalization Service (INS) was charged with discriminating against women and Hispanics in border patrol hiring in a suit filed in San Diego by Chicana Rights Project Director Carmen Estrada and J. Manuel Sanchez, a MALDEF legal extern attorney.

Loretta Lopez, a plaintiff in the suit, is a Chicana who was terminated from probationary employment as a border patrol agent after Border Patrol Academy training last year. Lopez scored 85.4% in scholastic tests; she managed to scale a 7'3" wall, and she successfully completed all her physical training except for the scaling of an 8-foot wall. Lopez, who measures 5'5", was terminated for failing to scale the higher wall.

In the suit filed this fall, Lopez contends that the eight-foot requirement is essentially a height requirement which unlawfully discriminates against Hispanics and women who tend to be shorter than white males. The complaint points out that other border patrol workers have not had to gain passing scores in physical training, and that Academy training primarily tests upper body strength which favors males.

Lopez was told that agents need to scale 8-foot heights in order to be able to jump

on moving trains. Yet, according to Lopez, trainees have been cautioned never to jump on moving trains because it is too dangerous. She also said border patrol examiners told her, "We don't think women should be border patrol agents." Of a border patrol force of 2,045, only 18 are women and only four of those were Chicanas as of June, 1979.

"Ms. Lopez' ability to scale an 8-foot wall has nothing to do with her ability to be a border patrol agent," says Linda Hanten, a MALDEF attorney working on the suit. The MALDEF complaint alleges the requirement is not job-related and violates federal employment laws. The suit seeks reforms in testing procedures, a border patrol job for Ms. Lopez, and a program to bring Mexican American and female border patrol hiring up to the applicable labor force level.

Valerie Kantor Scholarship Recipient

Contributions honoring a MALDEF board member who died tragically last year have been consolidated into the Valerie Kantor Memorial Scholarship Fund. Arlene Juanita Irlando, a 30-year-old Mexican American woman, is the first recipient of this scholarship grant.

Outstanding Student and Leader

A native of Colorado, Ms. Irlando has maintained an extremely high undergraduate academic record at the University of Colorado, Boulder, while remaining active in Chicano community affairs and heading a household with three dependent children. Irlando was the leader of the United Mexican American Students group at the University of Colorado where she fought for establishment of a Chicano studies program. She has worked to better conditions for migrant workers, and she has served on the Parents Advisory Committee on Bilingual Education of the Boulder Valley Schools. Irlando began her first year of law studies at the University of California's Boalt Hall School of Law this year.

"For us, the law has historically represented only obstacles to justice and has seldom provided remedies," says Ms. Irlando. Convinced that Mexican Americans need to develop their own legal resources, she is eager to pursue public interest legal work on behalf of the Chicano community. Along with the \$1,000 grant, go MALDEF's good wishes to Ms. Irlando for a successful first year of law school.

Census Jobs Gained For Permanent Resident Aliens

Permanent resident aliens will be able to apply for temporary work with the 1980 Census. This new policy is the happy result of legal arguments pressed by MALDEF this fall.

Census Jobs

The 1980 Census, scheduled to begin next April, will be hiring about 270,000 workers to serve as enumerators, clerks, office managers and supervisors. Their job will be to count everyone in the country — be they legal residents or not. In the past, only citizens have been hired for these jobs. MALDEF representatives argued before the Bureau this fall that the citizenship requirement was a form of illegal employment discrimination and that more Spanish-speaking enumerators were needed to assure an accurate count of Hispanics.

MALDEF's Work

An August letter from MALDEF President Vilma Martinez to Census Bureau Director

Vincent Barabba addressed Bureau plans to consider only citizens for jobs with few exceptions. "Despite repeated requests," Martinez reasoned, "the Bureau has not produced any legal basis for this policy." A legal memo adjoining the letter set forth grounds for MALDEF's conclusion that "the requirement is without foundation in law." That document was prepared by Proskauer, Rose, Goetz and Mendelsohn, one of many firms providing MALDEF with pro bono help. The letter said MALDEF would sue if the citizenship requirement were not renounced.

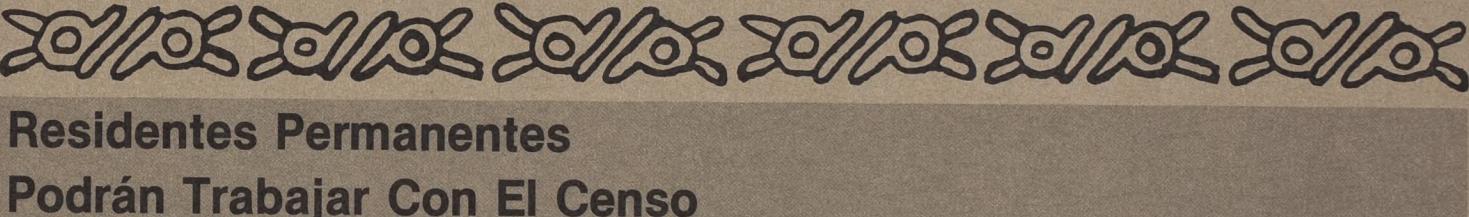
Jobs Announced

Negotiations followed MALDEF's letter. At a September meeting of the Hispanic Origin Advisory Committee to the Census, the Bureau's willingness to hire permanent resident aliens was announced.

The MALDEF-spurred reform is a plus not only in terms of jobs gained, it is also one step toward a more accurate count.

"Census workers who are bilingual and indigenous to the communities in which they work are crucial to an accurate count," says Martinez. "Refusal to employ permanent resident aliens, many of whom are fully bilingual, is simply arbitrary and unfair. Permanent residents pay taxes, they serve the nation, and there is every good reason for the Bureau to take advantage of their energies during the 1980 Census."

Mike Baller Coordinator of Litigation agrees, "There are close to three million qualified permanent resident aliens living in the U.S. By agreeing to consider them, the Census Bureau is just expanding the potential workforce of people qualified to gather more accurate information in Hispanic, Asian and other immigrant communities."



Residentes Permanentes Podrán Trabajar Con El Censo

Residentes permanentes que no son ciudadanos sí podrán solicitar trabajos provisionales con el Censo de 1980. Esta nueva resolución de la Agencia del Censo es el resultado feliz de argumentos legales hechos por MALDEF este otoño.

Trabajos con el Censo

El Censo de 1980, que empieza en abril, empleará alrededor de 270,000 trabajadores provisionales como enumeradores, secretarios, jefes de oficina, y supervisores, con el objeto de contar a todos los habitantes del país—ya sean residentes legales o no. En el pasado, solamente a los ciudadanos les concedían estos trabajos. Pero este otoño, representantes de MALDEF disputaron esta resolución ante la Agencia del Censo, alegando que el requisito de ciudadanía era una forma de discriminación ilegal en el empleo y que el Censo necesitaba más enumeradores de habla española para asegurar que los hispanos sean contados con más exactitud.

La Tarea de MALDEF

En agosto la Presidente de MALDEF, Vilma S. Martínez, dirigió una carta al

Director del Censo, Vincent Barabba, que discutía los planes de la Agencia de considerar solamente, con excepciones limitadas, a ciudadanos para trabajos con el Censo. "A pesar de demandas repetidas," dijo Martínez, "la Agencia no ha producido ninguna base legal para esta resolución." A la carta adjuntó un memorándum legal que exponía argumentos que obligaron la conclusión de que "el requisito es sin fundación en la ley." El memorándum fue preparado por Proskauer, Rose, Goetz y Mendelsohn, una de las muchas oficinas legales que ayudan a MALDEF con servicios gratuitos. La carta dijo que MALDEF litigaría el asunto si la Agencia no renunciara el requisito de ciudadanía.

Trabajos Anunciados

Después de recibir la carta de MALDEF, la Agencia empezó a negociar. En septiembre durante una reunión del Comité Hispano Consultativo al Censo, la Agencia anunció su intención de emplear a residentes permanentes.

Esta reforma, lograda mediante los esfuerzos de MALDEF, no es solamente

una victoria importante en cuanto a trabajos ganados, sino también un paso más hacia un cálculo más exacto de los hispanoamericanos. "Para asegurar un cálculo más exacto, es preciso emplear a trabajadores que son bilingües y que son indígenas a las comunidades donde van a trabajar," dice Martínez. "Negarse a emplear a residentes permanentes, muchos de los cuales son completamente bilingües, es arbitrario e injusto. Los residentes permanentes pagan impuestos, sirven a la nación, y entonces con buena razón la Agencia debe disfrutar de su energía durante el Censo de 1980."

Mike Baller, Coordinador de Litigación de MALDEF, está de acuerdo: "Hay alrededor de tres millones de residentes permanentes que viven en los Estados Unidos y que califican por estos trabajos. Al considerarlos, se acrecienta el número de personas calificadas a trabajar en comunidades de inmigrantes asiáticos, hispanos, y de otros grupos étnicos. Estas personas obtendrán información más exacta que otras no indígenas a estas comunidades."



Los Ojos, a village in northern New Mexico which is on the Tierra Amarilla land grant.

Land Grant Research

A recent visitor to MALDEF's San Francisco office brought news of The Center for Land Grant Studies, a New Mexico group which aims to research the history of Hispano land grants and to right injustices suffered by rural Southwest communities. Malcolm Ebright, President of the Center, is one of a number of lawyers, anthropologists and scholars who have joined in this effort.

Land Grant History

The treaty of Guadalupe Hidalgo which ended the Mexican American War guaranteed that property rights of Southwest Hispanics, who held title to vast land grants from Spain and Mexico, would be respected. Many ancient communities in these areas lived communally, sharing pastureland, water and other resources.

A barrage of land speculation and legal manipulation arising shortly after the War caused most of these lands to be lost to their original owners. (Ebright cited as typical the story of a lawyer in the 1890's who successfully defended a community's property rights, then took most of their land as his fee.)



Justice Sought

Lawsuits, community action and Congressional proposals have sought to redress such wrongs but these efforts have suffered from a lack of research on the history and legal status of the grants. "Because the injustices endured by the American Indian have been studied and well-publicized," says Ebright, "some tribes have been able to gain compensation in court. Once the wide-scale destruction of Hispano communities is brought to light, I'm sure we can find a way to redress some truly outrageous abuses."

Ebright hopes the research will lead to establishment of a federal Hispanic Claims Commission that will return land to some communities, provide monetary compensation to others, and insure that villages still living in the old way can continue their way of life. The Center's first publication on the history of the Tierra Amarilla Grant has recently been released. For more information, contact: The Center for Land Grant Studies/Box 342/Guadalupita, New Mexico 87722.



Bus Driver Jobs Won

Latinos and Latinas will soon be taking the wheel of a healthy number of AC Transit buses operating in the San Francisco Bay Area. In an October consent decree, the Alameda-Contra Costa Transit District agreed to increase its hiring of Hispanic drivers substantially. The decree is a result of *Llamas v. AC Transit*, a lawsuit filed this February by MALDEF on behalf of Bay Area Latinos.

A Better Hiring Plan

"We want to gain jobs for Hispanics in areas where opportunities are expanding," says MALDEF Employment Litigation Director Joel Contreras. "Given the current energy crisis, public transit will become increasingly important. We're really glad to gain a foothold for Latinos in this area."

Under government affirmative action guidelines, AC Transit had projected that, from June 1977 to May 1978, it would be hiring 80 new bus drivers, 27 of whom would be Hispanic. They ended up hiring 108 bus drivers of whom 3 were Hispanic. The result? Although Hispanics make up 13.9% of the San Francisco-Oakland labor force, they were only 3.7% of bus drivers employed by AC Transit. The consent decree signed this fall provides ample reforms:

- AC Transit has agreed to achieve a goal of 11.9% Hispanics in its bus driver workforce.
- AC Transit will conduct recruitment aimed at substantially increasing the number of Hispanic applicants.
- AC Transit will provide preparation classes for bus driver exams in at least two centers in the Hispanic community.
- All Latinos who have applied for jobs with AC Transit will be notified of the decree. Some plaintiffs in the suit will receive monetary damages and a chance to apply for new jobs.

"We're confident the decree will be more effective than the government's affirmative action plan," projects Contreras, "because Latinos within AC Transit will be letting us know if the hiring goals are not being met. Should problems arise, we won't have to weave through a cumbersome government bureaucracy; we can go straight to the judge." Latinos and Latinas wishing to apply for bus driver jobs can call the AC Transit Employment Office at (415) 832-8261 for information.

Probation Outlawed In Torres Case

An October decision in the case of Jose Campos Torres holds a promise of just punishment for three Houston policemen convicted of killing the 23-year-old Chicano in 1977. Torres' brutally beaten body was found floating in a murky bayou two days after his arrest by Terry Denson, Joseph Janish, Stephen Orlando and three other Houston police officers.

A Long Court Battle

The Torres case's journey through the courts has been long, tortuous and frustrating for his family and for many Latinos who are weary of the light sentences usually imposed on police who abuse Hispanics. The battle began in a local Texas court which gave the officers who killed Torres only one year's probation for the crime. Protests of the light punishment gained reconsideration of the case in a federal court.

In 1978, a new decision was reached. Federal district court judge Ross Sterling convicted Denson, Janish and Orlando of murder and assault. He sentenced them to one year in prison on the assault conviction. He gave them five years' proba-

tion and a ten year sentence—which was entirely suspended—for killing Torres. Expressions of outrage arose across the nation. None of the officers has yet served one day of his one-year term.

When *that* decision was appealed, the court said suspension of the ten-year sentence was illegal—but it refused to order a new one. The U.S. Justice Department then petitioned the Court of Appeals to rehear the case arguing that the statute under which the officers were sentenced did not allow probation to be substituted for jail. That statute, in fact, carries a possible sentence of life imprisonment when death of the victim results.

Light Sentence Struck Down

This October, the Fifth Circuit Court of Appeals agreed with the Justice Department and struck down the suspended sentence. It ordered the district court to resentence the officers "in accordance with the law." The court did not specify what new punishment should be imposed nor did it grant a request for sentencing by a judge other than Sterling.

Michael C. Ramsey, a lawyer who defended the three policemen, says there is still a chance that none of them will have to go to jail. MALDEF Litigation Coordinator Mike Baller disagrees. "The Fifth Circuit very clearly stated that probation for the officers was illegal. Since incarceration is the only alternative, we have good reason to believe stiffer sentences will be imposed."

"We hope the resentencing will fit the crime," comments MALDEF President Vilma Martinez. "It is time for the Justice Department to be as aggressive in confronting the *entire* police brutality problem as it was in this case."



New Staff

MALDEF welcomes these new staff members:

Chicago Census Project

Maria Madera, Secretary

Denver

Corinne Martinez, Legal Secretary
Ken Wohl, Staff Attorney

Los Angeles

Angel Manzano, Staff Attorney
Ruben Vasquez, Paralegal

San Antonio

Nicasio Dimas, Staff Attorney
Jose Garza, Staff Attorney
Pura M. Lechuga, Legal Secretary
Rolando Romero, Paralegal
Dianne Ross, Paralegal

San Francisco

Jean Freestone, Paralegal
Toni Gross, Legal Secretary
Ann Hill, Staff Attorney
Ercardo Lopez, Paralegal
Celine MacDonald, Paralegal
Barbara Mow, Legal Secretary
R. Margarita Recinos, Legal Secretary
Ron Vera, Staff Attorney
Tony Walker, Paralegal



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Texas Scores As Voting Rights Offender

"Texas has proved to be the Lone Star State when it comes to Voting Rights," declared MALDEF President Vilma S. Martinez in response to a study released this September by the Federal Election Commission. The 220-page report rated Texas as the state complying least with the 1975 amendments to the Voting Rights Act (VRA) designed to gain voting access for Spanish-speakers. The report found that requirements for bilingual elections are not being carried out in many areas and that election officials are generally hostile to bilingual voting reforms.

The VRA's "Hispanic Amendments" require that bilingual voting materials and election personnel must be used in areas where 5% or more of potential voters speak a language other than English and where illiteracy rates are high. The amendments were mainly designed to end a long history of voting exclusion among Hispanics.

The bilingual requirements affect some 30 states. In some, only a few areas are involved. In Texas, with its large number of Mexican Americans, the whole state is covered. The 220-page FEC study of bilingual voting practices found that Arizona, California, and Colorado varied in their efforts to comply with the law. New Mexico had the best bilingual election record and Texas fell far short of other states and of the law itself. The report found that:

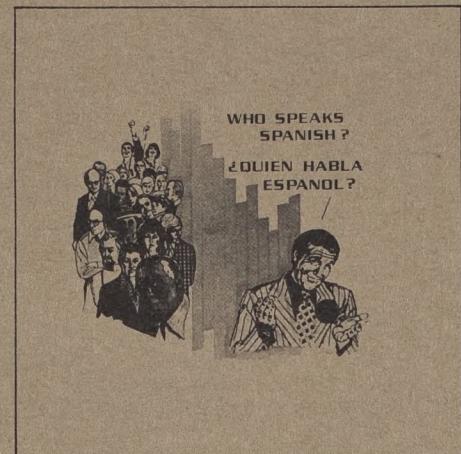
- One in five of the 53% of Southwest election officials who took part in the survey said they had never obtained a copy of the voting rights law. In as many as one out of five of the jurisdictions studied, required bilingual help seems not to have been provided at the polls. Many officials expressed "blatant hostility" to bilingual elections.

- Though many jurisdictions have complained about the high added costs of bilingual elections, only a handful reported keeping records of the expenses they had, in fact, incurred.

- The VRA requires that bilingual elections be accompanied by strong efforts to recruit and register non-English-speaking voters. The report called many registration programs "modest efforts indeed." Voter education programs launched under the amendments were equally unimpressive.

"If serious efforts to register Latinos are not taking place," says MALDEF Washington Director Al Perez, who served on the Bilingual Advisory Panel to the FEC, "what good are bilingual ballots?"

"The true test of the bilingual provisions will be in their vigorous enforcement," says Vilma Martinez. Hispanics are concerned that poor enforcement of the bilingual requirements may lead legislators to conclude that bilingual elections do not work and to end them before they have a real chance to create change for Latino voters.



A slide from MALDEF's Census Awareness Packet which is now available.

Census Slide Show Available

The MALDEF bilingual slide presentation on the importance of the Census to Latinos is now available. The Census packet includes a full set of slides, a bilingual cassette-recorded narrative, a printed Spanish-English narrative and a teacher's guide for use in the classroom. Send \$35 to cover the cost of packet production and mailing to MALDEF, 28 Geary Street, San Francisco, California 94108.

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Attention:

If we are sending your newsletter to the wrong address, please make a correction on this label and return it to our San Francisco office.





December 4, 1979

Dear Herman:

Enclosed you will find a copy of my memo to Al Perez in MALDEF's Washington office, regarding our conversation on Dec. 3rd. with respect to the Committee on Immigration Hearings.

I hope it basically covered our conversation.

Secondly, I want you to know that I will be awaiting the packet of information you indicated you would be sending me with respect to your petition to Senator Kennedy regarding the Congressional Hearings on boarder abuses.

Sinceramente,

Esther

Esther Estrada

*This Lawyer
cannot spell
Border!*

MALDEF

**Mexican American
Legal Defense and Educational Fund**

28 Geary Street
San Francisco, CA 94108
(415) 981-5800



MEMORANDUM

TO: Al Perez
FROM: Esther Estrada *EE*
RE: Select Committee on Immigration Hearings
DATE: December 3, 1979

On December 3rd, 1979, I had a conversation with Herman Baca of the Coalition on Chicano Rights Organization in San Diego, California.

Herman asked if I knew who would be testifying at the hearing to be held in San Francisco on June of 1980, I told him that at this time I did not know who those individuals are going to be and that perhaps it was too early for us to even get that information, but I did say that I would check with you to see if you had any idea who these individuals might be.

Since he is interested in possibly testifying I told him we would support his petition to testify.

He pointed out that there were no hearing scheduled to be held on a border city and asked if I knew what could be done at this point to get one scheduled, I told Herman I did not know the process and once again that I would check with you to see whether a hearing could be requested for San Diego, or whether it is too late to request any changes in the schedule.

Herman indicated that he is interested in getting whatever information comes through pertainant to these hearings, and I told him that I would send you a memo and ask you to send to him whatever information we get, and this information should be sent to Herman Baca, Committee on Chicano Rights, 1937 Highlands Ave. National City, CA 92050

EE/dd

cc: Herman Baca

National Office

28 Geary Street
San Francisco, CA 94108
(415) 981-5800

Regional Offices

250 W. Fourteenth Avenue
Denver, CO 80204
(303) 893-1893

1636 West Eighth Street
Los Angeles, CA 90017
(213) 383-6952

Petroleum Commerce Bldg.
201 North St. Mary's Street
San Antonio, TX 78205
(512) 224-5476

1411 K Street, NW
Washington, D.C. 20005
(202) 393-5111



March 24, 1980

Committee on Chicano Rights
1837 Highland Avenue
National City, CA 92050

Dear Friend:

As you may be aware, at the urging of MALDEF and several other Hispanic organizations, the California Public Utilities Commission has initiated an inquiry into the need for Pacific Telephone to provide bilingual services in California. At issue are the provision of Spanish language services throughout the State and the employment of significant numbers of Spanish speaking personnel.

We have recently been informed by Pacific Telephone that, as a result of the Commission's inquiry, it has retained a consulting firm to survey the Spanish language needs of California's telephone users. Additionally, it has indicated its willingness to allow Hispanic organizations to review the results of this study. In this regard, we believe the position of the Hispanic community both with respect to Pacific Telephone's current study and any subsequent Public Utility Commission hearing on this matter would be substantially enhanced by documenting specific complaints concerning the lack of Spanish language telephone services. As such, we would appreciate your initiating within your organization a request that each chapter or unit forward information regarding any such complaints to MALDEF's Los Angeles office. We are located at 1636 West 8th Street, Suite 319, Los Angeles, California 90017.

National Office

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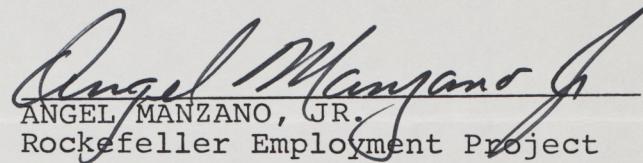
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Washington, DC 20005
(202) 393-5111

We would appreciate hearing from you or other members of your organization on this matter by Friday, April 18th. In the interim, if you have any questions, please feel free to contact me at (213) 383-6952.

Sincerely,


ANGEL MANZANO, JR.
Rockefeller Employment Project

AM/pl



April 22, 1980

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

Dear Mr. Baca:

Thank you for expressing your concern over the Danny Vasquez case. At this particular point, however, we will not be able to provide any financial support for the legal expenses on this case. As we informed Mr. Robin Collins, attorney for the Vasquez' family, our organization is funded by foundation support. Much of this support is specifically earmarked for specific projects. Consequently, we would not be able to use any of the specifically earmarked funds for assisting Mr. Collins with this case. The other possible source of funding would be our unrestricted budget. However, our accountant informed us that the unrestricted budget was in a deficit. For this reason, we simply could not provide any funds to Mr. Collins.

However, we have offered Mr. Collins assistance in preparing legal documents and in providing legal research assistance. Since we have many contacts in the police brutality area, we can forward litigation documents and assist in the preparation of trial strategy. Such an undertaking will not incur any financial burdens on this organization. This assistance, although not monetary, can prove to be very valuable to an attorney handling this type of case. If you have any additional questions or comments, please do not hesitate to contact me.

Sincerely,

Joaquin G. Avila
Associate Counsel

sa

National Office

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San Francisco, CA 94108
(415) 981-5800

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August 12, 1980

Dear Friend of Bilingual Education:

The moment of truth has arrived for supporters of Bilingual education. On August 5, 1980 the Federal government (Dept. of Education) released a Draft Bilingual Education Regulation for comment. This regulation, when finally issued, will set the minimal standards that school districts must meet. In many places they will be the only standards.

While generally affirming Federal support for bilingual instruction, the Draft Regulations have significant weaknesses. These include:

1. No special help is required for limited English proficient students who are dominant in English. In many school districts these students constitute the vast majority of language minority students and their failure rates poignantly argue for special assistance. They should minimally be provided English language development programs.

2. The Draft regulations request comment on the question of whether "comparably limited" students should be provided bilingual instruction. These are students who speak two languages but whose dominance cannot be determined due to the imprecision of measuring instruments. Clearly they ought to have exposure to a bilingual teacher who can communicate in both languages.

3. The Draft regulations fail to assure that high school students will receive understandable instruction. They merely require a "good faith" effort by school officials to meet the needs of these students. We can predict failure for high school students who must confront a complex curriculum in a foreign tongue. School officials must be required to group students together or to utilize itinerate teachers when they cannot otherwise provide a full program. "Good Faith" is insufficient.

4. The Draft regulations merely mandate that a "Qualified Bilingual Teacher" have "considerable proficiency" in the child's language. This crucial standard is unenforceable. School districts must be required to document by valid, objective instruments (where available) that a teacher has the

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skill necessary to teach bilingually. Further, it must be explicit that available bilingual teachers must be hired or retained if needed to meet the needs of students, even where monolingual teachers might have to be discharged.

5. The Draft regulations allow removal (exit) from a program after two (2) years and a score of 30% on the reading subpart of an achievement test. The 30%, commonly utilized for determining who should get into a compensatory education class, is now being used to remove students from needed help. This low standard will guarantee failure for the students and for the program.

6. Parents are permitted to "opt-out" of a program. No requirement that they be provided information in writing or that their decision be reflected in writing is mandated. A long history of abuse of these provisions by school officials compels such a requirement. It is especially crucial since programming itself is triggered by having 25 students in 2 consecutive classes who have not decided to opt-out.

7. The Secretary of Education can "waive" any provision of the regulations upon application by a School District. This is unprecedented in Civil Rights regulations and poses substantial dangers to children.

These problems are some of the primary ones that interested persons should address. Other problems also exist.

It is vital that persons submit their written comments to the Department of Education immediately. Hostile school officials have already begun to barrage the Department and we will be overwhelmed if we are not heard. Comments should be addressed to Mr. Antonio J. Califa, Office for Civil Rights, Department of Education, Post Office Box 8240 Washington, D.C. 20024.

In addition six (6) hearings will be held around the country. They will consist of a morning, afternoon and evening session. Those wishing to be heard should contact the following persons as soon as possible to get on the agenda. If you fail to get on the agenda the evening sessions will be open.

The hearings, dates and contact persons are as follows:

- A. San Antonio, September 8, contact: Ed Baca
(214) 767-3626
- B. New York, September 9, contact: Josue Diaz
(212) 264-4045
- C. Denver, September 10, contact: James Ballantyne
(303) 837-2441
- D. New Orleans, Sept. 15, contact: Ed Baca
(214) 767-3626
- E. San Francisco, Sept. 16, contact: Caroline Gillin
(415) 556-4920
- F. Chicago, Sept. 17, contact: Ralph Church
(312) 353-5463

Comments should support, with as much documentation as possible, the necessity for strong federal Bilingual Regulations and enforcement. They should also address those weaknesses that persons feel most strongly about; but, most of all, they should be sent immediately. Time is of the essence.

For further information about the Regulations or the process contact either

Peter Roos (MALDEF - S.F.) (415) 981-5800 or

Liz Benedict (MALDEF - Wash.D.C.) (202) 393-5111

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UNITED STATES DEPARTMENT OF JUSTICE
IMMIGRATION AND NATURALIZATION SERVICE
LOS ANGELES, CALIFORNIA 90012

LOS 50/40

Mr. Jose Ortega
Mexican-American Legal Defense and Educational Fund
408 S. Spring Street,
Los Angeles, Calif. 90013

Dear Sir:

Numerous inquiries have been made of this office recently relative to the authority of police officers to make arrests in the enforcement of Federal immigration laws.

For clarification, it is my opinion that law-enforcement officers generally, whether Federal, State or City, may enforce and make arrests under those portions of the Federal immigration laws which are criminal in nature, whether classified as misdemeanors or felonies. Except upon warrant of the Attorney General of the United States, enforcement officers are not empowered to make arrests of aliens under the Federal immigration statutes which are noncriminal in nature and which relate to deportation and the deportation process.

For your convenience, I am enclosing copies of those sections of the Federal immigration laws (Immigration & Nationality Act, as amended (Title 8, United States Code)) as create criminal sanctions as well as a copy of Section 242(a) of the Immigration & Nationality Act (8 USC 1252(a)) which concerns arrest of aliens for deportation purposes only.

Sincerely,

Donald T. Williams
Donald T. Williams
Acting District Director

Enclosures



May 17, 1984

* * * ACTION ALERT * * *

SPEAKER THOMAS P. O'NEILL ANNOUNCED THE HOUSE VERSION OF THE SIMPSON-MAZZOLI BILL WILL BE SCHEDULED FOR HOUSE DEBATE THE WEEK OF JUNE 11, WITH A POSSIBLE VOTE ON THE BILL ON JUNE 15. THE RULES COMMITTEE IS EXPECTED TO ISSUE A RULE SETTING THE GUIDELINES FOR DEBATE ON JUNE 6 OR 7. ALL OF THESE PLANS ARE BEING MADE DESPITE THE FACT THE ROYBAL BILL HAS NOT YET BEEN GIVEN A HEARING.

A NATIONAL MOBILIZATION AGAINST SIMPSON-MAZZOLI IS PLANNED FOR JUNE 4 - 8. YOUR PARTICIPATION IS CRUCIAL.

AMERICAN
CIVIL LIBERTIES
UNION

On May 2, 1984 Speaker Thomas P. O'Neill announced that the Mazzoli version of the Simpson-Mazzoli bill will be brought to the House floor for debate during the week of June 11, 1984. While the bill has been postponed in the past, the Speaker has indicated that "this is definitely the last postponement."

The Mazzoli bill is now before the Rules Committee, which determines the conditions for House Floor debate of the bill. Indications are that the Rules Committee will seek to limit the number of amendments to be considered on the floor and place time limits on the amount of debate. However, given the number of difficult and complex problems raised by the Mazzoli bill, an open rule is the only way to meaningfully deal with these complex issues. A time limit on debate is intended to force a vote on the bill even if the amendment process has not been completed.

Plans to issue a rule and to begin House action are being made despite the fact that the Roybal bill has not been given a hearing. No rule should be issued until the Roybal bill has been given a fair hearing before the Judiciary Committee.

NATIONAL MOBILIZATION AGAINST SIMPSON-MAZZOLI

In light of the Speaker's announcement that the bill will be considered on the House Floor, MALDEF, together with a broad coalition of organizations, is sponsoring an intensive week of advocacy against the Simpson-Mazzoli bill. This mobilization effort is scheduled for June 4 to 8 in Washington, D.C., and members of various organizations will come to Washington to express their opposition to the Simpson-Mazzoli bill. A similar effort conducted last summer was helpful in preventing House consideration of the Mazzoli bill. YOUR PARTICIPATION IS CRUCIAL.

* * * MORE * * *

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WHAT YOU CAN DO

EXPRESS YOUR OPPOSITION TO THE SIMPSON-MAZZOLI BILL AND YOUR SUPPORT FOR THE ROYBAL ALTERNATIVE IMMIGRATION BILL. ASK THAT NO RULE BE ISSUED UNTIL AFTER THE ROYBAL BILL HAS BEEN GIVEN A HEARING, AND THAT THE RULE, WHEN ISSUED, BE AN OPEN RULE.

1. JOIN US IN WASHINGTON, D.C. June 4 - 8. VISIT YOUR REPRESENTATIVE and other members from your area.
2. VISIT YOUR REPRESENTATIVE'S DISTRICT OFFICE.
3. PHONE, WIRE OR WRITE THE HOUSE LEADERSHIP, including:
Speaker Thomas P. O'Neill
Majority Leader Jim Wright
Chairman Claude Pepper, House Rules Committee
Chairman Peter Rodino, House Judiciary Committee
4. SEND LETTERS, TELEGRAMS AND MAILGRAMS TO YOUR REPRESENTATIVE AND THE HOUSE LEADERSHIP so they will arrive during the mobilization week of June 4 - 8.
5. SEND LETTERS TO THE EDITOR AND OPINION-EDITORIAL COMMENTS to your local newspapers. Send copies to your representative and to Speaker O'Neill.

Mail your letters and wires to: or Phone:

(Name of Representative) (202) 224-3121
U.S. House of Representatives (Capitol Hill Operator)
Washington, D.C. 20515

For Further Information Call:

Helen C. Gonzales (202) 393-5111
Richard P. Fajardo
Washington, D.C. Office

or Annette Oliveras (415) 981-5800
San Francisco Office

or Any of the MALDEF Regional Offices.
See Reverse Side for Addresses and Phone Numbers.