

BEFORE THE NATIONAL
IMMIGRATION TRIBUNAL
San Diego, California

In the Matter of:)
)
 Algimiro Gomez,)
)

Declaration of Algimiro Gomez

I, Algimiro Gomez, make the following declaration to the distinguished panelists selected to hear testimony concerning the violation of civil, human and constitutional rights of Chicano and Latino people.

I was born in Puerto Rico and am consequently a United States citizen.

On or about September, 1979, I was driving my 1969 Chevrolet in West Chicago, Illinois when I was pulled over by a female West Chicago Police Officer.

When I was pulled over, I was traveling within the posted speed limit and was not violating any ordinance or statute.

After pulling me over, the West Chicago Police Officer demanded to see my "green card", otherwise known as an alien registration receipt card. I refused to produce any alien registration receipt card and told the West Chicago Police Officer in Spanish that members of the West Chicago Police Department had no business asking for alien registration

receipt cards as they are not agents of the Immigration and Naturalization Service. Finally, I told them that I was Puerto Rican and therefore a United States citizen.

After disclosing that I was a United States citizen, I was allowed to leave. The West Chicago Police Officer did not issue me any citation for having violated any traffic law as a result of this incident.

As a result of the actions of the West Chicago Police Department, I suffered substantial mental distress, humiliation and embarrassment. I told my wife about what happened to me and both of us couldn't sleep several nights as a result. We are still afraid to drive anywhere in West Chicago for fear of being stopped and harrassed by the West Chicago Police Department.

The West Chicago Police Department is involved in a practice of routinely detaining, interrogating and harrassing Latinos to inquire about their immigration status. Consequently, I am involved in a class action lawsuit challenging their racist harrassment of Chicano/Latino people. See copy attached complaint presently being litigated.

Algimiro Gomez
Algimiro Gomez
by Juan M. Soliz
Attorney for Algimiro
Gomez

RECEIVED

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

MAY 27 1980

H. STUART CUNNINGHAM, CLERK
UNITED STATES DISTRICT COURT

ALGIMIRO GOMEZ; LUIS ARQUER;)
MOISES RODRIGUEZ, Sr.; MOISES)
RODRIGUEZ, Jr., BY HIS PARENT)
AND NEXT FRIEND, MOISES RODRI-)
GUEZ, Sr.; JUAN VELASQUEZ;)
ALBERTO ESPINO, BY HIS PARENT)
AND NEXT FRIEND, ELIAS ESPINO,)
SR.; and, JESUS DOMINGUEZ;)
Individually and on Behalf of)
All Others Similarly Situated;)

Plaintiffs,)

v.)

No.)

THE CITY OF WEST CHICAGO, ILLINOIS;)
EUGENE RENNELS, INDIVIDUALLY)
AND IN HIS OFFICIAL CAPACITY)
AS MAYOR OF WEST CHICAGO,)
ILLINOIS; JOHN BULLARO, INDIVI-)
DUALY AND IN HIS OFFICIAL)
CAPACITY AS CHIEF OF POLICE)
OF WEST CHICAGO, ILLINOIS;)
JOSEPH INIGUEZ AND ONE OR MORE)
UNKNOWN POLICE OFFICERS,)
INDIVIDUALLY AND IN THEIR)
OFFICIAL CAPACITIES AS POLICE)
OFFICERS OF WEST CHICAGO,)
ILLINOIS;)

Defendants.)

COMPLAINT

PRELIMINARY STATEMENT

Plaintiffs are United States citizens and lawful permanent resident aliens of Hispanic descent or Spanish surname who have been or will be involuntarily detained without probable cause, interrogated, discriminated against, harrassed or otherwise denied their constitutional and statutory rights by police officers of the West Chicago

Police Department (hereinafter referred to as "WCPD") of West Chicago, Illinois. Such discriminatory treatment has been directed against them solely because of their race or national origin. Plaintiffs seek declaratory and injunctive relief on behalf of the class comprised of similarly situated individuals, and seek money damages on their own behalf for injuries caused by the WCPD.

I. JURISDICTION

1.1 This is an action arising under the civil rights laws of the United States, conferring jurisdiction on this court by virtue of 28 U.S.C. Sec. 1343.

1.2 This is also an action arising under the Constitution and laws of the United States and involving greater than \$10,000, conferring jurisdiction on this Court by virtue of 28 U.S.C. Sec. 1331.

II. PLAINTIFFS

2.1 Plaintiffs Algimiro Gomez and Luis Arquer are United States citizens of Hispanic descent who reside in West Chicago, Illinois.

2.2 Plaintiffs Moises Rodriguez, Jr. and his parent and next friend Moises Rodriguez, Sr., citizens of Mexico and residents of West Chicago, Illinois, are aliens who have been lawfully admitted for permanent residence in the

United States.

2.3 Juan Velasquez, citizen of Mexico and resident of West Chicago, Illinois, is an alien who has been lawfully admitted for permanent residence in the United States.

2.4 Plaintiff Alberto Espino, Jr., by his parent and next friend, Elias Espino, citizens of Mexico and residents of West Chicago, Illinois, are aliens who have been lawfully admitted for permanent residence in the United States.

2.5 Plaintiff Jesus Dominguez, a citizen of Mexico and resident of West Chicago, Illinois, is married to a United States citizen with whom he resides. Pursuant to 8 U.S.C. §1154, Mr. Dominguez has been classified as the immediate relative of a United States citizen eligible to apply to immigrate to the United States under 8 U.S.C. §1151(b). In accordance with 8 U.S.C. §1252(b) and 8 C.F.R. §242.5, Plaintiff Jesus Dominguez has been granted extended voluntary departure status by the Immigration and Naturalization Service pursuant to which he will be allowed to remain in the United States until he is granted an immigrant visa interview.

III. DEFENDANTS

3.1 The Defendant City of West Chicago, Illinois, is a municipal corporation organized under the laws of the State of Illinois. One of the departments of the Defendant

City of West Chicago is the WCPD, the Defendant City of West Chicago establishes policy and custom with respect to the law enforcement practices of the WCPD which Plaintiffs challenge herein.

3.2 Defendant Eugene Rennels, sued individually and in his official capacity as the mayor of the City of West Chicago, Illinois, is responsible for setting policy and custom relating to the law enforcement within the City of West Chicago, Illinois.

3.3 Defendant John Bullaro, sued individually and in his official capacity as Chief of Police of West Chicago, Illinois, is responsible for supervising law enforcement within West Chicago, Illinois and specifically supervising the actions of the West Chicago Police Department.

3.4 Defendant Joseph Iniguez, and one or more Unknown West Chicago Police Officers, (hereinafter referred to as WCPO or WCPOs) sued individually and in their official capacities, are responsible for law enforcement within West Chicago, Illinois, and are under the supervision of Defendant Joseph Bullaro.

IV. CLASS ACTION ALLEGATIONS

4.1 Plaintiffs bring this action on their own behalf and as representative parties on behalf of all persons similarly

situated, pursuant to Federal Rules of Civil Procedure 23(a) 23(b)(1), and 23(b)(2).

4.2 The class consists of all persons of Hispanic ancestry and all Spanish surnamed individuals who have been, are, or will be living, working, traveling or visiting within West Chicago, Illinois. The class size is in excess of one thousand members.

4.3 The class is so numerous that joinder of all members is impracticable.

4.4 There are questions of law and fact common to the class.

4.5 The claims of the representative parties are typical of the claims of the class in that the named Plaintiffs are persons of Hispanic descent who are United States citizens, or aliens lawfully admitted for permanent residence, or aliens who are authorized to be in the United States, all of whom have lived and worked in West Chicago, Illinois and who have been subject to the unconstitutional and discriminatory treatment by the Defendants which is challenged herein.

4.6 The representative parties are represented by experienced and competent counsel and will fairly and adequately protect the interests of the class.

4.7 The prosecution of separate actions by individual members of the class would create a risk of (1) inconsistent or varying adjudications with respect to individual members of the class which would establish incompatible standards of conduct for the Defendants, and (2) adjudications with respect to individual members of Plaintiff class which would be as a practical matter dispositive of the interests of the other members not parties to the adjudication or substantially impair or impede their ability to protect their interests.

4.8 The Defendants have acted or failed to act on grounds generally applicable to the class, thereby making appropriate final injunctive and declaratory relief with respect to the class as a whole.

V. STATEMENT OF FACTS

V. - A AUTOMOBILE DETENTIONS AND HARRASSMENTS

ALGIMIRO GOMEZ

5.1 On or about Spetember, 1979, Plaintiff Algimiro Gomez was driving his 1969 Chevrolet in West Chicago, Illinois when he was pulled over by a Defendant Unnamed WCPO.

5.2 At the time the Plaintiff was pulled over, Mr. Gomez was traveling within the posted speed limit and was not violating any ordinance or statute.

5.3 After pulling the Plaintiff over, the Defendant

Unnamed WCPO demanded to see Mr. Gomez's "green card", otherwise known as an alien registration receipt card. The Plaintiff refused to produce his alien registration receipt card and told the WCPO in Spanish that members of the WCPD had no business asking for alien registration receipt cards as they were not agents of the Immigration and Naturalization Service. Finally, Mr. Gomez told them that he was Puerto Rican and therefore a United States citizen.

5.4 After Mr. Gomez disclosed that he was a United States citizen, he was allowed to leave. The WCPO did not issue any citation to Mr. Gomez for having violated any traffic law as a result of this incident.

LUIS ARQUER (FIRST INCIDENT)

5.5 On or about early August, 1979, Plaintiff Luis Arquer was driving his 1963 Chevrolet in West Chicago, Illinois when he was pulled over by a Defendant Unnamed WCPO.

5.6 At the time the Plaintiff was pulled over, Mr. Arquer was traveling within the posted speed limit and was not violating any ordinance or statute.

5.7 After pulling the Plaintiff over, the Defendant Unnamed WCPO demanded to see Mr. Arquer's "immigration papers". The Plaintiff responded that he was a Puerto Rican and a citizen of the United States who therefore did not need immigration papers.

5.8 The Defendant Unnamed WCPO then asked Mr. Arquer to produce his driver's license and accused him of speeding. The Plaintiff produced his driver's license which the WCPO took with him to his car. After several minutes, the WCPO returned the license to Mr. Arquer and allowed him to leave. The WCPO did not issue any citation to the Plaintiff for having violated any traffic law as a result of this incident.

LUIS ARQUER (Second Incident)

5.9 On or about early September, 1979, the Plaintiff . Luis Arquer was driving his 1963 Chevrolet in West Chicago, Illinois when he was pulled over by a Defendant Unnamed WCPO.

5.10 At the time the Plaintiff was pulled over, Mr. Arquer was traveling within the posted speed limit and was not violating any ordinance or statute.

5.11 After pulling the Plaintiff over, the Defendant Unnamed WCPO approached the Plaintiff, accused him of failing to put on the signal light before negotiating a previous turn, and demanded to see Mr. Arquer's immigration papers. The Plaintiff explained that he was a Puerto Rican and therefore a United States citizen, at which time the WCPO asked to see Mr. Arquer's driver's license.

5.12 Upon producing his driver's license, the Plaintiff was allowed to leave. The WCPO did not issue any citation to Plaintiff for having violated any traffic law as a result of this incident.

MOISES RODRIGUEZ, SR. (First Incident)

5.13 On or about August 30, 1979, Plaintiff Moises Rodriguez, Sr. was driving his 1978 Chevrolet Van in West Chicago, Illinois accompanied by his wife when they were pulled over by a Defendant Unnamed WCPO.

5.14 At the time the Plaintiff and his wife were pulled over, Mr. Rodriguez, Sr. was traveling within the posted speed limit and was not violating any ordinance or statute.

5.15 After pulling over the Plaintiff and his wife, the Defendant Unnamed WCPO asked to see Mr. Rodriguez, Sr.'s driver's license. Mr. Rodriguez produced his current unexpired driver's license as requested.

5.16 The Defendant WCPO then demanded to see additional identification. Mr. Rodriguez, Sr. presented his union identification card. The WCPO demanded to see more identification. Mr. Rodriguez, Sr. next produced his medical insurance identification card and when that was not enough, Mr. Rodriguez, Sr. produced his dental insurance identification card. The WCPO demanded further identification.

5.17 Finally, Mr. Rodriguez, Sr. was compelled to produce his alien registration receipt card . After inspecting his alien registration receipt card, the WCPO allowed Mr. and Mrs. Rodriguez to leave without issuing any citation for violation of any traffic law to the Plaintiff.

MOISES RODRIGUEZ, Sr. (Second Incident)

5.18 On the following day on or about August 31, 1979, Plaintiff Rodriguez, Sr. was driving his 1978 Chevrolet Van in West Chicago, Illinois accompanied by his wife when again they were pulled over by the same Defendant WCPO.

5.19 At the time the Plaintiff and his wife were pulled over, Mr. Rodriguez, Sr. was traveling within the posted speed limit and was not violating any ordinance or statute.

5.20 Plaintiff and his wife reminded the WCPO that he had detained them the day before to request the "green card" Upon being reminded of the previous incident, the WCPO allowed Mr. and Mrs. Rodriguez to leave without issuing any citation for violation of any traffic law to the Plaintiff.

JESUS DOMINGUEZ AND MOISES RODRIGUEZ, JR.

5.21 In late August, 1979 at about 4:30 p.m., Plaintiff Jesus Dominguez was driving his 1967 red Chevrolet Camaro in West Chicago, Illinois, accompanied by Moises Rodriguez, Jr. when he noticed that he was being followed by a WCPO's patrol car.

5.22 Plaintiff Dominguez finally parked his car at the local West Chicago park. Prior to parking his car, Mr. Dominguez was traveling within the posted speed limit and was not violating any ordinance or statute.

5.23 As the Plaintiffs were getting out of the car, the WCPO's patrol car began flashing its lights and pulled up beside the Plaintiff's car. Two officers approached them. One of them was dressed in a WCPO's uniform and the other one was dressed in plainclothes and never identified himself.

5.24 The uniformed WCPO accused Mr. Dominguez of speeding. Upon request, Mr. Dominguez produced his valid Illinois driver's license. The officer then asked Mr. Dominguez and Mr. Rodriguez, Jr. for their immigration papers.

5.25 Mr. Dominguez produced documentation that had been given to him by the Immigration and Naturalization Service in Chicago showing that he was under the jurisdiction of that office and permitted to be present in the United States. Mr. Rodriguez, Jr. produced his alien registration receipt card. After inspecting the documents, Mr. Dominguez and Mr. Rodriguez, Jr. were allowed to leave. No citation for violation of any traffic law was issued to either Plaintiff.

JESUS DOMINGUES (Second Incident) and MOISES RODRIGUES, SR.
(Third Incident)

5.26 In late August, 1979 a few days after the first incident, Plaintiff Jesus Dominguez was driving his 1967 Camaro in West Chicago, Illinois, accompanied by Plaintiff Moises Rodriguez, Sr. when he noticed that he was again being tailed by a WCPO's patrol car. After several minutes, the WCPQ's car put on its flashing lights and pulled them over.

5.27 At the time the Plaintiff was pulled over, Mr. Dominguez was traveling within the posted speed limit and was not violating any ordinance or statute.

5.28 A Defendant WCPO approached the car and asked Mr. Dominguez for his driver's license, which he produced. The officer then asked Mr. Dominguez if he was a citizen of the United States. When Mr. Dominguez said he was not, the WCPO demanded to see Mr. Dominguez's immigration papers. Mr. Dominguez objected to the question and asked the officer if he was a police officer or an immigration officer. The WCPO became furious and not wanting any confrontation, Mr. Dominguez produced documentation which showed that his presence in the United States was authorized by the Immigration and Naturalization Service office in Chicago.

5.29 The Defendant WCPO then asked for the identification of Mr. Rodriguez, Sr., the passenger in the car. Mr. Rodriguez, Sr. produced his driver's license. The WCPO demanded to see some other identification. Only after Mr. Rodriguez, Sr. produced his alien registration receipt card were Mr. Dominguez and Mr. Rodriguez, Sr. allowed to leave. Neither man was issued a citation for having violated any law.

JUAN VELASQUEZ

5.30 In late August, 1979, Juan Velasquez was driving his 1971 red Pontiac in West Chicago, Illinois accompanied by his wife when he was pulled over by Defendant Unnamed WCPO.

5.31 At the time the Plaintiff and his wife were pulled over, Mr. Velasquez was traveling within the posted speed limit and was not violating any ordinance or statute.

5.32 Two officers then approached Mr. Velasquez's car. One of them was dressed in a WCPD uniform and the other officer was dressed in plainclothes. The uniformed Defendant WCPO asked Mr. Velasquez for his driver's license. Mr. Velasquez produced a ticket which had been given to him a few days earlier to replace his driver's license which had been lifted by another WCPO pending the disposition of a traffic violation.

5.33 The Defendant WCPO then demanded to see some other identification. Mr. Velasquez produced his alien registration card. Both officers then accused Mr. Velasquez of having a fake green card. Mr. Velasquez was fully interrogated as to the validity of his alien registration receipt card. At one point, Mr. Velasquez was so frustrated by the officers' treatment, that he gave them his wife's alien registration receipt card for their inspection to help convince them that his was a valid card. Finally, after about thirty minutes of detention, Mr. and Mrs. Velasquez were allowed to leave. The WCPOs did not issue a citation to Mr. Velasquez for having violated any law as a result of this incident.

V. - B : STREET STOP INCIDENT

ALBERTO ESPINO

5.34 In late April or early May, 1979 at about 8:00 p.m., Plaintiff Alberto Espino and his cousin, Trinidad Guzman, who are both minors, were stopped by Defendant WCPO Iniguez as they walked by City Hall in West Chicago, Illinois.

5.35 The Defendant Iniguez asked Plaintiff Alberto Espino and Trinidad Guzman to produce identification. Trinidad Guzman showed the officer his alien registration receipt card and Alberto Espino show the officer his school identification card.

5.3 Defendant Iniguez told Alberto Espino that his school identification card was unacceptable as identification and insisted upon seeing Alberto's alien registration receipt card. Alberto Espino was taken by Defendant Iniguez to the police station and subsequently to his home so that he could secure his alien registration receipt card and show it to the officer. At his house, Alberto Espino showed the officer his alien registration receipt card. Defendant Iniguez confiscated the card, claiming that it was a counterfeit alien registration card. Although the officer allowed Alberto to remain at home, he threatened to come back for him once he verified that the card was a fake.

5.37 At about 11:30 p.m. Alberto Espino's father, Elias Espino, took all of his immigration papers together with his family's immigration papers and went to the West Chicago Police Station to retrieve his son's alien registration receipt card. At the police station, Officer Iniguez claimed the alien registration card was invalid and demanded to see Alberto Espino's passport. Mr. Espino showed him Alberto Espino's passport, which Officer Iniguez also claimed was invalid and rejected it by throwing it on the counter. The officer refused to return the alien registration receipt card claiming that it was invalid.

5.38 Subsequently, Mr. Espino secured the services of an attorney who assisted him in retrieving his son's alien registration card.

V. - C SUMMARY ALLEGATIONS REGARDING PLAINTIFFS

5.39 At none of the times mentioned herein did Defendants have in their possession a warrant authorizing the detention or interrogation of Plaintiffs. Moreover, no warrant had in fact been issued by any judge or court magistrate for such detention and interrogation.

5.40 At the time they were detained by Defendants, Plaintiffs were not charged with any offense nor have they been subsequently charged for any offense related to the above-described incidents.

5.41 The Defendants knew that they had no reasonable cause to justify their actions in detaining and interrogating Plaintiffs and intentionally proceeded without legal authority solely because Plaintiffs were of Hispanic descent or Spanish surname or because Plaintiffs spoke the Spanish language.

5.42 As a result of the willful, wanton and unlawful actions taken by the Defendants, Plaintiffs have suffered losses of liberty, mental distress and have been subject to humiliation and embarrassment. Each Plaintiff therefore seeks compensatory

and punitive damages in an amount greater than \$10,000.00, the exact amount to be proven at trial.

V. - D GENERAL ALLEGATIONS

5.43 The above described incidents are a part of a pattern of illegal law enforcement activities carried out over the past few years on an ongoing basis by member of the WCPD with the express and implied approval or participation of all the Defendants.

5.44 The Defendant Unnamed WCPOs are members of the West Chicago Police Department who have:

- (a) Participated in stops, interrogations and detentions of persons solely on the basis of Hispanic descent or Spanish surname;
- (b) Without legal authority under 8 U.S.C. Section 1103, participated in stops, interrogations and detentions of persons of Hispanic descent or Spanish surname for the purposes of uncovering persons illegally within the United States;
- (c) Without respect for warrant requirements or probable cause or reasonable belief that any such person questioned or detained was guilty of any crime, participated in interrogations, searches, detentions and arrests for the purpose of

uncovering persons illegally within
the United States.

5.45 Defendants Rennels, and Bullaro have a duty to command, regulate and control the actions of the WCPD so as to prevent the police officers of the WCPD from acting in a manner that deprives any citizen or lawful alien of his or her rights under the Constitution or the laws of the United States.

5.46 Defendants Rennels and Bullaro have failed to carry out their duty in that they have ordered, ratified, or approved the activities undertaken by officers of the WCPD as described in paragraph 5.44.

5.47 Defendants Rennels and Bullaro have failed to exercise adequate supervision over the WCPD and its officers and failed to control and regulate the discretion of the WCPD so as to prevent unconstitutional and illegal conduct.

5.48 Defendants' challenged conduct, policy or custom singles out named Plaintiffs and members of their class for interrogations and detentions solely on the basis of their national origin, racial characteristics, Spanish surnames and/or limited ability to speak English.

5.49 Defendants' challenged conduct, policy or custom further denies to Plaintiffs and members of their class the right to meet, congregate, and converse in public and private

and to travel without harassment, interrogation, or detention solely on the basis of their national origin, racial characteristics, Spanish surnames and/or limited ability to speak English.

VI. STATEMENT OF CLAIMS

VI. - A FIRST CLAIM

6.1 The Defendants' actions deprive Plaintiffs and members of Plaintiffs' class of rights secured by the First, Fourth, Fifth and Fourteenth Amendments to the United States Constitution, all in violation of 42 U.S.C. Section 1983.

VI. - B SECOND CLAIM

6.2 The Defendants' actions are directed against the Plaintiffs solely because they are Hispanics, and thereby violate 42 U.S.C. Sec. 1981.

VI. - C THIRD CLAIM

6.3 The Defendants have planned, executed, participated in and consulted with each other in carrying out the conduct described in Section V.

6.4 The Defendants' conspiracy and overt acts were motivated by a class-based animus against persons of Hispanic descent or appearance or persons with Spanish surnames.

6.5 Defendants' acts have deprived Plaintiffs of their rights, privileges and immunities under the United States Constitution and laws of the United States, all in violation of 42 U.S.C. Section 1985.

VI. - D FOURTH CLAIM

6.6 Defendants knew or should have known that the wrongs described in the Third Claim were about to be committed and had the power to prevent or aid in preventing the commission of these wrongs.

6.7 These Defendants neglected or refused to prevent or aid in preventing the commission of these wrongs, in violation of 42 U.S.C. Section 1986.

VII. DAMAGES

7.1 As a result of Defendants' actions, each and every one of the named Plaintiffs has suffered violation of his or her Constitutional rights, resulting in damages to each in excess of \$10,000.00, the exact amount of which is to be proven at trial.

INJUNCTIVE RELIEF

7.2 The Plaintiffs and all others similarly situated have been and will continue to be irreparably damaged by Defendants' actions.

7.3 Plaintiffs and all others similarly situated have no adequate remedy at law.

7.4 Unless the Defendants are enjoined from carrying out these practices, the unconstitutional and illegal conduct described herein will continue in the future; therefore, an injunction against Defendants serves the public interest.

DECLARATORY RELIEF

7.5 There is an actual controversy now existing between the parties to this section.

7.6 The Plaintiffs desire a judicial determination of the rights and a declaration as to the constitutionality and legality of Defendants' actions.

PRAYER FOR RELIEF

WHEREFORE, Plaintiffs request that this Court:

1. Assume jurisdiction of this cause.
2. Enter an order, pursuant to Rule 23 of the Federal Rules of Civil Procedure, certifying Plaintiffs' class.
3. Enter a declaratory judgment, pursuant to 28 U.S.C. Sections 2201-2203, that Defendants' actions violate the First, Fourth, Fifth and Fourteenth Amendments to the United States Constitution; 42 U.S.C. Sections 1981, 1983, 1985, and 1986; 8 U.S.C. Sections 1103

and 1357, and Article I, Section 8 and Article VI of the United States Constitution.

4. Award the named Plaintiffs damages for violation of rights guaranteed them by the United States Constitution.
5. Award the Plaintiffs reasonable attorneys fees and their costs incurred herein.
6. Award the Plaintiffs punitive damages.
7. Grant further relief as the Court may deem just.

Dated: May 27, 1980

Juan M. Soliz
Juan M. Soliz
One of the Attorneys for Plaintiffs

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IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF TEXAS
AMARILLO DIVISION

**COPY
FILED**

DEC 12 1979

JOSEPH McELROY, JR., CLERK
BY..... Deputy

PEDRO CERVANTEZ and JUAN LOZANO
Individually and on behalf of
all others similarly situated

Plaintiffs

VS

GARY WHITFIELD, Individually
and as Officer with the Texas
Department of Public Safety;
DARRELL MATHEWS, Individually
and as Officer with the Texas
Department of Public Safety;
ONE UNKNOWN OFFICER, Individually
and as Officer with the Texas
Department of Public Safety;
WILSON SPEER, Individually and as
Director of the Texas Department
of Public Safety; TRAVIS McPHEARSON,
Individually and as Sheriff of Deaf
Smith County; DEAF SMITH COUNTY, a
political subdivision of the State
of Texas; TOM SMILEY, Individually
and as a Border Patrol Agent with
the Immigration and Naturalization
Service; IMMIGRATION AND NATURALI-
ZATION SERVICE, an Agency within
the United States Department of
Justice

Defendants

CIVIL ACTION NO. **CA 2 79 206**
COMPLAINT-CLASS ACTION

TEXAS RURAL LEGAL AID, INC.
1106 Scott Street
Laredo, Texas 78040
Received DEC 14 1979

I.

INTRODUCTION

1. This is a civil action for declaratory and injunctive relief and damages brought under the Constitution and Laws of the United States and the State of Texas. Plaintiffs are citizens of the United States of Hispanic descent who have been detained, arrested, and incarcerated and otherwise denied their constitutional and statutory rights by defendants.

2. Defendant local and state officials and government body have engaged in a pattern and practice of conduct consisting of: (1) stopping, interrogating, arresting, and incarcerating Hispanic persons lawfully within the Amarillo and Lubbock divisions of the Northern District of Texas without a warrant or probable cause that the persons arrested have committed any crime or have violated any provision of the Immigration and Nationality Act, (2) failing to advise such Hispanic persons of their rights as guaranteed by the Fifth, Sixth and Fourteenth Amendments, (3) failing to bring such Hispanic persons

before a magistrate, and (4) detaining such Hispanic persons without bond.

3. Defendant officials of the Immigration and Naturalization Service have encouraged, induced and aided defendant state and county officials to detain, interrogate, arrest and incarcerate persons of Hispanic descent for alleged violations of 8 U.S.C. 1325, but without probable cause or reasonable suspicion based on articulable facts that the persons so detained are aliens unlawfully present in the United States. Defendant officials of INS encourage such conduct in order to determine whether administrative deportation proceedings should be brought.

4. The aforementioned conduct is violative of the Fourth, Fifth, Sixth, and Fourteenth Amendments to the United States Constitution; the Civil Rights Act of 1871 (42 U.S.C. §1983); the Immigration and Nationality Act, §287 and §242 (8 U.S.C. §§1252 and 1357); the United States Constitution, Article VI, Clause 2 and Article I, Section 8; and the Laws of the State of Texas.

II.

JURISDICTION

5. Jurisdiction in this court is invoked pursuant to 28 U.S.C. §§1331 and 1343.

6. Declaratory and injunctive relief is warranted pursuant to 28 U.S.C. §§2201 and 2202, and review of agency action is requested under 5 U.S.C. §§701-706.

7. Damages are in excess of \$10,000.00, exclusive of costs.

III.

PARTIES

Plaintiffs

8. Plaintiff, PEDRO CERVANTEZ, is a citizen of the United States by virtue of birth and resides in the City of Hereford, County of Deaf Smith, State of Texas, and is of Hispanic descent.

9. Plaintiff, JUAN LOZANO, is a citizen of the United States by virtue of birth and resides in the City of Hereford, County of Deaf Smith, State of Texas, and is of Hispanic descent.

Defendants

10. Defendant GARY WHITFIELD, is a law enforcement officer employed by the Texas Department of Public Safety (hereinafter referred to as DPS).

Defendant is sued in his individual and official capacity.

11. Defendant DARREL MATHEWS is a law enforcement officer employed by the Texas Department of Public Safety. Defendant is sued in his individual and official capacity.

12. Defendant UNKNOWN OFFICER is a law enforcement officer employed by the Texas Department of Public Safety. Defendant is sued in his individual and official capacity.

13. Defendant WILSON SPEIR is director of the Department of Public Safety of the State of Texas and as such is responsible for administering the Texas Department of Public Safety. Defendant is sued in his individual and official capacity.

14. Defendant TRAVIS MCPHEARSON is Sheriff of Deaf Smity County, Texas. Pursuant to Article 5116 of the Revised Civil Statutes of the State of Texas, defendant MCPHEARSON is a keeper of the jails of Deaf Smith County, Texas. Defendant is sued in his individual and official capacity.

15. Defendant DEAF SMITH COUNTY is a political subdivision of the State of Texas, and is responsible for the supervision of the jails within its jurisdiction.

16. Defendant TOM SMILEY is employed by the United States Immigration and Naturalization Service as a border patrol officer. Defendant is sued in his individual and official capacity.

17. Defendant IMMIGRATION AND NATURALIZATION SERVICE (hereinafter referred to as INS) is an agency within the United States Department of Justice and is the federal agency exclusively authorized to implement and administer the Immigration and Nationality Act, 8 U.S.C. §1101, et seq.

IV.

CLASS ACTION ALLEGATIONS

18. Plaintiffs bring this action, pursuant to Rule 23(b)(2) of the Federal Rules of Civil Procedure, on behalf of themselves and all others similarly situated. The class consists of (1) all Hispanic persons who have been, are, or will be lawfully present in the Amarillo and Lubbock Divisions of the Northern District of Texas and who have been, are, or will be subject to the practices of defendant officials of INS and DPS as challenged in the complaint; and (2) all Hispanic persons who have been, are, or will be lawfully present with Deaf Smith County, Texas and who have been, are, or will be subject to the practices of defendants MCPHEARSON and COUNTY OF DEAF SMITH as challenged in the complaint.

19. The class is so numerous that joinder of all members is impracticable. The identities and location of the members of the class may be determined through defendants' records.

20. These are questions of law and fact common to the class. The claims and defenses of plaintiffs are typical of the claims and defenses of the class. The plaintiffs will fairly and adequately protect the interests of the class.

21. Defendants have acted on grounds generally applicable to the class, thereby making appropriate final injunctive relief and corresponding declaratory relief with respect to the class as a whole.

V.

FACTUAL ALLEGATIONS

22. On or about August 10, 1979, plaintiff PEDRO CERVANTEZ was a passenger in a truck driven by a fellow employee; they were following another truck driven by plaintiff CERVANTEZ' brother, David Cervantez.

23. At approximately 8:00 a.m. on a road 14 miles north of the City of Hereford in the County of Deaf Smith, Texas, a DPS vehicle pulled David Cervantez truck over to the side of the road. The vehicle in which plaintiff was riding stopped along side the DPS vehicle to wait for David Cervantez.

24. Defendant WHITFIELD issued David Cervantez a citation for driving with an expired inspection sticker. While defendant WHITFIELD issued the citation, defendant UNKNOWN OFFICER came to the vehicle where plaintiff CERVANTEZ was seated and without a reasonable suspicion that plaintiff was involved in criminal conduct, defendant demanded plaintiff produce his visa or his birth certificate.

25. Plaintiff CERVANTEZ informed defendant UNKNOWN OFFICER and defendant WHITFIELD that he was a United States citizen and that his documents proving such were at his home. Defendant UNKNOWN OFFICER, after conferring with defendant WHITFIELD, handcuffed plaintiff CERVANTEZ and placed him under arrest, without warrant or probable cause.

26. Defendants WHITFIELD and UNKNOWN OFFICER then took plaintiff CERVANTEZ to the Deaf Smith County Jail where said plaintiff was turned over to the custody of the defendants McPHEARSON and COUNTY OF DEAF SMITH. Plaintiff CERVANTEZ was held in the Deaf Smith County Jail until August 13, 1979.

27. On or about August 10, 1979, employees of the Deaf Smith County Sheriff's Department notified INS that plaintiff CERVANTEZ was being held for INS at the

Deaf Smith County Jail. At approximately 10:30 a.m., August 13, 1979, defendant SMILEY came to the Deaf Smith County Jail to question plaintiff CERVANIEZ about his immigration status. After the interview and at defendant SMILEY'S direction, plaintiff CERVANIEZ was released from the Deaf Smith County Jail.

28. Plaintiff was detained and interrogated without a reasonable suspicion that he was involved in criminal conduct, and was arrested without probable cause of a violation of any law. No citation, warrant for arrest, indictment, or information was issued to plaintiff charging him with any violation of the laws of the State of Texas or of the United States. Plaintiff CERVANIEZ was never brought before a judge, a court, or magistrate. No bail bond was set nor was plaintiff CERVANIEZ informed of his right to legal counsel. Plaintiff was never informed of his rights pursuant to Miranda v. Arizona, 384 U.S. 436 (1966).

29. Plaintiff CERVANIEZ repeatedly informed defendant DPS officers and members of the Deaf Smith County Sheriff's office that he was a United States citizen and that he had, as evidence thereof, documents at his home. During Plaintiff's incarceration, several persons came to the office of defendant McPHEARSON to prove plaintiff CERVANIEZ' citizenship but such persons were not allowed to see plaintiff CERVANIEZ and plaintiff was not released until authorized by INS.

30. Plaintiff CERVANIEZ suffered great humiliation, embarrassment, mental anguish, and loss of earnings by reason of being unlawfully detained, arrested, and incarcerated.

31. On or about August 15, 1979, plaintiff LOZANO stopped at the offices of DPS in Hereford, Texas to request directions to another office. Plaintiff LOZANO asked defendant MATHEWS for directions and, without a reasonable suspicion that plaintiff was involved in criminal conduct, defendant MATHEWS demanded that plaintiff produce a birth certificate.

32. Plaintiff LOZANO told defendant MATHEWS that he was a United States citizen and that his birth certificate was at his home. Plaintiff LOZANO was arrested and detained by defendant MATHEWS at the DPS office for two (2) hours solely because plaintiff LOZANO is of Hispanic descent and did not have a birth certificate in his possession. Plaintiff LOZANO was not released from defendant MATHEWS' custody until plaintiff LOZANO'S wife arrived and corroborated his claims to citizenship.

33. Plaintiff LOZANO was detained and questioned without a reasonable suspicion that he was involved in criminal conduct, and was arrested without probable cause of a violation of any law. No citation, warrant for arrest, indictment, or information was issued to plaintiff LOZANO charging him with any violation of the laws of the State of Texas or of the United States. Plaintiff was never informed of his rights pursuant to Miranda v. Arizona, supra.

34. Plaintiff LOZANO suffered great humiliation, embarrassment, mental anguish, and loss of earnings by reason of being unlawfully arrested and detained by defendant MATHEWS.

35. On information and belief, plaintiff allege that defendants WHITFIELD, MATHEWS, and UNKNOWN OFFICER, encouraged and authorized by defendant SPEIR, regularly approach, question, and detain persons of Hispanic descent in the County of Deaf Smith, Texas without warrant or a reasonable suspicion that such persons are or have been involved in criminal conduct and solely for the purpose of determining the immigration status of the persons questioned.

36. On information and belief, plaintiff allege that defendants WHITFIELD, MATHEWS, and UNKNOWN OFFICER, encouraged and authorized by defendant SPEIR, regularly arrest and transport to the Deaf Smith County Jail, without a warrant or probable cause, persons alleged to have violated the Immigration and Nationality Act (hereinafter Immigration Act). In addition, such defendants regularly interrogate and arrest persons for alleged violations of the Immigration Act, without advising such persons of their rights pursuant to Miranda v. Arizona, supra, and without taking such persons before a magistrate.

37. On information and belief, plaintiffs allege that defendants MCPHEARSON and COUNTY OF DEAF SMITH regularly incarcerate Hispanic persons within the County of Deaf Smith and detain such persons until officials of INS arrive at the facility for purposes of interrogating said persons. In addition, plaintiffs allege that such persons, during their detention and incarceration, are (1) not advised of their rights to counsel, (2) not allowed to make telephone calls and/or receive visitors, (3) not taken before a magistrate and, (4) are not advised of any right they may have to bail.

38. Defendant officials of INS are aware of and encourage the foregoing practices of defendant officials of DPS and the County of Deaf Smith, and such conduct would not occur but for the cooperation and participation of INS. Defendant officials of INS encourage and induce state and local law enforcement

officers and government bodies to detain, question, arrest, and incarcerate persons in order to provide INS the opportunity to determine whether administrative deportation proceedings should be initiated. In addition, defendant officials of INS request that persons detained be placed on an "immigration hold" and do not interview or question such person within a reasonable time, thus encouraging and approving the prolonged and illegal detention of such persons.

VI.

FIRST CLAIM FOR RELIEF

39. Plaintiffs CERVANTEZ and LOZANO were approached, stopped, and questioned by defendant DPS officers without a warrant or a reasonable suspicion that plaintiffs were involved in criminal conduct.

40. Such conduct by defendant officials of DPS violated plaintiffs' rights to be free from unreasonable searches and seizures as protected by the Fourth and Fourteenth Amendments to the United States Constitution, and the Civil Rights Act of 1871, 42 U.S.C. §1983 in that defendants acted under color of state law.

SECOND CLAIM FOR RELIEF

41. Plaintiffs CERVANTEZ and LOZANO were arrested by defendant DPS officers without a warrant or probable cause to believe that plaintiffs had violated any criminal statute.

42. Such conduct by defendant DPS officers violated plaintiffs rights to be free from unreasonable searches and seizures as protected by the Fourth and Fourteenth Amendments to the United States Constitution, and the Civil Rights Act of 1891, 42 U.S.C. §1983 in that defendants acted under color of state law.

THIRD CLAIM FOR RELIEF

43. Plaintiffs CERVANTEZ and LOZANO were not advised of their rights pursuant to Miranda v. Arizona, supra and were not taken before a magistrate by defendants DPS officers.

44. Such conduct by defendant DPS officers violated plaintiff's rights as protected by the Fourteenth Amendment to the United States Constitution and the Civil Rights Act of 1871, 42 U.S.C. §1983 in that defendants acted under color of state law.

FOURTH CLAIM FOR RELIEF

45. Plaintiff CERVANTEZ was incarcerated in the Deaf Smith County Jail for three (3) days by defendant officers of DPS, McPHEARSON and DEAF SMITH COUNTY.

46. Such conduct by defendant officers of DPS, McPHEARSON, and DEAF SMITH COUNTY violated plaintiff CERVANTEZ' rights to be free from unreasonable searches and seizures as protected by the Fourth and Fourteenth Amendment to the United States Constitution and the Civil Rights Act of 1871, 42 U.S.C. §1983 in that defendants acted under color of state law.

FIFTH CLAIM FOR RELIEF

47. During his incarceration, plaintiff CERVANTEZ (1) was not advised of his right to counsel, (2) was not permitted to have visitors, (3) was not taken before a magistrate, and (4) was not admitted to bail.

48. Such conduct by defendants McPHEARSON and DEAF SMITH COUNTY was in violation of plaintiffs rights as protected by the Fifth, Sixth, and Fourteenth Amendments to the United States Constitution, and the Civil Rights Act of 1871, 42 U.S.C. §1983.

SIXTH CLAIM FOR RELIEF

49. The conduct of defendants officers of DPS, McPHEARSON and DEAF SMITH COUNTY of stopping, questioning, arresting and incarcerating persons for alleged violations of the Immigration Act is solely directed against persons of Hispanic descent.

50. Such conduct of defendants officers of DPS, McPHEARSON and DEAF SMITH COUNTY is a violation of plaintiffs' rights to equal protection of the laws as protected by the Fourteenth Amendment to the United States Constitution.

SEVENTH CLAIM FOR RELIEF

51. The conduct of defendant state and county officers and government body in effecting the detention, arrest, and incarceration of plaintiffs was without a reasonable suspicion or probable cause to believe plaintiffs have violated the Immigration Act and solely to facilitate further investigation by INS agents.

52. Such conduct violates the Immigration and Nationality Act, §§287 and 242 (8 U.S.C. §§1252 and 1357) and the United States Constitution, Article I, §8 and Article VI, Clause 2.

EIGHTH CLAIM FOR RELIEF

53. Defendants INS and SMILEY induced and encouraged the other defendants in this action to engage in the illegal conduct set forth in the First, Second, Third, Fourth, Fifth, Sixth and Seventh Claims for Relief.

54. Defendants INS and SMILEY further failed to examine plaintiff CERVANTEZ within 24 hours of his arrest as required by 8 C.F.R. §287.3.

55. The conduct of defendants INS and SMILEY violates the Fourth, Fifth and Sixth Amendments to the United States Constitution, the Immigration and Nationality Act, §§287 and 242 (8 U.S.C. §§1252 and 1357), the Code of Federal Regulations, Title 8, Section 287.3, and the United States Constitution, Article VI, Clause 2 and Article I, Section 8.

XII.

BASIS FOR EQUITABLE RELIEF

56. Plaintiffs have no plain, adequate or complete remedy at law to redress the wrongs alleged herein and this suit for declaratory judgment and injunctive relief is their only means of securing adequate redress from defendants' unlawful practice. Plaintiffs are now suffering and will continue to suffer irreparable injury from defendants' intentional acts, policies and practices set forth herein.

XIII.

PRAYER

WHEREFORE, plaintiffs respectfully pray that this Court:

- a. Assume jurisdiction of this cause;
- b. Certify this cause as a class action pursuant to Rule 23(b)(2) of the Federal Rules of Civil Procedures;
- c. Declare that the acts, practices, and policies of defendants violated the rights of plaintiffs secured by the Fourth, Fifth, Sixth and Fourteenth Amendments to the United States Constitution; the Civil Rights Act of 1871, 42 U.S.C. §1983; the Immigration and Nationality Act, 8 U.S.C. §§1282 and 1357; and the Supremacy Clause Article VI, Clause 2 and Article I, Clause 8 of the United States Constitution.
- d. Issue a preliminary and permanent injunction against defendant officials of DPS ordering them to:
 1. Cease their policy and practice of approaching, questioning, and detaining Hispanic persons about their immigration status without warrant

or reasonable suspicion that the person is involved in criminal activity;

2. Cease their policy and practice of arresting Hispanic persons without warrant or probable cause to believe that the person is involved in criminal conduct;

3. Cease their policy and practice of incarcerating Hispanic persons for INS officials without warrant or probable cause to believe such persons have committed any crime;

4. Cease their policy and practice of incarcerating Hispanic persons on an immigration detainer without bringing such persons before a magistrate without unnecessary delay;

5. Cease their policy and practice of interrogating and detaining Hispanic persons without informing them of their rights to remain silent and to counsel, and their rights under Miranda v. Arizona, supra;

e. Issue a preliminary and permanent injunction against defendant McPHEARSON and DEAF SMITH COUNTY ordering them to:

1. Cease their policy and practice of incarcerating Hispanic persons for INS officials without a warrant or lawful authority;

2. Cease their policy and practice of incarcerating Hispanic persons on an immigration detainer without admitting such persons to bail, advising such persons of their right to counsel, allowing such persons visitors and telephone calls, and taking such persons before a magistrate.

f. Issue a preliminary and permanent injunction against defendant officials of INS ordering them to cease their policy and practice of interrogating and detaining Hispanic persons held by local and state law enforcement officials without warrant or lawful authority.

g. Award actual and punitive damages to plaintiffs according to proof as established at the time of trial;

h. Award plaintiffs costs of this action and reasonable attorneys fees; and

i. Grant such other relief as the Court deems to be appropriate.

Respectfully submitted,

EDWARD TUDDENHAM
TEXAS RURAL LEGAL AID, INC.
1406 W. HWY 60
P.O. BOX 2223
HEREFORD, TEXAS 79045
(806) 364-3961

LOCAL COUNSEL

LEE J. TERAN
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IMMIGRATION PROJECT
1106 SCOTT STREET
P.O. BOX 888
LAREDO, TEXAS 78040
(512) 727-5191

LINDA REYNA YANEZ
TEXAS RURAL LEGAL AID, INC.
IMMIGRATION PROJECT
1154 E. ELIZABETH STREET, SUITE 502
BROWNSVILLE, TEXAS 78520
(512) 546-5558

ATTORNEYS FOR PLAINTIFFS

BY: 15/

with
15
pg

PETITION FOR WRIT OF HABEAS CORPUS
UNITED STATES DISTRICT COURT
DISTRICT OF NEW MEXICO

JOSE LUIS BORJA,

Petitioner,

vs.

CIVIL NO. _____

GEORGE TEAGUE, INDIVIDUALLY
AND IN HIS CAPACITY AS SHERIFF OF
LEA COUNTY, NEW MEXICO.

MICHAEL McCORMICK, IN HIS
CAPACITY, AS DISTRICT ATTORNEY
OF THE FIFTH JUDICIAL DISTRICT,
STATE OF NEW MEXICO.

DAVID CROSLAND, IN HIS CAPACITY
AS THE ACTING COMMISSIONER OF
IMMIGRATION AND NATURALIZATION
SERVICE,

Defendents.

PETITION FOR WRIT OF HABEAS CORPUS

NOW COMES Petitioner, by his attorneys, Randolph M. Toth
of Southern New Mexico Legal Services, Helen Lopez, of Albuquerque Legal
Aid, moves the Court for a Writ of Habeas Corpus to issue against the
custodian of prisoners for the County of Lea, Sheriff George Teague, and
respectfully states as follows:

1. Jurisdiction is conferred on this Court by virtue of
28 U.S.C. 2241. Petitioner has exhausted his state remedies by filing a
Writ of Habeas Corpus in District Court of Lea County on February 15,
1980 and a hearing was held in District Court on February 26, 1980. Judge
N. Randolph Reese heard the case and ruled that he would not release the
Plaintiff on the basis that a INS "hold order" was inexistent and that
this order was sufficient to hold the Plaintiff.

2. That the Petitioner is presently detained at the
Lovington County Jail, in the custody of the Lea County Sheriff's
Department.

3. That the Petitioner is not committed or detained by
virtue of any process, judgment, decree or execution specified in §44-1-2,
N.M.S.A., 1978.

4. Petitioner was arrested on December 26, 1979, in
Denver City, Texas, by a Lea County Deputy Sheriff, upon information

that the Petitioner was a material witness in a criminal case.

5. Petitioner is being held indefinitely in the Lea County Jail upon information that he is illegally in the United States of America.

6. Petitioner is not aware of any criminal proceedings in which he is a material witness.

7. Detention of Petitioner is illegal in that:

- a) The Rules of Civil Procedure for New Mexico do not provide for the detention of material witnesses to civil actions.
- b) If Petitioner is being held as a material witness in a criminal cause, 31-8-3 N.M.S.A., 1978 allows a witness from out of state to be held as a material witness upon a certificate of the New Mexico District Judge. No such certificate has ever been issued.
- c) 8U.S.C. 1252 (a) states: "Pending a determination of deportability in the case of any alien as provided in subsection (b) of this section, such alien may, upon warrant of the Attorney General, be arrested and taken into custody. Any such alien taken into custody may, on the discretion of the Attorney General and pending such final determination of deportability, (1) be continued in custody; or (2) be released under bond in the amount of not less than \$500 with security approved by the Attorney General, containing such conditions as the Attorney General may prescribe; or (3) be released on conditional parole."
- d) No warrant for the arrest of the Petitioner has been issued against the Petitioner.

7. Petitioner's continued detention violates §31-8-3 N.M.S.A., 1978, the Federal Regulations for the arrest and detention of aliens, Art. II, § 13 of the New Mexico Constitution, and the Fifth and Fourteenth Amendments of the Constitution of the United States.

WHEREFORE, Petitioner prays that a Writ of Habeas Corpus be issued to direct the Sheriff of Lea County, State of New Mexico, commanding him to bring and produce the body of the Petitioner, to determine the legality or illegality of his detention, before the Honorable _____, United States District Judge, on the _____ day of _____, 1980, in the United States District Courtroom at Albuquerque, New Mexico.

Southern New Mexico Legal Services

Randolph M. Toth

Randolph M. Toth, Attorney for
Petitioner

P.O. Box 2562

Hobbs, NM 88240

(505) 393-0586

STATE OF NEW MEXICO)
) ss:
COUNTY OF LEA)

Randolph M. Toth, first being duly sworn, states that he is the attorney in the foregoing Petition for Writ of Habeas Corpus; that he has read said instrument; and the matters and facts therein contained are true and correct to the best of his knowledge.

Randolph M. Toth

Randolph M. Toth

SUBSCRIBED AND SWORN TO BEFORE ME THIS 29th DAY OF FEBRUARY, 1980.

Datrick A. Berg

NOTARY PUBLIC

MY COMMISSION EXPIRES:

September 21, 1983

UNITED STATES DISTRICT COURT
DISTRICT OF NEW MEXICO

JOSE LUIS BORJA .

Petitioner

Civil No.

vs.

GEORGE TEAGUE, et al

Motion For In Forma Pauperis Relief

Now Comes the petitioner by his attorney, Randolph Toth of Souther New Mexico Legal Services and moves this court pursuant to 28 U.S.C. 1915 for an order permitting the petitioner to proceed in federal court on a writ of habeas corpus without payment of filing fees, service fees, or the payment of court costs.

Dated this 1st day of March, 1980 at Hobbs, N.M.

Randolph Toth by P.R.B.
Randolph Toth

DECLARATION OF JOHN JIMENEZ

I, JOHN JIMENEZ, declare and say:

I am an attorney at law duly licensed to practice in the Courts of California and in the District Courts of the United State of America;

That I am the attorney for Antonio Montes in his claim against the United States Department of Justice, through its subdivision, the Immigration and Naturalization Service, and the County of San Bernardino for violation of civil rights, false arrest and imprisonment, and negligence;

That a lawsuit has been filed against the County of San Bernardino, et al, to reserve our right to pursue our action prior to the running of the statute of limitations;

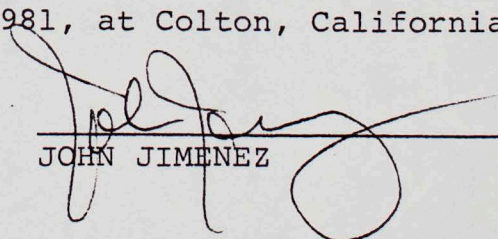
That this action will be transferred to and merged with the lawsuit to be brought in federal court, when the work concerning the action against the I.N.S. is complete;

That the cause of actions contained in the filed lawsuit and to be contained in the federal lawsuit are valid and have impliedly been admitted to be so by both defendants as they have, and are, placing liability for the violations on each other;

That these actions will be vigorously pursued to their fullest extent.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on April 10, 1981, at Colton, California.



JOHN JIMENEZ

1 CLAIM AGAINST PUBLIC ENTITY

2
3 In the Matter of the Claim of:

4 ANTONIO MONTES,

5 Claimant,

6 -vs-

7 COUNTY OF SAN BERNARDINO, SAN BERNARDINO
8 COUNTY SHERIFF'S DEPARTMENT, FRANK BLAND,
9 SHERIFF OF SAN BERNARDINO COUNTY
10

11 John Jimenez, attorney at law, hereby presents this
12 claim to the County of San Bernardino pursuant to § 910 of the
13 California Government Code.

14 1. The name and post office address of claimant is
15 as follows:

16 ANTONIO MONTES
17 10254 26th Street
18 Cucamonga, California 91730

19 2. The post office address to which claimant desires
20 notice of this claim to be sent is as follows:

21 JOHN JIMENEZ
22 Attorney at Law
23 11100 So. Mt. Vernon Avenue
24 Suite "H"
25 Colton, California 92324

26 3. On August 16, 1980, to August 22, 1980, claimant
27 received injuries under the following circumstances:

28 While traveling to his home claimant was wrongfully
detained and arrested by a San Bernardino County Sheriff's deputy
for allegedly driving his motor vehicle in a reckless manner.
Upon his arrest he was immediately booked into the San Bernardino

1 County Jail where he was held until his release on the morning
2 of August 22, 1980. Because no charges have been filed against
3 claimant resulting from the arrest, claimant is informed and
4 believes that he was kept in incarceration for the above stated
5 period due to a United States Immigration "alien hold" which
6 had been placed upon him at the jail. Although born in Buckeye,
7 Arizona, and raised in California, it was believed by County
8 of San Bernardino employees that claimant was an alien who had
9 illegally entered the United States.

10 Thus, the claimant is informed and believes that said
11 "hold" was caused to be placed upon him by employees of the
12 County of San Bernardino Sheriff's Department.

13 Said "alien hold" resulted in six (6) days of wrongful
14 incarceration resulting in extreme deprivation to claimant of
15 his civil rights which has resulted in extreme emotional distress
16 in the form of anxiety, nervousness and mental anguish.

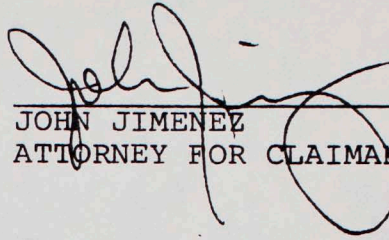
17 4. So far as it is known to John Jimenez at the date
18 of filing of this claim, Antonio Montes has been damaged in the
19 amount of \$500,000.00 due to his deprivation of civil rights
20 and resulting emotional distress.

21 5. The name of that County of San Bernardino employee
22 known at this time as being responsible for said injury is Frank
23 Bland, Sheriff of San Bernardino County. All others responsible
24 are unknown at this time.

25 6. At the time of presentation of this claim, Antonio
26 Montes claims damages in the amount of \$500,000.00 computed on
27 the basis of the value of his deprived civil rights and the costs
28 to compensate him for the emotional distress resulting from his

1 wrongful loss of liberty and right to due process

2
3
4 Dated: August 27, 1980



JOHN JIMENEZ
ATTORNEY FOR CLAIMANT

VERIFICATION

STATE OF CALIFORNIA, COUNTY OF

I, the undersigned, say:

I have read the foregoing _____ and know its contents.

☐ CHECK APPLICABLE PARAGRAPH

☐ I am a party to this action. The matters stated in it are true of my own knowledge except as to those matters which are stated on information and belief, and as to those matters I believe them to be true.

☐ I am ☐ an officer ☐ a partner _____ ☐ a _____ of _____

a party of this action, and am authorized to make this verification for and on its behalf, and I make this verification for that reason. I am informed and believe and on that ground allege that the matters stated in it are true.

☐ I am one of the attorneys for _____ a party to this action. Such party is absent from the county of aforesaid where such attorneys have their offices, and I make this verification for and on behalf of that party for that reason. I am informed and believe and on that ground allege that the matters stated in it are true.

Executed on _____, 19 _____ at _____ California.

I declare under penalty of perjury that the foregoing is true and correct.

(Signature)

ACKNOWLEDGMENT OF RECEIPT OF DOCUMENT (other than summons and complaint)

Received copy of document described as _____

on _____ 19 _____

(Signature)

PROOF OF SERVICE BY MAIL

STATE OF CALIFORNIA, COUNTY OF SAN BERNARDINO

I am employed in the county of _____ San Bernardino _____, State of California

I am over the age of 18 and not a party to the within action, my business address is
11100 So. Mt. Vernon Ave., Ste. "H", Colton, CA

On August 27, 19 80, I served the foregoing document described as _____

CLAIM AGAINST PUBLIC ENTITY

on San Bernardino Board of Supervisors

in this action by placing a true copy thereof enclosed in a sealed envelope with postage thereon fully prepaid in the United States mail at: Colton, California

addressed as follows:

SAN BERNARDINO COUNTY
Board of Supervisors
175 West 5th Street
San Bernardino, CA 92410

Executed on August 27, 19 80 at Colton, California.
(check applicable paragraph below)

☒ (State) I declare under penalty of perjury that the above is true and correct

☐ (Federal) I declare that I am employed in the office of a member of the bar of this court at whose direction the service was made.

Alita Garcia
(Signature)

NAME AND ADDRESS OF ATTORNEY JOHN JIMENEZ 11100 So. Mt. Vernon Ave., Ste. "H" Colton, California 92324		TELEPHONE NO (714) 824-8340	FOR COURT USE ONLY
ATTORNEY FOR (Name) ANTONIO MONTES - PLAINTIFF			
Insert name of court, judicial district or branch court, if any, and Post Office and Street Address SUPERIOR COURT OF CALIFORNIA, SAN BERNARDINO COUNTY 351 North Arrowhead Avenue San Bernardino, California 92415			
PLAINTIFF ANTONIO MONTES			
DEFENDANT COUNTY OF SAN BERNARDINO, FRANK BLAND, SHERIFF OF SAN BERNARDINO COUNTY AND DOES I through X, inclusive.			
SUMMONS			CASE NUMBER 202495

NOTICE! You have been sued. The court may decide against you without your being heard unless you respond within 30 days. Read the information below.

If you wish to seek the advice of an attorney in this matter, you should do so promptly so that your written response, if any, may be filed on time.

¡AVISO! Usted ha sido demandado. El tribunal puede decidir contra Ud. sin audiencia a menos que Ud. responda dentro de 30 días. Lea la información que sigue.

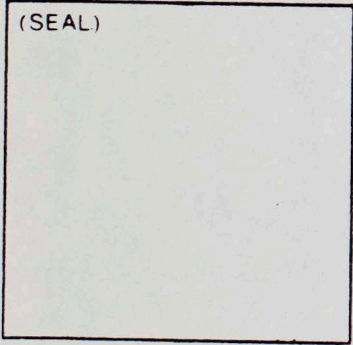
Si Usted desea solicitar el consejo de un abogado en este asunto, debería hacerlo inmediatamente, de esta manera, su respuesta escrita, si hay alguna, puede ser registrada a tiempo.

1 TO THE DEFENDANT. A civil complaint has been filed by the plaintiff against you. If you wish to defend this lawsuit, you must, within 30 days after this summons is served on you, file with this court a written response to the complaint. Unless you do so, your default will be entered on application of the plaintiff, and this court may enter a judgment against you for the relief demanded in the complaint, which could result in garnishment of wages, taking of money or property or other relief requested in the complaint.

DATEDAPR - 7 1981

LYMAN MADSEN, COUNTY CLERK (Acting)
Clerk By

CATHERINE RODGERS, Deputy



2. NOTICE TO THE PERSON SERVED: You are served
- a. ☐ As an individual defendant.
 - b. ☐ As the person sued under the fictitious name of:
 - c. ☐ On behalf of:
- Under: ☐ CCP 416.10 (Corporation) ☐ CCP 416.60 (Minor)
☐ CCP 416.20 (Defunct Corporation) ☐ CCP 416.70 (Incompetent)
☐ CCP 416.40 (Association or Partnership) ☐ CCP 416.90 (Individual)
☐ Other
- d. ☐ By personal delivery on (Date)

A written response must be in the form prescribed by the California Rules of Court. It must be filed in this court with the proper filing fee and proof of service of a copy on each plaintiff's attorney and on each plaintiff not represented by an attorney. The time when a summons is deemed served on a party may vary depending on the method of service. For example, see CCP 413.10 through 415.50. The word "complaint" includes cross-complaint, plaintiff includes cross-complainant, defendant includes cross-defendant, the singular includes the plural.

Form Adopted by Rule 982
Judicial Council of California
Revised Effective January 1, 1979
13-10865-000 Rev. 1/79

(See reverse for Proof of Service)

SUMMONS

CCP 412.20, 412.30,
415.10

APR -7 1981

JOHN JIMENEZ
Attorney at Law
11100 So. Mt. Vernon Ave., Ste. "H"
Colton, California 92324
(714) 824-8340

LYMAN MADSEN
COUNTY CLERK (Acting)
COUNTY OF SAN BERNARDINO

Attorney for Plaintiff

SUPERIOR COURT OF THE STATE OF CALIFORNIA

FOR THE COUNTY OF SAN BERNARDINO

ANTONIO MONTES,

Plaintiff,

vs.

COUNTY OF SAN BERNARDINO, FRANK BLAND,
SHERIFF OF SAN BERNARDINO COUNTY, and
DOES I-X, inclusive,

Defendants.

Case No.:

202495

COMPLAINT FOR DAMAGES
FOR FALSE IMPRISONMENT
AND ARREST AND DENIAL
OF CIVIL RIGHTS

Plaintiff alleges:

FIRST CAUSE OF ACTION

1. Plaintiff ANTONIO MONTEZ was at all times herein mentioned a resident of the County of San Bernardino.

2. At all times mentioned herein, defendant County of San Bernardino was a public entity duly organized and existing under and by virtue of the laws of the State of California.

3. Frank Bland is named herein as an individual and in his official capacity as Sheriff of San Bernardino County.

4. Plaintiff is ignorant of the true names and capacities of defendants DOES I through X, and therefore sues those

1 defendants by such fictitious names under provisions of Code of
2 Civil Procedure § 474. Plaintiff is informed and believes and
3 thereon alleges, that defendants DOES are in some manner
4 responsible for the events and happenings herein alleged.

5 5. At all times herein mentioned, defendant DOES I
6 through X were the agents, servants, employees, or sheriff
7 deputies of the other named defendants and were acting at all times
8 times within the scope of their agency and employment and with
9 the knowledge and consent of their principal and employer.

10 6. On the day of August 16, 1980, plaintiff was seized
11 and caused to be arrested by defendants, acting as sheriff
12 deputies or agents of said County and defendant Bland. Said
13 arrest by defendants was wrongful and without warrant or judicial
14 order, or other authority of law, and was carried out at a time
15 when plaintiff was acting in a quiet, peaceable and lawabiding
16 manner, and had not committed any breach of the peace or any
17 offense, either misdemeanor or felony, in or out of the presence
18 of defendants, or any of them; and none of said defendants had
19 reasonable grounds to believe plaintiff had committed any offense.

20 7. On the aforesaid day defendants wrongfully and unlaw-
21 fully, under the circumstances set out above, under their
22 authority as police officers or agents of the County of San
23 Bernardino, forcibly took plaintiff to and confined him in the San
24 Bernardino County Jail, wherein he was detained.

25 8. As a result of the false arrest and imprisonment,
26 plaintiff was held in the San Bernardino County Jail until August
27 22, 1980. Said period of incarceration was further due to the
28 fact that defendants had caused to have an "alien hold" placed

1 upon defendant although no charges had been formally filed against
2 the plaintiff.

3 9. By reason of the premises, plaintiff has incurred
4 expenses and has suffered great mental and physical pain and
5 anguish and has been damaged in his good name and reputation, all
6 to his damage.

7 10. The aforesaid action of defendants DOES I through X
8 was malicious in that it was improperly motivated by the
9 following gactors:

10 Defendants knowingly disregarded the state-
11 ments of the plaintiff that he was an American
12 citizen and knowingly failed to check identi-
13 fication taken from the plaintiff at the time
14 of his booking into the jail.

15 11. Plaintiff timely served on defendant City of San
16 Bernardino a claim against public entity which was rejected on
17 September 29, 1980.

18 SECOND CAUSE OF ACTION

19 12. This is an action at law to redress the deprivation
20 under color of statute, ordinance, regulation, custom, or usage
21 of a right, privilege, and immunity secured to plaintiff by the
22 First and Fourteenth Amendment to the Constitution of the United
23 States [R.S. 1979, 42 U.S.C. §1983].

24 13. The violation of the plaintiff's rights as alleged
25 herein was committed within the State of California.

26 14. During all times mentioned in this complaint, plaintiff
27 was and still is a citizen of the United States, and resided, and
28 now resides, in Cucamonga, California.

1 15. At all times mentioned herein, defendants Frank Bland
2 and DOES I through X were peace officers in the Sheriff Department
3 of the County of San Bernardino, State of California, and are
4 sued in their individual and official capacities.

5 16. The true names and capacities whether individual,
6 corporate, associate or otherwise, of defendants named herein as
7 DOES I through X, inclusive, are unknown to plaintiff who there-
8 fore sues said defendants, and each of them, by such fictitious
9 names, and plaintiff will amend his complaint to show their true
10 names and capacities when the same have been ascertained.

11 17. At all times material to this complaint, defendants,
12 Frank Bland and DOES I through X, were peace officers, and in
13 doing all of the things hereinafter alleged acted under color of
14 their authority as such and under the color of the statutes,
15 ordinances, regulations, customs, and usages of the State of
16 California.

17 18. Relief is sought against these defendants as well as
18 their agents, assistants, successors, employees, and all persons
19 acting in concert or in cooperation with them, or at their
20 direction.

21 19. On or about August 16, 1980, defendants, and each of
22 them, knowingly caused plaintiff to be incarcerated without cause,
23 until August 22, 1980. Said incarceration followed an unlawful
24 arrest and the period of incarceration was due to "alien hold"
25 being placed upon plaintiff by defendants Bland and DOES I through
26 X.

27 20. On or about August 16, 1980, the defendants caused the
28 alien hold to be placed upon plaintiff without checking his

1 identification, listening to plaintiffs assertions that he was a
2 United States citizen, or any further attempts to ascertain in
3 status in ths country.

4 21. The actions and intentions of the defendants were
5 wrong and without merit and plaintiff was released from custody
6 on August 22, 1980 with no charges being filed against him and
7 with an apology from defendants for their actions when a birth
8 certificate of plaintiff was presented to the defendants.

9 22. Each of the individual defendants, separately and in
10 concert, acted outside the scope of his jurisdiction and without
11 authorization of law to deprive the plaintiff of his right to:

- 12 a. Freedom from illegal seizure of their persons;
13 b. Freedom from unlawful arrest without evidence
and support thereof;
14 c. Freedom from illegal detention and imprisonment.

15 All of these rights are secured to the plaintiff by
16 the provisions of the First Amendment and the Due Process Clause
17 of the Fifth and Fourteenth Amendments to be the Constitution of
18 the United States, and by Title 42 U.S.C. S1983.

19 23. Plaintiff thereafter suffered great bodily pain, mental
20 anguish, trauma and expense to his damage.

21 24. The aforementioned acts of the defendants, and each of
22 them, were willful, wanton, malicious and oppressive and justify
23 the awarding of exemplary and punitive damages in the amount of
24 \$100,000.00.

25 THIRD CAUSE OF ACTION

26 25. Plaintiff hereby realleges and incorporates herein
27 by reference the allegations numbered as paragraphs i through 5
28 of the above First Cause of Action.

1 26. On the day of August 16, 1980, defendants in their
2 individual and official capacities, began an investigation into
3 an alleged violation of California Vehicle Code § 23103 in the
4 County of San Bernardino, State of California.

5 27. As a result of said investigation, plaintiff was
6 seized and caused to be arrested and imprisoned by defendants.
7 Said investigation further involved the placing of an "alien hold"
8 on plaintiff by defendants.

9 28. Said "alien hold" was a result of negligent investi-
10 gation into the status of plaintiff in this country by defendants.

11 29. As a direct and proximate result of the aforesaid
12 negligence of defendants, plaintiff has suffered injuries.

13 30. As a further direct and proximate result of said
14 injuries, plaintiff has incurred and will incur obligations and
15 expenses including loss of past and future earnings and other
16 expenses according to proof.

17 WHEREFORE, plaintiff prays judgment against defendants
18 County of San Bernardino, Frank Bland and DOES I through X:

19 1. For general damages to be proven at trial;

20 2. For reasonable attorney fees pursuant to 42 U.S.C.
21 §1988;

22 3. For costs of suit herein incurred and for such other
23 further relief as the Court deems proper; and

24 4. Against Frank Bland and DOES I through X for punitive
25 and exemplary damages in the sum of \$100,000.00.

26
27 Dated: April 7, 1981

28 _____
 JOHN JIMENEZ
 ATTORNEY FOR PLAINTIFF

1 LAW OFFICES
2 JUÁREZ & VEGA
3 255 NORTH "D" STREET, SUITE 309
4 SAN BERNARDINO, CALIFORNIA 92401
5 TELEPHONE (714) 889-0485

6 ATTORNEY FOR PLAINTIFF

7
8
9
10
11 ROBERTO RODRIGUEZ, and)
12 100 Chicanos/Mexicans)

13 Plaintiffs,)

14 vs.)

15 IMMIGRATION & NATURALIZATION)
16 SERVICE (U.S. BORDER PATROL) &)
17 RIVERSIDE CITY POLICE DEPARTMENT,)
18 et. al.,)

19 Defendants.)
20)
21)
22)
23)
24)
25)
26)
27)
28 }

CHARGES AGAINST
IMMIGRATION & NATURALIZATION SERVICE &
LOCAL POLICE

20 On December 6, 1980, at approximately 9:00 p.m., about
21 150 persons were attending a private social function celebrating
22 a quinceanera in Riverside, California. At the function were in
23 attendance persons of Hispanic ancestry varying in ages. All the
24 persons in attendance were acting lawfully when officials from
25 the Border Patrol, Riverside Police Department and others entered
26 the premises and began interrogating everyone as to their
27 immigration status without reasonable suspicion that they were
28 undocumented. Everyone questioned produced proper identification.

1 Those who could not produce a mica or birth certificate showing
2 legal residency status were arrested.

3 Both the interrogation and arrests were made without
4 a warrant and without any sufficient complaint or authority for
5 any alleged criminal offenses or for suspected immigration law
6 violations. Many of the persons who were detained and/or arrested
7 were also battered and assaulted.

8 Both state and INS officials violated those persons
9 constitutionally protected rights. Of those arrested many were
10 undocumented persons who were turned over to immigration for
11 processing. About 100 persons were arrested.

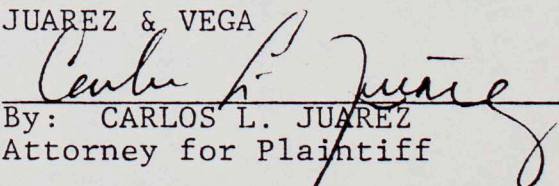
12 The arrests were made under the pretense that the
13 social gathering was unlawful. In reality, however, it was a
14 planned raid because Border Patrol agents accompanied the local
15 police. Further, the Border Patrol in this area does not work on
16 weekend nights.

17 The community, through the efforts of CNPU and the
18 Catholic Church, organized a successful attack which and resulted
19 in the Riverside Police Department adopting and implementing a
20 policy stating that they will not engage in the enforcement of
21 INS laws. Legal action is also planned against both INS & the
22 local police. The most important result, however, was the edu-
23 cating of the Riverside Community relative to the issue of
24 immigration abuses.

25 DATED: April /o 1981

26 Respectfully submitted,

27 JUAREZ & VEGA

28 By: 
Attorney for Plaintiff

UNITED STATES DEPARTMENT OF JUSTICE

IMMIGRATION AND NATURALIZATION SERVICE

WESTERN REGION

SAN PEDRO, CALIFORNIA 90731

TELEPHONE
(213) 548-2374
FTS 700-2374

DEC 03 1980

PLEASE REFER TO THIS FILE NO.

December 1, 1980

WR 7114/2

John Jiminez
Attorney at Law
11100 South Vernon Avenue, Suite H
Colton, California 92324

RE: Claim of Antonio Montes

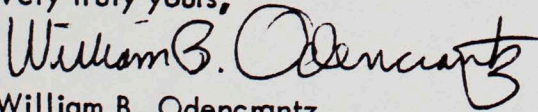
Dear Mr. Jiminez:

I have received the claim submitted by you on behalf of Mr. Montes. The claim, in the amount of \$500,000.00, is unaccompanied by any proof of claim of injury or property loss. A claim for purposes of the provisions of 28 U.S.C. 2672 "shall be deemed to have been presented when a Federal agency received from a claimant... an executed Standard Form 95..., accompanied by a claim for money damages in a sum certain for injury to or loss of property, personal injury...alleged to have occurred by reason of the incident." See 28 C.F.R. 14.2.

This claim fails to specify any particular personal injury. As provided for in 28 C.F.R. 14.4(b), I hereby require you to submit competent evidence to support the damages alleged. This requires specifying what personal injury is being claimed and how the damages are being calculated. Please consult the provisions of 28 C.F.R. 14.4(b), and the instructions on the reverse of the form, in submitting this evidence.

You may resubmit this claim, with the required proof of damages, directly to my attention. I remind you that the failure to provide this information is fatal to the validity of the claim. See Caton v. U.S., 495 F.2d 635 (9th Cir. 1974); Bialowas v. U.S., 443 F.2d 1047 (3rd Cir. 1971); and Robinson v. U.S. Navy, 342 F.Supp. 381 (E.D. 1972). The submission of a valid administrative claim is a prerequisite to a waiver of the sovereign immunity of the United States. See 28 U.S.C. 2675(a).

Very truly yours,



William B. Odencrantz
Regional Counsel

Attachment

CLAIM FOR DAMAGE, INJURY, OR DEATH		INSTRUCTIONS: Prepare in ink or typewriter. Please read carefully the instructions on the reverse side and supply information requested on both sides of this form. Use additional sheet(s) if necessary.		OM and B Approval No. 80-R111
1. SUBMIT TO: Office of Regional Counsel Immigration and Naturalization Service Western Region San Pedro, California 90731		2. NAME AND ADDRESS OF CLAIMANT (Number, street, city, State, and Zip Code) ANTONIO MONTES 10254 26th Street Cucamonga, California 91730		
3. TYPE OF EMPLOYMENT <input type="checkbox"/> MILITARY <input checked="" type="checkbox"/> CIVILIAN	4. AGE 18	5. MARITAL STATUS Single	6. NAME AND ADDRESS OF SPOUSE, IF ANY (Number, street, city, State, and Zip Code) None	
7. PLACE OF ACCIDENT (Give city or town and State; if outside city limits, indicate mileage or distance to nearest city or town) San Bernardino, California		8. DATE AND DAY OF ACCIDENT August 16, thru August 22, 1980	9. TIME (A.M. OR P.M.) see #8	
10. AMOUNT OF CLAIM (in dollars)				
A. PROPERTY DAMAGE None	B. PERSONAL INJURY \$500,000.00	C. WRONGFUL DEATH None	D. TOTAL \$500,000.00	
11. DESCRIPTION OF ACCIDENT (State below, in detail, all known facts and circumstances attending the damage, injury, or death, identifying persons and property involved and the cause thereof) Claimant was wrongfully detained in the San Bernardino County Jail as a result of an "alien hold" being placed upon him by the Riverside, California Border Patrol Office. Claimant was born in Buckeye, Arizona.				
12. PROPERTY DAMAGE				
NAME AND ADDRESS OF OWNER, IF OTHER THAN CLAIMANT (Number, street, city, State, and Zip Code) not applicable				
BRIEFLY DESCRIBE KIND AND LOCATION OF PROPERTY AND NATURE AND EXTENT OF DAMAGE (See instructions on reverse side for method of substantiating claim)				
13. PERSONAL INJURY				
STATE NATURE AND EXTENT OF INJURY WHICH FORMS THE BASIS OF THIS CLAIM Deprivation of Civil Rights by false imprisonment without due process resulting in emotional distress.				
14. WITNESSES				
NAME		ADDRESS (Number, street, city, State, and Zip Code)		
DOES I-XX		San Bernardino County Jail		
I CERTIFY THAT THE AMOUNT OF CLAIM COVERS ONLY DAMAGES AND INJURIES CAUSED BY THE ACCIDENT ABOVE AND AGREE TO ACCEPT SAID AMOUNT IN FULL SATISFACTION AND FINAL SETTLEMENT OF THIS CLAIM				
15. SIGNATURE OF CLAIMANT (This signature should be used in all future correspondence) X Antonio Montes		16. DATE OF CLAIM November 17, 1980		
CIVIL PENALTY FOR PRESENTING FRAUDULENT CLAIM The claimant shall forfeit and pay to the United States the sum of \$2,000, plus double the amount of damages sustained by the United States. (See R.S. §3490, 5438; 31 U.S.C. 231.)		CRIMINAL PENALTY FOR PRESENTING FRAUDULENT CLAIM OR MAKING FALSE STATEMENTS Fine of not more than \$10,000 or imprisonment for not more than 5 years or both. (See 62 Stat. 698, 749; 18 U.S.C. 287, 1001.)		

GENERAL SERVICES ADMINISTRATION-FPMR 101-11.8
95-105

Received NOV 18 1980
Regional Counsel, Western Region

STANDARD FORM 95
REVISED FEBRUARY 1971
GSA FPMR 101-11.8

Border Patrol hold draws civil rights complaint

By RICK MARTINEZ
Sun Staff Writer

SAN BERNARDINO — Eighteen-year-old Antonio Montes was in his cell Friday morning wondering why he had spent two extra days in county jail after a reckless driving charge had been dropped. So he asked a sergeant who told him the U.S. Border Patrol had placed a "hold" on him pending an interview to determine if he was an undocumented migrant. This seemed strange to the Rancho Cucamonga youth who was born in Buckeye, Ariz., raised

in Cucamonga and spent his entire life in the U.S. He contemplated calling his mother, but before he did he was informed he was being released. By noon Friday, Montes was on his way back to Rancho Cucamonga, the Congreso para Pueblos Unidos, a San Bernardino-based Hispanic rights organization, was accusing the Border Patrol of a "civil rights violation" and planning to picket their office and sheriff's and Border Patrol officials were trying to figure what had happened.

According to interviews with Earle Morgan, agent in charge of the Riverside office, sheriff's Robert R. Ryan, acting commander of county jail. Under sheriff Floyd Jones and Montes here apparently is what happened.

- Last Saturday night Montes was arrested for reckless driving in Rancho Cucamonga by Deputy Thomas Seelig and was booked into the sheriff's West End substation jail.
- Sunday he was transported to county jail in San Bernardino and held until a Monday

arraignment on the alleged offense.

- Monday Montes was taken to West End court, but never called for arraignment. He was taken back to county jail.
- Tuesday he was told he would be arraigned Wednesday. He spent the day in county jail.
- Wednesday Montes said he was also taken on another "dry run" to the West End, but was not called for arraignment.

Meanwhile, at 3 p.m. Wednesday Border Patrol agent Mike Knepshield had come to county jail to pick up two undocumented

migrants who were being sent back to Mexico. Jones and Morgan say a jail deputy who had noticed Montes had apparently refused to give a place of birth during his original booking at the West End substation, brought this fact to the attention of agent Knepshield. Knepshield asked the deputy — apparently unaware Montes was away at court — to have Montes called to the office area for questioning. When Montes didn't come, Knepshield and the deputy assumed he was being uncooperative and Knepshield

placed a federal "hold" on him until the agent could send for information from the state Vital Statistics office in Sacramento to verify citizenship. Montes was not told of the hold when he returned.

- Thursday — aware he had been in custody more than 72 hours and was eligible for release — Montes asked a sergeant about his release and was told he would probably be called for release later in the day. He never was.
- Friday he asked about his re-

(Continued on B-3, Col. 1)

metro

Saturday, August 23, 1980

The Sun, San Bernardino, California

editorials, sports

Goggin probe in limbo



attend the free sports event and participate in track and field, softball, weightlifting, a car show and other events, said co-chairman Ernie Wilson.

The finals, which begin at noon, will include

the opening ceremony will include a march of participants, music by the Cajon High School band and a welcome by Mayor W.R. Holcomb.

After the opening, the participants will go to their

those winners, as well as "decathlon" winners — those who competed successfully in more than one event.

About 125 cars entered in the car show will also be at the campus and there also will be two

The amateur sports event, which attracted about 1,400 participants. It has been financed by \$20,000 in contributions from businesses and the City Council has allocated up to \$17,000 to cover additional expenses.

Border Patrol hold draws civil rights complaint . . .

(Continued from Metro)

lease and was told a "hold" had been placed on him by the Border Patrol.

Despite the federal hold, sheriff's deputies released Montes Friday morning at the request of Undersheriff Jones who had met with Congreso para Pueblos Unidos representatives Dr. Armando

Navarro, Arnold Uriaga and Sara Lopez-Ramos.

Montes family members had found out Thursday that Antonio was being held by the Border Patrol for questioning. Instead of contacting the Border Patrol, Antonio's mother, Rosa, contacted Uriaga, Rancho Cucamonga CPU chapter chairman.

Uriaga was told by the jail the Border Patrol had to have Montes released. Uriaga called the Border Patrol at 7 p.m. Thursday but could only get the answering service. Morgan had left the office at 6:30 p.m.

So this series of "unfortunate coincidences" meant Montes spent two more days in jail than he had to, Jones said. He was never charged for the reckless driving offense.

Navarro, an outspoken critic of the Border Patrol since at least 1977 when they conducted their first residential raid on undocumented migrants in Ontario, charged the Border Patrol with a "civil rights violation" Friday because he claimed the hold was placed on Montes simply because he had a Mexican surname.

Admitting the fact that Montes' Mexican surname entered into the agent's probable cause in placing a hold, Morgan said, "We can defend that because we're within 111 miles of the border area. Ninety percent of the people we arrest are Mexicans; if we were at the Canadian border, we'd be dealing more with Canadians."

But the determining cause that gave the agent "probable cause" was "he refused to give the de-

puties his place of birth and that gives us the right to question him."

Morgan also said that the problem could have been cleared up "immediately" if the family had called the Border Patrol office Thursday afternoon. He hadn't heard about the incident until a newspaper reporter called him about it Friday afternoon.



Antonio Montes
extra jail time

The whole incident is complicated by the fact that Montes claims he never refused to give his place of birth, though sheriff's records indicates he did refuse.

"I remember giving them my date of birth, but I don't think they asked me that (about his birthplace)," said Montes, who speaks Spanish and English.

Sheriff's officials were embarrassed by the situation.

"It's our policy to cooperate with the Border Patrol but we don't make judgments of citizenship — it's not in our training or jurisdiction to detain illegal aliens," Jones said.

"I don't believe our jailer would have called them in Riverside, but since the agent was there, (the jailer) probably mentioned his suspicion conversationally to the agent."

"Our (jail) deputy was not at fault, but we don't generally give referrals to the Border Patrol when people have Spanish surnames and don't cooperate with us."

Morgan said agents usually don't place "holds" on prisoners without interviewing them, but since Knepshield was under the impression Montes was simply being uncooperative (not knowing he

was at court), he did.

Morgan also criticized the sheriff's department for releasing Montes without contacting the Border Patrol first. "That's a federal hold and we have to approve his release."

But Jones said, "After talking to Dr. Navarro and seeing the birth certificate it was obvious he was not an alien."

"We know the Border Patrol has taken offense, but our jailers are intelligent and know when a man is being held unjustly so we released him."

The sheriff's department said it was simply cooperating with the Border Patrol. The Border Patrol said Montes could have saved himself some trouble by giving his birth place, which deputies say he refused to do. Montes says he didn't refuse to give his birthplace. The Border Patrol says the sheriff's department didn't inform them Monte was at court the day he was to be interviewed, nor did they inform agents he was to be released Thursday.

But the CPU Friday praised the sheriff's department for its cooperation and blasted the Border Patrol and promised to picket its Riverside office Tuesday morning at 10

Colton man held in hit and run

SAN BERNARDINO — The son of a woman who died shortly after she was run over by a car here July 4, was arrested Friday afternoon on a murder warrant charging him with driving the car and purposely running over the woman.

Tommy Calderilla, 25, of 458 Ma-

ple St., Colton, was booked into San Bernardino County Jail and bail was set at \$100,000.

Adela Carroll, 58, of the Sunset Hotel, 450 N. G St., had been struck as she and a companion, Arthur Dalpiaz, 72, of the same address, were crossing the street in the middle of the 400 block of G Street about 5 p.m.

Carroll died about three hours later and Dalpiaz was not seriously hurt.

Three weeks ago, Calderilla was arrested for investigation of felony hit-and-run driving in connection with the July 4 accident, but it wasn't until a few days afterward that police verified he was Carroll's son.

Calderilla had bailed out soon after the arrest.

During the course of the the accident investigation, detectives became aware of the "suggestion

Robbery nets gunman 5c

SAN BERNARDINO — A gunman interrupted a game of "craps" Thursday in the garage of a private residence, shot a 16-year-old student and took a nickel, police said Friday.

According to police, a man entered the garage at a house

Hallett won't pursue Goggin probe. . .

(Continued from Metro)

terest" or that he has violated any of the campaign disclosure re-

don't want to engage in any witch hunts."

Hallett learned shortly after

from each party, to avoid the appearance of partisan maneuvering. Therefore, I believe the

with some specifics."

Nevertheless, he said, it is probably "more appropriate" that either

H. OTHER CASES.

- Affidavits and/or Declarations
- Formal Complaints
- Official Documents
- Transcripts
- Fact Sheets
- News Articles

IN THE DISTRICT COURT OF LEA COUNTY

IN THE DISTRICT COURT OF LEA COUNTY
State of New Mexico
FILED IN OPEN COURT

STATE OF NEW MEXICO

1:25 O'CLOCK P M

IN RE LORENZO M. RODRIGUEZ

THIS 7th DAY OF March 19 80

Petitioner.

DISTRICT JUDGE

VS

Case No. CV80-181

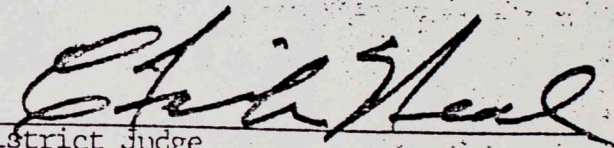
George Teague, Sheriff

WRIT OF HABEAS CORPUS

The state of New Mexico to the sheriff of Lea County:

You are hereby commanded to have the body of Lorenzo Rodriguez by you
imprisoned and detained, as it is said, together with the time and
cause of such imprisonment and detention, by whatever name the said Lorenzo
Rodriguez shall be called or charged, before the Honorable N.

Randolph Reese, Judge of the District Court, on March 11th 1980 at 9 AM
to do, and receive what shall then and there be considered concerning
the said Lorenzo Rodriguez and have you then and there this writ.


District Judge

IN THE DISTRICT COURT OF LEA COUNTY
STATE OF NEW MEXICO

IN RE: Lorenzo M. Rodriguez

Petitioner.

Case No.-----

APPLICATION FOR WRIT OF
HABEAS CORPUS

COMES NOW, the Petitioner Lorenzo M. Rodriguez and
applies to this for Writ of Habeas Corpus and states:

1. That he is being held in the Lea County jail in
Lovington, N.M.
2. That to his knowledge he was charged with the crime of
Driving While Intoxicated, received a five day sentence and has served his
sentence. He is being detained because the Sheriff's office misplaced his
money.
3. That he should not be detained in jail after his sentence
has been served, that his money should be returned to him, and that he should
not be deprived of his liberty while the sheriff's office completes an
internal investigation.

Wherefore, Petitioner prays that:

A writ of Habeas Corpus be granted directing the Lea County
Sheriff to release the Petitioner from jail and such other and further
relief as the Court may deem just and proper under these circumstances.

SOUTHERN NEW MEXICO LEGAL SERVICES

BY: Michael Carrasco
Michael M. Carrasco, Esq.
202 S. Guadalupe
Carlsbad, N.M. 88220
Phone: (505) 887-6566

VERIFICATION

STATE OF NEW MEXICO)
COUNTY OF LEA) - SS.

LORENZO M. RODRIGUEZ being first duly sworn, on oath
deposes and states that he is the Petitioner in the entitled cause, that
he has read the above and foregoing pleading, knows the contents thereof,
and that the same is correct and true, except to those matters stated on
information and belief and those he believes to be true.

/s/ Lorenzo Rodriguez
Lorenzo M. Rodriguez

Subscribed and sworn to before me this 7th day of March, 1980.

George Hargrave
Notary Public

My Commission Expires: 3-11-80

State Of California.
County of San Diego.

October 25, 1980.

I, Alicia G. Rodriguez, Social Security No. 548-86-6397, With Residence at: 279 West Park Avenue. San Ysidro, California. 92073 declare as follow:

I went to the IRS Office on October 24, 1980, Before Mrs. Harris desk, I was tranquil because I believed that it was only questions about my clients, and I brought the documents requested by the Office in my citation.

She commenced with the investigation, and I explained her very clear that I prepared the Income Tax, and all the documentation under the declaration of my clients, and I showed her, The Following documents: Income tax copy of Mr. & Mrs. Zenaido & Jo - vita Rodriguez, with a note signed by Mr. Rodriguez, That in perfectly Spanish say: I, Zenaido Rodriguez, Received Income Tax and copy of the same, and I Found that it was prepared under my own declaration, The amount that I paid was \$ 15.00 Dlls. (I translated this document for her in English).

I explained her Several times that " I prepared the Income Tax under the declaration of my client, She did not hear me, and I was tire because she abused so much, The only thing that she wanted in that moment it was to qualify me as guilty.

I tried to convince her and I told her again the only thing I can tell you is that I prepared the Income Tax under the declaration of my client, I could not request them the Immigration papers And She Answered me Affirmative with her head and Very Low Voice " YES ".

I was surprise and I asked her again. Is it a new Law? She answered me Affirmative with her head and very Low voice. " YES " And I asked her again. Am I Suppose request the Immigration papers for my clients the next year. She Answered Affirmative with her head and very Low Voice. " YES "

With this treat I signed Taking in consideration that I never request this kind of papers, the treat obliged me to sign, She new that I was going to sign she extended me the form 5816, And I signed but my tears did not permit me to see into the page, But later walking on the street, I looked into the page trying to find the penalty of \$ 100.00, Because I did not request the Immigration papers, and I was more surprise when I found a Clapsule in which I was declared such Understatement of tax due to negligent or intentional disregard of rules and regulations and for this matter I appealed to withdrawing my signature from form 5816, Because she could not denegate before a Court that all this declaration is true and correct not less or more only the true.

I could not understand in that moment, why I did not know about this law, and for this matter I asked to other people and I was informed that she was Absolutely wrong, I believed in Mrs. Harris because she is a Government Employee.

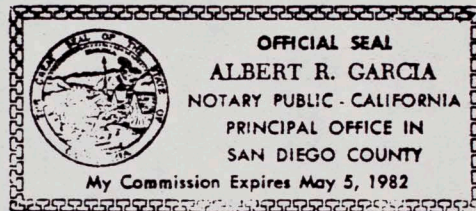
This is my declaration true and correct, and to certify that, I sign this document, In San Ysidro, California. 92073, United State Of America.

Thanks a lot.
Yours Very Truly.

Alicia G. Rodriguez
ALICIA G. RODRIGUEZ.

SUBSCRIBED AND SWORN TO BEFORE ME,
This 12th Day Of November 19 80 At San Ysidro, CA

Albert R. Garcia
NOTARY PUBLIC IN AND FOR THE COUNTY OF SAN DIEGO,
STATE OF CALIFORNIA.



October 31, 1980

Max Poppleton, Representative
District Director
Internal Revenue Service
880 Front St.
San Diego, California 92188

RE: PSSN: 548-86-6397

Dear Mr. Poppleton:

On October 24th, 1980 I appeared before Internal Revenue Service agent M.S. Harris for the purpose of clarifying some verification of dependents stipulated on 1978 tax return of Zenaïdo and Jovita S. Rodriguez, Social Security Number 571-34-6936.

I was confronted with the most abusive, nasty and irresponsible agent charging me with negligent and intentional disregard of rules and regulations. I made my clarifications to Agent Harris that when preliminary information was taken from the above mentioned taxpayer I was advised and convinced that said taxpayer was living in the United States. I as a tax preparer have no authority to investigate the Immigration or residential status of a person's residence or citizenship in this Country, and I assume that IRS also has no authority to implement this procedure as stipulated by the U.S. Attorney General in Washington, D. C. that no federal agency has the authority to check or investigate Immigration status including the FBI, and the only exception is the Immigration and Naturalization Service if and when they do not abuse their authority.

However, I have been instructed by agent Harris to violate said procedures and to start investigating the Immigration and residential status of persons of Hispanic and Mexican descent. I was also forced abusively by Harris to sign form 5816 and to forcibly accept and pay a penalty of \$100.00 Dlls.

By means of this letter I wish to withdraw my signature from said form and wish to appeal this matter and call it to the attention of her Supervisors, and stop the abusive and possible violation of Immigration Law by overly-zealous Internal Revenue Service interviewers.

I consider this a discriminatory act against the Hispanic taxpayers and tax preparers.

Yours very truly,

Alicia G. Rodriguez
Alicia G. Rodriguez
75 E. San Ysidro Blvd.
San Ysidro, California 92073

c.c.

Jerome Kurtz, Commissioner

William Connett, Deputy District Director, Los Angeles, CA

Senator Alan Cranston

Senator S.I. Hayakawa

Congressman Lionel Van Deerlin

Congressman Edward R. Roybal

Herman Baca, CCR

Alberto R. Garcia, UCMAA

December 18, 1980

Senator Alan Cranston
New Senate Office Bldg.
Washington, D. C. 20510

Dear Senator Cranston:

On October 31, 1980 I wrote you regarding incident with IRS examiner Ms. M.S. Harris, San Diego offices as to abusive behavior, insults, and discrimination against taxpayers and tax preparers of Hispanic descent.

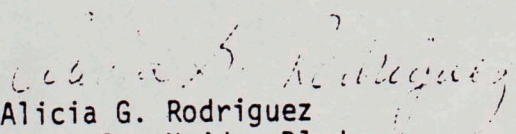
The most important part of this incident is that examiner Harris has ordered me to become an immigration officer to check immigration documents, residence and only to persons of Hispanic or Mexican looking.

The other part of the problem is that I was forced to sign form 5816 for \$100. preparer penalty for negligent disregard because I did not check the immigration status and residence of my client Zenaïdo and Jovita Rodriguez, I was ordered to sign but on October 31, 1980 I withdraw my signature and at the present time I want satisfaction as to the following:

1. What position does IRS has and who authorized IRS personnel to instruct preparers to request for INS documents or immigration residences.
2. What if anything has been done about examiner M.S. Harris regarding her attitude.
3. And if said penalty or signature has been withdrawn.

I will not pay for any penalty which I am not guilty. Therefore, I hope you can give me your assistance as soon as possible so that we can clear this matter immediately and also to stop these practices of IRS personnel.

Sincerely yours,


Alicia G. Rodriguez
75 W. San Ysidro Blvd.
San Ysidro, California 92073

c.c. Francie Iwamura, Fresno, CA
Jerome Kurtz, Commissioner

William Connet, Deputy Dist. Dr. Los Angeles, CA
Herman Baca, CCR, Alberto Garcia UCMAA

October 31, 1980

Mr. Albert G. Bergesen
U.S. Regional Commissioner of Customs
Los Angeles, California

Dear Mr. Bergesen:

I would like to register a formal complaint with you regarding the very unprofessional attitude of U.S. Customs Inspector Jack A. Choppin, Badge No.10781 and of the negative attitude of Supervisor Bill Shorey when dealing with me on October 17, 1980 at the commercial Port of Entry, San Ysidro, California.

On that date I was refused entry into the United States even though I am an American Citizen and almost daily deal with the U.S. Customs personnel at this commercial facility, solely because lacking proper identification and I would not name the high school I should have attended in the United States.

Since my wallet with my I.D. was in my parked car at my San Ysidro, California place of employment and I had to send for it, Inspector Choppin became furious at me while I was waiting and started hollering at me to leave, saying that I could not wait there at the Commercial lot for my I.D.; to leave or I would be in a lot of trouble for loitering! This demand coupled with this inspector's insistence that I name the High School I had attended in the United States or be refused entry into the United States for lack of proper identification represents to me an abuse of authority. I feel that based on Inspector Choppin's attitude and his behavior towards me, he was trying to embarrass and humiliate me.

When I finally got my wallet with my I.D. and was allowed entry into the United States, I complained to Supervisor Shorey about Inspector Choppin's unprofessional conduct but Supervisor Shorey was very negative towards me and sided with the inspector.

Since I am a U.S. Custom House Broker agent and have to deal with U.S. Customs personnel on a daily basis, I hope you can prevail on your employees working at the United States-Mexico border crossing to be more professional while performing their duties and to quit grabbing at every little opportunity to belittle and humiliate those of us who have to deal with them.

Thank you for your attention in this matter.

Yours truly,

Robert A. Acero
374 E.San Ysidro Blvd.,
San Ysidro, Ca 92173

United California



Mexican-American Assn.

318 EAST SAN YSIDRO BLVD.
SAN YSIDRO, CALIFORNIA 92073
(714) 428-2742

November 11, 1980

Robert Hazelton, District Director
U.S. Customs Service
880 Front St.
San Diego, CA 92188

Dear Bob:

This is regarding our telephone conversation of yesterday November 10, where we discussed some concerns I have as to procedures used by Customs inspectors at the San Ysidro Port of Entry.

As I mentioned to you this Inspector Badge Number 10781 Jack Choppin is not the first time that had conducted himself in an unprofessional manner by asking questions to the public that are not within his jurisdiction which are as follows:

1. Where did you go to school if your are a United States Citizen.
2. Let me see your Identification.
3. Let me see your automobile registration.
4. Whose car is it.

I believe that Choppin is a U.S. Customs Inspector not Immigration to continue his harassment on yellow form I-443 he referred us to secondary insepction with INS and Customs delaying our trip for 30 minutes or more because there we were then harassed and insulted by INS Inspector Vaughn which we are filing complaint.

Choppin's name has come to my attention in several occasions regarding his abusive questioning of people and one in particular is an incident that happended to one of our members Mr. Roberto Acero, Manager of Porter International Brokers, at the Commercial Inspection area.

I see many problems ahead with customs inspectors who are once again using gestapo tactics against the traveling public. I further believe very strongly that the port director and chief inspector are losing control of that port and your office sooner or latter will have very serious problems if you do not put a stop to all these abusive tactics. I also see in jeopardy all that Albert Bergesen and I accomplished for the past seven years will go down the drain. I put it in your hands and give you the opportunity to take immediate steps to stop these overzealous inspectors.

This organization in conjunction with others in San Diego County urges you to stop this before it gets out of hand.

Yours truly,

Alberto R. Garcia
State President

ARG/il

United California



Mexican-American Assn.

318 EAST SAN YSIDRO BLVD.
SAN YSIDRO, CALIFORNIA 92073
(714) 428-2742

December 17, 1980.

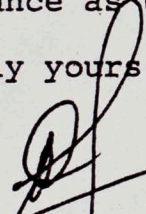
Robert R. Hazelton
District Director
U. S. Customs Service
880 Front Street
San Diego, CA 92188

Dear Mr. Hazelton:

Enclosed you will find declaration of Antonio and
Elsy Chavez regarding abusive U. S. Customs Inspector,
Kenneth Altman, and inept supervisors who were in charged
of that particular shift.

I would appreciated if you make a thorough investiga-
tion against these individuals for their unprofessional
performance as U. S. Government representatives.

Sincerely yours,


Alberto R. Garcia
State President

ARG/tm

Enclosure

DECLARATION OF ANOTNIO AND ELSY CHAVEZ

We, Antonio and Elsy Chavez, residing at 1203 E. 18th Street in National City, CA 92050. Wish to state and affirm:

1. We are citizens of the Republic of Mexico legally residing in the United States.

2. On November 28, 1980, on or about 9:00 p.m. after returning from Tijuana, Mexico, and being in line for approximately an hour and a half, we entered primary inspection and encountered a U. S. Customs inspector badge No. 12344, by the name of Kenneth Altman after said inspector asked the routine questions, he decided to take us to secondary for further inspection of our vehicle. This inspector conducted his inspection very abusively and unprofessional. He detained us there for approximately forty five minutes trying to insinuate that someone was hiding in the bed-compartment of our GMC Van, orange color, California License 670LED. He wanted me, (Antonio Chavez), to tear opened that particular area of my vehicle so that he could be satisfied that no one was hiding in that area where not even a three month baby could fit.

3. After not finding anything illegal in our vehicle this abusive racist inspector wanted to inspect my hand purse, I advised him if he wanted to do that, I would permit only a female inspector to see it and if not, that I would personally let him see item per item. He ordered us to go to the office inspection area, when I insisted to talked to a supervisor, he refused to do so, and inside the office he started to abuse us again by treating us like criminals that were arrested or charged with some criminal violation. He told us very abusively using excess rough language, "Put your hands on the counter and don't moved," "Spread your legs, and don't moved." At the same time he grabbed my purse, acting like a German Gestapo Agent, and threw everything on the counter. I continued to protest the treatment that we were getting and insisted to speak to the supervisor in charge, I was again denied that right and apparently that irritated the inspector more and he ordered a female inspector to give me a personal search in a little room. Again we insisted to speak to a supervisor and we were denied that right.

4. After we were abused, harassed, humiliated, and treated like criminals, we were ordered to leave and we still insisted to see a supervisor. Walking from the office where we were illegally detained, we approached a spanish-speaking inspector and requested again to see a supervisor, the Mexican-American inspector walked in to an office and seconds later a man came out and said nothing, did nothing, and told us to leave.

We were later informed that there were three supervisors in that office Young, Seawall, and Gutter. It is a crime in our opinion that having three supervisors in the 4 to 12 shift none of them were aware of what was happening, nor were available to protect the traveling public and citizens who are in need of their assistance, when it is requested.

5. We have suffered irreparable mental anguish. We are afraid to cross the International Border because of these nasty, abusive officers of the U. S. Government.

We herewith affirm and declare that the foregoing is a true and correct statement of fact.

Antonio Chavez
ANTONIO CHAVEZ

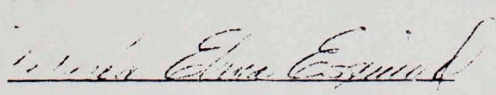
Elsy d Chavez
ELSY CHAVEZ

D E C L A R A T I O N O F
M A R I A E L E N A E S Q U I V E L

I, Maria Elena Esquivel, declare:

1. I am a Citizen of the United States of America.
2. On November 26, 1979, applying for entry on primary inspection I encountered the most abusive attitude by inspector A. J. Rodriguez U.S. Customs badge No. (12353). After going through the regular questioning by inspector Rodriguez, he abusively tried to grab my purse, threw half of his body over my person touching my breast and my body with his hands and arms.
3. I advised inspector Rodriguez that if he wanted to see my purse that I would gladly show it to him if, (a) He asked for it in a courteous manner. (b) That I would show it to him myself. (c) If he would stop acting abusively against my person.
4. He reacted so unprofessional that he walked me to secondary inspection and on his way he made a gesture and stated; "If you play any games with me, I will shoot you." grabbing his gun with his right hand, he ordered me to park my car in the first stall treating me like if I were a criminal, he told about ten inspectors, that were just standing out there, to check my car, further ordering me to leave the keys in the car. I was taken to the office of the U.S. Customs Service, where inspector Rodriguez using abusive language again by force took my purse and threw everything on the counter and checked item per item. I was further ordered to let myself be checked by a female inspector so that I would continue to be harassed by this individual which I considered his attitude and procedure used against me, unbecoming of a United States Federal Officer.
5. I, therefore, request for an immediate investigation against this individual so that proper steps are taken against him for the way that I was mistreated and also for his attitude of throwing half of his body and touching me, which is illegal and unconstitutional and not within U.S. Customs regulations.

I declare under penalty of perjury that the foregoing is true and correct statement of fact.



MARIA ELENA ESQUIVEL.
1033 Woodhaven Drive
Spring Valley, CA 92077

NOVEMBER 27, 1979.

PRIESTS CALL FOR ALIEN CENTER PROBE

By VIRGINIA HORN
Staff writer

The Catholic priests of Imperial County have called for an investigation of conditions at the El Centro Alien Detention Center.

"Allegations regarding abuse of human rights of persons detained should be thoroughly investigated by an independent and impartial group. If these allegations are proven true, we call for immediate corrections."

The priests called for the investigation in a signed statement released Friday to

this newspaper, although the priests voted on the matter several days ago.

The priests based their action "upon written and verbal reports of visitors to this prison facility, newspaper accounts and several conversations with one prisoner (in which, in part, he was reporting experience of other prisoners)..."

"...It is suggested that this facility may fail, in many ways, to meet the standards of United Nations, Department of Economic and Social Affairs, Standards Minimum Rules for

the Treatment of Prisoners and Related Recommendations, 1958."

Among the allegations listed was the interment of a youth under 18 with adults, the lack of air conditioning at the facility, that prisoners are told to prepare food and told they won't be fed, inadequate recreational facilities, inadequate medical treatment and that current newspapers and magazines were not available.

The local Catholic Community Services Organization which has been looking into conditions at the Alien

Detention Center reported it had asked the U.S. Senate Judiciary Committee to look into the allegations. Sen. Ted Kennedy heads that committee.

CCS also asked that the plight of Nicaraguans at the center also be looked into.

An attorney for the Senate committee has promised to look into both matters.

"As soon as I receive a response from INS (Immigration and Naturalization Service) regarding the conditions at the El Centro detention facility, I will share the information with you," Attorney Antonia Hernandez wrote.

In the meantime, CCS has announced it will hold a carne asada to raise bail money for the final two Nicaraguans still in El Centro.

The dinner will be held next Friday from 5 to 8 p.m. at the American Citizens Club grounds, 10th and C Street, Brawley. Tickets are \$5 each.

CCS and Amnesty International, a worldwide human rights organization, claims the Nicaraguans, if deported, face "almost certain" death or torture if they return to their homeland.

One of the original eight has

voluntarily returned, another was granted political asylum in Guatemala, and four have been bailed out of the facility.

Those bailed out included a 16-year-old boy that had been held at the center and one whom the other Nicaraguans pooled their money to bail out.

Still at the center is one Nicaraguan whose wife, children and parents were reportedly killed last September when a bomb dropped on his home.

The two Nicaraguans at the center have bail set at \$1,000 each.

IMPERIAL VALLEY PRESS

Imperial Valley's Oldest Ongoing Business—Since 1901

VOLUME 77—NUMBER 333

EL CENTRO, CALIFORNIA

SATURDAY, MAY 19, 1979

48 PAGES

SINGLE COPY 15c

Two sentenced for federal violations

Five-year prison terms and fines of \$10,000 each have been ordered for a Long Beach aviation firm owner and his pilot on con-

victions of making false statements to federal officers and a currency violation.

U.S. District Court Judge

Gordon Thompson Jr. yesterday ordered the sentences for Glen Moore, 43, owner of Coast Aviation, Inc., and pilot Michael Eng-

lish, 43, of 245 Country Haven Road, Encinitas. Both men currently are free on \$5,000 bonds, pending appeal of their convictions.

Assistant U.S. Attorney Raymond Edwards Jr. said Customs Service agents arrested the pair in January after they landed in an unreported aircraft at Palomar Airport following a radar-tracked flight from Mexico. Agents reported finding marijuana debris and \$20,000 aboard the plane.

Moore and English falsely claimed they had flown out of Sunland, N.M., from an airstrip that had been closed for more than a year. They also failed to report transporting the \$20,000 across an international border as required by law, agents said.

Suspect in border shooting had OK to carry own gun

Border Patrolman David Louis Krohn, charged with attempted murder and assault with a deadly weapon, had authorization to carry his own personal gun on duty, a Superior Court jury has been told.

The jury considering charges against Krohn, 29, of Bonita, was told that Krohn's authorization to carry a snub-nosed, five-shot revolver had been issued July 15, 1978.

Krohn is charged with assault and attempted murder of Abel Reyes, an illegal alien, who was shot Oct. 21 while attempting to cross the Mexican border into the United States.

Albert Franco, deputy chief of the Chula

Vista Border Patrol Section, yesterday identified the formal documents that gave Krohn permission to carry the gun. Usually border patrolmen are restricted to using guns issued by the Border Patrol.

At the time of the shooting, supervisors for the Border Patrol checked the guns of all of the agents on duty and found that none had been fired, according to Deputy District Attorney Nicholas Kasimatis.

In his opening statement to the jury, Kasimatis claimed Krohn had thrown away the nearly new second gun to avoid detection. Krohn was the only agent on the south embankment at the time of the shooting, according to Kasimatis.

E.T. 5-25-79

Mexicans big spenders here

Mexican shoppers spent nearly \$400 million in San Diego stores last year, ringing up 7.5 percent of total sales, a Chamber of Commerce survey noted.

Stores in downtown San Diego and those closest to the border reaped the largest share of profits from the Mexican shoppers, the survey showed.

An average of 55,288 Mexican visitors and workers cross the border at San Ysidro daily, said Alex Struthers, chairman of the South Bay Economic Development Corp.

The Mexican nationals who spend their money at numerous stores and shopping centers in the county provide a "valid economic asset to San Diego business," Struthers said.

10-1079

FBI Probes Charge That Aliens Beaten

By RICARDO CHAVIRA

Staff Writer, The San Diego Union

The FBI is investigating allegations that Border Patrol officers beat and violated the civil rights of undocumented aliens and, in some cases, legal U.S. residents of Latin-American ancestry, an FBI spokesman in Washington, D.C., confirmed yesterday.

Law enforcement sources said that the FBI probe grew out of the indictment of four Border Patrol officers on charges of brutality against aliens and a subsequent FBI investigation of a reported attempt to harm witnesses expected to testify against the officers.

The allegations under investigation involve incidents that purportedly occurred in the San Diego area between 1974 and June of this year. Only a few cases are being investigated, according to the FBI spokesman.

But neither he, nor a Department of Justice official who confirmed that the probe is under way would disclose details of the cases.

"It's not a large scale thing," said the FBI spokesman, "but we are looking at some cases referred to us by the Justice Department."

The allegations originally were brought to light in July during a trip to Washington by Herman Baca, chairman of the Committee on Chicano Rights and representatives of the Legal Aid Society of San Diego and the United Mexican American Association.

During that trip, Baca and the others met with several legislators and Justice Department officials to request congressional hearings on what they claimed was a widespread pattern of violence and civil rights violations perpetrated by Border Patrol officers against undocumented Mexican immigrants and legal Hispanic residents.

To support their charges, the group presented documents detailing 10 alleged incidents in which Border Patrol officials shot, beat and deprived Mexican aliens and Hispanics of their civil rights.

In response to the visit, U.S. Rep. Edward Roybal, D-Los Angeles, convened a one-day hearing in San Ysidro in August to hear testimony about two of the 10 cases. Witnesses and Customs officials testified about the deaths of two children, Manolo Alberto and Mario Canedo, who died

Charge That Aliens Beaten Probed

(Continued from B-1) 10-20-74

of illnesses before immigration authorities would allow them to enter the United States.

Law enforcement sources said that Department of Justice officials did not ask the FBI to look into the cases brought to their attention until after the indictments and the alleged attempt to harm witnesses.

Border Patrolmen Jeffery Othrer-

son, Bruce Brown, Dirk Dick and Daniel Charest were indicted last month on charges of conspiracy to defraud the government by interfering with lawful government functions and depriving aliens of their civil rights in a series of beatings.

The supposed attempt to tamper with witnesses — Border Patrolmen Steve Iverson, Blake Brown and Brent King — involved the loosening of the lug nuts on the left front tire of

the car used by the witnesses.

While it was not clear which of the 10 alleged incidents presented by Baca and his companions are under investigation, a copy of the documents supporting the allegations has been obtained.

Among the incidents described is the February shooting of Margarito Balderas. According to his notarized statement, he was confronted by a Border Patrolman as he walked into the United States near the San Ysidro Port of Entry.

The officer reportedly pointed a pistol at Balderas, who said he then turned to walk away. "The officer said, 'Stop, put your hands up,' and I did," said Balderas.

"I felt two shots hit me," he continued, "managed to stay standing a few seconds and then had to lie down."

A hospital report indicated that Balderas was shot with a .357 Magnum pistol in both right and left forearms. He also was cut on the right arm, the report showed.

Balderas said that as he lay on the ground the patrolman who allegedly shot him, Robert Reidell, then kicked him and cut his arm.

It could not be learned if there was an investigation of the allegations.

Another shooting involved 16-year-old Martin Zarate. His notarized statement indicates that he was shot in the legs from a helicopter in May as he crossed from the Colonia Libertad section of Tijuana into the Spring Canyon area.

A University Hospital report indicates that the youth was shot in both legs with a shotgun. Zarate said that within 10 minutes patrolmen arrived to question him and render first aid.

"As I was receiving emergency treatment I could see the helicopter still hovering above us," said Zarate.

Following the incident, Border Patrol officials said that Zarate was shot by border bandits.

Also contained among the cases is that of Luciano Ortiz, a native of Puerto Rico, who in a sworn statement charges that Border Patrolmen apprehended him in August of 1978 while he fished at Imperial Beach.

He said officers at the Chula Vista Border Patrol station beat and kicked him repeatedly when he reportedly refused to "sign some papers explaining my rights and other things."

Ortiz said that he told officers he was a U.S. citizen, but that they refused to believe him.

"My forehead, the side and back of my head were banged against the wall," he said. "I lost consciousness."

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E.T.
Protest on visiting *5-25*
79

Editor: This is a protest on behalf of the thousands of U.S. citizens who have crossed the Mexican border for years without being intimidated, harassed, shot at or beaten. I personally am outraged!

The Mexican border gentlemen, I repeat, do not even attempt to embarrass visitors who want to enter their country.

Is it too much to ask why we supposedly intelligent (and purportedly) human beings cannot apply the golden rule on our side of the border?

Goodness knows they have been trying to show us the way for years. In their eyes we must appear incredibly stupid and bestial, which, in my opinion, we are.

—GILBERT COLEMAN
University City

There's no 'jail ward'

Editor: In regard to the article (Tribune, 5-21-79) covering the shooting of Mr. Carrazo by the Border Patrol, your reporter Robert Dietrich stated that he is being treated at University Hospital's "jail ward."

Please note there is no such unit at University. He is being cared for by the specialized team of the Regional Trauma Center at University.

This mistake has been corrected before, but obviously no one paid us much heed. It is not fair to the other patients and their families to be considered by the media as being cared for in a jail ward.

—MARCIE S. DOBKIN, R.N.
University Hospital

5-25-79 E.T.
Border talk

THE problems we have been experiencing with fuel shortages and long lines at the gasoline stations here are going on south of the border, too.

Baja Californians are our close neighbors and what affects us, affects them.

In recent weeks hundreds of U.S. citizens have been crossing the international border and filling their tanks at Mexican stations. As a result, supplies of Mexico's non-leaded Super brand have dwindled to nothing and often the second grade, Nova, which is similar to our regular, is hard to find.

With this lack of fuel, the flow of weekend visitors from the United States has dwindled — a heavy blow to the economies of the border towns.

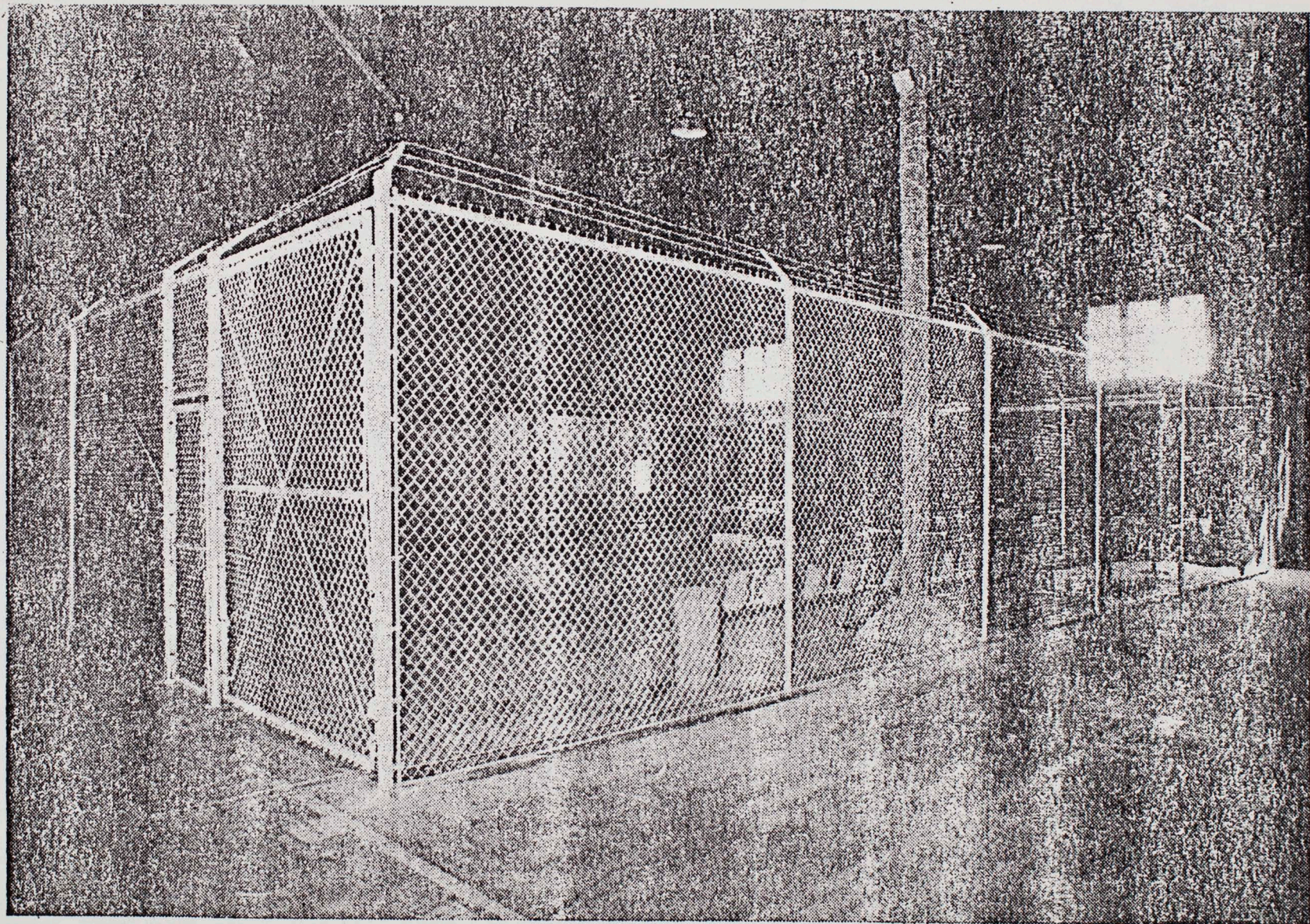
But the picture is looking brighter. Gov. Brown of California and Gov. Roberto de la Madrid of Baja California have agreed to meet in Tijuana with officials of the tourism department and Pemex, the Mexican oil monopoly.

If things work out, Pemex is expected to increase maximum allotments for the peninsula.

"If Californians don't buy in panic," said de la Madrid, "there will be no problems with the availability of gas in Baja California."

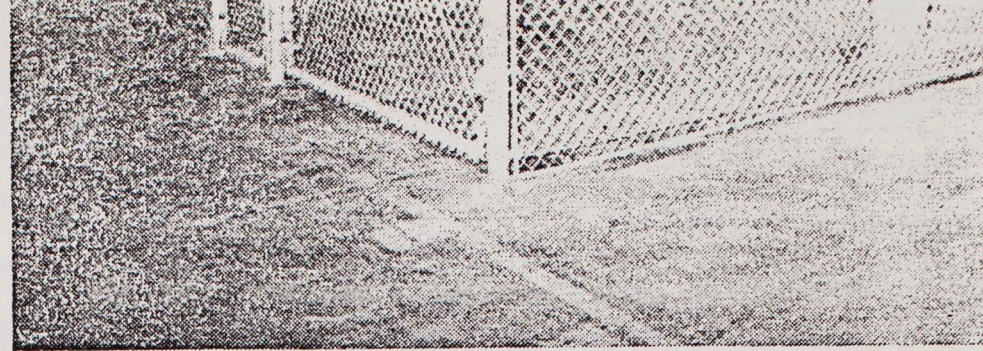
That's good advice. Let's see if it can be followed.

TIMES 11/11/77



HOLDING AREA FOR ALIENS—Enclosure in a Bell warehouse for detainment of illegal aliens awaiting deportation to Mexico.
Times photo by Fitzgerald Whitney.

INS Locks Up



HOLDING AREA FOR ALIENS—Enclosure in a Bell warehouse for detain

INS Locks Up Illegal Aliens in Dark Warehouse

BY NARDA ZACCHINO
Times Staff Writer

Illegal aliens apprehended by the U.S. Immigration and Naturalization Service sometimes are held inside a dark government warehouse in Bell under conditions described by some government employes as "deplorable" and "dismal."

As many as 200 aliens awaiting voluntary deportation to Mexico often are held inside a barbed wire-topped, chain-link enclosure containing crude toilet facilities and seating for only 80 persons.

The Bell facility is used from two to four times a week, to relieve the sometimes overcrowded holding tank in the downtown federal building, according to Omer G. Sewell, deputy district director of the INS.

He said the enclosure, divided into two sections and measuring about 4,000 square feet, was erected in the warehouse in September and will be used for about six months until a permanent holding facility is completed in the federal building downtown.

Sewell said the aliens, who waive deportation hearings for voluntary return to Mexico, stay in the Bell facility for one to three hours. However, others familiar with the process said it often takes up to six hours.

During the first few weeks the facility was in use, there was no telephone for the illegal aliens, who are allowed to make a phone call. And there was no seating, forcing the aliens to stand or sit on the concrete floor while waiting to be interviewed and processed out.

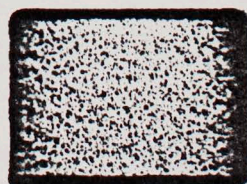
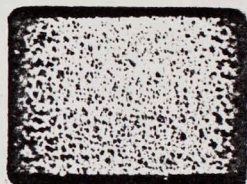
Now, however, 40 chairs have been installed in each section. Sewell said a pay telephone also has been installed.

The divided enclosure resembles a large cage, about 10 feet high with barbed wire atop the fence and wrapped around wooden pillars which extend to the roof of the huge warehouse.

The warehouse also serves as a storage area for government property and has no heating or cooling system, although Sewell said the INS plans to install electric heating when the weather gets colder.

There also is little ventilation inside the warehouse unless the huge doors leading to a loading dock outside are opened. Few windows allow little light to enter.

Please Turn to Page 28, Col. 1



Immigration job next challenge to Castillo, man of 'rare talent'

By BENJAMIN SHORE

Copley News Service

WASHINGTON — In the spring of 1962, a cable from the Peace Corps chief in the Philippines came into the agency's Washington headquarters extolling the virtues of a 22-year-old corpsman from Galveston, Tex.

Leonel J. Castillo, the official told Washington, is "an exceptional case with rare talent and experience unlikely to be matched."

And last year, Castillo, speaking as the elected controller for the city of Houston, told a reporter:

"If you want to change power, you have to get power."

From teaching English and pig-raising to Filipinos (in their own language) to managing the finances of the nation's fifth largest city, Castillo has learned a lot about people, politics and power.

And now he is about to come to Washington at President Carter's request to head the Immigration and Naturalization Service.

Running this agency, which is on the front lines of a major social, political and economic battle over the issue of illegal aliens, will require the 37-year-old politician and bureaucrat to draw on everything he has learned since his youth in Galveston's Mexican-American barrio.

"I've been complaining a long time about the problem (of illegal aliens and immigration), so there was no way I could turn it down," Castillo said in an interview.

"It's also a personal challenge," he added, "and it will permit me to get involved in international relations and more Hispanic relations."

Castillo already is widely known around the country as a savvy political and social activist who has learned how to fight successfully for the political and social interests of Spanish-speaking Americans.

He also has learned to ignore his more radical activist colleagues who criticize him for working within the majority political establishment.

Castillo, who was a big help in Jimmy Carter's bid last year for the Mexican-American vote, was elected treasurer of the Texas state Democratic party last fall.

"There are some (within the state party and Mexican-American community) who say I shouldn't go to Washington because I should stay here and run for statewide office next year," he said.

Castillo admitted he had his eye on the state treasurer's post. But he's young and he knows he'll be returning to Texas in four years. Also, he's not at all worried that the issues he'll have to deal with at INS could become political liabilities for him.

"Good service would be good politics," he says with confidence.

Castillo has been in Washington in recent weeks for courtesy calls on senators before his confirmation hearing is held, to chat with representatives working on illegal-alien legislation, and to confer with Atty. Gen. Griffin Bell and Labor Secretary Ray Marshall.

Bell and Marshall are directing the formulation of an administration solution to the vexing illegal alien problem, and Castillo will be expected to play a major role in implementing the policy.

He says he is open-minded on the



LEONEL J. CASTILLO

identification cards for all citizens as a means of thwarting illegal aliens who come primarily to get work.

"I haven't heard of a system that overcomes all the (civil liberties) objections," he said, "but I'm open to any good suggestions."

Castillo also favors a federal law making it illegal for an employer to knowingly hire an illegal alien, provided adequate legal safeguards are built into the law to protect Mexican-Americans from unintentional job discrimination.

He believes the present federal system of certifying the need for temporary importation of aliens to work in agriculture should be overhauled and refined to, in essence, force growers to try harder to attract domestic workers first.

Further, closer cooperation between the federal government and various sectors of the economy is necessary to spot areas where illegal aliens are putting domestic workers out of jobs, he says.

"We're having a building boom in Houston, yet many of our carpenters are out of work," Castillo said, suggesting that many builders are hiring illegal aliens at lower wages.

On the question of amnesty for illegal aliens who have established permanent lives in the U.S., Castillo is sympathetic but pragmatic.

"I favor it, of course, but what would it cost? How would it be implemented? How would it relate to border enforcement problems?"

As a bureaucrat, Castillo has become convinced that government already has the legal tools to perform better service, that improvement is a question more of better administration than of more laws.

"There's no excuse for not documenting alien workers faster," he offered as an example, "and the backlog of immigration cases should be eliminated."

Yes, he acknowledged, this may require more money for the INS, and the austerity-conscious White House may balk.

He is critical of the INS for not providing more resources for border patrolmen.

"They've got one helicopter," he

he has managed the city's budget well enough to produce a surplus this year and he thinks similar tight control of the INS budget may produce some revenue for additional resources.

His awareness of the importance of carefully controlled money began during his childhood of poverty and blossomed as the public elected him to manage its tax dollars.

Castillo was the youngest of four children in a Galveston dockworker's home. His myopia corrected by large glasses, Castillo's friends dubbed him "Lone" (after the masked Lone Ranger), a nickname still favored by his close associates.

He studied the piano, played a little football and lifted weights at the YMCA while in high school, but it was no secret he preferred studying.

Castillo went on to St. Mary's University in San Antonio and discovered the new world of political and racial activism. He organized successful integration strategies that relied heavily on uniting blacks and browns, not an easy feat in the late fifties and early sixties.

He helped rally the Mexican-American vote for John F. Kennedy in 1960, graduated in 1961 with honors in English, and was among the first idealistic young Americans to join the Peace Corps.

Once on the job in the Philippines, Castillo quickly was promoted to direct 85 volunteers during his four-year tour.

Then came a masters degree in community organization from the University of Pittsburgh, where he and his wife and two young children continued to live on meager rations.

By 1967 he was back in Texas, this time as a neighborhood day-care center supervisor in Houston. This led to more community-organizing jobs, and they and his natural inclination drew him back into political activism.

Castillo became widely known throughout the Southwest and among the nation's Hispanic community for his legal and political fights for school integration and other basic social advances.

He won some and lost some, and he never succumbed to the urge to abandon "establishment" rules for radical rhetoric and activism.

His tough, relentless but always thoughtful pressure for change made him a natural candidate for elevation in the state's Democratic party as it sought to broaden its political base.

Castillo looked for an opening into the Houston power structure, set his sights on the then relatively obscure city controller's job, and won election in 1971. He turned that office into a pulpit for advocating change and gaining notice for his firm control over the public's tax dollars.

As he did for Kennedy in 1960, Castillo rounded up Mexican-American support for Jimmy Carter in 1976. With Carter's victory, Castillo was a natural for federal appointment.

"I had several offers" from the Carter transition team to come to Washington, Castillo said in the interview, but none of them struck him as offering opportunities for impact.

Then came the INS commission-

Alien's death spurs attack on U.S. agents

EL PASO (UPI) — The drowning of a young Mexican attempting to cross the Rio Grande illegally sent more than 150 Mexicans armed with rocks, shovels and hoes swarming across the border to attack U.S. Border Patrol agents.

Chief Patrol Agent Dale Swancutt said yesterday two officers were injured in the skirmish. He held Congress responsible for the attack and said there would be others unless laws were passed making it unattractive for Mexican nationals to attempt illegal crossing.

"I think any reasonable person can perceive the problem and to me it's just about as inevitable as paying taxes if it continues to escalate, and I have no reason to think it won't," Swancutt said.

He said previous complaints about patrolmen being stoned had received "lip service" promises to correct the problem but that an international incident could occur if Congress did not penalize U.S. employers who hired illegal aliens. He said if employers would not hire them they would not enter the country.

Swancutt said agents stopped two young aliens Monday as they tried to cross the Rio Grande, which is little more than a creek at El Paso. The youths attempted to elude officers by jumping into a canal, but began to founder.

The agents went in after the youths and pulled them to the bank. Both were given artificial respiration, but only one survived.

A crowd watching the chase and rescue from the Mexican side of the border attacked the patrol agents, breaking windshields and windows in patrol vehicles and forcing the release of five or six aliens who had been captured earlier.

"I came to El Paso on Aug. 26, 1973," Swancutt said. "The problem was bad then and has just continued to escalate and it's really reached explosive proportions."

"I don't know how else to say it. This is the first time they've been so aggressive, so brazen they'd venture that far into the United States to do this sort of thing."

Farm union protests

Peoples World 30 Apr 77

Mexican worker murdered by Immigration Service

BY ROB BAKER

LOS ANGELES—United Farm Workers of America union (UFW) members, angrily protested a campesino's drowning near El Paso, Texas by border police last week.

The bad news from El Paso concerned the death April 20 of Ramon Longoria, a campesino trapped by U.S. Border Patrol agents while crossing the Rio Grande River. Longoria, unable to swim, was frantically trying to reach shore when witnesses say police pushed him back in deep water with a long stick. Longoria's body was not recovered.

UFW President Cesar Chavez

immediately fired off a telegram to Pres. Carter demanding "you investigate so that this shameful and tragic act which brings dishonor to our government does not take place again."

To make the point even stronger, the UFW quickly organized picketlines at Immigration and Naturalization Service (INS) offices in Los Angeles, San Francisco, San Diego and Fresno on April 22.

Among major U.S. unions the UFW has played a leading role in fighting the INS over the persecution of undocumented workers. The union, which asks amnesty for the undocumented, charges the INS conspires with

growers to harass campesinos backing the UFW.

There was good news from Coachella as the UFW won an election at Tenneco, Inc. April 21. The grape, citrus and date workers voted 177-120 for the UFW over "no union".

It is the first Coachella Valley win this year over a major grower previously under Teamster contract, and an important precedent for later farm labor votes in the San Joaquin Valley heartland, where Tenneco, an oil industry-based conglomerate, owns vast properties employing thousands.

The key victory follows another
(Continued on page 12)

Priest claims being beaten by Customs officers

By JESSICA WATSON
Times Staff Writer

The pastor of Our Lady of The Light Catholic Church, largest in El Paso, reported Tuesday he was taken down, stripped and beaten by U.S. Customs officers in an early-morning detention after crossing the Bridge of the Americas.

The Rev. Jesse Munoz, making the accusations, said he was ordered from the car he was driving while returning from what he termed was "a rescue mission" by a Customs officer and sent to quarters inside the Customs building where he was told to strip.

"I was thrown against the wall five times inside an office they have for questioning," Munoz said. "I was stripped of my clothes. They slapped me down

when I tried to say anything. They were taking off my socks, and I asked why. As I was about to say I was Father Munoz, one said, 'Oh, you're just another Mexican S.O.B.'"

Munoz said after the incident, which he said occurred at 2:50 a.m., he went for treatment to the office of Dr. Fernando Jimenez.

Jimenez, late Tuesday, confirmed he had found Munoz to be suffering acute trauma and sprained shoulders and upper back.

Repeated attempts to contact Customs officials for their version of the incident proved fruitless. William Hughes, director of Customs, was reported out of his office and unavailable.

Joy Hughan, supervising inspector who was in charge of the office during a later shift, said she

knew "only what I was told," and that she was not authorized to disclose what that was.

Officer Hughan said she would phone her supervisor to let him know *The Times* was inquiring about the incident and wished him to provide the Customs account of what happened. That supervisor never called.

George McAlmon, an attorney contacted by Munoz, said he plans legal action against the government.

Munoz said that, when he went to say Mass at dawn at the Dolan Street Chapel, he "couldn't even lift the chalice."

Munoz said he tried to contact Charles Perez, director of Immigration and Naturalization. He said Perez is a member of Our Lady of The Light Parish,

but he was unsuccessful. Customs is not under jurisdiction of INS, but Munoz said he had hoped Perez might intercede for him.

When the Customs officials finally did acknowledge his true identity, Munoz said, "everybody apologized to me."

Munoz, 39, has been pastor of Our Lady of The Light for 11 years. He said it was not the first time he had noticed animosity on the part of U.S. officials at the bridges, but "physical assault is new."

He said he has reported the badge numbers of the two officers who assaulted him.

He said he had gone to Juarez to assist a vacationing couple from Colorado Springs in making their return to El Paso after they had sampled Juarez nightlife.

Customs studies priest's charge

By KEN FLYNN

U.S. Customs officials initiated an investigation into a report alleging a Roman Catholic priest was beaten by officers on the Cordova Island bridge at 2:50 a.m. yesterday.

The Rev. Jesse Munoz, pastor of Our Lady of the Light Catholic Church, 4700 Delta, called a press conference yesterday afternoon to announce he had been "brutally mistreated" by American customs officials upon returning from a "rescue mission" to Juarez.

MUNOZ SAID the agents, a black and an Anglo, pulled him out of the car, threw him against the wall of the interrogating room five times, stripped him, beat him and called him "just another Mexican S.O.B." before he was able to identify himself as a pastor.

A Customs officer, speaking anonymously, said "it didn't happen that way" but declined further comment because the case is under investigation.

Ivan Chapuis, deputy U.S. Customs director, said his agency began an investigation of the incident. He said Munoz did not file a complaint with the agency and indicated witnesses were being interviewed.

THE REV. DIXON Hartford, chancellor of the Diocese of El Paso, said he was "very surprised" Munoz did not call the Chancery yesterday. He said he did not hear about the alleged incident until contacted by The Herald-Post.

"The Diocese will be looking into this matter from our angle," Hartford said.

Bishop Patrick Flores was out of town and unavailable for comment.

MUNOZ SAID he received a phone call from Max Martinez and Glenda Miller, both of Colorado Springs, Colo., his house guests, who reported they were in Juarez and had lost the way home.

The pair passed through Customs safely, but Munoz said he missed them in passing.

"My shoulder was hurting so badly Tuesday morning that I couldn't lift the chalice at morning mass," Munoz said.

THE PASTOR said he went to Dr. Fernando Jimenez who provided him with a disability certificate indicating he had received a sprained right shoulder and upper back. He said the doctor did not take x-rays.

Munoz said he declared his citizenship and told officers he was not

bringing anything into the U.S. He said he was told to drive to station Number Two.

Before he could identify himself, the pastor alleged, the agents pulled him out of the car and slapped him against the wall. He was still not able to identify himself when the two men dragged him inside the interrogation room, slapped him around, stripped him and refused to allow him call a lawyer.

HE SAID HE finally identified himself as a priest and was released with apologies.

"What would have happened if I were not a person of social standing?" he asked at yesterday's press conference.

Munoz said the black man's badge number was 13540 but he did not get the number of the Anglo inspector, whom he described as bearded, five

feet, eight inches tall, with brown hair.

Munoz said he would permit his attorney, George McAlmon, to decide whether he would sue the U.S. Customs Service.

Fin de la Border Patrol a Ino

En Esta Ocasión las Víctimas son Tres Jóvenes, Atacados a Macanazos y Puñetazos

Terminaron...

(Viene de la 1ª. Pág.)

as "compras de pá-
nico", ya terminaron,
al principio todos se
dejaron venir a llenar
sus tanques, por temor a
no encontrar combust-
ible, al otro lado de la
frontera, pero ahora ya
existe mayor conciencia
en realidad no hay
problema." Expresó
que tampoco es pro-
blema para ellos
llenar sus tanques en
las ferriadas, como se
dispuso en EE.UU.

Por su parte el señor
Post Tim, quien era
acompañado por su es-
posa se pronunció con-
tra el racionamiento de
gasolina en EE.UU. y lo
calificó como "una
maniobra de las indus-
trias petroleras".

encuesta también
datos acerca del
temor que tienen los
criminales norteameri-
canos de cruzar la línea
de sus vehículos, debido
que piensan que
pueden sufrir algún ac-
cidente, que no cubre el
seguro. Los señores
Robert Weisman de
Phoenix y Mr. Fenton
de Nueva York, expre-
saron que para venir a
Tijuana, deben pagar
cuatro dólares extra a la
seguradora, "y por es-
ta razón no cruzamos en
nuestro vehículo".

La familia Caraway,
procedente de Alabama,
expresó que la escasez
de gasolina no es pri-
vativa de EE.UU., sino
un problema mundial
que afecta a la huma-
nidad entera.

Todos los entevisti-
dos coincidieron en
señalar que lo que más
les gusta de Tijuana,
son los artículos típicos
de nuestro país y llegan
a esta ciudad, por un día
solo para hacer algunas
compras y comer. La
principal razón por la
que no vacacionamos en
Tijuana es la lejanía de
nuestros lugares de origen y
poco tiempo que
tenemos como días de
vacación que utilizan para
correr toda la noche.

TIJUANA.— Actos de
violencia emprendidos por
agentes de la Border Patrol
en contra de indocumen-
tados se suscitaron ayer en
la madrugada en territorio
norteamericano fronterizo.

Varios agentes de la
patrulla fronteriza nor-
teamericana, (Border
Patrol) atacaron con los
puños y con macanas a los
mexicanos Ulises Persaval
Dueñas, Juan Pichardo
Medellín, y Vicente
Lizarraga Mariscal, de 19,
21 y 22 años respec-
tivamente.

Los agentes de la BP no
fueron identificados por
sus víctimas, pero la
Policía Judicial del Estado
informó que los jóvenes
declararon haber sido
agredidos por policías
norteamericanos, cuando
se encontraban en
territorio de aquel país
tras de haber cruzado el
cerco divisorio
ilegalmente, según se in-
formó.

Perseval resultó con
fractura de una pierna y
lesiones dolorosas en el ab-
domen.

Manifestaron los ofen-
didos que tras de cruzar el
cerco limítrofe fueron
sorprendidos por agentes
de la Border Patrol,
quienes los golpearon con
macanas y los puños,
lesionando de gravedad
únicamente a Persaval.

Luego de que los agentes
de la BP dominaron a los
jóvenes mexicanos los
arrojaron a territorio
nacional y poco después de
las 3:30, horas de la
madrugada de ayer Per-
saval ingresó herido al
Hospital General, en donde
fue atendido de sus
lesiones, tras de ser con-
ducido al nosocomio local a
bordo de una ambulancia
de la Cruz Roja.

Persaval se encuentra
encamado aún, bajo ob-
servación médica.

ASALTAPOLLOS ASALTADOS

El novel presunto
"asaltapollos" Aurelio
Román Espinoza, de 15
años de edad, ratificó ayer
en el Ministerio Público las
declaraciones que ante-
ayer efectuó a la Policía
Judicial del Estado, en
relación al ataque (a
manos de una banda rival
en actividades), de que fue
objeto el grupo de cinco
asaltantes de in-
documentados al que
pertenecía.

Aurelio Román, reiteró
en el MP que anteayer se
pusieron de acuerdo
Ricardo Durán del Real
(detenido), él mismo y
Martín Loquier Cruz,
Pedro Villa Guzmán y
Martín Olmos López,
(prófugos), para asaltar
indocumentados en la línea
internacional por el rumbo
de la colonia Libertad,
cerca del aeropuerto local.

Declaró que Jorge Hum-
berto Villalobos Granados,

otro presunto asaltante que
se encuentra prófugo, lo
invitó a él y los men-
cionados a "ganarse una
feria" asaltando in-
documentados.

Dijo que todos aceptaron
y que al internarse en
territorio norteamericano
en espera de víctimas,
fueron interceptados por
un numeroso grupo de
sujetos armados con rifles,
que los agredieron en un
lugar despoblado, y os-
curo, robándoles sus
pertenencias e hiriendo a
Ricardo Durán y
desnudando a uno de los
amigos del declarante.

Agregó que a Ricardo
Durán lo hirieron en la
pierna izquierda y a Martín
Loquier en una parte del
cuerpo que no alcanzó a
apreciar.

Manifestó que sufrieron
la agresión anteayer como
a las 8 de la noche, cuando
se encontraban armados de
palos en espera de in-
documentados

June 1, 1979

Indocumentado Asesinado de un Balazo por la Border Patrol Estando Esposado

Por Luis Antonio MORALES CASTILLO
Reportero de EL MEXICANO

TIJUANA.- Un agente de la Border Patrol mató por la espalda, de un balazo, a un joven mexicano de 25 años de edad e hirió a otro, de 22 años, un tiempo poco después de las diez de la noche en la línea internacional, a la altura de la calle Mutualismo.

Ambos jóvenes mexicanos previamente habían sido esposados por el policía norteamericano, luego de sorprenderlos en territorio norteamericano, junto con un tercer joven que logró huir sano y salvo y que ayer relató a EL MEXICANO parte de lo acontecido.

La Policía Judicial del Estado, a través del jefe del grupo de investigadores de homicidios, Natividad Tapia, informó ayer que hubo dos testigos presenciales de los hechos y dió a conocer a este diario las declaraciones de ambos observadores.

El hombre muerto fue identificado con el nombre de Efrén Reyes y el herido grave como Benito Rincón. El primero era oriundo de San Luis Potosí y el segundo al parecer del Distrito Federal, ayer todavía se desconoce en qué parte del cuerpo recibieron, Efrén el balazo que lo mató y Benito el balazo que lo hirió de gravedad.

La identidad del agente de la patrulla fronteriza norteamericana, que mató e hirió a Efrén y Benito no ha sido proporcionada a las autoridades mexicanas. Dichos hechos movilizaron varias ambulancias norteamericanas -una de ellas trasladó a Benito a un centro médico del condado de San Diego Cal.- y asimismo varias patrullas fronterizas y un helicóptero cuyo tripulante dirigió bruscamente el aparato en contra de uno de los múltiples curiosos que se congregaron en el lugar referido poco después de la hora mencionada.

José Ramiro Martínez, un joven bolero de 17 años de edad, que desem-

peñaba sus actividades en calle 1a., cerca de Catedral, luego de indicar a este diario el nombre del muerto y del herido, añadió lo siguiente:

"Yo iba con el hombre que mataron y con el que hirieron, logré escapar pese a que el emigrante me tiró un balazo".

Dijo que el sábado último acordaron Efrén, Benito y él ingerir bebidas embriagantes en territorio norteamericano, en los bordos de la canalización estadounidense para contemplar las ciudades de San Ysidro y San Diego.

Repentinamente llegó una patrulla tipo Blazer de la Border Patrol de la cual descendió un oficial "que me agarró y me subió a la camioneta", mientras que aparentemente su compañero aprehendió a Benito y Efrén. No se había precisado ayer si el oficial que mató e hirió a los mexicanos iba acompañado, pero el joven bolero en su relato siempre habló en plural.

Dijo que logró zafarse del emigrante norteamericano y que al intentar huir le dispararon un balazo, que no logró alcanzarle, pero sí asustarle por lo que trató de desaparecer del lugar de los hechos, no sin antes darse cuenta que sus dos compañeros habían caído al suelo heridos.

"Yo ya no me quise acercar, me fui a casa, y como está cerca del lugar, desde ahí vi que los americanos se llevaron un cuerpo y dejaron otro. Expresó que llegaron como a las diez de la noche y señaló que media hora después, aproximadamente, ocurrieron los hechos. Recalcó que llegaron "muchas ambulancias y patrullas y un helicóptero".

José Robles Estrada, de 18 años, otro testigo presencial de los hechos declaró al jefe policiaco Natividad Tapia que antes de los hechos referidos vió que el mismo emigrante que mató e hirió a los mexicanos golpeó a unos chiquillos con una macana, sacándolos de esa forma de territorio norteamericano. Agregó que un rato después escuchó tres disparos y fue al lugar de los hechos, a unos cuantos metros de territorio mexicano.

Manifestó que vio llegar dos policías fronterizos norteamericanos y dijo que uno de ellos le preguntó al presunto asesino y herido "Did You Kill?". "pero el emigrante se quedó callado fumando en silencio". Expresó que cuando escuchó los tres disparos estaba a una distancia de 20 metros. Recalcó que le dió miedo acercarse más porque el emigrante estaba muy enojado".

Señaló que el agente en cuestión mide aproximadamente 1.70 metros y traía un casco de protección en la cabeza que golpeaba nerviosamente. Agregó que al poco rato llegó un helicóptero cuyo tripulante dirigió el aparato en contra de un curioso y subrayó que le pareció ver que el policía que mató e hirió se introdujo al helicóptero y agregó que mientras tanto dos oficiales de la Border Patrol intentaron recoger "algo" a un lado del cadáver de Efrén, pero su intento fue impedido por un tercer miembro de la Border Patrol que les dijo que dejaran todo como estaba.

Por último dijo que vió cuando una ambulancia norteamericana se llevó un cuerpo y dejó otro que presumió era el muerto "porque ya no se movía y porque ellos dijeron que allí lo dejaran".

Por su parte el otro testigo presencial, Gilberto Contreras Ramírez, de 22 años de edad, tras de coincidir con lo declarado anteriormente agregó: "Vi que se bajó un emigrante que traía la macana en la mano bajándose al bordo de la canalización. Como a un metro del bordo soltó la macana y sacó una pistola con la que apuntó a dos hombres".

Agregó: "tiró un plomazo con una mano y luego otro con las dos manos, enseguida vi que cayeron las dos personas juntas", esposadas.

Manifestó que el agente de la Border Patrol caminó como tres metros para dispararle a los mexicanos, con el saldo anotado, aunque ayer se especulaba que Benito Rincón podría perecer a consecuencia de su herida.

Que la Policía Haga Patrullaje

El Nuevo Cerco Fronterizo Evitará Violencia: Tienken



TIJUANA.- El Cónsul de Estados Unidos en Tijuana, William H. Tienken, habló sobre el problema actual en la Línea Internacional

TIJUANA.- En opinión del Cónsul de Estados Unidos en Tijuana, William H. Tienken, el principal problema en esta frontera es el constante enfrentamiento que se suscita entre los aspirantes a "braceros" con los agentes de la Patrulla Fronteriza, por lo que sugirió la intervención de las autoridades municipales de Tijuana, para evitar sucesos como los ocurridos hace unas semanas.

"Pienso que si la policía de Tijuana acude en rondas a los lugares donde se forman los grupos de personas que pretenden pasar a Estados Unidos y los disuelve, se podrán evitar los ataques con piedras que sufren los oficiales de la Patrulla Fronteriza y que es lo que origina problemas mayores", agregó el cónsul Tienken.

Indicó que la edificación del cerco fronterizo, que tendrá 30 pies de altura, servirá para detener parcialmente el cruce de indocumentados, "al menos hasta que le hagan perforaciones como los que tiene el actual". También impedirá que las unidades y los agentes de la Patrulla Fronteriza sean ape-

(Pasa a la Pág. 4, Col. 5)

6-1-79

EL Mexicano

Desapareció un Sujeto el Cual Dice que la Border Patrol lo Agredió a Golpes

MEXICALI.- Agentes de la Policía Judicial del Estado que dirige el licenciado Francisco Palau Navarro, están investigando las lesiones que presuntamente fueron inferidas a un trabajador agrícola mexicano, al pasarse la frontera con Estados Unidos, en forma ilegal, siendo aprehendido por la Border Patrol de Calexico, California.

El comandante del primer sector de la

Policía Judicial, Jesús Medina, dijo a EL MEXICANO que sus agentes Dámaso Marroquín, Félix y Leonardo Arellano Vega, fueron los encargados de investigar todo esto, porque el lesionado y denunciante, Víctor Cruz Gutiérrez Torres, dijo al Agente Investigador de Delitos del Fuero Común, que se querellaba formalmente contra uno de los oficiales de la Border Patrol, por haberlo lesionado

primero a puñetazos, y luego que lo vio tirado en el suelo, lo agredió a puntapiés en diferentes partes del cuerpo, causándole las múltiples lesiones que aquí le fueron certificadas por los médicos que le atendieron.

Dijo que había intentado cruzar la frontera hacia el vecino país del norte, cuando lo sorprendió una patrulla de esta mencionada corporación californiana y el patrullero, lo condujo ante un oficial

que andaba igualmente uniformado sólo que a bordo de una pannelpero con el escudo de la misma policía.

Dice que fue este segundo oficial policiaco el que al verlo herido y tirado por los golpes recibidos, lo vino a tirar a la salida de la aduana de carga mexicana, dejándolo abandonado a su suerte. Sólo que ahora no aparece y sus familiares dijeron que no saben nada de este hombre y que hace mucho es muy vago.

EL Mexicano

6-1-79

americanos que son tu

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OTROS 2 "ILEGALES" BAL

Que se Enfrentaron
al "Border Patrol"
la Noche de Ayer

Por Rodolfo García TALAVERA

Dos menores heridos a balazos y otro golpeado, fue el resultado de una trifulca registrada entre patrulleros fronterizos estadounidenses y varios presuntos "asaltapollos" e "ilegales", ayer a las 10 de la noche, en suelo norteamericano, frente al viejo aeropuerto de Tijuana.

Los heridos son Martín Zarate, de 16 años y Ricardo Durán del Real, de la misma edad. Al primero se le encamó en un hospital de Chula Vista y al segundo, en el de Tijuana.

El golpeado es Aurelio Román Espinosa, también de 16 años, ignorándose las demás generales de los tres menores.

Segun se dijo en la judicial del Estado esta mañana a la hora mencionada del lado americano y frente al aeropuerto, se escucharon varias detonaciones, cuando los del Border Patrol descubrieron a un grupo de "ilegales", al parecer asaltándose entre sí, por lo que de inmediato intervinieron y como se les echaron encima, dispararon contra ellos, lesionando a Martín Zarate y al otro muchacho Durán del Real. Este y Román Espinosa echaron a correr hacia el lado mexicano, logrando cruzar el alambre para ponerse a salvo y allí los detuvo un oficial de la Policía Federal de Caminos, quien los entregó a socorristas de la Cruz Roja para que los llevara al Hospital General.

Se dice que Durán del Real recibió un balazo en una de sus piernas y pese a ello pudo correr buscando refugio en suelo mexicano y que Roman Espinosa solo salió ligeramente golpeado.

Por lo que respecta a Martín Zarate, por telefono informó un oficial de enlace de la policía americana de apellido Navarro, que había sido llevado a un hospital de Chula Vista, Calif. y que también sufrió lesión por arma de fuego en una pierna; no sabiéndose la identidad de quienes dispararon sobre los dos juvenes.

El oficial Navarro en su comunicación telefonica con la judicial aseguró que Zarate dio como domicilio la calle Paloma numero 82 de la colonia Irapuato, pero se cree que posiblemente tomaron mal los datos o el mismo menor no pudo explicarse bien y que se trate de un domicilio no de Tijuana, sino de Irapuato, Guanajuato.

En el transcurso del día se esperaba conocer mayores datos sobre este nuevo hecho de sangre ocurrido en territorio norteamericano entre policías de allí e "ilegales" mexicanos, como el reciente que se escenificó frente a la Zona Norte, en que otro joven de México fue balaceado y herido desde un helicóptero.

El
Heraldo
5-A Martes 29 de Mayo de 1979

May 29, 1979

ADOS EN E. U.

El
Heraldo
5-A Martes 29 de Mayo de 1979

December 12, 1980

Con't from page 1

Another "Justifiable" Killing of Mexican Citizen

Another "Justifiable" Killing

**"It was justifiable. It was not a
border-line thing. It was real clean!"**

**Lt. Gene Moyer
Sheriff's Homicide Detail**

by daniel l. munoz

San Diego Calif.,....On Monday December 8th, 1980, Francisco C. Sanchez, age 40, a Mexican Citizen, was gunned down and killed in a remote sagebrush covered area north of Mexico. He became the 10th Mexican Citizen killed this year in San Diego County.

According to statements issued by Deputy Chief Patrol Agent William Seltzer on the day of the shooting Ricky B. Mauldin, age 31 and a three year veteran of the Border Patrol went to the Barrett Junction area (Near Tecate) to seek out three men, apparently aliens, which had been spotted by citizens. Mauldin found three aliens and **was handcuffing them when he was struck from behind.** Mauldin fell to the ground **draw his pistol and fired** at his attacker. He fired **three shots missing with two of them.** Mauldin then summoned help. (underlinings added for emphasis).

This official version as to what (occurred) was followed later by statements issued by the Sheriff's Department which stated "that the shotting was justified!" "as far as we are concerned it was justified", said Lt. Gene Moyer, head of the Sheriff's Homicide detail. "We are satisfied it was not a border-line thing. It was real clean".

Con't on page 9

Border Patrolman, Mauldin had told the Detectives that he had tracked the trio on foot. "While **I was handcuffing the men,** I was struck on the head **from behind.** I fired **three shots** at the attackers. **One bullet struck the man** in the chest and he died".

Deputy Coroner Max Murphy reported that his examination showed that Sanchez was **shot twice.** Once in the upper left chest and in the right forearm. No autopsy was performed.

La Prensa's investigative team sought out further information on the killing from the Border Patrol and the U.S. Attorney's office. At press time, the U.S Border Patrol refused to return our calls on the issue. Deputy Attorney Peter Nunez, agent in charge of the Sanchez killing however did respond to La Prensa inquiries.

According to Nunez the FBI and the Sheriff's department had interviewed the two witnesses on the matter.

"The FBI hasn't come up with anything indicating **misconduct** by the agents. Additionally, the Border Patrol has notified the Mexican Consuel of the situation and has asked them to talk to the witnesses about the incident. As of today (Tuesday) this has not occurred", he said.

Meanwhile a Mexican Consuel spokesman informed our reporters that their officer had indeed been talking to the two witnesses, **Julio Cazares,** and **Jesus Garmendia.** "The victim was a resident of Mexicali, where he was employed. Cazares and Garmendia met Sanchez in Tijuana this past Sunday, sometime in the morning. They decided to join together to cross the border (for what purpose it is not known). They decided to cross at Tecate. About 9:00 a.m. on Monday they crossed over and started walking across the canyons and chaparral covered hillsides towards San Diego. They walked for three hours. Then feeling tired they stopped to rest.

"**We were laying down** among the sage brush", when this Border Patrolman approached us", said Garmandia. **He had his gun in his hand.** He asked us to rise up and turn our backs to him. Then he asked us to kneel on the ground. Francisco didn't want to kneel....he balked stooped to pick up a rock to throw at the Border Patrolman. At that moment, the Patrolman fired at Francisco without hitting him. Then Francisco threw the rock, and the Border Patrolman fired twice more... killing Sanchez."

Cazares indicated he didn't see anything, he was kneeling down and facing away. He was afraid to get killed.

The agent then radioed for assistant. **Muldin then told us not to make any statements against them.** Around ten agents arrived at the scene. **The first officer who arrived came to us and told us the same thing....not to say anything prejudicial against the Border Patrol...**Herman Baca, Chairman of the Committee on Chicano Rights immediate reaction to the shooting was one of disbelief.

"This is typical. It is very difficult to get at the truth at what really happened out there. The past history of the INS/Border Patrol has been of the cover up, lying, and deceit. The U.S Attorney's office hasn't necessarily been aggressive in investigating past shootings and killings. This killing of an unarmed man, a Mexican national, by an INS agent, in a remote area, disturbs us because of the frequency, and continued pattern of such incidents, said Baca.

"The handcuffed shooting of Efren Reyes, is still fresh in the minds of the Chicano Community (another "justifiable" shooting). Now we have to add the killing of Sanchez, by the Border Patrol, to this long list, because of the past history of deceitfulness on the part of the INS and the U.S. Attorney's office, I feel that we must have independent investigations of all such killings and shootings". In-house investigations have a pattern of always coming out "justifiable or in self-defense". That's why, the Committee on Chicano Rights is today asking the Federal Grand Jury to conduct an independent investigation into this killing. "We want the truth", said Baca.

The Committee on Chicano Rights has sent a letter to the Federal Grand Jury asking for such an independent investigation citing the following reasons for requesting such investigation;

- The lack of credibility of the INS/Border Patrol in-house investigations.
- The past record of the U.S Attorney in San Diego in these matters.

- The conflicting versions of what occurred offered by the INS, newspaper accounts, and the witnesses themselves.

The committee is requesting that an immediate hold be placed on Julio Cazares and Garmandia before the INS, turns them out of the country, and their accounts are lost forever. Further the committee is requesting the Grand Jury if possible to include interested independent parties in the investigation, and that their findings be made public.

"We want to know exactly what the gun policy of the Border Patrol is. It would appear that there are inadequate guidelines as to when it is permissible to shoot to kill an unarmed man. The shooting of Sanchez is but one in a long line of "shoot first-ask questions later" which have been carried out by the Border Patrol" concluded Baca.

Peligran los Comercios.....

res públicos cercanos a la línea fronteriza.

Como ejemplo citó a una maestra de San Ysidro, Margarita Gutiérrez, quien fue detenida junto con su hijo, y a empujones subidos a un vehículo de la Patrulla Fronteriza, cuando salieron de la institución de comercio y se dirigían a su domicilio el 6 de febrero pasado.

En la explicación, señalan que la maestra al ser detenida se le dijo que era indocumentada, por lo que afirmó que su domicilio estaba a unos cuantos metros pero ante la insistencia del policía se vió obligada a propinarle unos golpes y correr hacia su domicilio.

Otro caso es el de Rafael García, propietario de una tienda de deportes de San Ysidro el 29 de enero. Nuevamente policías y agentes de la Patrulla Fronteriza entraron a su negocio en forma inesperada, argumentando que varios indocumentados se escondían en su negocio.

Ante el resultado de no haber encontrado a indocumentados, los oficiales procedieron a exigir a los clientes por sus identificaciones.

García señala que este tipo de agresiones se repite hasta en tres veces por semana, por lo que se acordó en quejarse al presidente y exigir una solución al problema en el primer poblado de California, frontera con Tijuana.

De no resolverse el problema --dijo-- los negocios de San Ysidro, se desplomarán aun mas y quebrarán, por las actividades que se incrementaron de la Patrulla Fronteriza, desde que el nuevo presidente norteamericano tomó cargo de los Estados Unidos.

Por último García, afirmó que en numerosas ocasiones han intentado dialogar con los directivos de la Patrulla Fronteriza pero han sido rechazadas, o definitivamente no han tenido respuesta alguna a sus peticiones.

Peligran los Comercios de San Ysidro

*Por Miguel CERVANTES SAHAGUN
Reportero de ZETA*

El presidente de los comerciantes del poblado de San Ysidro, Alberto García, señaló que muchos de los negocios en esa área están en peligro de cerrar, debido a las "redadas" y cateos de la Patrulla Fronteriza (Border Patrol), en los últimos meses.

Asi mismo, un alto índice de peatones son constantemente intimidados y detenidos para investigación, lo que afecta considerablemente la economía y clientela de los negocios de San Ysidro.

Por lo tanto, la organización Internacional de Comercio de San Ysidro, envió al presidente norteamericano una carta en la que piden el cese a ese clima de "terror" que las autoridades de Inmigración (Patrulla Fronteriza) han impuesto en el área.

Los constantes abusos, según García, son cometidos por los agentes, en su afán de buscar a indocumentados quienes supuestamente se refugian en domicilios, comercios y lugars

Por el Color de la Piel Podrán Detener

UN ASPECTO GENERAL de la zona comercial.

derechos civiles de más de Veinte millones de chicanos y latinos en este país".

Primero porque la Corte se pronunció porque los trabajadores que no hablan inglés en el trabajo pueden ser despedidos por sus patrones, siendo que este caso se presenta por miles en los Estados Unidos y segundo porque erradicó la "presunción de culpa", que debería de tener para proceder, el inspector de inmigración quien ahora podrá detener a cualquier ciudadano con la sola sospecha o por el simple hecho de atender a su apariencia o color de la piel.



A CUALQUIER HORA, se puede ser sujeto a interrogatorio.

sido enviada por la Cámara Internacional de Comercio de San Ysidro, cuyos miembros aducen en la parte principal de la citada documentación ser víctimas de las represiones que en busca de ilegales han establecido la Patrulla Fronteriza, las autoridades de inmigración y la policía de San Diego.

Como caso presenta al presidente de la Cámara, el sucedido a la señora Margarita Gutiérrez, quien presta sus servicios en la zona escolar, a quien un agente de la Patrulla Fronteriza persiguió y detuvo haciendo uso de la fuerza, mientras que ella se identificaba como ciudadana norteamericana con

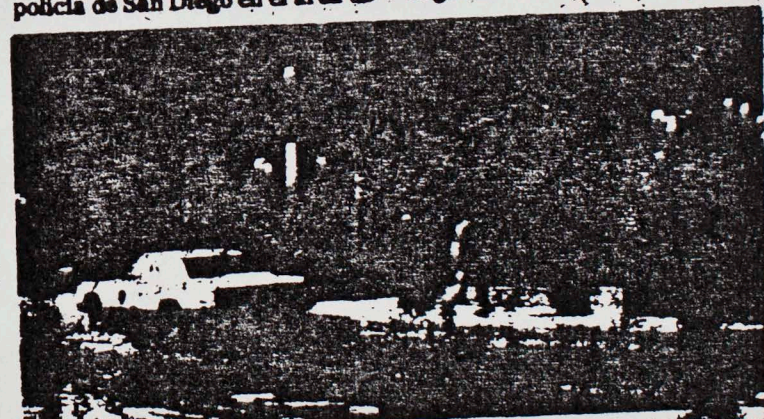
trabajo y residencia legales en la población.

En otro caso presentado a la atención presidencial, Rafael García, miembro de la Cámara y propietario de Sportsmans Den señaló la constante intromisión de miembros de la Patrulla con la sospecha de que existen allí ilegales y, en enero 29, fue amenazado con un bastón por un miembro de la Patrulla mientras dos autos de la policía de San Diego y tres de la Patrulla Fronteriza esperaban afuera del local. "Me han espantado a la clientela", dijo García. "Según ellos buscaba ilegales, cuando no encontraron ninguno, les pidieron su documentación a quienes estaban allí. No tengo muchos clientes si las cosas suceden en esa forma".

Al respecto, Charles Schilder, representante de la policía de San Diego en el área de

San Ysidro, declaró que sus oficiales tienen órdenes de no intervenir en problemas de tipo migratorio a menos que se deriven de investigaciones policíacas. Agregó que Rafael García ha solicitado la intervención policíaca en su negocio cuando surgen problemas en su local pero que ninguno de sus oficiales ha actuado hasta el momento.

Antes de abandonar la oficina, el asesor Attorney General Benjamin Civiletti levantó una restricción que prohibía la entrada de inspectores de migración a los sitios de trabajo. Por su parte, la Corte Suprema de una pluma casi de carpetazo a la Ley de Derechos Civiles al permitir que la Patrulla Fronteriza pudiera detener "bajo sola presunción" a cualquier persona que sea sospechosa de ser o transportar ilegales.



SAN YSIDRO, puerta de entrada a los Estados Unidos, en donde la presencia de la Patrulla es permanente.



PEQUEÑAS PROPIEDADES fueron el comienzo de la ahora próspera población fronteriza.

CITY OF SAN DIEGO

MC - 03490

DATE 3-28-81 TIME 16:55 DAY OF WEEK SAT

NAME (FIRST, MIDDLE, LAST) BARTOLO RAMOS HERNANDEZ

RESIDENCE ADDRESS 239 1/2 COTTON WOOD CITY SD 92073

BUSINESS ADDRESS NONE

DRIVER'S LICENSE NONE

SEX M RACE M HAIR BLK EYES BRN WEIGHT 5-11 HEIGHT 196 AGE

BIRTHPLACE MEXICO BIRTHDATE 8-24-23

EMPLOYED BY UNEMPLOYED OCCUPATION LABORER MILITARY

VEHICLE LICENSE NO. NONE STATE SOCIAL SECURITY NO. UNK

YEAR MAKE MODEL BODY STYLE COLOR

OFFENSE(S) CODE SECTION DESCRIPTION

44.0103 SPITTING ON SIDEWALK

LOCATION OF OFFENSE(S) 358 E SAN XSIDRO BLVD BEAT 913

EVIDENCE IMPOUNDED BY DESCRIPTION

VICTIM POLICE

CITIZEN'S ARREST

OFFENSES NOT COMMITTED IN MY PRESENCE. CERTIFIED ON INFORMATION AND BELIEF. I CERTIFY UNDER PENALTY OF PERJURY THAT THE FOREGOING IS TRUE AND CORRECT. EXECUTED ON THE DATE SHOWN ABOVE AT SAN DIEGO, CALIF.

ISSUING OFFICER R. Amos BADGE NO. 3014 DIVISION S-2

WITHOUT ADMITTING GUILT, I PROMISE TO APPEAR AT THE TIME AND PLACE INDICATED BELOW

X SIGNATURE

NOTICE TO APPEAR

YOU ARE NOTIFIED TO APPEAR BEFORE THE MUNICIPAL COURT JUDGE IN THE: TRAFFIC MISDEMEANOR OR REARRESTMENT DEPT.

8950 CLAREMONT MESA BLVD., SAN DIEGO, CA

220 W. BROADWAY, SAN DIEGO, CA

430 DAVIDSON ST., CHULA VISTA, CA

TIME MONTH DAY YEAR

1230 PM APR 28 81

FORM P D-147 APPROVED BY THE JUDICIAL COUNCIL OF CALIF. REV 7-75 PC 853.9

DAY OFF VACATION

MT

Part time
gardener -Citation
Cancelled
3/30/81

COMPILED BY THE COMMITTEE ON CHICANO RIGHTS, 1837 HIGH AND AVE. NATIONAL CITY 92050. #714/674-8195

✓ San Ysidro residents feel threatened

Chicanos claim Border Patrol harassment

(Continued from Page A-1)

Now I don't have enough business to stay open after 11 o'clock."

Before the officers started hanging around his tavern, Rafael Garcia said, he was pulling in \$200 to \$300 a night. Now he's lucky to see \$60 or \$70, he said.

Although he was angry, the business owner said he has been afraid to cause trouble.

"It I said anything to them, I might have been arrested and I could lose my liquor license. So I've kept quiet until now. Maybe they won't do anything with the chamber backing me."

ANOTHER San Ysidro businessman, Manuel Casas, has accused the Border Patrol of barging into his private office at the Arco service station he manages on San Ysidro Blvd.

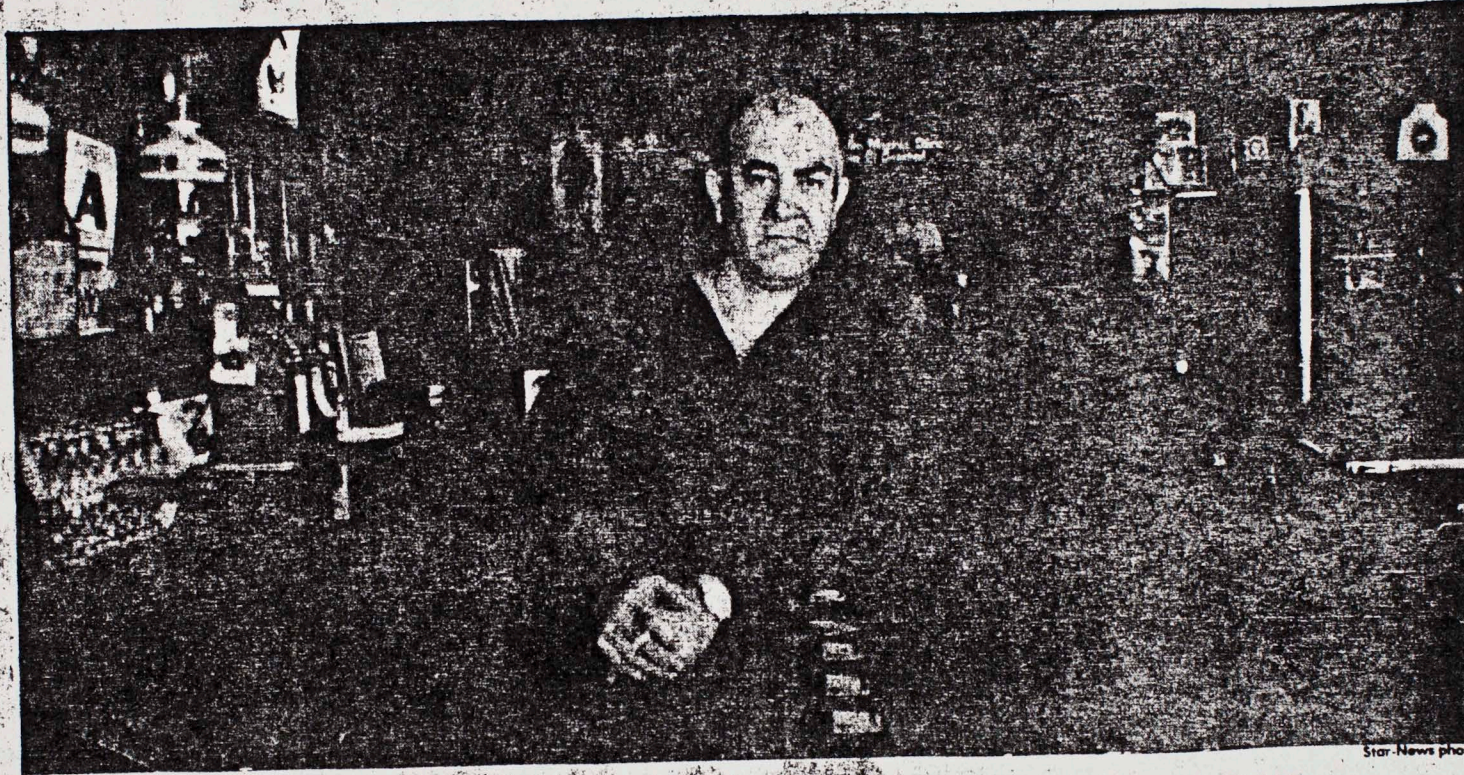
Casas said he was angry the agents would walk into the office, marked "Private — Employees Only," where the station's money and private papers were stored.

"An agent told me he had found a lot of illegal aliens in our office before," Casas said. "But I have been working here for eight years and had never seen anybody taken out from our office."

"The agent said the sign did not mean anything and that he was a federal officer and could go anywhere he wanted."

Alberto Garcia contends the Border Patrol must have permission from the owner before entering a private business or residence.

GENE WOOD, chief of the patrol's Chula Vista sector, disputed that point, stating a federal agent "generally" could enter any business or residence within 25 miles of the international border without permission if he was suspicious illegal aliens were being



RAFAEL GARCIA CLAIMS THE BORDER PATROL'S PRESENCE HAS HURT BUSINESS AT HIS BAR
Other Chicanos and legal aliens in San Ysidro say they have been humiliated and harassed

"Each agent has to make a determination by the specific facts of a case," Wood said. "So it would be wrong for me to comment on whether they acted correctly or not unless I knew the circumstances surrounding each of the incidents mentioned in the complaints. But they've all received legal and field training."

"I don't think the agents would be wasting their time in areas or activities that had not proved productive in the past."

"There's more than enough work to do, and I think they've been doing a pretty good job with 340,000 apprehensions last year."

Federal law, Wood said, states that

the Border Patrol's basic authority is to "question anyone as to their right to be or remain in the United States," including persons just walking down the street.

"Perhaps Hispanic citizens resent that authority, but what would the alternative be?" Wood asked. "I guess the other alternative would be to ignore the illegal alien problem."

WOOD ADMITTED local residents of Hispanic descent probably were questioned more frequently than other folks because of San Ysidro's proximity to the Mexican border.

"I'm sure there's more Hispanics stopped here than near the Canadian border," the chief said.

But Alberto Garcia said if Hispanics were stopped on the street and asked for identification, then all persons should be stopped. Hispanics should not be singled out, he contended.

"Why should they check me and not you?" the chamber president asked an Anglo visitor. "We're both citizens; we both pay taxes. Just because my skin is darker and I'm not the all-American boy, should I be asked if I'm in the United States illegally?"

"The Mexican-Americans should not be singled out. Let's be equal and have the Border Patrol check us all."

GUTIERREZ SAID she would not mind being stopped by the Border

Patrol if she was not humiliated by the agents.

"It's a matter of attitude, of how they treat us," she said. "If the agent would have asked me professionally for identification, I probably would have reacted positively."

"But his abusive language and gestures and derogatory comments about the Mexicans made me upset and angry. I felt insulted, so I acted abusive toward him. We have to fight back and let the people know what is happening so it can change."

Wood said his office investigates all complaints of unprofessionalism brought to his attention, but they have to be less "nebulous" than the allegations made by the international chamber.

Those complaints did not come to his office anyhow, he said, but were sent directly to President Reagan.

"It's not my place to respond for the president," Wood said. "If the letter had been addressed to me, I would have responded the same day."

HE SAID he had not received word from the White House concerning the letter, but expected he would be asked to respond to the allegations.

"The bottom line is that we have a terrible illegal alien problem," Wood said. "Our agents are trained to be professional and productive. Occasionally we find that someone steps out of line either unwittingly or unprofessionally, and we have our own internal methods to deal with that."

"It's unfortunate, though, that the people cannot support us."

Alberto Garcia stressed that San Ysidro businessmen were not opposed to policing the border, but to the policing methods.

Being disrespectful to Hispanics, he said, will not solve the illegal alien problem.

Chicanos, legal aliens feel threatened

Harassment by Border Patrol claimed

By BETH KOWALKE-BAIER

Star-News Staff Writer

Rafael Garcia is a legal alien resident from Mexico.

He has the correct federal papers declaring his residency, and he owns a legitimate business in San Ysidro.

YET, HE says, he is frightened of the U.S. Border Patrol.

"Whenever I see the Border Patrol I get really scared," Garcia said. "I'm scared that they are going to set me up, that they'll put illegal aliens in my van and arrest me for being a pollero (smuggler) and send me back to Mexico."

Garcia is not the only San Ysidro resident who claims to have been frightened, humiliated or harassed by the Border Patrol over the last few months.

Others, even U.S. citizens, said they had been treated rudely by Border Patrol agents and threatened with arrest for no apparent reason, other than their Hispanic heritage.

MARGARITA GUTIERREZ, a member of the San Ysidro school board, said she was stopped by a Border Patrolman while walking home with her son along San Ysidro Blvd.

He yelled at her to stop. When she didn't obey, he grabbed her arm, she said, and demanded identification, saying he had reason to believe she was an illegal alien.

"I told him I was an American citizen and just because I looked Mexican, I was in the country illegally," Gutierrez said. "Then he told me, 'You Mexicans are all a bunch of liars,' and that made me angry."

When she tried to turn away again, he said he was going to take her to his office if she wanted to make a complaint, and started pulling her to his vehicle while spouting obscenities, she said.

"I was very upset and started hitting him with my purse," she said. "He had no right to treat me that way."

"It's an awful feeling to think that an officer can put you into his car when

you haven't done anything."

IN RESPONSE to residents' complaints, the San Ysidro International Chamber of Commerce has sent a letter to President Ronald Reagan denouncing the actions of the Border Patrol.

The letter claims the federal agents' tactics are hampering the "free enterprise system" by frightening away customers, business owners and employees.

"It's a hard position that the chamber does not like to take, but the Border Patrol's actions are an outright abuse of authority and interference of the enterprise system of legitimate businesses," said Alberto Garcia, chamber president.

"The chamber will fight the abusive behavior of the U.S. Border Patrol and its abusive attitude against employees, business owners and the buying public."

"The patrol's actions are a serious threat to the San Ysidro business community."

HE NOTED Rafael Garcia's situation as an example of that threat.

The owner of Sportsmen's Den on San Ysidro Blvd., Rafael Garcia said his business had become a target for the Border Patrol and San Diego police, who have congregated outside his bar nearly every night for the last three or four months.

The presence of law enforcement officers has caused his nightly business to drop by nearly 70%, the business owner said. And if their continual harassment does not stop, he said he may be forced to sell the bar.

"PEOPLE DON'T want to be harassed by the Border Patrol every night that they walk into my bar," Rafael Garcia said. "The Border Patrol stops them before they come in and asks for identification or else the agents walk right into my business without getting permission."

"So people have stopped coming here. Before, I didn't close until 1 a.m."

Please turn to back page, this section

COMPILED BY THE COMMITTEE ON CHICANO RIGHTS 1837 HIGH AND AVE NATIONAL CITY 92050 #6716/6724-8105

Alien Attacks Border Patrol Officer, Is Slain

By CLIFF SMITH

Staff Writer, The San Diego Union

A Border Patrol officer shot and killed an illegal alien near Tecate yesterday after the alien struck the officer in the head with a rock, law-enforcement officials said.

Border Patrolman Rickey B. Mauldin, 31, suffered a cut requiring about 20 stitches to close when he was assaulted by one of three aliens he was trying to arrest in rugged brushland eight miles west of Tecate just north of the Mexican border, the Border Patrol and Sheriff's Department said.

Mauldin was treated at Kaiser Hospital and released. Deputy Coroner Max Murphy said no inquest into the shooting incident had been ordered.

Murphy said the dead man, about 40, could not be identified and died of a bullet wound in the chest.

William Selzer, deputy chief patrol agent for the Border Patrol, gave this account of the incident:

About noon a citizen alerted the Border Patrol that three men, apparently aliens, had crossed the border from Mexico in the Barrett Junction area.

Mauldin was sent to the area and left his vehicle to track the men on foot while another agent was searching the area in a truck.

Mauldin found three aliens and was handcuffing them when he was struck from behind. Mauldin fell to the ground, stunned and bleeding.

He remained conscious, drew his pistol and fired at his attacker. Mauldin fired three shots, missing with two of them.

Mauldin then summoned help with his portable radio. Medical aid was requested for the shooting victim, but he died a few minutes later at the scene. Several helicopters were sent to the area.

Sheriff's Lt. Douglas Clements said two handcuffed aliens, still unidentified last night, were taken into custody for deportation.

Clements said homicide detectives for the Sheriff's Department were investigating the incident last night.

The two aliens told investigators they met the dead man Sunday night for the first time.

THE SAN DIEGO UNION
② Wednesday, December 10, 1980

Alien's Slaying By Officer Seen Justified

The shooting death of an illegal alien by a Border Patrol agent Monday near Tecate was justified, a Sheriff's Department spokesman said yesterday.

"As far as we are concerned, it was justifiable," said Lt. Gene Moyer, head of the Sheriff's Department homicide detail. "We are satisfied. It was not a borderline thing. It was real clean."

Patrolman Rickey B. Mauldin, 31, told detectives he responded to a report that three persons believed to be illegal aliens had crossed the border into the United States near Barrett Junction around noon Monday.

Mauldin said he investigated, and tracked the trio on foot. While he was handcuffing the men, he was struck on the head from behind by one of them. The patrolman remained conscious and fired three shots at his attacker. One bullet struck the man in the chest and he died at the scene.

The man, believed to be in his 40s, still had not been positively identified. Deputy Coroner Jay Johnson said officials have a name, however, and were trying to confirm it.

The two other aliens stopped by Mauldin were taken into custody for deportation proceedings. The men said they had never seen the slaying victim before they met Sunday night and did not know his name.

Mauldin was treated at Kaiser Permanente Medical Center for a cut on the back of his head requiring 20 stitches to close.

Gene Smithberg, assistant chief patrol agent, said his office notified both the Sheriff's Department and the FBI of the shooting.

Smithberg said Mauldin was off duty yesterday, recovering from his injury.

Moyer said his unit will investigate the incident and will send the results to the district attorney for review — normal procedure in officer-involved shootings.

He said nine of the 38 homicides investigated by his unit so far this year have involved illegal aliens.

The San Diego Union

PRELIMINARY REPORT ON BORDER PATROLMAN

Alien killing justified, probers say

The fatal shooting of an undocumented Mexican alien yesterday by a Border Patrol agent appears justified, according to investigators.

Ricky B. Mauldin, 31, a three-year veteran of the patrol, had been struck on the back of head by a rock thrown at him by one of three aliens he had apprehended, said William H. Selzer Jr., deputy patrol chief for the Chula Vista sector.

"A preliminary investigation indi-

cates he (Mauldin) acted in a responsible manner," Selzer said today.

The alien, tentatively identified as Francisco C. Sanchez, about 40, was struck twice by bullets fired from Mauldin's pistol, investigators said.

Deputy Coroner Max Murphy, who was called to the scene east of Barrett Junction, said the alien was struck in the upper left chest and in the right forearm.

Mauldin was investigating a citi-

zen's report of aliens making their way north near Barrett Smith Road and State Highway 94.

Selzer said Mauldin had left his patrol car and was tracking the three men through rough terrain.

About 12:30 p.m., Mauldin caught up with the three and ordered them to sit down — the usual procedure in taking aliens into custody, Selzer said.

"As the three men were sitting down, one of them apparently grabbed a rock and threw it at Mauldin," Selzer said. "Mauldin attempted to duck, but was struck by the rock."

"He drew his pistol and fired it three times, striking the man who had thrown the rock."

"Fearing that he would lose consciousness, Mauldin then handcuffed the other two men and radioed for help."

Mauldin was taken to Kaiser Hospital, where 20 stitches were taken to close his wound.

"As far as we're concerned, the patrol agent's actions were absolutely justified," said Sheriff's Lt. Gene Moyer, who was called to investigate.

Alien's Slaying By Officer Seen Justified

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Border Patrol Agents Accused Of Brutality

By ARTHUR GOLDEN and BILL OTT

Staff Writers, The San Diego Union

At least three border patrolmen will be indicted by a federal grand jury this week in a case involving alleged physical abuse of undercover operatives posing as illegal aliens and perjury, sources said yesterday.

The sources said that two or three of the patrolmen, based at San Clemente, will be indicted for allegedly brutalizing the undercover agents and one of them will be indicted for beating an illegal alien from Iran. One or two will be indicted for perjury.

According to the sources, the indictments will carry allegations that patrolmen struck an operative with a flashlight, slapped another with a passport or a wallet and yanked a third from a chair by his hair.

"They are being charged with physical contact that is not condoned, but not the type of contact involving a knife to the throat or a gun to the head," a source said.

3 Patrolmen Accused Of Brutality

(Continued from A-1)

aware of the case but declined further comment.

However, Richard Bevans, president of the National Border Patrol Council, whose organization is bargaining agent for the nation's 2,300 border patrolmen, denounced the case as entrapment.

"There was no substantive maltreatment at all, although there may have been an expletive or two used," Bevans said from his home in Ransomville, N.Y. "The undercover types did their very best to provoke the reactions."

The indictments also will claim that the patrolmen cursed the operatives, although none of the patrolmen will be charged with verbal abuse, the sources said.

Donald Cameron, chief of the patrol's Chula Vista sector, which includes San Clemente, said he was

(Continued on A-11, Col. 1)

The federal grand jury began its investigation two months ago, based on information provided by Hispanic operatives working for the Office of Professional Responsibility of the Immigration and Naturalization Service. The office conducts internal investigations of the INS and Border Patrol, both agencies of the Justice Department.

One source said the operatives were infiltrated into the patrol checkpoint on Interstate 5, south of San Clemente, in response to complaints about treatment of aliens.

The indictments may contain a surprise, the sources said.

Instead of being charged with violating the civil rights of illegal aliens, the sources said, the patrolmen named in the brutality indictment involving the undercover agents may be cited for assault on a federal officer.

That is punishable by 10 years in prison and a \$10,000 fine. The sources said the U.S. Supreme Court has ruled that anyone striking a federal officer can be prosecuted for such a crime, even if the officer does not identify himself.

The patrolman to be indicted for alleged physical abuse of the Iranian will be charged with a civil rights violation, which carries a penalty of a year in jail and a \$1,000 fine, the sources said.

The sources said one or two patrolmen who witnessed the alleged incidents of brutality will be indicted for perjury in their testimony before the grand jury.

INS spokesmen repeatedly have refused to discuss the San Clemente probe or to comment on the operations of the Office of Professional Responsibility.

In guarded comments, an INS spokesman said the office was being expanded nationally from 15 investigators to a targeted 75 by year's end "as a preventive measure" and that a branch had been established in San Diego.

Over the last two months, several police-style lineups involving border patrolmen assigned to San Clemente had been held at the Sheriff's Department in downtown San Diego. It was the first time in memory that Border Patrol agents under investigation had been subjected to such a procedure.

A spokesman for the local Border Patrol chapter of the American Federation of Government Employees said his organization would help defray legal expenses for the indicted patrolmen.

Efforts by all San Diego-area border patrolmen to form their own legal defense fund have been delayed by stiff requirements imposed by the state insurance commissioner, organizers said.

Last September, a federal grand jury indicted four agents on charges of mistreating aliens. Two were convicted of violating the aliens' civil rights, a third resigned from the patrol and another was exonerated.



Como puede observarse en esta gráfica de Isidro Solís, se le fracturó un brazo, una pierna y además también obtuvo lesiones en ambos maxilares. El "pecado" de este mexicano fue querer burlar la vigilancia de la Patrulla Fronteriza de Estados Unidos.

TERRIBLE PALIZA A UN ILEGAL

La Border Patrol Golpea y Veja a "Indocumentados"

- Lo "Curaron" y lo Deportaron
- Se Critica a la Cruz Roja Aquí
- La Aduana Atendió al Herido

Por Enrique Méndez ALVAREZ

La Patrulla Fronteriza de Estados Unidos sigue golpeando, vejando y torturando a los aspirantes a ilegales que pretenden cruzar la línea divisoria entre México y el vecino país.

Un caso concreto de esto fue denunciado por el Secretario general del Sindicato de la Aduana en Tijuana Eduardo Berttolini quien puntualizó que, "son reprobables el salvajismo y la barbarie que utilizan la Border Patrol para con

los aspirantes a ilegales".

Dijo Berttolini que el joven Víctor Ojeda originario de San Luis Potosí, fue salvajemente golpeado por agentes de la Border Patrol hace unos días.

COMO EMPEZO LA TRAGEDIA

El joven aspirante a ilegal hace días llegó a intentar cruzar a Estados Unidos.

En estado de suma gravedad quedó Víctor Ojeda después de la golpiza que le propinaron hace días los integrantes de la Border Patrol de Estados Unidos.

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cruzándose ilegalmente la línea divisoria entre ambos países, y fue interceptado por la Border Patrol y vapuleado por los inspectores.

Tras de golpearlo los elementos de la Patrulla Fronteriza se procedió por parte de autoridades de Migración a llevar al aspirante a ilegal a internar al Hospital Mercy de San Diego.

Ahí se le atendió de fracturas en ambos maxilares, le dejaron seriamente lesionados y flojos sus dientes, y en el mismo Hospital Mercy de San Diego se calificó su salud como de suma gravedad.

SE LE TRASLADO PARA SU DEPORTACION

Después de esas curaciones las autoridades de Migración entregaron al golpeado a los oficiales de Migración en México en su calidad de deportado.

Ante la gravedad del aspirante a ilegal en Tijuana se trasladó al golpeado a la Cruz Roja de esta ciudad en donde no se le pudo atender adecuadamente, en virtud de que se carece en dicha instalación del equipo y especialistas para el caso.

SE CRITICO A LA CRUZ ROJA

La Cruz Roja de Tijuana debe de ofrecer un mejor servicio a la población en virtud de que son muchos los millones de pesos que se recaban anualmente, y cuando se presentan casos de verdadera emergencia nada se puede hacer por resolverlos.

A lo anterior el secretario general del Sindicato de Aduana Eduardo Berttolini agregó que, "tan solo de la Aduana se da más de un millón 500 mil pesos de lo que se recaba en colecta y aportaciones de los mismos empleados de la dependencia, pese a ello no se ofrece el servicio adecuado a la población".

LA ADUANA ATENDIO AL PACIENTE

Según las palabras del líder de trabajadores de la Aduana, fué la clínica dental de servicio social de la Aduana fué la que efectuó una curación apropiada a Victor Ojeda.

El doctor Ignacio Raúl Wilson Navarrete, postgraduado en Bucodontomaxilar fue quien realizó la intervención quirúrgica que permite actualmente a Victor Ojeda alimentarse y sobre todo que se le haya salvado el maxilar inferior.

Además de las serias fracturas que se le hicieron por los golpes de la Border Patrol a Victor Ojeda, también le hirieron un brazo y una pierna.

El brazo derecho y la pierna izquierda se le enyesaron por completo en

virtud de que las lesiones se consideraban también graves.

Después de que los rayos X, ofrecieron como resultado cuatro fracturas en el maxilar izquierdo, se procedió a desprenderle el labio inferior por la parte interior, y se le hicieron ocho huecos en el hueso para soldarle las partes rotas.

"Ya antes los médicos norteamericanos del Hospital Mercy de San Diego habían realizado una intervención quirúrgica, pero diferente a la que se hizo en Tijuana, y los resultados fueron malos, pues el paciente seguía sin poder ingerir nada de alimentos".

"Según se pudo observar en el herido, los médicos sandieguinos abrieron entre la barbilla y la garganta para realizar la curación del maxilar inferior", dijo Berttolini.

MIGRACION RECLAMA AL HERIDO

A pesar de que las autoridades de Migración del vecino país reclaman que se lleve al herido a Estados Unidos con el fin de que se investigue los hechos, el Sindicato de la Aduana ha girado instrucciones a la Cruz Roja de que no se le permita la salida del herido, dijo Berttolini.

Por palabras del líder de los trabajadores de la Aduana se dió a conocer que una operación como la que se le aplicó a esta persona cuesta hasta 10 mil dólares, y que los gastos corrieron por cuenta de los empleados de dicha dependencia.

Tan sólo el costo de los 60 centímetros del material con que se efectuaron las costuras de las partes heridas de Victor Ojeda es superior a los 375 dólares, dijo.

Eduardo Berttolini afirmó que es obligación del Sindicato de la Aduana ayudar a la población que careciendo de recursos económicos no pueda atenderse con eficacia.

HABLA EL HERIDO PARA ESTE PERIODICO

Al entrevistar en la Cruz Roja a Victor Ojeda, manifestó que no recuerda quien lo golpeo, como es que se le inconcientizó ni la fecha en que ocurrieron los hechos.

En una breve entrevista concedida al reportero de este diario el herido aseguró que en cuanto se sienta mejor regresará a San Luis Potosí de donde es originario.

Dijo que solo recuerda que por espacio de varios días estuvo, inconsciente en un hospital de San Diego, y que después de volver a perder el conocimiento ahora se encuentra en recuperación en Tijuana.

Denuncian a Reagan los Atropeos de la Patrulla Fronteriza a Comerciantes de S.Y.

SAN YSIDRO.- La Cámara Internacional de Comercio de San Ysidro envió un escrito dirigido al Presidente Ronald Reagan, para denunciar los atropellos que comerciantes de esta jurisdicción han sufrido por parte de elementos de la Patrulla Fronteriza y el Departamento de Policía de San Diego. Las declaraciones escritas, por separado, de Margarita N. Gutiérrez y Rafael García, fueron anexadas a la carta enviada al primer Mandatario estadounidense, quien vendrá a San Diego y Tijuana los días 27 y 28 de abril, para su entrevista con el Presidente de México, Lic. José López Portillo.

Alberto R. García, presidente de la Cámara Internacional de Comercio de San Ysidro, expuso en el mensaje dedicado al presidente Reagan que este organismo, como promotor, guardfán y defensor de nuestro sistema de libre empresa, de la propiedad privada, y del derecho del individuo a crear un capital, condena enérgicamente las acciones deliberadas de la policía de San Diego, la Patrulla Fronteriza y las autoridades de inmigración que violan estos derechos.

Los ofendidos, por su parte, formularon declaraciones escritas y notariadas, de las cuales proporcionarán copias fotostáticas, a EL MEXICANO, y en cuyos textos señalan:

Margarita N. Gutiérrez, residente en el 2408, del Este del boulevard Beyer, en San Ysidro, declaró ser ciudadana estadounidense, nacida en Delano, California. Sobre los hechos, manifestó que apro-

ximadamente, a las 12:45 p.m. del 6 de febrero de 1981, después de salir de la oficina de la Cámara Internacional de Comercio, ubicada en el 318, al Este del Boulevard San Ysidro, iba acompañada de su hijo Carlos Navarro, también nacido en los Estados Unidos, se dirigían a su residencia, por el boulevard Beyer.

Mientras caminaban, notaron que se aproximó un "jeep" de la Patrulla de Caminos, hacia donde se hallaban y de inmediato se detuvo frente a ellos. El patrullero (oficial de la Patrulla de Caminos), les gritó "Hey, ustedes vengan aquí". (en inglés).

"Al voltear hacia donde provenía el grito, dijo Margarita N. Gutiérrez, vi al oficial que estaba apuntándonos con un dedo, a la vez que se acercó".

"Mi hijo y yo - siguió diciendo la declarante - seguimos caminando hacia la casa. El oficial salió del "jeep", y me agarró del brazo izquierdo en una forma amenazante, jalándonos hacia él. El forcejeo me causó mucho dolor y coraje".

Enseguida, el oficial les dijo que iba a investigarlos porque tenía una razón para creer que eran "extranjeros", a lo cual Margarita N. Gutiérrez respondió que es ciudadana americana y que se dirigía hacia su casa, a corta distancia de donde se encontraban parados.

Sin embargo, el patrullero insistió en "investigarlos". La señora Gutiérrez optó por volver a la Oficina de la Cámara Internacional de Comercio de San

Ysidro, no sin antes pedirle su identificación al oficial de la Patrulla de Caminos, quien se negó a proporcionárselo. Las placas del vehículo que conducía corresponden al número J15 429, y su apellido es Spoonaberry.

Por lo que respecta a Rafael García, re-

sidente permanente admitido en los Estados Unidos, el 28 de julio de 1955, en Laredo Texas, dijo ser propietario y operador del establecimiento "Sportsmen's Den", localizada en el 323 al Este del Boulevard San Ysidro, California.

Explicó que el 29

aproximadamente a las 12:00 horas, estaba detrás de su mostrador y veía hacia la puerta, como acostumbraba, buscando a los menores, cuando vio entrar a dos oficiales uniformados.

"Uno era un oficial de la Policía de San Diego, placa 1019, y el otro era agente de la Patrulla Fronteriza, descendiente de mexicano-americano", expresó el señor García.

PRESENTAN EN EL:

FONAPAS **TEATRO DE LA CASA DE LA CULTURA DE TIJUANA** **SEBS**

A LA COMPAÑIA DE TEATRO DE LA UNIVERSIDAD VERACRUZANA EN

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