



Committee on Chicano Rights, Inc

July 22, 1979

Honorable Griffin Bell,
United States Attorney General
United States Justice Department
Constitution Avenue, 9th and 10th St.
Washington, D.C. 20510

Dear Attorney General Bell:

The Committee On Chicano Rights, Inc., The United California Mexican American Association and the Legal Aid Society of San Diego, Inc, formally request that your office initiate congressional hearings in San Diego, California.

We base our request on the violations of human, civil and constitutional rights perpetrated by the Immigration and Naturalization Service, U.S. Border Patrol and U.S. Customs Service against persons of Mexican and Latin ancestry. We are particularly upset by these law enforcement agencies' use of violence along the International Border.

Attached is our Petition for Congressional Investigations, with supporting evidence, documenting the seriousness of the situation. We hope that incidents such as the:

- (1) death of two children at the International Border at San Ysidro;
- (2) killing and wounding of two individuals while handcuffed;
- (3) shooting of an individual by a Border Patrolman from a helicopter;
- (4) shooting of individuals while detained;
- (5) deportation of a United States Citizen;
- (6) beatings and assaults of individuals by Border Patrol, Immigration and U.S. Customs;
- (7) cavity checks by Border Patrolmen at the San Onofre Inland check point;

Re: Petition for Congressional Investigations
July 22, 1979
Page Two

- (8) illegal detentions of U.S. Citizens and Legal Resident Aliens;
- (9) unlawful breaking and entering into homes, churches, schools, and
- (10) harassment at public gathering places by Border Patrol, Immigration Service and Customs Service.

will bring a prompt response to our request.

Thank you for your attention and cooperation on this very important matter.

COMMITTEE ON CHICANO RIGHTS, INC.

By: Herman Baca
Herman Baca, Chairman

UNITED CALIFORNIA MEXICAN-AMERICAN ASSOCIATION

By: Alberto R. Garcia
Alberto R. Garcia, President

LEGAL AID SOCIETY OF SAN DIEGO, INC.

By: Rafael A. Arreola
Rafael A. Arreola, Supervising Attorney

LEGAL AID SOCIETY OF SAN DIEGO, INC.
429 Third Avenue
Chula Vista, CA 92010
Telephone: (714) 427-0491

P E T I T I O N

F O R

C O N G R E S S I O N A L I N V E S T I G A T I O N

2 3 J U L Y 1 9 7 9

PRESENTED TO:

THE UNITED STATES SENATE
THE UNITED STATES HOUSE OF REPRESENTATIVES
THE UNITED STATES DEPARTMENT OF JUSTICE

SUBMITTED BY:

LEGAL AID SOCIETY OF SAN DIEGO COUNTY, INC.
COMMITTEE ON CHICANO RIGHTS, INC.
UNITED CALIFORNIA MEXICAN-AMERICAN ASSOC.

PETITION FOR CONGRESSIONAL INVESTIGATION

TOPICAL SUMMARY

PAGE

INTRODUCTION

1

Congressional investigations and hearings are essential in order to develop a new U.S. policy for the humane treatment of all persons, reduce violent acts against U.S. citizens, immigrants and aliens, and preclude more unnecessary deaths.

II.

FACT SITUATIONS ILLUSTRATING PROBLEMS INFLICTED ON THE LATIN-AMERICAN COMMUNITY BY THE ARBITRARY ADMINISTRATION OF IMMIGRATION POLICY.

3

A. Arbitrary Refusal to Allow a U.S. Citizen to Pass Where Urgent Need of Medical Treatment; Failure to Process or Permit Humanitarian Paroles under 8 USC 1182 (d) (5)

3

1. Humanitarian and Medical Paroles.

3

Title 8 USC 1182 (d) (5) and regulations pursuant thereto allow humanitarian paroles in medical or emergent situations. But INS practice is to refuse, delay or discourage them.

2. The Death of Manolo ALBERTO

4

An 18-month-old baby, a U.S. citizen, being rushed to medical care in the U.S., was denied entry at the border by precipitous, arbitrary decisions of INS agents. The child died as a result.

3. The Death of Mario CANEDO

6

A four-year-old heart patient being treated in U.S. hospital was denied multiple entry visa and was delayed by INS personnel when being taken across to a U.S. hospital in emergency. Child died in INS waiting room.

4. These cases are examples of attitudes/

6

practices whereby arbitrary decisions are made regarding validity of citizenship or legal status; agents are insensitive to urgent emergencies; applicants

	<u>PAGE</u>
are not advised of procedures or rights of appeal; medical paroles are practically denied.	
<u>B. Use of Deadly Force - Killings</u>	8
<u>REYES and RINCON case:</u> Two men handcuffed together were shot in the back while trying to run away after being apprehended at the border.	8
<u>BALDERAS case:</u> Suspect, unarmed and passive, was shot in both arms by Border Patrolman.	8
<u>ZARATE case:</u> 16-year-old, unarmed Mexican youth who crossed border was seriously injured with shotgun from Border Patrol helicopter.	9
<u>Implications:</u> <u>Border Patrol and INS agents make a practice of using lethal force, for the crime of crossing the border, or of trying to run away, on unarmed persons who present no threat to the officer.</u>	9
<u>C. Inflicting Unnecessary Physical Violence or Abuse on Suspects</u>	10
<u>ORTIZ case:</u> Native-born American citizen of Puerto-Rican descent seized without probable cause and beaten unconscious to force him to sign papers.	10
<u>DAVALOS case:</u> A Mexican woman, traveling as a tourist with the correct visa, was detained, separated from her husband, <u>stripped naked and subjected to a vaginal cavity search,</u> all without any facts establishing reasonable cause.	10
<u>Commentary:</u> These and other cases collected in Appendices G through K indicate that American citizens and immigrants of Latin descent are regularly physically humiliated, beaten, punched, kicked, and severely injured while being stopped, detained and interrogated or forced into confessions.	11
<u>D. Systematic Violations of Rights of Citizens and Immigrants of Mexican/Latin Descent</u>	11
<u>BUSTAMANTE case:</u> Home of Mexican-American	11

	<u>PAGE</u>
U.S. citizens broken into by Border Patrol agents without warrant or probable cause, terrorizing mother and children within.	
<u>VASQUEZ case</u> : Native-born U.S. citizen was stopped and detained for hours at San Diego airport, caused to miss his plane, although he presented his driver's license, business card and other identification and is highly articulate in English. Sole reason for detention was that he appeared to be of Mexican descent.	12
<u>PLANCARTE case</u> : Documented legal immigrant was detained and deported from the San Diego airport, although he presented proof of his status, without a hearing or chance to contact his attorney, resulting in the loss of his employment.	12
<u>Other Cases and Examples</u> :	12
1. Appendices L through T are examples of the fact that citizens and immigrants are regularly stopped, <u>detained</u> and even <u>deported</u> without reasonable cause and for the sole reason that they are of Mexican/Latin descent. This violates their rights to equal protection under the law.	13
2. These citizens and immigrants are held for long periods of time and/or deported without hearings and without being allowed to contact attorneys, in violation of their right to due process under the constitution.	13
3. Citizens are stopped and harassed in public places, train stations and airports solely because they are of Latin descent.	13
E. <u>Lack of an Independent Investigative Agency Able to Expose and Correct Abuses of Power</u>	14
1. A perusal of the exhibits in the ALBERTO case (Appendix A) indicates an attempt to misrepresent and cover up the arbitrary acts of INS personnel involved. A Customs Officer who witnessed the event has spoken	14

out publicly, exposing the misrepresentations by the INS hierarchy (footnote 1).

2. The experience of the Mexican/Latin-American community, and those who work close to it, is that the arbitrary and abusive acts of border agents are always excused and defended by the federal agency involved, to protect the agency from criticism. 14

II. THE RELATIVE SOCIAL VALUE OF CURRENT METHODS FOR THE DETECTION AND DEPORTATION OF UNDOCUMENTED WORKERS IS IN DOUBT. ITS VALUE IS GROSSLY OUTWEIGHED BY THE SOCIAL, ECONOMIC, POLITICAL, AND LEGAL HARM DONE TO AMERICANS OF LATIN DESCENT BY CURRENT ENFORCEMENT ATTEMPTS. 15

A. There is strong evidence that current efforts to root out undocumented workers, or prevent their entry, are: 15

1. Disproportionate to the objective problem 15
2. Grounded in hysteria, propaganda and subjectivity 15
3. Of little marginal utility. 15

Studies: Examples of studies include Bernard, Villalpando, and the North-Houston study. Serious studies indicate that U.S. citizen workers are not displaced from jobs by undocumented workers - that jobs expand with the influx of immigrants. Most undocumented workers pay income tax and very few receive welfare. 15

B. Other Methods of Dealing with Undocumented Workers Exist 16

Strong enforcement of minimum wage laws, income reporting laws, working condition laws and other regulations would eliminate exploitive employment and the motive to employ undocumented workers.

C. Implications 17

1. The undocumented worker "problem" is 17

PAGE

exaggerated and distorted.

2. Other methods should be utilized for dealing with undocumented workers, rather than the random stopping, detaining and humiliating of innocent U.S. citizens and immigrants on the sole basis of their Latin ancestry. 17
3. Stopping the flow of undocumented workers is a relative value which must take priority second to the value of respecting the rights and dignity of Mexican/Latin Americans. 17

III. RECOMMENDATIONS 18

A. Congressional Hearings and Investigation 18

1. With substantial input from the Mexican/Latin-American community. 18
2. Fact-finding commissions with heavy membership from the Mexican/Latin-American community. 18

B. Change of Practices and Attitudes at Ports of Entry 18

3. Give first priority to medical emergencies and emergent needs. Process requests for humanitarian/medical paroles under 8 USC 1182 (d) (5) without delay. 18
4. Adopt the policy of allowing all persons to enter who establish a colorable status as citizens or immigrants by documentation valid on its face. 19

- ? /
5. Establish a reasonable and uniform standard regarding the number and kinds of documents required of U.S. citizens and immigrants when crossing the border. 19

C. Humane Treatment of Mexican/Latin-Americans in Border Areas and in the Interior 19

- use ←
6. Shift national immigration priority from detection of undocumented workers to honoring the civil rights and human dignity 19

	<u>PAGE</u>
<u>of Mexican/Latin-American citizens and immigrants.</u>	
7. <u>Enact standards of probable cause to be applied in border areas, as well as the interior.</u>	20
8. <u>Require that the Fourth Amendment rights of the Latin community against unreasonable search and seizure and against breaking and entering without warrants or probable cause be respected by U.S. agents.</u>	20
9. <u>Establish an independent investigative/monitoring agency, and independent ombudsman, with power, funds and facilities for genuinely investigating complaints and incidents.</u>	20
10. <u>Maintain careful monitoring of agents and records of complaints with regard to specific agents, to detect and remove agents who are subjectively predisposed to violence, racism and attitudes of contempt toward people of Mexican/Latin descent.</u>	20
11. <u>Institute hiring practices, including psychological testing and profiles, to prevent the continued hiring of personnel who are predisposed to attitudes based on power drive or contempt for people of Mexican or Latin descent.</u>	21
D. <u>For Reduction of Violence on the U.S. Border:</u>	21
12. <u>Establish a policy of using no deadly force (weapons) on suspects whose only crime is crossing the border or attempting to escape.</u>	21
13. <u>Congress should enact specific legislation to the effect that the illegal crossing of the border and/or non-violent attempts to escape from border agents are not, of themselves, felonies, and are not worthy of the use of deadly force.</u>	21

<u>CONCLUSION</u>	22
<u>INDEX OF APPENDICES</u>	23
<u>APPENDICES</u>	A1

PETITION FOR CONGRESSIONAL INVESTIGATION

INTRODUCTION

This paper and supporting documents call for congressional investigations and the development of a new policy for the humane treatment of persons affected by U.S. immigration policy and the agencies that enforce it, including the Customs Service, Immigration and Naturalization Service (INS), Border Patrol, and the Federal Protective Agency.

The central concept is:

NATIONAL IMMIGRATION POLICY SHOULD FOCUS ON THE GRAVE PROBLEMS OF BORDER VIOLENCE AND THE SYSTEMATIC ABRIDGEMENT OF THE RIGHTS OF AMERICAN CITIZENS AND IMMIGRANTS OF MEXICAN/LATIN DESCENT, INSTEAD OF THE CURRENT EXCESSIVE EMPHASIS ON UNDOCUMENTED ALIENS. THE FIRST PRIORITY OF NATIONAL IMMIGRATION POLICY SHOULD BE HONORING THE RIGHTS AND HUMAN DIGNITY OF CHICANO, MEXICAN AND LATIN-AMERICAN CITIZENS AND IMMIGRANTS.

Other applicable concepts are:

1. All known studies and available data indicate that undocumented aliens have no material negative effect on the economy or social fabric of the United States.
2. All available data indicates that the current repressive measures have little effect on the flow of undocumented workers into the U.S.
3. Nevertheless, the goal of preventing the entry of undocumented

persons is being used to justify arbitrary and brutal treatment of persons, including U.S. citizens and legal residents, when attempting to cross at ports of entry, and ruthless, unnecessary violence along the border by agents of the federal government (INS, Border Patrol, and Customs Service).

4. Attempts at detection and deportation of undocumented workers are carried out by the systematic and large-scale abridgement of the human, civil and constitutional rights of Americans of Mexican and Latin descent, combined with violence, intimidation and humiliation by agents of INS, Border Patrol and Customs.

Congress should therefore adopt this moral policy:

1. Give first priority to the humane treatment of persons who present themselves at U.S. borders and the honoring of the rights and dignity of citizens and immigrants of Mexican and Latin descent.
2. De-emphasize the goal of preventing the entry of undocumented persons and the goal of detecting and deporting undocumented workers.
3. Require U.S. government agencies, particularly the INS, the Border Patrol and Customs, to implement and live by the law and spirit of these priorities.

A series of affidavits and other materials are appended hereto, showing a cross-section of the kinds of incidents reported to our agencies and evidencing the problems suffered by the Chicano, Mexican- and Latin-American community.

Section I of this Petition is a discussion of some of these incidents and the law enforcement practices and attitudes they illustrate. Section II briefly discusses the undocumented worker problem, suggesting a perspective. Section III lists the recommendations of our agencies for a more humane and objective policy.

I.

FACT SITUATIONS ILLUSTRATING PROBLEMS INFLICTED
ON THE LATIN-AMERICAN COMMUNITY BY THE
ARBITRARY ADMINISTRATION OF IMMIGRATION POLICY

A.

Arbitrary Refusal to Allow a U.S. Citizen
to Pass Where Urgent Need of Medical Treatment;
Failure to Process or Permit
Humanitarian Paroles Under 8 USC 1182 (d) (5)

1. INS practice is at odds with INS policy and regulations.

Title 8 USC 1182 (d) (5) authorizes the Attorney General to prescribe conditions under which alien applicants may be given entry to the U.S. in a parole status "for emergent reasons." INS regulations contained in 8 CFR 212.5 (a) and the corresponding Operations Instructions of INS, OI 212.5 (a), further confirm the policy of allowing parole "for emergent or humanitarian considerations."

There is strong evidence that, while the regulations and avowed policy of INS encourage the granting of paroles for medical

and humanitarian reasons, the actual practice of INS personnel who deal with applicants at the border is to arbitrarily refuse or discourage them, leaving applicants with the feeling that there is no recourse.

The actual practice of the agency is exemplified in two situations where young children died this year as the result of the effective denials of parole in emergencies.

2. The case of Manolo ALBERTO (Appendix A).

On June 13, 1979, two U.S. citizens, both women, approached the U.S. border at San Ysidro, California with a U.S. citizen baby named Manolo ALBERTO. The child was dehydrated, malnourished and comatose.

The two women were passed through customs and then interrogated by an agent of the INS named Mrs. BURNS. They explained that the child was a U.S. citizen, and presented a certified copy of his birth certificate and social security card. They further explained that the child's mother, Mrs. ALBERTO, was unable to cross with the baby because she had no legal status in the U.S.; that the mother was desperate to get the child to a U.S. hospital because recent treatment in El Salvador had failed to help; that the family had contacted these two citizens to take the child Manolo to a hospital in the U.S.

The conduct of INS agent Mrs. BURNS was as follows:

(a) She said that the child was not critically ill or an emergency, just sick.

(b) She said that, in her opinion, the child was four years of age, not the age represented by the two women.

(c) She said she would not allow the baby to pass because "the birth certificate could have been bought in Tijuana."

(d) With respect to the baby's condition, she said that "we cannot let sympathy enter into our job."

(e) She failed to summon an ambulance or any medical help, failed to initiate any medical parole for the child (under 8 CFR 212.5 (a)), failed to advise the women that such a parole is possible, and did not advise them that they could appeal her decision to deny entry to the child.

(f) When the two women cried and said the child was dying and persisted in showing the birth certificate and asking for help, INS agent BURNS said that if they did not leave, their car would be confiscated for "attempting to smuggle the baby."
(See Appendix A, affidavit of Lupe ALONZO.)

The two U.S. citizen women returned to Tijuana and the baby was checked into the General Hospital there. Doctors in Tijuana attempted to effect a transfer of the child to a hospital in San Diego, where better facilities for the specialized care required were available. Red tape prevented this transfer. The child, Manolo ALBERTO, died three days later. He was denied the medical care in a U.S. hospital that might have saved his life.

Based on the experience of our agencies' clients, it appears that individual agents in the INS are encouraged to "play God" at the border and render arbitrary decisions regarding the validity of a human being's citizenship or the state of his health. (Please see affidavits, articles and medical reports collected in Appendix A.)

3. The Case of Mario CAÑEDO (Appendix B).

In March of 1979 a four-year-old child, Mario CAÑEDO, was taken from Tijuana to the U.S. border by his aunt. The child had had open-heart surgery at a hospital in San Diego and the aunt had a letter from the attending physician. Although the child was obviously ill, the aunt was forced to leave her car to go to a waiting room where she was told to "take a number." The child died during the wait in the waiting room while INS personnel ignored the aunt's pleas for help. (See Appendix B.)

Our investigation reveals that repeated efforts were made by the aunt and by the hospital to process a medical parole and provide a multiple entry visa to the child to facilitate crossing of the border in case of need. Each time that the aunt went to the INS office at the border and asked to apply for a medical visa or parole, she was told by office personnel that it couldn't be done. Therefore, she was reduced to presenting letters from doctors each time she tried to cross the border to take the child to the hospital, with the time-consuming, and in this case fatal, red tape, frustrations and delays.

4. Prevalent INS Practices Exemplified by These Cases

(a) Border agents are insensitive to medical emergencies or human needs.

Regulations under 8 USC 1182 (d)(5) provide for agents to take action in medical emergency or humanitarian need, and there is a system for paroling medically needy persons to hospitals in the U.S. pending verification of their documents or status. However, in practice the agents take the exact attitudes shown by the

agents in the cases of these two children. They do not initiate a parole, they do not tell the applicants that such a parole is available, and they tell people in severe emergencies to either "go back to Tijuana" or to "take a number and wait."

(b) Each individual INS agent makes his own arbitrary decisions regarding the validity of a citizen's or immigrant's status.

There is no standard for what documents or how many documents are required to prove one's status as a citizen or resident immigrant at the border. One agent may permit entry to a citizen presenting a certified copy of his birth certificate. Another agent may refuse entry to the same citizen because he doesn't like the citizen's attitude or because that agent personally likes to see a driver's license.

The prevalent attitude in the INS appears to be that anyone of Mexican or Latin descent is "guilty until proven innocent." Agents feel free to deny entry to both U.S. citizens and to immigrants, even when they can reasonably prove their legal status with documents that are valid on their face.

When agents also make ill-advised medical judgements, the situation becomes lethal as well as arbitrary.

(c) Persons who are denied entry or denied medical parole are not advised of their right to appeal or to make formal application.

Applicants are always made to believe that the decision of the agent on the line is final. If first line supervisors are called, they habitually rubber-stamp the agents' decisions without question (see affidavit of ALONZO, Appendix A), which further emphasizes the message: the agent on the line or at the counter is

"God." No printed statements regarding procedures for appeal to higher authority are available. Applicants are made to feel that if they question the agent's decision, their cars may be confiscated, they will be arrested, or things "may go bad" for them.

- (d) Although emergency medical help and facilities are available to border agents, they fail to call for help when needed for persons at the port of entry.

This is evident from these two cases, which our agencies reasonably believe to be the "tip of the iceberg."

B.

Use of Deadly Force - Killings

Several incidents of the use of deadly force against unarmed and passive suspects by border agents are reported.

REYES and RINCON case (Appendix C): Two Mexican nationals, Efren REYES and Benito RINCON, were apprehended slightly inside the U.S. border by a Border Patrol agent. The two were handcuffed together but one resisted getting into the patrol agent's jeep. One began to pull the other, still handcuffed to him, toward the Mexican side of the border, and they started to run. According to eyewitnesses, the agent drew his pistol and shot each of them in the back, killing REYES and wounding RINCON. The Border Patrol has characterized the incident as "self defense."

BALDERAS Case (Appendix D): In February 1979, another agent opened fire on an unarmed man, BALDERAS, who had stopped running and raised his arms. He shot BALDERAS in both arms, and when the victim fell to the ground bleeding, the agent slashed him

deeply with a knife while cutting a backpack strap with the knife.

ZARATE Case (Appendix E): In another incident, a 16-year-old Mexican youth crossed the border with some friends on a dare. A Border Patrol helicopter approached the boys while they were walking back toward the Mexican side of the border, opened fire and felled the youth with shotgun wounds in both legs.

Implications: It is apparent from such incidents that Border Patrol personnel either have no policy regarding the use of deadly force or, if there is one, feel free to ignore it. Agents feel free to wound and kill suspects for the mere crime of crossing the border, or as a means of preventing escape back to Mexico. This means in effect that the crime of trying to escape is punishable by the death penalty inflicted by the arresting agent in the field at his discretion.

In recent highly-publicized meetings of U.S. Attorney M.H. Walsh (Southern District, California) with Border Patrolmen, the U.S. Attorney has begun to informally and orally advise patrol agents to use guns only in self-defense, emphasizing their need to avoid civil liability. (See Appendix F, p. 1, last line, to top of p. 2.) However, if such action by the U.S. Attorney is currently required, this shows that no uniform policy regarding the use of deadly force has been in effect within the Border Patrol or among agents, and lends credence to the eyewitness accounts we have received of irresponsible gun play.

• C.

Inflicting Unnecessary Physical Violence on Suspects

Suspects or prisoners of Mexican or Latin descent are regularly punched, kicked, beaten with batons and otherwise physically abused in the process of arrest, interrogation or processing (Appendices G through K). A survey of those incidents indicates that there would be no basis for a detention or arrest by the standard of probable cause, but that the sole basis for detaining, abusing and trying for force a confession out of the victim is that he is of Latin descent and/or cannot speak English well. It is done when no resistance is being offered by the detained person and where he presents no threat to the officer.

ORTIZ case (Appendix J): Mr. Ortiz, a native-born American citizen of Puerto Rican descent, was seized on the beach while fishing, taken to a Border Patrol station despite his requests that agents look at his identification papers in his nearby car, and beaten into unconsciousness because he refused to sign confessions. He was released without being charged (Appendix J).

DAVALOS case (Appendix Q): Mexican citizens who visit the United States as tourists are also subjected to indignities. Two Mexican tourists, Mr. and Mrs. DAVALOS, came into California to visit Disneyland. They had secured the proper visa at the border and presented it to Border Patrol personnel. Border Patrol officers asserted that there was an irregularity in the visa.

Mrs. DAVALOS was forcibly separated from her husband, taken to a room, made to strip naked and put through the humiliation of a search of her vaginal cavity. She was then kept without food or

water for several hours and finally transported to Mexico as a prisoner.

When Mrs. DAVALOS was removed from her car and Mr. DAVALOS protested, he was grabbed by the front of his jacket and told he would be beaten up, his I-186 card taken away. He was ordered to leave the area immediately, which he did since he had no recourse. He didn't see his wife until she was turned over to Mexican authorities.

At no time were there any facts indicating probable cause to detain or physically humiliate Mrs. DAVALOS in this manner.

Implications: American citizens, resident aliens and suspected illegal aliens alike are seized without probable cause, and subjected to physical injury and racist verbal abuse. The only things required to qualify for such detentions are that one be of Latin descent and/or that one speak English with an accent.

D.

Systematic Civil Rights Violations of Citizens
and of Immigrants of Latin Descent

Affidavits L through T present a sampling of the kinds of situations with which American citizens and immigrants of Latin descent are confronted on a daily basis in the Southwest.

BUSTAMENTE case (Appendix L): Two teenaged brothers of Mexican descent, both U.S. citizens, were running from the playground along the sidewalk toward their home. A Border Patrol agent followed them, broke down the door of their home and kept them and their mother terrorized while calling them racist names and accusing

them of being illegal aliens, having forged documents and so forth.

VASQUEZ case (Appendix M): A native-born U.S. citizen, carrying his driver's license and business card, highly articulate in English, was stopped by an INS agent at the San Diego airport. He was humiliated, insulted and detained for hours, missing his plane flight, on the agent's assertion that he was not "proving his citizenship" to the agent's satisfaction. The only possible basis for detention appears to have been the citizen's apparent Latin descent.

PLANCARTE case (Appendix N): At the same airport, a documented immigrant, carrying his alien registration card, was stopped, detained and deported, forcing him to re-enter the U.S. at San Ysidro. He was given no deportation hearing. He lost his employment in Los Angeles as a result of his absence from his job.

Other instances include:

1. Stopping and questioning people of Latin descent, at random and without probable cause. See declarations of PAZ (Appendix R), ZAPATA (Appendix P).
2. Breaking and entering homes of citizens without warrants or probable cause. (See Appendix L: BUSTAMANTE.)
3. Detaining U.S. citizens without probable cause and without allowing them to call attorneys. (See Appendix O: VENEGAS.)
4. Detaining and deporting legal immigrants without allowing them a hearing or an opportunity to present their documents, and refusing them the opportunity to contact their attorneys. See GONZALES-Velasquez (Appendix H) and LOPEZ-Coronado (Appendix S).

5. Beating and detaining legal residents when they cross the border (ALVAREZ-Carrion case, Appendix T).

An analysis of the foregoing cases leads to these conclusions:

(1) The lack of a clear requirement of Probable Cause, in border areas, and of clear standards of Probable Cause, has resulted in a situation where INS and Border Patrol agents feel free to stop, detain, question, and intimidate all people of Latin descent, regardless of whether there are any reasonable grounds for suspicion that the subjects have committed any crime or are illegally present in the U.S.

(2) Agents feel free to detain and even deport U.S. citizens, and immigrants with legal status, without due process, without any hearing, and on the arbitrary say-so of the individual agent.

Evidently, such acts are often done out of spite, hatred, racist feelings or the power drive of the agent involved.

(3) Agents feel free to break and enter the homes of people of Latin descent and violate their Fourth Amendment guarantees, without warrants and without reasonable cause, solely on the basis of the tenants' Latin descent.

(4) Border Patrol and INS agents regularly deny detained persons the opportunity to produce their documents or to contact their attorneys before summarily deporting them.

E.

Lack of an Independent Investigative Agency
Able to Expose and Correct Abuses of Power

The experience of all agencies and individuals who have asked for redress or made complaints regarding the abuses of individual agents, is that both the INS and the Border Patrol are committed to protecting and defending personnel who commit abuses, regardless of how egregious these abuses are.

A perusal of the exhibits in Appendix A (Manolo ALBERTO case), and of other severe cases, indicates that whenever the arbitrary or violent acts of an agent cause the severe wounding or death of a human being, the reaction of the INS or Border Patrol is to "whitewash" and "cover up."¹ It appears to the Mexican-American and Latin-American community that the principal interest of the INS, for example, is not to detect and remove agents who habitually abuse people or inflict violence on people. Rather, it is to excuse such behavior in order to protect the agency from public criticism.

So long as agents with violent and racist predilections are immune to prosecution or discipline, and are protected systematically in their practices, no correction of abuses is possible.

An independent agency is required, outside the INS and the Border Patrol, with power to thoroughly investigate and with a true interest in uncovering and correcting the patterns of unnecessary violence and violations of citizens' rights by the INS, Border Patrol, and related agencies.

¹In a San Diego Union article dated June 21, 1979 (Appendix A), U.S. Customs Officer Barbara CAPOLUNGO, who had witnessed the ALBERTO incident, confirmed the critical condition of the child and supported Lupe ALONZO's statement. This indicates a pattern of lies and cover-up by the INS personnel involved. KCST-Channel 39 broadcast television interviews with CAPOLUNGO on June 19 and 20, 1979.

II.

THE RELATIVE SOCIAL VALUE OF CURRENT METHODS FOR THE
DETECTION AND DEPORTATION OF UNDOCUMENTED WORKERS IS IN
DOUBT. ITS VALUE IS GROSSLY OUTWEIGHED BY THE
SOCIAL, ECONOMIC, POLITICAL, AND LEGAL HARM
DONE TO AMERICANS OF LATIN DESCENT
BY CURRENT ENFORCEMENT ATTEMPTS.

Every serious study done on the effects of undocumented workers on the economy or job market leaves serious doubts as to whether there is any material negative effect.

No definitive empirical study has been made to date, and experts disagree among themselves. However, there is strong evidence that current efforts to root out undocumented workers are:

1. disproportionate to the objective problem,
2. grounded in hysteria, propaganda and subjectivity, and
3. of little marginal utility, since the current repressive measures do little to stem the flow of undocumented workers, according to estimated statistics.

A.

Examples of Studies

William S. Bernard has concluded that an influx of immigrants, whether legal or illegal, results in an increase of GNP with corresponding expansion of the economy, and more jobs.²

Manuel Villalpando studied situations in both Los Angeles

²William S. Bernard, American Immigration Policy, New York: Harper and Brothers, 1950, pp. ss ff.

and San Diego counties, where large numbers of undocumented workers were removed from jobs in specific light industries. In both cases, no U.S. citizens were willing to take the jobs.³ This tended to disprove the notion that U.S. citizen workers are being displaced from jobs by undocumented workers.

Other studies have disproven the popular cliché that illegal aliens are living on welfare and putting a burden on U.S. taxpayers. In the North Houston study in 1976, it was found that 73% of a sample group of undocumented workers paid income tax and only 0.5% received any welfare.⁴

B.

Alternatives to Current Methods Exist

To the extent that it is desirable to restrict entry of undocumented workers into jobs in the U.S., there are more humane and effective methods than the current reign of terror in which the Chicano/Mexican-American/Latin-American community finds itself, with random detentions of citizens and immigrants of Latin descent.

For example, North and Houston have recommended that government strike forces be organized to crack down on exploitive employers who violate laws regarding minimum wages, working conditions, withholding taxes and reporting wages. If employers could

³Manuel Villalpando, Illegal Aliens: Impact of Illegal Aliens on the County of San Diego. San Diego: County Human Resources Agency, 1977.

⁴North and Houston, The Characteristics and Role of Illegal Aliens in the U.S. Labor Market: An Explanatory Study. Washington: U.S. Department of Labor, March 1976.

no longer violate these laws with impunity, the motivation to hire undocumented workers would quickly evaporate.

C.

Implications

1. Although further study is needed, there is enough information to conclude that the problem of undocumented workers has been exaggerated out of proportion.

2. We suggest that the social value of stopping the flow of undocumented workers is a relative value and must be balanced against the greater values of respecting human life, and of respecting the dignity and rights of the Mexican-American and Latin-American citizens and immigrants within the U.S.

3. Specifically, the social/economic value of stopping the flow of undocumented workers:

(a) Does not justify the killing and maiming of unarmed human beings at the border for the crime of crossing the border or running away,

(b) Does not justify the arbitrary denial of entry, at ports of entry, to citizens and immigrants who present documentation, and

(c) Does not justify stopping, detaining, insulting, searching and the wholesale invasion of the constitutional rights of citizens and immigrants without probable cause, on the sole basis of their Mexican or Latin descent.

(c) Does not justify stopping, detaining, insulting, searching and the wholesale invasion of the constitutional rights of citizens and immigrants without probable cause, on the sole basis of their Mexican or Latin descent.

-17-

III.

RECOMMENDATIONS

A.

Congressional Hearings and Investigation

1. Congress and its concerned committees should hold hearings to investigate thoroughly the practices and attitudes of the agencies which deal with American citizens and immigrants of Mexican/Latin descent in enforcing national immigration policy.

2. Information should be sought and received from the Chicano/Mexican-American/Latin-American communities and from individuals who are affected by congressional policy and by the practices of the law enforcement agencies involved.

(a) Congress should stop acting on the sole basis of information received from within government agencies concerned and should instead receive information from the communities affected.

B.

Handling of Citizens, Immigrants and Applicants at Ports of Entry

3. Give top priority to medical emergencies and emergent needs.

(a) In passing persons at the border, special priority and attention should be given to those with medical or emergent problems.

(b) Ambulances or medical personnel should be called

-18-

if need is indicated.

(c) Processing of requests for medical visas or parole under 8 USC 1182 (d) (5) and 9 CFR 212.5 (s) (d) should be given first priority. All requests for parole should go to the district director and not be "sat upon" by lower echelon personnel.

4. Adopt the policy of allowing all persons to enter who establish a colorable status as citizens or immigrants by documentation valid on its face.

(a) Stop the practice of allowing individual border agents to decide the validity of a person's status or documentation on arbitrary grounds.

(b) Presume the validity of a citizen's or immigrant's documents unless there are articulable facts raising a reasonable and substantial doubt as to their validity.

5. Establish a reasonable and uniform standard regarding the number and kinds of documents required of U.S. citizens and immigrants when crossing the border.

C.

Treatment of Mexican/Latin-Americans
in Border Areas and the Interior

6. Shift national immigration priority from detection of undocumented workers to honoring the civil rights and human dignity of Mexican/Latin-American citizens and immigrants.

(a) Adopt methods of controlling undocumented worker flow without the random and arbitrary "rounding up" of Mexican/Latin-Americans.

7. Enact standards of Probable Cause to be applied in border areas, as well as the interior.

(a) Require that Border Patrol and INS agents cease their practice of stopping, questioning or detaining persons except where articulable facts exist which give reasonable cause to believe that the person is:

(1) an alien, and

(2) present in the U.S. illegally.

(b) Congress should take the moral stand that the mere fact of being of Mexican/Latin descent and not speaking standard English are not to be construed as a basis for suspecting any person of a crime, including the crime of being in the U.S. illegally.

8. Require that the Fourth Amendments rights of the Latin community against unreasonable search and seizure and against breaking and entering without warrants or probable cause be respected by U.S. agents.

9. Establish an independent investigative/monitoring agency, and independent ombudsman, with power, funds and facilities for genuinely investigating complaints and incidents of violations of civil rights, arbitrary abuse of power, unlawful use of deadly force, physical abuse and unnecessary violence.

(a) The agency and its personnel should be outside the structure of INS, the Border Patrol and Customs Service to avoid conflicts of interest or the motive to "cover up."

(b) Congress should enact legislation making all records regarding such incidents and complaints public record.

10. Maintain careful monitoring of agents and records of

complaints with regard to specific agents, to detect and remove agents who are subjectively predisposed to violence, racism and attitudes of contempt toward people of Mexican/Latin descent.

11. Institute hiring practices, including psychological testing and profiles, to prevent the continued hiring of personnel who are predisposed to attitudes based on power drive or contempt for people of Mexican or Latin descent.

D.

Patrolling of the U.S. Border

12. Establish a policy of using no deadly force (weapons) on suspects whose only crime is crossing the border or attempting to escape.

(a) No use of deadly force by agents except where suspects are armed and/or present a genuine immediate physical threat to the officer.

(b) Standardize weapons and weapons policy within the Border Patrol and INS.

(c) Removal of agents who misuse deadly force, rather than excusing and "white-washing" to defend the agency's public image.

13. Congress should enact specific legislation to the effect that the illegal crossing of the border and/or non-violent attempts to escape from border agents are not, of themselves, felonies, and are not worthy of the use of deadly force.

CONCLUSION

We respectfully request that Congress adopt these recommendations and expedite Congressional hearings.

Respectfully submitted,

LEGAL AID SOCIETY OF SAN DIEGO, INC.

BY:

Victor P. Shupp

VICTOR P. SHUPP, Attorney at Law

Rafael A. Arreola

RAFAEL A. ARREOLA, Supervising Attorney

INDEX OF APPENDICES

APPENDIX

PAGE

A. MANOLO AGUSTIN ALBERTO

Affidavit of Guadalupe ALONZO	A1
Birth Certificate of M. ALBERTO	A6
Medical Report, General Hospital of Tijuana	A7
Photos and Social Security card of M. ALBERTO	A10
Memorandum, Rafael ARREOLA, Attorney at Law	A11
Letter from U.S. Consulate	A14
Newspaper articles, San Diego <u>Union</u>	A15

B. MARIO ALBERTO CANEDO

Declaration of Guadalupe CANEDO-Astorga	B1
Medical correspondence	B4
Newspaper articles, Los Angeles <u>Times</u>	

C. EFREN REYES/BENITO RINCON HERNANDEZ/ROGELIO MENDEZ DIAZ

Coroner's Report on E. REYES	C1
Autopsy Report on E. REYES	C3
Newspaper articles	C7
Affidavit of Benito RINCON	C8
Medical Report on B. RINCON	C10
Affidavit of Rogelio M. DIAZ	C12
Newspaper articles	C14

D. MARGARITO BALDERAS

Affidavit of M. BALDERAS	D1
Medical Report on M. BALDERAS	D2
Newspaper articles	D11

E. MARTIN ZARATE OLMOS

Affidavit of M. ZARATE	E1
Medical Report on M. ZARATE	E3
Newspaper articles	E8

F. U.S. ATTORNEY M. WALSH

Press Release (6-12-79)	F1
-------------------------	----

APPENDIX

PAGE

G.	MARIO TORREZ-MEDINA	
	Federal Defenders, Inc. memorandum	G1
H.	EZEQUIEL GONZALEZ-VELASQUEZ	
	Affidavit of E. GONZALEZ	H1
	INS documents	H2
I.	PEDRO CONTRERAS-PLACENCIA	
	Federal Defenders, Inc. memorandum	I1
J.	LUCIANO ORTIZ	
	Affidavit of L. ORTIZ	J1
	Birth Certificate of L. ORTIZ	J2
K.	ENRIQUE RANGEL OLIVARES/JOSE LUIS RAMIREZ	
	Complaint Letter, C. VASQUEZ	K1
	Medical record of E. RANGEL	K3
L.	ALEJANDRO BUSTAMANTE/BENJAMIN BUSTAMANTE	
	Declaration of F. HETTER, Attorney at Law	L1
	Newspaper articles	L3
M.	CARLOS VASQUEZ	
	Declaration of C. VASQUEZ	M1
N.	JOSE MARIA PLANCARTE BARRON	
	Declaration of J. Plancarte	N1
O.	PORFIRIO VENEGAS/OTILIA VINEGAS	
	Declaration of P. VINEGAS	O1
	Declaration of O. VINEGAS	O3

APPENDIX

PAGE

P.	JOSE SALVADOR ZAPATA	
	Declaration of J. ZAPATA	P1
Q.	ENRIQUE DAVALOS/ELVIA MURPHY DE DAVALOS	
	Declaration of E. DAVALOS	Q1
	Declaration of E.M. de DAVALOS	Q2
R.	MOISES PAZ	
	Declaration of M. PAZ	R1
S.	GUILLELMO LOPEZ-CORONADO	
	Declaration of G. LOPEZ	S1
T.	GILBERTO ALVAREZ-CARRION	
	Declaration of G. Alvarez	T1
U.	MISC. NEWSPAPER ARTICLES	U1

RESEARCH AND INVESTIGATION BY:

Carlos VASQUEZ, Paralegal

Susan ALVA, Paralegal

1 AFFIDAVIT OF
2 GUADALUPE ALONZO
3

4 On June 14, 1979, I received a call from Carolina Corona,
5 regarding her nephew, Manolo Agustin Alberto who was very sick
6 in Tijuana, Mexico. She told me that she needed for me to bring
7 Manolo to a hospital in the United States, that the baby's mother,
8 Irma Alberto was crying and afraid that Manolo would die if he
9 didn't get medical help from a United States hospital. I agreed
10 to help and drove to Tijuana. I arrived in Tijuana at approximately
11 12:30 a.m. together with my friend Lolita Galvin. After we arrived
12 we hired a taxi to help us locate Irma. When we found Irma, she
13 gave me the baby and told me to take it to a hospital. She had
14 the baby dressed, ready and everything for us so she gave me the
15 baby's birth certificate and social security number. To me that's
16 all we needed so we got back on the taxi, came back down and when
17 we came back down we had the baby with us.

18 From there we went to the border and they asked us were
19 we United States Citizens? We said, "yeah"! And from there they
20 asked what you'd bring from Mexico? We said, "nothing". The
21 officer looked at us weird as we passed and told us to follow him
22 so we followed him and he took us to secondary inspection and I
23 talked to a customs officer (I believe Mr. Reiner) and he told us
24 to take our personal belongings out so we took them out and they
25 took us in the office. I guess he probably thought we were smug-
26 gling drugs or narcotics or something like that because they had
27 searched us to see if we had anything. Then a second customs
28 officer (I believe Mrs. Capolungo) came out and said that the baby

A-1

1 was dehydrated and starving! The baby was starving and all we
2 wanted to do is get the baby to a hospital in Van Nuys or to the
3 nearest hospital across the border. They searched and they told
4 us to sit down. They checked the car registration and our identity.
5 They checked them and they were all ok. So then an immigration
6 officer, Mrs. Burns, came in the office. She asked me if I was
7 the baby's mother. I said no! She said, "Where is she?" I said,
8 "In Tijuana, Colonia Guadalajara." She said, "Why can't the mother
9 come?" I said, "Because she is illegal and you won't let her
10 any place near here." She said, "What are you to the mother?"
11 I said, "We're friends of the mother's sister." She said, "How
12 do you know the baby is legal?" I said, "The baby is a United
13 States Citizen, he has his birth certificate and social security
14 card and they are outside in the car, do you want to see them?"
15 She said, "There was no need in seeing it because you know that
16 you can buy birth certificates and social security cards in
17 Tijuana." She said, "You know that, don't you?" I said, "Well
18 no I don't know!" Lolita started to cry, she cried out, she said,
19 "How could you guys be so cruel! Don't you see this baby is dying."
20 Mrs. Burns said, "We can't let sympathy get to our jobs." She
21 said, "I'm sorry but we cannot let the baby go through." I
22 didn't care what they want us to do with the certificate, I took
23 it out anyways and I showed it to them. She goes, this birth
24 certificate could be a fake one she says, I don't know if it's
25 the real one or not. She said, "How old is the baby?" I said,
26 The baby will be two years old in December 1, of 79'. She said,
27 "No, this baby has got to be about four years and a half." She
28 says, "Yeah!" I says, "That baby is only going to be two years

1 old." And she says, implying like if we didn't go, our car was
2 going to stay. "You know that we can take your car away from you".
3 The way she said it. "You know we can take the car away from you
4 for smuggling." That's when I said "smuggling"? What were we
5 smuggling? And we started saying, me and lolita saying, "This
6 baby is legal." Lolita kept crying, "What more do you guys want.
7 You guys have the baby's birth certificate." They said, "Bring
8 the mother here." Why can't the mother come? I said, again
9 "For the same reason the mother is illegal in the United States!"
10 I said, "You guys won't even let her near this border line." I
11 said, "We're from here so the baby is from here so you know, we
12 figure we can take the baby across because the baby is a legal
13 citizen.

14 So she ,Mrs. Burns, called her supervisor out and he without
15 asking any questions or anything he just came out and said, "NO!"
16 That we couldn't take the baby. Lolita was gonna get the baby's
17 birth certificate and the baby's social security card and go
18 take it to the Customs Officer named Mrs. Capulongo but when
19 Lolita got in the car to get it, Mrs. Burns told us to leave. She
20 said we had to go or "you know we can get you for smuggling."
21 I said, "smuggling what?" She said, "trying to smuggle an
22 immigrant." I said, "It's not an immigrant! This baby is legally
23 born in the United States, this baby has a right to go to the
24 United States. Don't you see the birth certificate." She said,
25 "We have to have proof." I said, "What more proof do you want?"
26 I showed you the birth certificate and the social security.

27 After they saw us crying, Mrs. Burns gave us \$2.00 and told
28 us to buy some milk for the baby, and find a hospital. I took the

1 \$2.00, said thank you! and gave them to Lolita. I took off and
2 told Lolita that "\$2.00 wasn't going to save the baby's life.
3 "This baby needs a doctor." I went back to Tijuana, the wrong
4 way in a one way street to get a policeman's attention. He did
5 stop me and I told him that we needed to get to a hospital quick.
6 He took us to a doctors general building. He took us to this one
7 doctor first and he wouldn't accept the baby because the
8 mother wasn't with him so the policeman took us to General Hospital.
9 They took the baby and they probably thought that I didn't
10 understand Spanish or anything but I did and they said that the
11 mother had abandoned the baby. I said, "No she didn't, she
12 didn't abandon her baby." If the mother didn't care about this
13 baby, she wouldn't have nobody come and pick up that baby and
14 take him across the border to have medical attention down
15 there. She was going to meet the baby up there in the hospital,
16 near where the mother was going to stay if possible.

17 I told the doctors that I would get the baby's aunt, Carolina
18 to let the mother know that Manolo was in the T.J. hospital. I
19 also gave Carolina's telephone number to the hospital. We then
20 went back to Van Nuys, California at approximately 5:00 a.m.

21 I declare under penalty of perjury that the foregoing
22 statements are true and correct to the best of my knowledge.

23 Executed on June 22, 1979 at Chula Vista, California.

24 Guadalupe Alonzo
25 GUADALUPE ALONZO

1 State of California)
County of San Diego) ss.

2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

Guadalupe Alonzo, being duly sworn, deposes and says:
That she is over the age of 18 years and has resided in the
State of California for more than five years.

Guadalupe Alonzo

GUADALUPE ALONZA

Subscribed and sworn to before me on June 22, 1979.

Hilda J. Vasquez

HILDA J. VASQUEZ

NOTARY SEAL





SERVICIOS COORDINADOS DE
SALUD PUBLICA EN EL
ESTADO DE BAJA
CALIFORNIA
HOSPITAL GENERAL
TIJUANA. B. C.

DEPENDENCIA HOSPITAL GENERAL, S. S. A.
TIJUANA.
SECCIÓN DIRECCION.
MESA
NUMERO DE OFICIO 492.
EXPEDIENTE

ASUNTO: Se envía Resumen Clínico solicitado
Tijuana, B.C. a 19 de Junio de 1979.

DEPARTAMENTO DE INMIGRACION.
LINEA INTERNACIONAL. (TIJUANA).
CIUDAD.

A petición de ustedes nos permitimos enviar resumen
clínico del C. Manolo Agustin Alberto:

"NOMBRE: Manolo Agustin Alberto, EDAD: 18 meses, SEXO: Masculino, FECHA DE INGRESO: Junio 15 de 1979, DIAGNOSTICOS DE INGRESO: Desnutrición Grado III, Deshidratación Grado II. Se recibió al paciente a las 03.45 Hrs. del día 15 de Junio, traído por Agente de la Policia Municipal, sin familiares que lo acompañaran, encontrándose a su admisión en muy mal estado general, con palidez notoria de tegumentos, caquexia marcada, adinamico, piel seca, con globos oculares hundidos, mucosas orales secas, extremidades hipotróficas y con escaso panículo adiposo.-Su peso era de 6,800 gramos. Durante su estancia hospitalaria recibió tratamiento a base de soluciones y electrolitos intravenosos, inicio de tolerancia a la vía oral con solución glucosada y posteriormente leche fresca y complementos protéicos; cuidados especiales y vigilancia estrecha. Se mantuvo afebril en los tres días de hospitalización, cursando en varias ocasiones con temperaturas de 35.2 y 35.5. grados Centígrados. Su evolución fué estacionaria, presentando ocasionalmente evacuaciones semilíquidas; se mantuvo buena diuresis. A las 08.15 horas del 18 de Junio, presentó súbitamente paro cardiopulmonar que fué irreversible a las medidas de resucitación, declarándose clínicamente muerto. Diagnósticos Finales: 1.-Desnutrición Grado III, 2.-Deshidratación, Desequilibrio Hidroelectrolítico, 3.-Anemia Severa."

Atentamente.
SUFRAGIO EFECTIVO NO REELECCION.
EL DIRECTOR DEL HOSPITAL.

DR. FRANCISCO SANCHEZ MARTINEZ.



S. S. A.
SERVICIOS COORDINADOS DE
SALUD PUBLICA EN EL
ESTADO DE B. C.
HOSPITAL GENERAL
TIJUANA

FSM/hrr.

AL CONTESTAR ESTE OFICIO CITENSE
LOS DATOS CONTENIDOS EN EL ANGULO
SUPERIOR DERECHO.

SERVICIOS COORDINADOS DE SALUD PUBLICA EN EL ESTADO DE BAJA CALIFORNIA
 HOSPITAL GENERAL S.S.A. TIJUANA

HOJA DE MEDICO

NOMBRE DEL PACIENTE AGUSTIN ALBERTO MANOLO

NOMBRE DEL MEDICO RESPONSABLE LOS DEL SERVICIO.

No. de Expediente

CAMA NUM. 11 SALA PEDIATRIA

FECHA	HORA	EVOLUCION Y PRESCRIPCION	NOMBRE Y FIRMA DEL MEDICO
18-VI-79 8:15		<p>PEDIATRIA.</p> <p>Paciente masculino de 1.5 años de edad, admitido con los diagnosticos de Desnutricion grado II*II (llegando al marasmo), avitaminosis y deshidratacion Grado II, Estado de alta voluntaria bajo responsiva familiar y</p> <p>Paciente en malas condiciones y que su evolucion en durante su estancia fue grave, el día de hoy a las 8:15 horas presenta paro cardiorrespiratorio de presentacion subita al tratar de tomar muestra de sangre para laboratorio, practicandosele inmediatamente maniobras de resucitacion, adrenalina, y bicarsol, respiracion directa boca a boca. No fue posible intubarlo. El paciente fallece irremediamente.</p> <p>Diagnostico de fallecimiento: paro cardiorrespiratorio que se presento subitamente.</p>	<p>J.R. CAMACHO. MARTINEZ</p>

SERVICIOS COORDINADOS DE LA CLINICA DE NEFROLOGIA DE BAJA CALIFORNIA
 HOSPITAL D. STAN. GRIJALBA
 CLINICA DE MEDICO

NOMBRE DEL PACIENTE MANOLO AGUSTIN ALBERTO

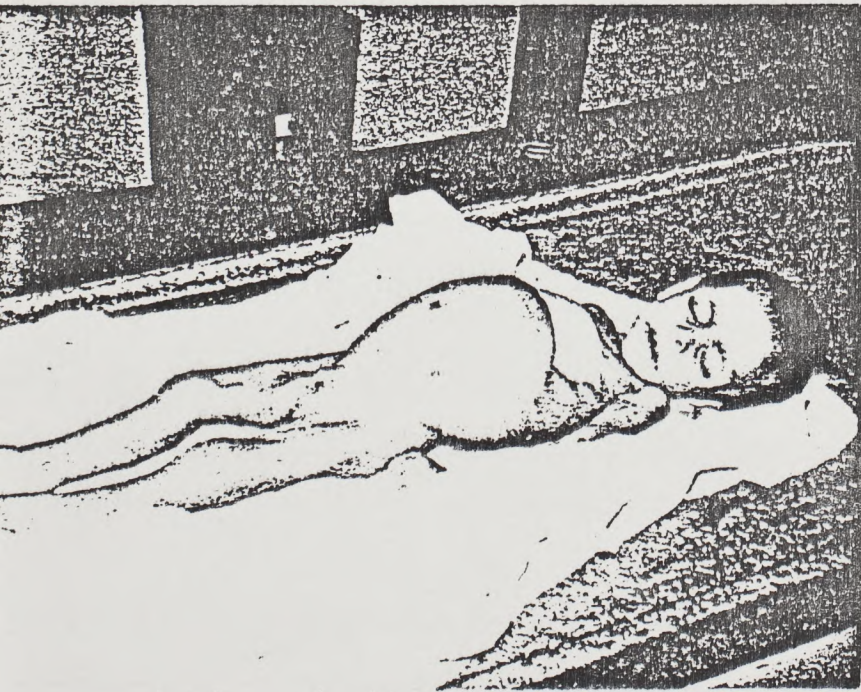
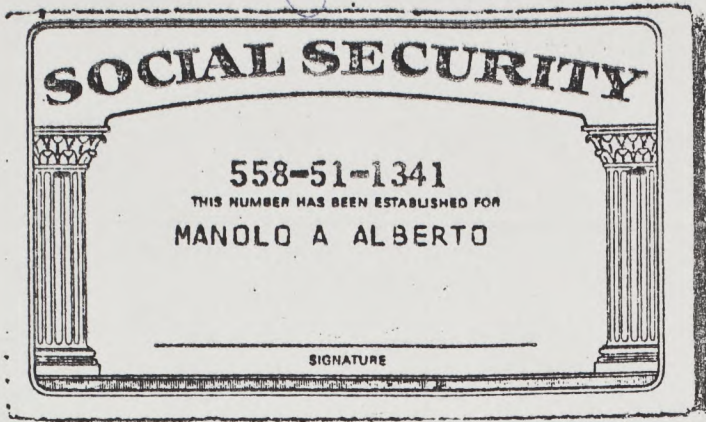
No. de Expediente

NOMBRE DEL MEDICO RESPONSABLE LOS DEL SERVICIO

CASA ENL. 11 CALA. 15

FECHA	HORA	EVALUACION Y PRESCRIPCION	NOMBRE Y FIRMA DEL MEDICO
17-VI-79		<p>NOTA DE EGRESO Y RESUMEN CLINICO:</p> <p>FECHA DE INGRESO : 15-VI-79 FECHA DE EGRESO: 17-VI-79.</p> <p>DIAGNOSTICO DE INGRESO: DESNUTRICION GRADOS II-III. DESHIDRATACION GRADO II.</p> <p>DIAS DE ESTANCIA : 3 dias.</p> <p>RESUMEN CLINICO: Paciente masculino , de 1.5 años de edad, nacido en EEUU., admitido con los diagnosticos anotados arriba, traído por patrulla y dos mujeres estadounidenses que trataban de pasarlo a los EE UU. El paciente ingresa en salas condiciones generales, con facies palida , caquexia , signos francos de desnutricion casi en grado III, avitaminosis marcada , y deshidratacion severa grado II. Se le instituye tratamiento a base de soluciones IV, Electrolitos , inicio de dieta via oral a tolerancia, primero con solucion glucosado y despues con leche fresca, cuidados especiales y vigilancia estrecha. La evolucion no ha sido satisfactoria debido a que estos padecimientos necesitan tratamientos muy largos y costosos. Actualmente se da de alta bajo responsiva de familiar , quitando toda responsabilidad al el cuerpo medico y al departamento administrativo de esta institucion. Se da de Alta voluntaria.</p> <p><i>Personas que se lleve el paciente</i> <i>Guadalupe Alonzo</i> <i>Ruperto Alonzo</i> 14077 65th STREET ALTA. CALIF.</p> <p>TESTIGO: <i>[Signature]</i></p>	<p>de guardia. DR. GRIJALBA.</p>

MIDP.
 J. ECAMACHO
[Signature]



LEGAL AID SOCIETY OF SAN DIEGO, INC.

MEMORANDUM

FROM OFFICE SOUTH BAY

TO: THE FILE OF MANOLO AGUSTIN
ALBERTO

DATE JUNE 25, 1979

FROM: RAFAEL ARREOLA *RA*

RE:

Saturday afternoon, June 23, 1979, my wife Betty Arreola and I drove Lupe Alonzo to Van Nuys, California. We took Lupe Alonzo to her mother's house and subsequently we went to the house of Carolina Corona and Irma Alberto. I spoke to both women independently and they gave me the following account: first Irma Alberto;

Irma left Los Angeles on September 30, 1978, to rejoin her family in San Salvador. Approximately a month later Manolo became ill and she took him to a doctor in San Salvador. The doctor said he had some stomach problems and gave him some pills and medicine for the baby. Since Manolo did not get well, Irma went back to the doctor and took him to the hospital. They again gave some medicine for Manolo, kept him for two or three days and let him go. Irma kept going back and forth to the doctors and to the hospital a number of times and finally during the first week of June, the baby was kept for approximately a week and the doctors recommended that Irma get away from the climate in San Salvador and bring the baby back to the United States where he could get better treatment and the climate and the food would not affect him as much. Irma was able to get a passport on June 9th and on June 10th she began her trip back to the United States. She traveled by bus for three days and three nights and finally arrived in Tijuana on June 13, 1979. On that same day she tried to get help and get someone to try to cross the baby to a hospital in the United States. A Mrs. Transito del Carmen Trujillo Martinez, at 11:00 p.m. was refused admittance and the baby was turned back to Tijuana. After the baby was returned, Irma called her sister Carolina in Los Angeles and asked her to please help and send somebody or come by and bring the baby or take the baby across the United States. She told her that the baby was very sick but that the doctors had not told her how sick the baby was; she just knew that the baby was in trouble and needed to go to the hospital and get some help. Carolina was able to find her friend Lupe Alonzo and asked Lupe to please go down to pick up the baby and bring him across the United States. The reason Carolina didn't go herself is because she does not have documentation and would probably not be able to bring the baby to Los Angeles.

Irma waited for Lupe to arrive and finally at approximately 1:00 a.m., Lupe arrived and Irma gave her the baby.

Irma then tried to make arrangements to get herself across the border to be with her baby. She was hoping that the baby would be allowed to go to Los Angeles and to a hospital in Los Angeles and she

TO THE FILE OF MANOLO AGUSTIN ALBERTO

Page Two

June 25, 1979

wanted to meet him at the hospital. Irma found some papers that would help her but on Friday the police went to the house looking for Irma. The people at the house would not allow Irma to speak with the police and instead took her to a motel in Tijuana. Irma overheard that her baby was in a hospital and she wanted to go to the hospital or find out what was going on. She was not allowed to do so but they did allow Irma to call her sister, Carolina, and Carolina told her that the baby was in fact in a Tijuana hospital but that arrangements were being made to transfer the baby to a hospital in San Diego or Los Angeles and that Irma should bring herself across the border otherwise the baby would be in the United States and Irma would stay in Tijuana. Irma then secured the person who was going to guide her to Los Angeles; that person apparently became aware of some of the problems and refused to bring her across on Friday. They finally found someone else who agreed to bring her across and they crossed the border at approximately 9:00 a.m. The group got to San Diego in the evening and they continued walking all day and all night as well as the following morning. They finally got to the San Clemente check point at approximately 1:00 p.m. They rested and waited for a vehicle to pick them up on Sunday, and at approximately 3:00 p.m. the car arrived. She got to Van Nuys at approximately 6:00 p.m. on Sunday and inquired about the baby. She was told that there was some problems in bringing the baby across the border but that on Sunday Lupe had already gone to Tijuana and they already agreed to bring the baby hospital in the United States that Sunday evening. She was also told that Lupe Alonzo would be returning Los Angeles that same evening and that they should wait until Lupe returned to find out what happened. When Lupe returned, she told Irma that the baby was much better, that she had seen the baby, that the baby had moved an arm, and that the baby said, "Mama". She was also told that a University Hospital in San Diego had been in contact with them and that if someone agreed to pay the bill that they would send an ambulance to pick the baby up right away. Irma didn't know what to do but her sister, Carolina, told her that Mrs. Maria Leon with the Department of Public Social Services in Los Angeles was helping them and that a Mr. Ben Cadwill from the Mexican Consulate was also helping them and they had called University Hospital to bring the baby across. Both Irma and Carolina then concluded that the baby would be in the United States hospital on Monday. They waited until Monday afternoon and when they were not notified what had finally happened; they called the hospital in Tijuana at approximately 3:00 p.m. At that point, Irma was told that the baby died at approximately 8:30 a.m.

Apparently, no one tried to notify Carolina or Irma even though Irma's telephone number was listed in the hospital records in Tijuana as a person to contact in case of an emergency.

TO THE FILE OF MANOLO AGUSTIN ALBERTO

Page Three

June 25, 1979

Carolina Corona's statement:

Carolina agreed with Irma's statements with respect to all of parts related to Carolina's involvement. She also added that she had spoken to the hospital in Tijuana and that she had told them all of the bills would be paid by her, to go ahead and transfer the baby to the University Hospital or whatever hospital was convenient in the United States. They agreed to do so and told her that everything would be taken care of. The other thing that Carolina mentioned was that she asked Carmen Albaron to go to the hospital and sign all the necessary documents to have the baby immediately transferred to a hospital in the United States. Carmen Albaron did so and was told that the baby would be transferred on Saturday. Since the baby was not transferred, Carolina asked Lupe, again, to go to the hospital in Tijuana to ask what the problem was and to see if Lupe could get the baby transferred on Sunday. She said that Lupe informed her that the baby would be transferred by 8:00 p.m. on Sunday to University Hospital. Throughout this whole process, Carolina had also been contact with the social worker, Maria Leon who agreed to help her in any way she could.

RA:hjv



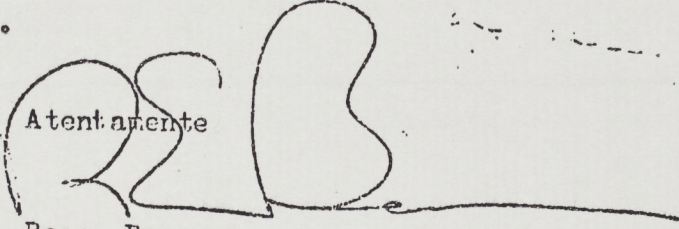
CONSULATE GENERAL OF THE
UNITED STATES OF AMERICA

Tijuana, B. Cfa. 20 de Junio de 1979.

C. DIRECTOR DEL HOSPITAL GENERAL
Dr. Francisco Sanchez Martinez
Tijuana, B. Cfa.

Por medio de la presente, deseo manifestarle que este Consulado, no tiene inconveniente alguno en que se haga entrega de los documentos (acta de nacimiento y tarjeta del Seguro Social), relativos al finado infante Manolo Agustin Alberto, a la Srita. Guadalupe Alonso, ya que estos documentos se necesitan para tramitar el traslado y sepultura del cuerpo.

Atentamente


Ross Benson
Consul Americano.

A-14

6/19 Baby, Barred Re-Entry U.S., Dies In Tijuana

By CHRISTOPHER COOK
and GREG GROSS
Staff Writers, The San Diego Union

6-month-old boy, an American suffering from malnutrition, dehydration and vitamin deficiency, died in Tijuana General Hospital yesterday, several days after he and his mother were refused re-entry into this country at the San Diego border crossing.

The mother, an El Salvadorian, seeking treatment for her child, was turned away at the border reportedly because her visa had expired. The child was in Los Angeles during the mother's previous visit to this country.

The mother, Irma Alberto, then

took the child to Tijuana General Hospital for treatment.

Immigration officials on duty last night said they were not familiar with the case. Questions about why the child was not allowed to pass into the United States went unanswered last night.

Dr. Robert Kahn of University Hospital said that the hospital was contacted on Friday morning, and immediately made arrangements to transfer the child, Augustin Alberto Manolo.

"Somehow there was a breakdown in communications," Kahn said. "The arrangements had been made. We were ready to pick the child up at the border. We tried contacting the hospital several times . . . Then, this morning, we finally got through . . . They told us the child had died."

Assemblyman Art Torres, D-Los Angeles, said late last night that he intends to investigate the incident.

Aliling boy dies as red tape stops mother in Mexico

By JAMES REDFERN
TRIBUNE Staff Writer

TIJUANA — It was a long and frightening journey toward hope that ended in death.

And it is a tragic example of the desperate flight of thousands of illegal aliens flooding the United States border with Mexico in search of what they believe to be the promised land.

For Manolo Augustin Alberto Anzaldo, just under 18 months old and an American citizen by virtue of his birth in Los Angeles to his illegal alien mother, that dream ended this week.

Manolo died in Tijuana General Hospital early Monday while several government agencies and private individuals desperately tried to get him across the border for better medical treatment.

"He was near the third (and last) stage of malnutrition," said Dr. Jose Rafael Camacho, who was treating him. "He was suffering from a tremendous vitamin deficiency and all the infirmities associated with such a condition."

Manolo's mother, Irma Alberto, contacted in Los Angeles, spoke in a tearful and frightened voice. She knows she is subject to deportation if she is discovered by U.S. authorities.

"I tried and tried to get the people at the line to let us pass, but I have no papers and they wouldn't allow it," she said. "Then my sister, who lives here, tried to bring him across, but they turned her back twice."

"And then we found out he was dead."

"He was so sick, so sick, but they wouldn't let him in. Why?"

Manolo, officials now agree, was a victim of bureaucracy from both sides of the border.

And everyone involved, including Robert Milton, deputy district director for INS in San Diego, agrees it should never have happened.

"It hit us very much like a bomb, Milton said. "We've been scrambling ever since yesterday (Monday) — the first time we heard of it."

"Neither Alan Clayton, our chief at the San Ysidro border crossing, nor I was contacted at all. If we had been, this never would have happened. We would have gotten the child into the United States."

"We do have procedures to take care of these matters, but if someone shows up at the border with a child who is obviously dying we waive even those procedures."

"If that was the case, he should have been let in. A dying child — that's a hell of a lot more important than our immigration laws."

The INS apparently was not contacted because other agencies involved in the attempted transfer thought someone else had made that call.

But no one had.

Manolo's story began in Los Angeles. His mother, 21, has two other children in San Salvador, the capital of El Salvador. Pregnant, she had left Los Angeles with Manolo late last year to bring his brother, then 3, to live with her in the United States.

Manolo's sister was born in El Salvador, causing a delay in the plan to return.

"Manolo got very sick in El Salvador," his mother said. "I had to put him in the hospital. He got better then and the doctor gave me medicine to give him during the trip back."

She obtained tourist visas for Guatemala and Mexico. But because Mexico will not grant visas to the U.S. border area, because of growing pressure from INS authorities unless the person seeking the visa has relatives there, she had to reach the border from Mexico City illegally.

She paid \$550 to do it.

Then she could not cross into the U.S. from Tijuana. After leaving Manolo in Tijuana with her sister, who had come from Los Angeles to try to get him across, Manolo's mother paid \$250 to an alien smuggler who brought him through the canyons and brush east of the border crossing and in the trunk of a car to Los Angeles.

When her sister was unable to bring the boy into the United States because she did not have guardianship documents, she put Manolo in the Tijuana hospital.

Arrangements were made through the American Consulate in Tijuana, the San Diego County Welfare Department and University Hospital to have him admitted there Friday night.

But because of his serious malnutrition and vitamin deficiency, Mexican authorities suspected he had been mistreated.

A state district attorney in Tijuana ordered the child held at the hospital pending an investigation.

That hold was not released until Sunday, and by then new arrangements had to be made to bring him across the border.

University Hospital officials contacted Hartson's Ambulance Service in San Diego, but it encountered problems and told the hospital it could not bring the boy across.

Dr. Robert Kahn of University Hospital tried to call the welfare department case worker in the dependent's section but could not reach her at home.

He planned to contact the case worker Monday morning.

But before he could, he learned that Manolo had died.

COMPLICATIONS

Baby Dies After Being Turned Back at Border

BY PHIL GARLINGTON
Times Staff Writer

The baby was sick but not dying when the two young women in a late-model car drove up to the border crossing at San Ysidro at 3 a.m. last Friday.

"He was not in a terminal state at that time," said Robert Mitton, deputy district director of the Immigration and Naturalization Service. "If we thought the baby was dying we would have got him to a hospital regardless of whether he was a citizen or an alien."

Three days later, however, 18-month-old Manolo Augustin Alberto Anzaldo, a U.S. citizen by virtue of being born to an illegal alien in Los Angeles, was dead of anemia and dehydration in a Tijuana hospital.

And the INS, the American Consulate in Tijuana, University Hospital and the bereaved relatives all were trying to figure out what had gone wrong.

Manolo's 21-year-old mother, Irma Alberto, a citizen of El Salvador, was in Los Angeles when the boy died. She had left her ailing son with Lupe Alzano and another woman while she reentered the United States illegally with an alien smuggler.

The two women, both American citizens, were to bring Manolo to rejoin his mother in Los Angeles.

But according to INS reports, the two were told at the border check-

Continued from First Page

point that they could not bring the infant into the United States because no legal guardian accompanied the child.

The report said the women told inspectors that they did not know the child's mother, apparently to avoid revealing her alien status.

Mitton said the child was sick "but not in a terminal state" and that the women were advised to take him to Tijuana General Hospital. The child reportedly had contracted an infection while he and his mother were in Salvador.

On Friday afternoon, the Tijuana hospital called the American Consulate in Tijuana to report that two women had left a baby. With the baby is a birth certificate issued by USC Medical Center in Los Angeles, a copy of which was obtained by The Times.

"An officer went to see the child," said Ross Benson, head of the consulate's citizen service department, and determined he was in serious condition."

"After failing to find a relative to take care of him, we called the San Diego Welfare Department and made arrangements to transfer the child by ambulance to University Hospital," Benson said.

Officials Called Cruel in Barring Ill Child at Border

Woman Who Sought Help Says Inspectors Were Callous Toward Infant Who Died 3 Days Later

BY PHIL GARLINGTON
Times Staff Writer

6/21/79

The woman who brought an ailing 18-month-old American baby to the San Ysidro border checkpoint last Friday has charged that immigration inspectors were "cruel and callous" in refusing to let the baby be taken to a U.S. hospital.

The baby, Manolo Augustine Alberto Anzaldo, a U.S. citizen by virtue of being born to an illegal alien in Los Angeles, died three days later in a Tijuana hospital, after numerous efforts to arrange his transfer to a San Diego hospital had failed.

Lupe Anzaldo of Los Angeles said she and a friend had been asked in behalf of the baby's mother, Irma Alberto, 21, to pick up the baby in Tijuana and take him to a hospital in the Los Angeles area.

Ms. Anzaldo said she arrived in Tijuana about 1 a.m. Friday in a borrowed car and received Manolo from his mother at a home where she was staying. Later that night, the mother slipped across the border and traveled to Los Angeles, Ms. Anzaldo said.

She said that when they arrived at the border the inspector on duty challenged the baby's birth certificate and later threatened to impound the women's car.

"She then gave us a couple of dol-

lars to buy food for the baby and told us to find a policeman to take us to the Tijuana hospital," Ms. Anzaldo said.

INS supervisor Hank Owens also refused to let the baby across, she said.

"It was cruel, very cruel," Ms. Anzaldo said. "They told us they couldn't let sympathy get in the way of their jobs."

Robert Mitton, deputy district director of the INS, repeated Wednesday that although the child was very sick, he was not in imminent danger of dying at the time he reached the border.

"The inspectors on duty do not recall seeing a birth certificate," Mitton said, "and four witnesses have testified that the young women claimed not to know the whereabouts of the mother."

"They were advised that the Tijuana hospital was much closer and that it was set up to administer glucose and to take care of the baby's problems."

"I believe the inspectors acted in good faith and it is not fair to blame them for something that happened almost four days later."

(The baby was admitted to Tijuana General at 3:45 a.m. Friday and died at 8:20 a.m. Monday.)

Mitton added that an average of 200 aliens are allowed into the United States each month through San Ysidro on medical parole to receive hospital treatment in San Diego.

"But these two women were practicing deception and it was thought they might be smuggling or kidnaping the baby," Mitton said. "Neither of them was the legal guardian."

Ms. Anzaldo said that after putting Manolo in the Tijuana hospital she visited the baby on Sunday and "he looked fine, much better."

"He was wide awake and crying for his mama, reaching his little arm out," she said. "The nurse said he was a lot better but still sick."

"When I went back to Los Angeles I told his mother he was getting better and we were all happy."

Mitton said that Manolo was a victim of the economic disparity between countries that forces poverty-stricken people to make a bid for a better life.

"It is part of the syndrome of the very poor, who often have to live like animals, that there were serious errors in raising the child that led to its malnourished condition," Mitton said.

\$10 Million Slated for Burying Lines

ABY

But on Friday night the Baja state district attorney put a hold order on Manolo because of suspicions he might have been a victim of child abuse.

An officer from the Baja district attorney's office visited the hospital Friday night, but an order to release the child was not issued until Saturday.

Meanwhile, an aunt, Carolina Corona, telephoned the Tijuana hospital to say she would be arriving to get Manolo.

The aunt never arrived, but on Saturday night Lupe Anzaldo and the other young woman came to pay the hospital bill and to request that the child be airlifted to Los Angeles. They left after being told this was beyond the hospital's capacity.

Once again, on Sunday, efforts were made by the consulate to transfer the boy by ambulance to University Hospital.

Before the transfer took place, however, Dr. Roger Kahn at University Hospital called Tijuana General to inquire about Manolo's condition.

Although Kahn speaks no Spanish and the person he reached spoke no English, he was able to determine that the boy was in stable condition, according to Pat Jacoby, a spokeswoman for University Hospital.

At the same time, a clergyman with Project Hope who looked in on the infant also thought his condition had improved, according to Benson.

Thursday, June 21 1979

B-2 THE SAN DIEGO UNION
Agents Often Face Medical Choices

By LEW SCARR
Medical Writer, The San Diego Union

Life and death emergencies, regardless of immigration status, are permitted through the international border, federal officials maintain.

This is the rule at the San Ysidro border crossing, one forcing immigration officers to make medical judgments regularly just as they did recently when a sick 18-month-old boy accompanied by two young women was turned back.

The boy, eventually diagnosed as suffering malnutrition, died three days later in a Tijuana hospital.

The case has stirred charges of callousness against immigration inspectors who turned away the boy, an American citizen. And it has brought a strong defense of the inspectors by a superior who said they made the right decision.

The sides have been drawn, each with supporting witnesses, forcing the public to make an impossible judgment of the truth.

Two facts remain constant: Manolo Augustin Alberto was turned back from the country of his birth, and he died.

In a telephone interview with The San Diego Union, Lupe Alonzo, an American citizen who attempted to bring Manolo across the border as a favor to the boy's mother, Irma Alberto, an illegal alien, told a story of frustration and despair.

Her account is corroborated by Barbara Capolungo, a Customs Service inspector who was on duty at the time of the attempted crossing and witnessed the incident.

Essentially, Alonzo claims she told immigration inspectors neither she nor her friend was the baby's mother, but that she identified her and told them where the mother lived. Alonzo told the officers the mother is an illegal alien and that they were taking her critically ill son to her in Los Angeles.

She claims an inspector told her she could not take the baby into the United States because he was not a citizen. She said she tried to show the baby's birth certificate to

the inspector but that the inspector, a woman that Capolungo identified as Mary Louise Burns, told her she thought the birth certificate was a fake.

Capolungo said Burns' supervisor agreed with Burns that the baby should not be permitted into the United States.

The customs inspector also said she has a master's degree in social welfare, specializing in child abuse and malnutrition, and that, in her opinion, the case of Manolo Alberto was a life and death matter.

Robert Mitton, deputy district director of immigration here, does not agree.

"The child died and now some people want to dump on us," Mitton said.

He said the inspectors were not told who the mother of the child was, a claim he said is verified by a supervisor and two customs inspectors.

"Our inspector made a simple determination," Mitton said. "The child obviously was ill, but not critical. They wanted to take the child to a hospital in Van Nuys, about three hours away."

Mitton said the child and the women were turned away because the child was not sick enough to meet the life-and-death criterion and because there was no legal guardian with him.

Congressman entered fight for remains

Dead baby's body results in bureaucratic snafu

By JOAN BROYLES

Star-News Staff Writer

Tragedy turned into nightmare this week as a citizens group raced against time — and bureaucracy — to bring the body of an American-born baby to the U.S. for burial.

The eight-day ordeal ended Friday when a group led by Chula Vista legal aid attorney Rafael Arreola secured release of the body of 18-month-old Monolo Augustine Alberto.

THE BABY, born in Los Angeles to an illegal alien mother, died Monday in Tijuana General Hospital after U.S. Immigration officials three days earlier refused to admit him to the U.S. for emergency medical treatment.

The tragedy was compounded in the days following the baby's death as Arreola and friends of the mother were entangled in a snarl of red tape surrounding release of the body.

Arreola said officials were "very slow" in providing assistance and handled things "poorly."

He said officials moved on the matter apparently only after high-level pressure was brought to bear.

According to Arreola, American Consulate officials in Tijuana Friday admitted receiving a call from the office of U.S. Rep. Edward Roybal of Los Angeles regarding the matter.

OTHER SOURCES reported that Chula Vista's Ernesto Azhocar, at their

request, had contacted the offices of several U.S. congressmen and state officials for assistance.

Azhocar is field representative to the Mexican-American community for Assemblyman Waddie Deddeh (D-Chula Vista).

Arreola says he plans to call for a congressional investigation of "problems regarding entrance at the border and health care."

He said he plans to use the Alberto baby incident as "the catalyst in requesting the investigation."

THE BABY finally will be buried in American soil tomorrow in San Fernando Mission Cemetery, San Fernando, Calif. Funeral services were conducted yesterday at Greenwood Mortuary in San Diego.

An eyewitness to events since the early morning hours of June 15 gave the following account:

— The baby's mother, Irma Alberto, contacted her friend Lupe Alonzo, a U.S. citizen residing in Los Angeles, and asked her to come to Tijuana and take her ailing baby across the border to a U.S. hospital.

— Alonzo, with the baby's U.S. birth certificate and another friend, tried to bring the baby into this country at the San Ysidro checkpoint while the mother slipped across the border and traveled to Los Angeles.

THE EYEWITNESS, who saw the

baby, said it was apparent the baby had been sick for some time. It showed signs of advanced starvation — distended stomach, pipe stem arms — and needed immediate treatment.

According to the eyewitness, Immigration officials refused to accept the birth certificate as proof of citizenship and sent the baby back to Mexico as an illegal alien.

Repeated efforts to have the baby transferred to University Hospital during the next three days also met with failure.

THE SAME eyewitness also gave the following accounts of efforts to secure release of the body following the baby's death:

— The body was taken from the hospital to Funeraria San Juan, owned by Magdealena Bogorquez.

— Alberto again dispatched Alonzo to claim the body since, as an illegal alien, she could not cross the border to identify her child and bring it back to the U.S. for burial.

— Since Mexican law allows burial of an unidentified body within 24 hours, a race with the clock began.

— At first, the funeral home agreed to accept Alonzo as the person legally responsible for identifying the baby and had her fill out forms for identification by a non-relative.

— The funeral home, however, refused to release the body until it was paid \$175 for services in the case.

— The money was raised through private donations and Bogorquez was advised Tuesday that the money was in hand.

— She agreed to start release proceedings, which were to take 24 hours, and then to drive the baby across the border at 2 p.m. Wednesday.

— Alonzo and Arreola also Tuesday went to Tijuana General Hospital to pick up the baby's birth certificate and personal effects. The hospital at first refused then agreed to release them Wednesday morning.

— Wednesday morning the hospital again refused to release the property until it received a letter of authorization from the American Consulate. Arreola obtained a letter and the hospital turned over the property to Alonzo.

— Alonzo, the mother of six children of her own, returned to Los Angeles and worked through the night and part of Thursday to get the letter notarized and everything finalized.

— Bogorquez had told the group to meet her with all the papers at 3 p.m. Thursday and she would deliver the baby. When the first member arrived, Bogorquez refused to take the money raised to pay her and conveyed a message that anyone coming to pick up the body should call David Rogus, a U.S. vice-consul in Tijuana.

— When told the notarized statement was on the way, Bogorquez said she

would also need a driver's license and some other document to verify the signature. Alonzo arrived at the funeral home at 9:30 p.m., a 12-hour wasted trip.

— Arreola went to the American Consulate Friday morning, all the red tape suddenly vanished and the baby's body was transported by Bogorquez to the U.S.

ARREOLA SAID Rogus claimed his initial telephone call to him Friday morning was the first time anyone from the U.S. side of the border had contacted him about the matter.

"I know that isn't true," Arreola contended. "A member of our group had an encounter with him at the hospital (in Tijuana) last Monday. I know for a fact they were aware of what was happening by Wednesday when we got the letter for the hospital."

Rogus could not be reached for comment.

Arreola, who is supervising attorney for the Chula Vista office of the Legal Aid Society of San Diego County, said investigation of the entire incident will continue.

Besides asking for a Congressional investigation, he said, "We are considering some action against persons responsible for the delay and the suffering of the family."

"It was a nightmare, but the nightmare's over — at least in part."

DECLARATION

I, GUAIDALUPE CAÑEDO ASTORGA, declare:

I had been the babysitter for MARIO ALBERTO CAÑEDO for three (3) years. He would now be five (5) years old.

MARIO had been sick and treated at University Hospital in San Diego, Calif. since November, 1978 for a heart condition. I took him to University Hospital monthly until his open-heart surgery in February, 1979. He was in the hospital about three weeks until around March 13 or 14 when he was released to me with an appointment to return the next week for follow-up.

Each time I or my husband came across the border for MARIO's doctor appointments we had with us a letter signed by the doctor at University Hospital. Each time we would have to go upstairs at the port of entry and have the hospital letter verified. I asked if there was some way to get a regular permit so we wouldn't have to go through this each time. The official said the letter from the hospital was enough for each entry and they could only give permits for from one to several days at a time.

On March 20th, several days before his next doctor's appointment, I saw that Mario was very sick. I asked Blanca, a neighbor, for a ride to the hospital. B-1

It was around 4:00 P.M.

The line at the border was so long we drove around to the front. An Asian female official, dressed in a blue uniform, saw how sick the baby looked and opened the gate, sending us to the secondary inspection. We parked there and waited over ten minutes and finally got out of the car. It was then that a tall officer who had been standing there the whole time, came up and asked if I had any papers. I showed him the hospital letter indicating MARIO's last appointment. The officer sent us inside to the office.

Inside at the counter, I showed the officer the hospital letter and asked for a permit to take MARIO to the hospital since it was an emergency. I unwrapped MARIO's blanket so the officer could see how sick the baby was. He looked at the baby then told me to take a number and sit down.

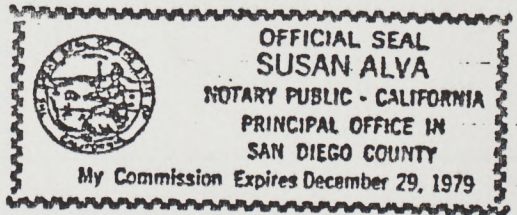
As I sat down, even the other people waiting noticed that I was getting very upset and that MARIO was very sick. People began pointing out to the officials behind the counter that MARIO was in a grave condition. I got up and went towards the door and a tall officer from the front counter grabbed the baby before I could exit the building, another officer grabbed me. By now I was hysterical and uncontrollable. I saw the officer

lay the baby on the counter place his hand on the baby's neck and then say a few words in english to the other officer. He motioned that the baby was dead.

They took me to a small room to the side where a female officer tried to calm me. The ambulance attendants examined the baby and the officials came to tell me that the baby had been pronounced dead. I had to wait three more hours for the coroner before I was allowed to leave. I was finally given permission to leave at 8:00 P.M.

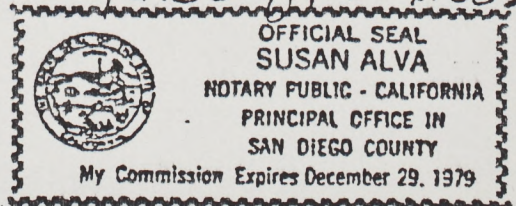
I declare under penalty of perjury that the above is true and correct to the best of my knowledge. Executed this 2nd day of July, 1979 in Tijuana, Baja California, Mexico.

Sue Condo Arango



I, CARLOS VASQUEZ, declare under penalty of perjury that I am fluent in English and Spanish, have translated the above to the declarant and she understood and affirmed its contents before signing. Executed this 2nd day of July, 1979 in Tijuana, Baja Calif. Mexico.

Carlos Vasquez



me this 2nd day of July, 1979.
Susan Alva, Notary Public



Fundación Project Concern de Mexico

HOSPITAL MATERNO INFANTIL

Una institución de Beneficiencia Privada No-Lucrativa

Paseo del Pacifico No. 43 Fracc. El Mirador

P.O. Box 125 San Ysidro, CALIF. 92073

Teléfono 5-04-04

Tijuana, B.C., Mexico

Robert Cronk
Director Ejecutivo
Ann K. Mathewson
Secretario
Hald E. Nutter, C.P.A.
Tesorero
Edward P. Irons, M.D.
Director Servicios de Salud

VIENDO EN:
Cabo, Bah. Etoile
Cachagua, Guatemala
San de los Navajos
Hong Kong

CONSEJO DIRECTIVO
Robert P. Lowell, Presidente
David R. Duclaux, Vice-Presidente
James A. Skidmore, Jr.
Glorias J. Deas
Lewis K. Woodward, Jr., M.D.
Director Médico Internacional
Leslie M. Barrett
Thomas Case
Robert F. Driver
William B. Dumette, Jr.
William M. Eagles, M.D.
Robert J. Edwards
Representative William Frenzel
Richard H. Headlee
R. Johnson
David L. Kilborn
Donald R. Laub, M.D.
Keville Mashford, Australia
William C. McQuinn, M.D.
Thomas E. Pollard, M.D.
Richard J. Potter
Donovan Ross, B.A., M.D., Canada
Jeryl K. Schuster
Lancy Stanley
Carl C. Terzian
Anne D. Wauneka, Ph.D.

PRONATO, Fundación Project
Concern de Mexico
Lic. Carlos Bustamante Anchondo, Presidente
Lic. Ramiro Contreras Martinez, Vice-Presidente
Mariano Escobedo Lavín
Lic. Mario Mayans Concha
Raimundo Arnaiz Rosas
Lic. Francisco Uribe Reyna

COMITE AUXILIAR:
Lic. Josefina M. de Contreras

"Para Servir a la Humanidad"

Dec. 1, 1978

Mr. Alan Clayton, of the Chief Inspector
U.S. Immigration Service
San Ysidro, Ca.

Dear Sir:

Mario Alberto Canedo was seen today in Cardiology Clinic. He has been diagnosed as having Tetralogy of Fallot, and is in need of prompt attention. Thanks to a cancellation, he can be admitted Monday to University Hospital on Clinical Teaching Funds. May I ask you to please give him and La Sra. Cañedo Ortega, his aunt and responsible for the little boy, a waiver for three days beginning Monday, Dec. 4.

Birth: April 6, 1974 in Tijuana

Mother: Clara Canedo

Father: Ramon Galindo (not with family)

Address: Abraham Gonzalez 35 A, Col. Frco. Villa, Tijuana

University Hospital has notified you by telephone.

Thank you for your kind attention.

Sincerely yours,

For the Administration

Dirección General Internacional

3802 HOUSTON STREET, P.O. BOX 81123, SAN DIEGO, CALIFORNIA 92138 USA • Teléfono (714) 299-1353 • Cable: PROJCONUS

B-4

UNIVERSITY OF CALIFORNIA, SAN DIEGO

BERKELEY · DAVIS · IRVINE · LOS ANGELES · RIVERSIDE · SAN DIEGO · SAN FRANCISCO



SANTA BARBARA · SANTA CRUZ

DEPARTMENT OF PEDIATRICS

UNIVERSITY HOSPITAL
225 DICKINSON STREET
SAN DIEGO, CALIFORNIA 92103

February 21, 1979

PEDIATRIC CARDIOLOGY ADMISSION NOTE

RE: CANEDO, MARIO
#733059-K
DOB: 4/6/74

This is a four year old Mexican child with either tetralogy of Fallot or double outlet left ventricle. He is admitted for total correction.

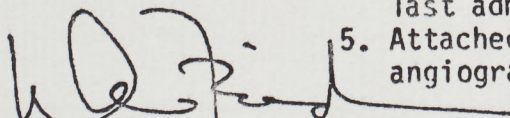
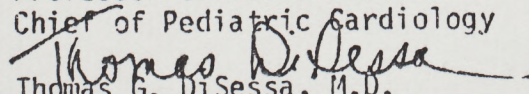
He was brought to our Project Concern Clinic in Mexico in early January and was found to be cyanotic. Subsequent cardiac catheterization revealed either severe tetralogy of Fallot or double outlet left ventricle with severe pulmonic stenosis. Because of the history of hypercyanotic spells, it is felt that urgent correction is warranted. He was admitted for surgery on February 6, 1979, however, it was cancelled because of inadequate blood for open heart surgery. EMI scan was performed during that admission to rule out any kind of intracranial abnormality because of enlarged carotid arteries seen on angiogram. The EMI scan was normal and the neurological examination was normal.

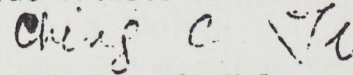
Physical examination reveals a grossly cyanotic child in no obvious distress. He also has clubbing of the digits. Peripheral pulses are normal. There is increased right precordial activity. S1 is normal and S2 is widely split with diminished P2. There is a grade II/VI systolic ejection murmur heard in the pulmonic area which peaks in early systole. There is no diastolic murmur.

EKG shows right axis deviation with right ventricular hypertrophy. Chest x-ray shows a boot-shaped heart with flat main pulmonary artery segment. Pulmonary vascularity is at the lower limits of normal.

IMPRESSION: Tetralogy of Fallot vs. double outlet left ventricle with severe pulmonic stenosis.

- SUGGESTIONS:
1. Open heart surgery for total correction on 2/22/79.
 2. Routine preoperative workup.
 3. The child has been maintained on Digoxin since last admission in anticipation of positive inotropic support postoperatively. Digoxin should be discontinued on the day of admission.
 4. The child has been on a low dose of Ampicillin since last admission and this should be discontinued also.
 5. Attached please find cardiac catheterization report and angiogram report.


 William F. Friedman, M.D.
 Professor of Pediatrics
 Chief of Pediatric Cardiology

 Thomas G. DiSessa, M.D.
 Assistant Clinical Professor
 Division of Pediatric Cardiology


 Ching C. Ti, M.D.
 Clinical Instructor of Pediatrics
 Division of Pediatric Cardiology

CT:jo
cc: Project Concern

UNIVERSITY OF CALIFORNIA, SAN DIEGO

BERKELEY · DAVIS · IRVINE · LOS ANGELES · RIVERSIDE · SAN DIEGO · SAN FRANCISCO



SANTA BARBARA · SANTA CRUZ

DEPARTMENT OF PEDIATRICS

UNIVERSITY HOSPITAL
225 DICKINSON STREET
SAN DIEGO, CALIFORNIA 92103

March 9, 1979

Officer in Charge
U. S. Immigration and Naturalization Service
San Ysidro Port of Entry
P. O. Box 1C
San Ysidro, California 92173

RE: CANEDO, Mario Alberto
Birthdate: 4/6/74
UH #733059-K

Dear Sir:

This letter is to request border crossing privilege for Mario A. Canedo and his aunt and uncle, Sra. Canedo Ortega and Sr. Alfonso Avila Guzman. Mario is being followed in our Outpatient Center for double outlet left ventricle under the care of Dr. William F. Friedman. He is scheduled for an appointment in Dr. Friedman's office on Wednesday, March 14, 1979, at 11:00 a.m.

Mario's aunt and uncle are his legal guardians and have reared the child since shortly after birth. The family's home address is as follows: Abrham Gonzalez #35-A, Tijuana, Mexico.

Funding for this patient's care will be provided, at no cost to the County or State, by Clinical Teaching Funds.

Should you require further information, please contact Ms. Jay Haas, Patient Services Representative, at 294-6570.

Sincerely,

A handwritten signature in dark ink, appearing to read "David E. Wood".

David E. Wood
Assistant Director of Finance
Patient Services

DEW:pdh

cc: Patient Services
Project Concern

TO CROSS BORDER

HEART PATIENT

Boy, 4, Dies at Border Gates

BY ROBERT MONTEMAYOR

Times Staff Writer

To the U.S. Customs inspector at the desk, the Mexican woman with the 4-year-old boy in her arms was just another impatient person waiting to cross the international border.

For other people waiting in the Customs lobby, the woman's frantic pleas of "Emergencia! Emergencia! Boy sick!" indicated only that something was wrong. How serious it was, no one knew.

Except for Guadalupe Astorga. For her and for Mario Alberto Canedo — at that point unconscious and gasping his last breaths — the moment was a nightmarish climax to a series of confusing events that ended with a terrified scream as the boy died in her arms.

Please Turn to Page 5, Col. 1

Continued from First Page

People who suddenly realized the seriousness of the woman's distraught pleadings began weeping as Mrs. Astorga cradled the boy's limp body in her arms. Moments later — just a few minutes too late — an ambulance team arrived.

The death, a border official explained, was the result of "a certain lack of communication . . . an unfortunate death that fractured emotions and brought everyone who witnessed it to their knees."

On Thursday, border authorities finally pieced together the details of the Tuesday incident.

The Canedo boy, who had a congenital heart disease, had undergone heart surgery about a month ago at San Diego's University Hospital. Doc-

tors told investigators that the boy's operation had involved "rebuilding the heart."

After recuperating to the doctors' satisfaction, the youth was released from the hospital March 14 and returned to his home in Colonia Francisco Villa, about 10 miles southwest of Tijuana.

Mrs. Astorga told police the boy had been fine until Tuesday afternoon when he began vomiting blood. The woman, who had raised the child since birth, carried the boy to a cousin's home and from there began driving to the border.

But en route to the San Ysidro port of entry, the boy began convulsing and shortly afterward lost consciousness.

The time was about 5:15 p.m. and the notoriously long lines of cars at the border by this time stretched beyond the Mexican customs offices, about 200 yards south of the border crossing.

"She had to wait 20 minutes in line, just like everyone else usually waits at that time of the day," said Robert Mitton, assistant district director of the U.S. Immigration and Naturalization Service.

After finally reaching the entry gate, the panicking Mrs. Astorga quickly explained her "life-and-death" problem to the Customs officer.

The officer, Mitton said, "recognized the problem and wrote the woman a note that indicated she had

an emergency." Mrs. Astorga was instructed to proceed to the secondary inspection area, where she bolted from her car with the boy in her arms, and ran into the Customs lobby.

However, "because of all the confusion going on, it was not made clear to the Customs agent inside the inspections building that Mrs. Astorga was experiencing an emergency."

In her limited English, Mrs. Astorga explained to the Custom officer at the permit's desk that the boy was ill and needed immediate medical attention. She was told to wait.

San Diego police and an ambulance crew, Mitton said, had been called about 5:45 p.m., moments after Mrs.

"The officer (inside) was not aware it was an emergency, even though the woman was screaming," said Mitton, whose agency investigated the death. "I think if he would have known what the circumstances were, he would have waived her through. But it was simply a matter of lack of communication."

Consequently, Mrs. Astorga waited in the Customs lobby, pleading and sobbing in Spanish. The lobby was beginning to fill with confused murmur when Mrs. Astorga let out a blood-curdling scream, Mitton said.

A hush fell over the lobby. Mitton said, and officers who finally went to Mrs. Astorga's side, then realized what was happening.

Even the ambulance team, which police said responded "very quickly,"

Los Angeles Times • 5
Fri., Mar. 23, 1979 - Part II

speculation area and couldn't find the woman and boy," Mitton said. "No one outside knew that the woman had run into the inspections building."

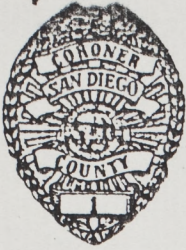
By the time they reached the boy the only thing left to do was call the coroner," Mitton said.

"What can I say? It was not a very happy thing for us, not a pleasant thing at all. I'm sure there are a lot of people saying, 'if only I could have done this or done that, things might be different.'"

"Ironically, the boy had been scheduled to return to University Hospital Wednesday for a checkup. The county coroner said the cause of the

B-7

83312



DAVID J. STARK
CORONER

Office of The Coroner

COUNTY OF SAN DIEGO

5555 Overland Avenue
Building 14
San Diego, California 92123
(714) 565-5645



CORONER'S REPORT

File # 83312

CC # 666-79

Name of Deceased	EFREN REYES	Age 24
Residence	Calle 9B 337, San Luis, Potosi, Mexico	
Place of Death	Open area, 1 mile W. of the port of entry and 40 ft. N. of border fence, San Ysidro, California	
Place of Homicide	Open area, 1 mile W. of the port of entry and 40 ft. N. of border fence, San Ysidro, California	
Date of Death	March 17, 1979, APPROX., 10:17 p.m.	
Date of Homicide	March 17, 1979, APPROX., 10:17 p.m.	
Date of Call	March 18, 1979, 12:35 a.m.	
Informant	San Diego Police Department	
Deputy Coroner	R. V. Pettit	
Property	None taken	
Person Notified	San Diego County Public Administrator	
Address		
Relationship		

INVESTIGATIVE SUMMARY

At 3:05 a.m., 3-18-79, the undersigned viewed the decedent, fully clad except for the left shoe, supine at the foot of a 28-foot embankment at the place of demise. The decedent's left shoe was lying on the ground one-fourth of the way down the embankment. Lying on the ground one-half way down the embankment was a law officer's black baton. The body was cold to the touch and flaccid. The decedent was rolled onto his left side by the undersigned. The decedent's clothing was raised, exposing the back and chest areas. An apparent through-and-through gunshot wound was noted in the right upper chest and the left lower back. The clothing adjacent to the wounds was bloodstained. Around the decedent's right wrist was a Smith and Wesson handcuff in the locked position. The other handcuff was hanging free. The decedent's head and hands were bagged, and he was

removed to the Coroner's office as John Doe. A subsequent search of the decedent's clothing at the Coroner's office revealed no evidence of his identification.

Officer Dan Cole, identification #5532, a supervisor, Border Patrol Agent, was present and related the following information. He was patrolling the south levee at approximately 10:17 p.m., 3-17-79, when he encountered three apparent unregistered aliens. They appeared to have been drinking. He apprehended the subjects, handcuffing two of them together by the wrists. He had the other subject by the back of his belt and was attempting to place the subjects into his patrol unit. They attempted to flee; and in the following encounter, Officer Cole fired three rounds from his service revolver. One round struck the decedent, and the subject handcuffed to the decedent was apparently struck in the shoulder. The subject with the shoulder wound was transported to Bay General Community Hospital, Chula Vista, California, and was subsequently transferred to the University of California Medical Center, San Diego, California.

On 3-21-79, Socorro Kovacs, 1761 East Orange Grove, Pasadena, California, visually identified the decedent as her brother, Efren Reyes.

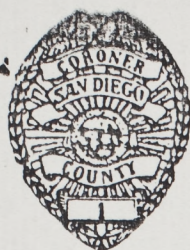
San Diego Police Department homicide team #3 responded to the scene and is conducting an investigation. The decedent's property was receipted for and impounded by the team. For further information regarding this homicide, please refer to San Diego Police Department homicide file #79-23081.

HOMICIDE: Shot in chest by on duty border patrol officer.
LOCATION: Open area, 1 mi. W. of port of entry and 40 ft. N. of border fence, San Ysidro, California
DATE: March 17, 1979, APPROX., 10:17 p.m.

R. V. Pettit
R. V. PETTIT, Deputy Coroner

RVP:lad
4-6-79

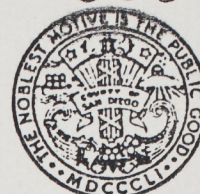
83312



Office of The Coroner

COUNTY OF SAN DIEGO

5555 Overland Avenue
Building 14
San Diego, California 92123
(714) 565-5645



DAVID J. STARK
CORONER

AUTOPSY REPORT

Name of Deceased	EFREN REYES	File #	83312
Place of Death	Open area, 1 mi. W. of port of entry and 40 ft. N. of border fence, San Ysidro	CC #	666-79
Date of Death	March 17, 1979	Age	24
Place of Autopsy	San Diego County Examining Room		
Date of Autopsy	March 18, 1979 2:30 P.M.		

EXTERNAL EXAMINATION

The body is that of an unembalmed, well-developed, well-nourished, Caucasian male whose general physical condition is consistent with a chronologic age of 24 years. The body weighs 132 pounds. The body length is 65 inches. The irides are brown. The hair is brown.

The eyes, ears, nose and mouth are unremarkable. The neck and right arm are grossly normal. Small abrasions and purplish discolorations are present around the right wrist in portions. The chest shows a gunshot entrance wound, located in the right upper portion, 14-1/2 inches from the top of the head, 2-1/2 inches to the right of the midline. The central defect is about 3/8 inch in diameter with a narrow abrasion rim. The abdomen is grossly normal. The external genitalia are male. The left leg shows small abrasions on the medial ankle. The back shows a stellate gunshot exit wound, 3/8 inch in maximum dimension, 22 inches from the top of the head, about 1-1/2 inch to the left of the midline.

INTERNAL EXAMINATION

The abdominal and thoracic organs occupy their normal positions.

Large amounts of bloody fluid are present in the right chest and in the pericardial sac. A moderate amount of bloody material is present in the abdomen.

CARDIOVASCULAR SYSTEM

The heart weighs 290 grams. Multiple sections reveal no significant sclerosis of the coronary vessels. There is extensive gunshot disruption of the right ventricular wall, near the apex, with an opening about 1/2 inch in diameter on the anterior aspect and more extensive disruption on the posterior aspect, about 2 inches in dimension. Some disruption of the septum is also present. The left lateral wall shows no significant abnormality. Valve appearances and sizes are normal. The aorta shows no significant atherosclerosis.

RESPIRATORY SYSTEM

The larynx, tracheobronchial tree and pulmonary artery are unremarkable. The right and left lungs weigh 340 grams and 560 grams, respectively. The anterior-inferior aspect of the right lower lobe shows gunshot disruption. Multiple sections through the left lung show no significant abnormality.

GASTROINTESTINAL SYSTEM

No abnormalities of the esophagus are noted. Examination of the stomach, duodenum, jejunum, ileum and colon reveals no abnormality.

LIVER AND BILIARY SYSTEM

The liver weighs 1440 grams. Multiple sections reveal extensive disruption of the left lobe. The gallbladder and extrahepatic biliary tract are unremarkable.

PANCREAS

The pancreas is disrupted in the midportion with extensive diffuse hemorrhage into the connective tissue.

ENDOCRINE SYSTEM

The thyroid gland is not palpably enlarged.

The adrenal glands are of usual size, shape and consistency.

HEMATOPOIETIC SYSTEM

The spleen weighs 90 grams and multiple sections reveal an intact gross architecture.

The lymph nodes of the mesentery and mediastinum are not enlarged. Inspection of the bone marrow reveals no grossly remarkable findings.

GENITOURINARY SYSTEM

The right kidney weighs 130 grams; the left kidney, 160 grams. There is hemorrhage in the hilar portion of the left kidney, but no significant abnormality of either kidney is identified on sections.

The urinary bladder is unremarkable.

The prostate is normal in size.

MUSCULOSKELETAL SYSTEM

The musculature is well-developed and consistent with that of an adult male.

The skeleton is consistent with that of an adult male.

The left psoas muscle is disrupted in portions by the gunshot. There is disruption of the right fourth rib anteriorly.

CENTRAL NERVOUS SYSTEM

The scalp is reflected, and there is no evidence of subcutaneous or muscular hemorrhage. The calvaria is intact and without evidence of fracture.

There is no evidence of epidural, subdural or subarachnoid hemorrhage. The cerebral vessels have a normal anatomical distribution.

Examination of the skull and cervical vertebrae reveals no abnormality.

The brain weighs 1400 grams and is symmetrical.

Multiple coronal sections of the cerebrum, mesencephalon, pons, medulla and cerebellum reveal an intact gross architecture. The pituitary gland is unremarkable. The upper cervical spinal cord and cerebral sinuses are unremarkable.

MICROSCOPIC EXAMINATION

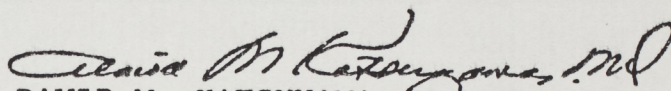
Sections of lung show areas of disruption and hemorrhage.

Sections of heart, liver, spleen, kidney and cerebrum show no significant lesion.

Sections of pancreas show areas of disruption.

CAUSE OF DEATH:

Hemorrhage, massive due to lacerations, heart, lung, right and liver due to gunshot wound, chest, right.


DAVID M. KATSUYAMA, M.D.
Pathologist for the Coroner

DMK:MT:br
3-30-79

Agent's killing of alien justified, probe indicates 3/20/79 SD TRIBUNE

By ROBERT DIETRICH

San Diego police homicide detectives investigating the Saturday shooting death of an illegal alien and the wounding of his companion by a Border Patrol agent said today the probe so far indicates the agent shot in self-defense.

Baja California state judicial police, however, said two Mexican men who claimed to be witnesses stated the two illegal aliens were shot while running back to the Mexican border.

But, one of the San Diego police investigators said, there are indications that there were no spectators on the Mexican side of the fence — about 40 feet from the shooting — at the time the incident occurred.

New details of the 10 p.m. Saturday shooting were revealed by San Diego police today.

One is that the wounded man, Benito Hernandez Rincon, 24, gave statements that essentially agree with the account given by the Border Patrol agent who did the shooting,

Dan Cole, 49.

Hernandez is in University Hospital's jail ward recovering from a bullet wound in the left shoulder.

Hernandez and the dead illegal alien — who has not yet been identified by the coroner's office — had been handcuffed together, according to Cole's statement, after they had been arrested after illegally crossing the border. Cole said he shot them in self-defense when they attacked him. A third illegal alien escaped to Mexico.

Manuel Agullera, Baja state judicial police chief in Tijuana, said his office had made an internal investigation but would not divulge results because "the incident happened in the United States, and is a matter in the hands of American authorities."

Homicide Lt. John Gregory shed some light on the bullet wounds inflicted on the two men.

The bullet that struck the unidentified illegal alien entered his chest

from the front. Hernandez's shoulder wound was from a bullet that hit the back of his shoulder. "The shots were fired at close range," Gregory said.

He said a Mexican man who claimed to be the third man arrested ran back to Mexico and has not been positively confirmed as the third man by the police investigating team.

The site of the incident was atop the south levee of the U.S. section of the Tijuana Flood Control Channel.

DA Will Not File Charges in Manacled-Alien Slaying

5/12/79

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

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

A decision expected to trigger a new protest from local Chicano activists and Mexican officials, Miller said supervising Border Patrol agent Dan Cole, 49, probably would not have been charged if he had been a law enforcement officer.

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

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

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

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

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

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

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

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

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

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

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

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

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

Miller rejected the latter contention, however, "on the

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

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

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

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

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

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

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

DECLARATION OF
BENITO RINCON-HERNANDEZ

I, Benito Rincon-Hernandez, declare:

1. I am a native and citizen of Mexico.
I am twenty-two years of age.
2. On March 17, 1979, Efren Reyes and Rogelio Alfredo Mendez-Diaz and myself were sitting on a paved road that runs along an embankment on the United States-Mexican Border about two (2) miles west of San Ysidro, California, and about fifty (50) feet inside the United States territory.
3. At approximately 9:30-10:00 p.m. a Border-Patrolman pulled up while we were sitting there. The Border Patrolman was alone. He placed Efren Reyes and myself in handcuffs, my right arm attached to Reyes' right arm. As he was placing the handcuffs on, the Border Patrolman kicked me very hard in the back for no reason.
4. The Border Ptrolman escorted the three of us to his vehicle. As we approached the vehicle Reyes pulled back. The Border Patroman immediately pulled his handgun and threatened Reyes and myself. After the Border Patrolman replaced his gun, Reyes again pulled and started moving toward the Mexican side. I had no choice but to follow Reyes since I was handcuffed to him. About 3/4 of the way down the embankment I heard a shot from the Border Patroman's gun. I squatted down. Then, another two shots were fired. I fell forward. At first I did not realize I was hit but after a few minutes, I felt an intense pain in my shoulder. The bullet had entered from my front left side and passed out the back near the right arm. I laid face down for 20-25 minutes before anyone came to my attention. Reyes was dead as soon as the bullet hit him.

5. At no time did Reyes, Mendez-Diaz, or myself attempt or threaten to strike the Border Patrolman with our hands, sticks, stones or any object or in any manner whatsoever.

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

Dated: 5/14/79

in San Diego, California

Benito Rincon
BENITO RINCON-HERNANDEZ



DISCHARGE SUMMARY

- 2 -

Neurologic: Examination was grossly within normal limits, with the exception of the right upper extremity, as described above.

LABORATORY STUDIES: On admission included normal chest x-ray. Left shoulder x-ray was not obtained, since films from Bay General were felt to be adequate and excluded bony injury. BUN, creatinine, electrolytes were within normal limits, hematocrit was 35.

HOSPITAL COURSE: The patient was admitted to the Trauma Service and observed for evidence of vascular compromise. It was felt that this isolated injury in the proximity of a major vessel without other evidence of vascular injury did not warrant angiogram at the time of admission. The patient was placed on Ancef and his wounds were debrided, on admission and he was then started on q.i.d. Betadine dressing changes. For the first day in the Hospital, he ran a low grade fever with high ~~grade~~ temperature of 100.3 F., and his wounds appeared clean during that period of time. Over a 48 hour period, he developed no evidence of neurovascular compromise and became completely afebrile. He was discharged home on hospital day number two, 3/20/79.

DISCHARGE DIAGNOSES: 1. Gunshot wound to the left shoulder without evidence of neurovascular compromise.

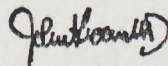
CONDITION ON DISCHARGE: Stable.

DISCHARGE MEDICATIONS: Tylenol #3 for pain, 500 mg p.o. q 6 hours times five additional days. The patient was also instructed to continue Betadine soaked dressing changes which can be continued in the jail facility to which he is being taken. In addition, he was instructed to begin active range of motion exercises, to the extent that this is possible.

OPERATIONS: None.

DISPOSITION: The patient will be seen in Trauma Clinic in one week and also will return to Orthopedic Clinic for follow up.

PHYSICIAN'S INSTRUCTIONS RE PATIENT ACTIVITY: As above.


John Kroener, M.D.
Surgery Resident II

JK:bb
T: 3/24/79

DECLARATION OF REGELIO ADOLFO MENDEZ-DIAZ

DECLARATION OF ROGELIO ADOLFO MENDEZ-DIAZ

I, Rogelio Adolfo Mendez-Diaz, declare:

Yo, Rogelio Adolfo Mendez-Diaz, declaro lo siguiente:

1. On Saturday, March 17, 1979, I, Efren Reyes and Benito Rincon were sitting on a paved road that runs along the embankment on the United States-Mexican Border about fifty feet inside the United States territory.
1. El Sabado, 17 de Marzo, 1979, yo, Efren Reyes, y Benito Rincon, estabamos sentados en un camino pavimentado que corre al lado de un bordo de la ladera en la frontera del Mexico y los Estado Unidos, aproximadamente 50 pies adentro del territorio de los Estados Unidos.
2. At approximately 9:30-10:00 a Border Patrolman pulled up while we were sitting there. The Border Patrolman was alone. He placed Efren Reyes and Benito Rincon in Handcuffs.
2. Aproximadamente a las 9:30-10:00, un hombre de la Patrulla Fonteriza se acerco mientras que estabamos sentados alli. El hombre de la Patrulla Fonteriza estaba solo. Les puso loas esposas a Efren Reyes y a Benito Rincon.
3. While the Border Patrolman was attempting to place Efren Reyes and Benito Rincon into the patrol jeep, I ran down the embankment back to the Mexican side. From there I was able to observe the Border Patrolman still trying to place Efren Reyes and Benito Rincon into the jeep. I had no trouble seeing what was occurring because the lights from the city and the streets luminated the area where the arrest was taking place.
3. Mientras que el hombre de la Patrulla Fronteriza trato de poner a Efren Reyes and Benito Rincon en el "jeep" de patrulla, yo baje el bordo de la ladera corriendo al lado mexicano. Desde alli pude observar que el hombre de la Patrulla Fronteriza todavia estaba tratando de poner Efren Reyes y Benito Rincon en el "jeep". Yo no tenia ninguna dificultad mirando lo que pasaba por que los luces de la ciudad y de los calles alumbraban el area donde estaba pasando el el arresto.

C-12

4. I saw Efren Reyes and Benito Rincon start to run down the embankment. The Border Patrolman then fired two shots hitting Benito Rincon and Efren Reyes.
4. Yo mire a Efren Reyes y a Benito Rincon bajando el Borde de la ladera corriendo. Entonces el hombre de la Patrulla Fronteriza tiro dos valas que pegaron a Benito Rincon y a Efren Reyes.
5. At no time did Benito Rincon, Efren Reyes or myself ever hit or assault the Border Patrolman in any manner.
5. A ningun tiempo tratamos (Benito Rincon, Efren Reyes ni yo) de pegar or asaltar el hombre de la Patrulla Fronteriza en ninguna manera.
6. At no time did the Border Patrolman's safety or life appear to be threatened or in danger from Benito Rincon and Efren Reyes in any manner.
6. A ningun tiempo parecia que la seguridad o la vida del hombre de la Patrulla Fonteriza estaba en peligro or amenezado en ningun manera por parte de Benito Rincon or Efren Reyes.
7. El balacera parecia que era un intentar del hombre de Patrulla Fonteriza de prevenir Efren Reyes y Benito Rincon de regresar a Mexico.
7. The shooting appeared to be an attempt by the Border Patrolman to prevent Efren Reyes and Benito Rincon from returning to Mexico.

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

Yo declaro bajo pena de perjurio que el antes mencionado es la verdad y corecto.

Date:

Fecha: 27/14/79

Rogelio A. Mendez Diaz
Rogelio Adolfo Mendez-Diaz

Dos Sobrevivientes, Señalan con Índice de Fuego al Inmigrante que Mató a un Ilegal

Por Rogello LAVENANTSIFUENTES

SAN YSIDRO.- El mexicano Benito Rincón Hernández y el guatemalteco Rogelio Méndez Díaz de 22 y 16 años de edad respectivamente, atestiguarán en contra del supervisor Dan Cole, de la Patrulla Fronteriza, por la muerte del infortunado Efrén Reyes, a quien según aseguran aniquiló a balazos después de haberlo esposado, a corta distancia de la cerca fronteriza.

Ambos concedieron ayer una entrevista exclusiva a EL MEXICANO, para narrar con detalles la forma en que el oficial de la Patrulla Fronteriza los agredió a tiros, hiriendo en el hombro izquierdo a Benito Rincón, y causando la muerte instantánea de Efrén Reyes, estando esposados uno a otro.

Mañana lunes se presentarán ante el fiscal federal en San Diego, Ed Miller, para declarar sobre el caso, ocurrido la noche del sábado 17 de marzo del presente año, en el bordo del canal del Río Tijuana en territorio estadounidense, donde se hallaban los tres jóvenes junto con otras muchas personas que acostumbran transitar por este lugar desde que fue hecha la canalización.

La intervención de la Asociación Mexicana-Americana, que preside Alberto R. García, evitó que Benito Rincón fuera procesado bajo varios cargos que le fueron imputados y por los que se hallaba en el Metropolitan Correccional Center de San Diego, desde el 22 hasta el 30 de abril pasado.

Asimismo, el guatemalteco Rogelio Méndez Díaz, de 16 años, estuvo en peligro de ser deportado a su país sin tener oportunidad de declarar en este espinoso asunto, en el que esperan que se les haga justicia. Benito Rincón demandará a la Patrulla Fronteriza por la agresión de que fue objeto y en la que resultó herido, independientemente de que atestiguará en contra del supervisor Dan Cole, quien se halla libre.

Ahora los dos jovencitos están alojados en la casa de una familia residente en esta área del Condado de San Diego, bajo la tutela de Alberto R. García, y la Asociación que preside, merced a que logró conseguir un permiso de las autoridades de Inmigración para que permenezcan indefinidamente Benito Rincón y temporalmente Rogelio Méndez, a quien pagarán pasaje de avión para que regrese a su país una vez concluido el asunto.

Sobre el particular, Alberto R. García, declaró a

este diario que "las autoridades mexicanas, tanto de Migración en Tijuana, como del Consulado mexicano en San Diego, mostraron desinterés e ineptitud para esclarecer este caso, a pesar de que al gobierno de México debe interesarle mucho aclarar la muerte de Efrén Reyes. Esperamos la visita del secretario de Relaciones Exteriores, Lic. Santiago Roel, para plantearle esta situación".

NARRAN LOS HECHOS A EL MEXICANO

Entrevistados en la oficina de Alberto R. García, el mexicano Benito Rincón y el guatemalteco Rogelio Méndez Díaz, dijeron haber sido amigos ocasionales del hoy occiso, Efrén Reyes.

Hace unos dos meses y medio, Efrén Reyes y Rogelio Méndez se conocieron en la "Casa de los Pobres" en la colonia Altamira de Tijuana. Después conocieron a Benito Rincón en el bordo del canal, la noche trágica del sábado 17 de marzo de 1979.

Los tres se hallaban sentados sobre el bordo de tierra del canal. Eran poco después de las 9:00 de la noche, y otras muchas personas también estaban en ese lugar. Algunos esperaban la oportunidad de internarse a los Estados Unidos. Benito y Rogelio confiesan que así lo pensaban también, junto con Efrén, "pero era muy temprano para intentarlo".

A esa hora mas o menos pasó una unidad de la Patrulla Fronteriza, pero su tripulante, el supervisor Dan Cole, no les dijo nada.

"Yo creo que no nos vió", comenta Rincón secundado luego por Méndez Díaz.

Unos diez minutos más tarde volvió la patrulla. El vehículo se detuvo a unos diez o doce metros de distancia de donde se hallaban sentados ellos.

De pronto vieron llegar al oficial de la Patrulla Fronteriza, que tomando de las ropas a Efrén y a Benito, les ordenó caminar hacia la unidad. El primero en subirse al vehículo, fue Rogelio Méndez, asustado por lo que ocurrió.

Sin embargo, el supervisor Dan Cole no tuvo el mismo resultado con Efrén y Benito a quienes momentos antes había esposado uno a otro de sus brazos derechos para evitar que huyeran.

"Efrén no aceptó meterse a la "perrera" porque, como le decía al oficial de la Patrulla Fronteriza, no estábamos haciendo nada malo, ni había razón para que nos detuviera", dijo Rincón.

Interviene Rogelio Méndez para comentar que él aprovechó este momento de confusión del supervisor Cole, para bajarse de la unidad de transporte y correr hacia la cerca metálica que limita San Ysidro con Tijuana.

Casi al mismo tiempo, el oficial Dan Cole sacó su pistola para amedrentar a Efrén, en vista de que se resistía a subir a la panel con rejas.

"Efrén le dijo: dispáreme, al cabo no he hecho nada malo", expuso Benito Rincón, quien señala que ambos comenzaron a caminar hacia la alambrada, seguidos por Dan Cole, quien trataba de detenerlos sujetándolos de las esposas que les había puesto.

No logró su propósito y entonces disparó su arma.

El primer balazo no dañó a ninguno, y fue hasta el segundo disparo cuando Benito Rincón resultó herido. Según dice escuchó una tercera detonación y fue cuando Efrén Reyes quedó inmóvil, a su lado. Ya se hallaban en el suelo, toda vez que habían resbalado en su carrera cuesta abajo en el bordo.

Rogelio Méndez cuenta que él ya había conseguido pasarse a suelo mexicano. Estaba pegado a la cerca, cuando Efrén falleció y Benito quedó herido.

Después llegó una patrulla-ambulancia de la policía de San Diego, según comentan, y recogió a Rincón. Mientras, Rogelio se confundió entre los curiosos que se arremolinaron y a los que la Policía Municipal de Tijuana ordenó retirarse cuando llegó al lugar de los hechos.

Benito Rincón fue llevado primero al Community Hospital, de Chula Vista, y posteriormente, en vista de que no lo atendían, lo trasladaron al University Hospital, donde permaneció dos días internado, sin recibir tampoco la atención que ameritaba, según él mismo lo comenta.

De aquí fue enviado a la cárcel, acusado de felonía, asalto a un oficial de la Patrulla Fronteriza y por tener varias entradas ilegales a los Estados Unidos.

Benito Rincón manifestó también que cuando estuvo en el University Hospital, oficiales policíacos le llevaron unos documentos y le pidieron que los firmara, con la promesa de deportarlo sin hacerle mas cargo. Se trataba de una liberación de responsabilidad del oficial Dan Cole.

"Después me visitó un representante del Consulado Mexicano, y cuando le dije eso, me recomendó que firmara cualquier papel que me llevaran porque de otra forma no iba a salir libre", comentó Rincón.

Concluyó diciendo que su respuesta fue: "no tengo prisa en salir libre. Lo que quiero es que el caso se lleve a su fin conforme todos los reglamentos y las leyes".



SAN YSIDRO. — Rogelio Méndez García, nacido en Guatemala, listo para atestiguar contra el supervisor de la Patrulla Fronteriza. (RLS)



SAN YSIDRO. — Benito Rincón Hernández muestra la cicatriz de la herida en su hombro izquierdo (RLS)

DECLARATION OF MARGARITO BALDERAS-HERNANDEZ

I, MARGARITO BALDERAS-HERNANDEZ, hereby declare that:

On or about February 11, 1979, around the middle of the day, I was alone crossing the border near the baseball field. As I was crossing I saw a migra car approach, stop on the embankment about ten feet from me and the one official get out with his gun drawn. I turned to go back and he said "stop, put your hands up" and I did. I felt two shots hit me, managed to stay standing a few seconds and then had to lie down.

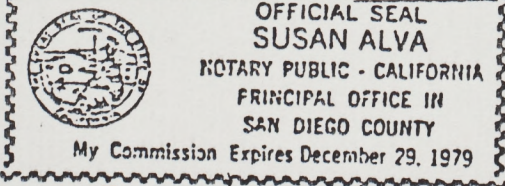
I had been shot in both arms; the bullet to the right arm must have hit the bone or nerve because I was in so much pain. The official came up and started to kick me; I did nothing.

I had a bag with a strap over my left shoulder. The official tried to cut the strap with a knife and in the process slashed my left arm so deep I almost passed out from the pain.

By now other migra cars had pulled up. I know the arresting officials to be Hayes, Grathwell and Sharp. They took me to a hospital in Chula Vista then to a hospital (University?) in San Diego. The doctor said there were some bullet fragments in my left arm that were impossible to get out and that I might lose some of my right arm/hand/fingers where the bullet hit the bone/nerve. The migra then started to take me to the Mexican side of the border but I believe they thought I could make more trouble for them there so they instead took me to MCC.

I declare under penalty of perjury that the above is true and correct to the best of my knowledge.

Executed on this 6TH day of April, 1979 in San Diego, CA.



X

MARGARITO BALDERAS-HERNANDEZ

I, SUSAN ALVA, declare under penalty of perjury that I am fluent in English and Spanish, have orally translated the above to the declarant and he understood and affirmed its contents before signing.

Executed on this 6TH day of April, 1979 in San Diego, CA

Susan Alva



DISCHARGE SUMMARY

ADMISSION DATE: 2-11-79

DISCHARGE DATE: 2-20-79
du

CHIEF COMPLAINT AND PRESENT ILLNESS: This 31-year-old, Mexican male reportedly assaulted a Border Guard on the day of admission, receiving gunshot wounds to both upper extremities. The gun inflicting the damage was reportedly a .357 Magnum. On admission, the patient complained of numbness of the small and ring fingers on the right hand.

PH FN SH ROS: Noncontributory.

PHYSICAL EXAMINATION: The general physical examination was within normal limits with exception of examination of both upper extremities. Examination of the left upper extremity showed an entrance wound on the dorsal and ulnar aspect of the distal third of the right forearm with an exit wound on the volar aspect of the distal third of the right forearm. The patient's deep and superficial flexors to the small finger were nonfunctional and the patient had numbness in the ulnar nerve distribution distal to the gunshot wounds. In addition, the patient's ulnar pulse was nonpalpable and his Allen test was positive for a lacerated ulnar artery. Examination of the left forearm showed an entrance wound proximal to the elbow on the radial aspect of the arm with an exit wound on the mid-volar surface of the proximal third of the left forearm. Motor examination was felt to be intact, as was sensory examination.

LABORATORY STUDIES: X-rays showed a comminuted fracture of the right ulna at this junction of the middle and distal thirds with metallic fragments noted. Examination of the left arm and forearm showed no fractures, but revealed the presence of a bullet, approximately two inches proximal to the left ante cubital fossa.

HOSPITAL COURSE: On the night of admission, the patient was taken to the Operating Room where both wounds were debrided and left open. The lacerated ulnar artery and ulnar nerve were noted on the right. In addition, a laceration of the deep and superficial flexors to the right small finger were also noted. The patient was initially elevated postoperatively, and did well. On 2/16/79, delayed primary closure of the right forearm wound was performed, and the patient was placed in a long arm cast. The wounds were taken care of through a window in this cast. Then on 19 February 1979, the patient's exit wound on his left forearm was also closed in delayed fashion. The entrance wound was noted to already have healed by secondary intention.

Throughout the course of the patient's hospitalization, his neurovascular examination has remained unchanged.

- DISCHARGE DIAGNOSES:
1. Gunshot wound to both right and left forearms.
 2. Open fracture, right ulna.
 3. Laceration of right ulnar nerve and right ulnar artery. and laceration of deep and superficial flexor to right small finger, secondary to diagnosis No. 1.

CONDITION ON DISCHARGE: Satisfactory.



UNIVERSITY HOSPITAL
University of California
Medical Center, San Diego

-2

BALDERAS, Margarito

739 582 E

DISCHARGE SUMMARY

DISCHARGE MEDICATIONS: None.

OPERATIONS: 1. Debridement of right and left forearms. 2-11-79
 2. Delayed primary closure, right forearm. 2-16-79

DISPOSITION: Followup wound care will be in the Orthopedic Clinic in one week.

PHYSICIAN'S INSTRUCTIONS RE PATIENT ACTIVITY: The patient will be allowed to use his left hand and arm ad lib. The right arm is to remain in a long arm cast.

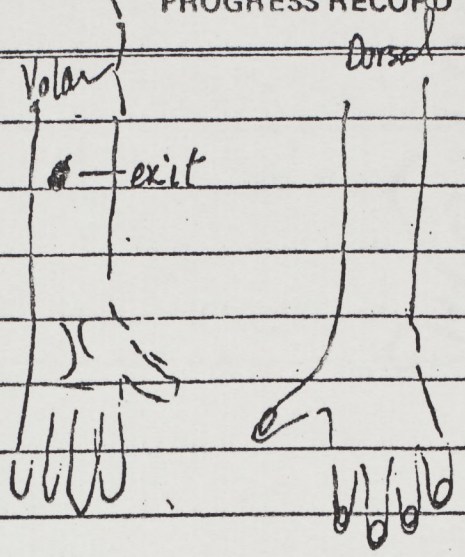
Raymond Sachs, M. D.
Orthopedics Resident II

RS:su
T. 2-20-79
L-1



at 11:51
 entrance

PROGRESS RECORD

DATE	
2/11/79	(L) arm 

diminished radial & ulnar pulses - no brachial pulse.

motor exam intact ulnar & median muscle groups
 & intrinsic hand motors intact

Sensory intact to touch

x ray - comminuted Fr of (R) ulna middle/distal 1/3 junction

- (L) metallic frags but no Fr

Imp: - (R) ulnar nerve, artery, FCR, FDS & P to little finger.

Fr open & comminuted of ulna.

(L) Neuro & sensory exam intact,
 diminished pulses distally - R/O brachial artery injury.

Plan: to angio, then to OR for debridement & irrigation of wounds, possible vasc. repair on

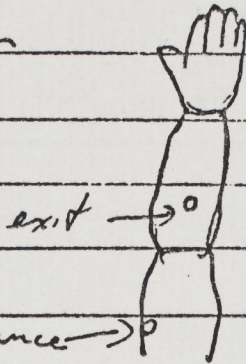
(L)



PROGRESS RECORD

DATE

(L) arm



faint radial pulse. No
ulnar pulse. Nerve intact

neuro - alert & oriented X3

motor, sensory & cerebellum intact except
for ulnar (L) (R) arm

artery (L) arm → radial a. interrupted
Just post laceration

(L) arm → fx ulnar

Asses. gunshot wounds to both arms

Ulnar n. & a. injury to (R) arm,


Radial a. injury to (L) arm

Humble



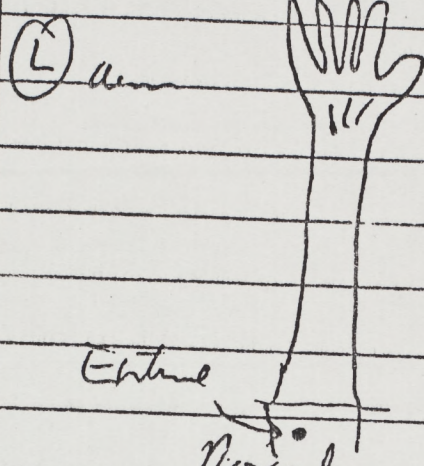
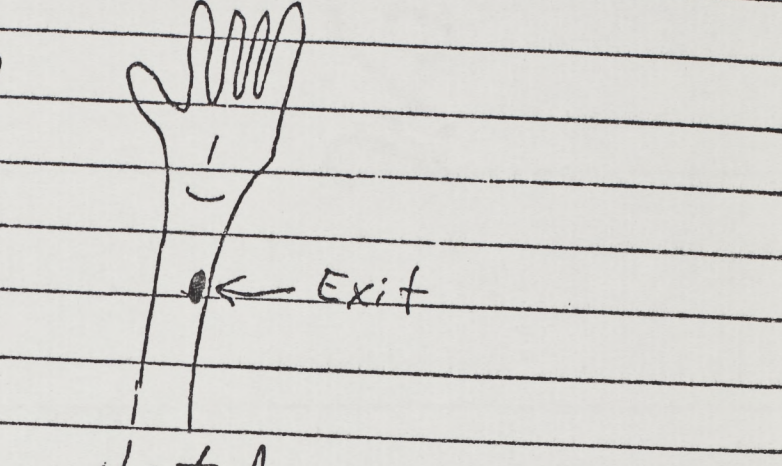
JR4
7:00 12 11 78

PROGRESS RECORD

DATE	
2/11	<p>Trauma RAN CC. gunshot wounds to both arms HPI - young mexican ♂ shot in both arms while trying to cross border. Complains of pain in both arms. Reportedly high velocity bullet PH</p>
	<p>no previous medical or surgical problems allergies - none meds - none</p>
	<p>ROS & FH not obtained</p>
	<p>Physical w/o w/u mex ♂ in mild distress from pain HEENT - WNL lungs - clear to A&P cv - RR, no (M) or (G) abd - soft, benign, no organomegaly or abn masses BS active genitalia - wnl back - no injuries extremities</p>
	<p>Ⓜ arm -  large tissue defect. ulnar aspect bearing. Ulnar a. appears transected. Good radial pulse but no ulnar pulse. Ulnar nerve also out.</p>



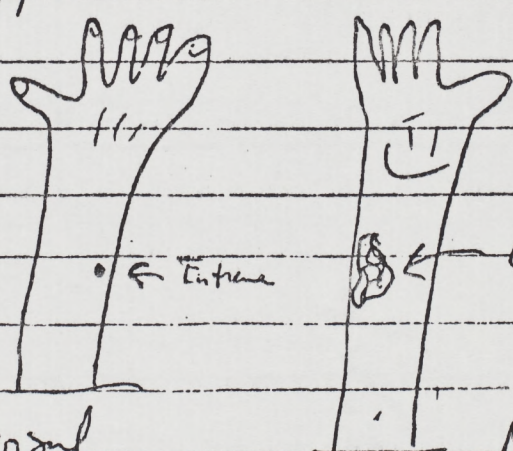
PROGRESS RECORD

DATE		
		
	<p>Dorsal Ventral</p>	
	<p>Brachial pulse $\frac{1}{4}$, Radial + Ulna Both $\frac{3}{4}$. Motor Nl all groups, Sensory ul both median + ulnar + radial</p>	
	<p>Nerv - CW II-III full, Carpal Full, Sensory + Motor as above.</p>	
	<p>X-Rays - (L) - Humerus - pt. bullet lodged at lat hum epiphysis - multiple fragments of metal, no fracture.</p>	
	<p>(R) - comminuted fracture of (R) ulna at middle-distal $\frac{1}{3}$ junction.</p>	
	<p>Arteries Arteries - Occlusion of (L) radial artery, cannot R/O compromise of (L) ulna.</p>	
	<p>Treat: GSW to (R) + (L) areas - 1) (R) ulna N., artery, FCU, FDS + FOP injury, + fx (open) ulna 2) (L) Radial Arty Occlusion + poss brachial, ulnar A. injury.</p>	



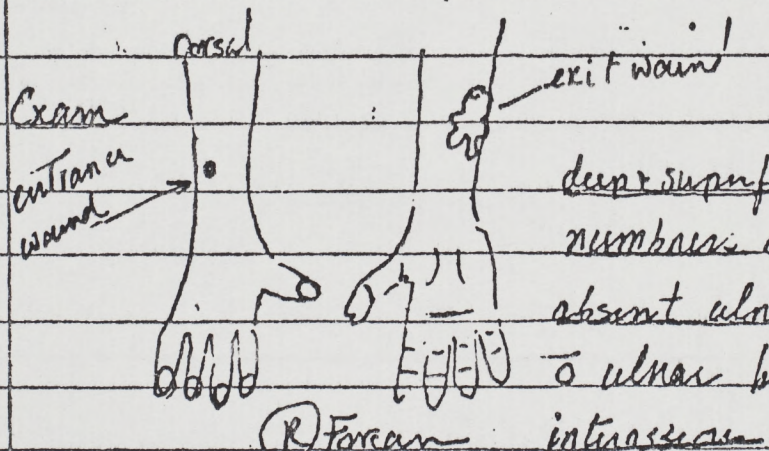
J 12 11 78

PROGRESS RECORD

DATE	
	-2-
	Back - No CRT or pen. pm.
	Chest - Clear to A&P
	CV - RR 5 @, w/ S ₂ , no S ₃ or S ₄ .
	abd - Soft, non-tender to organo palp., no masses, w/ B.S.
	GU - NR ♂, tests id
	Neuro - Not performed
	Extremities - Lower - FROM, Strength 5/5 all
	OTR's (L) (R) Sensory Wd.
	AT 2+ 1+
	KT 2+ 1+
	Upper
	(R) arm:
	
	Entrance
	Exit: Open large tissue defect visible musculature, pres. pulsability when antegrade
	Exam - 5 th finger - Flex. Big Prof. + Superfic. with out Interosei Out
	Prob Flex. Carp Ulnaris Out
	Sensory - Numb (R) 5 th + lat 1/2 4 th
	Ulnar Pulse 1+/4+, No Ulnar Blood in Allen's.
	Radial 4+/4+.



PROGRESS RECORD

DATE	Ortho Consult
2/11/79	
4:51 pm	<p>Pri 31 1/2 Alex C⁷ injured today at 12:00. He was shot - both arms - 357 magnum. He was taken to another ER & then brought to UH by trauma van.</p> <p>Pt is Mexican national. He speaks no English & is poor in cooperation even w/ interpreters.</p> <p>Pt claims numbness of little & ring digits on (R) hand but denies any numbness on (L). He has GSW to (R) distal 1/3 forearm and to (L) mid-forearm.</p> <p>He has no other complaints.</p>
	 <p>ECU out</p> <p>deep & superficial flexor to little out</p> <p>numbness of little & 1/2 of ring</p> <p>absent ulnar pulse & Allen's test</p> <p>o ulnar blood.</p> <p>(R) Forearm introsseous muscle out.</p>
	<p>poor cooperation on (R). Unable to do 2 pt discrim due to lack of understanding of instructions.</p> <p style="text-align: right;">Vandell</p>

EXAM(S) REQUESTED		PROC. CODE	
angiograms of <u>left</u> arm		BALDERAS MARGARITO	
		M 07 10 48	
		U 739582 E	
		P U 0442	
Infectious Disease Precautions: <input type="checkbox"/> YES <input type="checkbox"/> NO	Starting Date of L.M.P.	SI-TRM 639 Source	Request Date
A: DIAGNOSIS/BRIEF CLINICAL HISTORY:		Patient Identification	
gunshot wounds to both arms		TECHNOLOGIST/RADIOLOGIST REMARKS	
B: REASON FOR REQUESTING EXAM:		<input type="checkbox"/> STAT <input type="checkbox"/> OPR <input type="checkbox"/> RM <input type="checkbox"/> PORT	
PHYSICIAN (PRINT OR TYPE)	PHYSICIAN'S SIGNATURE	TELEPHONE	
Hamber	<i>[Signature]</i>		
SEND COPY OF REPORT TO:		MAIL CODE:	

BELOW THIS LINE FOR DEPARTMENT USE ONLY

UNIVERSITY HOSPITAL
University of California Medical Center
San Diego

DIAGNOSTIC X-RAY REPORT

LEFT ARM ARTERIOGRAM - 2/12/79

PROCEDURE: By way of percutaneous puncture of the right femoral artery, left brachial arteriogram was obtained. There was no immediate complication.

FINDINGS: There are multiple metallic foreign bodies in the soft tissue about the elbow and proximal forearm. In addition, there is air in the soft tissue from soft tissue injury.

There is complete occlusion of the radial artery at about 5 mm. from its origin. There is also approximately a 3 cm. long segment of smooth narrowing in the distal brachial artery adjacent to the metallic foreign body. This is probably a spasm related to the radial artery injury, although it could conceivably represent intimal injury of the brachial artery. There is early visualization of the brachial vein, suggesting arteriovenous fistulae about the elbow, although arteries and veins in the upper arm appear grossly normal.

- IMPRESSION:
- 1) Complete occlusion of the radial artery.
 - 2) Possible AV fistula formation about the elbow as discussed above.
 - 3) Multiple metallic foreign bodies about the elbow and forearm.

Date Typed: 2/13/79 - KS:mlb

Radiologist *[Signature]* K. SEO, M.D. / J. BOOKSTEIN, M.D.

YELLOW - Medical Record WHITE - Physician WHITE - Department File
GREEN - Specialty File PINK - Data Processing

Otro Mexicano Balaceado por un Patrullero de la Border Patrol

Margarito Balderas, la Víctima, se Encuentra Hospitalizado en San Diego

Por Arturo GONZALEZ PEREZ

SAN YSIDRO.— Un mexicano, al parecer aspirante a ilegal, fue ayer balaceado en ambos brazos por un patrullero de la Border Patrol. Los hechos ocurrieron en la línea internacional que divide a Tijuana, con esta ciudad, en la zona canalizada del Río Tijuana.

Margarito Balderas Fernández, de aproximadamente 28 años de edad, quien según un testigo pretendió arrojarle piedras al patrullero, resultó herido en ambos brazos y es atendido en el "University Hospital de San Diego" según el reporte.

El Departamento de Justicia de Estados

Unidos, el FBI y la Policía de San Diego, están realizando las investigaciones del caso sin la intervención del Border Patrol.

El cónsul auxiliar de México, en San Ysidro Alfonso Fuentes y el Supervisor de Protección de la Secretaría de Relaciones Exteriores, ingeniero Jorge del Río, inmediatamente acudieron al "Comunity Hospital de Chula Vista" en donde primeramente fue atendido Margarito para interiorizarse del caso e informar a las autoridades mexicanas. Aseguraron estos funcionarios, que el

Consulado de México en San Diego se hará cargo de la defensoría del mexicano y estará pendiente de que se le atienda debidamente.

EL MEXICANO

Miércoles 14 de Febrero de 1979

Identificado el Oficial de E.U. que Hirió al Mexicano Balderas

SAN YSIDRO.- A iniciativa de la Asociación de Mexicoamericanos del Estado de California el representante del Departamento de Justicia de Estados Unidos en San Diego, encargado de los

Identificado...

(Viene de la 1ª Pág.)
ternacional por un agente de la Patrulla Fronteriza.

La investigación arrojó como resultados el nombre del agente de la "Border Patrol"; Robert D. Reidell, de 23 años, que disparó contra el mexicano Margarito Baleras, hiriendolo de ambos brazos.

Asimismo, se llegó a la conclusión, faltando la comprobación correspondiente de acuerdo con la ley, de que la mayoría de los agentes de la Patrulla Fronteriza portan dos clases de armas: la oficial y otra de diferente calibre, la que es usada en los casos como el de Margarito Balderas.

asuntos de la comunidad mexicanoamericana, Angel Aldrete, inició una investigación sobre el caso del mexicano balaceado el pasado domingo en la Línea In-

(Pasa a la Pág. 4, Col. 4)

"De esta manera todas las investigaciones que se han hecho, basandose en los antecedentes de casos similares, han resultado negativos, ya que al exigir las pruebas, se presenta la pistola oficial del agente y se comprueba que ésta nunca ha sido disparada. Pero en esta ocasión, hubo testigos de que el agente Reidell hizo los disparos contra el mexicano y como se comprobó que su arma nunca fue disparada, las autoridades del Departamento de Justicia llegaron a la conclusión de que otra arma había sido utilizada en el atentado", explicó ampliamente Alberto García, dirigente de los mexicanoamericanos.

Agregó que la denuncia se hizo también al Departamento de Justicia en Washington, directamente con Gilberto Pompa, encargado de la comunidad

Margarito Balderas Fernández (a) Antonio Cuevas Moreno y (a) Juan Cuevas, aún no ha declarado debido a que se encuentra bajo los efectos de la anestesia, pero el médico que lo atendió Dr. Edwar L. Rasik, informó que las heridas que sufrió no ponen en peligro su vida y sus brazos quedarán sin defecto alguno.

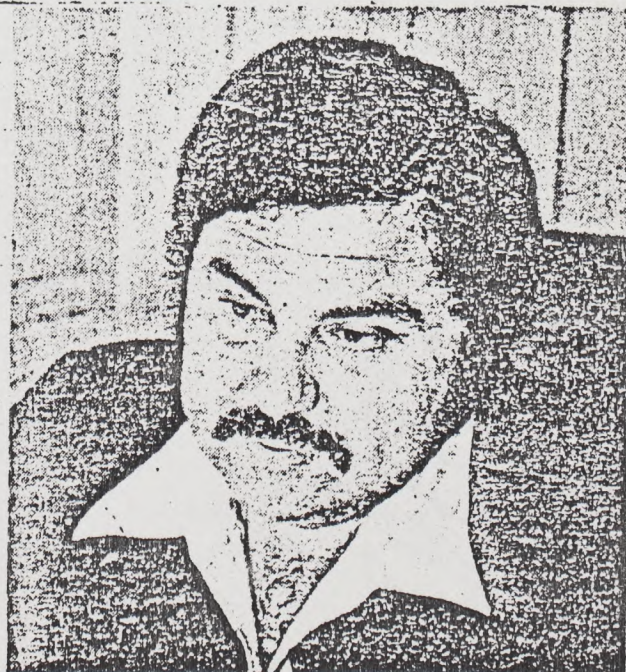
OCULTAN EL NOMBRE DEL PATRULLERO

Por otra parte Donald Cameron jefe de la Border Patrol en San Diego, se negó a dar a conocer el nombre del patrullero que hirió a Margarito, hasta que se realicen las investigaciones y se señalen responsabilidades aunque por su actitud mostró su malestar por dicha situación.

HABLA UN TESTIGO

Por otro lado, en Tijuana, el joven Efrain Ruiz Valadez, de 20 años de edad, y quien fue testigo de los hechos, señaló ante el agente del Ministerio Público que Margarito después de levantar unas piedras, caminó hacia los Estados Unidos, al parecer con intenciones de arrojarle las piedras a un agente de la Border Patrol. Después se escucharon los disparos (dos) y cayó herido Margarito.

Señaló que sólo fue espectador de los hechos, como muchas otras personas que estuvieron ahí.



SAN YSIDRO.— Alberto García, dirigente de los mexicanoamericanos del Estado de California dio a conocer los resultados de la investigación sobre el mexicano Margarito Balderas.

DECLARATION

I, MARTIN ZARATE OLMOS, DECLARE:

I AM SIXTEEN (16) YEARS OF AGE AND LIVE AT PALOMA #82, COLONIA AEROPUERTO, TIJUANA, BAJA CALIF., MEXICO. I LIVE THERE WITH MY PARENTS JOSE DE JESUS AND JUANA ZARATE. I AM EMPLOYED AT THE AIRPORT RESTAURANT.

ON MAY 28, 1979, OR APPROXIMATELY THEREABOUT, I WORKED FROM 8:00 AM UNTIL ABOUT 4:30 PM. I DECIDED TO MAKE UP SOME HOURS I HAD MISSED AND SO WORKED UNTIL AROUND 7:30 PM.

AT THAT TIME I AND FOUR FRIENDS FROM WORK, WHO ALSO LIVE IN MY NEIGHBORHOOD, WERE WALKING HOME WEST ALONG AEROPUERTO ROAD.

ABOUT HALF WAY DOWN THE ROAD, JUST PAST THE TOMATO PATCHES, ONE OF MY FRIENDS SUGGESTED, OUT OF CURIOSITY, THAT WE CHECK OUT WHAT WAS ON THE OTHER SIDE OF THE RIDGE. WE ALL AGREED, SINCE THIS WAS MY FIRST TIME.

WE WALKED ACROSS TO THE OTHER SIDE, NO MORE THAN $\frac{1}{8}$ OF A MILE AWAY FROM THE FENCE. WE STAYED LESS THAN FIFTEEN MINUTES AND SAW NO ONE.

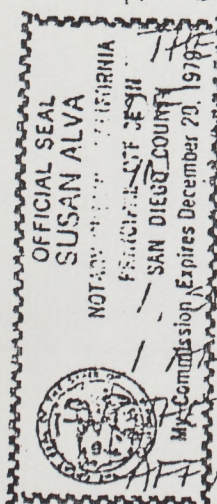
AS WE WERE WALKING BACK TOWARDS MEXICO WE COULD SEE A HELICOPTER IN THE DISTANCE. WE CONTINUED TO WALK AT OUR SAME PACE; THE

HELICOPTER CONTINUED TOWARDS US. I DON'T KNOW HOW CLOSE IT FINALLY GOT BECAUSE I HAD MY BACK TO IT BUT I COULD FEEL IT VERY CLOSE. WITHOUT WORD OR WARNING A SHOT WAS FIRED ~~THE~~ FROM THE HELICOPTER. I WAS HIT AND FELL TO THE GROUND. MY FRIENDS AHEAD OF ME RAN TOWARDS THE FENCE. A FRIEND FROM BEHIND RAN PAST ME YELLING "I'M HIT, TOO."

WITHIN TEN OR FIFTEEN MINUTES THE BORDER PATROL AND OTHER PERSONS (WHO LATER IDENTIFIED THEMSELVES AS FBI AGENTS) WERE THERE ASKING ME TO IDENTIFY MYSELF. THE AMBULANCE THEN ARRIVED. AS I WAS RECEIVING EMERGENCY TREATMENT I COULD SEE THE HELICOPTER STILL HOVERING ABOVE US.

AS THE OFFICERS CONTINUED TO QUESTION ME I FELT WEAK AND DIZZY BECAUSE I WAS LOSING SO MUCH BLOOD AND COULDN'T ANSWER THE QUESTIONS. I WAS TAKEN TO A HOSPITAL FOR EMERGENCY TREATMENT AND THEN TRANSFERRED TO UNIVERSITY HOSPITAL.

I DECLARE UNDER PENALTY OF PERJURY THAT THE ABOVE IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE. EXECUTED THIS 29TH DAY OF JUNE, 1979 IN SAN DIEGO, CA. *Maria Zune*



I, SUSAN ALVA, DECLARE UNDER PENALTY OF PERJURY THAT I AM FLUENT IN ENGLISH AND SPANISH, HAVE TRANSLATED ABOVE TO THE DECLARANT AND HE UNDERSTOOD AND AFFIRMED ITS CONTENTS BEFORE SIGNING. EXECUTED THIS 29TH DAY OF JUNE, 1979 IN SAN DIEGO, CA. *Susan Alva*



UNIVERSITY HOSPITAL
University of California
Medical Center, San Diego

ZARATE, Martin

749 764 G

DISCHARGE SUMMARY

D 6-29-79

DATE OF ADMISSION: 5-29-79
DATE OF DISCHARGE: 6-29-79

ATTENDING PHYSICIAN: J. Devin, M. D.
RESIDENT PHYSICIAN: F. Hammill, M. D.

CHIEF COMPLAINT: Gunshot wounds to both legs.

PRESENT ILLNESS: This 16-year-old Mexican male was shot at the border on 5-29-79. He initially was taken to the Emergency Room at Chula Vista Hospital where he was found to have injuries to both popliteal fossae. These appeared to be shotgun injuries to both legs. The patient was bleeding profusely from the left popliteal fossa at the time of admission to the Emergency Room in Chula Vista. His blood pressure was noted to be 60 systolic. The patient was resuscitated with five liters of Ringer's lactate, several units of plasmanate and was transferred to the Trauma Unit at University Hospital. On arrival the patient had a blood pressure of 120; hematocrit 20%, he was still bleeding profusely from both popliteal fossae.

PH FH SH ROS: Allergies: None. Medications: None. SH: Unknown. FH and ROS: Not obtainable at the time of admission.

PHYSICAL EXAMINATION: A well-developed, pale, Mexican boy, bleeding profusely from both lower extremities. Head: Normocephalic; no palpable occipital nodes; no evidence of trauma to the head. Extraocular muscles were intact; the pupils were equal, round, reactive to light; sclerae clear. The disks were sharp. Neck: Soft, supple, full range of motion. Mouth: Clear. Lungs: Clear to auscultation and percussion. Heart: Regular sinus rhythm, no gallops, clicks, rubs or murmurs. The abdomen was flat, soft, normal; no organomegaly; no peritoneal signs; good bowel sounds. External genitalia were within normal limits. Rectal examination was normal. Extremities: Gunshot injuries to both popliteal fossae, with two, large, gaping wounds, approximately four by six centimeters, over the left popliteal fossa, more wounds in the right leg with no major tissue destruction. No pulses distally in the left leg; dorsalis pedis in present in the right leg. Both feet felt cool, but did not appear cyanotic. Neurologic examination: The patient was awake, alert, oriented; cranial nerves II through XII were grossly intact. There was no gross motor or sensory deficit except for the distal left leg.

LABORATORY DATA: On admission, hct. 20%; WBC 19,500; PT 14.4/10.6 control; PTT 38.7/30.2 control. Glucose 190; BUN 16; creatinine 0.7; bicarb. 23; chloride 103; sodium 140; potassium 4.9; amylase 70.

HOSPITAL COURSE: The patient was admitted to the Trauma Unit, and, after a quick evaluation by the House Officers, was taken to the Operating Room where he underwent repair of the left popliteal artery and vein with saphenous vein graft from the right thigh. He had intraoperative angiograms which showed both arterial and venous anastomoses to be intact. He underwent a large, left leg, fasciotomy to relieve pressure. Estimated blood loss at that time was 300 ccs. Postoperatively, the patient was noted to have intact distal pulses in the left leg. He, however, had a large amount of tissue destruction and needed frequent dressing changes with debridement of necrotic tissue. Postoperatively, he was found to have nearly complete motor and sensory deficits below the left knee, due to nerve destruction. The patient was taken to Physical Therapy for exercise and



UNIVERSITY HOSPITAL
University of California
Medical Center, San Diego

ZARATE, Martin

749 764 G

DISCHARGE SUMMARY -2

attempts to regain function of the leg. After two to three weeks, the patient was noted to have an increase in sensation in the left leg; however, motor abilities remained minimal. The patient's wound was granulating in slowly and by the time of discharge, the patient's father was taught how to change his dressings at home. At the time of discharge the patient has been taught how to walk with a crutch, and was doing some weight bearing on his left leg.

DISCHARGE DIAGNOSIS: 1. Gunshot wounds to both popliteal fossae.

CONDITION ON DISCHARGE: Improved.

DISCHARGE MEDICATIONS: Tylenol #3 prn pain; Betadine and dressing materials.

OPERATIONS: 1. Exploration of left popliteal fossa, repair of popliteal artery and vein, left leg.

DISPOSITION: The patient is discharged to home with his family.

PHYSICIAN'S INSTRUCTIONS RE PATIENT ACTIVITY: The patient is to have dressing changes daily by his father. He is to return to the Clinic.

Karl Zucker, M. D.
Surgery Resident I

KZ:er
T 7-3-79



UNIVERSITY HOSPITAL
University of California
Medical Center, San Diego

OPERATION REPORT

NAME: ZARATE, Martin

FLOOR

UNIT NO. 749 764 G

DATE OF OPERATION: May 29, 1979

LECTATED BY: F. Hammill
May 29, 1979

PREOPERATIVE DIAGNOSIS:

Gunshot wounds to bilateral popliteal fossae.

POSTOPERATIVE DIAGNOSIS:

Same.

OPERATION:

Repair of left popliteal artery and vein with saphenous interposition graft from the right thigh.

Intraoperative angiograms.

Left lower leg fasciotomies.

SURGEON: J.B. Devin/F. Hammill

ASSISTANT: P. Humber

STAFF: J.B. Devin

INDICATIONS, FINDINGS AND PROCEDURE:

INDICATIONS: This 16-year-old, Mexican-American male was brought to the hospital after sustaining gunshot wounds to the backs of both legs. On admission to Chula Vista Community Hospital initially, the blood pressure was 60/0 and he was bleeding profusely, primarily from his left popliteal fossa. Compressive dressings were applied and fluid resuscitation was begun and he was transferred to University Hospital. On arrival here, his blood pressure was 100/60; he was agitated and confused and continued to lose copious amounts of blood from his left popliteal fossa. Because of his unstable condition and continued bleeding, he was brought straight to the Operating Room. He had two large I.V.s running and blood was being typed and cross matched.

PROCEDURE: Upon arrival in the Operating Room, the compressive dressings were removed while a pneumatic tourniquet cuff was placed about the upper left thigh. When this was inflated, dressings were fully removed and the extent of the wound was inspected. He was found to have a large defect in skin and subcutaneous tissue and muscle along the lateral aspect of the left leg at the level of the knee. Surrounding this were numerous smaller puncture wounds. Along the medial side of the knee was also a smaller defect from which moderate amounts of blood oozed when the pressure on the tourniquet was decreased. The wound was packed with Betadine soaked dressings and the opposite leg was inspected. This was found to have approximately 30 2-3 millimeter puncture wounds along the posterior aspect of the posterior and medial aspect of the right leg just below the area of the popliteal fossa. In the left leg, no pulses were palpable in the lower leg and the foot was quite cool. The patient was unable to move any muscles at the level of the ankle joint or in the foot or toes. He also not a complete lack of sensation below the knee. On the right side, he was able to move his ankle and toes and though no pulses were palpable in the foot, the foot was warm with normal capillary filling.

Once the bleeding had been stopped, using the pneumatic tourniquet, it was decided



OPERATION REPORT

NAME: ZARATE, Martin

UNIT NUMBER: 749 764 G

DATE OF OPERATION: May 29, 1979

to wait until blood was available before proceeding with the operative procedure. This required approximately 45 minutes, at which time six units of blood were available and the patient was put to sleep with a general anesthesia.

Both legs were then prepared in their entirety to the level of the groins and then the lower abdomen was similarly prepared. Exploration was carried out in the left popliteal fossa by making an incision from two to three inches below the tibial tuberosity along the medial aspect of the leg to approximately four or five inches above the patella. Sharp dissection was carried through the subcutaneous tissues and bleeding was controlled with electrocautery. Once the popliteal fossa was opened, it was found that large amounts of tissue were missing. A portion of the hamstring muscles was entirely gone and a good portion of the upper part of the gastrocnemius similarly was absent. The sciatic nerve was found, but had been severely shredded with only a small portion remaining intact. The popliteal artery was found and, though still intact, there was no blood flow and there were numerous gaping holes along approximately a six-inch length. The popliteal vein similarly was located and it too was severely injured and there was no blood flow. These vessels were dissected proximally and distally until normal vessel was encountered. Vascular clamps were then placed across the stumps of those vessels.

Attention was then turned to the right thigh where a 10-inch incision was made over the right saphenous vein. This was easily located in the subcutaneous tissue and sharp dissection was used to free the saphenous vein from its underlying bed. Branches were either clipped, using Weck clips, or ligated with 4-0 ties. When a 10-inch segment of vein had been isolated, it was ligated proximally and distally and removed for use as a vein graft. A five-inch section was then removed and placed in reverse fashion, initially to restore continuity to the vein. One end of the saphenous vein was then spatulated and an end-to-end anastomosis was constructed between the proximal end of the popliteal vein and the saphenous vein graft. The clamp was then removed and the anastomosis was seen to be patent. The anastomosis was constructed of a single running suture of 6-0 Prolene.

The distal venous anastomosis was then constructed in the same way and, when both clamps were removed, there was good flow of venous blood through the vein graft. The arterial graft was then repaired in the same manner using a five-inch piece of saphenous vein in reverse fashion, constructing first the proximal and then the distal anastomosis. Care was taken prior to removal of the vascular clamps to flush the anastomosis so that no thrombus or debris would be carried distally. A palpable pulse was present in the vein graft. The foot was inspected and was seen to be pink. Anterior and lateral fasciotomies were then constructed by making two-inch incisions on either side of the lateral and medial aspects of the leg. When the fascia was encountered, it was opened through the small skin incisions a distance of approximately 12 inches, using



OPERATION REPORT

NAME: ZARATE, Martin

UNIT NUMBER: 749 764 G

DATE OF OPERATION: May 29, 1979

long Metzenbaum scissors underneath the skin.

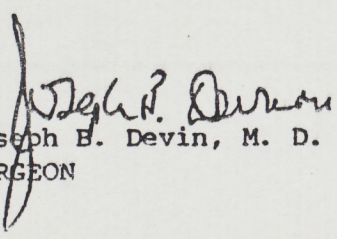
The muscular and fascial layers over the medial aspect of the wound were then closed using continuous 00 chromic catgut. However, because of the skin loss due to the multiple puncture wounds, the skin could not be fully reapproximated and a gap was left. Similarly, over the injury on the lateral side, there was a large skin and soft tissue loss and Betadine soaked packs were placed into a portion of the popliteal fossa and a totally occlusive dressing was applied.

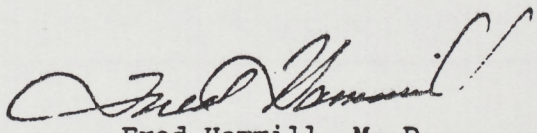
Attention was then turned to the right leg. An angiogram was done by 20 gauge angiogram catheter into the common femoral artery on the right side. Fifty percent Conray dye was injected and x-rays were taken over the level of the knee and distal lower leg. These showed good flow of dye in normal appearing vessels. It was decided that no vascular injury had been sustained at the level of the knee. The wound in the upper thigh was then closed with continuous suture of 000 chromic catgut in subcutaneous tissue and 4-0 nylon continuous suture in the skin.

Previous to closure, both wounds had been irrigated copiously with antibiotic solution.

Estimated blood loss was approximately 600 ccs.

The patient tolerated the procedure with stable vital signs and was returned to the Recovery Room in good condition.


Joseph B. Devin, M. D.
SURGEON


Fred Hammill, M. D.
Surgery Resident V

FH:er
T 6-5-79



unicamente la VERDAD

NUM. 842 ★ \$5.00 EN TODO EL PAIS

MAS HECHOS DE SANGRE

Cuatro connacionales fueron víctimas de hechos violentos en parte de la zona fronteriza entre México y Estados Unidos de América, localizada en la ciudad de San Isidro, California.

Dos de las víctimas, heridas con armas de fuego, fueron trasladadas al Hospital General de Tijuana y las otras dos, identificadas como Martín Zárate e Ismael Villa, de 16 y 17 años de edad, respectivamente, fueron conducidos al Hospital Universitario de Chula Vista, California, Estados Unidos, en donde fueron internados y atendidos.

Al Wells, asistente del jefe de sec-

tor de la Patrulla Fronteriza en la región, informó que "varios de sus elementos se trasladaron a Spring Canyon al tenerse conocimiento de que varios "indocumentados" estaban siendo objeto de un asalto por parte de varios sujetos no identificados.

"En el mencionado lugar, localizado casi frente al aeropuerto de Tijuana, B. C. N., se encontró a Martín Zárate mal herido y fue trasladado a un hospital para las primeras curaciones. Los asaltantes del

"indocumentado" herido huyeron al avistar a los elementos de la Patrulla Fronteriza, la Policía de San Diego y también agentes del FBI que acudieron al lugar de los hechos para investigar".

Horas después de lo anterior, un agente de la Patrulla Fronteriza hirió de manera "accidental" a un "indocumentado".

Lo anterior se registró cuando el agente de la Border Patrol, cuyo nombre no fue proporcionado, se acercó a un grupo de 18 "indocu-

mentados" que trataban de ingresar de manera ilegal en territorio norteamericano.

Se asegura que el agente se resbaló y de "manera accidental" se disparó su pistola y la bala fue a dar precisamente en el cuello del indocumentado que fue identificado como Ismael Villa.

Agentes del Buró Federal de Investigaciones (FBI) tomaron cartas en los asuntos y llevan a cabo investigaciones para deslindar responsabilidades.

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 Zárate, 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 demas 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 Zárate 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 Zárate, 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 jóvenes.

El oficial Navarro en su comunicación telefonica con la judicial aseguró que Zárate 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.

Pág. 4 Secc. A. Miércoles 30 de Mayo de 1979

Juevos Hechos Violentos Contra los Indocumentados

Por Rogélio LAVENANT SIFUENTES

ISIDRO.— La violencia con la franja de terreno colindando el cerco fronterizo, en esta zona de California.

Los mexicanos fueron las víctimas de dos incidentes violentos, los por separado la noche del pasado. Resultaron heridos con arma de fuego.

De ellos fueron llevados al hospital de Tijuana y los otros a Martín Zárate, e Ismael Villa, de años de edad, respectivamente, fueron internados en el Hospital de Chula Vista.

Finalmente, Al Wells, asistente de sector de la Patrulla Fronteriza dijo que a las 10:30, p.m. los sujetos acudieron al Spring Canyon, para recibir un llamado de que mexicanos estaban siendo golpeados por bandidos.

Este lugar, casi frente al aeropuerto, pero los presuntos "ilegales" lo derribaron "unos dos veces".

El Buró Federal de Investigaciones (FBI) reveló en sus primeras indagaciones que el oficial de la Patrulla Fronteriza (Border Patrol) se hallaba sobre el bordo norte del canal. Vio al grupo de "indocumentados" y pretendió interceptarlo cuando resbaló y cayó entre ellos.

William H. Selzer, Jr., funcionario de la Patrulla Fronteriza en este sector de California, dijo que la noche en que se registraron los incidentes violentos arrestaron alrededor de 1,300 presuntos "extranjeros ilegales".

El número de "indocumentados" ha ido creciendo —aseguró— y es posible que se supere el promedio mensual máximo de 40 mil personas detenidas por estancia ilegal en los Estados Unidos, en esta zona de San Diego.

(Pasa a la Pág. 4, Col. 1)

MAS DE MIL "INDOCUMENTADOS" ARRESTADOS

El Buró Federal de Investigaciones (FBI) reveló en sus primeras indagaciones que el oficial de la Patrulla Fronteriza (Border Patrol) se hallaba sobre el bordo norte del canal. Vio al grupo de "indocumentados" y pretendió interceptarlo cuando resbaló y cayó entre ellos.

El número de "indocumentados" ha ido creciendo —aseguró— y es posible que se supere el promedio mensual máximo de 40 mil personas detenidas por estancia ilegal en los Estados Unidos, en esta zona de San Diego.

RECEIVED JUN 15 1979

F-6

Michael Walsh

PRESS RELEASE

June 12, 1979

For further information, call:
Michael H. Walsh (714) 293-5690
or Peter K. Nunez (714) 293-5366

WALSH MEETS WITH BORDER PATROL: URGES RESTRAINT

U. S. Attorney Michael H. Walsh announced today that he was personally meeting with each day's Border Patrol shifts, just before they commence duty along the troubled U. S. - Mexican border, to urge "utmost restraint" in the use of force to apprehend aliens or to respond to continued violence along the tense international border. "Violence begets violence", Walsh advised the officers. "Avoid resort to force if at all possible."

Cautioning agents that "Federal policy permits agents to use deadly force (guns) only in three circumstances - when an agent is acting in defense of his own life, or in defense of the life of another officer, or in defense of an innocent third party", Walsh warned the officers that "use of force in any other circumstance threatens criminal prosecution, disciplinary action, and possible civil liability on both the Government's and the officer's part".

Assistant U. S. Attorney Peter K. Nunez, now assigned full time to work at the border, and Assistant U. S. Attorney Donald F. Shanahan accompanied Walsh. According to Shanahan: "We want these agents to know just what their legal rights and responsibilities are. They are personally liable if they make a wrong decision."

Their personal assets are on the line. They've got to know just what they can and cannot do. That's all we're trying to accomplish." Nunez and Shanahan indicated they would continue to work with the Patrol to resolve legal questions as they arise regarding local border operations.

Walsh called upon the Border Patrol agents to do "everything in their power" to help quell the rising tide of violence along the international border. "We've got to do whatever we can to stop the violence", Walsh said, consistent with doing the job and maintaining agent safety. "If your life is genuinely in danger, then you have no choice but to use every means at your disposal to protect yourself", said Walsh. "But the use of your weapon should be the absolute last resort", he cautioned. Pointing to beefed-up patrols, two-man assignments recently implemented in the most dangerous areas, walkie-talkies carried by the agents, and available back-up officers and tactical support, Walsh called upon the agents to, if possible, "get help, don't shoot".

Pointing to recent agreements with Governor Roberto de la Madrid of Baja, Walsh expressed the hope that border banditry, rock and bottle throwing, sporadic diversionary shooting by smugglers and staged violence would all diminish in coming weeks. "We've got to give the situation a chance to settle down", Walsh urged. "We've got to give the new efforts, both on our side of the line and in Mexico, a decent chance to work".

FEDERAL DEFENDERS OF SAN DIEGO, INC.

MEMORANDUM

TO: File

DATE: 8 November 1978

FROM: MRR

RE: U.S. v. Mario Torrez-Medina

MARIO RAMOS

*AVE Sicilia #300
Col. Roma*

✓

201

Date of Alleged Beating: 20 October 1978

Name or Description of Officer(s): Mr. Oscar Cardenas (the defendant said that the other officers called him Oscar and that the defendant observed the name O. Cardenas on the officer's shirt pocket).

Place of Alleged Beating(s): Inside the Chula Vista station.

Defendant's Sentence: The defendant received 30 days from Magistrate Harris.

AUSA: David Doyle

Date of Interview by AUSA: 3 November 1978

Date of Examination by Doctor: none

Defendant's Story:

The defendant said he was caught lying on the ground by himself in the hills near the border. When approached by the officer, he stood up and offered no resistance.

At the Chula Vista Anti-Smuggling Unit, the defendant said that Officer Cardenas showed him a picture of himself and asked, "Is this you?". The officer kept asking the defendant if this was not his picture. The officer suggested that it was better if he would admit that he was the one leading the other group of illegal aliens caught nearby.

The officer warned that he would "break his face in if you don't agree to this". The defendant said that he was not leading the other group of people and he never saw them before. The officer once again repeated his threat that he was going to break his face in and then proceeded to kneed the defendant in the groin. The defendant allegedly kept his mouth shut, as he did not want to be punished any more. The defendant fell up against the wall after he was first kneed. Four or five minutes later, the officer repeated his threat and kneed the defendant in the groin again.

The defendant was interrogated by Officer Oscar Cardenas for fifteen to twenty minutes. The defendant can identify the officer by name since it was on his nametag and he is positive that he can identify

Smuggler

G-1

Memo re: Torrez-Medina
8 November 1978
Page Two

the officer in a line-up. The defendant also said there were two witnesses about two feet away from this when it all happened. One witness was an Officer Sanchez, who was interviewing another alien, a Mr. Cruz. The defendant stated that Officers Cardenas and Sanchez were the only two Mexican officers in a room full of Anglos, who were nearby. The defendant estimates that there were around 6 officers in the general area of the beatings.

AUSA's Remarks: Mr. Doyle first attempted to interview Mr. Cruz to corroborate the defendant's story, but upon learning that Mr. Cruz was represented by someone other than Federal Defenders, he decided to try and obtain the permission of that lawyer before interviewing Mr. Cruz. Mr. Doyle said that it seemed like the defendant was on drugs or something. He said it was very unlikely that the other officer nearby would "remember" anything. He also added that it would be very hard to prosecute on this information, especially since the defendant had no visible injuries.

DECLARATION OF EZEQUIEL GONZALEZ-VELASQUEZ ✓

I am in the United States under docket control pending the processing of my immigration petition.

On July 7, 1979, as I was walking home from work in the San Diego downtown area about 1:45 a.m., I was robbed and beaten in front of the Sheriff's Office on Union & "C". I was bent over, my face bleeding, when a dark blue Plymouth-type car pulled up. The car had one red light on its roof, the number #605 near the bumper on the driver's side and bars dividing the front and back seats. There were two young Latin men in the back seat and two plainclothes officials in the front seat. The officials got out of the car, came up to me as I was bleeding and grabbed my arm, twisting it around behind me. I tried to explain to them what had just happened to me, that my ID and copies of my immigration papers had just been robbed, but that I had the originals at my home no more than five blocks away. They said many people had tried to use that excuse with them before and shoved me into the back seat of the car. Without another word they drove to the border, pulled over to the parking lot and walked us across into Mexico and then drove off.

I got in touch with my wife who went first to the sheriff's. From there, she was sent to the San Diego police who said this was an immigration problem and directed her to just bring me my original permit to cross back into the U.S. and if there were any further problems to contact their department. We did this and I was denied entry because my permit did not allow me to leave the U.S. and the INS officials and the border determined I had violated the terms of the permit. They kept my original permit but I still have a copy.

I declare under penalty of perjury that the above is true and correct to the best of my knowledge.

Executed this 18TH day of JULY, 1979 in CHULA VISTA, CA,

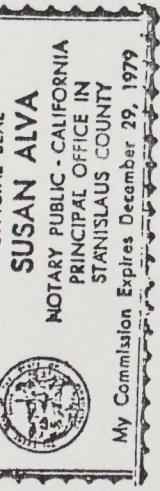
Ezequiel Gonzalez Velasquez
Ezequiel Gonzalez Velasquez

I, CARLOS VASQUEZ, declare under penalty of perjury that I am fluent in English and Spanish, have translated the above to the declarant, and he understood and affirmed its contents before signing. Executed this 18TH day of JULY, 1979 in CHULA VISTA, CA.

Carlos Vasquez

H-1

Subscribed and sworn before me this 18th day of July 1979.
Susan Alva



Country of Citizenship Mexico	Passport Number and Country of Issue A23 058 129	File Number
U.S. Address (Residence) (Number) (Street) (City) (Zip Code) 226 California St, Salinas, California		
Date, Place, Time, Manner of Last Entry EWI 2/20/78 2nd. E. SYS-CHH		Passenger Booked At 7-17-78
Number, Street, City, Province (State) and Country of Birth		
Birthdate 7/15/52 (25)	Date of Action 6/15/78	Location Code LIV-SLS
City, Province (State) and Country of Birth Cupareo, Gto. Mexico	AR Form (Type & No.) <input checked="" type="checkbox"/>	<input type="checkbox"/> Lified <input type="checkbox"/> Not Lified
Visa Issued At - NIV No.	Social Security Account Name	
Date Visa Issued	Social Security No.	Send C.O. Rec. Check To: SFR

69 150 Laborer
crooked nose
B^o Farm and Ranch check
SLS, Ca. 6/15/78 10AM
PA Williams and crew
EWI In Agric.
1- 6 months

Sírvase notar la acción que se ha tomado en su caso, según se indica abajo.

Usted ha violado las condiciones de su admisión a los Estados Unidos en calidad de persona no inmigrante. Por consiguiente, se le revoca el permiso concedido anteriormente para permanecer en los Estados Unidos y se requiere que usted salga del país, sufragando sus propios gastos, a más tardar el _____.

De acuerdo con la decisión adoptada en su caso, se requiere que usted salga de los Estados Unidos, sufragando sus propios gastos, a más tardar el quince de julio de 1978.
Vol. Departure extended to JAN 05, 1979 by DDTP RBL

Su solicitud de prórroga para su salida de los Estados Unidos ha sido _____ Usted deberá salir del país a más tardar el _____.
Vol. Departure extended to JAN 05, 1979 by DDTP RBL

Usted debe notificar a esta oficina, Cuartel No. _____ a más tardar _____ acerca de los arreglos que ha hecho para salir del país, incluyendo la fecha, el lugar, y los medios de transporte que usted va a utilizar.
the above period of time is extended to Jan 05, 1979 SLS RBL DDTP

De no salir usted del país antes de la fecha señalada, se expone a perder el privilegio de salir del país voluntariamente y a que se tomen medidas para deportarle.

De haber una fianza pendiente en su caso, se le advierte que para acelerar la cancelación y devolución de la fianza entregado, usted tendrá que hacer arreglos por adelantado con esta oficina para que un funcionario de nuestro Servicio presencie su salida.

UTILICE LA TARJETA ADJUNTA CON LA DIRECCION IMPRESA PARA NOTIFICAR A ESTA OFICINA SOBRE LOS ARREGLOS PARA SU SALIDA. NO NECESITA FRANQUEO. En el momento de su salida, no deje de entregar la forma I-94, Registro de Llegada/Salida, conforme a las instrucciones que aparecen en esa misma forma.

Atentamente.

By: B. Williams
SLS SPA

DIRECTOR DE DISTRITO
CHIEF PATROL AGENT

FOR IMMIGRATION AND NATURALIZATION USE ONLY

Departed: _____	Date: _____	<input checked="" type="checkbox"/> I-94 stamped	<input type="checkbox"/> 530 submitted
To: _____	Via: _____	<input checked="" type="checkbox"/> I-161 prepared	<input type="checkbox"/> T56 prepared

UNDER DOCKET CONTROL AT
SFR

FEDERAL DEFENDERS OF SAN DIEGO, INC.

MEMORANDUM

TO: File

DATE: 8 November 1978 ✓

FROM: MRR.

RE: U.S. v. Pedro Contreras-Placencia,
aka Manuel Contreras-Placencia

Date of Alleged Beating: October 21, 1978

Name or Description of Officer(s): 5 officers allegedly beat the defendant throughout his arrest and custody; the first two officers who arrested him at the field the defendant cannot identify; the third officer who took him to the Chula Vista station is described as being an Anglo, rather short and very heavy-set; the fourth and the fifth officers who allegedly beat the defendant inside the Chula Vista station were named as Officer Phillips and/or Richard Mann (the defendant described the person who held him as the officer who signed the complaint and he described the person who actually beat him with a billy club as a rather tall, thin, pale, blond Anglo with a thin blond mustache).

Place of Alleged Beating(s): In the field near San Clemente; outside the Chula Vista station; inside the Chula Vista station in a cell that is supposed to be used for solitary confinement.

Defendant's Sentence: Defendant received 60 days by Magistrate Harris because of his extensive prior record dating back to 1962.

Assistant U.S. Attorney: David Doyle

Date of Interview by AUSA: 3 November 1978

Date of Examination by Doctor: 3 November 1978

Defendant's Story:

Defendant said that he was in a group of illegal aliens who were told to get down on the ground near the San Clemente checkpoint. Defendant said that he had been drinking a little to try to keep warm during the cold night. Defendant said that he decided to run after the agents told him to get on the ground. He was then caught by two Border Patrol agents and once he was caught he offered no resistance. The agents began hitting him on the hands. The defendant pleaded for them to "Don't hit me. I'm not going to run". The defendant offered his hands to the agents to be handcuffed. The agents then allegedly threw the defendant on the ground and after he was handcuffed proceeded to stomp on his back. The same two agents then

THE FEDERAL COMMUNITY DEFENDER ORGANIZATION FOR THE SOUTHERN DISTRICT OF CALIFORNIA

225 BROADWAY, SUITE 855, SAN DIEGO, CALIFORNIA 92101 • TELEPHONE (714) 243-8467

I-1

Memo re: Contreras-Placencia
8 November 1978
Page Two

laughed as the defendant was placed in the back of the jeep and bounced around unable to get hold of anything. He pleaded for them to undo the handcuffs and if they were going to kill him, to just go ahead and do it now. The officers then asked him what his name was and when the defendant responded, was told to shut up and that his new name was "shit".

The third agent, the one who took him to Chula Vista station, shoved the defendant out of the vehicle and up against a fence. The impact against the fence left scars on the defendant's right shoulder.

Once inside the station, the defendant was taken downstairs to a cell where the fourth and fifth agents allegedly hit him. The agent with the thin blond mustache proceeded to put the billy club up against the defendant's throat with such force that the defendant later spit up blood and was unable to even drink water for approximately 8 days. The other agent held him while this was going on and the thin agent with the blond mustache also hit him in the stomach and chest. The agents then admonished him for "being the ass hole who doesn't fight back".

The defendant pleaded to please not hit him. The agents told him that this would serve as a lesson so that he would not come back.

When he asked to see a doctor, he was told that "Mexicans don't need doctors".

AUSA's Comments: Mr. Doyle said that the investigation would continue, but he believed it was difficult to distinguish whether the defendant's wounds occurred when he was initially apprehended after the chase, or whether they were sustained at the Chula Vista station. Mr. Doyle said that it would be difficult to obtain a grand jury indictment because it was just the defendant's word against that of the Border Patrol agents.

AFFIDAVIT OF LUCIANO ORTIZ

1 I, LUCIANO ORTIZ, declare the following:

2 1. I was born on October 29, 1947 in Patillas,
3 Puerto Rico. I am a citizen of the United
4 States of America.

5
6 2. On August 29, 1978, I drove my car to
7 Imperial Beach to exercise on the beach
8 and fish on the pier.

9
10 3. While walking along the beach, an immigration
11 official suddenly appeared and stuck his
12 flash light in my face and for no reason
13 struck me with his flashlight, on my left
14 shoulder near the base of the the back of
15 my neck.

16
17 4. At the same time he cursed me and my
18 nationality. I offered to identify myself,
19 however I was not given the opportunity. I
20 did inform the immigration officer I did not
21 come from Mexico, that I was fishing and
22 exercising. I also offered to produce my
23 papers which were in my care a few blocks
24 away. This offer was also rejected.

25
26 5. The officer stated I had to come with him, and
27 he then grabbed me and struck my back with
28 his flashlight.

29
30 6. When I saw that the officer did not cease
31 striking me, I became afraid and I started
32 to run into the ocean. Then he and another

1 officer chased me, caught me, and dragged
2 me out of the ocean.

3
4 7. I was taken to San Ysidro where I was
5 apparently investigated and they discovered
6 I was not a Mexican National.

7 8. In San Ysidro, I was told to sign some
8 papers explaining my rights and other
9 things. When I refused to sign such
10 papers a Mexican Immigration officer,
11 along with an Anglo officer grabbed me, one
12 grabbed me by the hair, and the other by
13 my wrists. The Chicano officer struck my
14 face repeatedly with his fists. I was
15 knocked down. While I was on the ground
16 they both began to kick me severely and
17 repeatedly, while grabbing my hair. In
18 addition the officers grabbed my head
19 and knocked my head many times against the
20 wall. My forehead, the side and back of
21 my head were banged against the wall, I
22 lost consciousness.

23
24 9. I woke up at the Chula Vista Detention Center
25 at approximately 1:00 p.m. In Chula Vista
26 my fingerprints and photo were taken with-
27 out my consent. I was showered with water.
28 All this time I was not in total control of
29 my senses due to the physical abuse I received
30 at the hands of the Immigration officers.
31
32

1 10. While in Chula Vista Detention Center they
2 told me I was being accused of smuggling
3 illegal aliens for gain. I was told to
4 sign a statement accusing me of smuggling.
5 I told them I did not do anything, I only
6 went to the pier to fish and exercise.
7

8 11. About an hour later another Immigration
9 official came to the room where I was detained
10 and told me to leave this place. I do not
11 want to see you here again, otherwise, I'll
12 put you in jail. I told him I'm going to
13 see a lawyer after I go to the hospital.
14

15 12. On August 29, the same Tuesday, I went to
16 the doctor's office. I told him I could not
17 breathe too well. There are times when I am
18 unable to breathe through my mouth and must
19 breathe through my nose. I am unable to
20 breathe deeply--as a result of the immigration
21 officer's kicking my ribs. I told him I feel
22 dizzy and that my eye hurts and I couldn't
23 see too well out of one eye. I also told
24 him my back hurts where I was kicked. I now
25 have to sleep face down or on my side. My
26 leg hurts--skin was scraped off as a result
27 of the kicking.
28

29 13. I have never violated any United States
30 Immigration Laws.
31
32

ESTADO LIBRE ASOCIADO DE PUERTO RICO
(COMMONWEALTH OF PUERTO RICO)

DEPARTAMENTO DE SALUD
(DEPARTMENT OF HEALTH)

DIVISION DE REGISTRO DEMOGRAFICO DE NACIMIENTO
(DIVISION OF DEMOGRAPHIC REGISTRY)

NEGOCIADO DE REGISTRO Y
ESTADISTICA DEMOGRAFICA

No. DE ARCHIVO

No escriba en este espacio

Para el Encargado del Registro

DISTRITO No. 54

83233

1. LUGAR DEL NACIMIENTO
(a) Municipio de Patillas
(b) Zona Urbana
(c) Zona Rural: Barrio Jacabo
(d) Nombre de Hospital, Institución
(e) Estadía de la Madre en Hospital o Institución antes del Parto

2. RESIDENCIA DE LA MADRE
(a) Municipio de Patillas
(b) Zona Urbana
(c) Zona Rural, barrio Jacabo

3. NOMBRE Y APELLIDOS DEL NIÑO Luciano Ortiz

4. Sexo M
5. Número de meses del embarazo 9
6. Gemelo, Triple, etc. No. en el orden de nacimiento 1
7. PADRE
Nombre Hermenegildo Ortiz
Residencia Be. Jacabo
Color o raza M. Edad al tiempo de este nacimiento 44
Natural de Patillas, P. R.
14. Oficio, profesión u ocupación trabajador agrícola
15. Industria o Negocio en que trabaja finca frutos frescos
16. Fecha en que trabajó por última vez en esta ocupación Oct 1947
17. Años que ha trabajado en esta ocupación 20

8. Fecha del Nacimiento 29 Oct. 1947
9. MADRE
18. Nombre de Soltera
19. Color, o raza 20. Edad al tiempo de este nacimiento
21. Natural de
22. Oficio, profesión u ocupación
23. Industria o Negocio en que trabaja
24. Fecha en que trabajó por última vez en esta ocupación
25. Años en que ha trabajado en esta ocupación

8. Número de hijos que ha tenido la madre (incluyendo el presente) 7
(a) Nacidos vivos y viviendo actualmente 6
(b) Nacidos vivos y que han fallecido
¿Se usó algún preventivo contra la ceguera de los recién nacidos? se nitrate plata
(a) Nombre de la persona que asistió al parto Patronita Ortiz
(b) TITULO: Médico Comadrona Comadrona Aux. Enfermera Otros
(c) DIRECCION Be. Jacabo

26. Toda la Información anterior fué suministrada por Hermenegildo Ortiz Be. Jacabo
en su carácter de padre niño
(Informante) (Dirección)

CERTIFICO QUE (asisti) (presenci) el nacimiento de este niño Luciano que nació con vida a las 8:17 M. de la fecha arriba citada y que la Información dada es cierta a mi saber y entender.

INSERITO POR 7 noviembre 1947 Hermenegildo Ortiz
(a) (b) FIRMAS DEL PADRE, MADRE, MUESTRAS, ETC.
Carmen Solina de Gomez Patronita Ortiz
ENCARGADO DEL REGISTRO

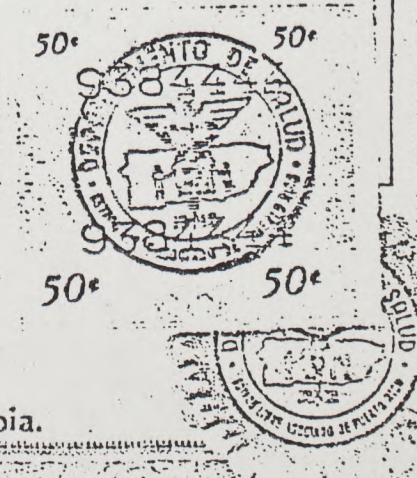
FECHA DE EXPEDICION DATE ISSUED JUN. - 5 1979

CERTIFICAMOS: que la que antecede es una copia fiel y exacta de un certificado original archivado bajo nuestra custodia en la División de Registro Demográfico del Departamento de Salud de Puerto Rico y que las correcciones que puedan aparecer en dicho certificado original aquí fotografiado son correcciones Bona-Fide hechas de acuerdo con las leyes que para tales fines rigen en Puerto Rico.

THIS IS TO CERTIFY: that this is a true copy of an original certificate on file in our custody in the Division of Demographic Registry of the Department of Health of Puerto Rico and that the corrections that may appear in the original certificate here photostatically reproduced are Bona-Fide corrections made in accordance to what our statutes prescribes in such cases.

Jaime Rivera Dueño
Jaime Rivera Dueño, M.D.
Secretario de Salud
Secretary of Health

José A. Torres
Director, División Registro Demográfico
Director, Division of Demographic Registry



ADVERTENCIA: Es ilegal alterar o falsificar esta copia.

LEGAL A SOCIETY OF SAN DIEGO, C.

SOUTH BAY OFFICE

305 CENTER STREET
CHULA VISTA, CA 92010

TELEPHONE: 427-0491

November 28, 1978

Michael H. Walsh
United States Attorney
U. S. Courthouse
940 Front St, Room 5-N-19
San Diego, Ca 92189

Re: Complaint against
U. S. Border Patrol

Dear Mr. Walsh:

I am writing you again regarding Civil Right violations by U. S. Border Patrol Officers against Mexican Nationals at the San Ysidro Border area.

On August 14, 1978, Enrique Rangel Olivares #23953 and Jose Luis Ramirez #23951 were apprehended near the International Border at San Ysidro by U.S. Border Patrol. Oliveras was apprehended by Officer Gonzalez at approximately 10:p.m. and Ramirez was apprehended by Officer R.J. Wright at approximately 2:a.m..

Officer Gonzalez grabbed Oliveras by the hair, knocked him face down, placed his arms behind his back and handcuffed him. Olivares was then dragged about 10 meters to the patrol vehicle. He was then taken to the patrol station for interrogation. At the station, Officer Gonzlazez also kicked and mistreated another Mexican National, Jose Luis Ramirez.

Ramirez was apprehended by Officer Wright, who placed Ramirez's arms behind his back, handcuffing and throwing Ramirez face down to the ground. While on the ground, Ramirez was kicked continuously for an unknown length of time. He was then picked up and thrown into the patrol vehicle and transported to the station for interrogation. At the station, Officer Gonzalez kicked Ramirez knocking him to the floor, chair and all. This was done several times, while Officer Wright was interrogating Ramirez.

Because of the unwarranted and excessive use of force and the mistreatment both men received, Oliveras suffered the dislocation of both arms and Ramirez suffered great pain and injury to his head, face, legs and groin section.

Therefore, we are requesting that your office immediately conduct an investigation into the alleged violations. Mr. Rangel is presently at the Metropolitan Correctional Center and Ramirez has since been release. Although Ramirez has been released, he can be made available at your request for questioning.

Michael H. Walsh,
U. S. Attorney, Complaint
Page 2 November 28, 1978

If you have any questions regarding the above, please call me or Mr. Nicholas Aguilar, staff attorney, at the address and telephone listed in the letterhead above.

Thank you in advance for the prompt reply in this very important matter.

Yours Truly,

LEGAL AID SOCIETY
OF SAN DIEGO, INC.

Carlos Vazquez
Carlos Vazquez, Paralegal
for Nicholas S. Aguilar,
Attorney

CV/hv

cc: Committee On chicano Rights,
Herman Baca, Chairman

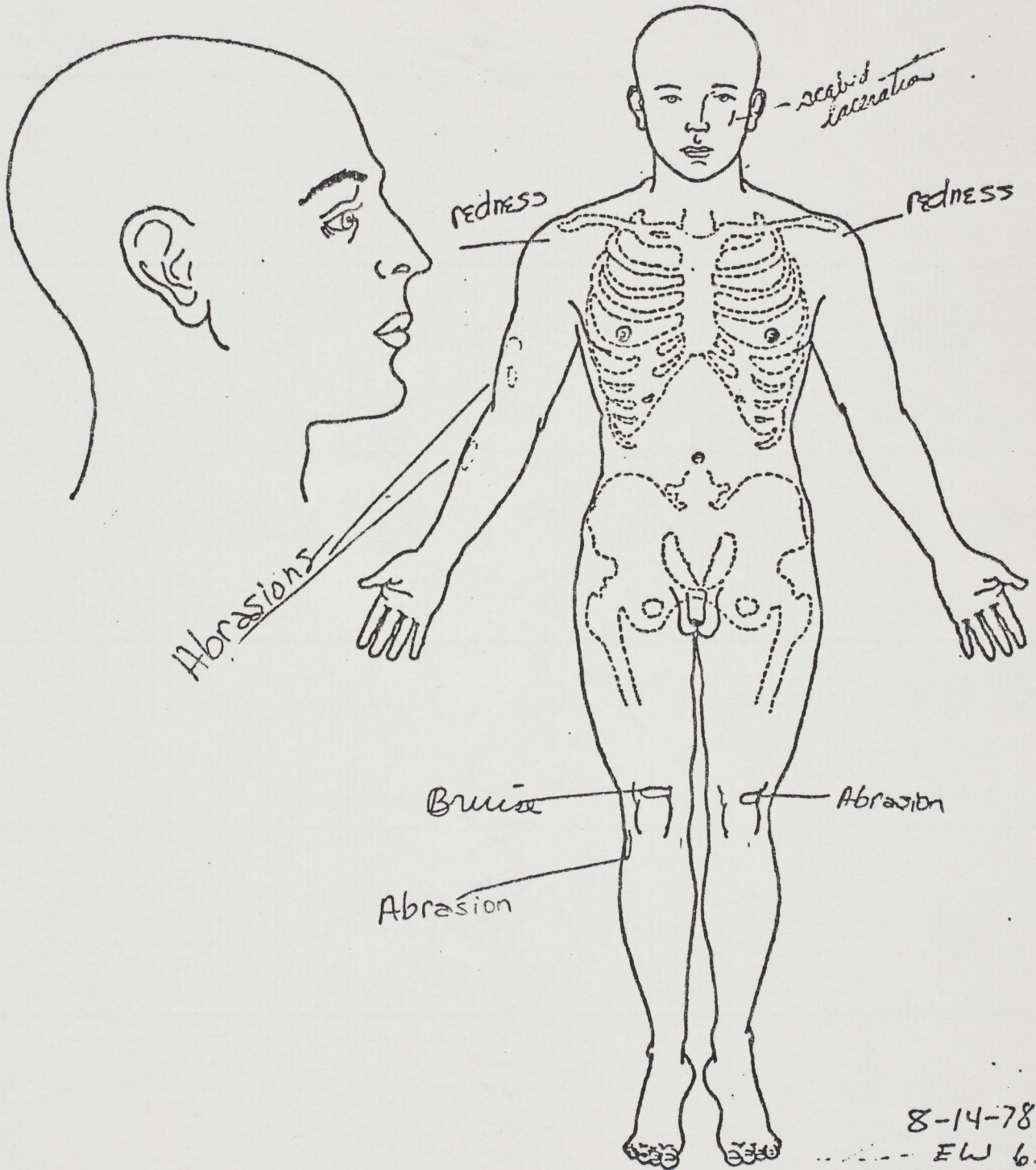
United California Mexican-
American Association,
Alberto R. Garcia, President

Leonel Castillo, Commissioner
Immigration & Naturalization Service

Timothy Barker, Attorney
Immigration Unit, LAS

CLINICAL RECORD

ANATOMICAL FIGURE



8-14-78
EW 6:30pm

PATIENT'S IDENTIFICATION (For typed or written entries give: Name—last, first, middle; grade; date; hospital or medical facility)

REGISTER NO.
23953

WARD NO.

Rangel, Enrique

ANATOMICAL FIGURE
Standard Form 591
631-104

METROPOLITAN CORRECTIONAL CENTER
808 UNION STREET
SAN DIEGO, CALIFORNIA 92101

1 In the matter of the Claim of :
2 MERCEDES BUSTAMANTE and MERCEDES :
3 BUSTAMANTE as parent and guardian :
4 of ALEJANDRO BUSTAMANTE and :
5 BENJAMIN BUSTAMANTE, :
6 Claimants, :
7 v. :
8 THE CITY OF SAN DIEGO, CALIFORNIA, :
9 Defendant. :
10

11 FREDERICK HETTER, acting as attorney for claimants, hereby makes
12 claim against THE CITY OF SAN DIEGO and its employees and in support
13 of said claim declares as follows:

14 1. The claimants' names are MERCEDES BUSTAMANTE and MERCEDES
15 BUSTAMANTE as parent and guardian of ALEJANDRO BUSTAMANTE and BENJA-
16 MIN BUSTAMANTE.

17 2. The claimants' post office address and telephone is 143 West
18 Olive Avenue, San Ysidro, California 92073, ~~428-2469~~.

19 3. Post office address to which notices are to be sent is:
20 2214 Fifth Avenue, San Diego, California 92101.

21 4. On February 26, 1974, claimants were assaulted, detained, ar-
22 rested and threatened by officers of the San Diego Police Department
23 and officers of the United States Border Patrol, and charged with no
24 offense.

25 5. A Border Patrol officer observed two juveniles (claimants
26 ALEJANDRO BUSTAMANTE and BENJAMIN BUSTAMANTE) running from a play-
27 ground on Park Boulevard in San Ysidro toward their home on Olive Ave-
28 nue in San Ysidro. He pursued them. They entered their home. He
29 broke down the door and grabbed them, damaging the refrigerator, over-
30 turning chairs, and pushing and shoving the claimants and their mother
31 MERCEDES BUSTAMANTE. He yelled, and called them racist names. He ac-
32 cused them of crimes. Other officers came, and did likewise. San Di-
ego Police Officers arrived. They ignored the pleas for help from
the mother and children. They threatened to arrest the children for

1 resisting arrest. They also shouted racist slurs at the claimants.

2 6. The distance from the playground to the claimants' home is
3 less than one hundred yards. The two "illegal aliens," one of whom
4 is a native-born United States citizen, are aged fourteen and seven-
5 teen years. All claimants have legal status.

6 7. The amount claimed as a result of these actions is \$50,000.00
7 plus medical costs and costs of destroyed property subject to proof,
8 as to each claimant.

9 8. The names of the governmental entities who are responsible
10 for this incident are:

11 THE CITY OF SAN DIEGO POLICE DEPARTMENT
12 c/o City Administration Building
13 202 "C" Street
San Diego, California 92101

14 and

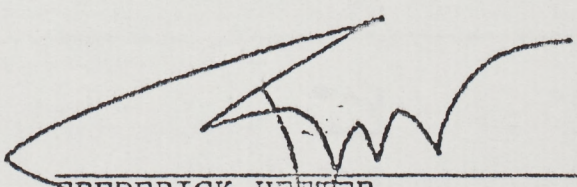
15 THE UNITED STATES BORDER PATROL
16 Section Headquarters
17 Box 42E
San Ysidro Boulevard
San Ysidro, California 92073

18 8. The names of the individual officers who carried out these
19 illegal acts are unknown to claimants, but are known to defendants.

20 9. Amounts claimed are determined by damages computed for claim-
21 ants in similar cases.

22 WHEREFORE, application is hereby made for leave to present this
23 claim of the hereinbefore identified claimants by and through their
24 attorney, FREDERICK HETTER.

25 DATED: March 12, 1974.

26
27 
FREDERICK HETTER

28 THIS CLAIM IS FILED with
29 the above-named entities
30 on March 12, 1974.
31
32

Un official persiguió a dos muchachos

Denuncia contra oficiales de la patrulla fronteriza

Escribe Oscar Villarreal
Editor de español del Reminder

Un nuevo atropello cometido por oficiales del Border Patrol en contra de una familia mexicana residente de San Isidro por muchos años, fue denunciado en The Reminder. Las víctimas fueron la señora Mercedes ciuda de Bustamante y sus hijos Alejandro de 17 años y Benjamin de 14, residentes en 143 Olive St.

Un oficial, aparentemente de apellido Bradshaw, persiguió a los dos muchachos hasta su casa, y como ellos se atemorizaran ante su actitud agresiva se metieron y cerraron la puerta, pero eso no fue obstaculo para el oficial, quien a golpes destruyó la cerradura de la puerta e irrumpio dentro de la residencia de la familia sostaniendo un aparatoso forcejeo con Alejandro y con la madre de este, quien se interpuso para impedir que el muchacho fuera agredido por el oficial.

Durante el forcejeo, el oficial quebro un refrigerador y monetio otros danos en la morada, segun declaracion de los ofendidos hecha ante este periodista, así como el representante de una estacion televisora de San Diego y el presidente de la United California Mexican American Association, señor Alberto Garcia.

"Al ver al oficial enfurecido que habia forzado a golpes la puerta de mi casa y agredia a mi hijo pretendiendo sacarlo, yo me enfrente a el para proteger a mis hijos y grite desesperada en solicitud de auxilio. Era tal mi angustia que gritaba a mis vecinos que llamaran a la policia y gritaba tambien pidiendo el auxilio de mi esposo aun sabiendo que el murio recientemente", dijo con lagrimas en los ojos la viuda de Bustamante.

"Mas me hubiera valido no pedir que

ndo - porque cuando llegaron dos gigantescos agentes tambien se metieron a mi casa y despues de derribar a mi hijo sobre un sofa lo sujetaron de los brazos por detras y casi arrastrando lo sacaron de mi residencia, amenazandolo con mandarlo a la Juvenil, despues uno de los policas volvio a meterse a mi casa para recuperar una corbata que el oficial del Border-Patrol habia perdido durante el forcejeo".

Los hechos ocurrieron el lunes 25 de febrero y segun expresaron los dos muchachos en una declaracion grabada por el representante de la television, el grave incidente se origino cerca del Civic Center cuando ellos despues de practicar unos deportes regresaban por la tarde a su casa llevando aun una pelota.

"El carro de la Inmigracion se detuvo -declaro Alejandro- y al bajarse el oficial vimos que venia muy raro, se veia enfurecido y corrimos. El nos persiguió hasta la casa y cuando nos metimos y cerramos la puerta el la abrio a golpes y ya dentro de la casa trataba de sacarme por la fuerza."

A una nueva pregunta que le hicimos, Alejandro dijo: "No nos hicieron ningun cargo, y cuando termino la violencia ni siquiera nos pidieron documentos migratorios, simplemente dijo que trataba de arrestarnos porque habiamos corrido".

Con respecto a la identidad de los dos policas, el señor Garcia manifesto que el capitán Wess Allen se habia negado a proporcionar sus nombres al United California Mexican American Association que ya contrato los servicios de sus abogados para llevar el asunto a las Cortes para que se sienta un precedente que impida atropellos como ek que nos idupa cometidos en contra de familias honorables. Cabe agregar que en cuanto a Benjamin Bustamante nacio en los Estados Unidos y actualmente asiste a Union High

Two sons mistaken for aliens

Woman claims Border Patrol raided home

By JACKIE DEWEY
Reminder Staff Writer

Mrs. Mercedes Bustamante of 143 Olive Street has charged that two officers of the Border Patrol pur-

sued her two sons, Benjamin 14, and Alejandro, 17, broke the door and entered her house and scuffled

causing much damage to her home. She said her cries for help caused the neighbors to call the police

and that the police assisted the Border Patrol on arrival.

She claimed her sons were dragged into the front yard in hand cuffs, but released with the explanation that the officers had thought they

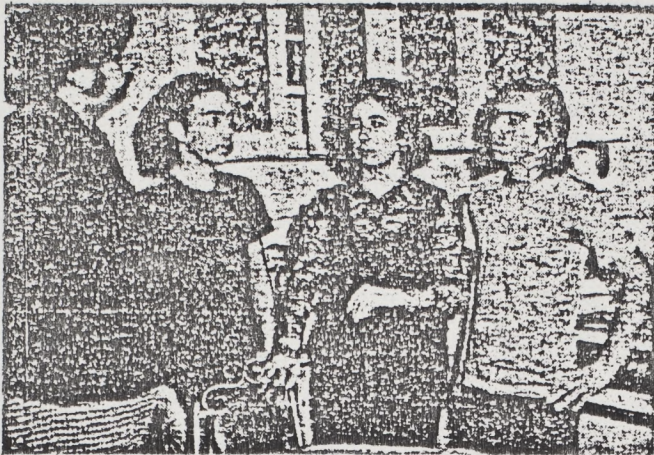
According to Richard Batchelor, deputy chief patrol agent for the Border Patrol, the officers had called to the two boys,

and when they broke and ran, pursued them to their home, where the boys were struggling on the porch with a locked door.

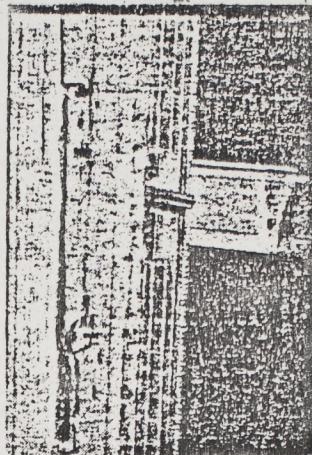
He said no one entered the Bustamante home and at no time were handcuffed

He said that under the law, the officers of the Border Patrol are authorized to question anyone whom they think might be an illegal alien, and he added, the fact that the boys ran had caused this suspicion.

According to Alberto Garcia, president of the California Mexican American Association, Mrs. Bustamante is seeking le-



Senora Mercedes, viuda de Bustamante, quien como lo hace toda buena madre, se enfrento a un oficial, dentro de su casa, para proteger a sus hijos Alejandro y Benjamin, relata los hechos a Alberto Garcia, presidente de la United California Mexican American Association, quien demandara penalmente a los responsables del atropello. (Foto de Villarreal).



Elocuente grafica de la puerta forzada a golpes por un oficial del Border Patrol que allano la residencia de la familia Bustamante persiguiendo a dos menores de edad. (Foto de Villarreal).

B-4 — THE STAR-NEWS — Thursday, March 7, 1974

Charges filed against officers who chased SY youths home

Two San Ysidro youths finished their romp in a community playground and began running towards their home on 143 W. Olive St.

When a Border Patrol agent saw them, however, he reportedly took Alejandro Bustamante, 17, and his brother Benjamin, 14, for illegal aliens, chased them and busted into their home.

Mercedes Bustamante, mother of the boys, is filing charges against Border Patrol agents and San Diego policemen for the Feb. 26 incident.

According to San Diego attorney Fred Hetter, who is representing the San Ysidro family, the boys were playing in the park on Park Blvd., about on block from their house, at approximately 8:30 p.m.

While running home, however, they were reportedly followed by a Border Patrolman. The boys ran home and closed the door, which was soon

allegedly broken by the patrolman.

Hetter charges the patrolman manhandled Mrs. Bustamante and at least one of her three children (her youngest, Humberto, is 9.)

Soon after the initial brawl, said Hetter, from six to 10 Border Patrolmen and San Diego Policemen entered the house and threatened to arrest the boys.

Police then searched the boys' ID and found them to be American citizens.

1 AFFIDAVIT OF CARLOS VASQUEZ

2 State of California)
) ss
3 County of San Diego)

4 Carlos Vasquez, being duly sworn, deposes and says;

5 I am 33 years of age and a citizen of the United States.
6 I currently reside at 1022 East Eight Street, National City,
7 California. At approximately 6:22 a.m., on March 30, 1977, I was
8 in the process of boarding Flight 181, Pacific Southwest Airlines,
9 destined from Lindbergs Field Airport to Los Angeles International
10 Airport. While proceeding to gate 11 to board Flight 181, I was
11 stopped by a person in civilian clothes who asked me for my nation-
12 ality. I stated that I was a United States Citizen, born in
13 San Diego, and that I was in the process of traveling to Los Angeles
14 California, where I was due to represent a client at a hearing
15 before the Immigration and Naturalization Service. He again asked
16 me where was I born; and I again responded that I was born in
17 San Diego, California, and that I currently resided at 1022 East
18 Eight Street, National City, California. I further indicated that
19 I had attended National City Junior High School and Sweetwater
20 High School, both located in San Diego County, California. I
21 further stated that I was born at Mercy Hospital, San Diego, on
22 September 30, 1944. The agent then asked me for some information
23 about my parents, and I informed him that my father was deceased
24 and that my mother was a lawful resident alien and had been living
25 in the United States since 1935. The agent then stated to me that
26 he had further questions for me to answer and that he wished to see
27 my birth certificate. I responded that I did not carry a birth
28 certificate with me, that I was a United States citizen, and that
29 I had a California driver's license in my possession that I could
30 show him. I also stated at this time that I would not answer any
31 further questions unless he provided me with his name and badge
32 number. It became apparent to me at this time that I would miss

1 the plane that I was scheduled to travel on.

2 I showed the agent my California driver's license and
3 he then showed me his identification and number. His name was
4 Harry A. Thomas, and his badge number was 07908. I then asked
5 Agent Thomas if I was under arrest, and he replied that I was
6 not but that he was questioning me concerning my "nationality."
7 At this time Agent Thomas roughly grabbed my arm and began to
8 escort me out the boarding gate area into another portion of the
9 building. He tightly held my arm for approximately forty feet
10 and then released me only after I stated to him that there was
11 no need for him to act in a physically abusive manner in this
12 situation. I did proceed with Agent Thomas voluntarily, but
13 realized that were I to refuse his command, I would in all
14 likelihood be arrested. Agent Thomas required me to walk a
15 long distance with him through the public areas of the airport
16 eventually leading us to two large white unmarked doors leading
17 into a room.

18 Inside the room Agent Thomas again asked me for
19 information concerning my parents. I provided him with their
20 names and the dates of their immigration to the United States.
21 He was not satisfied with this information and I then provided
22 him with my mother's maiden name. He then asked me again if
23 my correct name was Carlos Vazquez, I replied in the affirmative
24 and handed him my driver's license for the second time and also
25 showed him my social security card. He stated to me that he
26 had not requested my social security card and did not need it,
27 and returned it to me. Agent Thomas then removed me to another
28 room where I was told to remain until he returned for me. I
29 was left alone in this room for approximately ten minutes until
30 Agent Thomas returned for me. I returned with Agent Thomas to
31 the original room that he had placed me in and he stated that
32 he was awaiting a phone call on the matter. I attempted at this

1 time to provide Agent Thomas with further information confirming
2 my status and residence in the United States. I offered Agent
3 Thomas my business card which indicates that I am a member of
4 and volunteer worker for the committee on Chicano Rights, Inc.,
5 located at 1837 Highland Avenue, National City, CA, 92050. The
6 card also indicates my business phone number as being
7 (714) 474-8195. Agent Thomas glanced at the card but did not
8 actually take it into his possession. During this time approxi-
9 mately three other persons were brought into the room and were
10 treated in a harsh manner and were physically abused. Some of
11 the personal belongings of these persons were thrown on the
12 ground and they were generally verbally and physically abused.

13 After some period of time I again attempted to talk to
14 Agent Thomas and explained to him that there were numerous high
15 officials in his agency, the Immigration and Naturalization
16 Service, that could verify my identity. Upon completion of the
17 call he indicated to me that the hospital had not located any
18 records of my birth and he further stated that I was "unable to
19 prove citizenship." A second officer in the room stated to me,
20 snapping his fingers, that "I can prove my citizenship by just
21 one phone call to the hospital I was born in." The other officer
22 asked Agent Thomas what he intended to do with me. Agent Thomas
23 replied, "I have some ideas on what to do." Shortly thereafter
24 I stated to Agent Thomas that he should either arrest me or release
25 me from custody. The second officer replied by stating that "we are
26 the law" and turned to leave the room. I again asked Agent Thomas
27 if I could use the telephone located in the room and he responded
28 that this was not possible as the phone was a "government phone."

29
30
31

32

1 Approximately five minutes later Agent Thomas stated that I
2 could make a phone call and he lead me out of the room to a
3 public phone. I called one Alberto Garcia, President, United
4 California Mexican-American Association. I asked Mr. Garcia to
5 call an immigration official who could call Agent Thomas to
6 verify my identity. Following this phone call Agent Thomas
7 again returned me to the room in which I was initially detained.
8 Upon returning to the room I again asked Agent Thomas if I
9 was going to be released or arrested. At this time I had been
10 in his custody for over one hour. At approximately 7:35 a.m.
11 I was released from Agent Thomas' custody without explanation,
12 apology, or any statement indicating the basis for either my
13 lengthy detention or my release.

14 At no time during my incarceration was I ever informed
15 of any legal rights that I may have possessed. At no time was
16 I informed that I had the right to contact an attorney. At no
17 time was I informed that I had a right to remain silent. At no
18 time was I informed that any statements made by myself could be
19 used in civil or criminal proceedings against me. At no time was
20 I informed of the reasons for my detentions despite numerous
21 requests that I made regarding this question. Despite a number
22 of requests, I was not allowed to use a telephone until I had
23 been detained and interrogated for approximately fifth-five
24 minutes. During this entire experience I suffered great mental
25 anguish and embarrassment. During the course of my detention it
26 became clear to me that the sole basis for my detention and the
27 detention of the three other persons brought into the room
28 while I was being interrogated was our common Latin-American
29 decent. At all times during this experience I cooperated with
30 Agent Thomas and provided him with all possible information to

31

32

1 verify my United States citizen status and residence.

2

3 I swear under penalty of perjury that the above facts
4 are true and correct.

5

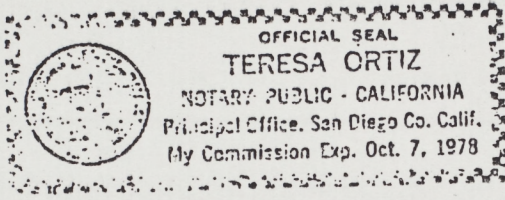
6 Dated: 2/27/78

Carlos Vazquez
CARLOS VAZQUEZ

7

8 Subscribed and sworn to before me on February , 1978

9



Teresa Ortiz

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

26

27

28

29

30

31

32

1 DECLARATION OF JOSE MARIA PLANCARTE

2 I, Jose Maria Plancarte-Barron, declare the following:

- 3 1. I was lawfully admitted to the United States.
4 as a permanent resident alien on September 18,
5 1971. I have continuously resided in this
6 country since that date.
- 7 2. On November 3, 1977, I went to Tijuana, Mexico
8 to attend a dentist appointment.
- 9 3. On November 4, 1977, I returned to the United
10 States and proceeded to the San Diego Airport
11 to travel back to my residence and employment
12 in Los Angeles, California.
- 13 4. At the San Diego Airport I purchased a one-way
14 ticket to Los Angeles. Following the purchase
15 of the ticket, I proceeded to a set of seats
16 across from the ticket counter to wait for my
17 flight which was to leave in about one hour.
18 It was about 12:00 a.m. when I sat down.
- 19 5. After about 10 minutes a person in civilian
20 clothes came up to me while I was seated
21 across from the ticket counter waiting for my
22 flight. This person asked where I was going.
23 I responded that I was going to Los Angeles.
24 He then identified himself as an immigration
25 officer and showed me his badge. He then asked
26 for my documents. I presented him my Alien
27 Registration Receipt Card (Form I-151) which
28 contained my picture. He then grabbed my arm and
29 took me to a room on the other side of the airport.
30 In that room there were 5-6 persons who appeared
31 to be under arrest. I latter learned from some
32 of these persons that they too were apprehended

1 in the main lobby of the airport like myself.
2 The arresting officer proceeded to tell me that
3 my Alien Registration Card was fraudulent. I told
4 him it was valid, that I have lived and worked
5 in the United States for over six years. I
6 also told him that I would have to catch my
7 flight in less than an hour to get back to work
8 or I would lose my employment. He said the
9 only place I was going was back to Mexico. He
10 told me to sign a paper which was in English.
11 He said this paper would allow me to go back to
12 Mexico. I told him I did not want to go Mexico
13 but to my home in Los Angeles. He said I could
14 not leave until I signed the paper. After 5
15 hours in the room in which I was denied access to
16 a telephone to call my family, my employer or
17 an attorney, I decided to sign the paper so I
18 could get out. I was immediately taken to
19 Tijuana, Mexico, and released.

20 6. Because of the delays in being allowed to
21 re-enter the United States and securing my
22 documentation as required by law from the Immi-
23 gration and Naturalization Service, I was fired
24 from my employment of six years from Price Pfister
25 Manufacturing Company in Pacoima, California.

26 7. I have never violated any immigration law of the
27 United States.

28 8. I have never been convicted of any crime.

29

30

31

32

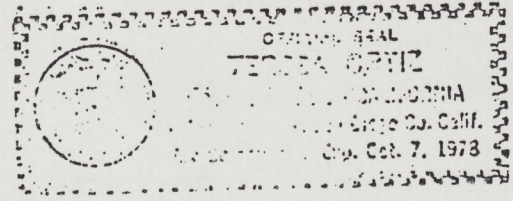
1 I certify or (delare), under penalty of perjury, that the
2 foregoing is true and correct.

3 Executed on Feburary 13, 1978 at San Diego, California.
4

5 JOSE PLACARTE
6 JOSE MARIA PLANCARTE

7 I Teresa Ortiz am a competent translater of English into
8 Spanish and have translated all of the above in Spanish to Mr. Jose
9 Maria Placarte-Barron.

10
11 Teresa Ortiz
12 TERESA ORTIZ



I, PORFIRIO VENEGAS, I declare, under penalty of perjury, that the foregoing statement is true and correct, to the best of my ability:

1 That on August 23, 1978, at approximately 9:15 a.m., my wife
2 and my two sons age 9 and 6 left to the Border Egg Ranch, located
3 on Siempre Viva Road, Otay Mesa, to purchase two flats of eggs.
4 When I was in the process of purchasing the eggs, there was a wo-
5 man and a boy who were about two spaces in front of me and were
6 also in the process of purchasing eggs.

7 They went out the door and I proceeded to purchase the eggs.
8 As I walked down the steps of the egg ranch building, the woman
9 approached me asking me for a ride to Chula Vista. She told me
10 that that her car had broken down and that it was being repaired.
11 The woman said that she was having transmission problems. I told
12 her that I would give her a ride but that she and the young boy
13 would have to ride in the back of our truck where our boys were
14 riding. We left the egg ranch and were heading west on Otay road.

15 As I was driving west I noticed a Border Patrol car coming
16 towards me and passed me, I looked in my rear view mirror and the
17 Border Patrol man was right behind me and flashing the red lights.
18 He pulled me over. I then got out of my car and walked to the
19 Border Patrol car and asked him "Could I help you?". The Officer
20 (Stephen Chunt #11181) replied that he wanted to question the
21 people in back of my pick-up. I replied yes. The Officer asked
22 me where I lived at and then asked me for my driver's license. I
23 gave them to him and he looked at them, but returned them to me
24 immediately.

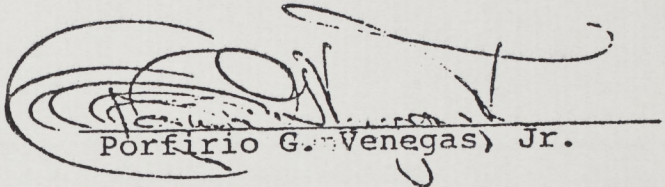
25 The Officer (Stephen Chunt) asked me to lean against the car.
26 he frisked me and hand cuffed me. The Officer then told me that
27 I was arrested for alien smuggling. He then put me in the car.
28 As I was in the car, another Officer asked me if the arresting
29 Officer had given me my rights. I replied, he had not given me
30 my rights.

31 While on the way to the detention center in San Ysidro, the
32 arresting officer, who was driving the car, asked if my rights
33 were given to me, I said yes by the other officer.

34 At the detention Center, the arresting officer (Stephen Chunt)
35 proceeded to fingerprint me and took my picture. He then typed
36 out a form and asked me to read it and sign it. After reading the
37 form, I refused to sign it because I felt that my rights were being
38 waived due to the written statement on the form.

39 I had asked the arresting officer several times at the center
40 if I could use the telephone to call an attorney, (Frank Hurst).
41 I was denied the use of the telephone, I was told by the officer
42 "later, later, wait a little bit." I was placed in one of their
43 cells for about 30-45 minutes. I never was given the opportunity
44 to make the phone call. During the same period of time, I called

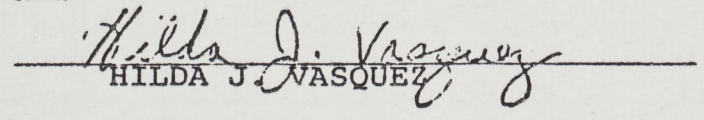
1 arresting officer told me that they had a slight emergency and
 2 that he had to leave. I was allowed to use the bathroom. I was
 3 told by the arresting officer that they had called the United
 4 States Attorney and that I was going to be released, since it
 5 was my first offense.. I asked the arresting officer if I was
 6 actually charged with alien smuggling. He responded that yes I
 7 was charged for that. I then asked him for his name and I.D.,
 8 His name is Officer Stephen Chunt #11181. I thanked him. While
 9 in the bathroom the arresting officer gave me the above information.
 10 I was then released. I left the building feeling humiliated. The
 11 other officers just looked on.


 Porfirio G. Venegas Jr.

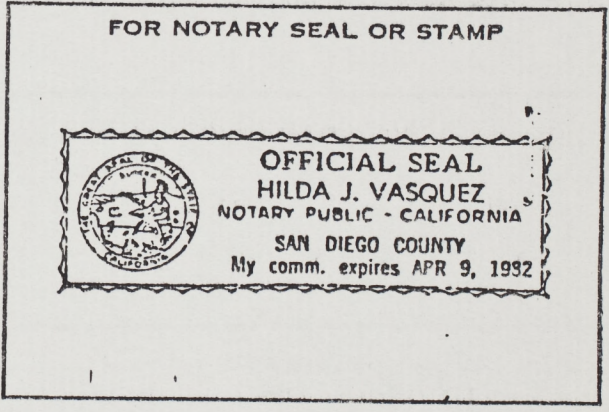
11 Date 8/24/78

12
 13
 STATE OF CALIFORNIA
 COUNTY OF San Diego } SS.
 On August 24, 1978 before me,
 the undersigned, a Notary Public in and for said County and State,
 personally appeared _____
Porfirio G. Venegas, Jr.

_____, known to me
 to be the person whose name is subscribed to the
 within instrument and acknowledged that he executed the
 same.


 HILDA J. VASQUEZ

Name (Typed or Printed)
 Notary Public in and for said County and State



Misc. 156 (C.S.) Act. Individual (Rev. 9-68)
 Stepie

24
 25
 26
 27
 28
 29
 30
 31
 32

I, Otilia Venegas, declare under penalty of perjury, that the foregoing is true and correct, to the best of my knowledge:

1 It was August 23, 1978, at about 9:15 a.m. my husband and
2 I, with our two children Phillip and Paul left to the Border Egg
3 Ranch, located on Siempre Viva Road, Otay Mesa. When we got to
4 the Egg ranch, my husband got out of the pick-up and told our
5 sons to remain in the back of the truck. He then entered the store
6 for the purpose of purchasing two flats of eggs. As he was walking
7 out, a woman with a young boy approached him at the steps and was
8 talking to him. Then they walked towards the truck. My husband
9 told me he was giving them a ride to Chula Vista, because her car
10 had broken down. As we were driving home, a Border Patrol car
11 passed us up and before we knew it my husband told me that we
12 were being stopped by a Border Patrolman.

13 My husband got out of the truck and walked up to them. I
14 turned around to see what was going on through the back window,
15 when I saw another patrolman come up to the truck and began
16 yelling at the woman and the young boy. Then he came to the drivers
17 side and began asking me where I lived and how long I lived at
18 that address. I answered him, "I live in Otay". He then asked me
19 how long had I lived there, I said "twenty years". He came around
20 the truck towards the back and began to ask my sons where they
21 lived at. They answered him. Then he asked me if they were my child-
22 ren, I replied "yes".

23 I told him that I had to hurry and get home because I had
24 another son at home that had to be at the doctor's office at 10:45.
25 My son had water in his knee and had to be treated for that. He
26 then told me that I was going to have to go with them to their
27 station. I was allowed to drive the truck. During the whole ordeal,
28 when they were hand-cuffing my husband, my son Phillip was crying
29 because he was frightened by the whole thing.

30 The officer then told me to drive between the two patrol
31 cars, and so I did.

32 When we arrived at the station at about 10: a.m. I was asked
for my I.D.. I showed them my driver's license. The officer then
began to fill out a form. He told me that he was not going to
give me my rights, because I was going to be a material witness.

I was then taken to another room and had my picture taken.
At that time, I told him that all we did was to give them a ride.
The officer said that he believed us, but it was not up to him.

While the officer was completing the form, the woman that
was riding in the back of the truck came into the room. The woman
began to apologize for all the trouble she had caused. She was
sorry that she asked us for the ride and if she would have known
that it was going to cause all the trouble, she would never had
asked us for the ride. The officer told her to keep her mouth

1
2
3
4
5
6
7
8
9
10
11
12

shut and not to say anything.

The officer then finished filling the form out and he then released me. Before I left, I asked him what was going to happen to my husband. He responded that my husband would be able to call us at home or at the doctors office. Then, I left all worried and nervous, thinking about what had happened. It felt like a nightmare.

Otilia Venegas
Otilia Venegas

Date 8/24/78

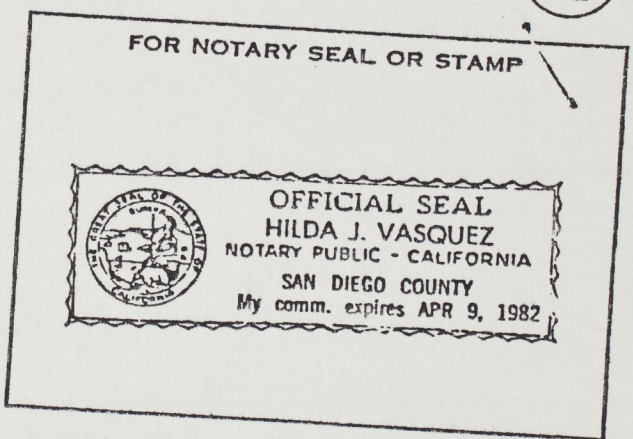


STATE OF CALIFORNIA
COUNTY OF San Diego } SS.
On August 24, 1978 before me,
the undersigned, a Notary Public in and for said County and State,
personally appeared Otilia Venegas

known to me
to be the person whose name is subscribed to the
within instrument and acknowledged that she executed the
same.

Hilda J. Vasquez

HILDA J. VASQUEZ
Name (Typed or Printed)
Notary Public in and for said County and State



Misc. 166 (C.S.) Act. Individual (Rev. 9-68)
Staple

23
24
25
26
27
28
29
30
31
32

I, Jose Salvador Zapata, under oath to tell the truth affirm and declare the following:

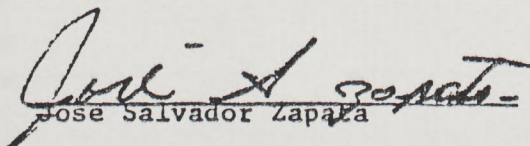
That on Monday, April 22, 1974, I arrived in San Ysidro from Fallbrook and stopped to buy groceries for my family living in Mexico. During my shopping I met an old friend (whom I have known for 4 years) by the name of Prieto who is employed by the Big Star supermarket. We talked for a few minutes about how the families were. Then he mentioned something about going to Los Angeles to correct his immigration documents. Then I said that I was ^{going} to Anaheim for a doctor's appointment and to see if I could receive more medicine. I was previously at University Hospital under medi-cal for a head concussion. I offered to give him a ride to Los Angeles. We agreed to meet in the parking lot adjacent to the Big Star supermarket, on Tuesday the 23 between the hours of 12 noon and 1:00 p.m. Then I left to Mexico. The time of visit in Mexico was Monday night til Tuesday afternoon. I then began my return trip to the U.S. with my daughter Sylvia. At approximately 12:30 p.m. I crossed the border, I then proceeded to the Big Star Supermarket parking lot called Hutchinson's brokers parking (parking receipt in my possession) .

My daughter and I left the car and entered the store to buy ice-cream. While leaving the store I met my friend Prieto outside, he mentioned that he had two other friends needing a ride to Los Angeles and I could give them a ride also. I said sure why not. We then decided to walk towards the car, I paid for the parking and started down the little hill and stopped at the corner. I then made a right turn and proceeded toward San Ysidro Blvd. I made my stop at the three-way stop signs. I then proceeded north. I then noticed in the rear view mirror the police car with red lights, I then pulled over to the right.

The officer got out of his car came directly to my side and without saying a word grabbed my arm pulled me out of the car and took me to his car. He told me to stay and not to move, he then returned to my car and said to my companions to get out of the car, which they did. They stood on the right side of my car then another policeman came, a mexican-american officer, I then asked the other (american) officer if I could speak to the mexican-american officer. He replied I don't care, I don't understand spanish. He did not let me. Officer Pakkula then went to his radio while the other officer continued to interrogate my friends. Then officer Pakkula asked me for my driver's license. I gave it to him. He then asked me for my registration for the vehicle. I handed him all the registration papers. He then told me that they were not the registration papers. He then began to write out a traffic ticket. He then told me to sign the ticket, I said no that I would not sign it and that I wanted to speak to the mexican-american officer. He finally let me talk to him, I explain to the officer that I would sign the ticket but that I had never committed the violation, and I would go to court. I felt that if officer Pakkula stopped me for those violations, why then did he put me through the process of pulling me out and my friends out of the car without no reason treating me like a criminal, with no respect and no cosideration of my rights.

I would also mentioned that the officer did not permit my friends to continue the trip with me. I feel that the officer made a mistake thinking I was someone else. He probably thought I was a person who charged fees to people for rides up north, and after finding no wrong doings in my part decided to cite me for the violation mentioned on traffic ticket.

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


Jose Salvador Zapata

"STATEMENT"

I, ENRIQUE DAVALOS, residing at Romano #107, La Mesa, Tijuana, B. C. Mexico and employed at Empresas Fibras, CALI MAX Revolucion, wish to state and affirm that on February 4th, 1978 after my wife, ELVIA MURPHY DE DAVALOS, and I got out of work at approximately 9:00 p.m. we went to our home to pick up some belongings that we were to take on our trip to Disneyland. We then arrived at the San Ysidro port of entry at approximately 11:00 p.m. being referred to Secondary Inspection; in Secondary Inspection we requested a permit for both of us to go beyond the 25 mile limit. We were issued form SW-434 (one only) for both of us with the ending numbers of each of our border crossing cards by an Immigration Inspector; we then proceeded inland without any problem, at our arriving at the San Onofre Border Patrol Check Point at approximately 1:00 a.m. of February 5th, we were pulled over by a Border Patrol Officer. He requested to see our I-186 cards with our permits, we demonstrated with the SW-434, and the officer replied back to us by telling my wife to get out of the car and alleging that one permit was missing without giving us the opportunity to speak, he also stated that there were some numbers missing from the SW-434 form. He then in a very nasty attitude order my wife to get out of my car and order her to get into his office. and abusively told me to get out of the area. I asked again for an explanation as to why he was taking this attitude against us, he got me by the jacket and threaten to beat me up and take my I-186 card. I did not want to leave my wife at the mercy of such individual, I was very concerned of what was going to be the destiny of my wife with an individual like that Border Patrol Officer but I did not have any other alternative but to leave. I then returned back to Tijuana and waited for my wife to returned to Mexico. I HEREBY WITH STATE AND DECLARE THAT THE FOREGOING IS A TRUE AND CORRECT STATEMENT OF FACT.

Enrique Davalos
ENRIQUE DAVALOS

"STATEMENT"

I, ELVIA MURPHY DE LAVALOS, residing at Romano #100, La Mesa, Tijuana, B.C. Mexico and employed at Empresas Fimbres, Credit Department, wish to state and affirm that on February 4th, 1978 after my husband, ENRIQUE LAVALOS CERDA, and I got out of work at approximately 9:00 p.m. we went to our home to pick up some belongings that we were to take on our trip to Disneyland. We then arrived at the San Ysidro port of entry at approximately 11:00 p.m. being referred to Secondary Inspection; in Secondary Inspection we requested a permit for both of us to go beyond the 25 mile limit. We were issued form SW-434 (one only) for both of us with the ending numbers of each of our border crossing cards by an Immigration Inspector; we then proceeded inland without any problem, at our arriving at the San Onofre Border Patrol Check Point at approximately 1:00 a.m. of February 5th, we were pulled over by a Border Patrol Officer. He requested to see our I-186 cards with our permits, we demonstrated him form SW-434, and the officer replied back by telling me to get out of the car alleging that one permit was missing without giving us the opportunity to speak, he also stated that there were some numbers missing from the SW-434 form. He then in a very nasty attitude ordered me out of my husband's car to go to his office and abusively told my husband to leave the area. My husband again asked him for an explanation as to why he was taking this attitude against us, he got my husband by the jacket and threaten to beat him up and to take his I-186 card. My husband did not want to leave me by myself at the mercy of this individual, he was very concerned of what was going to be my destiny with an individual like that Border Patrol Officer but he did not have any other alternative but to leave. I was then ordered by the same Border Patrol Officer to go in his office and then was told to go in a room with another Officer, where I was ordered to take my clothes off. The room was dirty, unsanitary, very poorly cared for the officer proceeded to search me touching my body with her dirty hands also touching my sensitive parts and putting me in a very embarrassing situation. I pleaded with the officer not to touch me and asked her why I was being treated like an animal and she only replied and stated "I DO NOT SPEAK SPANISH" I was then returned back with other individuals and stayed there without food or water until I was returned back to the Mexican Border and released to the Mexican Authorities at about 7:00 a.m. in the morning of February 5th, 1978. I HEREBY STATE AND DECLARE THAT THE FOREGOING

IS A TRUE AND CORRECT STATEMENT OF FACT.

DECLARATION OF MOISES PAZ

I, MOISES PAZ, declare: That I am employed at CASA FAMILIAR, located at 3037 Coronado Avenue, San Diego, California, 92154.

That I am a United States Citizen residing at 6595 Montezuma Rd., San Diego, Ca and my responsibility at CASA FAMILIAR is that of Project Director for AMANECER, Youth Counseling Program. On Friday, June 29, 1979, our Youth Counseling Program sponsored an outing to Imperial Beach Shores, south of the pier. The outing consisted of 29 underprivileged youth, all of which are U.S. Citizens, ranging from 14 to 16 years of age.

Upon arriving at the beach at approximately 1:15 p.m., we left one counselor with a small group and returned to the Teen Post for another group. WE arrived the second time and both groups gathered together while waiting for the last members of the party. When we all were together, a group of boys had gone to the restrooms, on their return to the group, they mentioned to me that they were stopped and questioned by an unidentified I.N.S. agent. I responded that we should not let it bother our outing. Approximately five minutes after, Officer S.P. Kean appeared on the scene and began to question the group again. I immediately approached officer Kean to inform him that I was in charge of the group, and also that we had just been interageted by an I.N.S. agent. Rudely ingoring any of the adults present officer Kean approached the Youth for a second time interrogating them as to their place of birth and national origin. After causing a scene, intimidating the youth, and questioning about seven youths, officer Kean left the scene yelling his name and badge number challenging us to file a complaint. The manner in which we were all dealt with was very unprofessional, rude and highly aggressive, to such a degree that a few of the adolescents began to pick up rocks to go throw them at officer Kean.

R-1

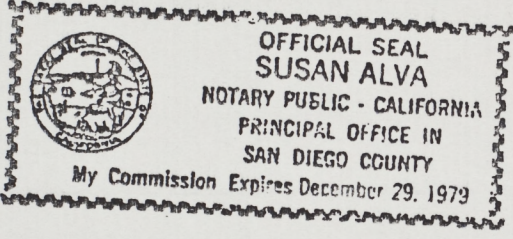
Luckily we were able to stop this action.

I declare under penalty of perjury that the above is true and correct to the best of my knowledge. Executed in San Diego, California this 17 day of July, 1979.

Moises Paz
Moises Paz, Project Director

SUBSCRIBED AND SWORN BEFORE ME IN SAN DIEGO, CALIFORNIA
THIS 17TH DAY OF JULY, 1979.

Susan Alva
Susan Alva



AFFIDAVIT

I, GUILLERMO LOPEZ CORONADO do state:

Yo, GUILLERMO LOPEZ CORONADO digo le siguiente:

1. I was born on June 25, 1957, in Mexicali, Mexico.
1. Naci en Junio 25, 1957 en Mexicali, Mexico.
2. My father Raymundo Onate Coronado is a legal permanent resident alien of the United States, A 12-987-601, and residing in the United States.
2. Mi padre es Raymundo Onate Coronado el es residente legal de los Estados Unidos, A 12-987-601, y reside en los Estados Unidos.
3. My mother Guadalupe Lopez de Coronado is a legal permanent resident alien of the United States, A 30-536-810, and residing in the United States.
3. Mi madre es Guadalupe Lopez de Coronado y es residente legal de los Estados Unidos, A 30-536-810 ye reside en Estados Unidos.
4. I currently have an Immigration Petition pending before the United States consulate in Tijuana, filed on my behalf by my father with priority date of 1968.
4. Presentemente tengo una peticion de Inmigracion pendiente en el consulado Americano por parte de mi padre con preferencia y con fecha de 1968.
5. I entered the United States in 2/75 with my valid Nonresident Alien Mexican Border Crossing card, Form I-186. I have not left the United States since that entry except for the incident described below.
5. Yo entre a los Estados Unidos el 2/75 con mi pasaporte local forma I-186. No e dejado los Estados Unidos desde esa entrada excepto por el incidente que voy a describir aqui abajo.
6. On Wednesday, October 5, 1977 I was stopped by a San Diego City Police Officer as I was proceeding north on interstate 5 (about 2 miles North of the City of San Diego). The officer called the Immigration Service. One officer from the Immigration Service arrived and I was taken to the San Ysidro Immigration Substation. I was there questioned by an Immigration officer by the name of Jones. I told him that my parents were lawful immigrants living in the United States and that an Immigration petition was filed before December 31, 1976 and is currently pending on my behalf in the United States Consulate in Tijuana.

I also requested to speak to an attorney at the Legal Aid Society of San Diego and showed him a business card from that office.

6. El Miercoles fui parado por oficiales de la policia de la ciudad de San Diego cuando yo iba para el Norte del Interstate 5 (como 3 millas al Norte de la Ciudad de San Diego). Los oficiales llamaron al servicio de Inmigracion un oficial de Inmigracion de San Ysidro. Alli me hicieron preguntas un oficial de Inmigracion su nombre es Jones. Yo le dije a el que mis padres eran residentes legales y que viven en Estados Unidos y que yo tenia una peticion metida antes de Diciembre 31, 1976 y que esta pendiente en el consulado Americano en Tijuana. Y tambien pedi hablar con un abogado del Legal Aid Society de San Diego y les ensene la tarjeta de la oficina del Legal Aid Society de San Diego.
7. The Legal Aid Society of San Diego is representing me in the Immigration process. My request to contact an attorney was denied. I requested to be allowed to remain in the United States.

I was then told to sign a paper which was not explained to me and I was immediately returned to Mexico.

7. La Oficina del Legal Aid Society of San Diego me esta representando a mi en mi proceso de Inmigracion. Mi requerimiento para llamar a un abogado me fue negada. Tambien pedi que me dejaran aqui en los Estados Unidos.

Ellos me digeron que firmara un papel la cual no me explicaron a mi, y luego inmediatamente fui devuelto a Mexico.

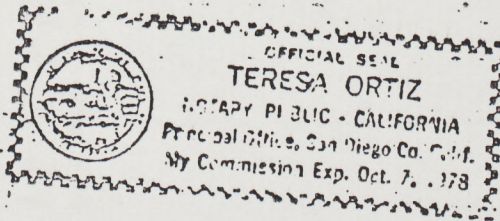
I swear under the penalty of perjury that the statement above is true and correct.

Juro bajo penalidad de perjurio que lo que antes arriba dije es la verdad y esta correcto.

Guillermo Coronado Lopez
GUILLERMO CORONADO LOPEZ 10

SUBSCRIBED and sworn to before me.
this 14 day of February, 1978

Teresa Ortiz
NOTARY PUBLIC IN AND FOR THE STATE OF CALIFORNIA



Page one of one

I, Gilberto Alvarez Carrion, declare that I am a Legal Resident Alien, A-11-322-278, residing at 1389 Don Carlos Court, Chula Vista, California; employed by San Diego State University and have been residing in the area for the last fifty years.

On the morning of July 1, 1979, at approximately 2:A.M., I was in Mexico and approached the border crossing from the eastside, where the lines of cars were waiting to cross into the United States. A customs officer left his inspection gate, came over to me on the Mexican side of the border and screamed "get in back of the line". I got out of the car and said, among other things, that he did not have any authority on this side of the border. He then hit me in the left jaw and knocked me unconscious. I regained some state of semi-consciousness and found myself being hit, pushed and shoved around repeatedly by the same officer and two others.

The next thing I remember is being dragged across the gates, handcuffed, by the three officers. I was taken into a building and I sat down on a bench. I was bleeding from my right elbow and a cut over my left eye. My right index finger and left wrist were hurting me tremendously (I was later treated for a broken finger, chipped wrist, bruises and other injuries).

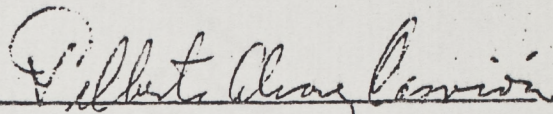
As I was sitting on the bench one officer took pictures of me, the handcuffs were removed and I was offered coffee. A man came in shouting "why have the handcuffs been removed?" Two hours later the same man identified himself as a federal investigator and took me to another room. He read me my rights and I said that I wanted to call my lawyer, but that I would go ahead and explain what had happened. He preferred to have his supervisor present during my statement to him. The supervisor listened but began to misquote so much of what I was saying, that I refused to say any more without my lawyer being present. They asked me to wash the blood from my face and arms but I preferred to have witnesses (lawyer, wife) to verify my injuries.

A brief declaration was taken in the presence of my lawyer. The federal investigator informed my lawyer that he did not know what the next step would be but that he would notify us.

Page two of two
Alvarez Carrion

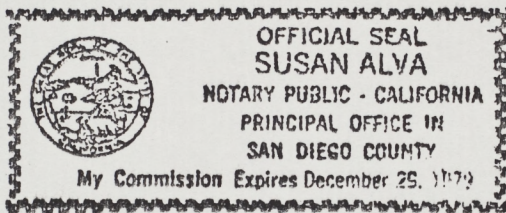
I was released to my lawyers' custody .
I declare under penalty of perjury that the above statement is
true and correct to the best of my ability.

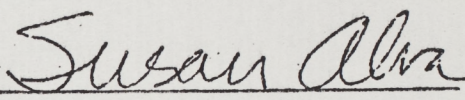
Executed on this 19 day of July 1979, in Chula Vista,
California.



Gilberto Alvarez Carrion

SUBSCRIBED AND SWORN BEFORE ME THIS 19TH DAY OF July 1979,
IN THE COUNTY OF SAN DIEGO AND STATE OF CALIFORNIA.





Susan ALVA
Notary Public

Customs Agent Held In Alien Smuggling Conspiracy Case

By GINA LUBRANO

Staff Writer, The San Diego Union

A U.S. Customs official who allegedly charged \$50 a person to allow carloads of illegal aliens cross the border through his inspection lane was jailed yesterday on smuggling conspiracy charges.

Inspector Alexander Ralston Trench, 55, of 9416 Barbic Lane, Spring Valley, was arrested at his home following a 2½-month investigation by the Border Patrol's anti-smuggling unit and the U.S. Customs internal affairs office.

The balding, white-haired Trench, a retired Air Force major, told U.S. Magistrate Harry R. McCue that he has been with Customs since February, 1970.

He sat with one hand cupping his chin and the other holding a straw hat with a green print band while McCue interviewed three women and three men arrested in connection with the case.

Assistant U.S. Attorney Howard Allen asked McCue to set Trench's bail at \$100,000, and McCue agreed, calling it "reasonable under the circumstances."

McCue, who set bail review for 2 p.m. Monday, called Trench's alleged role in the conspiracy a "callous breach of duty and trust," say-



ALEXANDER RALSTON TRENCH
... held in case

ing that an affidavit filed in connection with the complaint told "a rather sordid story."

Michael McCabe, an attorney ap-

pearing on behalf of Trench, asked for a lower bail, saying that with an income of \$17,605 a year Trench did not have the resources to post that high a bond. McCue, however, did not budge. "He didn't do it for noble motives," the magistrate said.

McCue pointed out that the affidavit told of a newsboy, stationed as a lookout, who warned drivers smuggling aliens when Trench was off duty. "They stopped dead in their tracks" when Trench was not at the gate, McCue said.

Drivers sometimes pretended to have car trouble until Trench returned on duty from breaks, according to the affidavit. When tipped that he was manning a different gate than expected, they made rapid lane changes to be where he could let them pass, the affidavit said.

Allen said that Trench — while under surveillance during the 2½-month period — was observed allowing hundreds of illegal aliens through his lane. Investigators said they believed that he was being paid \$50 per person.

Agents, arrest warrants in hand, had Trench under surveillance between 6 a.m. and 7 a.m. yesterday and said they watched him allow six

(Continued on B-4, Col. 1)

stances when he allegedly this office," said U.S. Attorney Michael Walsh. "We will prosecute any such cases to the full extent of the law and request appropriate periods of incarceration for convicted defendants."

(Continued from Page B-1) "smuggling vehicles" enter the United States through his lane. Five of those were stopped and eight illegal aliens were found, in addition to the drivers, according to Allen. One of the vehicles, containing three aliens, was driven by Maria de la Luz-Hurtado, 26, a singer from Santa Ana, who was taken into custody. Allen told McCue that she has been observed bringing aliens across the border "on an almost daily basis" and when Trench was on duty. The two had been observed meeting on a number of occasions, Allen said. He asked that her bail be set at \$100,000 and McCue agreed.

Bail was set at \$75,000 each for Victoria Maciel, 48, of 723 Twin Oaks Ave., Chula Vista, and Joe Lopez-Esparza, 56, an employed U.S. citizen living in Tijuana. McCue set bail at \$50,000 each for Estrella Leon Sosa, 53, of Los Angeles; Stephen Paul Novobilski, 20, an American living in the La Mesa suburb of Tijuana, and Manuel Mendoza-Lara, 21, of Tijuana.

Seven others named in the complaint remained fugitives as of yesterday. McCue, who asked defendants about their ability to hire attorneys to represent them, made a point of appointing female lawyers to represent the women. However, Allen asked that one of the attorneys be disqualified because she had represented aliens held as witnesses in smuggling cases.

After scanning his list containing names of attorneys who could be appointed by the court to represent indigent defendants, McCue apparently could not find an-

The affidavit filed with the court said that officials were told about Trench's role in the smuggling conspiracy through an informant. Trench, a 22-year veteran of the Air Force who received a bachelor's degree in education from the University of Maryland following his military discharge, was known to the informant only as "El Viejito" (old man) when he went to the Border Patrol on Jan. 7.

Surveillance of Trench resulted in a 14-page affidavit that outlined his meetings with Luz-Hurtado, also known as Lucha, and in-

ET 24 MAR 78

BORDER BUST

J.S. Customs agent, 6 others arrested

By WILLIAM POLK

A U.S. Customs Service inspector was among seven people arrested today in an alleged smuggling ring accused of allowing hundreds of illegal aliens to enter the United States.

Assistant U.S. Attorney Howard Allen said Alexander Ralston Trench, 55, of 9416 Barbic Lane, Spring Valley, was taken into custody at his home.

Trench, a customs inspector for about six years, is charged with conspiracy to smuggle aliens into the United States through his gate at the San Ysidro border crossing.

Meanwhile, violence flared anew on the border with a rash of attacks on illegal aliens entering the country.

Police said the border had been relatively quiet for the last three months.

Allen said Trench and the six other suspects were arrested after a 2½-month investigation by the anti-smuggling unit of the Chula Vista Border Patrol office and the Customs Service office of internal affairs.

The others were identified by Allen as Victoria Maciel, 48, of 723 Twin Oaks Ave.; Stephen Paul Nobilski, 20, of 1349 Elden Ave.; Chula Vista; Maria de la Luz-Hurtado, 28, of Santa Ana; Estella Leon-Sousa, 53, of Los Angeles, and Joe Lopez-Esparza, 56, and Manuel Mendoza, 21, both of Tijuana.

A complaint issued by the U.S. attorney's office here charges Trench with receiving \$50 a head for each illegal alien allowed to pass undetected through his inspection lane at the border.

The aliens were said to be paying smuggling fees ranging from \$50 to \$200 to defendants other than Trench.

Officials said several other per-

CONTINUED FROM PAGE 1

sons are still being sought in connection with the case.

Border Patrol investigator Frank J. Petraglia said the operation was uncovered by information from an informant who said a smuggler was using a customs inspector to slip aliens into the United States.

Petraglia said in an affidavit that he and his partner, agent Miguel Vallina, began surveillance of the San Ysidro port of entry shortly after receiving this information in January.

In his affidavit, filed with the complaint, Petraglia said Trench allowed at least 17 vehicles carrying illegal aliens to pass through his gate during the investigation.

"It is my best estimate that inspector Trench has allowed hundreds of illegal aliens to cross into the United States through his lane while working primary inspection," Petraglia said.

Investigators were unable to say exactly how many aliens may have been allowed into the country.

Police said the three-month lull in gang-style attacks on illegal aliens crossing the border into the United States ended with the robberies of illegals in separate border zones Wednesday night.

A 25-year-old Mexicali man and his 27-year-old wife were terrorized by three Mexicans armed with pis-

tols and knives as the couple crossed the border at Monument Field in the beach area.

Raul Valerio Martine and his wife, Juana, turned over \$350 in Mexican pesos and a sandwich after one of the bandits pressed the muzzle of a large-caliber automatic against his head and another jabbed at his throat with a switchblade knife.

As the bandits fled, Valerio told police he heard the voice of a female illegal alien shout, "They have guns." He then heard two shots.

The other holdup occurred in Dead Man's Canyon when Gabriel Vinegas Garcia, 37, and Ramona Gonzalez, 23, of Guadalajara, were robbed at knifepoint by three Mexican youths.

One of the bandits tried to rape Gonzalez, according to police accounts, but he was restrained by the others. Vinegas Garcia said he lost about \$200 in pesos.

These were the eighth and ninth known holdups along the smuggling routes so far this year.

Police Department spokesman Bill Robinson said the robberies occurred in areas where the SDPD's special border crime task force was not on patrol.

Last year, there were 112 reported robberies of illegal aliens. Robinson said more may have occurred but an illegal alien who reports the crime also faces deportation and he indicated this may cut down on the number reporting crimes.

er Accused In Shooting

Meanwhile, U.S. Attorney Michael Walsh's office, the FBI, the Imperial County district attorney's office and the Mexican consulate all were investigating to determine if the border patrolman had acted improperly in the incident.

It is unlikely that the officer, William V. Elliott, 23, will have to face prosecution in Mexico.

Elliott, according to the charge, fired his gun, wounding Jose Rodriguez-Gomez, 30, in the left knee.

According to the Mexican investigators, Elliott then returned Rodriguez-Gomez to the border, sending him back into Mexico without medical attention.

Assistant U.S. Attorney Peter K. Nunez said Rodriguez-Gomez since has been paroled back to the United States, where his wound is being treated at El Centro Community Hospital. After treatment, he will be returned to Mexico.

Nunez said the incident at the border occurred on the banks of the New River about 11 p.m. Sunday.

A sensor alerted the Border Patrol to activity near the scene and Elliott was dispatched to investigate, Nunez said.

9/17/8
dicial Police in Mexi-
a U.S. border patrol-
Calexico area with
Mexican citizen who
d the border last Sun-

Authorities probe shooting of alien by border guard

By WILLIAM POLK

The shooting of an illegal alien by a U.S. Border Patrolman in Calexico is under investigation by the U.S. attorney's office here.

Officials said the alien, identified as Jose Rodriguez-Gomez, 30, of Zacatecas, Mexico, apparently was returned to Mexico without being given medical aid after being shot in the knee by Patrolman William Elliott late Sunday.

Assistant U.S. Attorney Peter K. Nunez said his office is one of several American and Mexican agencies looking into the shooting.

He said Mexican authorities already have charged Elliott, 23, with "discharging a firearm and causing injury." But no U.S. charges have been filed, pending the outcome of in-

vestigations on this side of the border.

Nunez said the Imperial County District Attorney's office, the FBI, the Mexican consulate, and the State Judicial Police in Mexico were among the other agencies also looking into the case.

Rodriguez-Gomez, meanwhile, has been returned to this country for treatment of his wound at El Centro Community Hospital, where he was reported in satisfactory condition.

Elliott, 23, of Calexico, was still on duty yesterday and there are no plans to suspend him, pending the outcome of the U.S. investigations, said Bill King, deputy chief patrol agent at the Border Patrol's El Centro sector headquarters. Elliott's version of the shooting, King said, is that

he thought Rodriguez-Gomez had a gun when he suddenly emerged from a group of six aliens attempting illegal entry in the New River area Sunday night.

While it is unlikely Elliott will be turned over to Mexican authorities, officials on this side of the border have indicated charges may be filed if investigations find that the officer acted improperly or illegally in the shooting incident.

2 Charged With Violating Civil Rights of Alien

Two men who claimed to be Klux Klan members were indicted Friday for an incident last spring which they allegedly abducted a man and then turned him over to the Border Patrol as an illegal alien.

The three-count federal grand indictment, returned in San Diego, accused Robert L. Cole, 28, and Leroy Shipton Jr., 37, of depriving Juan Mendez Ruiz of his civil rights last April 3.

The two men were accused of picking up Ruiz in San Clemente who was hitchhiking, threatening him, then driving him to the Border Patrol headquarters.

The two defendants reportedly were wearing White Power T-shirts at the time of the incident.

On the way to the Border Patrol headquarters, Shipton threw Ruiz's passport out of the car window according to the indictment.

Cole allegedly told a Border Patrol agent that Ruiz, a resident alien, was "wet," the indictment further alleged.

If convicted, the two men could receive maximum penalties of 11 months imprisonment and \$21,000 in fines.

The grand jury began investigating the incident two months ago and Tom Metzger of Fallbrook was called to testify.

Tom Metzger of Fallbrook, however, that he invoked the First Amendment before U.S. prosecutor asked him any questions about Cole or Shipton.

Asst. U.S. Atty. Stephen A. Mayfield said that neither defendant, both from the San Bernardino area, has been arrested. *L.A. Times 11/*

Los Angeles Times 5
J Sat., Nov. 4, 1978-Part II

Camp Pendleton Ejects Klansman

CAMP PENDLETON — A member of the Ku Klux Klan was escorted off this Marine Corps base Friday after he tried to deliver flowers to the memorial service of a marine, also a Klan member, who was shot and killed Monday.

The 3 by 1/2-foot wide arrangement of white daisies included red carnations that spelled out the letters "KKK."

Naval intelligence officers, apparently tipped by a florist that the flowers were en route to the base chapel, met Klan member Clyde Teeple at the chapel and escorted him off the base, a Marine Corps spokesman said.

Lt. Col. Dan Brown said Teeple was removed from the base because of the fear of a possible disturbance.

Teeple, a Fallbrook resident, said he was detained and questioned for 45 minutes and that both he and his car were searched.

The service was being held for Lance Cpl. Hugh L. Finigan, who was shot by his roommate Monday in what has been ruled an accidental death.

Teeple and other Klan members, however, have charged that Finigan was about to disclose to authorities the operation of a narcotics ring on the base when he was killed.

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

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, dejando 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.

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

XICALI.- Agentes de la Policía Judicial del Estado de México 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 querrelaba formalmente contra uno de los oficiales de la Border Patrol, por haberlo lesionado

Agente Investigador de Delitos del Fuero Común, que se querrelaba formalmente contra uno de los oficiales de la Border Patrol, por haberlo lesionado

Agente Investigador de Delitos del Fuero Común, que se querrelaba formalmente contra uno de los oficiales de la Border Patrol, por haberlo lesionado

Agente Investigador de Delitos del Fuero Común, que se querrelaba formalmente contra uno de los oficiales de la Border Patrol, por haberlo lesionado

Agente Investigador de Delitos del Fuero Común, que se querrelaba formalmente contra uno de los oficiales de la Border Patrol, por haberlo lesionado

VALLEY AREA SITE

S.D. Union 7-10-79

Shutdown Planned Illegal Alien Camp

any makeshift settle-
al aliens in the county
a shake-up because of
housing and other
violations, county sani-
an Bergman said yes-
aid his office plans by
notify owners of lands
Canyon near Carmel
occupied by several
al aliens, that they
sh the shanties and
litter that is strewn
the area. The land is
of San Diego.
e crackdown on other
nments, however, is
Bergman said.
the county Division of
te Health Department
der Patrol last week
McGonigle camp to
report on conditions
an accumulation of
e dwellings in the can-
There were no toilets
ed potable water sup-
y they've been using
er for bathing, clean-
g," Bergman said.
se living in the camp
y agricultural fields.
king the tax assessor
mine ownership and
that we'll issue wate-
f they don't comply in
aner, our next step

would be to request a hearing with
the (San Diego) city attorney's
office," he said. Bergman said he
would then ask the city attorney's
office to file a criminal complaint
against the landowners if there was
not "a good faith effort" to comply
with health ordinances.

"If we become aware of any others
we'll investigate them but we
don't know the scope of the
problem," Bergman said. He said if
his office receives other calls about
encampments, officials would be
sent to investigate.

Meanwhile, James C. Heinecke,
assistant chief U.S. Border Patrol
agent, said his office has no plans to
raid the McGonigle camp. "We'd
dearly love to, but we have our other
priority commitments," he said.

Heinecke said normally the Bor-
der Patrol agents assigned to farm
and ranch checks would probe the
area, but these checks have been
curtailed in order to crack down on
entry of illegal aliens at the border.

Frank Wernsing, San Clemente
Border Patrol checkpoint agent, said
he estimates that "many thousands"
of illegal aliens live in similar settle-
ments in North County agricultural
areas, including some in Oceanside,
Carlsbad and Escondido.

He said no federal law bars em-
ployment of undocumented workers,
so their employers do not face
charges.

TIJUANA PAPER SAYS MAN SUCCUMBS S.D. Union FROM BEATING AFTER ARREST AT BORDER 7-10-79

A Mexican citizen arrested here
June 24 and turned over to Mexican
authorities died in a Tijuana hospital
three days later after apparently
being beaten, a Tijuana newspaper
reported yesterday.

ABC newspaper said conflicting
versions of the death of Francisco
Javier Beltran left unresolved
whether he had been beaten by U.S.
or Mexican authorities or by in-
mates in the Tijuana municipal jail.

According to the report filed by
the jail, Beltran was turned over to
the Mexican state police for being
drunk in public and "bothering the
American immigration officials."

After checking the records last
night, the Border Patrol was unable
to confirm an arrest.

A Mexican defense attorney who
wishes to remain unidentified con-
firmed the ABC report that Beltran
was turned over to Mexican authori-
ties from the United States.

"Beltran was the victim of a bru-
tal beating before he was jailed," he
said. "According to the guards and

inmates, he was hurt when he
arrived. Instead of calling someone
to help, they put him in an isolated
cell. He did not want to be arrested
and put up a fight, but that was not
where he received his wounds."

Baja California, another Tijuana
newspaper, reported that three
guards at the jail were forced to call
upon two others for assistance to
subdue Beltran.

The state police have accused two
inmates, Salvador Perez Rodriguez
and Donato Gamboa, of the beating
in the jail. 7-10-79

Border patrol agent guilty of assault 7-12-79 star New

A 27-year-old former
Border Patrol agent this
week was found guilty of
assault with a deadly
weapon and now faces a
possible six-year prison
term.

Superior Court Judge
Howard Bechevsky this
week found Donald Roy
Heidt, of 516 Flower St.,
guilty in the June 1978
shooting of Emiliano Z.
Coleman, 24, of 317
Cottonwood Rd. who
was shot once in the
stomach following a
fight at a Chula Vista
restaurant.

Heidt faces a four-
year term for the actual
assault, as well as an
additional two-year
term because a gun was
used.

An Aug. 31 sentencing
date has been set.

According to police
reports, the incident
began as an argument
between restaurant

goers as the minor auto collision
establishment was closing with a friend of
Coleman's.

Police said Coleman
and Heidt had argued
inside the bar. The
argument apparently
continued outside where
Heidt was involved in a
shooting occurred.

Police said Coleman
attempted to keep Heidt
at the accident scene,
and that's when the
shooting occurred.