

16 March 1978

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To: Addressees Listed

From: Ed Morga

SUBJECT: San Antonio Meeting

Those of us who attended a meeting in Phoenix followed by a meeting in Mexico City believe it essential to have another.

Accordingly, a meeting will take place starting Friday, April 7, 1978, and will continue through Sunday April 9, 1978 if necessary.

Location: ~~Travelodge~~ *St. Anthony Hotel*  
~~Courthouse Square (La Villita)~~ *300 E. Travis*  
San Antonio, Texas *512-227-4392*

AGENDA

Friday

7:00PM - No Host Cocktail Reception

Saturday

9:00AM - Call to Order

Critique of Mexico City Trip

Fund Raising

Submission of Proposals for

Resource Center

Education

Etc.

New Business

Follow-up to Mexico City Trip

12:00 Lunch (Dutch Treat)

1:30PM Re-Convence

New Business (Continued)

Formulate Strategy

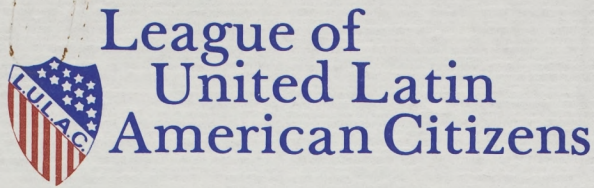
Discuss Chicano-Mexicano Economic Development

Discuss Other Areas e.g. Foreign Policy & Chicanos, Socio-economic & Political Problems

*Ed Morga's # - 714-842-7538*

LIST OF PERSONS INVITED TO  
SAN ANTONIO MEETING (IN RANDOM ORDER)

ALBERTO JUAREZ, LOS ANGELES  
FRANK CORONA, WASHINGTON, D.C.  
REIES TIJERINA, ALBUQUERQUE, N.M.  
RICARDO ZAZUETA, LOS ANGELES, CA  
ARTURO GANDARA, SANTA MONICA, CA  
ANTONIO MORALES, FORT WORTH, TEXAS  
CESAR CHAVEZ, KEENE, CA  
RAOUL YZAGUIREE, WASHINGTON, D.C.  
ELISA SANCHEZ, WASHINGTON, D.C.  
BERT CORONA, SUN VALLEY, CA  
HERMAN BACA, SAN DIEGO, CA  
JOSE ANGEL GUTIERREZ, CRYSTAL CITY, TEXAS  
'LITTLE' JOE HERNANDEZ, TEMPLE, TEXAS  
ABEL AMAYA, FORT COLLINS, CO  
PADRES, (c/o J. A. GUTIERREZ)  
HERMANAS ( c/o J.A. GUTIERREZ)  
MANUEL LOPEZ, LOS ANGELES, CA  
VILMA MARTINEZ, SAN FRANCISCO, CA



*Office of National President*  
RUBEN BONILLA, JR.

December 3, 1979

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

Dear Mr. Baca:)

You recent communication is acknowledged.

LULAC has been taking an active role, both as a member of the Attorney General's Hispanic Advisory Committee, and in our field work in seeking to alleviate the terrible plight and misfortunes of the undocumented workers and our own Hispanic citizens.

Aside from the violence mentioned in your letter, there is substantial evidence of continuing reprisals, harassments and overall contemptible actions by the INS in their neighborhood and business raids. While we are gratified that the Attorney General pretty much curtailed, by recent policy, neighborhood raids, we are not satisfied with the permissive attitude towards business raids. We therefore have initiated litigation in the Federal Eastern District of Texas seeking injunctive relief from the INS in these related matters.

We will keep you apprised of developments.

Similiarly, there was a recent decision in a Washington, D. C. Federal Court outlawing or prohibiting business raids unless the INS has specific information, specific knowledge regarding the name and address of the persons suspected of being "illegal." Without this information, the INS was enjoined from conducting raids. I have requested a copy of the Court order and will attempt to make it available to you upon my receipt.

Best wishes.

Sinceramente,

Ruben Bonilla, Jr.

RBjr/em



# League of United Latin American Citizens

All for One--One for All

Office of: THE EXECUTIVE BOARD

A RESOLUTION of the League of United Latin American Citizens (LULAC), National Executive Board Meeting, Washington, D.C., Condemning Attorney General Benjamin Civiletti's refusal to prosecute Patrick and Thomas Hanigan with the full force of law, thus circumventing thorough enforcement of human rights protections and betraying justice in contravention of his express promises to Hispanics.

WHEREAS, for two years the League of United Latin American Citizens (LULAC) has been a member of the National Coalition on the Hanigan Case and is the nation's oldest and largest Hispanic organization with a membership of over one million persons;

WHEREAS, the nation's Hispanic community is outraged and once again stands betrayed at the hands of the Justice Department thanks to the October 10, 1979 indictments of Patrick and Thomas Hanigan, which invoke only one statute, Interference with Commerce by Threats or Violence, 18 U.S.C. §1951, thereby unconscionably ignoring the application of other federal criminal statutes, i.e., Interference with Federally Protected Activities, 18 U.S.C. §245; Concealing Undocumented Aliens, 8 U.S.C. §1324 (a)(3); Transporting Undocumented Aliens, 8 U.S.C. §1324 (a)(2); and Private Enforcement of Immigration Laws, 8 U.S.C. §1324 (c);

WHEREAS, LULAC and the Hanigan Case Coalition are fully aware that based on information from sources within the Justice Department, the Arizona United States Attorney's Office and the federal judiciary, federal prosecutors did not so much as present for grand jury investigation any of the aforementioned immigration statutes under Title 8;

WHEREAS, it is indefensible that wealthy white ranchers are indulged such prosecutorial leniency, for we note that if Chicanos or Mexicanos had been accused of torturing gringos, the law would have descended upon them with full force and all deliberate speed;

WHEREAS, we remind the Attorney General of his deplorable track record during his tenure at the Justice Department with respect to Hispanic human rights, witness Santos Rodriguez, Larry Lozano, Gallegos, Ramirez, and other cases too numerous to mention here;

WHEREAS, we further remind the Attorney General of his sweeping promises and reassurances to Hispanics on the occasion of his confirmation hearings and again during a three hour meeting with the Hispanic leadership on July 26, 1979, in particular:

"There's no higher duty in the Justice Department than providing effective civil rights to Mexican Americans and others who are being deprived.

I have a very deep and strong commitment to the Hispanic American community . . . . I am making Hispanic American problems a top priority in the Department.

I hope we will do a better job of realizing equal justice for Hispanic Americans.

I want to be measured as an attorney general based on my delivery of civil rights protections to Hispanics."

WHEREAS, the Attorney General's immoral restriction of the full force of law in the Hanigan Case impairs human rights in this country in general and flies in the face of his glowing promises;

WHEREAS, Senators Alan Cranston, Dennis DeConcini and John Tower plus Congressmen Phillip Burton, Robert Garcia and Ronald Dellums and many other national lawmakers, have repeatedly written the Attorney General echoing the following concerns of fellow prominent political leaders:

"I urge you to carefully review the facts and if you conclude there has been a violation of any federal law that you and your office prosecute to the fullest extent." (emphasis added)  
--Bruce Babbitt, Governor of Arizona.

"I am obviously most interested in ensuring that allegations of law-breaking be thoroughly investigated and prosecuted to the fullest extent possible." (emphasis added)--Congressman Morris Udall, Representative from the District in which Hanigan Case occurred.

"The outcome of this case will play an important role in determining what protections our government will extend to undocumented immigrants . . . . I trust that the grand jury investigation . . . will probe not only civil rights violations but all other possible violations of federal law, including those dealing with immigration . . . ."  
Congressman Don Edwards, Chairman, House Judiciary Subcommittee on Civil and Constitutional Rights.

WHEREAS, we also remind President Carter of his many unfulfilled promises to Hispanics, especially the comedy of his so-called "human rights policy."

NOW, THEREFORE, BE IT RESOLVED THE FOLLOWING:

SECTION 1. That LULAC and the National Coalition on the Hanigan Case go on record as strenuously condemning the non-application of the vast majority of federal criminal statutes violated by the torturers of our brothers, Manuel Garcia, Eleazar Ruelas and Bernabe Herrera.

SECTION 2. That the Attorney General commit himself to the pursuit of indictments under ALL the federal criminal statutes discussed supra, and thus refrain from invoking only one statute, the direct consequence of which is to do violence to basic concepts of justice.

SECTION 3. That the Attorney General vigorously prosecute the Hanigans and prevent a shameful repeat of the original Arizona trial, State vs. Hanigan.

SECTION 4. That assuming the Hanigans are convicted (and that could be a big assumption), the Justice Department seriously and diligently fight to preserve the conviction should the defendants appeal, as they can be expected to.

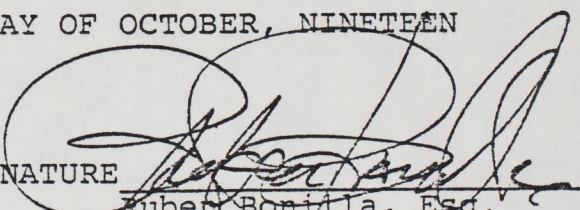
SECTION 5. That the Attorney General authorize indictment of former South Tucson police officer Christopher Dean for the senseless shooting death of young Jose Sinohui and that the full force of law be applied without any attempt to undermine the interests of justice as has so far been intended with such lenient indictments in the Hanigan Case.

SECTION 6. That the Attorney General meet with the Hispanic leadership or their lawyers to discuss the concerns addressed herein.

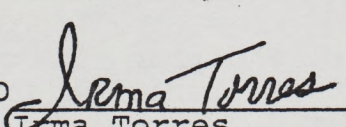
SECTION 7. That this resolution be sent to President Jimmy Carter, President Jose Lopez Portillo and Attorney General Benjamin Civiletti.

PASSED AND ADOPTED THIS THIRTEENTH DAY OF OCTOBER, NINETEEN HUNDRED AND SEVENTY-NINE.

AUTHORIZED SIGNATURE

  
Ruben Bonilla, Esq.  
National President

APPROVED

  
Irma Torres

National Secretary

# NATIONAL COALITION ON THE HANIGAN CASE

1312 Massachusetts Ave. N.W. # 108

Washington, D.C. 20005

(202) 659-6876

October 15, 1979



## OFFICERS

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Executive Secretary  
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Raul Yzaguirre  
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Antonio D. Bustamante  
Secretary  
Coordinator  
Hanigan Case Project  
La Raza Legal Alliance

## MEMBERS

Lupe Aguirre, President  
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Citizens (LULAC Council 11041)

Benjamin Aranda  
National President  
La Raza National Bar Association

Cosme J. Barcelo, Director  
Research and Policy Analysis  
National Council of La Raza

Honorable Francisco Barraza  
City Councilman, Ward I  
Douglas, Arizona

Jose A. Bracamonte, Chairperson  
La Raza Legal Alliance  
Notre Dame Univ. School of Law

Tillie Bustamante, Chairperson  
Cochise County Committee for  
Justice in the Hanigan Case

Mary S. Haro, Chairperson  
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American Political Organization

Tom Jones, Executive Director  
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National Chairperson  
American G.I. Forum

Eduardo Peña, Jr.  
National President  
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Alli. Perez, Associate Counsel  
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Gary Potter, President  
Catholics for Christian  
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Legislative Department  
SER — Jobs for Progress

Dr. Irv. Wainer  
National Board Member  
Equal Rights Congress

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Morris J. Bailor  
J. Manuel Sanchez  
Mexican American Legal Defense  
and Educational Fund (MALDEF)

James Earl Carter  
President of the United States  
The White House  
Washington, D. C. 20500

Dear Mr. President:

The Hispanic community's approval of the recent indictments of Patrick and Thomas Hanigan for criminal activity surrounding the torturing of three undocumented Mexican farmworkers has been seriously tempered by our even stronger disapproval of the Justice Department's refusal to prosecute with the full force of law. We are shocked and dismayed that of at least five separate infractions of interstate commerce, civil rights and immigration statutes, only one, Interference with Commerce by Threats or Violence, 18 U.S.C. §1951, has been invoked.

How can the human rights policy you profess be well served when federal laws capable of maximizing human rights protections are so callously limited? With the exception of a handful of highly explosive, hard fought cases, the Justice Department has simply not delivered on the fundamental issue of human rights for Hispanics, and there can be no moral reason for this. Could it be that the lives of Mexicans are not important to this government?

Our detailed concerns with respect to the Hanigan Case are contained in the enclosed resolution of the League of United Latin American Citizens (LULAC). This time we want real justice in the Hanigan Case, and that means the full utilization of applicable federal statutes which protect the human rights interests in question. We are counting on you to do your part toward the realization of this just end.

Sincerely yours,

*Pablo Sedillo, Jr.*  
Pablo Sedillo, Jr.  
Coaliton Co-Chairperson

Chairman, Forum of National  
Hispanic Organizations

PS/adb

Enclosures

# Washington Post

WEDNESDAY, OCTOBER 17, 1979

## 2 Arizona Ranchers Indicted

### U.S. Charges They Beat, Robbed Three Mexicans

By Charles R. Babcock  
Washington Post Staff Writer

When a federal grand jury in Arizona indicted two ranchers last week on charges of robbing and beating three Mexican aliens, some Justice Department officials used terms like "creative" and "imaginative" to describe the legal theory.

For the first time in a brutality case the Hobbs Act, a statute to prosecute organized and white collar crime, was used instead of the usual civil rights statutes in indicting Patrick and Thomas Hanigan.

Some department attorneys familiar with the case, however, have grumbled privately that the department appears to be bending the rules in going after brutality cases that have become an important political issue in the Hispanic community.

Using the Hobbs Act in a robbery case violates Criminal Division policy, and Assistant Attorney General Philip B. Heymann says he pointed that out in discussions of the Hanigan case several months ago.

Drew S. Days III, assistant attorney general in charge of the Civil Rights Division, says the case fit the usual standards: that the evidence showed a violation of civil rights, and that it was determined the federal government had the power to intervene.

The case illustrates the department's increased interest in pursuing Hispanic cases.

Al Perez, a Washington attorney for the Mexican-American Legal Defense Fund, says flatly that this organization believes Justice wouldn't have prosecuted the Hanigan case except for long and vocal Hispanic demands.

"Even if they were forced into the case by the Hispanic pressure, brought in kicking and screaming, the indictment shows they were finally convinced some action was required," Perez said.

In 1977 the Hanigans were acquitted on state charges stemming from the same incident. The Justice Department decided then that no federal statute applied because the basic civil rights laws required either that the alleged victim of brutality be a citizen or that the alleged attacker be a law enforcement official.

Hispanic groups kept up their campaign, however, filing briefs that suggested the Hobbs Act approach and even filing suit unsuccessfully to try to force action. The case was reopened and went to a grand jury last summer, after an internal department debate over whether the Hobbs Act should be applied.

Attorney General Benjamin R. Civiletti, who faced opposition from Hispanic groups during his confirmation hearing last summer, said in a phone interview last week that he didn't feel political pressure played a part in the decision to prosecute the Hanigans.

"I think an accurate assessment is that in those cases where there are substantial regional or community-wide problems, we will take a hard look to see if a sound case can be developed, rather than simply take a pedestrian look at it," he said.

"If in the end, we cannot make cases on the facts, we will not bring them," he added.

Indeed, the Justice Department has taken considerable heat, and Civiletti has been praised within the department, for refusing to allow prosecutions in a couple of other controversial cases involving Hispanics.

Last year while he was deputy attorney general, Civiletti resisted Hispanic and White House pressure to indict a Dallas police officer in connection with a five-year-old shooting.

Griffin B. Bell, then the attorney general, had decided that no prosecution was warranted because the state had already convicted the officer.

President Carter asked Civiletti to review the case while Bell was out of the country and though a White House aide was later quoted as saying, "You just cost us Texas," Civiletti agreed there was no case.

Last summer, Civiletti decided after painstaking research not to authorize prosecution of Texas jailers involved with the death of another Mexican-American. After ordering a fourth pathologist to review the circumstances of the death, Civiletti joined other department attorneys in deciding the evidence was insufficient to warrant prosecution.

Federal review of crimes usually prosecuted by the states dates back to a Bell decision in 1977 reversing previous policy. Beginning then, Justice has reviewed cases where state prosecutions were non-existent or frivolous.

The first case brought under this "dual prosecution" policy saw a Texas state marshal tried and sentenced to life in prison for a shooting, after having been put on probation by a state trial.

Vilma Martinez, president of the Mexican-American Legal Defense Fund, called it ironic that some Justice lawyers feel the department is too zealous in its pursuit of Hispanic civil rights cases.

"I'd like to be out of business, but we still have a long way to go," she said. She said the department ought to prosecute other Hispanic cases, draw up guidelines on the use of deadly force, and educate the public on the issues. Martinez voiced disappointment that Civiletti didn't discuss Hispanic civil rights problems in a recent speech to the International Association of Chiefs of Police in Dallas.

Civiletti is moving on other fronts to carry out his nomination-hearing pledge to be responsive to Hispanic concerns. He is hiring a Hispanic special assistant who has been an assistant U.S. attorney in Houston, and he is organizing a Hispanic advisory committee.



# The New York Times

—NEW YORK, THURSDAY, OCTOBER 11, 1979—

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## 2 Indicted in Beating of Mexican Aliens

By JO THOMAS

Special to The New York Times

WASHINGTON, Oct. 10 — A Federal grand jury in Tucson, Ariz., indicted two members of a wealthy and prominent cattle ranching family today on charges of robbing and beating three Mexicans who entered the country illegally in August 1976 in search of work.

Patrick Hanigan, 21 years old, and his brother Thomas Hanigan, 25, were charged with obstructing commerce by robbing the Mexicans of \$37 and their clothing, as well as tying them with ropes, cutting their clothing and hair,

threatening to burn them with a heated metal rod and brandishing and shooting firearms near them.

The Hanigans were acquitted two years ago on local charges of kidnapping, robbery and assault, and the case became the subject of outraged protests by Hispanic-American rights groups, Congressmen and Senators when the Justice Department refused to enter the case, saying that there was no Federal jurisdiction.

The indictment today charged that the alleged robberies had interfered with interstate and foreign commerce and therefore violated the Hobbs Act, a law frequently used in prosecuting organized crime cases. A Justice Department spokesman said today that this was the first time that the Hobbs Act had been applied to a civil rights case.

### 3 Were Seeking Work

The three Mexicans, Manuel Garcia Loya, Eleazar Ruelas Zavala and Bernabé Herrera Mata, testified in the earlier trial that they had illegally crossed the border from Agua Prieta, Mexico, on Aug. 18, 1976 to look for work on a ranch near Elfrida, Ariz.

According to sworn testimony and interviews with the three men, the Mexicans wandered onto a vast cattle ranch, where a man on a tractor pulled out a pistol and said, "Hey, wets, where are you going? What are you doing?"

Subsequently, the men said, they were taken to a cattle ranch where three cattlemen stripped them of their clothing and burned it, hog-tied them, took their money, beat them, burned their feet with a hot iron poker, and threatened them with castration and hanging.

The Mexicans said that they were released and ran naked most of the 10 miles back to Agua Prieta, where hospital workers notified Mexican officials, who filed a complaint with the sheriff of

Cochise County. The alleged torture was condemned by Gov. Raul Castro, and the Mexican Government warned that it would file a formal protest if no charges were brought.

### Acquitted by Jurors

The Hanigan brothers and their father, George Hanigan, then 67, were indicted by the country grand jury. The elder Hanigan died of a heart attack a week before the trial was to have begun. Although the population of the region is more than one-third Mexican-American, an all-white jury was impaneled. After a three-week trial and 18 hours of deliberation, the Hanigans were acquitted in October 1977.

A coalition of Mexican-American organizations sued the Justice Department to force action, but lawyers for the department argued that they had no jurisdiction. They said that one of the two principal civil rights statutes applies only to American citizens and the other applies only when those who violate such rights are law-enforcement officers.

The coalition's lawsuit was dismissed by a Federal judge. Late last year, the department's civil rights division reconsidered the case, and dozens of Federal and state legislators, religious leaders, and Hispanic-American groups demanded Federal intervention.

Benjamin R. Civiletti, then Deputy Attorney General and now the Attorney General, traveled to Arizona to meet with the protesters in November 1978. The Federal grand jury in Tucson opened its investigation last summer.

The maximum penalty upon conviction on each of the three counts in the indictments is 20 years in prison and a \$10,000.

# NATIONAL COALITION ON THE HANIGAN CASE

1312 Massachusetts Ave. N.W. # 108

Washington, D.C. 20005

(202) 659-6876



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Dr. Irv. Wainer  
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Tony Bustamante  
703/241-0695 (night)

October 17, 1979

FOR IMMEDIATE RELEASE

HISPANICS PROTEST TO CARTER:

CIVILETTI IS METING OUT "SEMI-JUSTICE"

Washington, D.C.--Today at a State Department meeting with Robert Krueger, U.S. Ambassador at Large for Mexican Affairs, representatives of the Hanigan Case Coalition registered their second formal protest with the Carter Administration. "The group objected to the lenient Oct. 10 indictments of Patrick and Thomas Hanigan, rancher brothers accused of torturing, shotgunning and burning three undocumented Mexican farmworkers near Douglas, Arizona on Aug. 18, 1976," said the meeting's organizer, Gilbert Padilla, Secretary-Treasurer of Cesar Chavez' United Farm Workers Union (UFW).

The first protest--at the White House on Monday of this week--was delivered to Ambassador Estaban Torres, the president's Hispanic Affairs Advisor. Torres listened intently to American University law professor, Burton Wechsler, the Coalition's legal counsel, who charged that Attorney General Benjamin Civiletti is meting out "semi-justice" by

(MORE)

prosecuting the Hanigans on only a robbery statute, while refusing to invoke the full force of law by adding one civil rights and three immigration statutes.

After the meeting, Dr. Salvador Herrera, President of the National Association of Farmworker Organizations (NAFO), said, "This case has made a very definite impact on the Hispanic community; it underscores the contradiction that exists between this Administration's actions and President Carter's stated human rights policy." He and another member of the group, Major Raymond Martines, USAF, Ret., said that the Coalition's detailed demands are reflected in an Oct. 13 Executive Board Resolution by the League of United Latin American Citizens (LULAC), which among other things, calls for further federal indictments under applicable law plus a meeting with Mr. Civiletti (see enclosure).

Later today, Daniel Haro, La Raza Legal Alliance's representative to the newly formed Hispanic Bi-Lateral Commission with Mexican President Jose Lopez Portillo, and Antonio Bustamante, Coalition Coordinator, met with Mexican Embassy officials. This was a follow-up to last month's meetings in Mexico City and New York City in which the Mexican president and members of his cabinet were briefed on the Hanigan case.

Haro and Bustamante discussed the limited indictments and their restrictive implications upon human rights protections under law for undocumented immigrants. Licenciado Javier Moctezuma, an embassy lawyer and assistant to Ambassador Hugo Margain, said a report of latest developments will be prepared and transmitted to Mexico City. He asked that the Coalition and Bi-Lateral Commission continue to keep him informed.



BASES FOR PROSECUTION IN HANIGAN CASE

For the August 18, 1976 torture of three undocumented workers, Manuel Garcia Loya, Eleazar Ruelas Zavala and Bernabe Herrera Mata, there are at least six bases for prosecution by the United States Government:

- 1) 18 U.S.C. §1951---Robbery Affecting Commerce. The perpetrators robbed the victims of \$38.00 and their clothing and food after the victims came across to the United States from Mexico and were on their way to work on a farm. The robbery of the victims affected commerce within the meaning of the Act.
- 2) 8 U.S.C. §1324(a)(3)---Concealing Undocumented Aliens. This immigration section prohibits the concealing of undocumented aliens--just what the perpetrators did during the entire incident.
- 3) 8 U.S.C. §1324(a)(2)---Transporting Undocumented Aliens. The perpetrators also transported the undocumented workers from the fields to the ranch house and back to the fields again, all in violation of this particular section of the immigration statute.
- 4) 8 U.S.C. §1324(b)---Private Enforcement of Immigration Laws. The perpetrators acted as self-appointed border guards, taking the law into their own hands with intent to confine and punish their victims and thus discourage all undocumented aliens from crossing the border. Only the U.S. Immigration and Naturalization Service has the legal authority to enforce immigration laws.
- 5) 18 U.S.C. §245(b)(2)(C)---Interfering with Federally Protected Activities. This is part of the 1968 Civil Rights Act prohibiting the injury of any person because of race, color, religion, or national origin for the purpose of interfering with the person's employment opportunity. Here the victims were tortured because they were Mexican and seeking employment in this country.
- 6) 18 U.S.C. §245(b)(4)(A)---Intimidating Others From Participating in Federally Protected Activities. This is another section of the 1968 Civil Rights Act, making it a crime to victimize a person in order to make an object lesson of him/her to others. The torturing of the three workers was intended to discourage all persons of Mexican lineage from seeking employment and asserting their rights.

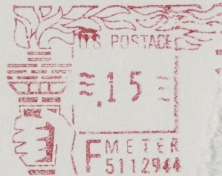
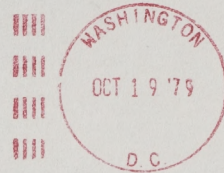
# National Immigration Coalition

washington office

ISAIAS TORRES      ATTY. JOSE MEDINA

CENTRO DE IMMIGRACION

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Herman Baca  
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National City, California 92050

RESEARCH

Ruben Bonilla, Jr.  
for LULAC

17  
~~18~~ '79  
DEC

TESTIMONY BEFORE  
THE SELECT COMMISSION  
ON IMM. AND  
REFUGEE POLICY  
(incomplete)

~~28-179~~

LAW OFFICES OF

*Ruben Sandoval*

ATTORNEY AT LAW

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TESTIMONY PREPARED BY

RUBEN BONILLA, JR.

NATIONAL LULAC PRESIDENT

AND

RUBEN SANDOVAL

NATIONAL LULAC SPECIAL ADVISOR

PRESENTED BY

RUBEN BONILLA, JR.

BEFORE THE REGIONAL HEARING OF THE SELECT COMMISSION

ON IMMIGRATION AND REFUGEE POLICY

\* \* \*

MONDAY, DECEMBER 17, 1979

SAN ANTONIO, TEXAS



My name is Ruben Bonilla, Jr. and I am the National President of LULAC (League of United Latin-American Citizens), the oldest and largest Hispanic organization in the United States. In behalf of myself, my organization, my special legal advisor, Mr. Ruben Sandoval, and in behalf of all persons concerned with the issue of human rights of undocumented people, I hereby submit the following evidence.

You will note I address the issue as one of "undocumented people" rather than "illegal aliens". Nothing or no one is "alien" to this planet unless it comes from outside this earth. The legal or illegal status of anyone is a judicial determination to be made in a court of competent jurisdiction; and not out in the streets or the banks of a river. Bearing this in mind, let us address the issue of the undocumented people from an historical, legal and economic prospective; for basically we are talking about a class of people whose main exodus from their country into ours has been one of economic need rather than criminal activity.

Further, let us not confuse the government's congressional right to control entry and departure of people (in this country) with the legitimate objectives of the 1st, 4th, 5th, and 14th Amendments to the United States Constitution; and the totality of the objectives of the Bill of Rights.

Historically two schools of thought have developed in dealing with this problem. One doctrine addresses the undocumented person as virtually an outlaw, whose unlawful status thereby negates said person all basic civil rights, even though those rights are not related to the immigration law violation. [See Coules vs. Pharris, 250 NW 404 (1933)] This, I submit

is not LULAC's posture; and I am happy to state is a minority view now waning.

The other doctrine addresses the undocumented person as a legal person entitled to basic civil rights in areas unrelated to immigration statutes. [See Janusis vs. Long, 188 NE 228 (1933)] Needless to say we endorse this concept!

In Wong Wing vs. United States [163 U.S. 228 (1896)] the Supreme Court adjudicated that all persons, lawfully and unlawfully present within the territorial jurisdiction of the United States, were entitled to due process of law and accessibility to the Courts. "Persons" as that term is embodied in the fifth, sixth, and fourteenth amendments includes, not just citizens, but all human beings within this country.

Herein lies one of the keys, for we must not forget we are dealing with human lives. Standing to assert one's rights must not be determined on the issue of lawful or unlawful status in this country. We must not create a class of people in judicial limbo.

Recognizing the right of undocumented persons to bring nonimmigration related judicial actions, and further recognizing the provisions of 42 USC Section 1981 and 1983 of the Civil Rights Act (1976), let me address some areas of concern developed in recent case law.

In Williams vs. Williams, 328 F. Suppl. 1380 (1971), the Court recognizes that denial to an undocumented person access to a divorce court on the sole ground that he is in violation of immigration laws is denial both of due process and equal protection of the laws. Further, in Mathew vs. Diaz, 426 U.S. 67 (1976), the Court recognizes an undocumented person is entitled to full due process before expulsion. In Martinez vs. Fox Valley Bus Lines, 17 F. Suppl. 576 (1936) and again in Torres vs. Sierra, 553 P. 2d 721 (1976),

the Courts recognize the rights of said persons to property and the right to sue for injuries; based on due process and equal protection of the laws. In Commercial Standard Fire and Marine Company vs. Galindo, 484 SW 2d 635 (1972), the Court recognized the right of an undocumented person to Workmen's Compensation and notes that the penalty for an immigration violation should be deportation rather than loss of unrelated benefits and rights. Case law is replete with the basic premise that 1st, 4th, 5th, 6th and 14th amendments to the U.S. Constitution guarantee all persons in this country due process and equal protection of the laws. This, I submit is LULAC's posture!

As an attorney, I am aware of existing conflicts in the judicial interpretations given the above-mentioned rights. But I am convinced the conflicts lie not in the mandate of the Bill of Rights but in the spirit of regard for human concern. The notion that undocumented persons do not pay taxes, create under-employment and unemployment, create an increase in criminal activity, and drain the Human Resources allotments is not based on fact but rather racial hysteria and a lack of understanding of the people involved. As stated before, if we recognize we are dealing with human lives, than of necessity we must conclude that in the everyday process of life, the undocumented person pays taxes when he or she buys food, when he or she buys transportation and fuel, when he or she is employed and payroll deductions are made; in essence, undocumented persons as consumers are in the same category as anyone else. Lawful or unlawful status in this country has never been the criteria for the payment of taxes.

I venture to say anyone of us here today would be willing to labor for the same wage and the same work benefits, or lack thereof, as many of these people do; or under the same intolerable work conditions and fright for the

authorities if so much as a complaint is made. In National Labor Relations Board vs. Sure-Tan, Inc., 583 F. 2d 355 (1978), the Court recognized undocumented persons to be "employees" as the term is defined in the National Labor Relations Act (1976), thereby fully entitled to its protections; and the Court further noted that violations of the immigration statute did not nullify their rights under the Act. Again, the judicial mandate is there. What is missing is the spirit of enforcement of this decree.

The notion that undocumented persons increase criminal activity in any given community I shall dismiss as pure nonsense. Unless and until social behavior of any class of people becomes an exact science, with predictable behaviors based on fact and reason rather than color of skin, I submit that stereotyping people is more myth than fact; again based on racial hysteria. Further, I fail to see the differences between government hand-outs for agriculture subsidies, with us since President Roosevelt's New Deal programs, and recent enactment of the Human Resources program. Both deal with human needs, but one has become an acceptable norm while the other is looked upon with disdain.

I cannot help speaking to you with some emotion and compassion, for as an attorney, too many times I have found these very same traits missing in the application of due process and equal protection of the law. Too many times I have found these missing traits to be the real factors in denial of due process and civil rights to a class of people.

Addressing myself again to the 14th amendment and equal protection of the law, I find deplorable the present mentality of the educational system as it relates to the offsprings of the undocumented person. In Hernandez vs. Houston Independent School District, 558 SW 2d 121 (1977), a substantial number of children were denied an education unless a tuition was paid. The

Texas Education Code (1975) was amended to include Section 21.031, providing for proof of citizenship, with some exceptions; otherwise school districts were free to charge tuition for public school attendance by children of undocumented parents. The amendment was passed in response to a Texas Attorney General's opinion prohibiting school districts from excluding undocumented person's children from its tuition-free benefits. [No. H-586 (1975)] Then in Doe vs. Plyler, 458 F. Suppl. 569 (1978), again in Texas, the same identical issues were addressed and the Court ruled in favor of the children. Both the state court in Hernandez and the federal court in Doe recognized due process and equal protection applied to undocumented persons and their offsprings. The Hernandez court, however, ruled that a tuition-free education is not a fundamental right guaranteed by the U.S. Constitution; the total converse of the Doe decision! I invite your attention to Cardenas vs. Myers, No. H-78-1862 (Pasadena, Texas 1978), Mendoza vs. Clark, No. H-78-1831 (S.D. Texas, 1978), Garza vs. Reagan, H-78-2132 (S.D. Texas, 1978), as examples of the chaotic state of education for children of undocumented parents.

Beyond the maze of legal jargon, I find it incomprehensible we can allow any school district in this, or any other state, to deprive poor, undocumented parent's children of an education because of a school's tuition policy. Those children had no choice in their conception, or in their being in this country in such a status! What Hernandez is saying, in essence, is that the State has a right to create a class of semi-illiterate, under-employable class of dropout misfits. Horrible though this may sound, I submit that will be the end product of the Hernandez mentality. The argument that these children create a financial burden on already heavily taxed school districts is so much garbage, for we need only see beyond tomorrow to recognize

the financial burden facing us then in having to sustain the misfits we may now create.

I can assure you no wall, no matter how formidable, will keep out a determined people! Further, if we must persist on the wall mentality, let us then erect walls with our neighbors to the North, our fellow human beings across both oceans, East and West. Can we afford to isolate ourselves in such a fashion; to wallow in our perverted sense of righteousness as against the world? I submit we cannot! Instead, I suggest we invest to whatever financial degree necessary, in our greatest resource; the children, for they are the source of our strength for the future.

There is a need for concensus in litigation and uniformity of the application of the equal protection doctrine. There can be no more fundamental right, beyond the right to live, than the right to equal education. And I refuse to believe that a nation who can spend billions of dollars to put man and machines in space cannot likewise spend comparable amounts to educate the people within its borders, regardless of their status.

Focusing now on the 4th amendment, the right to be secure against unreasonable search and seizure, I am appalled with the extent and flagrant manner in which these guarantees are violated. Again, recognizing the government's congressional right to regulate entry and departure in this country, we cannot excuse as good law-enforcement the gestapo fashion in which I.N.S. regulations are enforced. Section 1357 of the immigration laws provides for immediate detention and dispenses with the need for a warrant of arrest. Supportive case law has developed the "plain view" doctrine as a necessary element of effective enforcement of this country's immigration laws.

Fundamental to this doctrine and Section 1357 is the element of exigent

circumstances, that is, the suspected person (or persons) is in flight or about to flee and there is not enough time to secure a warrant of arrest. I submit, however, that Washington, D.C., that Los Angeles, California, that Diboll and Lufkin, Texas, as well as numerous other cities where I.N.S. raids have been conducted, are several hundred miles, (at minimum) from any border. To dispense with the need for a warrant, in effect to dispense with the 4th amendment guarantee, under the pretext of the "plain view" doctrine or Section 1357, is about as logical as diving for pearls along the Rio Grande river. It is not only a violation of the 4th amendment guarantee, but usurps the Congressional intent in drafting Section 1357.

In Zepeda vs. I.N.S., LA-79- , November 20, 1979, Judge Williams recognized the need for a valid, specific warrant before I.N.S. agents could conduct a search for undocumented persons, either in residential or business entities. Noting the proximity of Los Angeles to any border, the Court concluded that I.N.S. agents could not dispense with 4th amendment guarantees under any pretext. Again, in Blackie's House of Beef vs. I.N.S., D.C.-78-2338, October 3, 1979, the Court laid out the specifics necessary for a warrant and concluded 4th amendment guarantees extended to business as well as residential places. As in the case of employment and education of undocumented persons and their offsprings, the judicial mandate is there. What is lacking is the spirit of its enforcement.

Attorney General Benjamin Civiletti issued an order in November, 1979, restricting I.N.S. raids to business places, with raids on residents to be very limited. In light of the Court orders both in Blackie and Zepeda, I cannot comprehend the rationale of Mr. Civiletti. Halfway to the 4th amendment is not enough! Violations of the 4th amendment as to residents in the

same respect are violations of the same guarantee as to business places.

I detest the on-the-spot determination made by anyone as to who is and who is not "alien-looking". Blue eyes and blonde hair do not preclude anyone from that spontaneous determination anymore than brown eyes and dark skin necessarily make us "alien-looking". I do not propose, nor will I ask any Hispanic in this country to be a citizen-identification, card-carrying American. Unless and until all Americans are asked to do the same thing, we Hispanics will not allow anyone to single us out.

I concur in Mr. Civiletti's assessment of the chilling effect I.N.S. raids can have on the 1980 Census. As an Hispanic, I can assure you many of my brethren will be in the closet come count time. Gestapo I.N.S. raids will see to that. I need not assess to you the damage Hispanics will suffer if we are under-counted in 1980. Ironically, this country was born of revolt against taxation without representation. I submit to you such has been the plight and history of Hispanics in this country.

Beyond the chilling effect on the 1980 Census, I disagree with Mr. Civiletti's persistence on I.N.S. raids at places of business. Parallel to violations of the 4th amendment guarantees, we must recognize what business raids do for the employability of Hispanics in this country. Prudent business practices would discourage employment of Hispanics, especially in supervisory capacities, knowing that at anytime, without warning, your labor force would be wiped out by an I.N.S. raid. I make no illusion or speculation on this matter, for I recognize that many Americans make no distinction between Mexican nationals and Hispanic-Americans. The inquiry as to nationality comes after the civil rights violation. Past history will vindicate my convictions!

I support lawful enforcement of the law, but we must not be blind in our zealous efforts to promote it. We must not, in seeking to deter violations,



become violators ourselves. I suggest then, that we follow the spirit and mandate of Blackie and Zepeda.

In conclusion, recognizing the right to live as paramount to all other rights, I will address the issue of Administration of Justice as it relates to physical abuse of all Hispanics, including Mexican nationals.

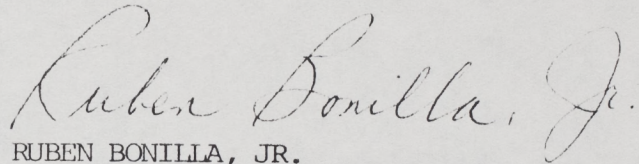
42 USC Section 1981, Section 1983 and Section 1985 provide for civil remedies for violations of civil rights under color of law. While in theory the statutes seem adequate to provide redress, in practice there has been little, if any, relief. The burden of proof is next to impossible and the reception by Courts to this type of lawsuit has been anything but encouraging. There is a wide-spread sentiment among Hispanics that this course of action is tantamount to an exercise in futility. We will, however, not be dissuade from pursuing this remedy with the expectation that some day equity will be done. In this respect I suggest that vigilance be tightened on agents of the I.N.S. as to their methods of enforcement, to make them more accountable for their actions within your administrative discipline. I further suggest that you be supportive of Senate Bill 35, now U.S. Senate Bill 1983, to make governmental entities more accessible to liability for tort actions of their agents.

Finally, under 18 USC 241 and 18 USC 242, calling for criminal sanctions for civil rights violations under color of law, I must remind you that 242 (actual civil rights violations), includes protection of inhabitants in the United States or its territories. This also means the undocumented persons. Many of us cannot forget the recent murders of Tiburcio Santome, Juan Veloz Zuniga, Rosendo Ortiz Sosa, Jesus Martinez Fecundo, Jesus Gallegos Martinez; the list is enormous. As impressive as the list may be, it is more impressive

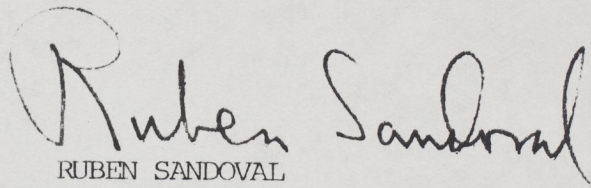
and repulsive to know nothing has been done, or will be done, to rectify and deter these murders. I suggest in this respect that you give weight and strong enforcement to the policy and prohibition against local law enforcement undertaking to enforce, or assist, in enforcing I.N.S. regulations. Too many, unfortunately, suffer from an affliction we call the "Wild West" mentality.

President Lincoln once said, "To sin by silence instead of protest makes cowards of men." Register this testimony as our protest! I believe in our Constitution, the bulwark to protect our rights, but it is also a basis from which new efforts must be made to further enhance those rights. As long as any person remains less free than another, those efforts cannot be honorably ceased.

Respectfully submitted,



RUBEN BONILLA, JR.  
National LULAC President



RUBEN SANDOVAL  
Special Legal Advisor

RS:sjg

# Las Vegas or Bust!!



## Come Join The

League of United Latin American Citizens  
Council #2842 On A Turnaround Trip to  
Las Vegas

WE LEAVE AT 7:00 A.M. ON SATURDAY MORNING,  
SEPT. 25TH AND RETURN ON SUNDAY MORNING,  
SEPT. 26TH AT 7:00 A.M.

ADVANCE RESERVATIONS AND PAYMENT OF  
\$25.00 PER PERSON IS REQUIRED.

ALL PROCEEDS WILL GO TO L.U.L.A.C.'S SCHOLARSHIP FUND.

WE WILL BOARD THE BUS AT SOUTHLAND PLAZA  
AT 645 SATURN BLVD., BY BANK OF AMERICA  
BLDG.

SNACKS AND SODAS WILL BE ON SALE ON THE BUS  
BINGO WILL BE PLAYED FOR PRIZES

CALL (619) 423-5014 FOR RESERVATIONS

SEND CHECK TO L.U.L.A.C, P.O. BOX 84872  
SAN DIEGO, CA 92138

BECAUSE THIS IS A FUND RAISER, NO REFUNDS WILL BE MADE

It's **PARTY** Time!

# LULAC Members Join in Christmas Cheer



Chris Martin (left) with unidentified guest, made the gift exchange a fun time.



Long-time supports of the holiday food drive are LULAC members (from left to right): Nellie Canedo, Mary Duran, Sally Trejo Ramirez and Thomas Martinez.



LULAC president Bea Estrada (left) with Rosina Rosales who entertained the guest by singing popular Christmas songs.



Sharing a moment before the LULAC brunch are (from left to right): Ann Marie Pina Brown, Martha and Jose Lerma, and Roy Brown.



LULAC members and friends gathered for their annual Christmas party at the Acapulco Restaurant

The festive dining rooms of the Old Town Acapulco Restaurant resounded with laughter and happy talk as the members of the League of United Latin American Citizens (LULAC) greeted each other and exchanged Christmas greetings and gifts. "It was our annual membership Christmas party," stated Mrs. Beatrice Estrada president of LULAC Council 2842. "Our members are usually preoccupied with bringing cheer to

our school children during the holidays. Once a year we take time to have a 'gathering' amongst ourselves. It gives a chance to remind ourselves of why we do what we do.

Among the officers present were Maria Leano, Vice Pres., Penny Frocks, Sec. Treasurer, Rosina Rosales, Master at Arms, Vic Resendez, District Director and Christmas Baskets chair, Helen Steel, Scholarship Awards chair, and Bea Estrada, President

and coordinator of the Emergency Food Program for School Families. Also present were Manny Aguilar, director External Affairs, Pacific Bell, who is considering the LULAC program for their scholarship program, Chris Martin, Scholarship Coordinator, Publisher Dan & Mrs. Lydia Muñoz Sr., Mr. & Mrs. Tom & Pearl Martinez, ex-officio president of LULAC, Mr. & Mrs. Daniel & Veronica Muñoz, Editor *La*

*Prensa San Diego*, Ursula Martinez, Ann Marie Pina Brown and Bob Muff to name a few of the large group.

A typical Mexican meal was served and enjoyed by all. Presents were exchanged and then it was time for the members to go about their job of being Santa's helpers and prepare the 350 or so Christmas baskets that Santa and his little Elves will bring to those on their list.

¡FELIZ NAVIDAD!



# League of United Latin American Citizens

SAN DIEGO COUNCIL #2842  
P.O. BOX 84872 San Diego, CA 92138  
**(619) 423-5014**

July 23, 1998

Mr. Herman Baca, President  
Committee on Chicano Rights, Inc.  
710 East 3rd Street  
National City, CA 91950

**Dear Mr. Baca:**

**Your letter of June 21, 1998, in reference to our Annual Scholarship Luncheon has been received and noted.**

**Thank you for your continuing interest in our LULAC programs.**

**Sincerely yours,**

**Bea M. Estrada, President  
San Diego Council #2842**

LA PRESS

SEPTEMBER 4, 1998

# Final Days of Su



Enjoying the cool shade at Tom and Pearl Martinez's house party is Bea Estrada (seated).

27

## 1st Annual Cannery Workers Celebration Kicks Off Labor Day

The first tuna cannery was built in the early 1900's in San Diego and the last cannery was closed down in the 1984. For three-quarters of a century, the men and women who worked in the cannery were a part of our precious history. Women and men of Japanese, Italian, Portuguese, Anglo and Mexican descent all played an important role in the development of America's finest city. These groups all worked together in an industry that was undoubtedly part and parcel of the American dream.

All San Diegans whose parents

or relatives worked in the canneries are also invited to attend the celebration along with former cannery workers and their families. The event will honor the workers who made it possible for San Diego's tuna industry to flourish for so many years. Radio Latina, The Port District of San Diego, The League of United Latin American Citizens, and the Chicano Federation are all sponsoring the event.

The celebration will feature food, entertainment and other festivities. Featured bands are Chunky and Los Alacranes, and The New Generation, a band

which mixes a variety of styles including rock, jazz and oldies. The free labor day celebration is the first of its kind and will take place on September 7, 1998, from 11:00 a.m. to 3:00 p.m. at Crosby Park in Barrio Logan.

For more information contact Bea Estrada at 423-5014.



LA PRESS  
9/21/98



**Committee on Chicano Rights, Inc**

June 21, 1998

To: LULAC members.

c/o Bea M. Estrada, President

"LULAC was founded on February 17, 1929 by a group of dedicated people in Corpus Christi, Texas, who had the vision to step forward and SPEAK out for the right of equal opportunity and justice for all latin-American citizens in our great country" "San Diego LULAC is proud to be in the forefront of issues on education, job training, civil rights and numerous other problems affecting our Chicano-Latino community"..(from San Diego LULAC brochure, August 1997)

LULAC members:

For the record. Your "public personal insult" in attempting to "censor" me at your June 20, 1998 Scholarship awards (which I was invited and asked to be a presenter), because I was getting to "political" (I was speaking about the anti-Mexican propositions 187, 209, and 227 to young people) and that the politics might "upset" some of LULAC white benefactors...will not soon be forgotten!

Remember, in politics (which is war with words) and yes, education is political (just see prop. 227) one, either as an individual or as an organization has to make a decision on those issues which affect our life's and interest...one way or another. It is obvious, as to what every one witnessed on saturday, that LULAC has made its decision, loud and clear as to where and with whom they will stand with. One can run, but one cannot hide...in other words, LULAC has made its political bed, and it must now lay in it!

In closing, it is ironic, for all of the worrying, that some of the "white" benefactors might get "upset", because of my

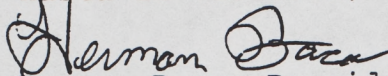
**710 E. 3rd Street  
National City CA 91950  
(619) 477-3800**

(2)

"political" statements, that the majority of the positive statements on my speech came from...white persons!

In ending, remember what the good book states...what goes around, come around.

Hasta la Victoria;

  
Herman Baca, President

cc. Dan Munoz, La Prensa  
Tomas, and Pearl Martinez Foundation  
CCR members  
American G.I. Forum (SD Chapter)  
National LULAC





**Committee on Chicano Rights, Inc**

August 19, 1998

Sr. Gil Flores  
California State Director  
L.U.L.A.C.  
P.O. Box 4252  
Santa Ana, CA 92702-4552

Estimado Gil:

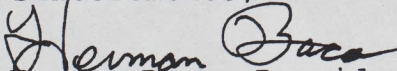
RE: OUR CONVERSATION ON THE FOLLOWING ISSUES.

1) The Taco Bell Chihuahua dog commercial and your request for my political support.-Rest assured that our organization will continue to fight dogs, whether they be the demeaning dog "Dinky" in the Taco Bell commercial, or the "mad dogs" (the border patrol) here at the U.S./Mexico border.

2) Your personal apology to me, on behalf of the San Diego LULAC chapter #2842.-As I stated to you, there is no need for you to apologize, because you did not do anything. It is LULAC chapter # 2842 that personally insulted me and attempted to "censor" me, because I was getting to "political" (speaking to young people about the anti-Mexican propositions 187, 209, 227) and that my "politics" might upset some of LULAC white benefactors.

Gil, allow me to be blunt, frank and truthful regarding the above. Until the day comes that LULAC chapter #2842 apologizes, or is censored, disciplined, or reprimanded by the state or national leadership of LULAC, I will have nothing to do politically with LULAC! My self respect demands nothing less. In other words, one cannot have a dirty room in one's house and state that one has a clean house. In closing, I wish both you and Mario the best in your political endeavors.

Sincerely,

  
Herman Baca, President

cc. Mario Obledo  
Dan Munoz. La Prensa  
Tom and Pearl Martinez Foundation

**710 E. 3rd Street  
National City CA 91950  
(619) 477-3800**

## L.U.L.A.C. Christmas Appeal

The League of United Latin American Citizens, (L.U.L.A.C.), will hold their annual Christmas Food Basket Program to benefit those families who find themselves in hard times during this Christmas season. LULAC has a list of 300 families that will benefit from the "Food Basket Program".

With the severe need of those victims of Hurricane Mitch, we understand that many have already donated to assist those families in restarting their lives. These troubled times are making it more difficult for organizations to mobilize the communities resources to assist the less fortunate in our own area. However, when times are difficult, it is when giving becomes an act of compassion and love for those less fortunate.

We ask your help to help us serve our community by donating to LULAC, any of the food items listed, and or, send donations that we can add to our MEMBERS CONTRIBUTIONS to fill these boxes with food, Christmas cookies, candies, toys, or any other suitable gift.

10 lb bags of potatoes      5 lb bags of apples and oranges  
Packages of celery stalks   10 lb bags of white rice  
Loaves of bread flour and/ or corn tortillas (packs)  
Chicken, turkeys, or hams, candies, cookies, Xmas toys

Please call LULAC at 619-423-5014 for further information or special requests. All donations must be picked up or delivered by 18 December 1998.

Beatrice Estrada, Chairperson  
LULAC Council 2842

**Bea Estrada**, President of L.U.L.A.C. making a fast trip home. Mama is very ill in Austin, Texas. She fears for the worst.



**LEAGUE OF UNITED LATIN AMERICAN CITIZENS**

**S t a t e o f C a l i f o r n i a**

P.O. Box 4252 Santa Ana, CA 92702-4252 714-835-2400 (Off)

714-835-2230 (Fax)

gflores@tea-house.com  
(E-Mail Address)

Office of the State Director

1-800-759-8888- Pin # 1334700  
(Pager Number)

**"CALIFORNIA LULAC FAX"**

LEAD + 2 SHEETS

DATE: \_\_\_\_\_

TO: HERMAN BACA

PRESIDENT, CCA

Fax: (919) 477-3800

Phone: \_\_\_\_\_

SUBJECT: TACO BELL BOYCOTT

FROM: GIL FLORES, DIRECTOR

LULAC CALIFORNIA

Fax: \_\_\_\_\_

Phone: \_\_\_\_\_

PRIORITY: "High"

FOR OUR CONVERSATION. HOPE YOU CAN JOIN US SOONER.

WE NEED MORE SUPPORT.

REGARDS,

GIL FLORES



**League of United Latin American Citizens**  
State of California

P.O. BOX 4252 • SANTA ANA, CA 92702-4252 • (714) 835-2400 • Fax (714) 835-2230

August 12, 1998

Mr. Peter Stack  
Vice-President, Public Relations  
Taco Bell Corporation  
17901 Von Karman  
Irvine, CA 92614-6221

FAX: 949-863-4136

Re: Our Telephone Conversation, Wednesday, 5:00 P.M.

Dear Mr. Stack,

Thank you for calling my office and affording me the opportunity to speak with about the Taco Bell Chihuahua commercial. I appreciate the fact that you took time off from your busy schedule to communicate with me and explain fully your company's position, and also to give me the opportunity to explain mine. My only regret was that we were unable to reach a "win-win" solution on the issue. Nonetheless, I thank you for your candid remarks and input.

Please be advised that Mr. Mario Obledo, other concerned citizens and myself will hold a peaceful demonstration and press conference at your headquarters, Monday, August 17 at 10:00 A.M. This will be the start of our planned California boycott of Taco Bell across the State. Thank you.

Sincerely,

Gil Flores  
State Director

Enclosure: Flyer

cc: Mario Obledo, President, CCHO  
State Board Members



**“NO QUIERO TACO BELL”  
PROTEST & BOYCOTT**

PLEASE JOIN MARIO OBLEDO AND GIL FLORES AS  
THEY KICKOFF THE CAMPAIGN AGAINST TACO  
BELL'S CHIHUAHUA COMMERCIAL.

**WHEN:** Monday August 17, 1998  
10:00 A.M.

**WHERE:** Taco Bell Corporation  
17901 Von Karman  
Irvine, California

**WHY:** To convince Taco Bell that the Dinky  
Commercials should be removed or  
retired. (See details on reverse page)

**“In short, it is an issue about dignity and respect.”**

**WHO TO CONTACT:**

*Mario Obledo* 916-441-5000

*Gil Flores* 714-547-8091  
714-835-2400

**“No Quiero Taco Bell”**



**"NO QUIERO TACO BELL"**

## **TACO BELL PROTEST AND BOYCOTT**

**(KICKOFF DATE: AUGUST 17, 1998)**

**If the advertising offends one, it offends all!**

Dear Friends,

Please join Mario Obledo, President of the California Coalition of Hispanic Organizations (CCHO) and Gil Flores, President of California LULAC, as they kickoff the Latino protest and boycott of Taco Bell throughout the state of California.

"Day 1" will begin with a demonstration and news conference (10:00 A.M) at the corporate headquarters of Taco Bell located in Irvine. The address is as follows:

**Taco Bell Corporation, 17901 Von Karman, Irvine, CA**

Simultaneously, similar demonstrations and protests will take place at several selected Taco Bell sites and franchises throughout California. The boycott and protests will continue until the Taco Bell Corporation, one of our Nation's largest fast food restaurants specializing in Mexican food, removes or retires the Chihuahua advertising.

Taco Bell was given 30 days (August 15 deadline) to remove or retire this advertising which many California Latinos consider to be an insult to the dignity of our people, and a social devaluation of an entire ethnic group with over 500 years of history in the America's. This is the same corporation that initiated the infamous "Run to the Border" advertising in an effort to pitch and increase consumption of their products. As such, they are very experienced in pushing the "envelope" of good taste and respect.

Not content with their market share, they now advertise a Chihuahua dog named "Dinky," a shameful use of a proud icon associated with the Mexican people, to increase their profits at the expense of demeaning a large group of people. They claim that hundreds of consumers have called to tell them "they love the Taco Bell Chihuahua and the positive character he represents." **Well, do we have news for them!** Many Latinos disagree, and we say "No quiero Taco Bell" and jointly proclaim...

**If the advertising offends one, it offends all!**

**Mario Obledo**

**Gil Flores**

110  
E. 3<sup>rd</sup>

*The League of  
United Latin American Citizens*

*cordially invites you to join them in honoring  
the 1998 Scholarship & Incentive Award winners  
at the*

*1998 Scholarship Awards Luncheon*

KEYNOTE SPEAKER

*Mr. Gabriel Arce*

*CEO, Community Health Group*

MASTER OF CEREMONIES

*Mr. Vic Salazar*

*Anchor, KNSD 7/39 News*

*Saturday, June 20, 1998  
Handlery Hotel & Resort, Mission Valley  
950 Hotel Circle North  
San Diego, California*

*Luncheon: 12 noon*

~~*Tickets: \$20*~~

*RSVP: 423-5014*

*by June 17th*

*Mail checks to:*

*LULAC*

*PO Box 84872*

*San Diego, CA 92138*



# League of United Latin American Citizens

SAN DIEGO COUNCIL #2842  
P.O. BOX 84872 San Diego, CA 92138  
(619) 423-5014

May 22, 1998

Dear Presenter,

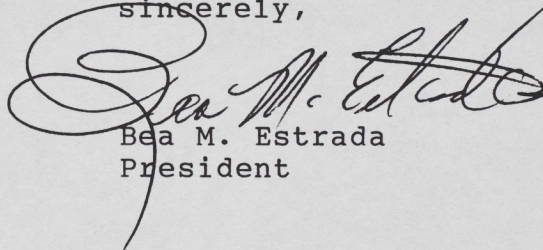
The League of United Latin American Citizens membership would like to thank you for taking time from your busy schedule to be a presenter at our Annual Scholarship Awards Luncheon.

I have enclosed copies of the applications of the recipients you will be presenting awards to. We ask that your speech on each student be limited from two to three minutes. since we have 35 awards that afternoon, this will give every presenter a chance to emphasize the finer qualities of each student.

We also ask that you arrive at least 20 minutes early.

Thank you again, if you have any questions, please call me at 423-5014 or 423-6009.

sincerely,



Bea M. Estrada  
President





League of  
United Latin  
American Citizens

WFD - NCPC  
JUL 9 10 17 AM '82

Office of National President  
TONY BONILLA

July 1, 1982

P R E S S

For Immediate Release

R E L E A S E

HISPANIC LEADERS BLAST READER'S DIGEST  
FOR DEFAMING HISPANICS

---

The nation's largest Hispanic membership organization (LULAC), filed today, July 1, 1982, an Anti-defamation Petition with Reader's Digest, the world's largest general circulation magazine.

At a San Antonio, Texas press conference, LULAC accused Reader's Digest of "benign neglect" of Hispanics and submitted evidence that the 31 million circulation monthly has defamed Hispanics by presenting a "distorted, negative image of Hispanics."

For example, although Reader's Digest has published more than 3,300 articles since 1970, seven of nine articles (78%) that deal directly with Mexican-Americans allege they are deeply involved in crime or imply they are illegal aliens. Only two articles in the last thirteen years mentioned positive accomplishments of the Hispanic community or individuals, including last month's profile of golfer Chi Chi Rodriguez.

Among the 148 editorial and staff positions listed by the magazine, none appears to be held by a Mexican-American or Hispanic. Of the more than 3,300 non-fiction articles published since 1970, only one appears to have been written by an Hispanic author or from

MORE/MORE

HISPANIC LEADERS BLAST READER'S DIGEST

PAGE TWO

an Hispanic perspective -- and that one concerned sightseeing in Mexico City.

"Because of the pervasive impact Reader's Digest has on American public opinion, we believe its editors have a responsibility to stop ignoring or libelling twenty million Hispanics," said Tony Bonilla, the national president of LULAC.

According to its July, 1982 cover, Reader's Digest is the "World's Most-Read Magazine", with "Over 31 million copies in 17 languages bought monthly." Its articles are read by more than 50 million U.S. readers, including top officials such as President Reagan, who has written for the magazine and claims that he reads it religiously.

"Reader's Digest has portrayed twenty million Hispanics as illegal drug pushers, or at best as non-existent, non-contributing members of our great nation. Hispanic people demand an end to this defamation of a great people and culture," Bonilla stated.

In an Anti-defamation Petition filed on behalf of all Hispanics, LULAC has demanded that the Board of Editors of Reader's Digest develop a formal policy to ensure that at least two percent of all articles discuss Hispanics, who are expected to become the nation's largest minority by 1990.

LULAC also seeks to have the editors of Reader's Digest meet twice a year with prominent Hispanic leaders to exchange ideas and concerns in order to sensitize the editors to the negative impact their article selection process can have on Middle America's image of minorities," Bonilla said.

END/END



League of  
United Latin  
American Citizens

WFD - NCPC  
JUL 9 10 17 AM '82

Office of National President  
TONY BONILLA

July 1, 1982

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MORE/MORE

# HISPANIC LEADERS BLAST READER'S DIGEST

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END/END

2 Bonilla, Read, Bonilla  
& Berlanga, Inc.  
3 Post Office Drawer 5427  
2590 Morgan Avenue  
4 Corpus Christi, Texas 78405  
(512) 882-8284

5 ROBERT GNAIZDA  
6 JOSE GUERRERO  
Public Advocates, Inc.  
7 1535 Mission Street  
San Francisco, California 94103  
8 (415) 431-7430

9 Assisted by: Michael Calabrese, Legal Extern

10 BEFORE  
11 THE BOARD OF EDITORS, READER'S DIGEST, INC.

12  
13 IN RE DEFAMATION OF HISPANICS, ) ANTI-DEFAMATION PETITION  
a Class Action on Behalf of ) TO SECURE FIRST AMENDMENT  
14 Twenty Million Mexican- ) RIGHTS FOR HISPANICS  
Americans and other Hispanics. )  
15 \_\_\_\_\_ ) # \_\_\_\_\_

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1 "WORLD'S MOST-READ MAGAZINE"  
2 AND LEADING DEFAMER OF HISPANICS

3 I. This Administrative Class Action Petition is brought on  
4 behalf of twenty million Hispanics residing in the United  
5 States. It is brought by the national League of United Latin  
6 American Citizens which is believed to be the largest Hispanic  
7 membership organization in the nation (100,000 members in  
8 forty-five states).

9 II. This class action, anti-defamation petition is brought  
10 before the "World's Most-Read Magazine" -- the nation's largest  
11 general circulation magazine.

12 III. Upon information and belief, Reader's Digest, with a  
13 circulation of 31 million, is one of the leading opinion-makers  
14 in the nation. More than any other magazine, it influences our  
15 nation's views of Hispanics and other minorities.

16 Ignoring or Defaming Hispanics

17 IV. From 1970 to July 1982, inclusive, Reader's Digest has  
18 printed approximately 3,300 non-fiction articles.

19 V. Of the 3,300 non-fiction articles, only one has related  
20 to any affirmative accomplishments of the Hispanic community.<sup>1</sup>

21 VI. Of the 3,300 non-fiction articles, only one has related  
22 to any affirmative accomplishments of any Hispanic leaders or  
23 individuals.<sup>2</sup>

24 VII. Of the 3,300 non-fiction articles, none has related to  
25 any of the economic, social or political problems confronting  
26 Hispanics.

27  
28  
29 1 In February 1979, Reader's Digest published its first article  
30 in ten years on Hispanics that was not negative. "New Dawn  
for America: Latins", condensed from Time, Reader's Digest,  
February 1979, p. 181.

31 2 "Chi Chi Rodriguez: Golf's Ace With A Heart", Reader's Digest,  
32 June 1982.

1 VIII. Of the 3,300 non-fiction articles, only one has directly  
2 or indirectly mentioned any contribution of Hispanics and/or  
3 discussed their significant historical and present role in  
4 the United States.<sup>3</sup>

5 IX. Of the 3,300 non-fiction articles, three have dealt  
6 directly with Hispanics; all relate to, or allege that Hispanics  
7 are deeply involved in crime with particular reference to  
8 narcotics.<sup>4</sup> All of said articles were defamatory of Hispanics  
9 and create an image that if Hispanics have any role in the  
10 United States, it exists only in relation to drug-related crimes.

11 X. Other than the articles mentioned above, the only  
12 articles directly or indirectly dealing with Hispanics are  
13 three articles that, in effect, criticize persons of Mexican  
14 heritage through attacks on illegal aliens.<sup>5</sup>

15 XI. Upon information and belief, of the 3,300 non-fiction  
16 articles, none has been written, with one possible exception,  
17 by Hispanics. (This one exception did not relate to any matter  
18 in the United States.)<sup>6</sup>

19 XII. Upon information and belief, Reader's Digest in its  
20 entire 61-year history has never reprinted an article from an  
21 American-Hispanic publication.

22

23 3 See footnote 1, supra.

24 4 "Murder on Route 79", Reader's Digest, February, 1979, p. 126;  
25 "The Smugglers of Misery", Reader's Digest, April, 1970, p. 49;  
26 and "America's Newest Crime Syndicate - 'The Mexican Mafia'",  
Reader's Digest, November, 1977, p. 97.

27 5 "Poverty at the Border", Reader's Digest, August, 1970, p. 92;  
28 "Our Mounting Wave of Illegal Immigrants", Reader's Digest,  
29 December, 1973, p. 115; and "Illegal Aliens: Time to Call A  
30 Halt!", Reader's Digest, October, 1976, p. 188. In addition,  
Reader's Digest reprinted an article on immigration from  
Newsweek that was neutral ("Should We Limit Immigration?",  
Reader's Digest, November, 1980).

31 6 "Boldly Modern, Beautifully Ancient Mexico City", by Louis  
32 la Haba, a condensation from National Geographic Magazine,  
Reader's Digest, August, 1973, p. 148.

1 XIII. In aggregate, over the entire period 1970 to July 1982,  
2 inclusive, Reader's Digest has portrayed Mexican-Americans and  
3 other Hispanics as illegal drug pushers or as non-existent,  
4 non-contributing members of our great nation.<sup>7</sup>

5 XIV. In part, the defamatory nature of Reader's Digest's  
6 articles may be attributable to the virtual "boycott" by  
7 Reader's Digest of Hispanic writers and editorial staff. The  
8 editorial page of the July 1982 issue of Reader's Digest lists  
9 148 editors, researchers and other staff members. Of these  
10 148, none appears to be Hispanic.

11 XV. The impact, whether deliberate or otherwise, of the  
12 exclusion of Hispanics from this nation's largest general  
13 circulation magazine, has been an unprecedented "benign neglect";  
14 such "benign neglect" has and will have a significant and  
15 serious long range impact on Hispanic social, economic and  
16 political mobility.

17 Abuse of First Amendment

18 XVI. Due to the absence of any positive information on Hispanics,  
19 the articles relating to Hispanics and crime have an extraordin-  
20 arily and unprecedented adverse impact on Hispanic social,  
21 economic and political advancement. It is the equivalent of a  
22 broad-scale defamation of a people that rivals in its impact,  
23 albeit not in its intent, the anti-Semitism of Nazi Germany.

24 XVII. A substantial number of Reader's Digest readers have  
25 their only contact with Hispanics via Reader's Digest articles.  
26 Upon information and belief, Reader's Digest is aware that a  
27 disproportionately high percentage of its readership relies on  
28 its word more than any other magazine or newspaper.

---

30 7 It should be noted that the last, and perhaps, only, article  
31 on an Hispanic leader appeared thirteen years ago: "The Battle  
32 of the Grapes", Reader's Digest, October, 1969, p. 88.



1 XVIII. The impact of the combination of defamatory articles  
2 and "benign neglect" has been an abuse of First Amendment rights  
3 that could seriously jeopardize the support of First Amendment  
4 rights by minority groups as well as others concerned with  
5 avoiding the wholesale defamation of a great people and a  
6 magnificent culture.<sup>8</sup>

7 RELIEF

8  
9 WHEREFORE, twenty million Hispanics hereby Formally  
10 Request in the spirit of cooperation and common First Amendment  
11 objectives, the following:

12 A. An opportunity to formally appear before the Board  
13 of Editors of Reader's Digest within the next sixty days to  
14 make a formal presentation in regard to Hispanic concerns;

15 B. That Reader's Digest develop a formal policy within  
16 the next ninety days that will:

17 (i) Ensure that an average of at least six articles  
18 a year (2% of non-fiction articles published) discuss the  
19 legitimate concerns of this minority that is likely to be the  
20 nation's largest minority in 1990; and

21 (ii) Substantially increase the number of authors,  
22 editors, and researchers of Hispanic background, as well as  
23 commence a policy of reprinting articles from Hispanic magazines.

24 C. That Reader's Digest, within one year, publish a  
25 comprehensive series, similar in scope and quality to a number  
26 of its other important articles, on the problems of Hispanics  
27 throughout the nation; and

28  
29 <sup>8</sup> Although "benign neglect" and defamation of Hispanics is  
30 referred to in this petition, a somewhat similar problem  
31 seems to occur in regard to other minority communities. For  
32 example, of the approximately one thousand non-fiction arti-  
cles published since 1979, the most prominent referring to  
Blacks featured a Black pimp. ("Portrait of A Pimp", Reader's  
Digest, April, 1981.)

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D. That Reader's Digest develop a formal mechanism whereby on a semi-annual basis prominent Hispanic leaders have an opportunity to exchange, in a mutually hospitable atmosphere, ideas and concerns with the Board of Editors.

DATED: 6/30/82

Respectfully submitted,

Ruben Bonilla  
Ruben Bonilla\*  
General Counsel, LULAC

Tony Bonilla  
Tony Bonilla  
National President, LULAC

Robert Gnaizda  
Robert Gnaizda  
Public Advocates, Inc.

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\*Signed in his absence.