

BARRIO SUPPORT & PROTEST RALLY FOR JESS D HARO

TUESDAY, JULY 25, 1978

10:00 A.M. - 12:00 NOON SAN DIEGO CITY COUNCIL CHAMBERS
- THEN WALK OVER TO -
FEDERAL COURTHOUSE

The constituents of the San Ysidro and Logan Barrios are outraged by the racist effort to get rid of our Councilman. There is no replacement for Jess Haro!!

The thrust of this rally is to make clear our support of Jess Haro to remain on City Council, and to publically demonstrate our protest of Judge Leland C. Nielsen's racist persecution of our Council Representative.

"ALSO"

CHICANO PARK

THIS THURSDAY, JULY 20, 1978, @ 10:00 A.M.

NEWS CONFERENCE WITH
COUNCILMAN JESS D. HARO AND
CITY-WIDE SUPPORTERS

Be on Time Thursday and Tuesday!!

Call 263-2153 for transportation assistance.

REUNION DE APOYAR A JESS D HARO

REGIDOR LEGISLATIVO

MARTES, JULIO 25, 1978

10:00 A.M. - 12:00 P.M. EN LAS OFICINAS DEL
CONCILIO DE LA CIUDAD DE SAN DIEGO
- LUEGO CAMINAREMOS A LA -
CORTE FEDERAL

Los constituyentes de los Barrio de San Ysidro y Logan están ofendidos por el esfuerzo racista de deshacerse de nuestro Regidor. No hay restitución para Jess Haro!!

La introducción de esta reunión es para hacer claro nuestro apoyo por Jess Haro, para que permanezca con el Concilio de la Ciudad, y también para demostrar públicamente nuestra protesta contra el Juez Leland C. Nielsen y su persecución racista contra nuestro Regidor.

"TAMBIEN"

EN EL CHICANO PARK

ESTE JUEVES, JULIO 20, 1978, A LAS 10:00 A.M.
HABRÁ CONFERENCIA DE NOTICIAS CON
NUESTRO REGIDOR LEGISTATIVO JESS D. HARO Y
TODOS SUS APOYADORES

Todos estén a tiempo el Jueves y Martes!!

Hablen al 263-2153 si necesitan transportación.



JESS D. HARO

Councilman 8th District

The City of San Diego
City Administration Bldg.
202 C Street
San Diego, Calif. 92101
Phone (714) 236-6688

Deputy Mayor

August 3, 1978

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

Dear Herman:

Thank you for your recent expression of support.

During difficult times, interest and concern such as you have shown is very much appreciated.

I will strive in the future to provide the same high level of conscientious and responsible leadership I have in the past.

Although it is easy to be afraid, in periods such as this, these are the times when we must renew our faith in a future that can produce the social, economic, political and practical equality that men and women must strive for.

Again, thank you for your support and concern.

Sincerely,

Jess Haro

JESS D. HARO
Councilman
Eighth District

Rudolph V. Stephens
P.O. Box 12117
San Diego, CA 92112

August 10, 1978

Jesse Martinez

Gentlemen:

I believe as a private citizen that Mr. Haro's conviction is indeed racial and political crucifixion.

As a baptized seven day adventist, I believe in love as a means of seeking direction in time of crisis. My wife and I teaches our children love through telling them we love others freely. My seven year old son was accused of damaging someone's property but it was his friend who actually did it. Although, the friend - seven years of age also - admitted with sorrow he accidently did it, my son was puzzled why he was accused. Before the little boy told his accusers he accidently damaged the property, this is how I demonstrated something to him.

I wrote on a piece of paper the words: I LOVE YOU. Those three words were all I wrote, addressed to know one, and told him to place the paper where he thought his accusers could get it while knowing where the paper came from. I don't know exactly where my son placed the paper. But the next evening when I returned from work his accuser was holding up the paper yelling he was given a threatening letter.

After that I had the humble little boy tell he was sorry he brushed up against the property. The accuser said nothing thereafter to my boy.

Mr. Haro, Mr. King, Mr. Kennedy, on to Jesus Christ were crucificied for doing something that others before and after them did as a rule. Mr. Haro is just getting nailed for something others do more. Now no matter what he says, it will threaten his accuser.

Life can be very confusing to us when we are taught that if we are honest and truthful the best will come of things. Mr. Haro did not say that he did not do what he is accused of doing. He knows as well as I know that the furniture industry is not without its share of double dealing by many others in the industry on a much larger scale.

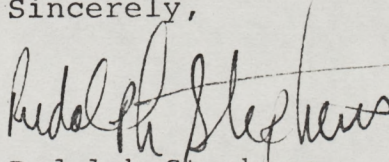
I was loaned \$35,000 by the government in the mid sixties to operate a furniture store. As a minority, I knew nothing about furniture. I had to be taught from scratch. The government even gave me an advisor to teach me to run the business. Beginning with that very advisor who was a retired businessman, I was taught to cut corners like that. I know of people in furniture who would put large shipments of furniture in there dead mother's name to avoid taxes.

What Mr. Haro was accused of doing over a five year period, I know of cases where one deal was done over the phone.

One day I was standing with a friend in the office of a large chain store buyer overhearing the buyer telling someone to use false figures on the shipment to about five or six outlets. My friend, a decent man, turned to me and solemnly said, shaking his head: "please don't do anything like that in your business". I know of at least three factories that uses almost exclusively illegal aliens to assemble there furniture. While I am not in the police business, I am not going to call names but I do know that what Mr. Haro did is the rule rather than the exception.

Like I taught my son about LOVE: some people are hurt because of something many people do. I also teach him with shinning examples too, that these kinds of actions in the face of awakened people are the seedlings that sprout the garedens the blossoms the likes of Gandhi, Marat; Churchill, Hitler; Lucifer, Jesus. Take your pick. They a planted.

Sincerely,



Rudolph Stephens

Judge Feels Haro Sentence Was Fair

By GINA LUBRANO

Staff Writer, The San Diego Union

Jess Haro got a fair, if not lenient, sentence, according to U.S. District Judge Leland C. Nielsen, who yesterday ordered the city councilman to serve 90 days in jail for customs fraud.

Nielsen, who once put a rabbi in jail for smuggling parrots across the border, said, "I feel that he got treated very fairly in his circumstances.

"I don't know why he wasn't prosecuted long ago," the judge said. "A scheme of that size I thought would have made prosecution inevitable."

The sentence on Haro stemmed from violations committed five years ago, before his appointment to the council.

Nielsen said the government's case against Haro represented "very substantial" white-collar

crime.

He said he made it a point to consult with other judges while deciding the penalty to impose on Haro because it was a "very unusual" procedure. "I did it just for that reason," he said, but added that judges have talked over cases in the past.

Nielsen, 59, talked Haro's case over with Chief U.S. District Judge Edward J. Schwartz and Judges Howard B. Turrentine, William B. Enright and Gordon Thompson Jr. Among the five federal judges in this district, Thompson has the reputation for being the toughest sentencing judge — Nielsen probably the most lenient.

"There was one who might have given him the limit," Nielsen said.

Nielsen, appointed to the federal bench by President Nixon in 1971, freely admitted to being tougher on white-collar-crime defendants and

on those in positions of trust.

He said he gives the lightest "sentences in cases involving minorities, unless there is violence involved. Then I'm tough."

Nielsen said that Haro would have gotten more prison time had he not been assessed such a large money penalty in the civil case.

"Race had absolutely nothing to do with it. From the tone of the letters I got, I'm afraid some of them will (see it as a racial matter) anyway." Nielsen said he got about 75 letters on the Haro case, the most he has received in connection with a sentencing.

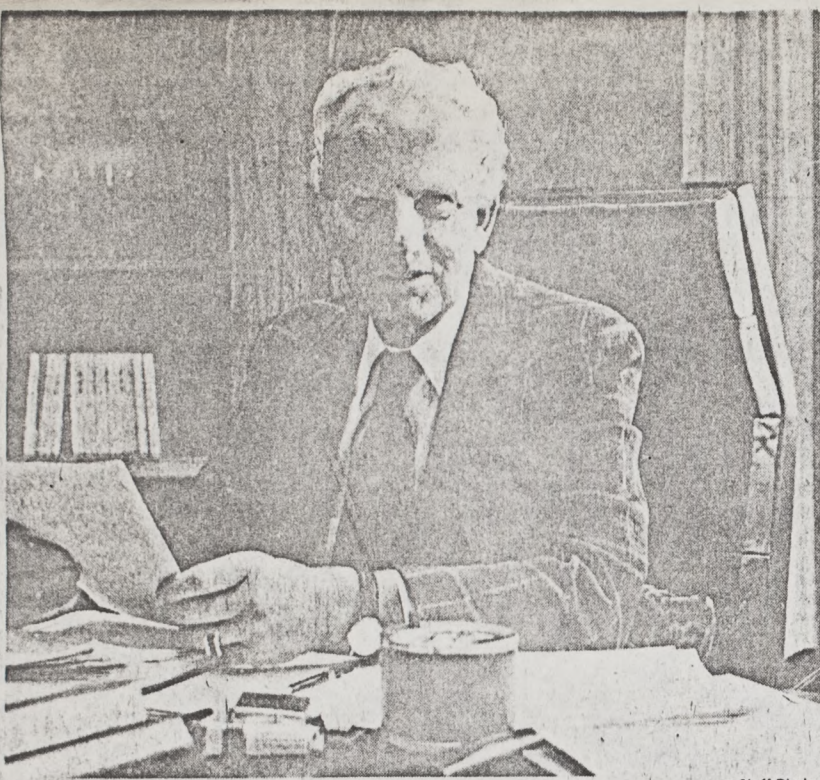
"I know no reason why, because of ethnic background, anyone should be allowed to steal from the U.S. government which is, in effect, what he's done."

Following is a text of Nielsen's statement to Haro yesterday.

THE COURT: As Mr. Walsh (U.S.

Attorney Michael Walsh) has said, I have agonized over this, too. It's probably one of the most difficult sentencing decisions I have had to face in 10 years. I do have some observations to make, however. One, as to the nature of this crime, true, Mr. Haro pleaded guilty to a misdemeanor. However, despite what opinions have been expressed by some people, this misdemeanor is not like having a barking dog or running a traffic signal. It's a very serious misdemeanor. It involves dishonesty, plain, unadulterated dishonesty, and, really, theft in the United States government, in effect.

I sat on the panel on the Ninth Circuit last month on a very similar case where the defendant was convicted of a felony rather than a misdemeanor and he got 30 months besides the maximum fine that could be imposed.



—Staff Photo

U.S. District Judge Leland C. Nielsen sentenced City Councilman Jess Haro to prison yesterday.

I have to take issue with you in another respect, Mr. Mitchell (Haro's lawyer, John Mitchell), and that is as far as the treatment of people in this district charged with this kind of violation with the background — and I say to you, frankly, that if Mr. Haro was not a city councilman, was not a politician, there's no question in my mind but what he would get the maximum time of incarceration, due to the magnitude of the background of this case.

I recognize that for the last three years or more he has, to all intents and purposes, served this city in an admirable fashion as a city councilman. I only regret that I find myself in the position of having to sentence the first one of his ethnic background who has ever served upon our city council.

Of course, the buck stops here with me on this matter, but I had such personal feelings over it that I chose to do something that is seldom done in this district and that is talk to all of my fellow judges, and I say that all of them agree with me that Mr. Haro has to go to jail — the only question being the length of time, and, frankly, my estimate, and my feeling right now is the least of the five judges.

I do not feel in the present circumstances in this country that a politician as such can expect to be treated other than someone else, and it's only because, then, of the tremendous monetary penalty that he has agreed to pay that I am going to sentence him as I am. It is ordered and adjudged that you be committed to the custody of the attorney general or his authorized representative for imprisonment for a term of 90 days.

Mitchell: Your honor, could there be a 30-day stay on that?

The court: No, but I will stay it until Aug. 7.

DUCT OF TV, RADIO REPORTERS OUTRAGES BACKERS

Tears Replace Hope As Haro, Friends Hear Sentence

By GEORGE E. CONDON JR.

Politics Writer, The San Diego Union

For 23 minutes, the defendants, many of them clad in wrinkled blue or gold prison uniforms, marched before the judge in the brightly lit wood-paneled courtroom.

Judge Leland C. Nielsen, infrequently running his right hand through his wavy blond hair, dispatched their cases rapidly.

Only one case slowed the process. It had to be rescheduled because the defendant's family could not find seats in the courtroom jammed with reporters and spectators.

The crowd and the reporters were not there for those first eight cases, however. They were there for the subdued man in the olive suit and white shirt.

They were there for Jess Haro, a city councilman, who, upon the call of the ninth case yesterday morning in federal courtroom No. 5, stood before the judge.

Before Haro faced the bench, his supporters were still clinging to the hope that he could somehow elude a jail sentence and rebuild his political career.

Nineteen minutes later, after hearing Haro's acts branded "plain adulterated dishonesty" and after Haro was sentenced to 90 days in federal prison, they knew he was finished.

Tears replaced the hope.

Haro's attempts to retain his composure, so successful in the courtroom, crumbled once he left and his friends, many of them crying, began to offer their sympathies.

Trying to escape the crush of reporters, Haro, his wife, Jane, his lawyer, John Mitchell and his friend, Assemblyman Larry Kapiloff, fled upstairs.

There, temporarily shielded from questions at the end of the corridor, Haro, his eyes brimming with tears, embraced his wife and Kapiloff.

In the middle of the corridor, closer to the elevators, other supporters wept more openly and begged reporters to leave.

Evonne Schulze, a former City Council candidate and the organizer of a June rally to support Haro, tried gamely to console Subi Featherman, a close Haro friend.

Within minutes, however, Schulze



City Councilman Jess Haro clasped hands with his wife, Jane, shortly after learning he had been sentenced to 90

herself succumbed and began to cry quietly while still holding Featherman.

Later, when Haro grimly walked from the federal courthouse to his car parked one block away, the tears gave way to the anger that many of Haro's friends felt toward reporters.

Already convinced that somehow Haro would still be facing a bright political future if only reporters had put the proper slant on the councilman's legal difficulties, the councilman's friends were outraged at the conduct of television and radio reporters who dogged Haro step for step during his long trek to his car.

Grimly, Haro tried to ignore the microphones and cameras thrust in his face.

His supporters could not ignore the spectacle, however, and tried to form a protective ring around their fallen friend, chanting, "Leave him alone; leave him alone."

The reporters ignored the plea. When Haro stopped at his car to

embrace Lilia Lopez, a particularly distraught friend, the cameras and the questions persisted.

Finally, with Haro driving away, the anger erupted into a brief flurry of jostling, shoving and name calling.

Precipitating the clash, which later generated two legal charges of assault, was an attempt by KGTV-Channel 10 to film Haro inside the car.

Channel 10 reporter Joe McMahan, who said he believed that Tony Valencia, board chairman and chief executive officer of the Mexican and American Foundation, was about to interfere with the filming of Haro, forcefully moved Valencia away from cameraman Bob Lampert.

Valencia, contending that McMahan called him a "sawed off son of a bitch," angrily tried to push McMahan away and several supporters of Haro moved menacingly closer to the cluster of TV reporters amid shouts of racial insults.



days in prison. He did not return yesterday to the City Council chambers, where business proceeded without

him. The councilman has declined to say whether he will resign his 8th District council seat.

— Staff Photos by George Smith and Peter Koeleman

DOCUMENTED CASE

Haro's Was Paper Crime

The customs violation that resulted in a 90-day sentence for Councilman Jess Haro literally can be classified as a paper crime.

Haro was charged in an information, a court document that specifies the action of the law he violated and spells it out in legal terms.

The body of the information specifies an incident on Aug. 3, 1973, in which Haro "before the seizure of merchandise by persons authorized to make such seizures and in order to prevent seizure, did remove said merchandise by concealing it . . ."

Translated into lay terms, Haro was accused of presenting false invoices to customs officials that concealed the true value of items he was importing.

U.S. Attorney Michael Walsh said the charge against Haro was a compromise reached when Haro agreed to enter a guilty plea. It does not, he said, represent the full scope of the allegations the government had amassed against Haro.

One black woman shouted, "It's you who got Jess — you whites who want blacks out and who want Chicanos out. It's a white world."

Another Haro supporter urged the crowd not to cooperate with reporters. "Let's go, you guys. Let's not

give these dogs anything."

She followed that with a somewhat threatening invitation to "come down to the barrio sometime and try this. Come down today."

An angry Valencia, blasting the conduct of television crews and as-

serting that he never struck any cameraman, filed a complaint against McMahan and the television station alleging assault.

"They were animals," he said in an interview. "Just a pack of cannibals. And TV-10, as usual, was the worst."

After cameraman Lampert filed a police complaint alleging assault by Valencia, McMahan said that Valencia was about to attack Lampert who could not see him coming because of the camera.

"I didn't do anything. I tried to help a man who was being assaulted," McMahan said.

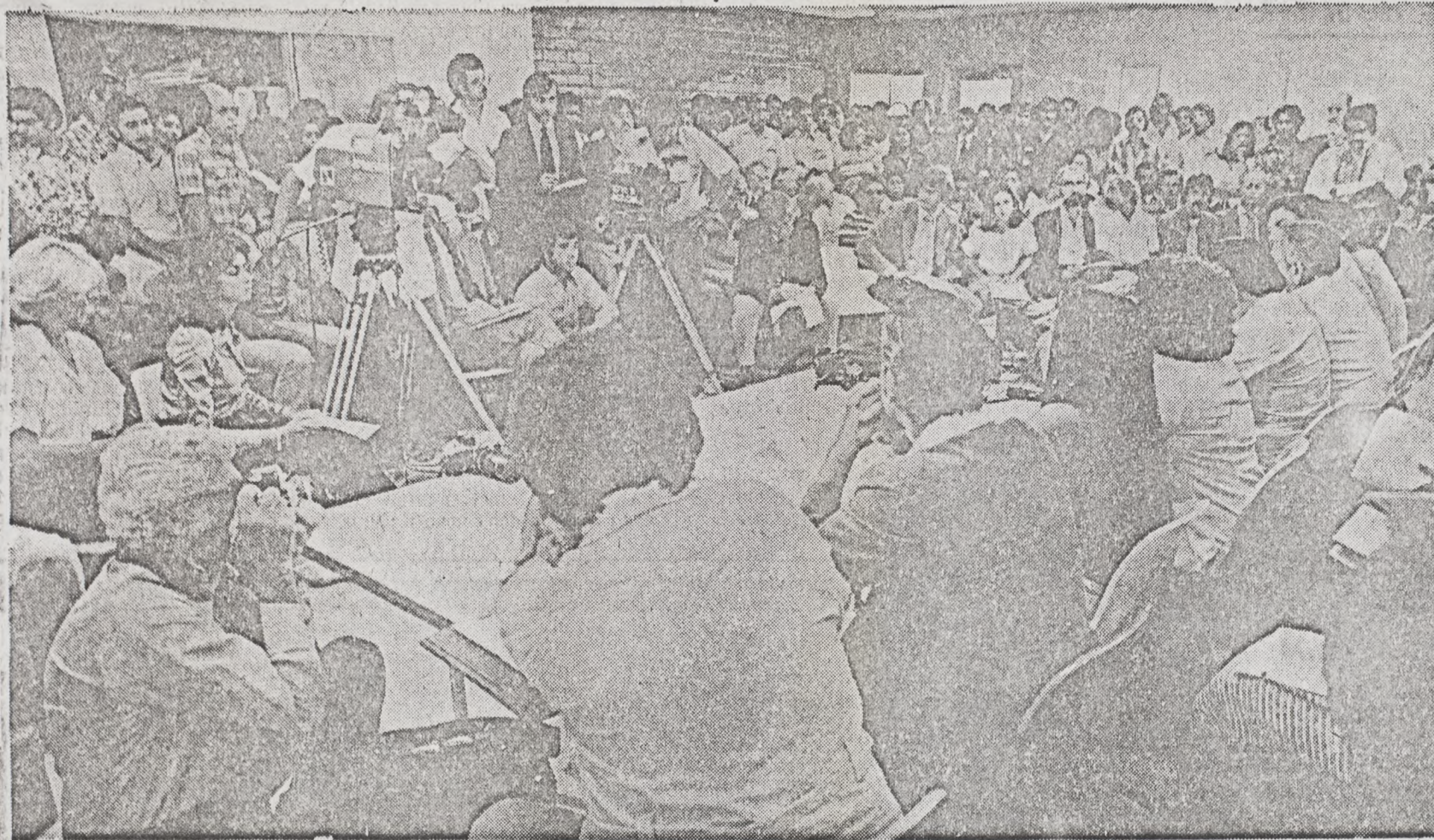
Ironically, McMahan was echoing the feelings of many of those who clustered helplessly around the courthouse yesterday.

There wasn't anything more they could do for their friend. They could lash out at others but they could no longer help "a man who was being assaulted."

Haro, to them, was a victim. And all the tears could not change that.

L.A. Times

7-21-78



Haro Plans Fight to Keep Council Seat

Supporters Also Say
He Will Seek Reduction
in 90-Day Jail Term

BY TED VOLLMER
Times Staff Writer

Jess Haro refused to break a self-imposed silence Thursday but relayed through his supporters his resolve to fight to keep his shaky position on the San Diego City Council.

Herman Baca, chairman of the Committee on Chicano Rights, announced that Haro has decided to seek a reduction of his 90-day federal jail sentence.

Haro had been expected to meet with reporters at the news conference at Chicano Federation headquarters, but an hour before the scheduled news conference he changed his mind.

Baca said Haro has met privately with leaders of 50 community groups shortly before 9 a.m. Thursday and told them that his attorney had advised him against making any public statements until later.

Baca said Haro is now expected to hold a news conference of some sort Monday at which time the 42-year-old councilman will present documentation that U.S. authorities had "conned" him into believing he would get no jail

NEWS CONFERENCE—Supporters of Councilman Jess Haro field questions at a press conference at Chicano Federation

headquarters. A spokesman said Haro had decided not to appear after his attorney advised him against public statements.

Times photo by Robert Lachman

HARO RESOLVE

Continued from First Page

Council next Tuesday and hoped for sentence reduction

"The people have placed him in that position and only the people can remove him, not U.S. Atty. Michael Walsh, not federal Judge Leland Nielsen, nor the San Diego City Council," Baca said of Haro.

"The community is extremely angry and mad over the 90-day prison sentence handed down by Nielsen against Councilman Haro," Baca declared.

"The sentence is extremely harsh, unjust, loaded with racist overtones and represents to us once again a dual standard of justice."

Baca said the action against Haro was "95% political, 5% judicial," a theme he repeated throughout the news conference.

He charged that Walsh's prosecution of Haro was politically motivated because, "It is well known to all that the U.S. attorney is out to make a name for himself and that he has political aspirations."

Baca also charged that Walsh's decision to pursue the customs fraud case as a criminal rather than civil matter was partly due to an alleged grudge Walsh holds because Haro did not support Walsh's appointments as U.S. attorney.

Haro actively supported attorney Michael Aguirre for the post.

Nielsen's 90-day sentence also was seen as racist by Haro's supporters. They noted that by contrast San Diego financier C. Arnholt Smith received five years' probation on his no-contest plea to federal felony bank fraud counts in 1975.

Walsh defended Smith codefendant Philip Toft in that case.

"Look at Nixon!" one Haro backer shouted sarcastically. "He's a national hero!"

Reaction to the Chicano community's charges came swiftly from U.S. Atty. Walsh.

He angrily accused Haro's backers of leveling charges "which have absolutely no basis in fact and threaten to polarize the San Diego community and are transparently designed to cloud the real issue."

"The plain, simple unadulterated fact is that if Mr. Haro wanted a trial, he had every right to a trial," Walsh said.

"Mr. Haro now blames everybody but himself for his troubles," Walsh told a hastily called news conference. "It is (his) conduct and not the conduct of the U.S. attorney or the court that is the cause of Mr. Haro's troubles."

And, in an apparent afterthought to a four-page statement, Walsh added that he had never sought the support of Haro for his appointment as U.S. attorney.

"For that matter, I never met Jess Haro until the day he entered his plea of guilty (June 8). I never had the slightest idea of whom he supported or opposed for U.S. attorney and I couldn't care less," Walsh said.

Walsh conceded there was little chance his statements would sway Chicano backers of Haro, but he said he wanted to make his position clear to the balance of the community.

He told reporters that when he decided to pursue the Haro case as a misdemeanor rather than a felony, "I expected, if anything, to be criticized for being too lenient, not too tough."

Walsh also revealed that he met with Haro's attorney, John Mitchell, last week to discuss a possible change in the payment schedule for the \$51,876 Haro agreed to pay in the customs case.

Councilman Haro Gets 90-Day Prison Sentence

S.D. Union 7-18-78



—Staff Photo by George Smith

City Councilman Jess Haro was flanked by Tony Valencia, at left, Lilia Lopez, center, and his

wife, Jane, outside the federal courthouse yesterday after being sentenced to 90 days in prison.

Council Removal Is Certain

By
GEORGE E. CONDON JR.
and
GINA LUBRANO

Staff Writers, The San Diego Union

Jess Haro, his personal plea for compassion disregarded, was sentenced to 90 days in federal prison yesterday after being admonished that politicians cannot expect special treatment in court.

Haro's sentence, to begin Aug. 7, makes his removal from his 8th District City Council seat certain and ends 39 days of political suspense that began June 8 with Haro's admission that he committed U.S. customs fraud.

Haro, 42, stoic in court but shaken and crying later, declined to answer any questions from reporters after the sentencing by U.S. District Judge Leland C. Nielsen.

He would not indicate if he plans to resign his seat before entering prison.

Related stories — B-3

The only San Diego councilman of this century to be sentenced to jail, Haro faced immediate calls for his resignation from Mayor Wilson and his council colleagues.

While there were indications that some of Haro's supporters would attempt to persuade the council to permit Haro to keep his seat while in jail, there appeared little likelihood it would.

Haro's supporters had hoped that Nielsen would consider Haro's shaky personal financial situation and the heavy fines he has agreed to pay the government, and spare him a jail term.

It became clear early in the court proceedings, however, that Nielsen would be tough.

Referring to a point made by Haro's lawyer John Mitchell, Nielsen said, "I say to you frankly that if Mr. Haro was not a city councilman, was not a politician, there's no question in my mind but what he would get the maximum time of incarceration due to the magnitude of the background of this case."

Council Struggles Over Replacing Haro

H. HARRISON
L. C. CARSON
The San Diego Union

Jess D. Haro whether he will stay on the City Council with parole is developing a council colleague to replace

return to City Hall after U.S. Judge Leland

pleaded out for harsh treatment because of his status in the community, Mitchell said, "If Mr. Haro were handled like any other defendant, straight probation would be in order. "I suggest to your honor that the pain to Mr. Haro and his family has been beyond belief," Mitchell added, "I'm trying hard at what he considered

C. Nielson sentenced him to serve 90 days in federal prison, beginning Aug. 7, for his conviction on a misdemeanor customs fraud charge.

Haro declined at the courthouse to tell reporters whether he would resign, and at City Hall his administrative assistant, Alan Ziegus, said: "I don't know if he'll resign; I don't know what he'll do."

However, Haro's City Council colleagues said it was inevitable that Haro's seat would become vacant — either by Haro resigning or by the council declaring it vacant following eight unexcused absences by Haro.

That being the case, the options before the City Council are to fill Haro's unexpired term by appointment or to call a special election.

Emma Creel, 29, a member of the Chicano Federation's board of directors, added, "If Jess Haro was a white and a millionaire, this wouldn't have happened."

Haro will not know for at least seven to 10 days to which prison he will be sent, according to Lowell

Without Haro, a Democrat, the partisan breakdown of the council will be six Republicans and two Democrats, and there is considerable apprehension among Democratic Party activists that a Republican will be appointed.

Councilwoman Maureen O'Connor, a Democrat, called yesterday for a special election — a position she has taken on filling previous vacancies — and Councilman Leon Williams, the other Democrat, quickly endorsed the idea.

Tentative support for a special election also came from City Councilman Bill Mitchell, a Republican.

However, the five other Republicans on the council,

S.D. Union
7-18-78

Councilman Haro Gets 90-Day Prison Term

(Continued from Page A-1)

But Nielsen stressed the severity of Haro's crime, dismissing past statements by Haro's supporters who had compared the crime with other misdemeanors such as traffic violations.

"This misdemeanor is not like having a barking dog or running a traffic signal," the judge said at the beginning of his decision.

"It's a very serious misdemeanor. It involves dishonesty — plain, unadulterated dishonesty — and, really, theft from the United States government, in effect."

Because he said he "had such personal feelings" about the case, Nielsen disclosed that he polled his fellow judges before passing sentence.

"And I say that all of them agree with me that Mr. Haro has to go to jail, the only question being the length of time."

Other federal judges later confirmed that Nielsen had consulted them.

U.S. District Court Judge Howard B. Turrentine said: "I probably would have been more severe. He's a politician and a public figure. I think he should be held to a higher standard."

Haro remained calm throughout the proceedings, standing still and gazing directly at the judge at the moment of sentencing. Seconds after the verdict was handed down and Nielsen refused to grant a 30-day delay in the beginning of the jail term, Haro turned to his left and gazed briefly at his wife.

Only after he exited the courtroom and was surrounded by his shaken supporters did Haro's composure break.

Earlier, in brief remarks to the judge prior to sentencing, Haro's voice was firm.

In those remarks, Haro acknowledged that he had made "a terrible mistake," and said, "I would ask your understanding and your compassion."

Mitchell, his lawyer, was more expansive in his plea for a lighter sentence for the councilman.

Mitchell strove to persuade the judge to put the case "in its proper perspective" and expressed concern that news reports of the case might enter the deliberations.

"I hope they would have absolutely no bearing," he said.

Nielsen quickly replied, "They never have."

Mitchell also stressed Haro's community service, his willingness to make financial restitution and the fact that the offenses occurred before Haro was appointed to the council in 1975.

Suggesting that Haro was being singled out for harsh treatment because of his status in the community, Mitchell said, "If Mr. Haro were handled like any other defendant, straight probation would be in order."

"I suggest to your honor that the pain to Mr. Haro and his family has been beyond belief," Mitchell added, hitting hard at what he considered the uselessness of a jail sentence.

JUDGE SUGGESTED THAT HARO QUIT

U.S. District Judge Leland C. Nielsen said yesterday that he had advised Jess D. Haro's attorney, John Mitchell, last month that Haro ought to resign from the City Council.

Nielsen, in an interview, said he made the suggestion to Mitchell either before or after Haro pleaded guilty to a charge of customs fraud.

The judge was asked if the 90-day prison sentence given Haro would have been different had the councilman heeded his advice.

"It might have," Nielsen replied. "I don't know. I certainly would have considered it."

The judge also said he believed Haro would not have been appointed to the City Council in 1975 had he disclosed that he was under investigation by the U.S. Customs Bureau.

applied fairly and evenhandedly from a prosecutorial point of view," Walsh said.

That prosecution and yesterday's sentence, however, have come under attack.

Rachael Ortiz, director of the Barrio Youth Station, a community service organization in Haro's district, waited outside the courtroom yesterday and wept when she learned of Haro's fate.

She blasted the sentence as racist. "It was too severe, too harsh," she said. "I think he (Nielsen) has a very low opinion of Mexicans. To him, it's an everyday thing to sock it to them."

She said Haro "has suffered humiliation. He has made restitution. It was not necessary to move him from society at all."

She said that leaders of the Chicano community would be meeting "to decide what we want to do."

She said she did not know if Chicano leaders would try to sway the council to excuse Haro's absences from council meetings while he is in jail.

Jesse Ramirez, executive director of the Chicano Federation and a Haro supporter, however, said after the sentencing that it is "a foregone conclusion" that the present Republican-dominated council will not vote to save Haro's seat.

Ramirez said Haro should resign now "in light of the opposition" so he does not "prolong the agony."

"I don't like the attitude of the council, but that's the way it is," he said. "I don't know of a massive groundswell of the community that could make the council change its mind."

Emma Creel, 29, a member of the Chicano Federation's board of directors, added, "If Jess Haro was a white and a millionaire, this wouldn't have happened."

Haro will not know for at least seven to 10 days to which prison he will be sent, according to Lowell

special election also came from City Councilman Bill Mitchell, a Republican.

However, the five other Republicans on the council, including Mayor Wilson, have been suggesting an appointment be made, although some differences may emerge on whether the appointment should be made on an interim basis.

Councilman Larry Stirling has suggested an interim appointment might be appropriate, presuming that someone can be found to accept the \$17,000-a-year post under the condition that he or she not run in 1979, when Haro's term expires.

Wilson and City Council members Fred Schnaubelt, Bill Lowery and Tom Gade

(Continued on A-11, Col.1)

Index

Four Parts

Billy Graham	D-4
Classified Ads.....	D-4 to 19
Comics	B-5
Crossword Puzzle.....	D-7
Currents	D-1 to 3
Editorials.....	B-6
Financial	A-6 to 10
Goren on Bridge.....	D-4
Horoscope	D-4
Obituaries	B-8
Frank Rhoades	B-2
Sports	C-1 to 5
Theaters	C-6, 7
TV-Radio	C-8
Vital Statistics	B-8
Weather.....	D-4

mind but what he would get the maximum time of incarceration due to the magnitude of the background of this case."

Nielsen explained later in the opinion that he gave Haro a shorter prison sentence than the maximum because of the heavy fines that Haro had agreed to pay the government.

The maximum sentence for a misdemeanor was one year.

Later in his ruling, Nielsen added, "I do not feel in the present circumstances in this country that a politician as such can expect to be treated other than someone else.

"And it's only because, then, of the tremendous monetary penalty that he has agreed to pay that I am going to sentence him as I am."

When he admitted his guilt in June, Haro agreed to pay \$51,876 in fines and lost customs duties.

Admittedly anguished by what he called "one of the most difficult sentencing decisions I have had to face in 10 years," Nielsen praised Haro's work as a councilman since 1975 and added, "I only regret that I find myself in the position of having to sentence the first one of his ethnic background who has ever served upon our City Council."

(Continued on A-3, Col. 5)

The reporter's question was met with a chorus of shouts in the affirmative.

Other television reporters got caught up in the verbal fray by pointing out that Haro had pleaded guilty to the customs fraud charges and suggesting that his supporters were in effect attempting to get him special treatment.

All such suggestions were met with angry retorts by the crowd gathered in the brightly decorated conference room.

Baca, however, was the chief spokesman and patiently responded to suggestions by reporters that the Chicano community has little hope of convincing a City Council majority to excuse Haro during his jail sentence.

"Obviously we have to change the minds of some councilmen," Baca conceded.

But he expressed confidence that the uphill fight will be won by a combination of demonstrations at the City

Please Turn to Page 2, Col. 1

A source close to Haro later confirmed the essence of Baca's statements, but said no time has been set for a Haro statement.

Haro's no-show prompted several television reporters to repeatedly question the councilman's absence, pointing out that organizers of the news conference had assured his presence.

After several questions of this type, about 200 Haro supporters who crowded into the conference room cheered loudly when Rachel Ortiz, a conference organizer, told reporters they were becoming "hung up on why he's not here."

At another point, Ms. Ortiz charged that a large part of Haro's troubles could be traced to the news media which she said has "distorted everything" about Haro's record.

The charges prompted one television reporter to ask defensively, "Are you charging that we are part of the conspiracy?"

Jess Haro: a case for the councilman

There has been a great deal of furor in recent weeks involving the political future and the legal problems of San Diego City Councilman Jess Haro.

Councilman Haro agreed in court to a statement of facts stipulating that he removed merchandise involved in a United States Custom investigation. He further agreed to duties of \$5,700 and penalties of \$46,000. He awaits sentencing on the misdemeanor charge July 17. The alleged crime transpired prior to Haro's appointment to the San Diego City Council and spans a period from 1969 to 1973.

Many people, including the San Diego Union and Tribune and local television stations, have called for Councilman Haro's resignation, saying he has been "convicted" of a "serious crime." To this day, Councilman Haro has been silent on the matter.

It is not our intention to defend, nor to explain. It is our intention to examine the political events surrounding this case and attempt to put some perspective into all of these proceedings.

In the first case, we have a brand new aggressive U. S. Attorney, Michael Walsh. Mr. Walsh has let it be known both privately and publicly that he intends to "make a name for himself;" that he intends to "turn this city upside down." Our sources for these statements are both in and out of the U. S. Attorney's office. Our sources, obviously, wish to remain anonymous. They state that there is no doubt that the U. S. Attorney's office is intended to become highly political and highly visible with the media. In other words, the U. S. Attorney's office is going on the campaign trail to establish a name for Walsh and to lay the foundation for his own political aspirations. Fine. This is nothing new, Mr. Walsh did not invent this, but it needs to be put into perspective.

Additionally, it is important to remember that Mr. Walsh is the third U. S. Attorney to review the Jess Haro case. The previous two U.S. Attorneys (both Republican), declined any action, citing that the case was essentially a civil matter involving a small amount of custom goods and the U. S. Attorney's office had no business sticking its nose in it. The original complaint, back in 1969 was for \$430 in unpaid custom duties.

Since that time, Mr. Haro has risen in stature, become a Democratic activist, and was appointed to the San Diego City Council.

At that point Mr. Haro apparently made enemies. He made enemies in local government and he made enemies especially in the U. S. Customs Department. During all these years, this case has lain fallow. Mr. Haro has attempted to resolve it. Our sources tell us there are many documents that have been sent to Mr. Haro that relate to his trying to settle this whole proceeding with U. S. Customs. At no time was there ever the slightest hint, suggestion or inclination on the part of the U. S. Attorney's office indicating it was taking procedural action. In fact, one source tells us Mr. Haro was sent a letter from U. S. Customs that indicates the whole matter was resolved and all Mr. Haro had to do was pay the fine — \$50,000 — and the matter would be dropped. The date on this letter is in late 1977.

It is important to note the media is playing a large role in all of this. It's been a relatively quiet spring and a relatively quiet summer. There's a gigantic war shaping up between the San Diego Union, the Tribune and the invading Los Angeles Times. There really hasn't been a lot of good "scandal news" for anybody to get their teeth into. Hence the overreaction to Haro's case. We have to add the fact that generally the media in this city is Republican, conservative and concerned with the status quo. They generally fear or oppose any radical changes in our social order.

Mr. Haro represents change in its entire magnitude. He was appointed to the city council to fill the unexpired term of Councilman Jim Bates when Mr. Bates was elected to the board of supervisors. Mr. Haro was essentially beholden to no one when he was appointed to the city council, although there were many wild rumors that he was in Mayor Pete Wilson's pocket. Any long-time observer of the political scene has to know that this view has to be the most inaccurate assessment that has been made. In fact, Jess Haro is Mayor Wilson's number one challenger for the mayoral campaign next year.

It also is appropriate to point out that the supporters of Mayor Wilson are aware of Councilman Haro's aspirations for the mayor's job and this, too, has a role to play in this little drama.

So essentially what we have is a highly charged and

highly political U. S. Attorney who is looking to make a name for himself. We have a long-time history of the U. S. Customs Department and Councilman Haro attempting to work out some sort of reasonable agreement. We have a situation where Councilman Haro was in the private sector and then became part of the public sector when appointed to city council, who then made instant enemies among certain sections of the community, including the U. S. Customs Department. Additionally, by being involved in the political process and political situation, Councilman Haro made political enemies, not the least of which would classify the potential rivalry between him and Pete Wilson for the mayor's job.

In attempting to explain all of this, it is difficult for us to buy the U. S. Attorney's story: Councilman Haro somehow is one of the worst and most desperate criminals to reach our shores since the days of the Barbary Coast when the pirates looted and plundered the countryside. In addition to that, Councilman Haro is somehow an unethical and immoral person. We would suggest to you this is nothing more than window dressing on the part of the U. S. Attorney to strengthen his case as a vigorous, aggressive, high-profile, prosecutor who is not going to stop short of anything to insure that the bad guys go to jail. Also, we might add, Mike Walsh made quite a name for himself; he got a lot of good press. But the root cause of Haro's case, is the U. S. Customs Dept. and its antiquated regulations. Our investigation has shown that with the U. S. Customs Department, if you're an importer-exporter, as Jess Haro was in the late '60s and early '70s, you must go to what is called a Customs Broker. This is the person who helps you assign value, and the all-important customs number, to your goods. This broker advises you on how to classify your material, under what name to list it, and what number to give it. He essentially handles all of the paper work and the administrative duties for you. For this he is paid a fee.

Now the simple act of assigning a number or telling the Customs Department what it is you're importing doesn't sound too complicated; however, it's extremely complicated. For example, calling paper, raw paper, as opposed to calling it finished paper may result in two different types of duties, even though it is essentially the same item. Legitimate customs officials and customs brokers will tell you that this happens.

People import goods and assign a different name and a different I.D. number to it. The customs officials will inspect these goods and see that they are what the documents say and tax it at a lower rate. While all this is going on, the individual merchant or importer is not subject to any of the laws of the United States of America.

There is no due process, there is no right to a trial, there is no Fifth Amendment, there is no Fourteenth Amendment and there are no petitions for the individual rights of a person importing goods into the United States. You are guilty until you are proved innocent once the fraud division moves in to the situation.

This is not an uncommon thing involving international import-export. The same is true when you come into the county after visiting Mexico. Even though you are a United States citizen, you have no rights once you meet the customs and immigration people.

What transpires is that someone feels the items have not been valued properly in the Customs Department. It is then referred immediately to the fraud division even though there is no intent to defraud. It is simply the inspectors judgment that the value assigned, or the I. D. number, is not correct. There are no if, ands, butts about this.

It's an administrative matter to be sure, but by the same token, once the case goes to the fraud division, it is then investigated on the premise that the person is attempting to defraud the United States government. There is not one bit of evidence at this point. There has not been one hearing before a judge. There has not been one question asked of the individual. In this business none of that needs to transpire. You are guilty until proven innocent.

After that the case goes to an entirely administrative route whereby paper work must go back and forth between the importer and the local customs office, between the importer and the U. S. Customs office in Washington, between the local customs office and the Washington customs office and so forth. It is not unusual for these cases to drag on and on, simply because of the administrative hassles.

We suspect this is what has transpired with Coun-

"Life-News"

cilman Haro. Our sources indicate he has had an on-going dialogue, written, verbal, or otherwise, with the customs people for the last five or six years, all in attempt to work out some sort of settlement.

Remember, and it is important to remember, that in order for you to be referred to the Fraud Division of the United States Customs Department, you do not have to be accused of intent to defraud the government. All you have to do is have a minor administrative error or have your customs broker assign the wrong name or the wrong I.D. number to your goods and it's automatically into the Fraud Division.

And then, because you're dealing with the United States government and because Councilman Haro is an elected official now, the United States government has a way of making sure the system protects itself. No one is going to admit now that perhaps they have acted unwisely or hastily, or without the proper judgment in the U.S. Customs office. No one is going to admit this whole thing could have been caused by an administrative error or misjudgment on the part of the customs inspector.

No, no one is going to admit that now, because Councilman Haro is in the public eye and no one would believe it if it was to be admitted now.

Since we have an ideal system of justice in our country, we wonder why we have one system that allows an individual to quietly, with no publicity, pay a fine that major corporations have been guilty of for the last 20 years in the import business. No one knows they have, in fact, gone through the same procedural problems that Councilman Haro did. But not Haro. Why?

The difference is that Councilman Haro is a public official. Some people claim that public officials, like Caesar's wife, have to be beyond reproach. You can't even suspect them of doing anything: the illusion of misconduct is as bad as the actual misconduct. To this we reply: horsefeathers.

It is usually our friends and brothers and sisters in the media who take this rather elitist view of elected officials. The media is awfully fond of saying they are the champions of the small person and they're going to make sure the powerful, rich and greedy elected officials do not gouge the public. But we ask a question. Where was the public gouged in this particular incident involving Councilman Haro?

Has there ever been any hint or the slightest indication that Councilman Haro has misused his office, misappropriated funds, or in general done things that put him in a conflict of interest since he's been on the city council? No, but we're applying these high standards of behavior to Councilman Haro because he's a public official when, in fact, the whole occurrence happened when he was a private citizen.

Additionally it is interesting to note our friends in the media are very biased about saying that even though it happened when Councilman Haro was a private citizen, he is now public and there can only be one system of justice in our country and that's equal to all before the law. Fine. We agree with that. We feel confident that Councilman Haro agrees with that.

We are not asking for anything other than that. What we are suggesting is that people not condemn someone who has done a world of good, who has conducted himself in a professional manner, and who is, in fact, one of the most dynamic and exciting elected officials on the local scene, before he has a chance to tell his side of the story. We're asking people to judge him on his actions as an elected official. We're asking people to judge Councilman Haro on his abilities as an elected official.

If Councilman Haro was known as an elected official who took junkets and appeared all over the countryside, who clearly involved himself in land deals that possibly raised conflicts of interest in principal, if not in law, that there was a question about his spending habits as a city councilman or that all of his friends and relatives were on

the public payroll, then we would say that perhaps there's a case to be made against Councilman Haro. But none of these allegations have ever been raised by the media or anyone else.

We suspect what we have is a series of circumstances that unfortunately have come to bear against Councilman Haro. One is that Michael Walsh, the U. S. Attorney, is seeking to make a name for himself and to erase what he considers to be the political blight on his record that he was one of the premier defense attorneys involved in the C. Arnholt Smith case. He, in fact, was the co-defense attorney for Smith himself, and was the principal defense attorney for Philip Toth, one of Smith's henchmen.

We think Mr. Walsh speculated that by "bringing down" Councilman Haro for what has to be one of the most minor charges and a stipulated series of facts, he (Walsh) would not have to defend himself against charges of being soft on "fat cats" like Smith. We think Mr. Walsh saw a chance to feather his own political nest and to show that he can go after the big guys. It is coincidental, of course, that Councilman Haro opposed Michael Walsh's appointment as U. S. Attorney. Sure it is.

The old political axiom applies here: don't get mad, get even. Apparently Walsh is getting even. In addition we feel the pressure on Councilman Haro and the calls for his resignation are entirely from the San Diego Union and Tribune and some of the broadcast media in San Diego. Why? Because Councilman Haro also is a rival to Mayor Wilson and no one in those circles wants anything bad to happen to Pete Wilson.

We think some of the calls for Councilman Haro's resignation are simply knee-jerk reactions based upon an emotional response to a series of one-sided facts given by the prosecution.

At his point, Councilman Haro has not stated his side of the story. There have been certain veiled statements attributed to people around Councilman Haro, but he has not made a public statement. We think his record and accomplishments merit a chance for his side to be told.

We think, and this perhaps pains us the most, we see a certain amount of lynch-mob mentality in the media. They have a sense of blood in their mouth and now they're going for the jugular vein. They want to deprive Councilman Haro of his job. They want to bring him down. They want the thrill of victory. They all want to become little Woodwards and Bernsteins so they can force a high-ranking elected official out of office. After all, they can then write books about it.

What is so interesting is there are probably as many Watergates within the local media as there are in government. But we do not have anyone to investigate the media. The free press refuses to investigate itself.

Dan Wilkens
Publisher

249-3131

Life-News

462-6370
7720



Haro Episode Not A Shining Hour

There is an editor here at *The San Diego Union* who recalls once having to explain why he was napping while listening to a political speech. His answer was that with an advance text of the speech, his main job was to insure the talk was given as written.

Even so, he acknowledges now, he also had an obligation to look like a reporter — wide-awake and alert and paying attention. Even then, reporters were watched closely by a public that is eternally suspicious of their motives.

That long-ago episode came to mind this past week in the flurry of angry denunciations of reporters for both the print and electronic media covering the Jess Haro case.

The Haro case has been at an emotional boiling point from the very start. The feeling that Haro was prosecuted unfairly — a charge denied strongly by government lawyers — has been very real to Haro supporters.

In addition, the story took weeks to develop — first in Haro's brief court appearance, then in the time it took to prepare a probation report and then in the time until his sentencing hearing last Monday.

Through it all, Haro (as he had every right to do) remained silent, declined to say what he might do if he were sentenced to jail, refused to say if he'd resign from office. Haro (or anyone else who admits a crime, as he has) is not required to talk to the media. But, on the other hand, Haro was also cutting himself off from access to the general public by not making his views known through the media.

As a local radio news director said the other day, "Just because the principal in a story refuses to talk in a case doesn't mean we can automatically drop the story."

The result has been that the media, especially *The San Diego Union*, have had to seek other sources, usually Haro's colleagues and fellow council members.

* * *

That, in turn, resulted in considerable bitterness among Haro supporters. (A typical comment was that of a supporter at a news conference last Thursday: "Especially in the print media, there have been outright lies . . . people have been quoted as saying things they didn't say." No specifics were presented to back up this allegation, however.)

Should all this have precipitated the verbal and physical pushing and shoving outside the Federal Courthouse last Monday morning after Haro was sentenced to jail? Should it have also brought on a press conference on Thursday that was ill-handled with overblown questioning, an

unfair print story and an unfair radio reference?

It seems to me that there's a parallel in the Haro case to that long-ago reporter who was napping at a speech. Both sides had an obligation to be more than careful, because everyone was watching. The media, however, have a greater obligation, because we're supposed to be trained to handle these situations.

What happened last Monday remains a matter for debate and legal action. Channel 10's reporter and photographer claimed they were pushed and shoved by Haro supporters who wanted to prevent interviews and filming. Haro's supporters, in turn, say they were verbally and physically abused by the Channel 10 reporter.

All this was reported in *The San Diego Union*. What was not reported, and should have been, was the fact that a Union-Tribune photographer at one point also got into a verbal sparring match with a Haro supporter.

* * *

Things continued on the same bitter level Thursday, when Haro didn't appear, as scheduled, at a news conference called in his behalf. Instead, a statement was read attacking the case and charging a conspiracy.

Mass news conferences, especially those at which the reporters are outnumbered by supporters of the speaker, are a waste, anyhow. It's impossible to ask probing questions, the TV cameras turn the conference into an exhibition, and little more than managed information can be offered.

Most reporters, especially print reporters who seek the deeper side of the news, object to them and hate to attend.

In Thursday's case, the reading of the prepared statement first brought on a series of fairly good and probing questions by a reporter for Channel 8. The answers were apparently not to his taste because (and I base this on a tape recording of the meeting) his questions grew increasingly hostile and strident.

"Do you honestly believe . . ." the reporter prefaced one question. "Do you have any evidence that would help to convince me . . ." he prefaced another.

Another reporter, from Channel 39, asked a question that lasted a full minute. (Try it: It's an incredible length of time for a question.) It was, at best, a poorly organized question; at worse, it was an unnecessary speech.

Meanwhile, the city's all-news radio station, KSDO, broadcast the conference live. On at least one

occasion, the studio broadcaster, explaining the conference, referred to the reading of the prepared statement as a *tirade*.

Some reporters later said there was a feeling, especially on the part of TV reporters on the scene, that trouble might break out. At least two of the three local stations assigned two camera crews to the conference — "one to film the conference, and one to film the film crews if there was any trouble," as one TV reporter cynically put it.

Afterward, the *Evening Tribune*, in its late edition report on the news conference, went far beyond the bounds of impartial reporting in referring to *argumentative and loaded questions* by TV reporters in its story.

All in all, it was not an especially good week for those who believe that reporters should report, not be TV stars or editorial writers or even advocates.

* * *

It would not be difficult, especially if one were a Haro supporter, to believe that the local media were out to get their man. At the same time, these same Haro supporters show a considerable lack of understanding (or unwillingness to understand) the media's role.

The obligation of the media, whether print (which has a lot more time, money and space to report the news) or electronic (which functions too often as a bulletin service with virtually no attempt to examine news in depth), is to the public at large. A feeling seemed to exist at times in last Thursday's news conference that Haro's supporters had set themselves as the only judges of the facts.

The truth of the matter is that the reporter's obligation is to gather as much information as possible and present it to the public.

The reporter isn't supposed to take sides. For the most part, I'm convinced that most reporters don't.

But — and I'm forced again to recall that reporter who napped unwisely during a speech many years ago — the obligation is equally important to not appear to be taking sides, either.

In San Diego last week, the media, especially the electronic media, didn't live up to those obligations.

* * *

It is the policy of *The San Diego Union* to correct all errors. To discuss questions of accuracy or fairness, please write "Reader's Representative," Box 191, San Diego Calif. 92112, or telephone 299-313 Extension 1525.

S. D. Union

Haro Issue Sparks Divisiveness.

Barrio Residents Take It Personally

By MICHAEL D. LOPEZ
Staff Writer, The San Diego Union

In Barrio Logan, a week of highly-charged emotion over the Jess Haro affair has resulted in accusations and recriminations in all directions.

On one side, U.S. Attorney Michael Walsh — the man who aggressively pursued the case against the 8th District councilman — contended that Haro "was given a substantial break."

On the other side — in the streets of the barrio — Haro's 90-day sentence for customs fraud and the almost certain loss of his City Council seat has generated charges of blatant racism.

In the middle is the City Council, which probably will be forced to go on record determining Haro's fate. Behind the scenes, those councilmen who had hoped to avoid such a stand are puzzled at the strong community reaction to Haro's sentencing.

Like them, much of San Diego's Anglo community has been at odds trying to figure out why the Chicano community is so willing to put its political clout on the line for a man who has openly admitted that he broke the law.

What they don't understand is that to most Chicanos interviewed last week, Haro's punishment is the issue. Not his crime.

To Haro's supporters, one theme — usually included in news reports in an offhand way — goes a long way to explain this expenditure of often-hoarded Chicano political clout.

That theme, a constant reminder to Chicanos of the years of discrimination against them and their meager recent political gains, is: "Jess Haro is San Diego's first and only Chicano city councilman in 100 years."

One hundred years.

The words mean more to Haro's supporters than a 90-day sentence.

Because so many of San



— Staff Photo

JESS HARO
... center of controversy

Diego's increasing Chicano population have no vote — either illegal aliens or, as is more frequently the case, persons here legally but not as citizens — local Chicano political clout has never matched the numbers. There's never a Chicano city councilman before Haro and, many Chicanos fear, there may never be another one — or at least one who can be reelected — if Haro is allowed to surrender his seat without a protest.

There's never a Chicano

Council Seat Loss Appears Imminent

By GEORGE E. CONDON JR.
Politics Writer, The San Diego Union

Six days ago, the Jess Haro story was a tale of personal tragedy filled with poignancy as the community witnessed the anguish of a popular councilman, his family and his friends at what is likely to be the end of a once-promising career.

Today, following a week of tears, curses, recriminations and infighting, Jess Haro — a supplicant turned battler — is at the center of a story that has become thoroughly politicized.

His supporters, distraught and bitter over the 90-day prison sentence meted out Monday to the 8th District councilman for customs fraud, have decided to fight for Haro on the political front.

To them, it has become whites against Chicanos. The powerful against the helpless. Rich against poor. Republicans against Democrats. The news media against the truth.

The world against Jess Haro.

Haro's friends are trying to muster sufficient political pressure to force a majority of the City Council to vote to excuse Haro's absences from council while he is serving his sentence. Ideally, Haro's backers would like to persuade U.S. District Judge Leland C. Nielsen that his 90-day sentence was, indeed, "harsh, unjust and loaded with racist overtones" and should be reduced.

Unfortunately for Haro, however, there is little evidence that the campaign to save him has been — or could be — successful given the facts in the case and the political makeup of the council.

(Continued on B-12, Col. 1)

(Continued on B-12, Col. 1)

if Seat Loss Appears Imminent

(Continued from Page B-1)

Judge Nielsen is the only one who can reduce the sentence. His decision cannot be appealed to any higher court. Having stated forcefully on Monday that Haro was guilty of "unadulterated dishonesty" and disclosing that some of his fellow judges had urged him to mete out an even heavier sentence, Nielsen is unlikely to be swayed by any protest in the Chicano community.

Similarly, success seems elusive in City Council chambers where the Republican domination is even more assured today with the demise of Democrat Haro.

Those councilmen have won past elections without Chicano votes and are unlikely to reverse themselves — as they did recently on the question of voting themselves pay raises — in the face of a threat that Chicano supporters of Haro will retaliate at the polls.

To change the minds of those councilmen who have stated publicly that they will vote against excusing Haro's absences, Haro's backers must demonstrate significant support from the white community that

can make a difference in councilmanic bids for reelection.

Friends of the councilman have chosen a strange way to demonstrate that broad-based community support, gearing most of their arguments to Chicanos support and clashing repeatedly with the San Diego news media — their only real link to the majority of San Diego voters who could influence the council majority.

The one person who could have been the most effective weapon in shaping public opinion — Haro himself — has been silent.

In his absence, the personal issue of the agony he is enduring or the personal hardship brought upon his family by his wrongdoing has been blurred. Instead, sharp political and racial lines are being drawn. Anti-Haro positions have been hardening on council.

Barring a last minute reduction in a sentence from the judge, Haro's best hope, according to some of his backers, is to try to maintain his political contacts in his district even while in prison. Then, if the city opts for elections to council from districts

to replace the current citywide elections, Haro could work to rebuild his political career in the future.

If his present strategy persists, however, they fear that even that slim hope may be dashed as the reservoir of good will toward Jess Haro, the man, is wasted by Jess Haro, the politician.

Cigarette Blamed In \$37,500 Fire

A fire that caused \$37,500 damage to a home at 4105 Texas St. early yesterday was the result of a burning cigarette, a Fire Department spokesman said.

Three engines and 19 firefighters responded to the 6:22 alarm. The blaze was brought under control within 20 minutes.

No injuries were reported.

Thieves Get Heavy Haul

Michael E. O'Keefe, owner of the Over-Easy Production Co. at 4790 Voltaire St., told police 22 cases of assorted brands of beer, four cases of rose wine, a stereo receiver, tape deck and amplifier and \$29 in coins were missing from the business.

Haro Issue Becomes Barrio Crusade

(Continued from Page B-1)

To them, Haro, then little known in the community, stepped into a political void in 1975. He was appointed to the council and then elected — the first crack in the door for Chicanos. Since, often on the losing end of votes in council, he has come to be seen as the one voice in city government speaking for the residents of the barrio.

Today, his Chicano supporters do not want to be on the losing end again.

They do not want to start over again on whomever is selected by a council that is heavily Republican and undeniably conservative.

cal clout.

That theme, a constant reminder to Chicanos of the years of discrimination against them and their meager recent political gains, is: "Jess Haro is San Diego's first and only Chicano city councilman in 100 years."

One hundred years.

The words mean more to Haro's supporters than a 90-day sentence.

Because so many of San

Thus, their often emotional defense of Haro this past week has not been generated by a belief that Haro has done no wrong. It has surfaced because they believe that his good deeds on the council outweigh the charges to which he pleaded guilty.

Additionally, burdened by years of discrimination, Haro's supporters do not believe and never will believe that he was treated fairly by the criminal justice system.

"We don't condone white collar crime," said Jesse Ramirez, executive director of the Chicano Federation. "If a man is caught with las manos en la masa (hands in the dough), then he should pay. But how

much should he pay? Is Haro's sentence consistent?"

Barrio residents have observed the judicial handling of certain celebrated Anglo defendants in recent years. They've seen what they know as "Anglo justice" meted out to those who could afford lengthy and expensive trials. And they nod their heads knowingly when they hear Herman Baca, chairman of the Committee on Chicano Rights, speak of white justice as "just us."

"This is not a Watergate," Ramirez says. "This is a Watergate with a passion. Watergate with blood."

That Haro's prison sentence atones for his wrongdoings, Barrio people say, is enough.

That it effectively also removes him from public office, they say, is too much.

They fear that their show of strength in numbers is their only hope for swaying public opinion, because their only strength remains in their voices as long as they have no power at the ballot box.

"You don't know what's best for us," reads a placard carried by a Chicano youth outside the Chicano Federation, a message to the Anglo majority.

A few feet away, spray-painted on a concrete pillar in Chicano Park, is another, more poignant message to white San Diegans. It speaks of Aztlan, now part of the United States, but once a place where the Chicano ruled without fear or green cards.

"AZTLAN! LOVE IT OR LEAVE IT."

JESS HARO ... center of controversy

Diego's increasing Chicano population have no vote — either illegal aliens or, as is more frequently the case, persons here legally but not as citizens — local Chicano political clout has never matched the numbers. There was never a Chicano city councilman and, many fear, there may never be another one — or at least one who can be reelected if Haro is allowed to stand for his seat without a test.

(Continued on B-12, C)

S.D. Union 7-23-78

— Staff



—Staff Photos by Jerry Windle and Cindy Lubke

Herman Baca, spokesman for a coalition of Chicano community groups, top, talks to reporters yesterday at a rally in support of City Councilman Jess Haro.

Below, U.S. Attorney Michael Walsh also called in reporters to answer the charges of Chicano leaders who assailed his prosecution of Haro.

Haro Backers Vent Anger, Walsh Refutes Allegations

Walsh Says Haro Has Only Himself To Blame

U.S. Attorney Michael Walsh, bristling at implications that he had prosecuted Jess Haro for racial and political reasons, yesterday accused the prison-bound councilman and his supporters of attempting "to try the case in the streets."

"Mr. Haro now blames everybody but himself for his troubles," said Walsh in a statement read tersely to reporters. "He and his supporters attack the U.S. attorney, they attack the judge, and they attack the media."

Text of Baca, Walsh statements — A-4

He added: "It is Mr. Haro's conduct and not the conduct of the U.S. attorney or the court that is the cause of Mr. Haro's troubles."

"It is his conduct and no one else's which has brought him into disrepute and caused such anguish among the Mexican-American community. No amount of rhetoric, no amount of charges and countercharges, can change that plain and simple fact."

Walsh stressed that Haro pleaded guilty to the misdemeanor charge of customs fraud and voluntarily gave up his right to a jury trial.

Chicano Groups Assail Nielsen, Walsh, Media

By **GEORGE E. CONDON JR.**
Politics Writer, The San Diego Union

Supporters of Jess Haro, working to gain public sympathy while the embattled councilman privately readies a final legal battle to save his seat on Council, yesterday charged that Haro is a victim of racial and political persecution.

In a strongly worded attack on Haro's prosecutor and judge, a coalition of Chicano community groups said Haro was targeted for political extinction because he is a Chicano.

The attack drew a quick and angry rejoinder from Michael Walsh, the U.S. attorney who personally supervised the prosecution of Haro for federal customs fraud. Walsh told reporters that Haro could blame only himself for his legal dilemma.

Haro, who decided not to appear at a scheduled press conference on advice of his lawyer, remained in seclusion in his home. He has maintained public silence since Monday when he was sentenced to 90 days in federal prison for a misdemeanor violation involving the repeated use of dual invoices in his import business.

(Continued on A-5, Col. 2)

(Continued on A-8, Col. 1)

Haro Backers Assail Sentence

(Continued from Page A-1)

There, his friends said yesterday, Haro conferred with his lawyer and compiled documentation to buttress a final legal fight to reduce the jail sentence he is set to begin Aug. 7.

At the same time that Haro's lawyer is waging that battle, Haro's supporters — expected to be joined on Monday by Haro — plan to try to persuade San Diego voters and the rest of the City Council that Haro should retain the council seat he has held since his appointment in 1975.

A critical element of that fight is Haro's contention that he was treated harshly because he is a Chicano and because he once crossed Walsh politically. It was that argument — laced with denunciations of local reporters — that was the key to a sometimes raucous press conference by his supporters yesterday at the Chicano Federation.

To the applause of about 150 Haro backers encircling reporters at the press conference, Herman Baca, spokesman for the coalition of groups, called the 90-day sentence "extremely harsh, unjust, loaded with racist overtones" and added it "represents to us once again a dual standard of justice."

In a prepared statement, he said, "It appears to be a political and racial inquisition to get Councilman Haro out of his City Council seat."

While stopping short of calling Walsh and U.S. District Judge Leland C. Nielsen racists — a charge loudly endorsed by many in the crowd — Baca suggested that Haro's race was a major factor in his downfall.

"It doesn't escape us that Mr. Haro is of Mexican ancestry, that he is the first city councilman of Mexican ancestry to sit on City Council in 100 years," he said. "It doesn't surprise us that once again we are experiencing what a lot of us experience everyday."

Mocking Judge Nielsen's statement on Monday that he regretted sentencing the first Chicano councilman, Baca said, "Those are words. The deeds are that he, in fact, gave him 90 days for a misdemeanor."

cent political and 5 percent judicial."

"It is well known to all that the U.S. attorney is out to make a name for himself and he has political aspirations," the groups' statement stated. "Furthermore, it is also our understanding that the U.S. attorney was extremely angry over the fact that Councilman Haro had refused to endorse him (when he was being considered for appointment to the attorney's post)."

Making the point that Haro was treated more harshly than was former San Diego financier C. Arnholt Smith (who was not sent to prison after conviction for misappropriating \$100 million in funds), Baca charged — erroneously — that Walsh had been one of Smith's "premiere defense attorneys."

Walsh actually did not represent Smith. Instead, Walsh was a lawyer for Philip Toft, a Smith associate.

Baca called the prosecution of Haro "a con game that has been laid out by some politicians, by the judicial system and, I have to state, by the news media."

In fact, criticism of the news coverage of the Haro case dominated much of the press conference, with Haro supporters frequently booing questions that seemed to them to be argumentative or anti-Haro.

"It's not our intention to come here today and condone Mr. Haro's actions," Baca said. "The only thing we're saying is that there are other factors involved that the media has very conveniently overlooked."

At one point, upset that reporters were dwelling on the facts that Haro had pleaded guilty to the charge and that he had not come to the press conference, Rachel Ortiz, a prime organizer of the campaign to back Haro, interrupted Baca.

"We're trying to bring out things that you don't want to bring out — the good parts about Jess Haro," she said.

To that, a reporter asked, "Now, you're trying to say we're a part of the conspiracy?"

While the reporter asked...

misquoted in local newspapers and are not really pushing for a Haro resignation as reported, she added, "You just outright lie."

After applause, she said, "You make Councilman Haro look like he's alone when there are in fact some people on the council who have not turned their backs on him."

Baca acknowledged that Haro supporters have a tough task ahead if they are to succeed in persuading a majority of the Republican-dominated Council to "excuse" Haro's absences.

Such a vote is needed if Haro's time in prison forces him to miss more than eight council meetings.

At this point, Baca could not cite any council vote in favor of excusing those absences.

To gain the needed votes, Baca urged Haro supporters to attend next Tuesday's council meeting. In an interview, he suggested that Haro, who has not attended council meetings since the sentencing, also may be there.

The other members of the council, believing Haro's political demise to be inevitable, have been struggling with the question of how to replace him and with whom.

The council has been split between those favoring a direct appointment of a replacement and those preferring a special election.

If a special election is scheduled, the City Charter requires an election in Haro's 8th district, to be followed by a citywide runoff.

Robert Teaze, assistant

city attorney, said last night that the council would have to act by next week if all ballot arrangements are to be completed in time to have the citywide runoff Nov. 7, the day of the regularly scheduled statewide election. Many councilmembers would prefer combining the elections to save money.

To have a Nov. 7 runoff however, the city would have to schedule the District 8 primary before Sept. 1, he said, because of the lead time needed to prepare ballots. However, to hold a primary before Sept. 1 would require the council to amend several city ordinances and such changes affecting filing of candidacies should be made by next week, he said.

Baca said he hopes that Haro is successful in getting Judge Nielsen to reduce the 90-day sentence so Haro does not need to miss many meetings.

Such a request had not yet been filed by Haro's lawyer John Mitchell, last night Mitchell declined comment on his strategy when contacted by The Union.

Such a reduction is entirely up to Nielsen.

Baca, apologizing for Haro's absence from yesterday's press conference, said Haro told him that he would meet reporters Monday.

\$129

ck with Dolby. Get
d II front-loading
spe-to-head contact with
While the...
...loading...
...loading...

Walsh Refutes Defenders Of Haro

(Continued from Page A-1)

"Mr. Haro is not a victim of circumstance," he said. "Nobody made him devise a clever scheme of double-voices by which he fraudulently imported more than \$200,000 worth of goods into the country over a four-year period. Nobody made him lie repeatedly to officials of the

U.S. Customs after his fraudulent conduct came to light, and nobody made him plead guilty to the government's charges."

Walsh insisted that Haro was not treated too harshly. Instead, he said, Haro "was given a substantial break" in that he was not charged with a felony.

Asserting that Haro had concocted a large scheme of fraud, Walsh said it would have been "intolerable" to shun prosecution because Haro was a Chicano.

Walsh seemed particularly irked at charges that he was trying to get even with Haro because Haro had backed another lawyer for the ap-

pointment to the U.S. attorney's post last year.

"I never sought the support of Jess Haro for this or any other position," said Walsh in his statement. "For that matter, I never met Jess Haro until the day he entered his plea of guilty. I never had the slightest idea of whom he supported or

opposed for U.S. attorney — and I couldn't care less."

Later, in a brief question-and-answer session with reporters, Walsh objected to the charge leveled by Haro's supporters that he had publicly stated he was going to use his office "to make a name" for himself for use in future political contests.

"That is a complete, unadulterated lie," Walsh said.

Asked if he would meet

with Haro supporters next Tuesday when they come to the federal courthouse to protest the sentence, Walsh would not rule out such a meeting.

"I hadn't thought about it," he said, "but I'm a pretty open guy. I haven't refused to talk to anybody about anything since I've been here."

— By George E. Condon Jr.

2 Outline Views In Haro Case

Statement By Herman Baca

Following is the text of a statement by Herman Baca at a press conference yesterday:

We are here today as heads of organizations, concerned individuals and constituents, to voice our outrage on the matter concerning Councilman Jess Haro.

First, we wish to state that we unequivocally support Councilman Haro's position of seeking modification of his 90-day unjust prison sentence and his position of not resigning his City Council seat. The people have placed him in that position and only the people can remove him, not U.S. Attorney Michael Walsh, not Federal Judge Leland Nielsen, nor the San Diego City Council.

Secondly, the community is extremely angry and mad over the 90-day prison sentence handed down by Federal Judge Leland C. Nielsen

against Councilman Haro. The sentence is extremely harsh, unjust, loaded with racist overtones, and represents to us once again, a dual standard of justice. It is extremely difficult for the community to understand why a ten-year (1969-73) legal problem, which occurred before his 1975 appointment to the City Council, and a legal matter which two previous U.S. attorneys had declined any action on (citing that the case was essentially a civil matter involving a small amount of Customs goods), and the fact that Councilman Haro and the U.S. Customs had agreed to resolve the matter administratively by the paying of a fine, simply does not warrant this type of sentence. We cannot believe that the prosecution nor the sentencing was a judicial matter. It is our community's belief

that the prosecution by Michael Walsh and the sentence by Judge Nielsen of Councilman Haro was 95 percent political and 5 percent judicial.

We believe that it was 95 percent political because of the following reasons:

— It appears to be a political and racial inquisition to get Councilman Haro out of his City Council seat.

— It is our belief that U.S. Attorney Michael Walsh's prosecution of Councilman Jess Haro raises some serious questions about his competency (after two U.S. attorneys had refused to prosecute) and his political motives. It is well known to all that the U.S. attorney is out to make a name for himself and that he has political aspirations. Furthermore, it is also our understanding that the U.S. attorney was extremely angry

over the fact that Councilman Haro had refused to endorse him. It is also ironic that U.S. Attorney Walsh's vigorous, pious persecution of Councilman Haro directly contradicts the fact that Mr. Walsh was at one time one of C. Arnholt Smith's premiere defense attorneys.

— It is also our belief that Judge Nielsen's 90-day prison sentence was not done in the interest of justice but rather was politically motivated in order that the "dirty job" of removing Councilman Haro would not have to be done by the politicians but rather by the judicial system in order that it would be legally sanctified.

— It is also well-known to all that Councilman Haro was being discussed as the No. 1 challenger to Mayor Pete Wilson and there was an effort by the Republicans to get him out of the way.

Statement By Michael Walsh

Following is the statement made by U.S. Attorney Michael Walsh at a press conference yesterday:

Having pled guilty on June 8, 1978, to a serious charge of Customs fraud — an offense in the words of the sentencing judge, "involving dishonesty, plain unadulterated plain unadulterated dishonesty, and theft from the United States government," — Mr. Haro now blames everybody but himself for his troubles. He and his supporters attack the United States attorney, they attack the judge, and they attack the media.

In my mind, most unfortunately of all, grossly irresponsible charges of racism and "political" prosecution have been leveled. These charges, which have absolutely no basis in fact, threaten to polarize this community and are transparently designed to cloud the real issues.

The plain, simple, unadulterated fact is that if Mr. Haro wanted a trial, he had a right to have a trial. He had a right to defend himself in court. He had a right to have all the government's evidence tested under prevailing rules of law. Any complaints he had about the prosecution or other conduct of the United States attorney could have been aired before a judge prior to the entry of any guilty plea. They could have been argued by both

sides in full public view. They could have been resolved, with full rights of appeal to higher courts.

But Mr. Haro chose not to go that route. He pled guilty and he admitted the truth of all facts alleged by the government.

Now Mr. Haro and his supporters apparently want to try the case in the streets by means of charges and countercharges. Mr. Haro and his supporters have simply chosen the wrong forum. If they want to dispute the charges or challenge the conduct of the United States attorney, the place to do that is in the court and it's not in the media and it's not in the streets.

Mr. Haro is not a victim of circumstance. Nobody made him devise a clever scheme of double invoices by which he fraudulently imported more than \$200,000 worth of goods into the country over a four-year period. Nobody made him lie repeatedly to officials of the United States Customs after his fraudulent conduct came to light, and nobody made him plead guilty to the government's charges in this case. He did each and every one of those things of his own free will. He was aided in the process of his legal defense by one of the most able and experienced criminal defense lawyers in this community. It is Mr. Haro's conduct — and not the conduct of the United States attorney or the court — that is the cause of Mr. Haro's troubles. It is his conduct and no one else's which has brought him into disre-

pute as United States attorney in this case? Would anyone seriously argue I should have failed to act simply because Mr. Haro is a prominent member of the Hispanic community and a city councilman? The truth of the matter is Mr. Haro was given a substantial break by my office when he was allowed to plead guilty to a misdemeanor rather than a felony, a felony which would automatically have removed him from the council and exposed him to five or more years in federal prison.

The case against Mr. Haro did not involve a good faith dispute regarding the valuation of imported goods. To the contrary, it involved a scheme perpetrated over a four-year period during which almost a quarter of a million dollars in merchandise was fraudulently imported pursuant to phony invoices prepared by Mr. Haro. Thousands of dollars in legitimate customs duties were thus avoided. Mr. Haro has admitted personally presenting such false invoices to Customs officials on some thirty-five occasions. He similarly admitted lying repeatedly to Customs officials during a three-month period after the scheme came to light. It was these unfortunate facts with which the court was faced at the time of the imposition of sentencing.

Much is made of the fact that Mr. Haro's fraudulent conduct predated his ap-

pointment to the City Council. The fact of the matter is however, that Mr. Haro was fully aware that his conduct was of substantial concern to the government when he accepted the appointment to the council; yet it is undisputed that he failed to give the council even a hint of the problem.

In conclusion, let me say unequivocally that my office will not demonstrate favoritism toward, or prejudice against, any person accused of a federal crime. My job is to prosecute based on the facts and on the law, and without regard to race, or wealth, or social or political prominence. To have failed to act in this case would have been to shield Mr. Haro from prosecution based on the very factors he now claims influenced that decision. That would truly have been intolerable.

I have only one additional thing to say at this time — and that is that I never sought the support of Jess Haro for this or any other position. For that matter, I never met Jess Haro until the day he entered his plea of guilty. I never had the slightest idea of whom he supported or whom he opposed for this position — and I couldn't have cared less.

I might add that if I were out to get all the people who supposedly opposed my nomination as U.S. attorney, a lot of prominent people would be in for a lot of potential trouble.

HARO BACKERS CALL CHARGES POLITICAL

COUNCILMAN LONG HARRIED WITH DEBTS

By M.J. LAGIES

With a truck (on credit) from PHd Truck Rental, pulling a semi-trailer (on credit) from Transport Pool, loaded with lumber (on credit) from American Forest Products, he set out to make his fortune.

And thus Jess Haro drove into financial disaster.

Each company sued for non-payment of bills. Each won.

Tribune reporters Joe Hughes, James Redfern, Ozzie Roberts and Bob Dorn contributed to this article.

Two eventually settled for partial payment; the third says it has written the Haro account off as a bad debt.

All this — nine much more —



By M.J. LAGIES
and
JOE HUGHES

The prosecution and sentencing of Councilman Jess Haro was "95 percent politically motivated," Chicano leaders told a rally called today in Haro's support.

The meeting — which Haro failed to attend — turned into a near-donnybrook between Chicanos and media people.

Reporters at the rally, which was also billed as a news conference, were booed numerous times — usually when they asked what appeared to be loaded questions.

The meeting, at the Chicano Federation headquarters at 1960 National Ave., finally broke up when a spectator said it was "time to end the domination of this meeting by the news media and put it back where it belongs — with us."

Most of the jeering appeared to be brought on by a number of reporters who phrased their questions in the form of speeches — often in a manner bordering on the argumentative. The Chicano leaders decided

has written the Haro account off as a bad debt.

All this — plus much more — happened within the last three years, while Haro was already serving as a San Diego city councilman.

Here are some of the prob-

See **DEBTS, A-10**

Some favor Hispanic in council seat

By JOHN DURHAM

Some City Council members seem receptive to the idea of appointing a Hispanic to the seat of Councilman Jess Haro, who has been sentenced to 90 days in jail, if he resigns or is forced off the council.

Councilmen interviewed said the best qualified individual should be selected to fill the anticipated vacancy. Two members, Bill Lowery and Larry Stirling, said they would be pleased if that person was Hispanic.

However, council members are divided on whether a vacancy should be filled by election or appointment.

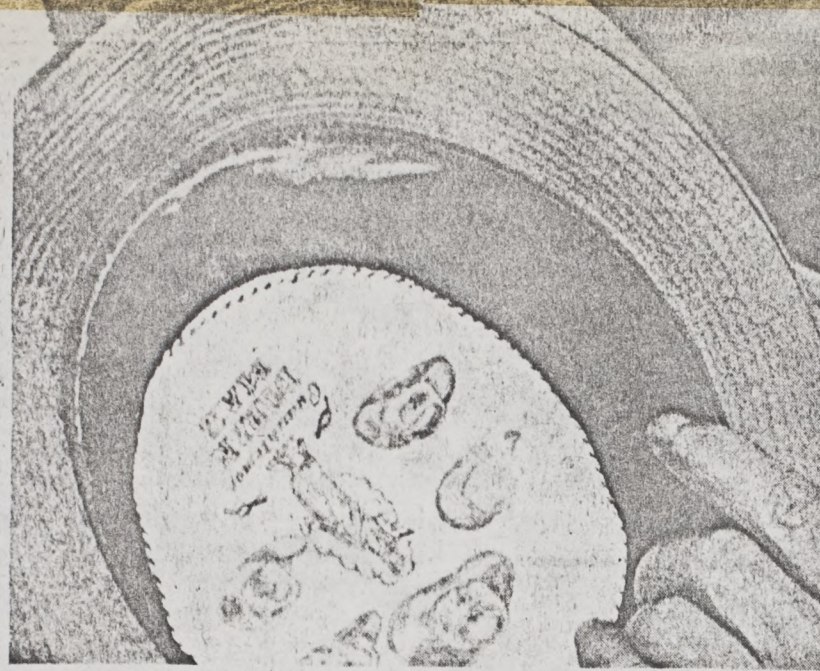
Haro, a Mexican-American, was sentenced to federal jail Monday for misdemeanor customs fraud.

Sources said yesterday that he does not intend to step down from his District 8 council seat.

However, he faces expulsion from the council because the City Charter says that any council member who misses eight consecutive meetings or half of those in a month without being excused by the other members must be replaced.

Mayor Wilson and four councilmen — Lowery, Stirling, Bill Mitchell and Fred Schnaubelt — reaffirmed yesterday that they would not vote to excuse Haro's absences while he is in jail. They would constitute a majority of the nine-

See **HARO, A-12**



SOLIDARITY FOR HARO — Supporters of embattled City Councilman Jess Haro gathered at Chicano Federation headquarters today for a rally and press conference, but Haro, on the advice of his



attorney, didn't show up. Herman Baca, chairman of the Committee on Chicano Rights, upper right, addressed reporters about the Haro legal controversy. — Photo by Don Bartletti, Tribune staff

Councilman's case produces a time puzzle

By HUGH GRAMBAU

What happened to the Jess Haro investigation between August 1973, when customs officials questioned invoices he submitted on furniture he was importing, and June 1978, when he was charged and pleaded guilty to a criminal misdemeanor for his actions?

That question has become the focus of renewed interest in the wake of criticism by Haro supporters of the handling of the case by customs authorities and U.S. attorneys.

The case straddles the tenures of three U.S. attorneys in San Diego: present U.S. Attorney Michael Walsh, who took office in December

See **PROBE, A-10**

form of speeches — often in a manner bordering on the argumentative.

The Chicano leaders decided to announce at the meeting that they would go to next Tuesday's City Council meeting to ask the council to excuse Haro from any absences necessitated by his jail term.

This would bypass a section of the City Charter which states a council member must be removed if he misses a certain number of meetings without excuse.

The organizers of the meeting issued the following prepared statement:

"We are here today as heads of organizations, concerned individuals and constituents, to voice our outrage on the matter concerning Councilman Jess Haro's position of seeking modification of his 90-day unjust prison sentence and his position of not resigning his City Council seat. The people have placed him in that position and only the people can remove him, not U.S. Attorney Michael Walsh, not federal Judge Leland C. Nielsen, nor the San Diego City Council.

"Secondly, the community is extremely upset, angry and mad over the 90-day prison sentence handed down by federal Judge Leland C. Nielsen against Councilman Haro. The sentence is extremely harsh, unjust, loaded with racist overtones, and represents to us, once again, a dual standard of justice.

"It is extremely difficult for the community to understand why a 10-year (1969-73) legal problem which occurred before his 1975 appointment to City Council and a legal matter which two previous U.S. attorneys had declined any action on (citing that the case was essentially a civil matter involving a small amount of customs goods) and the fact that Councilman Haro and the U.S. Customs had agreed to resolve the matter administratively by the paying of a fine, simply does not warrant this type of sentence.

"We cannot believe that the prosecution nor the sentencing was a judicial matter. It is our communi-

See **RALLY, A-12**

★Debts

CONTINUED FROM PAGE 1

lems that have beset Haro:

— He has been on the short end of judgments and settlements exceeding \$100,000. All but about \$15,000 of this came after he was named to the City Council in 1975.

— His councilmanic wages have been garnisheed a number of times. At one point, creditors were standing in line seeking to attach his pay. (One at a time, please, said the city

★Probe

CONTINUED FROM PAGE 1

1977; Terry Knoepp, who served from 1975 to 1977; and Harry Steward, who served from 1969 to 1975.

Walsh says that the case came to his attention during a routine review of cases pending for more than six months, which he requested in February. Originally pending as a civil procedure, when opened under Knoepp in June 1977, Walsh decided the case was serious enough to file criminal misdemeanor charges.

Haro pleaded guilty to those charges June 8 and was ordered to pay duties of \$5,764 on items he had undervalued, plus pay a fine of \$46,112 (equal to about eight times the unpaid duties).

U.S. District Court Judge Leland Nielsen on Monday ruled that Haro, would also have to spend 90 days in jail. The jail term will result in loss of his City Council seat, according to a majority of five members of the council.

Knoepp said yesterday that the Haro case first came to his attention June 1, 1977, a day after U.S. Customs at the San Ysidro Port of Entry submitted its official report on the case. The Customs Service serves as the investigative arm of the attorney general's office for undeclared merchandise entering the United States.

"When the case came in, we stopped everything to review it and, based on the information we had at the time, we decided to start a civil case," said Knoepp. "We also decided to explore the case further."

Knoepp said his office decided to file a civil suit, because the initial case presented against Haro cited only \$1,120 in delinquent duties. He said a review of cases prosecuted by his office showed that nobody had been charged with a criminal offense for amounts that small.

Knoepp said his staff checked with customs investigators each month until he left office in mid-December 1977 and that he never received information that the dollar amounts were any higher than those initially reported.

Knoepp added that the only communication his office had from customs investigators was an informal telephone call to a U.S. attorney in the office in 1973, when Harry Steward was U.S. attorney. The attorney who took the call no longer works for the office. He left before Knoepp arrived in 1975, according to Knoepp.

Why did customs investigators wait four years to file an official complaint against Haro?

William Meglin, investigations division director for customs, could not be reached for comment yesterday. Following the June 8 conviction of Haro, however, Meglin told The Tribune that the case had simply

auditor. That's the law.)

— His bank account has been attached.

— His car has been threatened with attachment.

— Liens have been placed against his house. (He eventually homesteaded it, protecting it from seizure.)

— The Internal Revenue Service put a lien on "all property" belonging to Haro.

There are voluminous files in the county recorder's and county clerk's offices about legal actions against Haro.

Similar files exist in the offices of creditors, past and present.

Some have been paid in full, some partly, and some are still waiting.

"The day Mr. Haro paid us," said Harry C. Gault, a collection manager, "was the day we convinced him we were going after his Mercedes."

Not that Gault hadn't tried other ways.

It was Gault's job to collect a \$2,030.65 debt from Haro.

Haro had ordered and received a load of lumber from Southwest Forest Industries, in the City of Industry, in March 1976 but neglected to pay the bill.

"Not one cent," said Gault.

Southwest assigned the delinquent account to the collection agency for which Gault works, the San Diego Wholesale Credit Men's Association.

"I tried to treat the matter very delicately," recalled Gault.

First, he said, he wrote Haro at his home. "He simply ignored me."

Then he called his office several times. "He ignored that, too."

At length, Gault and Haro got together and Haro agreed to pay, in installments. He signed a promissory note, dated June 29, 1976, according to which he was to pay \$285.65 on the spot and make weekly payments of \$250 every Friday until the \$2,030.65 was paid off.

In collection-agency practices, said Gault, "that was giving him a break."

Haro missed the very first payment. And the next. And the next.

Gault sued.

On Sept. 27, a default judgment of \$1,868.90 (including fees and costs) was entered in San Diego Municipal Court.

Haro still didn't pay.

On Oct. 11, Haro's account with the Mexican American National Bank was attached. It yielded \$128.76.

Haro paid no more.

On Nov. 3, Haro's councilmanic salary was attached. By law, only a certain percentage of income may be garnisheed. It came to \$108.36.

A second garnishment Nov. 26 netted \$120.30. A third on Dec. 15 brought the same amount.

Not satisfied with the pace of the collection, Wholesale Credit moved to attach Haro's car, a Mercedes.

"Then we got paid," said Gault. "It was Jan. 5, 1977, and we were paid in full."

There was one incident of note during these proceedings, Gault said.

"An attempt was made, by a man who was employed by this association and was a personal friend of Mr. Haro's attorney, to intercede with us on Mr. Haro's behalf.

"We told the man to stay out of it.

agreement said nothing about manana."

Actually, North Valley Lumber Sales had to wait longer than manana. The \$2,098.76 debt Haro incurred in May 1974 was not settled until July 21, 1975, after court action and an order for attachment of Haro's bank account and other assets.

Dillon settled for less than 100 cents on the dollar.

"They made us an offer and we accepted it. We will do that in cases where we feel it's better to get something than nothing."

The North Valley case is typical of many of Haro's debts in several respects:

— It was an out-of-town deal. Many of Haro's business dealings were with non-San Diego companies. Suits filed as a result were sometimes in other jurisdictions and do not show up in San Diego County court files.

— Haro made a number of prompt payments after opening the account. Then, quickly, he became delinquent for a considerable amount of money.

— When threatened with legal action, Haro made a partial payment. (In this case, the check bounced.) Then, after the suit was filed and judgment entered against him, there was another period of waiting.

— Payment was made only after an order for attachment of Haro's assets.

— The amount for which the creditor finally settled was less than the full debt. (Some creditors insisted on full payment, and received it. Others negotiated after Haro made an offer.)

The pattern, said Dillon, was that "he was buying time."

One question that remains unanswered is how Haro, with his track record, kept managing to get credit.

"Search me," said Don Browdy, branch manager for Transport Pool Inc., a company with which Haro ran up a bill for semi-trailer rental.

"These accounts are supposed to be screened very carefully. I don't know what happened here."

Transport Pool won a judgment for \$3,127.26 against Haro in Los Angeles Municipal Court on July 28, 1977.

"We never received payment," said Browdy. "We wrote it off as a bad debt."

Browdy says Haro opened an account with Transport Pool in October 1975, made a few payments totaling about \$550, and then, by May 1976, "he had stretched his invoices to about \$2,200."

Haro told him at the time, Browdy recalled, that "his company was managed by a man he had fired and he would try to make restitution."

(Most of the suits were filed against Haro individually. Some were filed against Haro, "doing business as San Diego Trading Co." In the latter instances, one creditor said, Haro guaranteed the loans personally.)

Browdy says that when his company finally ran a bank check on Haro it found he had a "medium two rating," signifying an average bank balance over the last two quarters of between \$35 and \$65.

A \$12,506.95 judgment against Haro obtained by the PHD Corp. was

satisfied f

Oct. 21, 19

— Feb.

\$1,230. No

satisfied.

— May

Employee

\$4,200.65.

★Rally

CONTINUED FROM PAGE 1

ty's belief that the prosecution by Michael Walsh and the sentence by Judge Nielsen of Councilman Haro was 95 percent political and 5 percent judicial.

"We believe that it was 95 percent political because of the following reasons:

"1— It appears to be a political and racial inquisition to get Councilman Haro out of his City Council seat.

"2— It is our belief that U.S. Attorney Michael Walsh's prosecution of Councilman Jess Haro raises some serious questions about his competency (after two U.S. Attorneys had refused to prosecute) and his political motives.

"It is well known to all that the U.S. Attorney is out to make a name for himself and that he has political aspirations.

"Furthermore it is also our understanding that the U.S. Attorney was extremely angry over the fact that Councilman Haro had refused to endorse him. It is also ironic that U.S. Attorney Walsh's vigorous pious persecution of Councilman Haro directly contradicts the fact that Mr. Walsh was at one time one of C. Arnholt Smith's premier defense attorneys.

"3— It is also our belief that Judge Nielsen's 90-day prison sentence was not done in the interest of justice.

"But it was rather politically motivated in order that the 'dirty job' of removing Councilman Haro would not have to be done by the politicians but rather by the judicial system in order that it would be legally sanctified.

"4— It is also well known to all that Councilman Haro was being discussed as the number one challenger to Mayor Pete Wilson and there was an effort by the Republicans to get him out of the way."

The session became heated after Rachel Ortiz, director of the Logan Barrio Station, criticized the media for "lying and distorting" the Haro case.

While Ortiz singled out the newspapers as the main offenders, it was the broadcast journalism contingent which aroused the ire of the crowd, estimated at 300.

Many of the questions centered on Haro's absence.

Haro had been scheduled to attend the meeting. Jesse Ramirez, executive director of the Chicano Federation of San Diego County, said Ortiz had been assured by Haro as late as yesterday that he would be there.

Ortiz said the assurance had been given not to her, but someone else whom she declined to identify.

Herman Baca, chairman of the Committee on Chicano Rights, said he did not know until 9 a.m. today, one hour before the meeting, that Haro would not come.

He said Haro had declined on the advice of his attorney, but refused to elaborate.

However, it is known that as late as 9:30 a.m. Chicano community members were still trying to persuade Haro to come.

One reporter wanted to know whether the minority community did not feel slighted by Haro's action.

He was booed.

"Are we having a trial here?" a spectator asked. She was cheered.

At another point, when Baca spoke of a conspiracy against Haro, a reporter asked: "Are we part of the conspiracy?"

The answer, from about 250 voices, was in the affirmative.

Baca also charged that Walsh and Nielsen were racially motivated.

In a separate interview today, Walsh denied the charge.

Walsh said his office could have prosecuted Haro on "numerous" felony violations.

"We could have gotten him on conspiracy to violate federal customs laws, violation of federal customs laws and knowingly making false statements to federal agents (in this case Customs agents) in the pursuance of their duties — all felonies," he said.

Haro, on Monday, was sentenced to 90 days in federal prison by Nielsen after he pleaded guilty last month to a misdemeanor violation of U.S. customs law.

Haro also admitted using a system of dual invoices to ship goods across the Mexican border into the United States between 1969 and 1973.

Noting that Haro made at least 140 trips in that time period, Walsh said, "We could have gotten him on felony violations each time he made false statements to customs agents.

"He could have been exposed to at least 15 years in federal custody if tried and convicted. Yes, I think he got off lightly with a 90-day sentence."

Several Haro supporters have branded Walsh's decision to pursue criminal prosecution of the councilman and Nielsen's sentence unusually harsh because he is a Mexican-American.

A number of questions by members of the media concerned Haro's failure to appear at the press conference.

One television reporter, asking a question with microphone in hand and camera operating, pressed the issue.

"Why had Haro elected not to show up?"

"You want to get hung up on why he is not here," answered Ortiz. "That's not our purpose."

Her statement was greeted with loud applause and cheers, and that ignited the confrontation between the media and Chicano community supporters.

Again, Ortiz:

"You guys (the media) lie. We know better than to deal with you guys. You distort everything. You keep excluding the facts, the good things Mr. Haro has done."

Another television reporter:

"Are you charging we are part of a conspiracy?"

The answer to the question, if there was one, was drowned out in a sea of cheers and yells, affirming the belief of many Chicanos attending the conference that the media was not being fair in coverage of the Haro case.

Again, more questions on why Haro was not here there.

A voice from the back of the room:

"We excuse him. It's okay. Sorry chum."

More applause and cheers.

Others attending what turned from a press conference into a support rally were more pointed.

"We are going to do what is necessary, to help Jess," said one, putting emphasis on the phrase.

One lady in the back of the room pleaded for "special treatment" for Haro.

★Haro

CONTINUED FROM PAGE 1

member council.

Haro's sentence is to begin Aug. 7.

He went into seclusion after his sentencing by U.S. Judge Leland C. Nielsen.

Wilson and Lowery support appointment of a successor, and Mitchell and Councilwoman Maureen O'Connor favor a special election.

Councilmen Stirling, Schnaubelt and Tom Gade have not decided.

Councilman Leon Williams was out of town and unavailable for comment.

Haro is the first and only Mexican-American member of the council. Some of his supporters have charged that he drew a jail term rather than probation because he is a Mexican-American.

He was appointed to his position in 1974 and was elected to a full four-year term the next year.

His district includes San Ysidro and Otay Mesa as well as downtown.

and shortage of personnel.

"At the time, we were in the throes of a huge reorganization," he said. "Our office staff was reduced from 75 to 11."

"I directed the agents to concentrate on those cases with the highest potential payoff," Meglin explained. "A \$5,000 case (the amount of duty Haro did not pay) did not seem that high a priority."

Meglin said that the case presented for action to the U.S. attorney's office included "evidence that would make the best possible case . . . so we gave it a \$1,200 loss of revenue."

Complicating the Haro case is the question of whether Haro was told he would not be prosecuted in a criminal action if he cooperated with customs authorities. In addition, by the time the official report was filed in June 1977, the five-year statute of limitations had already expired on some of the violations documented by officials.

Both Knoepp and Walsh deny that the U.S. attorney's office had struck any deal with Haro or his attorneys.

"The conclusion about whether to go civil or criminal was made with my chief assistant in the office and we hadn't talked to Haro at all," said Knoepp. "He called several months later."

But Knoepp concedes that a customs investigator did tell Haro there would be no criminal prosecution in return for his cooperation.

"During the customs investigation, Haro was told (by customs officers) that he would not be prosecuted criminally," Knoepp said following Haro's conviction in June.

Walsh maintains that Haro could have been charged with a felony instead of a misdemeanor and that the government in citing the lesser charges has already made a major concession.

He also points out that his office specified no sentence for Haro and that the decision to send Haro to jail was made by Judge Nielsen alone.

Whether the explanations of the Haro case will be accepted by his supporters is uncertain. However, there appears to be little for them to do but complain.

(Buzz Featherman, Haro's attorney in this matter, told The Tribune that the intercession, if it did occur, was not at his request.)

That incident aside, however, Gault judges the Haro case to be quite ordinary.

"Mr. Haro is typical, I would say, of many, many debtors."

That is exactly what The Tribune attempted to find out. What is at the root of Jess Haro's chronic financial problems?

Is he just a poor businessman? Is he the victim of incompetent associates or employes, as he has alleged?

U.S. District Judge Leland C. Nielsen, who on Monday sentenced Haro to a 90-day jail term for U.S. customs fraud, said the councilman was guilty of "plain, unadulterated dishonesty."

That was a criminal charge. Haro's debts are civil matters. But both were incurred largely in Haro's pursuit of his business, or businesses.

Haro, of Hispanic origin, has for years been trying to make a go of the import-export business, trucking lumber to Baja California and coming back with furniture.

He has not fared well.

"He kept telling me that he dealt in Mexico and down there everything is manana," said Lyle M. Dillon, credit manager for North Valley Lumber Sales of Redding, Calif., one of the companies that sued Haro.

"We told him we were not in the finance-company business, that our

10 riders injured on roller coaster

VALENCIA, Calif. (UPI) — Ten people were hurt, none seriously, while on a thrill ride at Magic Mountain amusement park yesterday.

Police said the accident occurred on a roller coaster ride called the "Revolution."

The 10 people were taken to Henry Mayo Newhall Memorial Hospital in Valencia. Nine were treated and released.

Jerry La Dow, president of the equipment-leasing firm, said that Haro returned a three-axle diesel tractor to the corporation before the lease was up, and that it was seriously damaged. He said that, among other things, the tractor's engine had been blown.

Repairs ran to \$6,370, and Haro also was more than \$3,000 behind in lease payments, La Dow said.

La Dow refused to disclose the exact amount for which he settled.

The earliest case on file against Haro is a small-claims-court action dated June 15, 1970.

At that time, according to documents, Haro owned the El Prado Furniture Shop at 527 University Ave. The claim, filed by Sandra Kay Buck, alleged that she had ordered two pieces of furniture in August 1969 but received, in December, "inferior products."

The action was dismissed June 17, before the court date, signifying, according to court officials, that Haro settled the matter out of court.

Here is a chronological list of judgments and liens against Haro from September 1970 to May 1977, as taken from files in the office of the county recorder:

— Sept. 18, 1970: American Forest Products Corp., \$5,811.41. Judgment satisfied Sept. 25, 1970, for \$5,154.75.

— Nov. 25, 1970: Internal Revenue Service, \$1,640. Lien against property lifted Feb. 16, 1971, paid in full.

— March 23, 1972: Diners' Club, \$1,139.73. No record of judgment being paid.

— April 5, 1972: California Forest Products (Gordon Steck), \$2,334. Judgment satisfied Nov. 24, 1972, for unspecified amount.

— March 23, 1973: Roy M. Ledford, \$3,370.60. Judgment satisfied and lien against personal property lifted June 8, 1973.

— May 29, 1975: North Valley Lumber Sales, \$2,098.76. Judgment satisfied for less than full amount Aug. 10, 1975.

— Sept. 27, 1976: Wholesale Credit Men's Association, \$1,868.90. Judgment satisfied in full Jan. 5, 1977.

— Feb. 16, 1977: American Forest Products Inc., \$3,308.34. Judgment

pain to Mr. Haro and his family has been beyond belief," Mitchell added, hitting hard at what he considered the uselessness of a jail sentence.

"There is no logical reason to incarcerate Mr. Haro," he said. "Justice and the community will not be served."

Mitchell also criticized the handling of the case by U.S. Attorney Michael Walsh, telling the judge that Haro had been told that the case would be handled without criminal prosecution.

Walsh, in court personally to handle the case, denied Mitchell's charge.

Later, Walsh, under fire from friends of Haro for his aggressive pursuit of the case, called the sentence a fair one.

"I don't derive any personal satisfaction from anyone else's misfortune but, institutionally, I have a job to do and that is to see that the law is

Haro will not know for at least seven to 10 days to which prison he will be sent, according to Lowell Kincaid, associate warden of the Metropolitan Correctional Center here.

Kincaid said Haro can request a specific prison, but a final decision is made by Bureau of Prisons officials in Burlingame, a suburb of San Francisco.

Haro is free until he surrenders Aug. 7.

A longer stay of sentence, until Aug. 17, was rejected without explanation by the judge.

The judge, however, did concur with a request by Mitchell for an investigation of the leak to reporters last week of a secret Probation Office report on the Haro case.

The Probation Office recommendation, according to sources, was for at least a 30-day jail sentence for Haro.

L.A. Times

800 Cheer Haro at Rally of Supporters

More than 800 friends and supporters of Jess Haro heard a parade of speakers lavish praise on the councilman during an informal gathering Wednesday in the U.S. Grant Hotel ballroom.

Haro, who pleaded guilty last week to a misdemeanor offense involving violation of federal customs regulations, told the cheering audience that "in difficult times it's comforting and pleasing to know that I have friends.

"In five years of service I have made City Hall available to all people," Haro said.

One of the 20 speakers was Councilman Leon Williams, who said Haro's dedication and hard work "has been an inspiration."

And Jesse Ramirez, head of the Chicano Federation, said he and other Haro supporters would not forget "those who are now trying to call our councilman a liability."

The gathering, which organizer Yvonne Schultz said was meant to show Haro that "we are not just fair-weather friends," drew a diverse crowd that three times interrupted the speeches with standing ovations, once when the Rev. David Farrell said the charges against Haro amounted only to "the rattling of some old bones."

Haro, who has agreed to pay more than \$51,000 in penalties for avoidance of customs duties, will be sentenced July 17.

satisfied for less than full amount
Oct. 21, 1977.

— Feb. 23, 1977: Arellano Ignacio,
\$1,280. No record of judgment being
satisfied.

— May 2, 1977: California State
Employees Credit Union No. 6,
\$4,200.65. Judgment satisfied Dec. 2,

1977, for unspecified amount.

— May 13, 1977: PHd Corp.,
\$12,506.95. Judgment satisfied for
less than full amount July 8, 1977.

— July 11, 1977: Mexican Ameri-
can National Bank, \$6,545.14. Judg-
ment satisfied for unspecific amount
Sept. 15, 1977.

— July 28, 1977: Transport Pool
Inc., \$3,127.26. Judgment satisfied
for unspecified amount Sept. 14,
1977. (Officials for Transport Pool
Inc. say they have received no pay-
ment on this judgment and they
have written the \$3,127.26 off as a
bad debt.)



—Staff Photos by Jerry Windle and Cindy Lubke

Herman Baca, spokesman for a coalition of Chicano community groups, top, talks to reporters yesterday at a rally in support of City Councilman Jess Haro.

Below, U.S. Attorney Michael Walsh also called in reporters to answer the charges of Chicano leaders who assailed his prosecution of Haro.

Walsh Refutes Defenders Of Haro

(Continued from Page A-1) U.S. Customs after his "Mr. Haro is not a victim, fraudulent conduct came to of circumstance," he said. "Nobility made him devise a clever scheme of double-in-voices by which he fraudulently imported more than \$200,000 worth of goods into the country over a four-year period. Nobody made him lie repeatedly to officials of the

U.S. Customs after his fraudulent conduct came to light, and nobody made him plead guilty to the government's charges." Walsh insisted that Haro was not treated too harshly. Instead, he said, Haro "was given a substantial break" in that he was not charged with a felony.

Asserting that Haro had concocted a large scheme of fraud, Walsh said it would have been "intolerable" to shun prosecution because Haro was a Chicano. Walsh seemed particularly irked at charges that he was trying to get even with Haro because Haro had backed another lawyer for the ap-

Haro Backers Vent Anger, Walsh Refutes Allegations

Walsh Says Haro Has Only Himself To Blame

Chicano Groups Assail Nielsen, Walsh, Media

By GEORGE E. CONDON JR.
Politics Writer, The San Diego Union

U.S. Attorney Michael Walsh, bristling at implications that he had prosecuted Jess Haro for racial and political reasons, yesterday accused the prison-bound councilman and his supporters of attempting "to try the case in the streets."

"Mr. Haro now blames everybody but himself for his troubles," said Walsh in a statement read tersely to reporters. "He and his supporters attack the U.S. attorney, they attack the judge, and they attack the media."

Text of Baca, Walsh statements — A-4

He added: "It is Mr. Haro's conduct and not the conduct of the U.S. attorney or the court that is the cause of Mr. Haro's troubles."

"It is his conduct and no one else's which has brought him into disrepute and caused such anguish among the Mexican-American community. No amount of rhetoric, no amount of charges and countercharges, can change that plain and simple fact."

Walsh stressed that Haro pleaded guilty to the misdemeanor charge of customs fraud and voluntarily gave up his right to a jury trial.

Supporters of Jess Haro, working to gain public sympathy while the embattled councilman privately readies a final legal battle to save his seat on Council, yesterday charged that Haro is a victim of racial and political persecution.

In a strongly worded attack on Haro's prosecutor and judge, a coalition of Chicano community groups said Haro was targeted for political extinction because he is a Chicano.

The attack drew a quick and angry rejoinder from Michael Walsh, the U.S. attorney who personally supervised the prosecution of Haro for federal customs fraud. Walsh told reporters that Haro could blame only himself for his legal dilemma.

Haro, who decided not to appear at a scheduled press conference on advice of his lawyer, remained in seclusion in his home. He has maintained public silence since Monday when he was sentenced to 90 days in federal prison for a misdemeanor violation involving the repeated use of dual invoices in his import business.

Friday, July 21, 1978

opposed for U.S. attorney — and I couldn't care less." Later, in a brief question-and-answer session with reporters, Walsh objected to the charge leveled by Haro's supporters that he had publicly stated he was going to use his office "to make a name" for himself for use in future political contests. "That is a complete, undiluted lie," Walsh said. Asked if he would meet with Haro supporters next Tuesday when they come to the federal courthouse to protest the sentence, Walsh would not rule out such a meeting. "I hadn't thought about it," he said, "but I'm a pretty open guy. I haven't refused to talk to anybody about anything since I've been here."

— By George E. Condon Jr.

COUNCIL THWARTED

Haro Rejects Idea Of Resignation Now

By **GEORGE E. CONDON JR.**

Politics Writer, The San Diego Union

Jess Haro, heartened by the unflinching support of his friends, has tentatively decided to go down fighting and does not plan now to resign his City Council seat before he begins serving a 90-day sentence in federal prison Aug. 7, according to sources close to the councilman.

Haro's decision, relayed to close friends yesterday and reportedly buttressed at a private meeting last night of leaders of the San Diego Chicano community, places increased pressure on the other eight members of council who had been hoping for a quick Haro resignation to spare them the necessity of taking a stand.

Haro, the only San Diego councilman this century to face a prison sentence, was

sentenced to the 90-day term Monday by U.S. District Judge Leland C. Nielsen. On June 8, Haro had pleaded

(Continued on A-10, Col. 1)

Index

Four Parts

Answers For Juniors.....	B-8
Billy Graham	B-8
Classified Ads.....	D-5 to 20
Comics.....	D-4
Crossword Puzzle.....	D-9
Currents	D-1 to 3
Editorials.....	B-10
Financial	A-11 to 16
Goren on Bridge.....	B-8
Horoscope	B-8
Obituaries	B-7
Frank Rhoades	B-2
Sports	C-1 to 9
Theaters.....	C-10 to 12
TV-Radio	B-9
Weather.....	D-5

Haro Unlikely To Resign Immediately

(Continued from Page A-1)
guilty to a misdemeanor violation of U.S. customs law and had admitted using a system of dual invoices to ship goods across the Mexican border into the United States.

RALLY PLANNED

Haro, who was unavailable for comment last night, is expected to attend a press conference and rally tomorrow morning at Chicano Park. That event was tentatively organized last night. The Union has learned, at a two-hour meeting of about 50 Haro supporters in his district.

Haro did not attend the meeting but reportedly was encouraged by the show of support.

Friends gave several reasons for the transformation of Haro from the shaken, quiet man who stood before the judge on Monday to the more combative political fighter yesterday.

'JUST ANGRY'

"He was hurt yesterday. He really didn't believe that he was getting such a tough sentence," said one friend. "Today, he is just angry.

"He has decided to make an issue of the way the case was handled by (U.S. Attorney Michael) Walsh. Haro was under the impression that all would be forgiven if he would just make financial restitution and pay the fines. He believed it would be handled civilly and not criminally. But Walsh crossed him up."

The issue of Walsh's handling of the case, long a sore point among Haro supporters, emerged publicly in court on Monday when

Haro's attorney John Mitchell complained to the judge about the switch to criminal prosecution once Walsh came into office earlier this year and assumed direction of the case.

ACTIONS VIEWED

Interviewed again yesterday about his actions, Walsh said, "He was not promised anything at any point by our office."

Walsh said Terry J. Knoepf, his predecessor in the office, "made the decision in the summer of 1977 to handle the matter civilly. But no civil resolution was ever arrived at before I took office.

"I came in. I saw the case. In reviewing it, I said that I couldn't understand why this was not a criminal case. It always should have been a criminal case."

Walsh said Haro or his lawyer could have been confused by statements made by U.S. customs investigators.

CONCERN TOLD

"They told him if he was straight with them that it would be handled civilly," Walsh said. "But then he lied to them repeatedly. That's what I was concerned about — the lies and the cover-up from August to December 1973."

Haro's supporters, however, believe that Haro's case should have been handled civilly. One person who discussed the matter with Haro yesterday said, "This is definitely an issue."

He said there are plans for rallies of support for Haro.

There was further speculation last night about the reasons for Haro's decision not

to resign. Some sources familiar with the political problems caused by the Haro case to the other council members and the mayor said Haro could be maneuvering to a better bargaining position to guarantee that his successor on the council shares his Democratic-liberal credentials rather than be a copy of the Republican-conservative majority on the council.

PREFER RESIGNATION

Most of the council members have made it clear that they would prefer Haro to resign, sparing them the task of having to vote against excusing his jail-caused absences from council meetings. If Haro misses more than eight meetings, he would lose his seat unless the council votes to excuse those absences.

Another source, aware of Haro's financial problems and the heavy federal fines facing him, said Haro would avoid resignation for as long as he can to continue to draw paychecks.

Council members, paid every two weeks, receive \$17,000 a year.

The campaign to save Haro "has little chance for success," said one Haro intimate. "But we're not going to let the only Mexican-American on council go without a fight."

FEELING VOICED

The feeling that Haro was singled out for harsh treatment because he is the first Chicano on the council and a liberal was voiced yesterday by Steve Gillis, newly elected chairman of the County Democratic Party.

"I cannot help but feel that

certain people were out to vindictively destroy a Democratic minority councilman who is serving for the first time in the history of San Diego government and whose work while a councilman has been praised by all," Gillis said in an interview.

He compared the 90-day sentence and the \$51,876 in fines that confront Haro with the sentence meted out in 1976 to C. Arnholt Smith, head of U.S. National Bank.

PROBATION

"This is the same federal judiciary that found Republican millionaire C. Arnholt Smith guilty of fraudulently appropriating money from U.S. government agencies in the amount of over \$100 million and sentenced him to straight probation, no jail time and to pay \$30,000.

When he pleaded guilty on June 8, Haro admitted that between Jan. 4, 1969, and Aug. 3, 1973 — well before his 1975 appointment to the council — he made at least 140 trips from Mexico to the United States through the San Ysidro port of entry with shipments of wood furnishings, aluminum grills and lamp fixtures.

Haro admitted using false invoices that understated the true costs of the merchandise. Those invoices were presented to customs officials while a second set of invoices was kept for customers in the United States.

ROLE QUESTIONED

The government also maintained that Haro misled investigators about his involvement with Industrias Baja Mexico, the manufacturer of the imported merchandise, insisting that

he had no interest in the company when he was actually a partner in the firm.

Supporters of Haro do not contest the councilman's guilt. They do, however, challenge the need for him to go to prison or resign his council seat.

Chicano leaders, according to a friend of Haro, are planning to couple their "save Haro" campaign with an effort to challenge the federal licenses of local television stations whose coverage of the Haro sentencing irritated many supporters of the councilman.

SUIT FILED

In line with that, Tony Valencia, board chairman and chief executive officer of the Mexican and American Foundation, yesterday filed a \$100,000 suit against KGTV, Channel 10, reporter Joe McMahan and the station's owner, McGraw-Hill Broadcasting Co., Inc.

Valencia, who clashed with McMahan in an emotional confrontation outside the courthouse on Monday, alleges in the suit that McMahan slandered him by calling him a "sawed off son of a bitch" and was guilty of assault and battery by "threatening to shake (Valencia) and violently shaking (him) while standing behind (him) with his hands about (his) shoulders and neck."

McMahan, whose camera-man has filed an assault charge against Valencia, denies calling Valencia the name and said he was just trying to protect his camera-man who, he said, had already been shoved twice by Valencia trying to prevent more filming of Haro.

Jess Haro: a case for the councilman

There has been a great deal of furor in recent weeks involving the political future and the legal problems of San Diego City Councilman Jess Haro.

Councilman Haro agreed in court to a statement of facts stipulating that he removed merchandise involved in a United States Custom investigation. He further agreed to duties of \$5,700 and penalties of \$46,000. He awaits sentencing on the misdemeanor charge July 17. The alleged crime transpired prior to Haro's appointment to the San Diego City Council and spans a period from 1969 to 1973.

Many people, including the San Diego Union and Tribune and local television stations, have called for Councilman Haro's resignation, saying he has been "convicted" of a "serious crime." To this day, Councilman Haro has been silent on the matter.

It is not our intention to defend, nor to explain. It is our intention to examine the political events surrounding this case and attempt to put some perspective into all of these proceedings.

In the first case, we have a brand new aggressive U. S. Attorney, Michael Walsh. Mr. Walsh has let it be known both privately and publicly that he intends to "make a name for himself;" that he intends to "turn this city upside down." Our sources for these statements are both in and out of the U. S. Attorney's office. Our sources, obviously, wish to remain anonymous. They state that there is no doubt that the U. S. Attorney's office is intended to become highly political and highly visible with the media. In other words, the U. S. Attorney's office is going on the campaign trail to establish a name for Walsh and to lay the foundation for his own political aspirations. Fine. This is nothing new, Mr. Walsh did not invent this, but it needs to be put into perspective.

Additionally, it is important to remember that Mr. Walsh is the third U. S. Attorney to review the Jess Haro case. The previous two U.S. Attorneys (both Republican), declined any action, citing that the case was essentially a civil matter involving a small amount of custom goods and the U. S. Attorney's office had no business sticking its nose in it. The original complaint, back in 1969 was for \$430 in unpaid custom duties.

Since that time, Mr. Haro has risen in stature, become a Democratic activist, and was appointed to the San Diego City Council.

At that point Mr. Haro apparently made enemies. He made enemies in local government and he made enemies especially in the U. S. Customs Department. During all these years, this case has lain fallow. Mr. Haro has attempted to resolve it. Our sources tell us there are many documents that have been sent to Mr. Haro that relate to his trying to settle this whole proceeding with U. S. Customs. At no time was there ever the slightest hint, suggestion or inclination on the part of the U. S. Attorney's office indicating it was taking procedural action. In fact, one source tells us Mr. Haro was sent a letter from U. S. Customs that indicates the whole matter was resolved and all Mr. Haro had to do was pay the fine — \$50,000 — and the matter would be dropped. The date on this letter is in late 1977.

It is important to note the media is playing a large role in all of this. It's been a relatively quiet spring and a relatively quiet summer. There's a gigantic war shaping up between the San Diego Union, the Tribune and the invading Los Angeles Times. There really hasn't been a lot of good "scandal news" for anybody to get their teeth into. Hence the overreaction to Haro's case. We have to add the fact that generally the media in this city is Republican, conservative and concerned with the status quo. They generally fear or oppose any radical changes in our social order.

Mr. Haro represents change in its entire magnitude. He was appointed to the city council to fill the unexpired term of Councilman Jim Bates when Mr. Bates was elected to the board of supervisors. Mr. Haro was essentially beholden to no one when he was appointed to the city council, although there were many wild rumors that he was in Mayor Pete Wilson's pocket. Any long-time observer of the political scene has to know that this view has to be the most inaccurate assessment that has been made. In fact, Jess Haro is Mayor Wilson's number one challenger for the mayoral campaign next year.

It also is appropriate to point out that the supporters of Mayor Wilson are aware of Councilman Haro's aspirations for the mayor's job and this, too, has a role to play in this little drama.

So essentially what we have is a highly charged and

highly political U. S. Attorney who is looking to make a name for himself. We have a long-time history of the U. S. Customs Department and Councilman Haro attempting to work out some sort of reasonable agreement. We have a situation where Councilman Haro was in the private sector and then became part of the public sector when appointed to city council, who then made instant enemies among certain sections of the community, including the U. S. Customs Department. Additionally, by being involved in the political process and political situation, Councilman Haro made political enemies, not the least of which would classify the potential rivalry between him and Pete Wilson for the mayor's job.

In attempting to explain all of this, it is difficult for us to buy the U. S. Attorney's story: Councilman Haro somehow is one of the worst and most desperate criminals to reach our shores since the days of the Barbary Coast when the pirates looted and plundered the countryside. In addition to that, Councilman Haro is somehow an unethical and immoral person. We would suggest to you this is nothing more than window dressing on the part of the U. S. Attorney to strengthen his case as a vigorous, aggressive, high-profile, prosecutor who is not going to stop short of anything to insure that the bad guys go to jail. Also, we might add, Mike Walsh made quite a name for himself; he got a lot of good press. But the root cause of Haro's case, is the U. S. Customs Dept. and its antiquated regulations. Our investigation has shown that with the U. S. Customs Department, if you're an importer-exporter, as Jess Haro was in the late '60s and early '70s, you must go to what is called a Customs Broker. This is the person who helps you assign value, and the all-important customs number, to your goods. This broker advises you on how to classify your material, under what name to list it, and what number to give it. He essentially handles all of the paper work and the administrative duties for you. For this he is paid a fee.

Now the simple act of assigning a number or telling the Customs Department what it is you're importing doesn't sound too complicated; however, it's extremely complicated. For example, calling paper, raw paper, as opposed to calling it finished paper may result in two different types of duties, even though it is essentially the same item. Legitimate customs officials and customs brokers will tell you that this happens.

People import goods and assign a different name and a different I.D. number to it. The customs officials will inspect these goods and see that they are what the documents say and tax it at a lower rate. While all this is going on, the individual merchant or importer is not subject to any of the laws of the United States of America.

There is no due process, there is no right to a trial, there is no Fifth Amendment, there is no Fourteenth Amendment and there are no petitions for the individual rights of a person importing goods into the United States. You are guilty until you are proved innocent once the fraud division moves in to the situation.

This is not an uncommon thing involving international import-export. The same is true when you come into the country after visiting Mexico. Even though you are a United States citizen, you have no rights once you meet the customs and immigration people.

What transpires is that someone feels the items have not been valued properly in the Customs Department. It is then referred immediately to the fraud division even though there is no intent to defraud. It is simply the inspectors judgment that the value assigned, or the I. D. number, is not correct. There are no if, ands, butts about this.

It's an administrative matter to be sure, but by the same token, once the case goes to the fraud division, it is then investigated on the premise that the person is attempting to defraud the United States government. There is not one bit of evidence at this point. There has not been one hearing before a judge. There has not been one question asked of the individual. In this business none of that needs to transpire. You are guilty until proven innocent.

After that the case goes to an entirely administering route whereby paper work must go back and forth between the importer and the local customs office, between the importer and the U. S. Customs office in Washington, between the local customs office and the Washington customs office and so forth. It is not unusual for these cases to drag on and on, simply because of the administrative hassles.

We suspect this is what has transpired with Coun-

"Life-News"

June 1978