RECEIVED JUN 21 1978

UNITED STATES DEPARTMENT OF JUSTICE

FEDERAL BUREAU OF INVESTIGATION

WASHINGTON, D.C. 20535

June 19, 1978

Ignacio S. Cota, Esq.
Legal Aid Society of San Diego, Inc.
Room 430, Granger Building
964 Fifth Avenue
San Diego, California 92101

Dear Mr. Cota:

This is in reference to your Freedom of Information-Privacy Acts request concerning Mr. Herman Baca and the Committe on Chicano Rights, Inc.

Please be advised that documents which may pertain to your request have been located. These documents will be assigned for reviewing and processing at the earliest possible date.

Sincerely yours,

Allen H. McCreight /m

Allen H. McCreight, Chief
Freedom of Information-
Privacy Acts Branch
Records Management Division

children's best interests, but rather chose to ignore the evidence in order to protect their own.

Our community is tired of waiting for the academic achievement of our students to improve. The district has exhausted us with rhetoric on the excellent school program that we have. Again the concrete facts are ignored and the conspiracy continues.

The educational achievement of the children should be the number one priority for this school district. Instead we have board members and top administrators who are more interested in cushioning themselves with community control. The first priority of providing programs that meet the educational needs of our children has been replaced by a lesser priority, the writing of projects which bring in large amounts of money for ancillary services.

This coalition charges these school board members with arrogance, indifference and insensitivity towards the community. We have repeatedly approached them with our problems; we have asked them to act for change. Instead of attacking the problems they shroud our concerns with their litany of meritorious accomplishments. (That 74% of our 8th graders failed the math exam for entering high school is a situation that cannot be reversed.)

Thank you to the news media for attending this press conference and a very special thank you to all members of the coalition and the community who helped in our efforts for better education in San Ysidro.

FD-370 (Rev. 10-9-73)
OFFICE OF THE DIRECTOR

UNITED STATES DEPARTMENT OF JUSTICE

FEDERAL BUREAU OF INVESTIGATION

WASHINGTON, D.C. 20535

Director
United States Secret Service
Department of the Treasury
Washington, D. C. 20220

In Reply, Please Refer to
File No. 157-5120

RE: HERMAN (NO MIDDLE NAME) BACA

Dear Sir:

The information furnished herewith concerns an individual or organization believed to be covered by the agreement between the FBI and Secret Service concerning protective responsibilities, and to fall within the category or categories checked.

1. ☐ Threats or actions against persons protected by Secret Service.
2. ☐ Attempts or threats to redress grievances.
3. ☐ Threatening or abusive statement about U. S. or foreign official.
4. ☐ Participation in civil disturbances, anti-U. S. demonstrations or hostile incidents against foreign diplomatic establishments.
5. ☐ Illegal bombing, bomb-making or other terrorist activity.
6. ☐ Defector from U. S. or indicates desire to defect.
7. ☒ Potentially dangerous because of background, emotional instability or activity in groups engaged in activities inimical to U. S.

Photograph ☐ has been furnished ☒ enclosed ☐ is not available.

Very truly yours,

C M Kelley

Clarence M. Kelley
Director

1 - Special Agent in Charge (Enclosure(s))
U. S. Secret Service, San Diego

Enclosure(s) 1

1

HERMAN (NO MIDDLE NAME) BACA
EXTREMIST MATTER - SPANISH AMERICAN

II. CONNECTIONS WITH CASA

On March 14, 1973, an informant reported that the CASA, with headquarters in Los Angeles, California, had established a branch in National City, California.

(b)(7)(d) -

[redacted]

It was later reported that Herman Baca was the county organizer, San Diego, California, and that the San Diego Branch CASA had opened an office at 1839 Highland Avenue, National City, California, adjacent to Baca's print shop.

(b)(7)(d)

[redacted]

In June, 1973, it was reported that Herman Baca, local organizer and Acting Secretary for CASA, National City (San Diego County) had indicated that Mexican Americans and Mexican Nationals were being harrassed by local police authorities and the U. S. Immigration and Naturalization Service. He indicated that CASA in the San Diego area was generally directing its activities toward helping Mexican aliens and Mexican Americans who might be in trouble with the law.

(b)(7)(d)

[redacted]

It was reported that Herman Baca had been consulting with Bert Corona regarding an anti-police campaign by CASA in the San Diego area. Informant stated that Baca had printed up 250 posters demanding that the local Chief of Police at San Diego be removed from office because he was discriminating against people of Mexican background.

(b)(7)(d)

[redacted]

HERMAN (NO MIDDLE NAME) BACA
EXTREMIST MATTER - SPANISH AMERICAN

Bert Corona was an active member of the Communist Party USA (CPUSA) from 1940 - 1945. Corona is a strong guiding force in the Chicano movement in Los Angeles, California, area. (Chicano is a term currently applied to Mexican Americans).

(6)(7)(d) [redacted]

In May, 1974, Herman Baca addressed a letter to all local La Raza Unida party members asking that the recipients report to Baca all instances where law enforcement authorities requested to see their identification papers. The letter was signed "Herman Baca, County Organizer, CASA". La Raza Unida party (The United Race) is described as a new political party organized by and for people of Spanish or Mexican descent in the Southwest United States.

(6)(7)(d) [redacted]

An informant reported that although subject was not known to be a member of or affiliated with the CPUSA, he talks and acts like a sympathizer. Informant stated Baca is pro-Chicano to the extent that he tries to obstruct the application of the local and federal laws of the United States. Baca, in private discussions, has stated that Chile is a glaring example of what a lenient, mediocre, socialist or leftist government fails to achieve because the application of a ruthless enforcement of doctrine is lacking and resulted in the mushy outcome of the Chile disaster; whereas in Cuba, for instance, all opposition was eliminated and other ideological beliefs utterly stamped out by firing squads; that is a complete dictatorship where only one form of government is allowed to exist and all opposition suppressed. Baca stated this is the only way to crown a revolution. He also commented that perhaps the anwer to the Mexican-American and other minority problems is communism. Baca said that he had some posters depicting the Cuban revolutionaries Fidel Castro and Che Guevara

in his present shop but that he had taken them home so that everyone coming and going at the print shop could not see them. According to informant Baca occasionally receives copies of Oposicion, from Mexico, and has indicated he welcomes a chance to look at this newspaper which he knows to be a Communist Party publication in Mexico.

(b)(7)(d) [redacted]

It was reported that Bert Corona was in San Diego, California, area on August 6, 1974, to attend a local meeting of CASA.

(b)(7)(d) [redacted]

Baca, along with other San Diego delegates, attended a regional conference of CASA and La Raza Unida representatives in El Paso, Texas, June 28, 29, 30, and July 1, 1974.

(b)(7)(d) [redacted]

On September 13, 1974, Herman Baca was interviewed by a Bureau Agent at his place of business, Aztec Printing, 1837 Highland Avenue, National City, California. Although Baca was polite, he made no offer to be of assistance to the FBI and stated that he intended to make it well-known among his friends that he had been contacted by the FBI, rather than treating the interview as confidential. He said that he was currently chairman of the Ad Hoc Committee of Mexican American Affairs seeking equal justice for Americans of Mexican extraction. He said he was currently most active in an attempt to oust San Diego's Chief of Police, Ray Hoobler, in connection with the recent death of a Mexican informant whose death he attributed to the fact that the informant had been managed by Police Department officers.

FEDERAL BUREAU OF INVESTIGATION
COMMUNICATIONS SECTION

JUL 21 1974

TELETYPE

NR 01 SD CODE

12:31 AM JULY 21, 1974 NITEL SG

TO: DIRECTOR, FBI

FROM: SAN DIEGO (105-7380)

PROPOSED VISIT OF HERMAN BACA TO WASHINGTON, D.C., JULY 20, 1974, TO CONFER WITH CALIFORNIA LEGISLATORS REGARDING BRACERO PROGRAM. IS - SA (OO: SD)

A SOURCE WHO HAS FURNISHED RELIABLE INFORMATION IN THE PAST ADVISED ON JULY 19, 1974, THAT HERMAN BACA, ACCOMPANIED BY CARLOS HUERTA VASQUEZ AND ALBERTO GARCIA, PLAN TO LEAVE SAN DIEGO, CALIFORNIA, VIA PLANE ON JULY 20, 1974, TRAVELING TO WASHINGTON, D.C., WHERE THEY EXPECT TO HAVE CONFERENCES WITH POLITICAL LEADERS.

BACA OWNS AND OPERATES A PRIVATE PRINTING BUSINESS AT 1839 HIGHLAND AVENUE, NATIONAL CITY, CALIFORNIA, AND IS A SELF-DESCRIBED COMMUNITY ORGANIZER IN THE MEXICAN AMERICAN COMMUNITY OF SAN DIEGO AND ENVIRONS. HE HAS RECENTLY BEEN PARTICULARLY ACTIVE IN FURTHERING THE CAUSE OF THE LA RAZA UNIDA PARTY (THE UNITED RACE PARTY), A MEXICAN

END PAGE ONE

Asst. Dir.
Dep.-A.D.-Adm.
Dep.-A.D.-Inv.
Asst. Dir.:
Admin.
Comp. Syst.
Ext. Affairs
Files & Com.
Gen. Inv.
Ident.
Inspection
Intell.
Laboratory
Plan. & Eval.
Spec. Inv.
Training
Legal Coun.
Telephone Rm.
Director Sec'y

105-219985

REC-13

9 JUL 24 1974

Copy to UFO
by for
7-23-74
by

13

HERMAN (NO MIDDLE NAME) BACA
EXTREMIST MATTER - SPANISH AMERICAN

(b)(7)(d) [redacted]

(b)(7)(d) [redacted]

A source advised on March 14, 1974, that the NCFILP grew out of a CASA oriented conference held in Los Angeles in February, 1973. The principle demonstrators of the NCFILP were Bert Corona, CASA leader, and Rose Chernin, long active in immigration matters. A source advised in February, 1972, that Rose Chernin was an active member of the District Committee, Southern California District, Communist Party.

Bert Corona, as National Secretary of CASA, was in San Diego August 5 and 6, 1974, to contact subject and supervise preparations for the national CASA conference to be held August 31, 1974, in Los Angeles.

(b)(7)(d) [redacted]

On September 17, 1974, Bert Corona was in San Diego to attend subject's wedding.

(b)(7)(d) [redacted]

In February, 1975, a source said that Baca had recently made a statement to the effect that numbers are no longer considered necessary for revolution and that all that is needed are small groups of people who are dedicated to the cause. Source said he considered CASA by way of subject Baca, a protege of Bert Corona, was in his opinion

currently the most dangerous extremist organization of Mexican American elements in the San Diego area.

(6)(7)(d) [redacted]

Bert Corona was in San Diego on April 25, 1975, for a speech at a local college and was to stay overnight with subject Herman Baca.

(6)(7)(d) [redacted]

While in San Diego on April 26, 1975, Corona made the statement that as national organizer of CASA, he was going to revive the CASA branch at San Diego, California (National City), if at all possible, even if he had to oust Herman Baca as local CASA leader. He said that the San Diego Branch at National City, because of its proximity to Mexico, was of great importance and that apparently subject Baca had not been doing much to build the organization.

(6)(7)(d) [redacted]

On May 20, 1975, Herman Baca was interviewed in connection with another matter at the San Diego office of the FBI. During conversation with Baca, he emphatically denied that the San Diego Branch of CASA was now connected in any way with an organization by that name in Los Angeles, California. He said that the local organization, which he organized, is completely independent and has no out-of-town connections. The full name of the group, according to Baca, is CASA-Justicia (Justice) and is located at 1839 Highland Avenue, National City, California. Baca said that CASA - Justicia has a seven-man Board of Directors of which he is President. Herman Baca said that neither he nor the other leaders of CASA advocate or contribute in any way to revolutionary causes and that they only strive for legal change and improved justice.

HERMAN (NO MIDDLE NAME) BACA
EXTREMIST MATTER - SPANISH AMERICAN

An informant reported in February, 1975, that Baca had been critical of the Toltecas de Aztlan, a local Chicano artists group. He stated that they had been indiscreet in openly exhorting their followers to incite rebellion and declare a war of secession against the United States. Baca said that he had warned them if they were not more discreet, they would lose their funding from the local and federal governments.

(b)(7)(d) [redacted]

Informant advised in May, 1975, that subject's name had been located on an old list of purported members of the Brown Beret (See Appendix) group at San Diego, California.

(b)(7)(d) [redacted]

(b)(1) [redacted]

(b)(7)(d) [redacted]

IV. ANTI-POLICE ACTIVITIES

7

(b)(1)

[redacted]

III. OTHER EXTREMIST CONNECTIONS.

(b)(1)

[redacted]

(b)(7)(d)

[redacted]

On September 17, 1974, informant reported that Herman Baca was a regular subscriber to "The Militant" (See appendix).

(b)(7)(d)

[redacted]

An informant reported in March, 1973, that conservative members of Mexican American Political Association (MAPA), a local political group, were trying to oust Baca from the MAPA organization in San Diego because they considered him too radical.

(b)(7)(d)

[redacted]

HERMAN (NO MIDDLE NAME) BACA
EXTREMIST MATTER - SPANISH AMERICAN

In September, 1972, the County Sheriff, San Diego, California, directed a letter to all cab drivers explaining that it was a federal offense to knowingly transport illegal aliens and that cab drivers should report to the proper authorities anyone who appeared to be a Mexican alien.

(b)(7)(d)

[redacted]

(b)(7)(d)

[redacted]

(b)(7)(d)

[redacted]

(b)(7)(d)

[redacted]

(b)(7)(d)

[redacted]

(b)(7)(d)

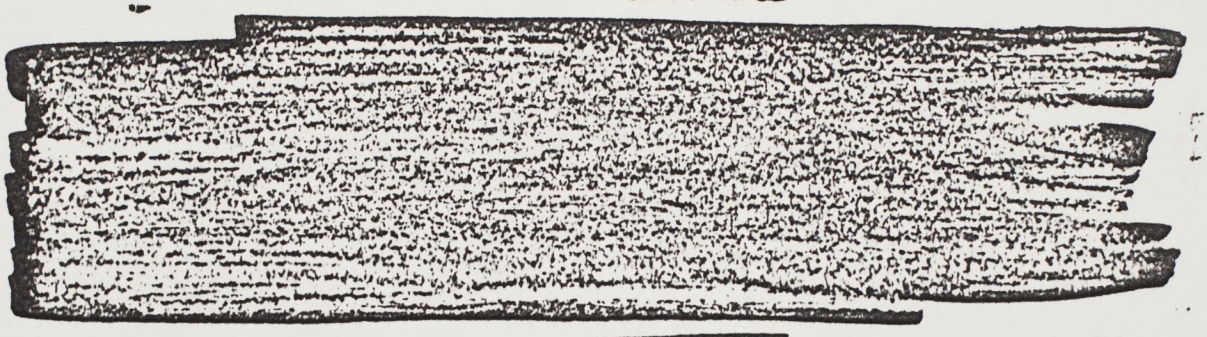
[redacted]

HERMAN (NO MIDDLE NAME) BACA
EXTREMIST MATTER - SPANISH AMERICAN

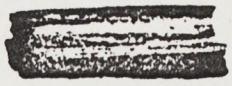
(b)(7)(d)

(b)(7)(d)

(b)(1)

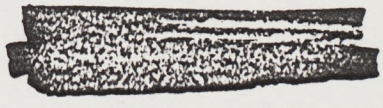


(b)(7)(d)



Baca distributed a pamphlet protesting action of the Chief of Police who allowed his men to stop Mexican Americans and Mexicans who appeared to possibly be illegal aliens. Baca had been using his print shop to publish literature and posters proclaiming police harrassment of Chicanos. In July, Baca also circulated a petition protesting the shooting of a Mexican American youth by an officer.

(b)(7)(d)



On August 29, 1973, subject, acting as head of the Ad Hoc Committee on Chicano Rights, called upon all members of the Mexican American community to begin practicing civil disobedience by submitting themselves to arrest when local law enforcement officers requested

7

immigration documents, rather than produce papers. This was to protest the opinion of the State Attorney General of California which backed local law enforcement authorities in arresting or detaining suspected illegal aliens.

(b)(7)(d)

(San Diego Union, local San Diego newspaper [redacted]

On October 15, 1973, an informant reported that Baca was involved, with others, in a power struggle among the Mexican activist types to dominate the Chicano Federation for the general purpose of receiving funds for their own personal interests and to support their own personal activities. Baca was deeply involved in an anti-police fight, whereas the more mature Mexican elements in the community were opposed to the control of local Chicano groups by activists.

(b)(7)(d) [redacted]

The Chicano Federation was formed in 1969 and is self-described as an umbrella body and coordinator for various Mexican-American oriented organizations. The objective is to advance the status of Spanish-speaking Americans.

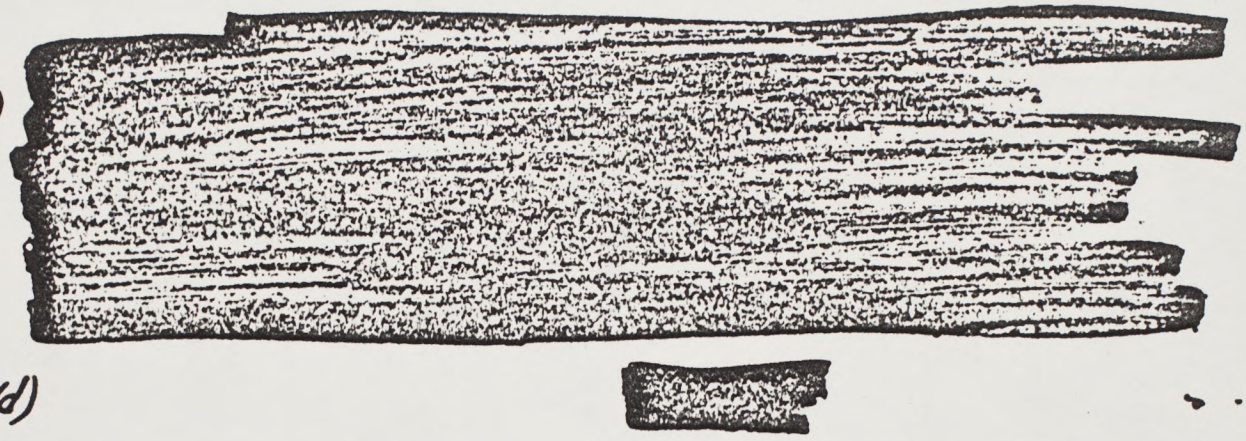
Baca took part in a demonstration at San Diego on December 15, 1973, to protest the sale of wine products at the local grocery stores which was manufactured by a wine company which was being boycotted by the United Farm Workers labor union. Baca also took part in a protest against United States refusal to continue selling and delivering propane gase into the Tijuana, Mexico, area, because of gas shortages in the United States.

(b)(7)(d) [redacted]

HERMAN (NO MIDDLE NAME) BACA
EXTREMIST MATTER-SPANISH AMERICAN

In January, Baca was protesting the racial imbalance of the local Grand Jury at San Diego, California.

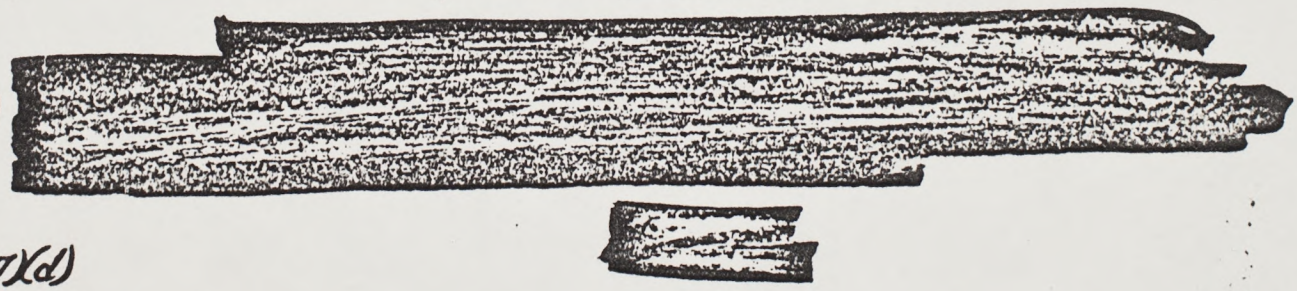
(b)(7)(d)



(b)(7)(d)

MECHA (Chicano Student Movement of Aztlan) is an organization of Mexican-American students dedicated to improving the educational standards of Mexican Americans in school. Aztlan is a term applied by extremist Mexican American political leaders to that portion of the United States which formerly belonged to Spain or Mexico and which, some militant leaders claim, should be returned to the people of Spanish or Mexican descent.

(b)(7)(d)



(b)(7)(d)

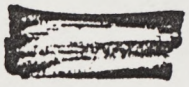
HERMAN (NO MIDDLE NAME) BACA
EXTREMIST MATTER-SPANISH AMERICAN

In February, 1974, Baca was also protesting the ruling of a local San Diego Judge who had ruled that the inland immigration stop of the U. S. Border Patrol was legal.

(b)(7)(d)

In May, 1974, Baca was present at a walkout at Southwest Junior High School, National City, California, on March 29, 1974. The walkout was to protest the lack of courses for Mexican-Americans and the lack of efficient Spanish speaking teachers.

(b)(7)(d)



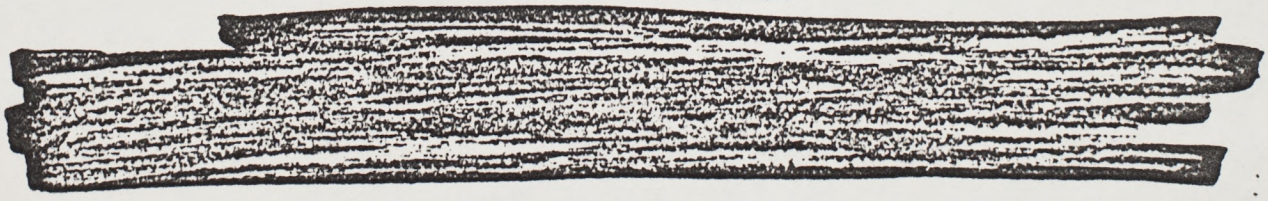
In August, 1974, Baca was promulgating the idea, in the Chicano community, that a local Chicano youth was murdered by an associate because he had been a police informant. The police were blamed for his death.

(b)(7)(d)

Informant stated that Baca is still head of the Ad Hoc Committee on Chicano Rights. Baca had not the least interest in the people's rights, but that he used various incidents as an opportunity to build up a case for his feud with the local Chief of Police, the County Sheriff, and other law enforcement authorities.

(b)(7)(d)

(b)(1)



7

HERMAN (NO MIDDLE NAME) BACA
EXTREMIST MATTER - SPANISH AMERICAN

(b)(1) [redacted]

(b)(7)(d) [redacted]

(b)(7)(d) [redacted]

(b)(7)(d) [redacted]

(b)(1) [redacted]

(b)(7)(d) [redacted]

An informant stated that Baca was one of the six members of the San Diego Immigration Council (a local advisory group on immigration matters) who resigned from this council because the San Diego County Board of Supervisors had voted to support pending legislation which would make employers who hired illegal aliens liable for prosecution.

(b)(7)(d) [redacted]

APPENDIX

YOUNG CHICANOS FOR COMMUNITY ACTION Also Known As Brown Berets

The Young Chicanos for Community Action, also known as the Brown Berets, was formed during 1967 within the predominantly Mexican-American eastside of Los Angeles, California. The Young Chicanos for Community Action acquired the name Brown Berets when they identified themselves as a group by wearing brown berets and khaki Army fatigue jackets. The group has approximately 35 active members.

In 1968, David Sanchez, Prime Minister of the Brown Berets, prepared a booklet entitled, "The Birth of a New Symbol - the Brown Beret Manual." This booklet states, in part, as follows:

"For over 120 years, the Mexican-American has suffered at the hands of the Anglo Establishment. He is discriminated against in schooling, housing, employment, and in every other phase of life ... Because these injustices have existed and the Anglo Establishment shows no signs of changing them, and because the cries of individuals have gone unheard and fallen upon deaf ears, a group of young Chicanos have come together under the name of the Brown Berets to demand an immediate end to the injustics committed against the Mexican-American."

This manual also states that the purpose of the Brown Berets is summed up in its motto: "TO SERVE, OBSERVE AND PROTECT." According to the manual, the portion of the motto, "TO PROTECT," means "To protect, guarantee, and secure the rights of the Mexican-American by all means necessary. How far we must go in order to protect these rights is dependent upon those in power. If those Anglos in power are willing to do this in a peaceful and orderly process, then we will be only too happy to accept this way. Otherwise, we will be forced to other alternatives."

APPENDIX CONTINUED

APPENDIX CONTINUED

YOUNG CHICANOS FOR
COMMUNITY ACTION
Also Known As
Brown Berets

The manual also sets forth the Ten Point Program of the Brown Berets as follows:

1. Unity of all our people regardless of age, income or political philosophy.

2. The right of bi-lingual education as guaranteed under the Treaty of Guadalupe Hidalgo.

3. We demand that the true history of the Mexican-American be taught in all schools in the five Southwest states.

4. We demand a Civilian Police Review Board made up of people who live in our community.

5. We demand that all police officers in the Mexican-American community must live in the community and must speak Spanish.

6. To want an end to Urban Renewal Programs that replace our barrios with high rent homes for middle class people.

7. To demand a guaranteed annual income of $5,000 for all Mexican-American families.

8. We demand that all Mexican-American be tried by juries consisting of only Mexican-Americans.

9. We demand that the right to vote be extended to all of our people regardless of ability to speak the English language.

10. We demand the right to keep and bear arms to defend our communities against racist police, as guaranteed under the Second Amendment of the U.S. Constitution.

APPENDIX CONTINUED

APPENDIX CONTINUED

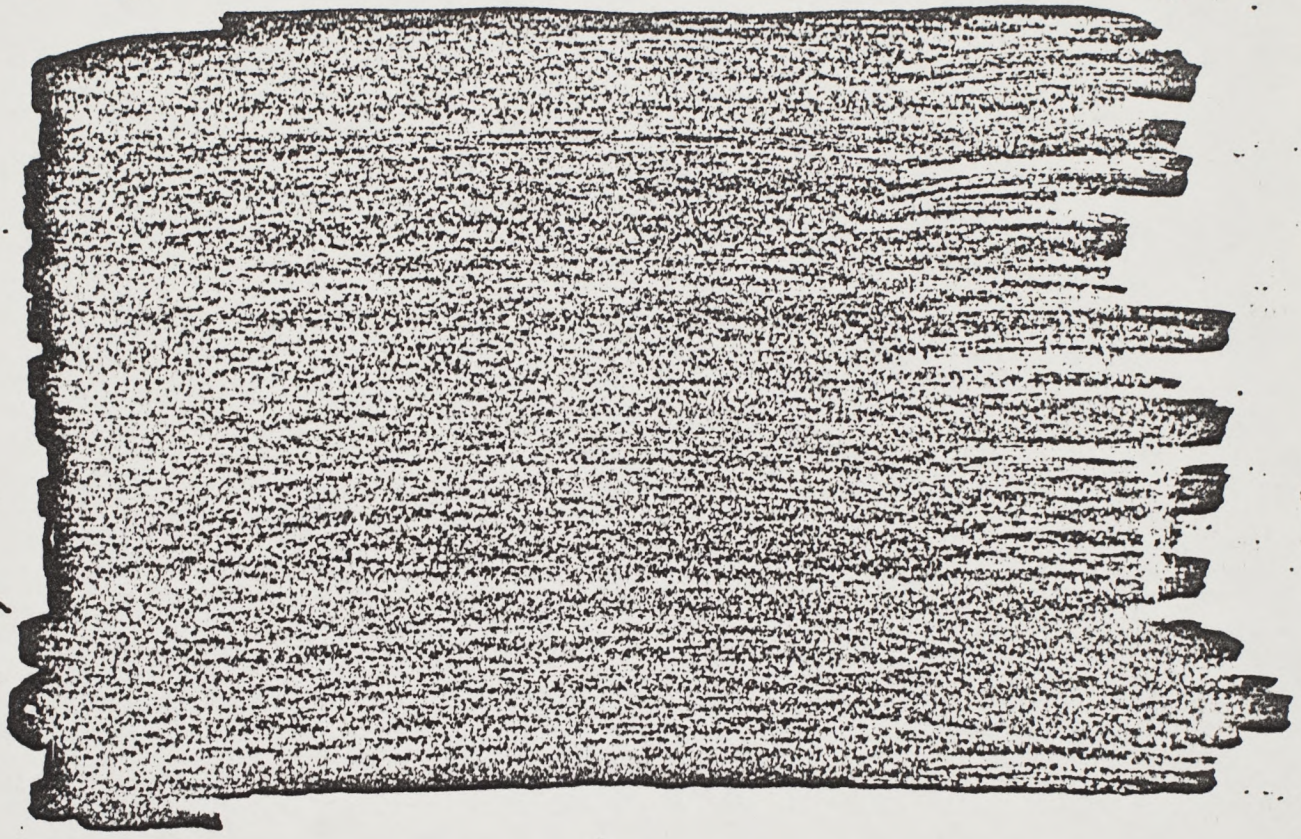
YOUNG CHICANOS FOR
COMMUNITY ACTION
Also Known As
Brown Berets

Since its inception, the Brown Berets organization has concentrated mainly on protests against the Los Angeles City School System, claiming discrimination against Mexican-American students. Several members of the Brown Berets have been arrested for disruption of Los Angeles City Schools.

APPENDIX

CENTRO DE ACCION SOCIAL AUTONOMO (CASA)
(AUTONOMOUS CENTER OF SOCIAL ACTION)

(6X1)



APPENDIX

"THE MILITANT"

"The Militant" is a weekly newspaper published at New York, New York, by the Militant Publishing Association. It propagandizes the view points of the Socialist Workers Party (SWP). The SWP is a revolutionary, Trotskyist-communist organization, which has as its purpose the overthrow of the United States Government and the institution of a dictatorship of the working class and the eventual achievement of a communist society.

APPENDIX

19*

FILE NUMBER: 44-64689

DOCUMENT NUMBER: 8

SERIAL NUMBER: 8

DATE: 2/26/76

COMMUNICATION: A 2 page Memorandum from the Civil Rights Division of the U. S. Department of Justice, and a one page Airtel from FBI Headquarters to the SAC, San Diego.

TOTAL NUMBER OF PAGES: 3

TOTAL NUMBER OF PAGES RELEASED: 3

Deletions from this document are listed by page number as follows:

Memorandum

Pages 1 and 2

Entire document referred to the U. S. Department of Justice for their handling and direct response to the requester.

Airtel

Page 1

No deletions, page released in its entirety.

AFFIDAVIT OF SWORN STATEMENT

Mark A. Mezta
2732 E. 24th Street
National City, Ca 92050

I, Mark A. Mezta, do solemly swear that the following is true and correct:

On February 20, 1976, at approximately 3:25 in the afternoon, two men in dress suits, one white caucasion and the other a Mexican-American rang the door bell of our home. They identified themsleves, I forgot the names, but one had an I.D. card with his picture and lettering which read "Federal Bureau of Investigation".

The man talking to me said he was running an investigation or survey from door to door and was from the Deputy Registrar of Voters. He was carrying a xerox copy of all people registered to vote who lived at our home. He asked me to name off all the persons. I named all persons.

They looked at the list and the man talking to replied, "thats all I wanted to know". Then they left.

Mark. A. Mezta

SUBSCRIBED AND SWORN TO BEFORE ME
THIS 25 DAY OF Feb. 1976
AT NATIONAL CITY, CALIFORNIA 92050

NOTARY PUBLIC IN AND FOR THE COUNTY OF SAN DIEGO, STATE OF CALIFORNIA

ALVARO V. CHAVEZ
NOTARY PUBLIC
PRINCIPAL OFFICE
SAN DIEGO CO. CALIF.
My Commission Exp. Oct. 15, 1978

AFFIDAVIT OF SWORN STATEMENT

NAME: ELSA JUAREZ

ADDRESS: 1030 Delta St.

CITY: National City

I, Elsa Juarez, do solemly swear that the statement I'm about to make are true to the best of knowledge.

At approximately the first week from returning from Christmas vacation. I was approache by men, that had previously talked to Mrs. Rhea Vice-principal and Mrs. Ferguson Secret to the Principal of Sweetwater Union High School. After introducing themselves they ask me if I knew Mr. Luis Natividad I replied yes. They proceeded to ask me if I knew the people who were registering at the school the previous week, I anturn replied some, they specificaly asked me if Mr. Natividad had a clipboard in his hand and how far was he fr the persons who were doing the registering and finally if he had a petition with him. My replied was yes he had a clipboard and I pointed to a palm tree outside the building that was about 25 yards from where I was sitting, and that I didn't know if he had a petit with him. They also asked me what I was doing there? I told them that I was helping to round-up the students to register to vote. Couple days later I asked Mrs. Rhea who the men were?. She replied they were from the FBI, but Mrs. Ferguson stated that they were f the DA's office.

Signed:
Elsa Juarez
January 27, 1976

SUBSCRIBED AND SWORN TO BEFORE ME
THIS 4th dayof Feb. 1976
at National City, California

NOTARY PUBLIC IN AND FOR THE COUNTY OF SAN DIEGO, STATE OF CALIFORNIA

NOTARY PUBLIC - CALIFORNIA

OFFICIAL SEAL
JESSE RAMIREZ
NOTARY PUBLIC - CALIFORNIA
PRINCIPAL OFFICE IN
SAN DIEGO COUNTY
My Commission Expires January 7, 1979

SUBSCRIBED AND SWORN TO BEFORE ME
THIS _____ DAY OF _____ 19____

_____
NOTARY PUBLIC - CALIFORNIA

"PAGE(S) WITHHELD" INFORMATION SHEET

2 Page(s) has been withheld in its entirety at this location in the file. One or more of the following statements, where indicated, explain the reason for this deletion.

_____ Deleted under exemption(s) _____ with no segregable material available for release to you.

_____ Information pertained only to a third party with no reference to you or the subject of your request.

_____ Information pertained only to a third party. Your name is listed in the title only.

✓ A document originating with the following government agency: Department of Justice has been forwarded to them for direct response to you.

_____ Page(s) has been referred for consultation to the following government agency: _____ as the information originated with them. You will be advised of the documents availability upon its return to the FBI.

_____ Page(s) withheld for the following reason(s):

_____

_____

_____ For your information: _____

_____

✓ The following number is to be used for reference regarding these pages: 44-64689-8

6-122 (Rev. 2-20-74)

FBI

Transmit in _____ Via Airtel _____

(Type in plaintext or code) (Precedence)

TO: SAC, San Diego (44-NEW)

From: Director, FBI

REC-6 44-64689-8

EX-110

2/26/76

1 - Mr. Giaquinto
1 - Mr. Cooke

UNSUBS, NATIONAL CITY,
CALIFORNIA; HERMAN BACA,
UNKNOWN VICTIMS;
VOTING DISCRIMINATION
VOTING INTIMIDATION
CIVIL RIGHTS - ELECTION LAWS, IMPERSONATION

ReButelcal of 2/26/76.

Enclosed are two copies of a self-explanatory Departmental letter dated

February 26, 1976.

Complete the requested investigation in accordance with the provisions of Section 27, Volume II, Manual of Instructions, and surep within 5 days of the receipt of this communication.

State in the first paragraph of the details of your report that it contains the results of a ☐ limited ☒ preliminary investigation and underscore the word ☐ limited ☒ preliminary

Advise ☐ all persons interviewed ☒ appropriate officials at the outset that this investigation is being conducted at the specific request of the U. S. Department of Justice.

Remarks: This confirms re Butelcal of 2/26/76. Insure Departmental deadline of March 5, 1976,, is complied with. Impersonation aspects should also be fully investigated.

Enc. (2)

JSG:mlr (5)

(Do not type below this line.)

MAILED 14
FEB 27 1976
FBI

F170

70 MAR 1 F, 1975

MAIL ROOM ☐ TELETYPE UNIT ☐

(This line for LEFT MARGIN.)

(Do not type BEYOND THIS MARGIN.)

8

FILE NUMBER: 44-64689

DOCUMENT NUMBER: 9

SERIAL NUMBER: 9

DATE: 3/4/76

COMMUNICATION: A 73 page investigative report from SAC, San Diego.

TOTAL NUMBER OF PAGES: 74

TOTAL NUMBER OF PAGES RELEASED: 74

Deletions from this document are listed by page number as follows:

Investigative Report

Cover Page A

A deletion was made from the cover page of this report pursuant to exemption (b)(7)(C) to protect the name of a Special Agent of the FBI. (See paragraph (6)(B)(iii), supra.)

Pages 1, 3, 7, 10, 12, 13, 14, 15, 16, 17, 18, and 22

Deletions were made pursuant to exemption (b)(7)(C) to protect the name of a Special Agent(s) of the FBI. (See paragraph, (6)(B)(iii), supra.)

Pages 2, 4, 5, 6, 8, 9, 11, 17, 19, 20, 21, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73

No deletions, pages released in their entirety.

FD-263 (Rev. 7-15-75)

FEDERAL BUREAU OF INVESTIGATION

REPORTING OFFICE	OFFICE OF ORIGIN	DATE	INVESTIGATIVE PERIOD
SAN DIEGO	SAN DIEGO	3/4/76	2/26/76 - 3/4/76

TITLE OF CASE

UNSUBS; NATIONAL CITY, CALIFORNIA;
HERMAN BACA,
UNKNOWN VICTIMS;
VOTING DISCRIMINATION
VOTING INTIMIDATION

REPORT MADE BY: SA [redacted] (6)(7)(C) — TYPED BY: cwf

CHARACTER OF CASE

CIVIL RIGHTS - ELECTION LAWS,
IMPERSONATION

REFERENCE: 44-646 89-8

Bureau airtel with enclosed Departmental letter, 2/26/76.

-C-

ADMINISTRATIVE

All persons interviewed were advised at the outset of the interviews that investigation being conducted was at the specific request of the United States Department of Justice.

MARK MEZTA and ELSA JUAREZ were interviewed in reference to impersonation aspects of this investigation.

For information, it is noted that HERMAN BACA is the subject of San Diego file 157-5120.

ACCOMPLISHMENTS CLAIMED ☐ NONE						ACQUITTALS	CASE HAS BEEN:
CONVIC.	PRETRIAL DIVERSION	FUG.	FINES	SAVINGS	RECOVERIES		PENDING OVER ONE YEAR ☐ YES ☐ NO PENDING PROSECUTION OVER SIX MONTHS ☐ YES ☐ NO

APPROVED: PH/RH — SPECIAL AGENT IN CHARGE

COPIES MADE:
(2)-Bureau
1-USA, San Diego
1-San Diego (44-729)

DO NOT WRITE IN SPACES BELOW

44-64689-9 REC 12

10 MAR 1976

EX-101

Dissemination Record of Attached Report				
Agency	CRS			
Request Recd.				
Date Fwd.	3/9/76			
How Fwd.	LWC			
By				

Notations: McDONOUGH, SDX, DATA PROC

7 MAR 28 1976

-A*-

COVER PAGE

9

FD-204 (Rev. 3-3-59)

UNITED STATES DEPARTMENT OF JUSTICE
FEDERAL BUREAU OF INVESTIGATION

Copy to: 1-United States Attorney, San Diego, California

Report of: (6)(7)(C) [redacted] Office: San Diego
Date: March 4, 1976

Field Office File #: SD 44-729 Bureau File #:

Title: UNKNOWN SUBJECTS, NATIONAL CITY, CALIFORNIA;
HERMAN BACA,
UNKNOWN VICTIMS;
VOTING DISCRIMINATION
VOTING INTIMIDATION

Character: CIVIL RIGHTS - ELECTION LAWS, IMPERSONATION

Synopsis: The following is the result of a limited investigation. HENRY QUEVEDO, Montebello, California, set out information to the United States Department of Justice that after Mexican-Americans in National City, California, initiated a successful recall petition, individuals impersonating Special Agents of the FBI threatened registered voters with removal from voter registration lists. HERMAN BACA, Chairman, Ad Hoc Committee on Chicano Rights, National City, California, stated his organization circulated a recall petition and that he has two signed statements from ELSA JUAREZ and MARK MEZTA, who were questioned by FBI Agents regarding voter registration or elections. He noted that only MEZTA was questioned in reference to the recall petition. Signed statement of JUAREZ indicated that Mrs. J. RHEA, Vice Principal, Sweetwater Union High School, National City, California, identified individuals who questioned her (JUAREZ) as FBI Agents. Mrs. RHEA stated she only assumed individuals were FBI Agents since they asked "official questions." MEZTA was determined unable to be contacted after numerous attempts. Mrs. M. MEZTA, mother of MARK MEZTA, stated her son did not allow interviewing individuals into residence as he was not sure who they were or where they were from. PETER SCHEY, Legal Counsel for the Ad Hoc Committee on Chicano Rights, advised that he

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☆ U.S.GPO:1975-0-575-841

identified one interviewing individual as KEN BROWN, Investigator for the District Attorney's Office, San Diego, California, who is conducting an investigation into apparent discrepancies in voter registration lists. Mrs. M. KULIKOWSKI advised that Ad Hoc Committee turned in a recall petition containing 1,501 signatures of which over 1,000 had to be removed because of collecting or signing discrepancies. KULIKOWSKI advised that this information furnished to County Registrar. ROBERT T. DENNY, County Registrar, advised of noted discrepancies in voter registration lists and stated that District Attorney's Office, San Diego, California, is currently conducting an investigation. DENNY stated documents regarding recall elections available only through court action.

-C-

DETAILS:

The following is a result of a limited investigation:

This investigation was predicated on the information that on February 23, 1976, Division Attorney BARRY H. WEINBERG received a telephone call from HENRY QUEVEDO, Montebello, California, who stated that after Mexican-Americans initiated a successful recall petition against city officials, persons posing as Federal Bureau of Investigation (FBI) Agents threatened individuals with removal from voter registration lists. QUEVEDO stated further information could be obtained from HERMAN BACA, National City, California.

FD-302 (REV. 11-27-70)

FEDERAL BUREAU OF INVESTIGATION

Date of transcription 3/4/76

HERMAN BACA, Chairman, Ad Hoc Committee on Chicano Rights, 1837 Highland Avenue, National City, California, was interviewed, after being advised of the identities of the interviewing Agents as well as the fact that information he furnished could be used in a court of law. BACA was interviewed in the presence of PETER SCHEY, Legal Counsel, Ad Hoc Committee on Chicano Rights.

BACA stated that he is familiar with HENRY QUEVEDO, Montebello, California, as being the former Spanish speaking Cabinet Affairs Officer in the NIXON Administration. He now sells insurance.

BACA stated that LUIS ROBERT RIVERA, Age 20, was shot and killed on October 12, 1975, by Patrolman CRAIG SHORT of the National City, California, Police Department. Because of the lack of the National City officials to take affirmative action seeking justice in this matter as well as their lack of concern in reference to problems in the Chicano community, a recall petition was circulated in National City in an attempt to remove the Mayor, KILE MORGAN, Councilmen LUTHER REID and MICHAEL DALLA, and City Clerk IONE MINOGUE CAMPBELL from office.

BACA stated that IONE CAMPBELL furnished incorrect precinct numbers for the recall election and signatures were obtained using these incorrect precinct numbers. For this and other reasons, the recall petition is now "tied up" in the courts as a temporary restraining order has been issued stopping the recall election. BACA stated he has no further information concerning this petition; however, information may be obtained from PETER SCHEY, Legal Counsel, Ad Hoc Committee on Chicano Rights.

Interviewed on 2/26/76 at National City, California File # SD 44-729

(b)(7)(c) by SA [redacted] and SA CAW:cwf Date dictated 3/1/76

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BACA stated that he would like to furnish signed statements of two individuals who were interviewed by Special Agents of the Federal Bureau of Investigation (FBI) in connection with local elections in National City, California. MARK A. MEZTA was interviewed on February 20, 1976, in connection with National City Municipal Election of March 2, 1976. ELSA JUAREZ was interviewed in connection with the petition being circulated as previously described. Interviewing of Mexican-Americans in National City has a very "chilling effect" on them in reference to voting as they feel it may lead to further investigation of them, such as investigation into their alien rights and legalities. BACA states this is a violation of the Civil Rights of these individuals. BACA stated he has no further information concerning this recall petition or violations of Civil Rights.

FD-302 (REV. 11-27-70)

FEDERAL BUREAU OF INVESTIGATION

Date of transcription 3/4/76

HERMAN BACA, Chairman, Ad Hoc Committee on Chicano Rights, was interviewed.

BACA furnished a complaint regarding violation of Civil Rights of Mexican-Americans in National City, California. During the interview BACA furnished a copy of letters which he had previously furnished to EDWARD LEVY, Attorney General, and J. STANLEY POTTINGER, Assistant Attorney General, United States Department of Justice, in connection with this complaint.

Interviewed on 2/26/76 at National City, California File # SD 44-729

by (b)(7)(c) SA [redacted] and SA [redacted] CAW:cwf -7- Date dictated 3/1/76

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AD HOC COMMITTEE
ON
CHICANO RIGHTS
1837 Highland Ave. Nat'l City, Cal. 92050 (714) 477-3620

EXECUTIVE BOARD

Chairman
Herman Baca

Vice Chairman
Albert Puente

Secretary
Albert Garcia

Treasurer
Pete Rios

February 27, 1976

Edward Levy
Attorney General
United States

Dear Mr. Levy:

On behalf of the Ad Hoc Committee on Chicano Rights, I am writing you to express our grave concern over recent incidents which may involve officials from your department. This latest incident is only one of many intimidating acts aimed at frustrating our efforts to exercise our rights of due process.

Enclosed are sworn statements from National City, California citizens. These statements are from individuals who have been interrogated by people claiming to represent the FBI, about alleged violations of the California Election Code. If it is true that the FBI is conducting an investigation into Election Code violations we would like to know the nature of the investigation, to facilitate its early conclusion.

If your office is not conducting such an investigation, we would like to take this opportunity to inform you that individuals have been going through this community and misrepresenting themselves as FBI agents.

These incidents are important to us because of the chilling effect which this is having in terms of people being afraid to exercise their democratic right to vote. Your prompt attention to this matter will be greatly appreciated.

Sincerely yours,

Herman Baca
Chairman, Ad Hoc Committee

cc: Clarence Kelley, Secretary of State, Senator Alan Cranston, Senator John Tunney, Congressman Lionel Van Deerlin, Fernando De Baca, Special Assistant to the President, Fair Political Practices Commission, Assemblyman Peter Chacon, News Media.

MEMBER ORGANIZATIONS

C.A.S.A. Justicia-Chicano Federation-C.I. Forum-Hermandad Igualdad de Derechos-M.A.A.C.-M.A.

9

AD HOC COMMITTEE ON CHICANO RIGHTS

1837 Highland Ave. Nat'l City, Cal. 92050 (714) 477-3620

EXECUTIVE BOARD

Chairman
Herman Baca

Vice Chairman
Albert Puente

Secretary
Albert Garcia

Treasurer
Pete Rios

Feb. 26, 1976

Stanley Pottinger
Assistant Attorney General
for Civil Rights
U.S. Dept. of Justice

Enclosed are sworn statements from citizens of National City, California. Eversince these citizens initiated a recall effort against the City Council in November 1975, local officials have attempted to discredit and destroy the recall drive and are now attempting to frighten people from exercising their right to vote in the regular municipal election on March 2, 1976. The enclosed statements are only a sample of the harassment and intimidation which are people have faced.

We are bringing this to your attention because of our concern with the March 2nd election. Because of the continual pattern of harassment and intimidation by local authoritites, we feel that a legal and democratic election is not possible without the presence of federal monitors. Federal monitors will insure that a fair and impartial election will be held here in Nat'onal City, California on March 2, 1976.

We would appreciate your prompt attention to our request since the elections are less than one week away. Please contact me as soon as possible at 1837 Highland Ave, National City, California 92050 or call (714) 474-8195. Thank you for your cooperation.

Sincerely yours,

Herman Baca

Herman Baca
Ad Hoc Committee on Chicano Rights

cc: Secretary of State, Senator Alan Cranston, Senator John Tunney, Congressman Lionel Van Deerlin, Fernando De Baca, Special Assistant to the President, Fair Political Practices Commission, Assemblyman Peter Chacon, Chairman Chicano Caucus, News Media

MEMBER ORGANIZATIONS

C.A.S.A. Justicia-Chicano Federation-C.I. Forum-Hermandad Igualdad de Derechos-M.A.A.C.-M.A.

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FD-302 (REV. 11-27-70)

FEDERAL BUREAU OF INVESTIGATION

Date of transcription 3/4/76

1

Numerous attempts were made to contact MARK A. MEZTA at his residence of 2732 East 24th Street, National City, California. All attempts, the latest being on March 4, 1976, met with negative results.

On March 3, 1976, Mrs. M. MEZTA, mother of MARK MEZTA, stated that her son was not positive of the identities of the individuals interviewing him in reference to voter registration as Special Agents of the Federal Bureau of Investigation (FBI). She further stated that her son, MARK MEZTA, did not allow the individuals into their residence as he was not sure who they were or where they were from.

Interviewed on 3/3-4/76 at National City, California File # SD 44-729

(b)(7)(c) by SA [redacted], and SA [redacted] CAW:cwf -10- Date dictated 3/4/76

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For information, it is noted that the signed statement of ELSA JUAREZ furnished by HERMAN BACA set out information that one Mrs. RHEA, Vice Principal, Sweetwater Union High School, National City, California, had stated to ELSA JUAREZ that the individuals interviewing her, JUAREZ, were Special Agents of the Federal Bureau of Investigation (FBI).

FD-302 (REV. 11-27-70)

FEDERAL BUREAU OF INVESTIGATION

Date of transcription 3/4/76

1

Mrs. J. RHEA, Vice Principal, Sweetwater Union High School, National City, California, was interviewed after being advised of the identities of the interviewing Agents and of the fact that information she furnished could be used in a court of law.

Mrs. RHEA stated that in early January, 1976, two individuals came to Sweetwater Union High School after a complaint had been registered regarding a polling booth at the high school. An unknown individual was circulating a petition within 100 feet of the polling booth. Mrs. RHEA stated that she assumed from the type of questions the individuals asked that they were Special Agents of the Federal Bureau of Investigation (FBI). She further stated that she saw no identification of the individuals and did not hear either of the individuals state that he was an FBI Agent.

Interviewed on 3/3/76 at National City, California File # SD 44-729

(b)(7)(c) by SA [redacted] and SA [redacted] CAW:cwf -12- Date dictated 3/4/76

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FD-302 (REV. 11-27-70)

FEDERAL BUREAU OF INVESTIGATION

Date of transcription 3/4/76

1

PETER SCHEY, Legal Counsel, Ad Hoc Committee on Chicano Rights, was interviewed after being advised of the identities of the interviewing Agents as well as the fact that information he furnished could be used in a court of law.

SCHEY stated that his office is located at 3040 Imperial, San Diego, California, telephone number 233-5463, and that he is currently representing the Ad Hoc Committee on Chicano Rights in reference to their recall election of National City Mayor KILE MORGAN, City Councilmen DALLA and REID, and City Clerk IONE CAMPBELL.

Because IONE CAMPBELL, Chief Clerk of National City, California, furnished incorrect precinct numbers for recall petition signatures, many signatures were taken off the recall petition and an insufficient number of signatures were retained. A temporary restraining order has been issued by Superior Court Judge JACK LEVITT stopping the recall process and a hearing has been set for March 19, 1976, to determine whether or not to permanently issue a restraining order in reference to the recall process.

SCHEY stated he would furnish a copy of documents in reference to a interim order issued by Superior Court Judge JACK LEVITT, setting out plaintiffs, defendants, and so on. No concluding court action has been reached in this action.

Interviewed on 2/26/76 at National City, California File # SD 44-729

(6Y7Yc)

by 1 SA [redacted] and SA [redacted] CAW:cwf -13- Date dictated 3/1/76

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FD-302 (REV. 11-27-70)

FEDERAL BUREAU OF INVESTIGATION

Date of transcription 3/4/76

1

Mrs. M. KULIKOWSKI, Deputy Clerk, National City, California, was interviewed after being advised of the identities of the interviewing Agents as well as the fact that information she furnished could be used in a court of law.

KULIKOWSKI stated that a recall petition listing 1,501 signatures was submitted to IONE CAMPBELL, Chief Clerk, National City, California, calling for the removal of Mayor KILE MORGAN, City Councilmen LUTHER REID and MICHAEL DALLA, and IONE CAMPBELL from office. This petition, submitted by the Ad Hoc Committee on Chicano Rights, has currently been held up as a result of a restraining order issued by Superior Court Judge JACK LEVITT. It was the duty of IONE CAMPBELL to verify different aspects of the petition which by law must contain 1,500 signatures of registered voters.

KULIKOWSKI stated that over 1,000 of the 1,501 signatures had been removed from the recall petition as individuals who signed as registered voters of National City, California, had incorrectly dated the petition or were not residents of National City. In addition, individuals listed were not United States citizens, used incorrect precinct numbers, and were listed more than once on the petition.

This document was furnished to ROBERT T. DENNY, County Registrar of Voters, San Diego, California, for further checking.

KULIKOWSKI further advised that the District Attorney's Bureau of Investigation has conducted investigation into registration procedures in National City and on March 2, 1976, during the Municipal Election, challenged approximately ten voters at the polls.

Interviewed on 3/3/76 at National City, California File # SD 44-729

(b)(7)(c) by SA [redacted], and SA [redacted] CAW:cwf -14 Date dictated 3/4/76

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FD-302 (REV. 11-27-70)

FEDERAL BUREAU OF INVESTIGATION

Date of transcription 3/4/76

ROBERT G. DENNY, Registrar of Voters, San Diego, California, was interviewed after being advised of the identities of the interviewing Agents as well as the fact that information he furnished could be used in a court of law.

DENNY stated that it is the duty of his office to ascertain the validity of the signatures on a recall petition but all investigations of falsified signatures, and so on, are the responsibility of the District Attorney's Office, San Diego, California.

DENNY stated that he received a call from IONE CAMPBELL, Chief Clerk, National City, California. CAMPBELL noted that ten or more individuals listed as registered voters on a recall petition in National City were listed as residing in a single room dwelling. In addition, CAMPBELL stated that incorrect procedures were used for listing and obtaining signatures on this recall petition.

DENNY stated that this recall petition was circulated by HERMAN BACA and other members of the Ad Hoc Committee for Chicano Rights. BACA should be familiar with the rules and regulations of recall petitions as he, his sister, his brother, his mother, and his father are all deputy registrars.

No deputy registrar from the County Registrar's Office has investigated discrepancies in connection with this recall petition; all investigation has been the responsibility of KEN BROWN of the District Attorney's Bureau of Investigation, San Diego, California. No documents in reference to this recall election are available except through court action as election codes state that documents immediately become the property of the City Clerk.

Interviewed on 3/2/76 at San Diego, California File # SD 44-729

(b)(7)(C) by SA [redacted] and SA [redacted] CAW:cwf -15- Date dictated 3/4/76

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FD-302 (REV. 11-27-70)

FEDERAL BUREAU OF INVESTIGATION

Date of transcription 3/4/76

Mr. JAMES HAMILTON, Deputy District Attorney, San Diego, California, was interviewed after being advised of the identities of the interviewing Agents as well as the fact that information he furnished could be used in a court of law.

HAMILTON stated that his office was contacted by IONE CAMPBELL, City Clerk, National City, California, in connection with voter registration fraud regarding a recall petition circulated by the Ad Hoc Committee on Chicano Rights. CAMPBELL noted several discrepancies in voter registration lists.

HAMILTON stated that the policy of the District Attorney's Office is not to initiate criminal charges in voter registration fraud cases unless the case can be terminated before the election; however, he informed CAMPBELL that voters could be challenged at the polls. HAMILTON advised that two investigators from his office were given the assignment of specifically checking five residences noted by CAMPBELL in connection with discrepancies in voter registrations. These residences were:

1028 Hoover, National City
1419 Hoover, National City
2732 East 24th Street, National City
1130 East 21st Street, National City
1441 Coolidge Street, National City

It is noted that these residences were checked on February 20, 1976, and that one source of complaint of impersonation and voter intimidation comes from 2732 East 24th Street.

Interviewed on 3/3/76 at San Diego, California File # SD 44-729

-(6)(7)(c) by SA [redacted], and SA CAW:cwf -16- Date dictated 3/4/76

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The investigators were identified as KEN BROWN, a white male, and HECTOR ESTEVANE, a Mexican male.

HAMILTON stated that ELSA JUAREZ was interviewed at the Sweetwater Union High School, National City, California, in early January, 1976, in connection with Section 45 of the Elections Code, which states that individuals cannot be circulating a petition within 100 feet of a polling booth. HAMILTON stated that this was a minor complaint and had absolutely no connection with the recall petition in National City, California.

In addition, HAMILTON advised that his investigators usually identify themselves with badges and credentials, stating that they are with the District Attorney's Bureau of Investigation. Previous problems have been noted regarding confusion of their identities with the identities of Federal Bureau of Investigation (FBI) Agents.

FD-302 (REV. 11-27-70)

FEDERAL BUREAU OF INVESTIGATION

Date of transcription 3/4/76

Mrs. M. KULIKOWSKI, Deputy Clerk, National City, California, furnished initiation papers regarding the petition to recall filed with their office by HERMAN BACA, Chairman, Ad Hoc Committee on Chicano Rights. She stated that petition to recall, number 56747, was a matter of public records; however, other documents in reference to this recall petition are available through court action.

Interviewed on 3/3/76 at National City, California File # SD 44-729

(6)(7)(C) by SA [redacted], and SA CAW:cwf -18- Date dictated 3/4/76

This document contains neither recommendations nor conclusions of the FBI. It is the property of the FBI and is loaned to your agency; it and its contents are not to be distributed outside your agency.

NAME OF OFFICER: [redacted] MORGAN

TITLE OF OFFICE: MAYOR OF NATIONAL CITY

GROUNDS FOR RECALL

56747

11-4-75

C37-60

We, the residents, citizens, and taxpayers of National City hereby, declare our dissatisfaction with the current Administration of our civic affairs of our City.

We, hereforth, state that the Mayor and the National City Council is condemned by us concerned individuals for condoning official lawlessness and violence under the color of law and furthermore, that the Mayor and the City Council by their abuse of their constituted power, have failed to provide representative leadership and are responsible of gross incompetency and irresponsibility in their failure to provide for the health, safety, and welfare of its residents, citizens and taxpayers.

We, the concerned citizenry in calling for a recall accuse the Mayor and the City Council of:

1. bias towards corporate interest in establishing zoning regulations.
2. failure to provide for the safety of our school children.
3. inability to harness federal funds for local projects and social improvement.
4. mismanagement of federal funds.
5. failure to provide adequate guidelines and policies for law enforcement officials.
6. insensitivity to the Multi-cultural needs of our community.
7. failure to respond to the will of the people.

To remedy the above stated inequities and in order to provide for new responsive democratic leadership, we the people of National City hereby, urge the recall of the Mayor and the entire National City Council.

Continued.

Jesse Ramirez

421 West 16th Street
National City, Ca 92050
477-7120

Oscar O. Cañedo

Oscar O. Cañedo, Ph. D.
1729 Cleveland Ave.
National City, Ca 92050
477-5469

Herman Baca

Herman Baca
105 South Harbison
National City, Ca 92050
477-3800

Beulah F. Xander

Beulah F. Xander
1845 E. 16th Street
National City, Ca 92050
477-7904

Consuelo Rubio

Consuelo Rubio
1729 Cleveland Ave.
National City, Ca 92050
477-5469

NOTICE OF INTENT TO SERVE

I, HERMAN BACA, a United States Citizen, over the age of (18) eighteen and residing at 105 S. Harbison, National City, County of San Diego, State of California, hereby state, that I served personally the original of this attached document on November 4, 1975; at 7:45 p.m. to Mr. Kile Morgan, Mayor.

Herman Baca

FD-302 (REV. 11-27-70)

FEDERAL BUREAU OF INVESTIGATION

Date of transcription 3/4/76

PETER SCHEY, Legal Counsel, Ad Hoc Committee on Chicano Rights, furnished the following documents in reference to the interim order issued by Superior Court Judge JACK LEVITT, setting out plaintiffs, defendants, and so on. No concluding court action has been reached in this matter.

Interviewed on 2/26/76 at National City, California File # SD 44-729

(b)(7)(c) by SA [redacted] and SA CAW:cwf -22- Date dictated 3/1/76

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PETER A. [illegible], ESQ.
RALPH ARRIOLA, ESQ.
Ad Hoc Committee on Chicano Rights
1837 Highland Avenue
National City, CA 92050

Attorneys for Plaintiffs/Petitioners

IN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA

IN AND FOR THE COUNTY OF SAN DIEGO

AD HOC COMMITTEE ON CHICANO RIGHTS, an unincorporated organization; HERMAN BACA, an individual; JESSE RAMIREZ, an individual; CONSUELO RUBIO, an individual; OSCAR O. CANEDO, an individual; BEULAH E. XANDER, an individual, Plaintiffs/Petitioners, vs. KILE MORGAN, individually and as Mayor of National City; MICHAEL DALLA, individually and as Councilman of National City; LUTHER REID, individually adn as a Councilman of National City; IONE MINOGUE CAMPBELL, individually and as City Clerk for National City; DOES I-X, Defendants/Respondents	NO._____ COMPLAINT FOR PERMANENT INJUNCTION, TEMPORARY RESTRAINING ORDER AND PRELIMINARY INJUNCTION, AND PETITION FOR WRIT OF MANDATE (C.C.P. 1086).

FIRST CAUSE OF ACTION

I

Plaintiff, the Ad Hoc Committee on Chicano Rights (hereinafter "Ad Hoc Committee") is an unincorporated organization with offices located at 1837 Highland Avenue, National City,

City, California, 92050. The Ad Hoc Committee has been in existance for several years. The primary purpose of the Ad Hoc Committee is to protect and promote the Constitutional rights of Chicano persons and other indigent and oppressed minority groups. During all times relevant herein, the Ad Hoc Committee has been involved in coordinating a recall petition drive against certain elected public officials of National City.

II

Plaintiff Herman Baca, at all times relevant herein, has been a United States citizen, a registered voter in National City, California, and a resident of National City, California. Plaintiff Baca is the Chairman of the Ad Hoc Committee and was named as a proponent of a recall petition filed with the City Clerk of National City on November 4, 1975. Plaintiff Baca was again named as a proponent in three documents entitled "NOTICE OF INTENTION TO CIRCULATE PETITION FOR RECALL OF CITY OFFICIAL" filed with the City Clerk of National City on November 14, 1975.

III

Plaintiff Jesse Ramirez, at all times relevant herein, has been a United States citizen, a registered voter of National City, and a resident of National City, California. Plaintiff Ramirez is a member of the Ad Hoc Committee and was named as a proponent of a recall petition filed with the City Clerk of National City on November 4, 1975. Plaintiff Ramirez was again named as a proponent in three documents entitled "NOTICE OF INTENTION TO CIRCULATE PETITION FOR RECALL OF CITY

OFFICIAL" filed with the City Clerk of National City on November 14, 1975.

IV

Plaintiff Consuelo Rubio, at all times relevant herein, has been a United States citizen, a registered voter of National City, and a resident of National City, California. Plaintiff Rubio is a member of the Ad Hoc Committee and was named as a proponent of a recall petition filed with the City Clerk of National City on November 4, 1975. Plaintiff Rubio was again named as a proponent in three documents entitled "NOTICE OF INTENTION TO CIRCULATE PETITION FOR RECALL OF CITY OFFICIAL" filed with the City Clerk of National City on November 14, 1975.

V

Plaintiff Oscar Canedo, at all times relevant herein, has been a United States, a registered voter of National City, and a resident of National City, California. Plaintiff Canedo is a member of the Ad Hoc Committee and was named as a proponent of a recall petition filed with the City Clerk of National City on November 4, 1975. Plaintiff Canedo was again named as a proponent in three documents entitled "NOTICE OF INTENTION TO CIRCULATE PETITION FOR RECALL OF CITY OFFICIAL" filed with the City Clerk of National City on November 14, 1975.

VI

Plaintiff Beulah Mander, at all times relevant herein, has been a United States citizen, a registered voter of National City, and resident of National City, California.

Plaintiff Xander is a member of the Ad[illegible] Committee and was named as a proponent of a recall petition filed with the City Clerk of National City on November 4, 1975. Plaintiff Xander was again named as a proponent in three documents entitled "NOTICE OF INTENTION TO CIRCULATE PETITION FOR RECALL OF CITY OFFICIAL" filed with the City Clerk of National City on November 14, 1975.

VII

Defendant Kile Morgan is an individual and the Mayor of National City. In this capacity he presides over the City Council of National City and participates in developing official positions, policies and procedures for the city of National City.

VIII

Defendant Michael Dalla is an individual and a City Councilman for National City. In this capacity he participates in developing official positions, policies and procedures for the City of National City.

IX

Defendant Luther Reid is an individual and a City Councilman for National City. In this capacity he participates in developing official positions, policies and procedures for the City of National City.

X

Defendant Ione Minogue Campbell is an individual and the city Clerk for the City of National City. In this capacity she is responsible for receiving and filing recall petitions, and issuing certifications of sufficiency or

insufficient with regard to said petitions.

XI

Does I through X are employees of the city of National City. The identities of Does I through X are not known at this time to plaintiffs/petitioners. As soon as the identity of said defendants becomes known to plaintiff/petitioners, plaintiffs/petitioners will amend this complaint accordingly.

XII

On October 28, 1975, at a mass community meeting held at Saint Anthony's Church, 18th and Harding Streets, National City, the Ad Hoc Committee voted to coordinate a recall petition drive against certain elected public officials of National City. The persons identified as being the subjects of the recall effort were: Mayor Kile Morgan, Councilman Michael Dalla, and Councilman Luther Reid. See, Affidavit of Baca, paragraph 3, attahced hereto as "Exhibit A", and hereby incorporated by this reference. See, Affidavit of Phillip Alcala, paragraph 2, attached hereto as "Exhibit B", and hereby incorporated by this reference.

XIII

On November 4, 1975, copies of three documents entitled "Petition for Recall of City Official" were filed with defendant Campbell, City Clerk of National City, pursuant to California Elections Code Sections 27500, et. seq. The petitions named three elected officials (see paragraph XII, supra.). On the same day, November 4, 1975, the originals of these documents were served on the public officials named therein pursuant to Elections Code section 27501. [illegible]

of the recall effort were plaintiffs/petitioners Herman Baca, Jesse Ramirez, Consuelo Rubio, Oscar Canedo, and Benita Mander.

XIV

On November 7, 1975, Mr. Reuben Rubio, 1729 Cleveland Avenue, National City, the husband of plaintiff/petitioner Mrs. Consuelo Rubio and a member of the Ad Hoc Committee, received a telephone call from defendant Campbell. Defendant Campbell stated that she was calling from a telephone outside the City Clerk's office because she felt her phone was bugged. Defendant Campbell asked Mr. Rubio to meet her at her home, which he did. At her home defendant Campbell told Mr. Rubio that the petitions filed in her office on November 4, 1975, were invalid in that they were incorrectly labelled. The documents served and filed on November 4, 1975, were labelled "Petition for Recall of City Official" instead of "Notice of Intention to Circulate Petition for Recall of City Official." See, Affidavit of Reuben Rubio, attached hereto as "Exhibit C" and hereby incorporated by this reference.

XV

On November 14, 1975, as a result of the contact made by defendant Campbell mentioned in paragraph XIV, supra., originals of three documents entitled "Notice of Intention to Circulate Petition for Recall of City Offical" were served on defendants Morgan, Dalla and Reid, pursuant to Elections Code section 27504. On the same day, copies of said documents were filed with defendant Campbell, City Clerk, pursuant to Elections Code sections 27500, et. seq. A true and correct copy of one of these documents, referring to Councilman Michael P. Dalla,

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is attached hereto as "Exhibit D", and is hereby incorporated by this reference. The documents served and filed on November 14, 1975, were identical with those documents served and filed on November 4, 1975, except for the change in title noted above. See, Exhibit A, paragraphs 4, 5, and 9; Affidavit of Plaintiff Jesse Ramirez, paragraph 5, attached hereto as "Exhibit E" and hereby incorporated by this reference.

XVI

On November 12, 1975, in an effort to discover what technical problem existed with the documents filed and served on November 4, 1975, Mr. Carlos Vasquez, member of the Ad Hoc Committee, Mr. Ralph Inzunza, Treasurer of the Ad Hoc Committee, and Mr. Ralph Arreola, attorney for the Ad Hoc Committee, visited the offices of defendant Campbell. They were informed by defendant Campbell that no one had yet reviewed the petition and that any information concerning the petition was "confidential." See, Affidavit of Carlos Vasquez, attached hereto as "Exhibit F" and incorporated by this reference; see also, Exhibit A, paragraph G.

Later that same day, November 12, 1975, Mr. Vasquez spoke on the telephone to Mr. Don McClean, City Attorney for National City. Mr. Vasquez asked Mr. McClean if he had any information concerning the recall petition. Mr. McClean responded that he had not seen or reviewed the petitions and that any questions concerning the petitions should be directed to attorneys for the Ad Hoc Committee. See, Exhibit F attached hereto.

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XVII

On or about November 13, 1975, plaintiff Herman Baca, in the presence of Mr. Phillip Alcala and Mr. Carlos Vasquez, telephoned defendant Campbell and identified himself as a proponent of the recall documents filed in her office on November 4, 1975. Plaintiff Baca asked defendant Campbell if her office could provide a precinct map to be used in collecting signatures on the recall petitions. Defendant Campbell informed plaintiff Baca that her office could provide such a map. Plaintiff Baca informed defendant Campbell that Mr. Phillip Alcala would pick up the map and instructions for its use later that day. See, Exhibit A, paragraph 7; Exhibit B, paragraph 4.

XVIII

At approximately 3:00 P.M. on November 13, 1975, Mr. Phillip Alcala, Registrar Coordinator for the Ad Hoc Committee, entered the offices of defendant Campbell. Mr. Alcala identified himself to defendant Campbell and told her he was there to pick up the precinct maps for Herman Baca. Mr. Alcala specifically asked defendant Campbell to provide him with a map showing the precinct numbers that should be used in the recall petition drive. See, Exhibit B, paragraph 5.

Defendant Campbell produced two large identical maps, both showing 44 precinct numbers. A copy of one of these maps is attached to Exhibit B. Defendant Campbell also provided Mr. Alcala with a four-page document entitled "Special Municipal Election." A true and correct copy of said document is attached to Exhibit B and is thereby incorporated by reference.

Defendant Campbell proceeded to explain to Mr. Alcala that the purpose of the four-page document was to consolidate the 44 precincts listed on the map into 18 precincts. The document indicates, for example, that precinct numbers 51560, 51771 and 51870 are all consolidated into one precinct which is to be numbered 51560. See, Exhibit B attached hereto, paragraph 6.

XIX

Plaintiffs efforts to secure correct precinct numbers resulted from the language of Elections Code sections 27510(2), 27510.1(a)(3) and 27510.1(b). Those sections appear to allow the City Clerk to disregard any signatures on the recall petition that are not accompanied by the address and precinct number of the signer.

XX

On November 13, 1975, Mr. Phillip Alcala returned to the offices of the Ad Hoc Committee and informed plaintiff Herman Baca that defendant Campbell had advised that the consolidated precinct numbers were to be used on the petitions for recall. See, Exhibit A, paragraph 8.

During the recall petition drive that followed in the months of November and December, 1975, the Ad Hoc Committee and its volunteers consistently listed precinct numbers next to signatures on the petitions on the basis of the instructions issued by defendant Campbell using the four-page document entitled "Special Municipal Elections." See, Exhibit A, paragraph 10; Exhibit B, paragraph 7.

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XXI

On December 31, 1975, petitions calling for recall elections against defendants Mayor Kile Morgan, Councilman Michael Dalla, and Councilman Luther Reid, were filed with defendant Campbell, City Clerk, pursuant to Elections Code sections 27500 and 27509. See, Exhibit A, paragraph 11; Exhibit B, paragraph 8.

XXII

Elections Code section 27510 provides that once the petitions are turned over to the City Clerk, the Clerk shall determine whether the petitions contain signatures, the date of such signatures, and the address and precinct numbers of the signers, in an amount equalling or exceeding 25% of the number of registered voters of the city. If this number is met, the clerk must accept the petitions for filing and the petitions are deemed filed as of the date of the clerk's determination. Section 27510 further provides that any petitions "not so filed shall be returned to the proponents of the recall."

No petitions were returned to plaintiffs, proponents of the recall, and, the petitions were deemed filed as of December 31, 1975. See, letter from defendant Campbell to "the Honorable Mayor and Members of the City Council" dated January 6, 1976, a true and correct copy of which is attached hereto as "Exhibit C", and is hereby incorporated by this reference.

As is pointed out in Exhibit C, the number of signatures needed to qualify each petition was 1,756. The number of signatures submitted was as follows: Mayor Morgan - 1,791; Councilman Reid - 1,773; and Councilman Dalla - 1,779.

XXIV

On or about January 5, 1976, plaintiff Herman Baca received a telephone call from defendant Campbell informing him that numerous signatures on the petitions had been assigned incorrect precinct numbers. Defendant Campbell explained that one or more of the proponents could, under the Elections Code, appear at her offices to correct the precinct errors. Plaintiff Baca and defendant Campbell agreed that one or more of the proponents would appear at the City Clerk's office on the following day to correct the precinct numbers. See, Exhibit A, paragraph 12.

XXIV

Approximately one hour after the conversation referred to in paragraph XXIII, supra., defendant Campbell again called plaintiff Baca and informed him that she had checked with the San Diego County Voter Registrar, Charles Sexton, and that no one except herself and her deputies could view the petitions once filed. See, Exhibit A, paragraph 13.

XXV

On January 9, 1976, plaintiff Herman Baca telephoned defendant Campbell and inquired as to whether the incorrect precinct numbers may have resulted from her use of the 44 precincts as the correct precinct numbers, while the petitions contained precinct numbers based on 13 consolidated precincts as per her instructions of November 13, 1975, issued to Mr. Phillip Alcala. Defendant Campbell responded that she had not previously though of this possibility. See, Exhibit A, paragraph 14.

XXVI

On January 26, 1976, defendant Campbell mailed to all plaintiffs/proponents a cover-letter attached to a certificate of insufficiency for each of the officials sought to be recalled. A true and correct copy of one such letter, to proponent Consuelo Rubio concerning Councilman Michael Dalla, is attached hereto as "Exhibit H" and is hereby incorporated by this reference.

The cover-letter states in part:

"Among the defects in the petition are:
1. Incorrect precinct numbers . . .
2. Duplication of signatures,
3. Affidavit of petition circulator was dated prior to the dates opposite the signatures on the petition,
4. Persons signed who live outside the corporate limits of the City,
5. Persons signed who are not registered voters,
6. Persons signed who are aliens, and
7. Ditto marks were used to indicate address and/or date."

See, Exhibit H, attached hereto.

XXVII

On or about December 24, 1975, plaintiff Jesse Ramirez, a proponent of the recall petition, contacted defendant Campbell in the offices of the City Clerk. Mr. Ramirez began to discuss the recall petitions with defendant Campbell. Defendant Campbell lowered her voice and motion with her hand towards a ventilation duct in the ceiling. Defendant Campbell whispered that she believed her office was bugged. See, Exhibit E, paragraph 7.

Concerning the recall petitions, defendant Campbell then wrote the following remarks in red pencil on the recall

white piece of paper:

> "City Atty [sic] says to accept and let him review before I certify. Be sure your attorney goes over whole procedure before petition is filed. They will try to knock it out on a technicality." See, Exhibit E, paragraph 8, and attachment to Exhibit E.

XXVIII.

Pursuant to Elections Code section 27511, the proponents of the recall may, within thirty (30) days of the mailing of the certificate of insufficiency, file a supplemental petition, in form a duplicate of the original petition, bearing new additional signatures. The 30 day period specified in section 27511 is, at this time, running.

XXIX.

Defendant Campbell at all times relevant herein had a duty to faithfully enforce and adhere to those statutes regulating a recall petition drive. California Elections Code §§27500, et. seq. Defendant Campbell had a duty, pursuant to Elections Code §27510, to file the petitions upon physical submission if the petitions contained signatures "and the name or number of the precinct in which the signer resides" (section 27510(2)) equalling or in excess of 25% of the number of registered voters in the city. Defendant Campbell had a duty, pursuant to Elections Code section 27510, as follows: "Any petition not so filed shall be returned to the proponents of the recall."

Defendant Campbell had a duty to provide the proponents with accurate information concerning the use of precinct numbers in Antioch City. Defendant Campbell had a duty, in ex

capacity as City Clerk, to not mislead the proponents of the recall into using incorrect precinct numbers.

Upon becoming aware that the proponents had used incorrect precinct numbers based on incorrect information provided to them by defendant Campbell, defendant Campbell had a duty to either correct said precinct mistakes or to allow the proponents and opportunity to correct said mistakes.

XXX.

Commencing on or about November 4, 1975, and continuing to the present, defendant Campbell wrongfully and unlawfully did those acts enumerated in paragraphs XIII-XIV, XVI-XVIII, and XXII-XXVIII, supra. Commencing on or about November 4, 1975, and continuing to the present, defendant Campbell wrongfully and unlawfully failed to and refused to perform the duties enumerated in paragraph XXIX, supra.

XXXI.

Plaintiffs/petitioners herein have at all times complied with the statutory regulations pertaining to a recall petition drive. Plaintiffs/petitioners, proponents and/or coordinators of the recall petition, in good faith utilized precinct numbers on the petitions in accordance with instructions received from defendant Campbell, City Clerk.

XXXII.

Plaintiff/petitioners are entitled to peformance by defendant Campbell of her said several duties enumerated in paragraph XXIX, supra., in order that they, and the citizens of National City, may lawfully exercise their right to recall pursuant to Elections Code sections 27500, et. seq.

XXXIII.

At all times herein mentioned, defendant Campbell has been able to perform her several said duties, but, notwithstanding such ability, and despite the request made to her on January 5, 1976, (see paragraph XXIII, supra.), defendant Campbell has failed and refused, and continues to fail and refuse, to perform her said duties.

XXXIV.

As a proximate result of said wrongful conduct of defendant Campbell, plaintiffs/petitioners, and each of them, and the citizens of National City who signed said petitions, have effectively been denied their right to recall in violation of California Elections Code sections 27500, et. seq., their First Amendment right to redress of grievances guaranteed by the United States Constitution, their right to due process as guaranteed by the Fourteenth Amendment of the United States Constitution and the California Constitution, Article 1, section 7, their right to petition for redress of grievances as guaranteed by the California Constitution, Article 1, section 10, and their inalienable right to pursue and obtain safety and happiness as guaranteed by the California Constitution, Article 1, section 1. Defendant's acts further violate plaintiffs/petitioners' right to recall pursuant to California Constitution, Article 23, section 1.

XXXV.

Plaintiffs/petitioners have no plain, speedy and adequate remedy in the ordinary course of law in that the 30 day time period provided in California Elections Code section

27511 to collect additional signatures purportedly began to run on January 26, 1976, to date on which defendant Campbell mailed the certificates of insufficiency. Exhibit H, attached hereto. Plaintiffs/petitioners will suffer irreparable injury in that their entire recall effort will be frustrated unless this Court grants immediate relief in the form of a temporary restraining order, preliminary injunction, and/or a Writ of Mandate.

SECOND CAUSE OF ACTION

XXXVI.

Plaintiffs/petitioners herein incorporate by reference paragraphs I-XXXV. supra., as if fully set forth herein.

XXXVII.

Plaintiffs/petitioners herein allege on information and belief that all of the acts described in paragraphs I-XXXV either were known, or should have been known, to defendants Morgan, Dalla and Reid. Defendants Morgan, Dalla and Reid had and continue to have a duty to insure the fair and impartial administration of the recall effort herein by the City Clerk of National City. Defendants Morgan, Dalla and Reid failed and continue to fail in their duty to insure that the City Clerk of National City administer the recall laws in a fair and impartial manner consistent with law.

THIRD CAUSE OF ACTION

XXXVIII.

Plaintiffs/petitioners herein incorporate by this reference paragraphs I-XXXVII, supra., as if fully set forth herein.

XXXIX.

On November 5, 1975, Mr. Gilbert Ambriz, a member of the Ad Hoc Committee, was appointed a Deputy Registrar of voters. See, Affidavit of Gilbert Ambriz, paragraph 1, attached hereto as "Exhibit I" and incorporated by this reference.

XL.

On January 22, 1976, at approximately 6:00 P.M. Mr. Ambriz was stopped and detained by defendant Doe I, an unknown police officer of National City, without probable cause or warrant justifying said detention. At the time of this detention, Mr. Ambriz was in the process of registering voters in the 2400 block of B Avenue, National City. See, Exhibit I, paragraph 2, attached hereto.

XLI.

Defendant Doe I interrogated Mr. Ambriz as to who he was working for, who was paying him, how much he was being paid, and for how long he had been registering voters. The officer, without reasonable or probable cause, required Mr. Ambriz to empty his pockets, and proceeded to frisk Mr. Ambriz. See, Exhibit I, paragraph 4, attached hereto.

XLII.

Officer Doe I next proceeded to read through Mr. Ambriz's registration book viewing the names and addresses of those persons who Mr. Ambriz had registered to vote. See, Exhibit I, paragraph 5, attached hereto.

XLIII.

Plaintiffs/petitioners allege on information and belief that defendants Morgan, Reid and Does know or should

the precinct numbers contained in the petitions filed on December 31, 1975, using a current map provided with correct instructions by the City Clerk, such corrections to be made at the offices of the City Clerk and with the City Clerk present; OR,

(2) From continuing to prohibit plaintiffs/petitioners a reasonable opportunity to submit to the City Clerk photo-copies of the petitions filed on December 31, 1975, with the correct precinct numbers attached to each signature, such precinct numbers to be obtained from a map provided to plaintiffs/petitioners with correct instructions to be issued by the City Clerk; OR,

(3) Specifically, the City Clerk, to correct those precinct numbers on the petition filed on December 31, 1975, that were incorrectly therein recorded due to the use of the 18 consolidated precincts found in the document entitled "Special Municipal Elections";

[D] From issuing a certificate of sufficiency for insufficiency pursuant to Elections Code sections 27519.1 and 27519.2 until such time as the signatures previously disregarded due to the accompaniment of an "incorrect" precinct number, have been

have known that the conduct alleged in paragraphs XXXIX through XLII took place. Defendants Morgan, Reid and Dalla, as members of the City Council, had and continue to have a duty to appropriately control the acts of police officers of National City. Defendants Morgan, Reid and Dalla have failed and continue to fail in their duty to exercise proper supervision over the activities of members of the National City Police Department.

XLIV.

WHEREFORE, plaintiffs/petitioners pray judgement against defendants/respondents, and each of them, as follows:

1. For an order requiring defendants to show cause, if any they have, why they should not be enjoined as hereinafter set forth, during the pendency of this action;

2. For a temporary restraining order, a preliminary injunction, and a permanent injunction, all enjoining defendants, and each of them, and their agents, employees and servants, and all persons acting under, in concert with, or for them:

[A] From continuing to provide plaintiffs/petitioners with incorrect or misleading information on the correct precinct numbers currently in use in National City;

[B] From refusing to count certain signatures on the petition because the precinct numbers affixed to said signatures were drawn from a consolidated list of 18 precincts; or

[C] (1) From continuing to prohibit plaintiffs/petitioners a reasonable opportunity to correct

corrected by the method described above in subparagraph [C](1), (2) or (3), and all valid signatures have then been recounted;

[D] From continuing to stop, detain, interrogate or search Deputy Registrars of Voters unless upon probable cause or reasonable cause in accordance with law;

3. That, on the hearing of this application and the return thereto, if any, this court issue its peremptory writ of mandate, commanding defendants/respondents to correct the precinct numbers contained in the petitions filed on December 31, 1975, in one of the manners described in paragraph 2[C](1), 2[C](2) or 2[C](3); and that defendants/respondents then recount the petitions and certify them as either being sufficient or insufficient pursuant to Elections Code sections 27510.1 and 27510.2;

4. For costs of suit;

5. For such other and further relief as the Court deems just.

DATED: February 10, 1976

Respectfully submitted,

PETER A. BOREN
RALPH ABASOLA

Attorneys for Plaintiffs/Petitioners

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VERIFICATION

I, PETER A. SCHEY, declare,

I am an attorney at law duly admitted and licensed to practice before all the courts of this state and am one of the attorneys for the plaintiffs/petitioners in the matter herein.

I have read the foregoing complaint/petition and know the contents thereof.

The same is true of my own knowledge, except as to those matters which are therein stated on information and belief, and as to those matters I believe it to be true.

I make this verification because the facts set forth in said petition are within my knowledge and because as attorney for petitioners herein, I am more familiar with such facts than are the parties.

Executed in the City of San Diego, County of San Diego, and on this 10th day of February, 1976.

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

Peter A. Schey

PETER A. SCHEY

AFFIDAVIT OF SWORN STATEMENT

I, HERMAN BACA, swear under penalty of perjury that the following statements are true and correct:

1. I am a United States citizen residing at 105 Harbison Avenue, National City, California, 92050. I am a registered voter in National City, California.

2. I am the Chairman of the Ad Hoc Committee on Chicano Rights, 1837 Highland Avenue, National City, California, 92050.

3. On October 28, 1975, at a mass community meeting held at Saint Anthony's Church, 18th and Harding Streets, National City, the Ad Hoc Committee voted to coordinate a recall petition drive against certain public officials of National City.

4. On November 4, 1975, documents entitled "Petition for Recall of City Official" were filed with Ione Minogue Campbell, City Clerk, National City. I was individually named as a proponent of the recall in said documents, along with four other proponents.

5. On or about November 10, 1975, I received a telephone call from Mr. Reuben Rubio, the husband of Consuelo Rubio, one of the recall proponents. Mr. Rubio informed me that he had been contacted by Ms. Campbell, City Clerk, and had been informed that the documents filed on November 4, 1975, in her office were incorrectly labelled.

6. On November 12, 1975, acting in my capacity as Chairman of the Ad Hoc Committee and as a proponent of the recall, I requested Carlos Vasquez, Consuello Rubio, and attorney Ralph Arreola, to visit Ms. Campbell's office in order to ascertain why the documents filed on November 4, 1975, were insufficient. After visiting the offices of Ms. Campbell, attorney Ralph Arreola reported back to me that Ms. Campbell had refused to answer any questions concerning the documents filed in her office on November 4, 1975.

7. On or about November 13, 1975, in the presence of Carlos Vasquez and Phillip Alcala, I telephoned Ms. Campbell, City Clerk, and identified myself as a proponent of the recall document submitted to her office on November 4, 1975. I asked Ms. Campbell if her office could provide

EXHIBIT A

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us with a precinct map to be used in collecting signatures on the recall petitions. She informed me that her office could provide us with such a map. I informed her that Mr. Phillip Alcala would come by her office later in the day to pick up the map and receive instructions for its use.

8. On or about November 13, 1975, Mr. Phillip Alcala returned to the offices of the Ad Hoc Committee with two precinct maps showing 44 precincts and a document entitled "Special Municipal Elections" showing a consolidation of the 44 precincts into 18 precincts. Mr. Alcala informed me that Ms. Campbell had instructed him that we should show the consolidated precinct numbers on the petitions for recall.

9. On November 14, 1975, on the advise of attorney Ralph Arreola, a new set of documents entitled "Notice of Intention to Circulate Petition for Recall of City Official" were filed in Ms. Campbell's office. I was again named as a proponent in these documents.

10. During the recall petition drive that followed in the months of November and December, 1975, the Ad Hoc Committee consistently used the precinct maps on the basis of the instructions provided by Ms. Campbell. All precinct numbers entered on the petitions next to the signatures were based on the consolidated numbers as found in the document provided by Ms. Campbell entitled "Special Municipal Election."

11. On December 31, 1975, all petitions were turned over to Ms. Campbell, City Clerk for National City.

12. On or about January 5, 1976, I received a telephone call from Ms. Campbell informing me that numerous signatures on the petitions had been assigned incorrect precinct numbers. Ms. Campbell explained that under the California Elections Code one or more of the proponents could come to her office to correct the precinct numbers. We agreed that one or more of the proponents would appear at her office on the following day for the purpose of correcting the precinct numbers.

13. Approximately one hour after the conversation referred to in paragraph 12, above, Ms. Campbell again telephoned me and told me that she had just spoken to Charles Sexton, San Diego Voter Registrar, and had been informed that a recent amendment to the California Elections Code prohibited "anyone" except herself and her deputies from seeing the petitions once filed. She informed me that it would therefore not be possible for any of the proponents to visit her office for the purpose of correcting the precinct numbers.

14. On January 9, 1976, I telephoned Ms. Campbell and inquired as to whether or not the incorrect precinct numbers found in the petitioners may have resulted from her use of National City's 44 precincts while we utilized the consolidated 18 precincts as per her instructions previously issued to Mr. Phillip Alcala. She replied that she had never previously thought of his possibility.

I swear, under penalty of perjury, that the above statements are true and correct.

DATED: February 6, 1976

Herman Baca
HERMAN BACA

SUBSCRIBED AND SWORN BEFORE ME

THIS 6th DAY OF FEBRUARY, 1976,

IN THE CITY OF SAN DIEGO,

COUNTY OF SAN DIEGO,

STATE OF CALIFORNIA.

OFFICIAL SEAL
TERESA ORTIZ
NOTARY PUBLIC - CALIFORNIA
Principal Office: San Diego Co. Calif.
My Commission Exp. Oct. 7, 1978

Teresa Ortiz
TERESA ORTIZ, NOTARY PUBLIC

AFFIDAVIT OF SWORN STATEMENT

PHILLIP A. ALCALA
2625 Plaza Blvd. Apt. #205
National City, Ca 92050

I, Phillip A. Alcala, do solemly swear that the following is true and correct:

1. I am a member of the AD-HOC Committee on Chicano Rights, 1837 Highland ave, National City, California, 92050. I have been a member of the Committee since October, 1975.

2. On October 28, 1975, the AD-HOC Committee committed it self to coordinate a recall effort aimed at certain National City office holders. I was appointed Registrar Coordinator by the AD-HOC Committee.

3. On November 4, 1975, various individual members of the AD-HOC Committee filed "Notice of Intention to Circulate Petition for Recall of City Official " documents with Ione Minogue Campbell, City Clerk of National City. These documents named Councilman Michael R. Dalla, Councilman Luther G. Reid and Mayor Kile Morgan as the officers sought to be recalled.

4. On November 13, 1975, Herman Baca, chairman of the AD-HOC Committee, in the presence of Carlos Vazquez and myself telephoned Mrs. Ione Campbell, City Clerk of National City and informed her that I, Phillip A. Alcala would pick up from her office precinct maps later that afternoon to be used in the gathering of signatures in the recall petition drive.

5. At approximately 3:00 P.M. on November 13, 1975, I entered the City Clerks office and contacted Mrs. Ione Campbell. I identified myself by name, and told her that I was there to pick up the precinct maps for Herman Baca to be used in the recall effort. I specifically asked Mrs. Ione Campbell to provide me with a map showing the precinct numbers that would be used in our recall petition drive.

6. Mrs. Ione Campbell produced two large identical maps showing 44 precinct numbers. She then handed to me a 4 page document entitled "Special Municipal Election". Mrs. Ione Campbell proceeded to explain to me how to use the document in conjunction with the map. The purpose of the document, as stated by her, was to consolidate the precincts reducing the number of precincts from 44 to 18.

7. During the recall petition drive that followed in the months of November and December, 1975, the AD-HOC Committee at all times used the precinct maps on the basis of the instructions provided by Mrs. Ione Campbell. All volunteers who assisted the AD-HOC Committee in collecting signatures on the recall petitions were instructed accordingly. At all times throughout the petition drive, voters who signed the petiton were assigned a precinct number found in the document provided myself by Mrs. Campbell.

8. On December 31, 1975, all petitions containing signatures were turned over to Mrs. Ione Campbell, City Clerk of National City.

Exhibit D.

9. On January 8, 1976, I was informed by Herman Baca that he had received a call from Mrs. Ione Campbell informing him that numerous signatures had incorrect precinct numbers attached.

10. Subsequent to receiving the maps and documents from Mrs. Ione Campbell on November 13, 1975, I color-coded one of the maps to show 18 consolidated precincts that she had informed us to use. I also crossed out those precinct numbers that were not to be used due to the consolidation.

11. Attached to this affidavit as exhibit A, is a true and correct copy of the map provided to me on November 13, 1975, by Mrs. Ione Campbell. The map shows the markings referred to in paragraph 10 above.

12. Attached to this affidavit as exhibit B, is a true and correct copy of the four page document provided me on November 13, 1975, by Mrs. Ione Campbell.

I swear that the above is true and correct.

Date, January 6, 1976,

PHILLIP A. ALCALA

Phillip A. Alcala

OFFICIAL SEAL
TERESA ORTIZ
NOTARY PUBLIC - CALIFORNIA
Principal Office. San Diego Co. Calif.
My Commission Exp. Oct. 7, 1978

Subscribed and sworn before me

this 6th day of February

in the City of San Diego, County

of San Diego, State of California.

Teresa Ortiz
Notary Public

SPECIAL MUNICIPAL ELECTION
December 9, 1975
NATIONAL CITY, CALIFORNIA

OFFICERS AND POLLING PLACES

Consolidated Precinct No. 51560
(Precincts Nos. 51560, 51771 & 51870)

Polling Place: Rubio's Little Mexico, 725 West 18th St.

Inspector: Consuelo Rubio, 1729 Cleveland Ave.
Judge: Deborah M. Canedo, 1729 Cleveland Ave.
Clerk: Eva Contreras, 1520 McKinley Ave.
Clerk: Mary Avalos, 741 W. 22nd St.

Consolidated Precinct No. 51570
(Precincts Nos. 51570 & 51770)

Polling Place: Casa de Salud, 1408 Harding Ave.

Inspector: Martha Codding, 440 W. 18th St.
Judge: Catalina M. Romero, 1838 Wilson Ave.
Clerk: Evangeline M. Mendez, 1523 Wilson Ave.
Clerk: Rachel Eddleman, 1240 Harding Ave.

Consolidated Precinct No. 51580
(Precincts Nos. 51580 & 51690)

Polling Place: Apostolic Assembly Church Hall, 537 G. Ave.

Inspector: Donna Doud, 608 E. 2nd St.
Judge: Helen R. Jacobus, 505 E. 3rd St.
Clerk: Esther V. Young, 214-F Ave.
Clerk: Lois A. Hanson, 510 E. 5th St.

Consolidated Precinct No. 51590
(Precincts Nos. 51590 & 51680)

Polling Place: 1114 East Division St.

Inspector: Irma L. Bethea, 1407 E. Division St.
Judge: Mary Selvaggi, 1225 E. Division St.
Clerk: Beatrice P. Pittman, 1114 E. Division St.
Clerk: Audrey Bush, 1414 E. Division St.

Officers and Polling Places - Democratic, [illegible]

Consolidated Precinct No. 51600
(Precincts Nos. 51600 & 51610)

Polling Place: Garage, 202 No. T Ave.

Inspector: Stella Schwab, 1709 Gamma St.
Judge: Helen Garcia, 1637 Gamma St.
Clerk: Jeannette Jones, 202 North T Ave.
Clerk: Olive Atkins, 21 "T" Ave.

Consolidated Precinct No. 51620
(Precincts Nos. 51620 & 51630)

Polling Place: El Toyon Com. Bldg., 2005 E. 4th St.

Inspector: Nellie J. Kennett, 235 So. Belmont Ave.
Judge: Agnes Michetti, 40 So. Kenton Ave.
Clerk: Mary E. Bailey, 518 So. Harbison Ave.
Clerk: Allen G. Thornberg Jr., 2325 Melrose

Consolidated Precinct No. 51660
(Precincts Nos. 51660, 51720 & 51721)

Polling Place: Better Living Center, Helen Rice Res., 723 Euclid Ave

Inspector: Lavilla M. Willett, 2226 E. 11th St.
Judge: Norma Dibley, 3003 East 11th St.
Clerk: Fern J. Sendt, 710 Rachael Ave.
Clerk: Thelma G. Culp, 1017 Helen Circle

Consolidated Precinct No. 51640
(Precincts Nos. 51640, 51641, 51650 & 51730)

Polling Place: Harbison School, 3235 E. 8th St.

Inspector: Sylvia Miller, 1015 Manchester St.
Judge: Aline Kearns, 3444 Tolas Ct.
Clerk: Nettie Ciuchta, 3405 E. 7th St.
Clerk: Donna DeMoss, 841 Angelo Dr.

Consolidated Precinct No. 51670
(Precincts Nos. 51670 & 51701)

Polling Place: Assembly of God Church, 1200 E. 8th St.

Inspector: Opal A Dodson, 615 So. Q Ave.
Judge: Ethel M. Bartlett, 1639 East 17th St.
Clerk: Ellen Stratton, 819 East 7th St.
Clerk: Helen E. Mendenhall, 1131 East 8th St.

Consolidated Precinct No. 51700
(Precincts Nos. 51700 & 51760)

Polling Place: St. Matthew's Episcopal Church Hall, 523 E. 8th St.

Inspector: Sara P. Harger, 620 "C" Ave.
Judge: Darlene Robertson, 614 "C" Ave.

Consolidated Precinct No. 51710
(Precincts Nos. 51710 & 51810)

Polling Place: Garage, 2040 "O" Ave.

Inspector: Lillian Kramer, 2040 "O" Ave.
Judge: Annetta Richard, 1411 E. 16th St.
Clerk: Virginia C. Hernandez, 1415 E. 17th St.
Clerk: Therese D. Harrigan, 1429 E. 22 St.

Consolidated Precinct No. 51740
(Precincts Nos. 51740 & 51830)

Polling Place: Palmer Way School, 2900 Palmer St.

Inspector: Frances Kruse, 2326 E. 13th St.
Judge: Joan M. Lortscher, 2537 E. 13th St.
Clerk: Evelyn Gillespie, 1840 Prospect St.
Clerk: Julia Groves, 1507 Orange Ave.

Consolidated Precinct No. 51750
(Precincts Nos. 51750 & 51800)

Polling Place: Congregational Church Hall, 835 East 16th St.

Inspector: Lois Benninger, 1036 E. 15th St.
Judge: Mildred L. Krekelberg, 1324 K Ave.
Clerk: Hazel Movido, 1320 L Ave.
Clerk: Ethel Platzer, 1405 "I" Ave.

Consolidated Precinct No. 51780
(Precincts Nos. 51780 & 51790)

Polling Place: Patio, 2027 "E" Ave.

Inspector: Neaville B. Courtney, 2027 "E" Ave.
Judge: Helen Dollar, 2112 "D" Ave.
Clerk: Helen Kile, 2004 "F" Ave.
Clerk: Valoris Phillips, 2005 "E" Ave.

Consolidated Precinct No. 51820
(Precinct No. 51820)

Polling Place: Garage, 2649 Virginia Dr.

Inspector: Betty L. Helgeson, 2649 Virginia Dr.
Judge: Azalia F. Kiefer, 2929 N Ave.
Clerk: Retha Walkup, 2231 E. 32 St.
Clerk: Maude Hayden, 2745 Virginia Dr.

Consolidated Precinct No. 51840
(Precincts Nos. 51840, 51881 & 51882)

Polling Place: Lincoln Acres School, 2200 Lanoitan Ave.

Inspector: Lois R. Davison, 2011 Orange St.
Judge: Millie Speck, 2353 Ridgeway Dr.
Clerk: Cecil Davidson, 2011 Orange St.

Consolidated Precinct No. 51860
(Precincts Nos. 51860, 51861 & 51862)

Polling Place: Sweetwater High School, Rm. 513, Highland Ave. (near 28th St.

Inspector: Marilyn J. Knight, 525 E. 26th St.
Judge: Ruth Weber, 405 E. 26th St.
Clerk: Eastleena Billings, 535 E. 26th St.
Clerk: Frances Richardson, 439 E. 26th St.

Consolidated Precinct No. 51880
(Precincts Nos. 51880 & 51890)

Polling Place: Patio, 3726 Stockman St.

Inspector: Enid Young, 3726 Stockman St.
Judge: Elsie L. Moore, 3401 Menard St.
Clerk: Glenda M. Schoneman, 3705 Kellie Ct.
Clerk: Bernice Rockhill 3117 Stockman St.

AFFIDAVIT OF SWORN STATEMENT

REUBEN RUBIO
1729 Cleveland
National City, Cal. 92050

I, Reuben Rubio, do solemnly swear that the statement I am about to make is true to the best of my knowledge.

On November 7, 1975, at approximately 6:00 pm I received a call from Mrs. Ione M. Campbell. At that time she stated to me that she was calling from an outside phone because she felt her phone was bugged. She asked me if I could come over to her house for some coffee. At her house, she said, "Tell the fellows that the petitions were not valid." She stated "I hate to see them go to allthat work in gathering the signatures and turn them in and then they would be no good." I asked her why she said that and she replied, "Because the petiton they handed me says 'recall petition' and not 'petition to intend to recall.' There are 2 words missing, 'intend to.'"

My personal feeling was that someone told her the mistake or told her not to say anything. We finished our coffee and conversed and I went home.

Reuben Rubio

SUBSCRIBED AND SWORN TO BEFORE ME
THIS 4th day of February 1976.
at National City, California.

NOTARY PUBLIC - CALIFORNIA

OFFICIAL SEAL
JESSE RAMIREZ
NOTARY PUBLIC - CALIFORNIA
PRINCIPAL OFFICE IN
SAN DIEGO COUNTY
My Commission Expires January 7, 1979

NOTICE OF INTENTION TO CIRCULATE
PETITION FOR RECALL OF CITY OFFICIAL

NOTICE OF INTENTION TO CIRCULATE PETITION FOR RECALL OF Michael R. Dalla FROM THE OFFICE OF Councilman National City OF THE CITY OF _____, CALIFORNIA

TO: Michael R. Dalla

We, the undersigned, being duly qualified and registered voters of the City of National City, State of California, do hereby give notice pursuant to Section 27 504 of the Election Code of the State of California, that we intend to circulate a petition for your recall from the above-identified office.

The said recall is, and will be sought on the following grounds:
We, the residents, citizens, and taxpayers of National City, hereby, declare our dissatisfaction with the current Administration of our civic affairs of our City.

We, hereforth, state that the Mayor and the National City Council is condemned by us concerned individuals for condoning official lawlessness and violence under the color of law and furthermore, that the Mayor and the City Council by their abuse of their constituted power, have failed to provide representative leadership and are responsible of gross incompetency and irresponsibility in their failure to provide for the health, safety, and welfare of its residents, citizens, and taxpayers.

We, the concerned citizenry in calling for a recall accuse the Mayor and the City Council of:

1. bias towards corporate interest in establishing zoning regulations.
2. failure to provide for the safety of our school children.
3. inability to harness federal funds for local projects and social improvement.
4. mismanagement of federal funds.
5. failure to provide adequate guidelines and policies for law enforcement officials.
6. insensitivity to the Multi-cultural needs of our community.
7. failure to respond to the will of the people.

To remedy the above stated inequities and in order to provide for new responsive democratic leadership, we the people of National City hereby, urge the recall of the Mayor and the entire National City Council.

Dated November 14, 1975

EXHIBIT D

AFFIDAVIT OF SWORN STATEMENT

I, JESSE RAMIREZ, swear that the following is true and correct:

1. I am a United States citizen and resident of National City, California, residing at 421 West 16th Street, National City, California, 92050.

2. I am employed as a Training Officer at the Veterans Administration Hospital, San Diego County, California.

3. I am a member of the Ad Hoc Committee on Chicano Rights, 1837 Highland Avenue, National City, California, 92050.

4. On November 4, 1975, documents entitled "Petition for Recall of City Official" were filed with Ione Minogue Campbell, City Clerk, National City. I was named as a proponent of the recall in said petitions.

5. On November 14, 1975, documents entitled "Notice of Intention to Circulate Petition for Recall of City Official" were filed with Mrs. Campbell, City Clerk. These documents were filed as a member of the Ad Hoc Committee was contacted by Mrs. Campbell subsequent to November 4, 1975, and was informed that the documents submitted on November 4, 1975, were incorrectly labelled. Other than the change in title, the documents filed on November 14, 1975, were identical with those documents filed on November 4, 1975. Again, I was named as a proponent of the recall in those documents filed on November 14, 1975.

6. On or about December 24, 1975, at approximately 4:30 P.M., I went to the City Clerk's office, National City, in order to file a candidates statement pursuant to Elections Code Section 10012. I am a candidate for the office of City Councilman in the upcoming election scheduled in National City for March 2, 1976.

7. When first in Mrs. Campbell's office we discussed my candidacy. The conversation then turned to the recall petition drive in which I am named as a proponent. When the conversation turned to the recall petition drive being coordinated by the Ad Hoc Committee on Chicano Rights, Mrs. Campbell lowered her voice and motioned with her hand towards the ceiling, specifically a ventilation duct. Mrs. Campbell whispered that she believed her office may be "bugged."

8. Mrs. Campbell then wrote the following message in red pencil on two small white pieces of paper:

> "City Atty says to accept and let him review before I certify. Be sure your attorney goes over whole procedure before petition is filed.
>
> They will try to knock it out on a technicality."

A true and correct copy of said two page note is attached to this Affidavit as Exhibit A.

9. I told Mrs. Campbell that I thoughtthe request contained in her note was unusual and I further requested that nothing out of the ordinary be done with the petitions once filed in her office. I also told Mrs. Campbell that the Ad Hoc Committee was doing everything possible to comply with the law. I further stated that the proponents of the recall petition drive desired no more than to have the petitions reviewed in a lawful and fair manner once submitted to the City Clerk's office.

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

DATED: 2-5-76

JESSE RAMIREZ

OFFICIAL SEAL
TERESA ORTIZ
NOTARY PUBLIC - CALIFORNIA
Principal Office, San Diego Co. Calif.
My Commission Exp. Oct. 7, 1979

SUBSCRIBED AN SWORN BEFORE ME

THIS 5 DAY OF Feb., 1976,

IN THE CITY OF SAN DIEGO, COUNTY OF

SAN DIEGO, STATE OF CALIFORNIA.

Teresa Ortiz
Notary Public

AFFIDAVIT OF SWORN STATEMENT

CARLOS VAZQUEZ
1022 E.8th St.
National City, Ca 92050

I, Carlos Vazquez, do solemly swear that the statement I'am about to make are true to the best of my knowledge.

On November 12, 1975, at approximately 1:P.M. Mrs. Consuelo Rubio, Mr. Ralph Arreola and myself visited the Office of Iona Minogue Campbell, City Clerk and Mr. Donald McClean, City Attorney, for the purpose of requesting information concerning the recall Petition filed on November 4, 1975.

The information requested was concerning the review of the petition by the City Attorney and the City Clerk and if any response was to be published by the City Council on the Charges alledged by the proponents of the recall.

We were told by Mrs. Campbell that no one had reviewed the petition and that any information concerning the petition was confidential. Furthermore, Mrs. Campbell showed us an envelope that supposedly had information about the recall. We then asked if the City Attorney would return, the answer given was that we should call back and ask the City Attorney for information. We then left the office notifying the City Clerk that we would be calling back.

At Approximately 3:15 that afternoon, I called the City Attorney. I was told that he could be reached at his Mission Valley Office. I then called his office, again I was told that he would be there at around 4:P.M. or 4:30 P.M..

Again, I called the office and I was told that he was in. I identified my self to Mr. McClean. I asked him if he had any information concerning the recall petition his response was that he had not seen or reviewed the petition and that if I was interested in the petition or needed any information to ask or consult our attorney.

I thanked him and immediately contacted Mr. Ralph Arreola. I told Mr. Areola that Mr. McClean was at his office and that he could call him and ask him for information. Mr. Arreola then called Mr. McCleans office.

Carlos Vazquez

NOTARY PUBLIC - CALIFORNIA

SUBSCRIBED AND SWORN TO BEFORE ME
THIS 4th day of FEB. 1976
at National City, California

OFFICIAL SEAL
JESSE RAMIREZ
NOTARY PUBLIC - CALIFORNIA
PRINCIPAL OFFICE IN
SAN DIEGO COUNTY

NOTARY PUBLIC IN AND FOR THE COUNTY OF SAN DIEGO, STATE OF CALIFORNIA

CITY OF NATIONAL CITY, CALIFORNIA

1243 NATIONAL AVE. • NATIONAL CITY, CA 92050 • 477-1101

NE MINOGUE CAMPBELL
CITY CLERK

January 6, 1976

The Honorable Mayor and
Members of the City Council

Re: Recall Petitions, Qualification for Filing

Gentlemen:

As you know, recall petitions seeking to recall the Mayor, Vice Mayor and Councilman Reid were physically submitted to the Clerk on Wednesday, December 31, 1975. On that date the number of registered voters of the city last officially reported to the Secretary of State by the Registrar of Voters was 7,021. The number of signatures needed to qualify each petition (25% of 7,021) was 1,756. Conditional receipts were given to the proponents.

The Clerk made prima facie examination of the petitions, in accordance with the provisions of Sec. 27510 of the Elections Code. Each section of the petition was first examined to determine that the affidavit of the circulator and notice of intention were attached. Unless these criteria were met, that section of the petition was eliminated. Those sections of the petitions meeting the above requirements were then further examined to determine that each signature was accompanied by an address, date (within the proper time frame) and precinct number. Signatures without date or precinct number were not counted. Signatures with street addresses outside the city limits were not counted.

On the basis of the prima facie examination, each of the three petitions qualified for filing and were deemed to have been filed at the time of their physical submission. Mayor Morgan - 1791, Councilman Reid - 1783, Vice Mayor Dalla - 1758.

The petitions have been delivered to the Registrar of Voters for further examination and certification. They will probably be insufficient. The Registrar hopes to complete the process by January 27.

Respectfully,

Ione Minogue Campbell

/imc

cc. City Mgr.
C.A. City Atty.

CITY OF NATIONAL CITY, CALIFORNIA

1243 NATIONAL AVE. • NATIONAL CITY, CA 92050 • 477-1161

IONE MINOGUE CAMPBELL
CITY CLERK

26 January 1976

Jesse Ramirez
421 West 16 Street
National City, Ca. 92050

Herman Baca
105 South Harbison
National City, Ca. 92050

Consuelo Rubio
1729 Cleveland Avenue
National City, Ca. 92050

Oscar O. Canedo, Ph.D.
1729 Cleveland Avenue
National City, Ca. 92050

Beulah F. Xander
1845 East 16 Street
National City, Ca. 92050

Dear Mrs. Rubio:

Enclosed is my certificate covering the petition for the recall of Michael Dalla as Councilman of the City of National City. The petition fell short of the required number of signatures needed to qualify.

Among the defects in the petition submitted are:

1. Incorrect precinct numbers (in some cases where the same person signed two or more petitions, more than one precinct number was used),

2. Duplication of signatures,

3. Affidavit of petition circulator was dated prior to the dates opposite the signatures on the petition,

4. Persons signed who live outside the corporate limits of the City,

5. Persons signed who are not registered voters,

6. Persons signed who are aliens, and

7. Ditto marks were used to indicate address and/or date.

9

You may file additional signatures within 30 days of the date of mailing of this certificate of insufficiency. (Sec. 27511, Elec. Code)

Yours very truly,

Ione Minogue Campbell

Ione Minogue Campbell
City Clerk

/imc
Enc. Cert. to Petition
Cert. Mailing

9

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

I, IONE MINOGUE CAMPBELL, City Clerk of the City of National Ci
hereby certify that the Registrar of Voters in and for the Coun
of San Diego, was appointed by me to certify a petition for the
recall of Michael Dalla as Councilman of the City of Nationa
City filed with the City Clerk of the City of National City on
31st day of December, 1975.

Said petition consists of 216 sections. The petition contain
signatures, dates, addresses and numbers purporting to be the
signatures of qualified electors of said City, the dates upon
which such electors signed said petition, the correct addresses
of such electors, the correct precincts within which the electo
resided; that attached to said petition at the time the same wa
filed as aforesaid was an affidavit purporting to be the affid
of the person who solicited the signatures thereon; that the
person by whom said affidavit purports to have been taken and
verified was at the time thereof an officer authorized to admi
ister oaths; that therein affiant stated his own qualification
that he had solicited the signatures upon said section, that a
of said signatures were made in his presence and that to the b
of his knowledge and belief each signature to the said section
was the genuine signature of the person whose name it purports
be.

R. T. DENNY, Registrar of Voters (Acting) in and for the Count
San Diego, has certified that he examined the petition and the
affidavits of registration in this City current and in effect,
determine therefrom what number of qualified electors signed s
petition; that 216 sections of the petition were examined co
taining 1,782 total names and that he found 559 to be va
signatures of qualified electors of this City which comply wit
the requirements imposed by Statute.

R. T. DENNY further certified that the total number of regist
voters residing within the incorporated area of National City,
certified to the Secretary of State on January 3, 1975, was 7,
25% of this total would be 1,756, the number of valid signatu
needed to qualify this petition for the recall of Michael Dal
as Councilman of the City of National City.

IN WITNESS WHEREOF, I have set my hand and affixed my officia
this 26th day of January, 1976.

Ione Minogue Camp

Ione Minogue Campbell, City
City of National City, Calif

AFFIDAVIT OF MAILING

State of California)
) ss
County of San Diego)

IONE MINOGUE CAMPBELL being first duly sworn, deposes and says; That during all of the times herein mentioned, she was, and now is, the duly qualified and acting City Clerk of the City of National City, County of San Diego, State of Californi

That on the 26th day of January, 1976, pursuant to Sec. 27510.2, Elections Code, she mailed postage prepaid, a Certificate to Recall Petition - Michael Dalla, as Councilman of the City of National City, to each of the persons named below:

Jesse Ramirez
411 West 16 Street
National City, Ca. 92050

Herman Baca
105 South Harbison
National City, Ca. 92050

Consuelo Rubio
1729 Cleveland Avenue
National City, Ca. 92050

Oscar O. Canedo, Ph.D
1729 Cleveland Avenue
National City, Ca. 92050

Beulah F. Xander
1845 East 16 Street
National City, Ca. 92050

A copy of said notice is annexed hereto and made a part hereof.

City Clerk

Subscribed and sworn to before me
this 26th day of January, 1976.

Notary Public in and for said
County and State

OFFICIAL SEAL

AFFIDAVIT OF SWORN STATEMENT

GILBERT AMBRIZ
1028 Hoover Avenue
National City, California

I, Gilbert Ambriz, do solemnly swear that the following statement is true:

1. On November 5, 1975, in conjunction with my association with the Ad Hoc Committee on Chicano Rights, I was appointed Deputy Registrar of Voters for the purpose of taking affidavits of registration. My appointment expires on April 15, 1976.

2. On January 22, 1976, at approximately 6:00 P.M., Mr. Raul Manuel Aranda and myself were in the process of registering people to vote door to door at the Golden Tree Apartments, 2400 block of "B" Avenue. We were three-fourths of the way done with the above said apartments, when we were stopped by an officer of the National City Police Department. The Police Officer, badge #159, asked what I was doing. I proceeded to tell him my business. The Officer, badge #159, called for more units.

3. When another unit finally arrived, the same officer began to ask me how long I had been registering voters, who was paying me, who I was working for, and how much I was receiving for this. I answered that I was registering people to vote and was a volunteer for the Ad Hoc Committee on Chicano Rights.

4. After the questioning, he asked me to empty my pockets, which I did, he then proceeded to frisk me. I asked why he was doing this, and he answered that they were looking for some Blacks who had been committing some burglaries. Another officer was frisking Mr. Aranda. I am of Mexican-American ancestry.

5. When Officer, badge #159, finished with me, he proceeded to look through my registration affidavit book. I told him that they were legal documents and that the Voter Registrars office had instructed all registrars, at the time of classes, that we were solely responsible for these legal documents. After I explained this, he continued to look through the list of persons who had registered to vote. After [illegible] finally returned it.

EXHIBIT I

9

6. We then continued to register people at the complex.

I swear that the above is true and correct.

GILBERT AMBRIZ

SUBSCRIBED AND SWORN BEFORE ME

THIS 6th DAY OF Feb., 1976

IN THE CITY OF SAN DIEGO, COUNTY OF

SAN DIEGO, STATE OF CALIFORNIA.

Wayne Michael O'Brien
Notary Public

OFFICIAL SEAL
WAYNE MICHAEL O'BRIEN
NOTARY PUBLIC - CALIFORNIA
Principal Office, San Diego Co. Calif.
My Commission Exp. Sept. 16, 1977

PETER A. SCHEY, ESQ.
RALPH ARREOLA, ESQ.
Ad Hoc Committee on Chicano Rights
1837 Highland Avenue
National City, CA. 92050

Attorneys for Plaintiffs/Petitioners

IN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA

IN AND FOR THE COUNTY OF SAN DIEGO.

AD HOC COMMITTEE ON CHICANO RIGHTS, an unincorporated organization; HERMAN BACA, an individual; JESSE RAMIREZ, an individual; CONSUELO RUBIO, an individual; OSCAR O. CANEDO, an individual; BEULAH E. XANDER, an individual, Plaintiffs/Petitioners, vs. KILE MORGAN, individually and as Mayor of National City; MICHAEL DALLA, individually and as Councilman of National City; LUTHER REID, individually and as a Councilman of National City; IONE MINOGUE CAMPBELL, individually and as City Clerk for National City; DOES I-X, Defendants/Respondents.	NO. _____ POINTS AND AUTHORITIES IN SUPPORT OF COMPLAINT FOR PERMANENT INJUNCTION, TEMPORARY RESTRAINING ORDER AND PRELIMINARY INJUNCTION, AND PETITION FOR WRIT OF MANDATE. (C.C.P. 1086).

I. PLAINTIFFS/PETITIONERS AND THE SIGNERS OF THE PETITION HEREIN HAVE A CONSTITUTIONAL AND STATUTORY RIGHT TO PARTICIPATE IN A RECALL PETITION.

The California Consitution, Article 23, section 1, specifically grants on the citizens of this state the right to recall municipal elected officials.

> "The recall shall also be exercised by the electors of each county, city and county, city and town of the State, with reference to the elective officers thereof, under such procedure as shall be provided by law...In the submission to the electors of any petition proposed under this article all officers shall be guided by the general laws of the State, except as otherwise herein provided." California Constitution, Aticle 23, Section 1.

The California legislative has enacted a scheme of laws in order to effectuate the orderly administration of recall effort California Elections Code, sections 27500, et. seq.

The Courts have historically held that the recall statutes should be liberally construed and that the powers reserve by the people through the applicable Constitutional provisions should not be burdened unless upon a clear showing of a violation of law. Reites v. Wilkeson, 99 Cal.App.2d 500, 222 P.2d 81 (1950) Laam v. McLaren, 28 Cal.App. 632, 153 P. 985 (1915); Worth v. Down 74 Cal.App. 436, 241 P. 96 (1925).

II. PLAINTIFFS/PETITIONERS ATTACHED THE CORRECT PRECINCT NUMBERS TO THE RECALL PETITIONS.

California Elections Code section 27509 requires that each section of a petition must have attached an affidavit stating that the affiant personally observed the signer of the petition place his or her address and the date of the petition. No section in Elections Code 27500, et. seq. requires that a person signing a recall petition must place his or her precinct number next to or close to his or her signature. The inference is clearly that the person collecting the signatures, or anyone else for that matter, may fill in the precinct numbers.

However, section 27510 requires the clerk, upon physical submission of the petition upon the clerk, to disregard any signature which does not bear in close proximity to it the name or number of the precinct in which the signer resides. When plaintiffs/petitioners submitted their petitions to defendant Campbell, they were examined from December 31, 1975, through January 6, 1976, on which day defendant Campbell, as the City Clerk, notified the Honorable Mayor and members of the City Council that "each of the three petitions qualified for filing and wered deemed to have been filed at the time of their physical submission." Defendant Campbell's examination of the petitions was authorized and required by section 27510, supra. Defendant Campbell states as much in her letter. See, Exhibit G.

Plaintiffs/petitioners urge the presumption that governmental agencies operate lawfully. If defendant Campbell followed the law, namely section 27510, then prior to filing the petitions she must have disregarded "any signature which does not bear in close proximity thereto...the name or number of the precinct in which the signer resides." Elections Code, section 27510. (Emphas. added). The clerk (defendant Campbell) stated in her letter (Exhibit G) that 1,791 signatures were filed against Mayor Morgan, 1,78 signatures against Councilman Reid, and 1,758 signatures against Councilman Dalla. Each petition contained more than the 25% signatures required.

Plaintiffs have indicated that they utilized eighteen consolidated precinct numbers based on information and documents provided by the City Clerk, defendant Campbell (See, Exhibit A, paragraphs 7-10; Exhibit B, paragraphs 4-7 and attachments). Clear

both when advising plaintiffs/petitioners on how to report the precincts, and when filing the petitions pursuant to section 27510 the City Clerk (defendant Campbell) was acting on the basis of the existence of eighteen consolidated precincts.

Pursuant to the California Elections Code the proponents of a recall petition and/or election deal primarily with the City or County Clerk in relation to the filing of certain documents. Upon filing, the Elections Code, section 27510.1, requires the Clerk to examine the petitions and then to issue a certificate of sufficiency or insufficiency. Section 27510.2. Again, in this procedure, those signatures not bearing a precinct designation are to be disregarded. However, the legislature could not possibly have meant to allow a clerk, acting under and pursuant to Elections Code sections 27500, et. seq., to change the scheme of precinct numbers after a petition had been filed but prior to certifying said petition pursuant to section 27510.2. "An absurd and unjust result will never be ascribed to the legislature, nor will it be presumed that it used inconsistent provisions on the same subject." Moore v. City Council of City of Maywood, 244 Cal.App.2d 892, 53 Cal.Rptr. 603 (1966).

In Ley v. Dominguez, 212 Cal. 587, 299 P. 713 (1931), the Supreme Court of California stated in relevant part:

> "It appears from the admitted facts that certain signatures were disallowed by the city clerk solely because the names were followed by the incorrect precinct number... It is also an admitted fact that during the period the city clerk was examining the petitions the sponsors of the petitions offered to supply the correct precinct numbers to the clerk, but he refused to accept this information... It was obviously contemplated, [by legislture] under this

amendment, the burden should fall on the sponsors of the petition, a task rendered particularly difficult in this case because of the complete rearrangement and change in precinct lines that took place immediately before these petitions were circulated... It should not be held that the failure on the part of the signers to add the precinct numbers opposite their names would invalidate the signatures of persons otherwise qualified. Ley v. Dominguez, 212 Ca. 587, 299 P. 713, at 717 (1931). (Emphasis added).

DATED: February 10, 1976.

Respectfully submitted,

PETER A. SCHEY
Attorney for
Plaintiffs/Petitioners

PETER A. SCHEY, ESQ.
RALPH ARREOLA, ESQ.
Ad Hoc Committee on Chicano Rights
1837 Highland Avenue
National City, CA 92050

Attorney for Plaintiffs/Petitioners

IN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA

IN AND FOR THE COUNTY OF SAN DIEGO

AD HOC COMMITTEE ON CHICANO RIGHTS, an unincorporated organization; HERMAN BACA, an individual; JESSE RAMIREZ, an individual; CONSUELO RUBIO, an individual; OSCAR O. CANEDO, an individual; BEULAH E. XANDER, an individual, Plaintiffs/Petitioners, vs. KILE MORGAN, individually and as Mayor of National City; MICHAEL DALLA, individually and as Councilman of National City; LUTHER REID, individually and as a Councilman of National City; IONE MINOGUE CAMPBELL, individually and as City Clerk for National City; DOES I-X, Defendants/Respondents.	NO. _____ DECLARATION OF PERSONAL SERVICE.

I, Elena Jacinto, declare:

I am a United States Citizen, over the age of eighteen and not a party to the herein action;

On February 10, 1976, I personally delivered copies of the herein COMPLAINT FOR PERMANENT INJUNCTION, TEMPORARY ORDER and PRELIMINARY INJUNCTION, and PETITION FOR WRIT OF MANDATE,

the accompanying exhibits and Points and Authorities, and ORDER TO SHOW CAUSE, on Kile Morgan, Michael Dall, Luther Reid and Ione Minogue Campbell, by delivering said copies, sealed in envelopes displaying the names of the above persons, to the City Clerk's office of National City, City Administration Building, 1243 National Avenue, National City, California, on February 10, 1976.

Executed this 10th day of February, 1976, in the City of San Diego, County of San Diego, California.

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

ELENA JACINTO

SD 44-729

Records of the San Diego Division of the Federal Bureau of Investigation (FBI) as of March 4, 1976, show HERMAN BACA to be a leader in the Chicano community, well known for his deligent efforts to "protect Chicano rights

FILE NUMBER: 56-5154

DOCUMENT NUMBER: 10

SERIAL NUMBER: 1

DATE: 3/4/76

COMMUNICATION: A 1 page Airtel from FBI Headquarters to SAC, San Diego, a one page Memorandum to the Civil Rights Division, U. S. Department of Justice with a 3 page enclosure.

TOTAL NUMBER OF PAGES: 5

TOTAL NUMBER OF PAGES RELEASED: 5

Deletions from this document are listed by page number as follows:

Airtel

Page 1

No deletions, page released in its entirety.

Memorandum

Page 1

No deletions, page released in its entirety.

Enclosure to Memorandum

Pages 1, 2, and 3

No deletions, pages released in their entirety.

Airtel

EX-101
REC 32

3/4/76

To: SAC, San Diego
39 MCT-29
From: Director, FBI

56-[illegible] 5154 - 1 - Mr. Giaquinto

UNSUBS, NATIONAL CITY,
CALIFORNIA; HERMAN BACA,
UNKNOWN VICTIMS; VOTING DISCRIMINATION
VOTING INTIMIDATION
CIVIL RIGHTS - ELECTION LAWS, IMPERSONATION

ReBuairtel dated 2/26/76.

Enclosed are two copies of a letter, its envelope, and enclosures, received from the complainant, Herman Baca.

In view of the fact that on 2/26/76 the Civil Rights Division, USDJ, requested an interview of Baca regarding the same allegation, you are requested to acknowledge Baca's letter and sulhm results of the limited investigation requested by the Department.

Enclosures - 4

JSG:mlr (4)
NOTE: On 2/26/76, the CRD requested interview of the complainant, Herman Baca, as well as certain specific limited investigation. The enclosed is provided for the information of SD as it involves the same allegation set forth in the Departmental letter. This instructs SD to acknowledge the complainant's letter and sulhm requested limited investigation.

Assoc. Dir. ____
Dep. AD Adm. ____
Dep. AD Inv. ____
Asst. Dir.:
Admin. ____
Comp. Syst. ____
Ext. Affairs ____
Files & Com. ____
Gen. Inv. ____
Ident. ____
Inspection ____
Intell. ____
Laboratory ____
Plan. & Eval. ____
Spec. Inv. ____
Training ____
Legal Coun. ____
Telephone Rm. ____
Director Sec'y ____

MAILED 4
MAR 4 1976
FBI

MAIL ROOM [illegible] TELETYPE UNIT

MAR 1 1976

GPO 25[illegible]

10

0-70 (Rev. 3-28-72)
OPTIONAL FORM NO. 10
MAY 1962 EDITION
GSA GEN. REG. NO. 27

5010-106

UNITED STATES GOVERNMENT

Memorandum

FILE COPY

TO : Assistant Attorney General
Civil Rights Division

DATE: March 4, 1976

FROM : Director, FBI

SUBJECT: UNSUBS, NATIONAL CITY,
CALIFORNIA; HERMAN BACA,
UNKNOWN VICTIMS; VOTING DISCRIMINATION
VOTING INTIMIDATION
CIVIL RIGHTS - ELECTION LAWS, IMPERSONATION

Reference is made to your memorandum dated 2/26/76
(your file JSP:BHW:mrk). DJ 166-125-NEW

There is enclosed one copy of ~~the report of Special Agent~~ complainant's let & encs. dated February 27, 1976 at National City, CA.

A. ☐ This covers the preliminary investigation and no further action concerning a full investigation will be taken by this Bureau unless the Department so directs.

B. ☒ The investigation is continuing and you will be furnished copies of reports as they are received.

C. ☐ The investigation requested by you has now been completed. Unless advised to the contrary no further inquiries will be made by this Bureau.

D. ☐ Pursuant to instructions issued by the Department, no investigation will be conducted in this matter unless specifically directed by the Department.

E. ☐ Please advise whether you desire any further investigation.

F. ☐ This is submitted for your information and you will be advised of further developments.

G. ☐ This is submitted for your information and no further investigation will be conducted unless specifically requested by the Department.

H. ☐ This covers the receipt of a complaint and no further action will be taken by this Bureau unless the Department so directs.

Enc. 3

NOTE: The enclosed is furnished for your information. The investigation requested in referenced memorandum will be furnished upon receipt from our San Diego Office. Complainant's letter being acknowledged by our San Diego Division.

FILE COPY

10

AD HOC COMMITTEE
ON
CHICANO RIGHTS

1837 Highland Ave. Nat'l City, Cal. 92050 (714) 477-362

EXECUTIVE BOARD

Chairman
Herman Baca

Vice Chairman
Albert Puente

Secretary
Albert Garcia

Treasurer
Pete Rios

February 27, 1976

Edward Levy
Attorney General
United States

Dear Mr. Levy:

On behalf of the Ad Hoc Committee on Chicano Rights, I am writing you to express our grave concern over recent incidents which may involve officials from your department. This latest incident is only one of many intimidating acts aimed at frustrating our efforts to exercise our rights of due process.

Enclosed are sworn statements from National City, California citizens. These statements are from individuals who have been interrogated by people claiming to represent the FBI, about alleged violations of the California Election Code. If it is true that the FBI is conducting an investigation into Election Code violations we would like to know the nature of the investigation, to facilitate its early conclusion.

If your office is not conducting such an investigation, we would like to take this opportunity to inform you that individuals have been going through this community and misrepresenting themselves as FBI agents.

These incidents are important to us because of the chilling effect which this is having in terms of people being afraid to exercise their democratic right to vote. Your prompt attention to this matter will be greatly appreciated.

Sincerely yours,

Herman Baca

Herman Baca
Chairman, Ad Hoc Committee

cc: Clarence Kelley, Secretary of State, Senator Alan Cranston, Senator John Tunney, Congressman Lionel Van Deerlin, Fernando De Baca, Special Assistant to the President, Fair Political Practices Commission, Assemblyman Peter Chacon, News Media.

MEMBER ORGANIZATIONS

C.A.S.A. Justicia-Chicano Federation-G.I. Forum-Hermandad Igualdad de Derechos-M.A.A.C.-M.A.

Mecha-Padre Hidalgo Center-Servicios de Immigracion-S.S.P.A.-Trabajadores de La Raza-U.C.M.A.

AFFIDAVIT OF SWORN STATEMENT

Mark A. Mezta
2732 E. 24th Street
National City, Ca 92050

I, Mark A. Mezta, do solemly swear that the following is true and correct:

On February 20, 1976, at approximately 3:25 in the afternoon, two men in dress suits, one white caucasion and the other a Mexican-American rang the door bell of our home. They identified themsleves, I forgot the names, but one had an I.D. card with his picture and lettering which read "Federal Bureau of Investigation".

The man talking to me said he was running an investigation or survey from door to door and was from the Deputy Registrar of Voters. He was carrying a xerox copy of all people registered to vote who lived at our home. He asked me to name off all the persons. I named all persons.

They looked at the list and the man talking ~~to~~ replied, "thats all I wanted to know". Then they left.

Mark A. Mezta

Mark. A. Mezta

SUBSCRIBED AND SWORN TO BEFORE ME
THIS 25 DAY OF Feb. 1976
AT NATIONAL CITY, CALIFORNIA 92050

Alvaro V. Celaya

NOTARY PUBLIC IN AND FOR THE COUNTY OF SAN DIEGO, STATE OF CALIFORNIA

OFFICIAL SEAL
ALVARO V. CELAYA
NOTARY PUBLIC
PRINCIPAL OFFICE
SAN DIEGO CO. CALIF.
My Commission Exp. Oct. 15, 1978

Jb- M 5154

10

AFFIDAVIT OF SWORN STATEMENT

NAME: ELSA JUAREZ

ADDRESS: 1030 Delta St.

CITY: National City

I, Elsa Juarez, do solemly swear that the statement I'm about to make are true to the best of knowledge.

At approximately the first week from returning from Christmas vacation. I was approa by men, that had previously talked to Mrs. Rhea Vice-principal and Mrs. Ferguson Secr to the Principal of Sweetwater Union High School. After introducing themselves they me if I knew Mr. Luis Natividad I replied yes. They proceeded to ask me if I know th people who were registering at the school the previous week,I inturn replied some, t specificaly asked me if Mr. Natividad had a clipboard in his hand and how far was he the persons who were doing the registering and finally if he had a petition with him. My replied was yes he had a clipboard and I pointed to a palm tree outside the buildi that was about 25 yards from where I was sitting, and that I didn't know if he had a pe with him. They also asked me what I was doing there? I told them that I was helping round-up the students to register to vote. Couple days later I asked Mrs. Rhea who t men were?. She replied they were from the FBI, but Mrs. Ferguson stated that they were the DA's office.

SUBSCRIBED AND SWORN TO BEFORE ME
THIS 4th dayof Feb. 1976
at National City, California

Signed:
Elsa Juarez
January 27, 1976

NOTARY PUBLIC IN AND FOR THE COUNTY OF SAN DIEGO, STATE OF CALIFORNIA

NOTARY PUBLIC - CALIFORNIA

OFFICIAL SEAL
JESSE RAMIREZ
NOTARY PUBLIC - CALIFORNIA
PRINCIPAL OFFICE IN
SAN DIEGO COUNTY
My Commission Expires January 7, 1979

SUBSCRIBED AND SWORN TO BEFORE ME
THIS _____ DAY OF _____ 19___

NOTARY PUBLIC - CALIFORNIA

56- 5154

EXCLUSIVE

FILE NUMBER: 105-219985

DOCUMENT NUMBER: 11

SERIAL NUMBER: 1

DATE: 12/17/71

COMMUNICATION: A 3 page Airtel from SAC, San Diego to FBI Headquarters.

TOTAL NUMBER OF PAGES: 3

TOTAL NUMBER OF PAGES RELEASED: 3

Deletions from this document are listed by page number as follows:

Airtel

Page 1

Deletions were made from paragraph 2 pursuant to (b)(7)(C) to protect the privacy rights of third parties. Release of their names would be an unwarranted invasion of their privacy rights. This paragraph was previously classified pursuant to Executive Order 11652; however, the information under the current Executive Order 12065 no longer warranted continued classification. (See paragraph (6)(B)(i), supra.)

Deletions were made from the bottom portion of this page pursuant to (b)(7)(d) to protect the identity of confidential sources who reported information to the FBI on a regular basis, release of this information would lead to the sources identity. (See paragraph, (6)(C)(ii), supra.).

Page 2

Paragraph 1 was deleted in its entirety pursuant to exemption (b)(1) as it contains classified information (See paragraph, (6)(A), supra.)

Line 12 which was previously classified has now been declassified in accordance with the current Executive Order 12065 and is being released.

Lines 13, 14, 15, 16, and line 18 are deleted pursuant to (b)(7)(C) to protect the privacy rights of third parties. Release of their names would be an unwarranted invasion of their privacy rights. The information set forth in the above lines was previously classified pursuant to Executive Order 11652; however, the information under the current Executive Order 12065 no longer warranted continued classification. (See paragraph, (6)(B)(i), supra.)

Paragraph 3 which was previously classified pursuant to (b)(1) has been declassified pursuant to the current Executive Order 12065 and is being released.

Page 3

Paragraph 1 was deleted pursuant to (b)(7)(d) to protect the identity of a confidential source who furnished information to the FBI on a regular basis, release of this information would lead to the sources identification. This paragraph was previously classified pursuant to Executive Order 11652; however, the information under the current Executive Order 12065 no longer warranted continued classification. (See paragraph (6)(C)(ii), supra.)

Paragraphs 2 and 3 were deleted pursuant to (b)(7)(C) to protect information on third parties. Release of this information would be an unwarranted invasion of their privacy rights. This paragraph was previously classified pursuant to Executive Order 11652; however, the information under the current Executive Order 12065 no longer warranted continued classification. (See paragraph, (6)(B)(i), supra.)

Paragraph 4 was deleted pursuant to (b)(1) as it contains classified information. (See paragraph (6)(A), supra.)

A deletion was made from paragraph 5 pursuant to (b)(7)(d) to protect confidential T-symbol numbers of confidential sources who furnish information to the FBI on a regular basis. Release of the symbol number would lead to the sources identification. (See paragraph, (6)(C)(ii), supra.)

FBI

Date: 12/17/71

Transmit the following in _____ (Type in plaintext or code)

Via _____ (Priority)

TO: DIRECTOR, FBI (105-176715)

FROM: SAC, SAN DIEGO (105-7397)(P)

YOUNG CHICANOS FOR
[redacted]
Brown Berets
RM - SPANISH-AMERICAN

NEHMAN BACA

Re Albuquerque teletype to Bureau dated 12/13/71 and Bureau airtel to Los Angeles, ET AL, dated 12/6/71.

Enclosed for Bureau are one copy each of photographs of [redacted] and [redacted] (b)(7)(C)

2-Bureau (Enc. 2)
2-Albuquerque (enc. 4)(RM)
10-San Diego (2-105-7397)
(1-100-15272)
(1-105-7479)
(1-105-7480)
(1-157-2127)
(1-105-765[illegible]
(1-13[illegible]-100[illegible]
(2-100-RM[illegible]

105-207732
105-207732
105-209272
105-162569
105-
105-
105-

EX-115

REC-6
105-219985
DEC 20 1971

(14)

NOT RECORDED
DEC 27 1971

NATIONAL SEC.

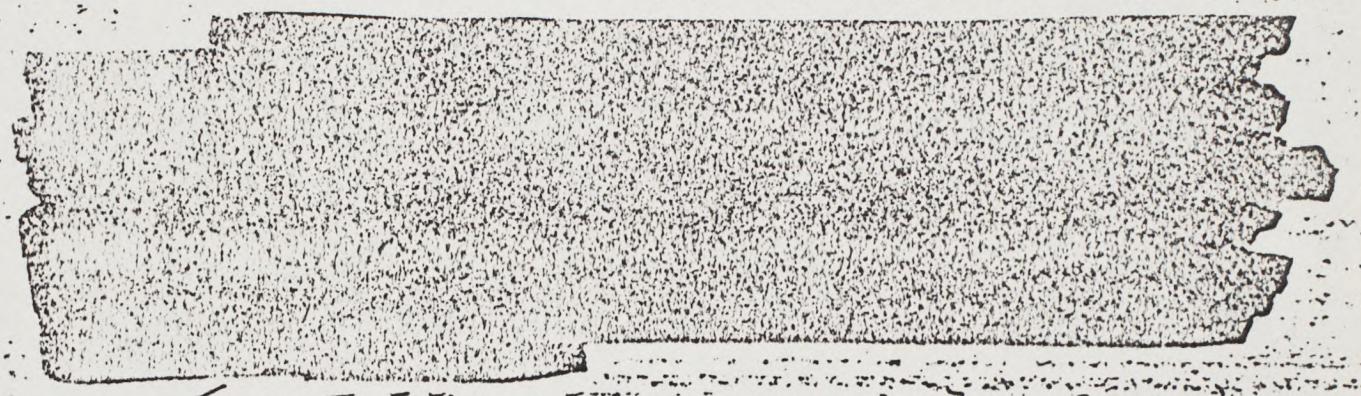
Approved: _____ Sent _____ M Per _____

61 JAN 4 1972 Agent in Charge

U.S. GOVERNMENT PRINTING OFFICE 1971—413-133

SD 105-7397

(b)(1)



The individuals planning to go are:

(b)(7)(c)

105-207732

105-201122

105-209278

100-1620 69

HERMAN DACA and

Description of the individuals in photographs furnished to Albuquerque are on the back of the individual photographs.

No photograph is available for HERMAN DACA; however, he is described as follows:

Sex	Male
Race	White
Born	4/5/43
	Place unknown
Height	5'6"
Weight	150
Hair	Black
Eyes	Brown
California Drivers License number	D0491383

SD 105-7397

(b)(7)(d) [redacted]

(b)(7)(c) [redacted]

(b)(7)(c) [redacted]

(b)(1) [redacted]

(b)(7)(d) [redacted] advised telephonically 12/17/71, that above subjects plan to leave for Los Cruces about noon on 12/18/71, via personal car.

FILE NUMBER: 105-219985

DOCUMENT NUMBER: 12

SERIAL NUMBER: 2

DATE: 3/13/72

COMMUNICATION: A two page incoming Memorandum from SAC, San Diego supported by a thirteen page Letterhead Memorandum, an FD-376, and a photograph.

TOTAL NUMBER OF PAGES: 17

TOTAL NUMBER OF PAGES RELEASED: 17

Deletions from this document are listed by page number as follows:

Cover Memorandum

Page 1

Lines 16, 17, 18 and 19 were deleted pursuant to (b)(7)(D) to protect the symbol numbers and information which would lead to the identification of confidential sources reporting information to the FBI on a regular basis. (See paragraph (6)(C)(ii), supra.)

Deletions were made from paragraphs 5 and 6 pursuant to (b)(7)(C) to protect the names of FBI Agents, clerical employees, and third parties. (See paragraph (6)(B)(i) and (6)(B)(iii), supra.)

Page 2

Line 3 was deleted pursuant to (b)(7)(C) to protect the privacy rights of a third party, an individual other that the person who is the focal point of this investigation. (See paragraph (6)(B)(i), supra.)

A deletion was made from paragraph 4 pursuant to (b)(7)(d) to protect the symbol number of a confidential source. Release of this symbol number would lead to the sources identification. This paragraph was previously classified pursuant to Executive Order 11652; however, the information under the current Executive Order 12065 no longer warranted continued classification. (See paragraph, (6)(C)(ii), supra.)

FD-376

Page 3

No deletions, page released in its entirety.

Letterhead Memorandum

Page 1

Line 26 was deleted in its entirety pursuant to (b)(7)(d) to protect the symbol number of confidential sources and the date the source reported information to the FBI. Release of this information would lead to the sources identification. (See paragraph (6)(C)(ii), supra.)

Page 2

Paragraph 6, (Item G), was deleted pursuant to (b)(7)(d) to protect the identity of a confidential source and confidential information furnished by the source. Release of this information would lead to the sources identification. This paragraph was previously classified pursuant to Executive Order 11652; however, the information under the current Executive Order 12065 no longer warranted continued classification. (See paragraph, (6)(C)(ii), supra.)

Pages 3, 13, and 14

No deletions, pages released in their entirety.

Page 4

Deletions were made pursuant to (b)(7)(d) to protect the symbol numbers of confidential sources reporting information to the FBI on a regular basis. Release of this information would lead to the sources identification. (See paragraph, (6)(C)(ii), supra.)

Page 5

Deletions were made from paragraphs 1, 2, and 5 pursuant to (b)(7)(d) to protect symbol numbers of confidential sources who furnish information to the FBI on a regular basis and names of sources interviewed by the FBI during the course of an investigation. (See paragraph, (6)(C)(i), (ii), supra.)

Page 6

Lines 20 and 28 were deleted pursuant to (b)(7)(d) to protect the dates confidential sources reported information to the FBI on a regular basis. Release of the dates would lead to the sources identification. (See paragraph (6)(C)(ii). supra.)

Page 7

Lines 7, 12, 21, 27 and 34 were deleted pursuant to (b)(7)(d) to protect the dates confidential sources reported information to the FBI on a regular basis. Release of the dates would lead to the sources identification. (See paragraph, (6)(C)(ii), supra.)

Paragraph 1 was deleted pursuant to (b)(7)(d) to protect the identity of a confidential source who furnished information to the FBI on a regular basis. Release of this information would lead to the sources identification. This paragraph was previously classified pursuant to Executive Order 11652; however, the information under the current Executive Order 12065 no longer warranted continued classification. (See paragraph, (6)(C)(ii), supra.)

Paragraph 2 was deleted pursuant to (b)(1) as it contains classified information. (See paragraph, (6)(A), supra.)

Page 8

Paragraphs 1 and 5 were deleted pursuant to (b)(7)(d) to protect the identity of a confidential source who furnished information to the FBI on a regular basis. Release of this information would lead to the sources identification. This paragraph was previously classified pursuant to Executive Order 11652; however, the information under the current Executive Order 12065 no longer warranted continued classification. (See paragraph, (6)(C)(ii), supra.)

Page 5

Deletions were made from paragraphs 1, 2 and 5 pursuant to (b)(7)(D) to protect symbol numbers of confidential sources who furnish information to the FBI on a regular basis and names of sources interviewed by the FBI during the course of an investigation. (See paragraphs (6)(C)(i), (ii), supra.)

Page 6

Lines 20 and 28 were deleted pursuant to (b)(7)(D) to protect the dates confidential sources reported information to the FBI on a regular basis. Release of the dates would lead to the sources identification. (See paragraph (6)(C)(ii), supra.)

Page 7

Lines 7, 12, 21, 27 and 34 were deleted pursuant to (b)(7)(D) to protect the dates confidential sources reported information to the FBI on a regular basis. Release of the dates would lead to the sources identification. (See paragraph (6)(C)(ii), supra.)

Paragraph 1 was deleted pursuant to (b)(7)(D) to protect the identity of a confidential source who furnished information to the FBI on a regular basis. Release of this information would lead to the sources identification. This paragraph was previously classified pursuant to Executive Order 11652; however, the information under the current Executive Order 12065 no longer warranted continued classification. (See paragraph (6)(C)(ii), supra.)

Paragraph 2 was deleted pursuant to (b)(1) as it contains classified information. (See paragraph (6)(A), supra.)

Page 8

Paragraphs 1 and 5 which is continued on page 9 were delted pursuant to (b)(7)(D) to protect the identity of a confidential source who furnished information to the FBI on a regular basis. Release of this information would lead to the sources identification. This paragraph was previously classified pursuant to Executive Order 11652; however, the information under the current Executive Order 12065 no longer warranted continued classification. (See paragraph (6)(C)(ii), supra.)

Lines 21 and 30 together with a deletion from paragraph 4 were deleted pursuant to (b)(7)(D) to protect symbol numbers and dates confidential sources reported information to the FBI on a regular basis. Release of this information would lead to the sources identification. (See paragraph (6)(C)(ii), supra.)

Page 9

Paragraphs 1 and 2 which were previously exempted pursuant to (b)(1) are now being released.

Lines 24, 32 and deletion from line 33 were made pursuant to (b)(7)(D) to protect the identity of confidential sources, symbol numbers and dates confidential sources reported information to the FBI on a regular basis. Release of this information would lead to the sources identification. (See paragraph (6)(C)(ii), supra.)

Page 10

Lines 12, 22 together with a deletion from paragraph 4 were deleted pursuant to (b)(7)(D) to protect symbol numbers and dates confidential sources reported information to the FBI on a regular basis. Release of this information would lead to the sources identification. (See paragraph (6)(C)(ii), supra.)

Paragraph 5 which is continued on page 11 was deleted pursuant to (b)(7)(D) to protect the identity of a confidential source who furnished information to the FBI on a regular basis. Release of this information would lead to the sources identification. This paragraph was previously classified pursuant to Executive Order 11652; however, the information under the current Executive Order 12065 no longer warranted continued classification. (See paragraph (6)(C)(ii), supra.)

Page 11

Paragraphs 1 and 4 which is continued on page 12 were deleted pursuant to (b)(7)(D) to protect the identity of a confidential source who furnished information to the FBI on a regular basis. Release of this information would lead to the sources identification. These paragraphs were previously classified pursuant to Executive Order 11652; however, the information under the current Executive Order 12065 no longer warranted continued classification. See paragraph (6)(C)(ii), supra.)

Paragraphs 2 and 3 were deleted in their entirety pursuant to exemption (b)(1) as they contain classified information. (See paragraph (6)(A), supra.)

Lines 5, 12 and 20 were deleted pursuant to (b)(7)(D) to protect the identity of confidential sources, symbol numbers, dates and information furnished by a confidential source to the FBI on a regular basis. Release of this information would lead to the sources identification. (See paragraph (6)(C)(ii), supra.)

Line 6 was deleted pursuant to (b)(7)(D) to protect the date the confidential source reported information to the FBI on a regular basis. Release of the date would lead to the sources identification. (See pargraph (6)(C)(ii), supra.)

OPTIONAL FORM NO. 10
MAY 1962 EDITION
GSA FPMR (41 CFR) 101-11.6

UNITED STATES GOVERNMENT

Memorandum

TO : DIRECTOR, FBI

DATE: 3/13/72

FROM : SAC, SAN DIEGO (105-7380)(C)

SUBJECT: HERMAN (NMN) BACA
IS - SPANISH AMERICAN

Transmitted herewith to the Bureau are five copies of an LHM concerning the above captioned subject.

A copy of this LHM is also being furnished to local U.S. Secret Service Office, San Digo, California.

No dissemination being made to local intelligence agencies by San Diego in view of the lack of interest of this matter to these agencies.

Attached to the Bureau copies of enclosed LHM are two copies of an FD 376 together with a photograph of the subject.

INFORMANTS

(b)(2)(d)

Source	Location
[redacted]	[redacted]
[redacted]	[redacted]
[redacted]	[redacted]
[redacted]	[redacted]

(b)(7)(c) The records of the Driver's License Section, Department of Motor Vehicles, Sacramento, California, were made available by [redacted] of the Driver's License Section, to [redacted]

(b)(7)(c) Credit and criminal checks at San Diego were made by SA [redacted].

REC-34 105-219985-2

MAR 16 1972

ENCLOSURE

Copy to SS, DEA
by routing slip for
☐ info ☐ action
date 3-30-72
by

2 - Bureau (Encs. 5)(RM)
2 - San Diego

HDW/dfm
(4)

55 APR 3 1972

Buy U.S. Savings Bonds Regularly on the Payroll Savings Plan

SD 105-7380

The San Diego Office has an investigative case on the following individual mentioned in this LHM:

(b)(7)(c) [redacted]

Inasmuch as subject HERMAN BACA is apparently deeply involved in Labor Union matters and local politics, it is not felt that he should be interviewed at this time, inasmuch as it is not believed potential results so justify.

Subject is not being recommended for ADEX at this time inasmuch as he apparently does not qualify.

(b)(1)(d) This LHM is being marked confidential because it contains material from [redacted] the unauthorized disclosure of which could result in the identification of the source, proving detrimental to the defense interest of the nation.

Inasmuch as subject's activities appear to be for the most part, only political oriented, and he is not known to be a member of an organization advocating violence and the overthrow of the U.S. Government, UACB, this matter is being considered closed in the San Diego Office, subject to being reopened if BACA becomes more militant.

12

CONFIDENTIAL

UNITED STATES DEPARTMENT OF JUSTICE

FEDERAL BUREAU OF INVESTIGATION

In Reply, Please Refer to File No.

San Diego, California

March 13, 1972

HERMAN (No Middle Name) BACA

I. BACKGROUND

Unless otherwise specified, information contained in this section was obtained from Detective STEVE A. SCARPITTI, Police Department, National City, California, on November 3, 1970.

A. Birth Data

HERMAN (No Middle Name) BACA was born at Albuquerque, New Mexico, on April 5, 1943.

(Driver's License Section, California State Department of Motor Vehicles, Sacramento, California, February 8, 1972)

B. Residence

Subject resides at 105 South Harbison, National City, California. He formerly resided at 1520 McKinley, National City, California, telephone 477-5436.

C. Employment

Subject BACA is a printer by profession and has been employed by the Mexican Advisory Council, a Federally funded council, working for the betterment of people of the Spanish-American background, which is located at 825 A Avenue, National City, California (telephone 474-4174).

(b)(7)(d) [redacted] b7d?

CONFIDENTIAL

105-217185-2

ENCLOSURE

12

HERMAN (No Middle Name) BACA

According to the records of the Merchants Credit Association of San Diego, as of January 7, 1972, subject was shown to be employed with Aztec Printers, National City, California.

D. Education

Extent of education is not known.

E. Citizenship

U.S. citizen by virtue of his birth at Albuquerque, New Mexico.

F. Military Service

None known.

G. Marital Status

Married.
Wife - ROBERTA

(According to National City Police records)

(b)(d)

[redacted]

H. Health

Satisfactory.

I. Automobile

Subject was driving a Pontiac BTM, bearing California license XCU 066.

J. Other Relatives

Subject has four brothers and one sister.

K. Firearms

Subject is not known to carry firearms.

L. Credit

The records of the Merchant's Credit Association, checked on January 7, 1972, contained the following information:

Subject has been known to the credit files since April, 1964, and was last cleared on an inquiry by an unnamed finance company in June, 1971. His address was shown to be 105 Harbison, National City, California, and he claimed to be self employed as the owner of Aztec Printers in National City, California.

M. Law Enforcement Agency Checks

According to the records of the National City Police Department, BACA was arrested on June 18, 1961, for possession of stolen goods. Disposition was not given.

Also, a juvenile record at the National City Police Department indicated the following

Date	Charge	Disposition
October 31, 1957	ABC At	Released to parents.
June 4, 1960	415 Penal Code Gang fight	Turned over to Juvenile Hall.

The records of the identification division of the San Diego County Sheriff's Office, and of the San Diego Police Department, were reviewed on January 7, 1972, and contained no information identifiable with the subject.

N. Photograph

Available.

CONFIDENTIAL

HERMAN (No Middle Name) BACA

O. Description

Name	HERMAN (No Middle Name) BACA
Date of Birth	April 5, 1943
Place of Birth	New Mexico
Hair	Black (with black mustache)
Eyes	Brown
Height	5'6"
Weight	180 pounds
Complexion	Medium
Father	NICK BACA
Mother	ELOISE BACA
Occupation	Employee or student at Kuumba Communications Complex, a Federally funded training facility, San Diego [redacted] October 28, 1970); (6Y1Yd) Former - Hewitt Brothers, Construction worker; Printer, Aztec Printing Company, San Diego, California
Wife	ROBERTA (or BARBARA) [redacted] (6Y1Yd) October 28, 1970)
Present Address	105 SouthHarbison National City, California;
Former Address	1520 McKinley National City, California;
Automobile	Pontiac BTM California license XCU 066
Brothers and Sisters	Four brothers - one sister
Driver's License Number	J491383
Social Security Number	566-580033
California Bureau of Criminal Identification and Investigation	1-960-815

CONFIDENTIAL

HERMAN (No Middle Name) BACA

II. MILITANT ACTIVITIES

Unless otherwise specified, information in this section of this memorandum was furnished by [redacted] on the dates indicated: (b)(7)(d)

On September 8, 1970, [redacted] Intelligence Unit, National City, California Police Department, advised that HERMAN (No Middle Name) BACA was considered by him to be a militant and was suspected of being involved with the members of the Brown Berets in the San Diego area. He stated also that he had information indicating that BACA had made trips to Los Angeles, presumably to make contacts with Brown Berets in that area. [redacted] said that HERMAN BACA was the head of the local chapter of the Mexican-American Political Association (MAPA) of National City, California. (b)(7)(d) (b)(7)(d)

> The Brown Berets was formed in 1967, composed predominantly of Mexican-Americans within the eastside of Los Angeles, for the purpose of opposing alleged discrimination by the Anglo-establishment. Their stated motto is "To Serve, Observe, and Protect." They have been active in demonstrations against local law enforcement agencies and the participation of the Mexican-Americans in the Vietnam War.
>
> The Mexican-American Political Association (MAPA) is an organization to promote political activity favorable to persons of Spanish-American or Mexican-American descent.
>
> (March 13, 1972)

On November 3, 1970, Detective [redacted] stated that he had not identified any of the Brown Beret contacts of the subject. (b)(7)(d)

HERMAN (No Middle Name) BACA

As of December 18, 1970, HERMAN BACA was reportedly still president of the local chapter of MAPA at National City, California, and had expressed an interest in organizing Mexican-American students at Southwestern College, San Ysidro, California. He has suggested organizing a chapter of MECHA and a Brown Beret group on this campus also. However, informant stated that BACA was having a hard time organizing any political groups for persons of Mexican or Spanish descent at either National City or San Ysidro, California, because people in this area of Mexican or Spanish descent, and especially the older people, resented the racial orientation of these proposed groups. They also resented being called by the slang term, "Chicano", preferring to be known as Spanish or Mexican-American, or just simply American.

MECHA is a student-based organization, the ostensible objectives of which are to insure education and economic opportunities for people of Mexican or Spanish background.

(b)(7)(d) [redacted]

Subject BACA was one of the organizers of a demonstration at the National City Civic Center, National City, California, on January 12, 1971. The purpose of this demonstration was to show support in the fight against the drug problem and to rally the people in the community of Mexican descent; however, only five or six people showed up for the demonstration.

(b)(7)(d) [redacted]

On January 18, 1971, it was reported that HERMAN BACA, president of MAPA Chapter at National City, California, was trying to get MAPA to back the United Farm Workers Union. The United Farm Workers Union, headed by CESAR CHAVEZ, was fighting to gain control of the unionized lettuce workers in the California area. Informant stated that as far as he knew,

HERMAN (No Middle Name) BACA

the National City chapter of MAPA was the only chapter that was becoming involved in Labor Union matters and backing CESAR CHAVEZ. According to informant, this was a purely political and labor union matter and was not known to involve advocacy of violence or subversive activity.

(b)(7)(d)

[redacted]

(b)(1)(d)

[redacted]

(b)(7)(d)

[redacted]

(b)(1)

[redacted]

(b)(7)(d)

[redacted]

In May, 1971, informant reported that BACA was still head of the MAPA chapter in National City, California, and that he had personally become involved and was participating in the CESAR CHAVEZ farm worker's strike against a local farming enterprise at nearby Imperial Beach, California.

(b)(7)(d)

[redacted]

In June, 1971, informant reported that apparently, subject BACA was not currently involved in Brown Beret activities, but that he was still active in farm labor union matters. Informant stated that currently there was no active Brown Beret chapter in the San Diego or National City, California area.

(b)(7)(d)

[redacted]

HERMAN (No Middle Name) BACA

(b)(7)(d) [redacted]

A fund-raising rally led by BACA in National City was jointly sponsored by the Chicano Federation and Mapa. Informant stated that the Mapa Chapter at San Diego was completely defunct and that the chapter of this organization at National City was now the only Chapter existent in the San Diego area.

The Chicano Federation is a federation of Mexican-American and Spanish-American groups, ostensibly to promote the economic and educational well-being of people of Mexican and Spanish background.

(b)(7)(d) [redacted]

(b)(7)(d) [redacted] stated on July 30, 1971, that he personally knew HERMAN BACA, MAPA leader at National City, California. He stated that MAPA is usually more active during the school year because one of his principal goals is to insure student opportunity for Mexican-Americans. He also said that most of the leaders of MAPA had also been members of the Brown Berets at San Diego, but that this organization was no longer active in this area.

(b)(7)(d) [redacted]

(b)(7)(d) [redacted]

HERMAN (No Middle Name) BACA

(b)(7)(d) [redacted]

The Partido Raza Unida is described as a new political party organized by and for people of Mexican or Spanish descent in the Southwestern United States.

The "Land of Aztlan" is a term applied by militant Mexican-American political leaders to that portion of the United States which formerly belonged to Spain or Mexico, and which some militant leaders claim should be returned to people of Spanish or Mexican descent.

(b)(7)(d) [redacted]

On September 12, 1971, there was a rally at San Diego, California to urge "Black-Chicano Unity," a meeting aimed at getting both the blacks and the Spanish-American people to work together in support of the united farm workers union. BACA was one of the principal speakers at this rally.

(b)(7)(d) [redacted]

(b)(7)(d) [redacted] advised on September 20, 1971, that HERMAN BACA of 105 South Harbison, National City, California, was still chairman of the MAPA chapter of the San Diego region.

12

HERMAN (No Middle Name) BACA

Informant stated that in a MAPA newsletter, BACA was listed as one of the MAPA leaders to whom donations could be sent for the local defense of the "Biltmore Five." The August, 1971, newsletter of MAPA also listed among addresses to which donations could be sent:

1937 Highlands Avenue
National City, California
Telephone - 714-477-3800

Public records reflect that this is the Aztec Printing Company, National City, California, where BACA is employed.

(b)(7)(C)

The "Biltmore Five" refers to five individuals of Mexican-American descent who were involved in violence at the Biltmore Hotel in Los Angeles, California, and who since have been facing local action.

As of September 13, 1971, HERMAN BACA was official organizer for the PRU in San Diego County, and responsible to the national leader of this group who now had offices in Los Angeles, California.

(b)(7)(D)

stated in October, 1971, that HERMAN BACA was working hard to obtain enough names on a petition to gain recognition for the PRU as a local political party in California.

(b)(7)(D)

(b)(7)(D)

HERMAN (No Middle Name) BACA

(b)(1)(d)

(b)(1)(d)

(b)(1)(d)

(b)(1)

(b)(1)

(b)(1)(d)

(b)(1)(d)

HERMAN (No Middle Name) BACA

(b)(7)(d) [redacted]

(b)(7)(d) [redacted]

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UNITED STATES DEPARTMENT OF JUSTICE

FEDERAL BUREAU OF INVESTIGATION

In Reply, Please Refer to File No.

San Diego, California

March 13, 1972

Title HERMAN (No Middle Name) BACA

Character

Reference Memorandum at San Diego, dated and captioned as above.

All sources (except any listed below) whose identities are concealed in referenced communication have furnished reliable information in the past.

This document contains neither recommendations nor conclusions of the FBI. It is the property of the FBI and is loaned to your agency; it and its contents are not to be distributed outside your agency.

SD FILE # 105-7380

HERMAN BACA
B. Aq., NM 4/5/43
5'5" 130 BLK BRN
CII # 1-960-815
105-219615-V

FILE NUMBER: 105-219985

DOCUMENT NUMBER: 13

SERIAL NUMBER: 3

DATE: 7/21/74

COMMUNICATION: A three page incoming teletype from SAC, San Diego to FBI Headquarters.

TOTAL NUMBER OF PAGES: 3

TOTAL NUMBER OF PAGES RELEASED: 3

Deletions from this document are listed by page number as follows:

Pages 1 and 2

No deletions, pages released in their entirety.

Page 3

Deletion was made from line 4 pursuant to (b)(7)(d) to protect the identity of confidential sources and symbol numbers of confidential sources who reported information to the FBI on a regular basis. Release of this information would lead to the sources identification. (See paragraph (6)(C)(ii), supra.)

ADMINISTRATIVE:

SOURCE FURNISHING ABOVE INFORMATION IS [redacted] AN (b)(7)(D)
AIR MAIL COPY IS FURNISHED TO LOS ANGELES INASMUCH AS
THE HEADQUARTERS FOR CASA IS LOCATED IN LOS ANGELES.
ADDITIONAL DETAILS OF THIS PROPOSED VISIT, IF CARRIED OUT,
WILL BE OBTAINED THROUGH CONTACT OF SAN DIEGO SOURCE WITH
BACA AND ASSOCIATES UPON THEIR RETURN TO SAN DIEGO
END TELE
RSP FBIHQ

SD 105-7380

AMERICAN POLITICAL ORGANIZATION, AND CENTRO DE ACCION SOCIAL AUTONOMO (CASA)(CENTER OF SOCIAL ACTION), A CALIFORNIA ORGANIZATION SEEKING SOCIAL ASSISTANCE FOR MEXICAN AMERICAN CITIZENS OF CALIFORNIA. CARLOS HUERTA VASQUEZ IS THE EXECUTIVE DIRECTOR OF CASA AT NATIONAL CITY, CALIFORNIA, AND ALBERTO GARCIA IS PRESIDENT OF THE UNITED CALIFORNIA MEXICAN AMERICAN ASSOCIATION.

SOURCE ADVISED THESE INDIVIDUALS HAVE ARRANGED APPOINTMENTS WITH SENATOR ALAN CRANSTON, SENATOR JOHN TUNNEY, REPRESENTATIVE LIONEL VAN DEERLIN, AND SENATOR EDWARD KENNEDY OF MASSACHUSETTS. THE TRIP IS BEING MADE IN CONNECTION WITH A DESIRE OF THESE THREE INDIVIDUALS TO AIRE THEIR FEELINGS RELATIVE TO CONSIDERATION BEING GIVEN OF POSSIBLE REVIVAL OF THE "BRACERO" PROGRAM, HIRING OF MEXICAN NATIONALS AS FARM LABORERS IN CALIFORNIA AND OTHER BORDER STATES.

END PAGE TWO

FILE NUMBER: 105-219985

DOCUMENT NUMBER: 14

SERIAL NUMBER: 4

DATE: 8/13/74

COMMUNICATION: A one page incoming Airtel from SAC, San Diego together with a two page Letterhead Memorandum dated 8/13/74.

TOTAL NUMBER OF PAGES: 3

TOTAL NUMBER OF PAGES RELEASED: 3

Deletions from this document are listed by page number as follows:

Airtel

Page 1

Deletions were made from paragraphs 2 and 3 pursuant to (b)(7)(d) to protect the identity of confidential sources and symbol numbers of confidential sources who reported information to the FBI on a regular basis. Release of this information would lead to the sources identification. (See paragraph (6)(C)(ii), supra.)

Letterhead Memorandum

Pages 1 and 2

No deletions, pages released in their entirety.

FD-36 (Rev. 5-22-64)

FBI

Date: 8/13/74

Transmit the following in _____
(Type in plaintext or code)

Via AIRTEL REGISTERED MAIL
(Priority)

TO: DIRECTOR, FBI

FROM: SAC, SAN DIEGO (105-7380)(P)

SUBJECT: HERMAN BACA
IS - SA
(OO: San Diego)

Copy (LHM) to NIS, SS, LA(4)
by routing slip for
[illegible] action
date 8-19-74
by PSO Hilem

Enclosed for the Bureau are five (5) and for Los Angeles two (2) copies of an LHM setting forth additional information furnished by SD 1012-S on 8/5/74, relative to the proposed visit of HERMAN BACA to Washington, D. C., as has previously been furnished to the Bureau in teletype dated 7/19/74.

(b)(7)(d) On 8/8/74, [redacted] reported that HERMAN BACA is now believed to be working as an assistant to BERT CORONA, head of Centro de Accion Social Autonomo (CASA) at Los Angeles, California. It has been reported that BACA is now receiving a salary of approximately $13,000 to $14,000 per year in connection with his work for CASA.

(b)(7)(d) Sensitive source utilized in LHM is [redacted]

The Bureau may desire to furnish copies of the enclosed LHM to U. S. Immigration & Naturalization Service.

ENCLOSURE

105-219985

2 - Bureau (Enc. 5) (RM)
1 - Los Angeles (Enc. 2) (RM)
3 - San Diego
(1 - 105-7380)
(1 - 105-8102)
(1 - 105-2249)
CJN/lpo
(6)

REC-32 105-219985-4

57 AUG 17 1974

EX-109

57AUG28 1974

Sent _____ M Per _____

Special Agent in Charge

GPO : 1970 O - 403-733

14

UNITED STATES DEPARTMENT OF JUSTICE

FEDERAL BUREAU OF INVESTIGATION
San Diego, California
August 13, 1974

In Reply, Please Refer to File No.

VISIT OF HERMAN BACA TO
WASHINGTON, D. C.
JULY, 1974

A source, who has furnished reliable information in the past, advised on July 19, 1974, that Herman Baca, accompanied by Carlos Huerta Vasquez and Alberto Garcia, planned to leave San Diego, California, via plane for Washington, D. C., on July 20, 1974, where they expected to have conferences with political leaders.

Herman Baca owns and operates a private printing business at 1839 Highland Avenue, National City, California, and is a self-described community organizer in the Mexican-American community of San Diego and environs. He has recently been active in furthering the cause of the La Raza Unida party (the United Race Party), a Mexican-American political organization, and Centro de Accion Social Autonomo (CASA) (Center of Social Action), a California organization seeking social assistance for Mexican-American citizens of California. Carlos Vasquez is the Executive Director of CASA at National City, California, and Alberto Garcia is President of the United California Mexican-American Association.

On August 5, 1974, source advised that the above individuals had appointments in Washington, D. C., on July 22, 1974, at which time they met with Senator Joseph Montoya, Democrat of New Mexico, Representative Edward R. Roybal, Democrat of California, Representative Lionel Van Deerlin, Democrat of California, and attempted to meet with Senator Edward Kennedy, Democrat of Massachusetts. They were

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ENCLOSURE 105-DI-175-4

14

successful in having audiences with all of the above except Kennedy and there met only with subordinates of Kennedy's office.

Source advised that this trip was funded by money from the La Raza Unida party and CASA. The major purpose of the trip was to make complaints against the Immigration and Naturalization Service and the United States Border Patrol. Allegations were made against United States officials in handling of Mexican-American relationships, in particular, accosting Mexican-Americans without provocation and requiring that they provide proof of identity and the right to be in the United States, inasmuch as there have been many illegal aliens entering the United States from Mexico in the recent past. It was also indicated that a proposed "Bracero" program was also discussed, however, the details of these discussions were not available. Baca has indicated, since these contacts, that he was somewhat discouraged regarding the outcome of the visit although stenographers were present and took notes of the various discussions held and promises of "looking into the matter" were made in the various offices. Baca has expressed his feeling that there is generally a lack of knowledge of Mexican-American affairs among United States Congressman.

FILE NUMBER: 105-219985

DOCUMENT NUMBER: 15

SERIAL NUMBER: 5

DATE: 8/29/74

COMMUNICATION: Outgoing Airtel from FBI Headquarters to the SAC, San Diego.

TOTAL NUMBER OF PAGES: 1

TOTAL NUMBER OF PAGES RELEASED: 1

Deletions from this document are listed by page number as follows:

Page 1

No deletions, page released in its entirety.

Airtel

1 - Mr. G. G. Ross
1 - Mr. J. D. Powell

8/29/74

To: SAC, San Diego (105-7380)

From: Director, FBI (105-219985)

HERMAN BACA
IS - SA

ReSDnitel 7/21/74 entitled "Proposed Visit of Herman Baca to Washington, D. C., 7/20/74, to Confer with California Legislators Regarding Bracero Program."

Inasmuch as there is no indication subject's planned meeting with United States Senators and Representatives is in any way related to extremist or subversive activities and there is no indication of planned violence or demonstrations, any such meetings should not be the object of any coverage or interest by the Bureau. San Diego should not direct any sources toward obtaining information related to these meetings.

In the absence of any extremist activity on the part of the subject San Diego should discontinue investigation of subject.

REC-25 105-219985-5

1 - Los Angeles

JDP:sjm
(6)

ST. 104

5 AUG 30 1974

NOTE:

Referenced San Diego nitel advised San Diego source would obtain results of proposed meetings by subject with United States Legislators. There is no basis for any coverage of subject, who is active in Mexican-American activities and causes in Southern California, but not in violent or subversive activities.

MAILED 9
AUG 29 1974
FBI

Assoc. Dir.
Dep. AD Adm.
Dep. AD Inv.
Asst. Dir.:
Admin.
Comp. Syst.
Ext. Affairs
Files & Com.
Gen. Inv.
Ident.
Inspection
Intell.
Laboratory
Legal Coun.
Plan. & Eval.
Spec. Inv.
Training
Telephone Rm.
Director Sec'y

SEP 4 - 1974

MAIL ROOM TELETYPE UNIT

FILE NUMBER: 105-219985

DOCUMENT NUMBER: 16

SERIAL NUMBER: 6

DATE: 3/22/76

COMMUNICATION: A two page incoming Memorandum from SAC, San Diego to FBI Headquarters, supported by an FD-376 and an eleven page Letterhead Memorandum dated 3/22/76.

TOTAL NUMBER OF PAGES: 14

TOTAL NUMBER OF PAGES RELEASED: 14

Deletions from this document are listed by page number as follows:

Cover Memorandum

Page 1

Lines 16 through 23 were deleted pursuant to (b)(7)(d); however, in accordance with the current Executive Order 12065 they are exempt pursuant to (b)(1). (See paragraph, (6)(A), supra.)

Page 2

Deletions were made from paragraph 1 pursuant to (b)(7)(C) to protect the names of Special Agents of the FBI. (See paragraph, (6)(B)(iii), supra.)

FD-376

Page 3

No deletions, page released in its entirety.

Letterhead Memorandum

Pages 1, 2, 3, 4, 5, 6, and 7

Deletions were made pursuant to (b)(7)(d) to protect the identity of confidential sources, symbol numbers and dates confidential sources reported information to the FBI on a continuous basis. Release of this information

would lead to the sources identification. (See paragraph (6)(C)(ii), supra.)

Page 6

Deletions were made from lines 9, 17, 18, 30 and 34 pursuant to (b)(7)(d) to protect the identity of confidential sources, symbol numbers, and dates confidential sources reported information to the FBI on a regular basis. Release of this information would lead to the sources identification. (See paragraph (6)(C)(ii), supra.)

Information previously deleted in paragraphs 2 and 3 on page 6 and pargraph 1 on page 7, is now being released.

Page 8

Paragraph 1 was deleted in its entirety pursuant to exemption (b)(1) as it contains classified information. (See paragraph, (6)(A), supra.)

Pages 9, 10 and 11

No deletions, pages released in their entirety.

OPTIONAL FORM NO. 10
JULY 1973 EDITION
GSA FPMR 101-11.6

UNITED STATES GOVERNMENT

Memorandum

TO : DIRECTOR, FBI DATE: 3/22/76

FROM : SAC, SAN DIEGO (157-5120) (C)

SUBJECT: HERMAN (NMN) BACA
EM - SA
OO: SAN DIEGO

Re San Diego letter and LHM to the Bureau dated 10/7/75.

Enclosed herewith for the Bureau are five (5) copies of an LHM concerning HERMAN BACA.

A copy of this LHM is also being furnished to the local Secret Service at San Diego via FD-376.

Two (2) copies of an FD-376 are being attached to the Bureau copies of the LHM.

INFORMANTS

Identity of Source	File Where Located
[redacted]	[redacted]

REC-1 105-219985-6

EX-101

6 MAR 25 1976

ENCLOSURE

(2) - Bureau (Encls-5) (RM)
1 - San Diego

1 Let + 2 LHM destroyed

HDW:tlb
(3)

Buy U.S. Savings Bonds Regularly on the Payroll Savings Plan

16

SD 157-5120

ADMINISTRATIVE

(b)(7)(c)
(b)(7)(c) The interview of subject mentioned in this LHM was conducted on 5/20/75 by SA [redacted] and SA [redacted] retired).

Since subject no longer is connected with CASA and in view of the fact that subject's current activities do not appear to warrant further investigation at this time, this investigation is being closed in the San Diego Office.

16

UNITED STATES DEPARTMENT OF JUSTICE

FEDERAL BUREAU OF INVESTIGATION

In Reply, Please Refer to File No.

San Diego, California
March 22, 1976

HERMAN (NO MIDDLE NAME) BACA
EXTREMIST MATTER - SPANISH AMERICAN

It was reported in May 1973 that Herman (No Middle Name) Baca was the leader and organizer of the recently established San Diego, California, branch of the Centro de Accion Social Autonomo (CASA) (Autonomous Center for Social Action) (See Appendix).

(b)(7)(d) [redacted]

I. BACKGROUND

Residence and Employment

Herman Baca continues to reside at 105 South Harbison Street, National City, California, and operates the Aztec Print Shop which is located at 1847 National Avenue, National City, California.

(b)(7)(d) [redacted]

Sources whose identities are concealed herein have furnished reliable information in the past, except where otherwise noted.

This document contains neither recommendations nor conclusions of the FBI. It is the property of the FBI and is being loaned to your agency; it and its contents are not to be distributed outside your agency.

ENCLOSURE

105-211115-6

FD-376 (Rev. 12-17-75)
OFFICE OF THE DIRECTOR

UNITED STATES DEPARTMENT OF JUSTICE

FEDERAL BUREAU OF INVESTIGATION

March 22, 1976
WASHINGTON, D.C. 20535

Director
United States Secret Service
Department of the Treasury
Washington, D. C. 20223

In Reply, Please Refer to
File No. 157-5120

RE: HERMAN (NO MIDDLE NAME) BACA
EXTREMIST MATTER - SPANISH AMERICAN

Dear Sir:

The information furnished herewith concerns an individual or organization believed to be covered by the agreement between the FBI and Secret Service concerning protective responsibilities, and to fall within the category or categories checked.

1. ☐ Threats or actions against persons protected by Secret Service.
2. ☐ Attempts or threats to redress grievances.
3. ☐ Threatening or abusive statement about U. S. or foreign official.
4. ☐ Participation in civil disturbances, anti-U. S. demonstrations or hostile incidents against foreign diplomatic establishments.
5. ☐ Illegal bombing, bomb-making or other terrorist activity.
6. ☐ Defector from U. S. or indicates desire to defect.
7. ☒ Potentially dangerous because of background, emotional instability or activity in groups engaged in activities inimical to U. S.

Photograph ☒ has been furnished ☐ enclosed ☐ is not available.

Very truly yours,

C. M. Kelley

Clarence M. Kelley
Director

1 - Special Agent in Charge (Enclosure(s)) - 1
U. S. Secret Service, San Diego

Enclosure(s) - 1

16

HERMAN (NO MIDDLE NAME) BACA
EXTREMIST MATTER - SPANISH AMERICAN

II. CONNECTIONS WITH CASA

In May 1973, Herman (No Middle Name) Baca was the principal organizer of the CASA branch at National City, California, a suburb of San Diego, California.

(b)(7)(d) [redacted]

When interviewed on May 20, 1975, Baca denied that the San Diego branch of CASA was in any way connected with CASA Headquarters at Los Angeles, California. He said further that he and other CASA leaders at San Diego did not advocate nor contribute in any way to revolutionary causes. He said that they only strove for legal change and improved justice.

In August 1975, information was received to the effect that the CASA Office in San Diego was in the process of closing all activities.

(b)(7)(d) [redacted]

In October 1975, it was reported that CASA Headquarters in Los Angeles no longer had any control or influence over the CASA group in the San Diego area, and a leaflet printed and distributed by CASA in Los Angeles listed the cities in which branches of CASA are located, and San Diego did not appear on the list.

(b)(7)(d) [redacted]

On January 28, 1976, information was received from CASA in Los Angeles to the effect that the CASA Office at San Diego had been officially closed.

(b)(7)(d) [redacted]

HERMAN (NO MIDDLE NAME) BACA
EXTREMIST MATTER - SPANISH AMERICAN

III. ACTIVITIES AS CHAIRMAN OF THE AD HOC COMMITTEE ON CHICANO RIGHTS

On November 28, 1972, a group of Chicano leaders held a meeting in Herman Baca's Print Shop at National City, California, to discuss alleged racial discrimination against Chicano people by local law enforcement officers, especially by the San Diego County Sheriff's Office (SDSO) and the San Diego Police Department (SDPD). (Chicano is a term now commonly used to denote Mexican American). At this meeting a new committee called the Ad Hoc Committee on Chicano Rights (AHCCR) was established and Herman Baca was made Chairman.

(b)(7)(d) [redacted]

On October 12, 1975, twenty year old Luis Robert Rivera, a Puerto Rican youth of National City, California, was shot and killed by a National City Policeman as Rivera fled officers who were investigating a purse snatching.

(b)(7)(d) [redacted]

As Chairman of the AHCCR, subject was the principal leader and organizer of a protest rally of approximately 400 persons at the local church in National City on October 14, 1975. The protesters marched on the National City City Council, demanding that the Policeman who shot Rivera be fired and that the Chief of Police resign.

(b)(7)(d) [redacted]

Baca organized another protest demonstration in the name of the AHCCR regarding the Rivera shooting, and on October 28, 1975, an estimated 1,000 demonstrators marched

from the church to the City Hall of National City, California. Herman Baca, as spokesman for the marchers, demanded that the Policeman who shot young Rivera be identified, that the Chief of Police be fired, that a Grand Jury investigation be initiated, that a civil rights investigation be conducted, and that an independent "citizens investigation committee" be formed. Baca threatened that if these demands were not met, the entire City Council should be recalled by special election. This protest march was well organized and no violence took place.

(b)(7)(d) [redacted]

A source expressed the opinion regarding the activities of the AHCCR, stating that Baca wanted to gain publicity through his leadership of this organization, but that he was intelligent enough to avoid inciting violence. During the demonstration on October 28, 1975, Baca had insisted on no violence and he had made it clear that no drugs or alcohol would be welcomed at the demonstration.

(b)(7)(d) [redacted]

The AHCCR organized a rally at Saint Anthony's Hall, National City, California, for November 20, 1975. Herman Baca presided and appointed six people to take names for a petition to recall National City elected officials. Only about twenty to thirty people showed up for this rally; Baca blamed the poor attendance on the bad weather. No violence was threatened or suggested during the meeting.

(b)(7)(d) [redacted]

The San Diego District Attorney filed a charge of Second Degree Manslaughter against the Police Officer who shot Rivera, and the Policeman was exonerated in Municipal Court at National City, California, and ordered reinstated on the police force. Baca complained bitterly that there are two justice systems in San Diego County--one for the rich and their servants and one for the people. He charged that a Chicano, a black or a poor working person cannot get justice in San Diego County.

(Young Socialist (See Appendix), December 1975 - January 1976 issue)

HERMAN (NO MIDDLE NAME) BACA
EXTREMIST MATTER - SPANISH AMERICAN

The recall petition circulated at National City by the AHCCR was turned in on time with sufficient signatures, by December 31, 1975, but it was thrown out by the National City authorities on the grounds that some of the signatures were of people from outside the district and some were believed to be fictitious. The City Clerk stated that examination of the signatures on the petition was not sufficiently conclusive to warrant prosecution, but that the irregularities appeared to be sufficient to invalidate the petition.

(b)(7)(d) [redacted]

On March 2, 1976, local elections were held in National City, California, and all the candidates supported by the AHCCR were defeated.

(b)(7)(d) [redacted]

As of March 1976, CASA at San Diego remains inactive and Herman Baca has been devoting his time to the AHCCR and to his fight against local National City authorities.

(b)(7)(d) [redacted]

Herman Baca spoke at MECHA Headquarters at San Diego State University on March 16, 1976. He asked support for election fraud charges against the elected officials of National City, California. He said that there was to be a hearing on the matter on March 19, 1976, and that he wanted some sort of demonstration in front of the Courthouse on that date. He also stated that the issue of police brutality in the Rivera case had not ended.

(b)(7)(d) [redacted]

The Movimiento Estudiantil Chicano de Aztlan (MECHA) (The Chicano Student Movement of Aztlan), is a Mexican American youth association with chapters at most local colleges in the San Diego area which is recognized as a legitimate on-campus student organization.

Aztlan is a term applied by Mexican American political extremist leaders to that portion of the United States formerly belonging to Spain or Mexico, which some militant leaders claim should be returned to the people of Spanish or Mexican descent.

[redacted] (6)(7)(D)

In his speech at San Diego State University on March 16, 1976, Baca urged everyone present to support an investigation of the San Diego City authorities regarding former and present police intelligence activities. Informant stated that Baca has said that he plans to identify the Mexican American informants of the local police departments and of the Federal Bureau of Investigation (FBI).

[redacted] (6)(7)(D)

IV. CONNECTIONS WITH THE YOUNG SOCIALIST ALLIANCE (YSA) AND THE SOCIALIST WORKERS PARTY (SWP)

[redacted] Donald Sorsa, a member of the YSA at San Diego, California, (See Appendix), reported to a local YSA meeting on December 7, 1975, that the YSA had been helping the AHCCR in its efforts to initiate a recall action against the City Council of National City. Sorsa reported that Herman Baca had requested continued help of the YSA in bringing about "true justice"; the officer who shot Rivera had been tried and acquitted.

(6)(7)(D) [redacted]

On January 17, 1976, [redacted] Donald Sorsa reported to another YSA meeting that he had been elected as a member of the staff of the AHCCR, with Herman Baca.

(6)(7)(D) [redacted]

HERMAN (NO MIDDLE NAME) BACA
EXTREMIST MATTER - SPANISH AMERICAN

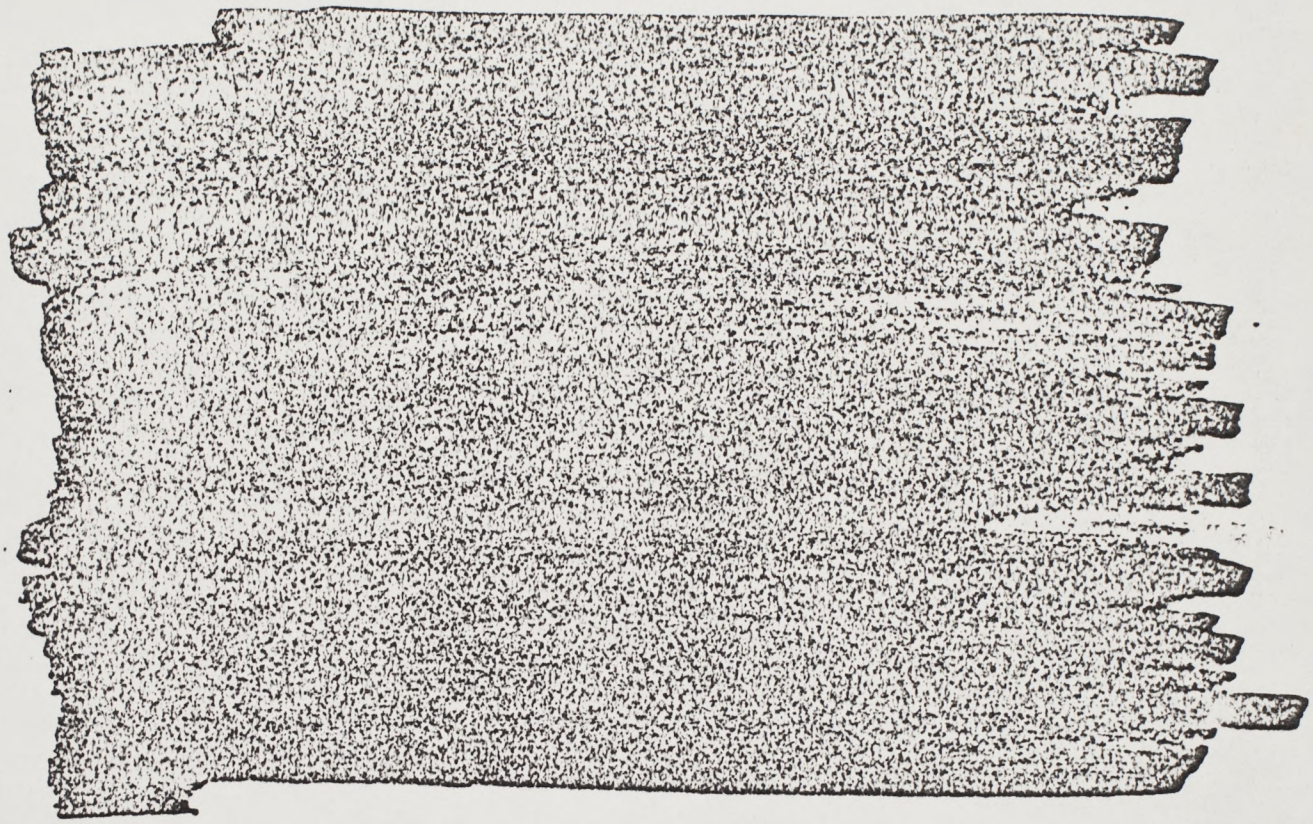
[Jessica Star,] a member of the local SWP in San Diego, California, (See Appendix), announced to a mixed group of blacks and whites on February 24, 1976, that a rally was being planned for either March 1 or March 2, 1976, at National City, California, to protest possible alleged election law violations. This rally, according to Star, was to be sponsored by the SWP and Herman Baca of the AHCCR.

(b)(7)(d) [redacted]

12

CENTRO DE ACCION SOCIAL AUTONOMO (CASA)
(AUTONOMOUS CENTER OF SOCIAL ACTION)

(6)(1)



APPENDIX

"YOUNG SOCIALIST"

The "Young Socialist" is a monthly newspaper published at New York, New York. It propagandizes the viewpoints of the Young Socialist Alliance (YSA). The YSA is the youth group of the Socialist Workers Party (SWP), a Trotskyist-communist organization which has as its purpose the overthrow of the United States Government and the institution of a dictatorship of the working class and the eventual achievement of a communist society.

APPENDIX

APPENDIX

YOUNG SOCIALIST ALLIANCE

The Young Socialist Alliance (YSA) is the youth group of the Socialist Workers Party (SWP). It was formed in October, 1957, and is currently headquartered in New York City. It propagandizes the beliefs of the SWP among the youth and is the main source of recruitment into the SWP. The SWP is a revolutionary, Trotskyist-communist organization which has as its purpose the overthrow of the U. S. Government and the institution of a dictatorship of the working class and the eventual achievement of a communist society.

APPENDIX

SOCIALIST WORKERS PARTY

The Socialist Workers Party (SWP) is a revolutionary, Trotskyist-communist organization, which is headquartered in New York City. Its purpose, as stated in its Declaration of Principles, is the overthrow of the U. S. Government and the institution of a dictatorship of the working class and the eventual achievement of a communist society. It was founded in 1938 and maintains close association with international Trotskyist organizations as a "sympathizing" group, but it denies formal membership in any foreign group to escape application of the Voorhis Act, which regulates certain types of organizations subject to foreign control. While the SWP does not openly advocate the use of violence at the present time to overthrow the U. S. Government, it believes that eventual violent revolution in the U. S. is inevitable. Its objection to the current use of violence is based on the ground that it believes violence is premature at this time. The SWP seeks to precipitate a revolution when conditions are ripe and to seize control of the revolution and to direct it when it occurs.

*

FD-36 (Rev. 2-14-74)

FBI

Date: 10/29/75

Transmit the following in _____ (Type in plaintext or code)

Via AIRTEL _____ (Precedence)

TO : DIRECTOR, FBI (157-G-46)

FROM: SAC, SAN DIEGO (157-159)

POTENTIAL FOR VIOLENCE
AND CIVIL UNREST,
SAN DIEGO, CALIFORNIA

Re San Diego airtel and LHM to Bureau, 10/24/75.

Enclosed for the Bureau are six copies of an additional LHM regarding the above captioned matter. Two copies of an FD-376 are being attached to the Bureau copies of this LHM.

Local dissemination at San Diego is being made to U.S. Secret Service and to the office of the U.S. Attorney.

The confidential informants utilized in this LHM are identified as follows:

Identity of Source	File where Located
(b)(7)(d) [redacted]	[redacted]

1 - [redacted]

157-6-46-758

2 - Bureau (Encls. 6) (RM)
3 - San Diego
(2 - 157-159)
(1 - GG-1746 Sub 1)
HDW/bkb
(5)

1cc - declassified
1cc - DPG (RFul)
1cc - CD (ISS)
1cc - USSS
1cc - HQ HJFH
JDM/ASG 11/5/75

9 NOV 3 1975

FILE

4: _____ Sent _____ M Per _____
Special Agent in Charge

Letterhead Memorandum

Pages 1 and 2

Deletions were made pursuant to (b)(7)(d) to protect the identity of confidential sources, symbol numbers and dates confidential sources reported information to the FBI on a regular basis. Release of this information would lead to the sources identification. (See paragraph (6)(C)(ii), supra.)

Pages 3, 4, 5, and 6

No deletions, pages released in their entirety.

FILE NUMBER: 157-6-46

DOCUMENT NUMBER: 19

SERIAL NUMBER: 758

DATE: 10-29-75

COMMUNICATION: A two page incoming Airtel from SAC, San Diego to FBI Headquarters supported by an FD-376 and a six page Letterhead Memorandum dated 10/29/75.

TOTAL NUMBER OF PAGES: 9

TOTAL NUMBER OF PAGES RELEASED: 9

Deletions from this document are listed by page number as follows:

Airtel

Page 1

Lines 18, 19, and 20 were deleted pursuant to (b)(7)(d) to protect the identity of confidential sources, --- symbol numbers and other information pertaining to a confidential source reporting information to the FBI on a regular basis. Release of this information would lead to the sources identification. (See paragraph, (6)(C)(ii), supra.)

Page 2

No deletions, page released in its entirety.

FD-376
PAge 3

No Deletions, page released in its entirety.

APPENDIX

YOUNG SOCIALIST ALLIANCE

The Young Socialist Alliance (YSA) is the youth group of the Socialist Workers Party (SWP). It was formed in October, 1957, and is currently headquartered in New York City. It propagandizes the beliefs of the SWP among the youth and is the main source of recruitment into the SWP. The SWP is a revolutionary, Trotskyist-communist organization which has as its purpose the overthrow of the U. S. Government and the institution of a dictatorship of the working class and the eventual achievement of a communist society.

APPENDIX

POTENTIAL FOR VIOLENCE
AND CIVIL UNREST,
SAN DIEGO, CALIFORNIA

Demands were made by those present at the meeting that the officer responsible for the shooting be fired and that the Chief of Police of National City, California, be asked to resign. The NCPD uses .357 magnum revolvers as their official department weapon. Demands were also made that the department stop using this powerful weapon.

[redacted] (6)(7)(d)

Following the meeting, a number of those present went to City Hall, National City, California, to present their demands to the City Council, which was then in session. Speakers at the protest meeting stated that if demands were not met, a future demonstration will be planned. As of October 16, 1975, no plans for future action have been announced. Informant stated that to date no violence was anticipated. The Office of the District Attorney, San Diego, California, is investigating this shooting.

[redacted] (6)(7)(d)

Among those observed at the meeting was Michael Zarate, a member of the Young Socialist Alliance (YSA) (See Appendix), who was accompanied by two other persons believed to be YSA members also. Zarate spoke at the meeting at the church, promising YSA support for any future protests or demonstrations.

[redacted] (6)(7)(d)

UNITED STATES DEPARTMENT OF JUSTICE

FEDERAL BUREAU OF INVESTIGATION

In Reply, Please Refer to File No.

San Diego, California
October 16, 1975

POTENTIAL FOR VIOLENCE
AND CIVIL UNREST,
SAN DIEGO, CALIFORNIA

The information set out in this memorandum is based on current information received, and the possibility that subsequent events in this area could abruptly change the situation at any time must be taken into consideration.

At National City, California (San Diego County)

On October 14, 1975, an estimated 400 persons met at Saint Anthony's Church, 18th and Harding, National City, California, to protest the recent shooting of a Puerto Rican youth by an officer of the National City Police Department (NCPD). Twenty year old Luis Robert Rivera, of 728 East 4th Street, National City, was shot and killed by a policeman on October 12, 1975, when Rivera fled from the officers who were investigating a theft.

[redacted] (b)(7)(D)

The protest meeting was chaired by Herman Baca and Luis Natividad, local Chicano extremists. (Baca is Chairman of the Ad Hoc Committee for Chicano Rights, a local San Diego area committee formed ostensibly to protect the legal rights of people of Mexican descent and Mexican aliens.) Chicano is a term now commonly applied to Americans of Mexican descent.

This document contains neither recommendations nor conclusions of the FBI. It is the property of the FBI and is loaned to your agency; it and its contents are not to be distributed outside your agency.

Sources whose identities are concealed herein have furnished reliable information in the past, except where otherwise noted.

FBI 7a (Rev. 10-9-73)
OFFICE OF THE DIRECTOR

UNITED STATES DEPARTMENT OF JUSTICE

FEDERAL BUREAU OF INVESTIGATION
October 16, 1975
WASHINGTON, D.C. 20535

Director
United States Secret Service
Department of the Treasury
Washington, D. C. 20220

In Reply, Please Refer to
File No. 157-159

RE: POTENTIAL FOR VIOLENCE AND CIVIL UNREST, SAN DIEGO, CALIFORNIA

Dear Sir:

The information furnished herewith concerns an individual or organization believed to be covered by the agreement between the FBI and Secret Service concerning protective responsibilities, and to fall within the category or categories checked.

1. [ ] Threats or actions against persons protected by Secret Service.
2. [ ] Attempts or threats to redress grievances.
3. [ ] Threatening or abusive statement about U. S. or foreign official.
4. [ ] Participation in civil disturbances, anti-U. S. demonstrations or hostile incidents against foreign diplomatic establishments.
5. [ ] Illegal bombing, bomb-making or other terrorist activity.
6. [ ] Defector from U. S. or indicates desire to defect.
7. [X] Potentially dangerous because of background, emotional instability or activity in groups engaged in activities inimical to U. S.

Photograph [ ] has been furnished [ ] enclosed [X] is not available.

Very truly yours,

Clarence M. Kelley
Director

1 - Special Agent in Charge (Enclosure(s)) - 1
U. S. Secret Service, San Diego

Enclosure(s) - 1

18

UNITED STATES GOVERNMENT

Memorandum

TO : DIRECTOR, FBI (157-6-46) DATE: 10/16/75

FROM : SAC, SAN DIEGO (157-159) (P)

SUBJECT: POTENTIAL FOR VIOLENCE
AND CIVIL UNREST,
SAN DIEGO, CALIFORNIA

Re San Diego letter and LHM to the Bureau dated 9/30/75.

Enclosed for the Bureau are six (6) copies of an LHM regarding above captioned matter. Two (2) copies of an FD-376 are being attached to the Bureau copies of this LHM.

Dissemination locally at San Diego is being made to U.S. Secret Service and the Office of the United States Attorney.

The confidential informants mentioned in this LHM are identified as follows:

Identity of Source	File Where Located
(S)(TS) [redacted]	[redacted]
[redacted]	[redacted]

LEAD

SAN DIEGO

157-6-46-756

Will follow and report any future developments which may involve potential violence and unrest in San Diego and Imperial Counties.

2 - Bureau (Encls-6) (RM)
3 - San Diego
(2 - 157-159)
(1 - 66-1746 Sub 1)

HDW:tlb
(5)

Buy U.S. Savings Bonds Regularly on the Payroll Savings Plan

Pages 3 and 4

Deletions were made pursuant to (b)(7)(d) to protect the identity of confidential sources, symbol numbers and dates confidential sources reported information to the FBI on a continuous basis. Release of this information would lead to the sources identification. (See paragraph (6)(C)(ii), supra.)

Page 3

No deletions, page released in its entirety.

FILE NUMBER: 157-6-46

DOCUMENT NUMBER: 18

SERIAL NUMBER: 756

DATE: 10-16-75

COMMUNICATION: Incoming Memorandum from SAC, San Diego to FBI Headquarters supported by an FD-376 and a three page Letterhead Memorandum dated 10/16/75.

TOTAL NUMBER OF PAGES: 5

TOTAL NUMBER OF PAGES RELEASED: 5

Deletions from this document are listed by page number as follows:

Cover Memorandum

Page 1

Lines 17 and 18 were deleted pursuant to (b)(7)(d) to protect the identity of confidential sources, symbol numbers and other information pertaining to a confidential source reporting information to the FBI on a regular basis. Release of this information would lead to the source's identification. (See paragraph, (6)(C)(ii), supra.)

Information previously deleted in paragraph 4 is now being released.

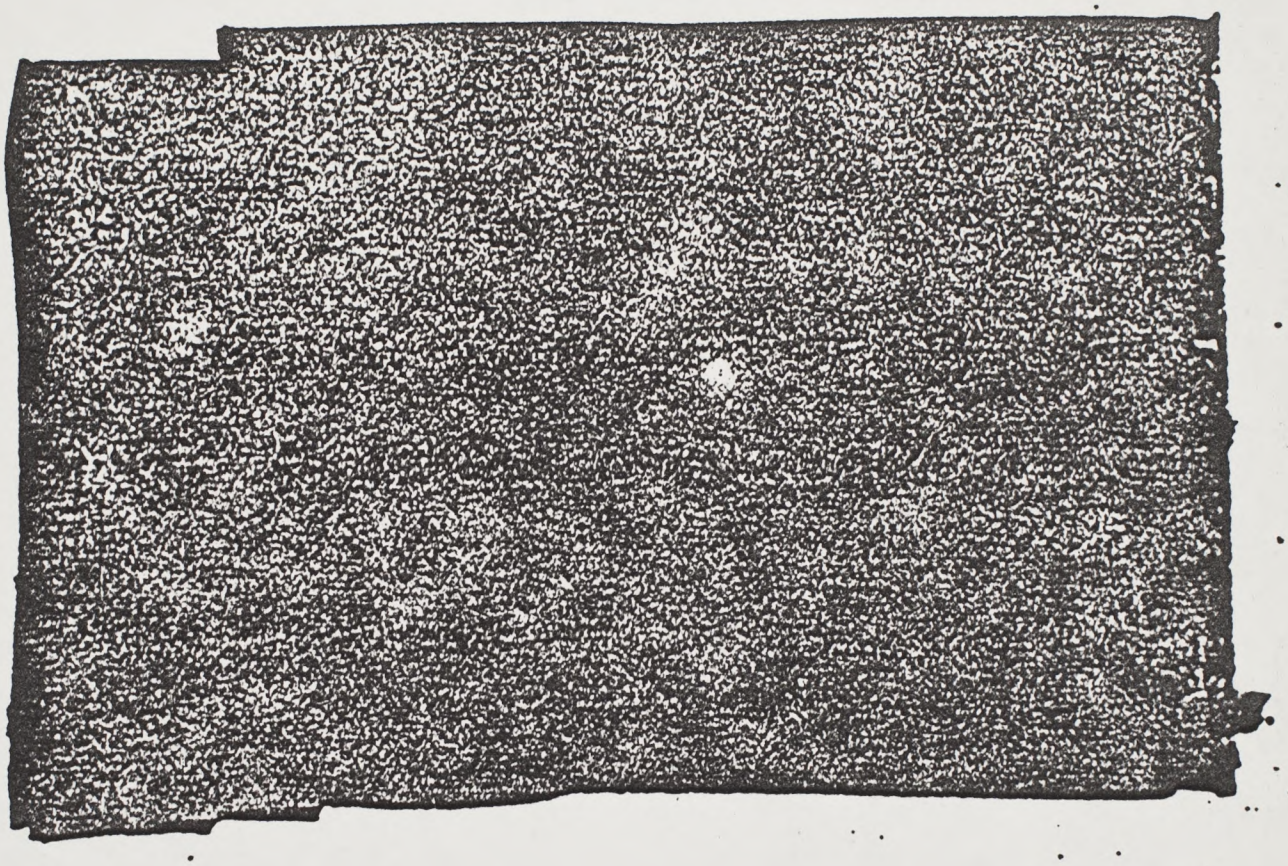
FD-376
Page 2

No deletions, page released in its entirety.

APPENDIX

CENTRO DE ACCION SOCIAL AUTONOMO (CASA)
(AUTONOMOUS CENTER OF SOCIAL ACTION)

(LXI)



(b)(7)(c) [redacted]

[redacted]

[redacted]

[redacted] Viesca is a close friend of Herman Baca, the president and organizer of the San Diego Branch of CASA, and he often stops by CASA headquarters, 1849 Highland Avenue, National City, California, to pick up news items and to engage in long conversations with Herman Baca.

Information received indicates Viesca leans towards the left, and some of his news articles are head-on attacks against the San Diego County Sheriff and San Diego Police Chief. He seems to have the confidence of other Mexican-American extremists in the community, but there is no indication at this time that Viesca is an active member of CASA.

Confidential informants familiar with Mexican-American extremist activities in the San Diego area know of no extremist activities in which Viesca is currently involved.

UNITED STATES DEPARTMENT OF JUSTICE

FEDERAL BUREAU OF INVESTIGATION

In Reply, Please Refer to File No.

San Diego, California
June 27, 1975

INVESTIGATIVE SUMMARY

[redacted]

EXTREMIST MATTERS -
SPANISH AMERICAN

(b)(7)(C)

[redacted]

This document contains neither recommendations nor conclusions of the FBI. It is the property of the FBI and is loaned to your agency; it and its contents are not to be distributed outside your agency.

157-6-46-751

ENCLOSURE

FEDERAL BUREAU OF INVESTIGATION
FOIPA DELETED PAGE INFORMATION SHEET

2 Page(s) withheld entirely at this location in the file. One or more of the following statements, where indicated, explain this deletion.

☑ Deleted under exemption(s) Outside Scope of Request with no segregable material available for release to you.

☐ Information pertained only to a third party with no reference to you or the subject of your request.

☐ Information pertained only to a third party. Your name is listed in the title only.

☐ Document(s) originating with the following government agency(ies): _____ was/were forwarded to them for direct response to you.

_____ Page(s) referred for consultation to the following government agency(ies): _____ as the information originated with them. You will be advised of availability upon return of the material to the FBI.

_____ Page(s) withheld for the following reason(s):

☐ For your information: _____

☑ The following number is to be used for reference regarding these pages:
157-6-46-751

XXXXXX
XXXXXX

XXXXXXXXXXXXXXXXXX
DELETED PAGE(S)
NO DUPLICATION FEE
FOR THIS PAGE
XXXXXXXXXXXXXXXXXX

17

Page 2

Line one together with paragraph one were withheld in their entirety pursuant to (b)(7)(c) to protect the privacy rights of a third party who was not the subject of this investigation. Release of this information would be an unwarranted invasion of the third party's privacy rights. (See paragraph (6)(B)(i), supra.)

Information previously deleted in paragraphs 2, 3, and 4 is now being release.

Page 3

Paragraph 1 was deleted in its entirety pursuant to exemption (b)(1) as it contains classified information. (See paragraph (6)(A), supra.)

FILE NUMBER: 157-6-46

DOCUMENT NUMBER: 17

SERIAL NUMBER: 751

DATE: 6/27/75

COMMUNICATION: Incoming Memorandum from SAC, San Diego to FBI Headquarters supported by an FD-376 and a three page Letterhead Memorandum dated 6/27/75.

TOTAL NUMBER OF PAGES: 5

TOTAL NUMBER OF PAGES RELEASED: 3

Deletions from this document are listed by page number as follows:

Cover Memorandum and FD-376

Pages 1 and 2

A review of the Cover Memorandum and FD-376 indicated that the information contained therein was outside the scope of plaintiff's request, as it does not concern Herman Baca or the Committee on Chicano rights, Inc. Therefore, such information was not released to the plaintiff, but instead, was withheld in its entirety.

Letterhead Memorandum
Page 1

Line 4 together with paragraphs 1, 2 and 3 were withheld in their entirety pursuant to (b) (7) (C) to protect the privacy rights of a third party who is not the subject of this investigation. Release of this information would be an unwarranted invasion of the third party's privacy rights. (See paragraph (6) (B) (i), supra.)

SD 157-159

LEADS

SAN DIEGO

Will follow and report any future developments which may involve potential violence and unrest in San Diego and Imperial County.

UNITED STATES DEPARTMENT OF JUSTICE

FEDERAL BUREAU OF INVESTIGATION

WASHINGTON, D.C. 20535

October 29, 1975

Director
United States Secret Service
Department of the Treasury
Washington, D. C. 20220

In Reply, Please Refer to
File No. SD 157-159

RE: POTENTIAL FOR VIOLENCE AND CIVIL UNREST, SAN DIEGO, CALIFORNIA

Dear Sir:

The information furnished herewith concerns an individual or organization believed to be covered by the agreement between the FBI and Secret Service concerning protective responsibilities, and to fall within the category or categories checked.

1. ☐ Threats or actions against persons protected by Secret Service.
2. ☐ Attempts or threats to redress grievances.
3. ☐ Threatening or abusive statement about U. S. or foreign official.
4. ☐ Participation in civil disturbances, anti-U. S. demonstrations or hostile incidents against foreign diplomatic establishments.
5. ☐ Illegal bombing, bomb-making or other terrorist activity.
6. ☐ Defector from U. S. or indicates desire to defect.
7. ☒ Potentially dangerous because of background, emotional instability or activity in groups engaged in activities inimical to U. S.

Photograph ☐ has been furnished ☐ enclosed ☒ is not available.

Very truly yours,

Clarence M. Kelley
Director

1 - Special Agent in Charge (Enclosure(s)) (1)
U. S. Secret Service, San Diego

Enclosure(s)

19

UNITED STATES DEPARTMENT OF JUSTICE

FEDERAL BUREAU OF INVESTIGATION
San Diego, California
October 29, 1975

In Reply, Please Refer to
File No. SD 157-159

POTENTIAL FOR VIOLENCE
AND CIVIL UNREST,
SAN DIEGO, CALIFORNIA

The information set out in this memorandum is based on current information received, and the possibility that subsequent events in this area could abruptly change the situation at any time must be taken into consideration.

At National City, California (San Diego suburb)

On October 28, 1975, at about 6:00 p.m., approximately 1,000 people gathered at the St. Anthony's Church in National City, California, to participate in a march from there to the City Hall, National City, California. The purpose was to demonstrate and protest the shooting of a Puerto Rican youth on October 12, 1975, by a National City Policeman. This protest activity had been organized by Herman Baca, a Mexican American extremist and head of the Ad Hoc Committee for Chicano rights, a local San Diego area committee ostensibly founded to protect the legal rights of aliens and Americans of Mexican descent. However, in addition to various Mexican American groups, representatives of the Young Socialist Alliance (YSA), the Socialist Workers Party (SWP) and Progressive Labor Party (PLP) (see Appendix regarding these organizations) were observed participating in the demonstration.

[redacted] (b)(7)(d)

Sources whose identities are concealed herein have furnished reliable information in the past, except where otherwise noted.

This document contains neither recommendations nor conclusions of the FBI. It is the property of the FBI and is loaned to your agency; it and its contents are not to be distributed outside your agency.

[redacted] - 751

Herman Baca acted as spokesman for the demonstrators upon arrival at City Hall, National City, California, and Baca briefly addressed the city council demanding, in the name of the community, among other things:

1. The disclosure of the name of the policeman who killed the Puerto Rican youth.
2. The firing of the Chief of Police of National City.
3. A Grand Jury investigation.
4. A civil rights investigation.
5. The formation of an independent citizens investigation committee.

[redacted] (b)(7)(d)

After Baca had spoken to the city council, the demonstrators marched back to St. Anthony's Church where a second rally was held, where speakers urged that if the city council did not listen to their demands, that the entire city council should be recalled in a special election.

[redacted] (b)(7)(d)

The march and related activities appeared to be well organized and no violence took place. Baca had appointed monitors to help keep order in the crowd and he had warned anyone under the influence of alcohol or drugs would not be welcome. Although most of the people present appeared to be of Mexican American origin, there were a few whites and a few Negros observed in the crowd.

[redacted] (b)(7)(d)

POTENTIAL FOR VIOLENCE
AND CIVIL UNREST,
SAN DIEGO, CALIFORNIA

On October 23, 1975, the following authorities had been furnished the latest available information regarding the march planned for that night:

Clifford Reed
Assistant Chief of Police
National City, California

Bernadine Davis
Secret Service
San Diego, California

Rita Baker
Office of the District Attorney
San Diego, California

APPENDIX

YOUNG SOCIALIST ALLIANCE

The Young Socialist Alliance (YSA) is the youth group of the Socialist Workers Party (SWP). It was formed in October, 1957, and is currently headquartered in New York City. It propagandizes the beliefs of the SWP among the youth and is the main source of recruitment into the SWP. The SWP is a revolutionary, Trotskyist-communist organization which has as its purpose the overthrow of the U. S. Government and the institution of a dictatorship of the working class and the eventual achievement of a communist society.

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APPENDIX

PROGRESSIVE LABOR PARTY

The Progressive Labor Party (PLP), which was founded in 1965, adopted a constitution which "resolved to build a revolutionary movement" and "build a socialist USA with all power in the hands of the working people." PLP followed the Chinese communist line for several years but became critical of Chinese leaders for establishing a dialogue with the United States following President NIXON's visit to China in 1972. Thereafter, PLP declared itself to be an independent Marxist-Leninist organization aimed at setting up a dictatorship of the working class. According to MILTON ROSEN, National Chairman, the PLP advocates violent overthrow of the Government, but has set no time-table for its overthrow. The PLP, which is headquartered in New York City, has chapters in more than 25 cities in the United States, and has, in the past years, initiated efforts to make PLP "an international party with the aim of rebuilding a new revolutionary communist movement."

In 1972, the PLP organized the Workers Action Movement (WAM) as a front group in order to build a base in the trade union movement and to attract workers into PLP.

APPENDIX

UNITED STATES DEPARTMENT OF JUSTICE

FEDERAL BUREAU OF INVESTIGATION

San Diego, California
October 7, 1975

In Reply, Please Refer to File No.

HERMAN (NO MIDDLE NAME) BACA
EXTREMIST MATTER - SPANISH AMERICAN

This investigation is based on information which indicates that Herman Baca, in view of his affiliation with the Centro de Accion Social Autonomo (CASA)(Autonomous Center for Social Action)(See appendix), is engaged in activities which could involve a violation of Title 18, U. S. Code, Sections 2383 (Rebellion or Insurrection), 2384 (Seditious Conspiracy), or 2385 (Advocating Overthrow of Government).

In May, 1973, Herman Baca was the leader and organizer of the newly established San Diego Branch of CASA.

(b)(7)(d) [redacted]

I. BACKGROUND

Herman Baca, a white male American, Mexican descent, was born at Albuquerque, New Mexico, on April 5, 1943, and currently resides at 105 South Harbison Street, National City, California.

(California Department of Motor Vehicles, 9/19/75)

Baca is a printer by trade and operates the Aztec Print Shop located at 1847 National Avenue, National City, California (a suburb of San Diego, California). He is married, wife Enedina. His former wife was Roberta Baca.

(b)(7)(d) [redacted]

Sources whose identities are concealed herein have furnished reliable information in the past, except where otherwise noted.

This document contains neither recommendations nor conclusions of the FBI. It is the property of the FBI and is loaned to your agency; it and its contents are not to be distributed outside your agency.

44-6466-7-

CLOSURE

1

ROOM 430 GRANGER BUILDING
964 FIFTH AVENUE
SAN DIEGO, CALIFORNIA 92101
TELEPHONE 232-8811

May 15, 1978

William Webster, Director
Federal Bureau of Investigation
10th Street and Pennsylvania Avenue, N.W.
Washington, D.C. 20535

ATTN: Freedom of Information Act Unit

RE: Freedom of Information Act Request

Dear Director Webster:

This letter is written on behalf of the Committee on Chicano Rights, Inc., and Mr. Herman Baca, its chairman. Pursuant to the Freedom of Information Act, 5 U.S.C. §552, as amended by Pub. L. 93-502, 88 Stat. 1561, they wish to obtain access to and the opportunity to copy all directives, memoranda, letters or other records, including written memoranda of telephone conversations, which relate to all their activities.

Since none of the statutory exceptions from the Information Act's mandatory disclosure provisions applies, access to the requested records should be granted within ten (10) working days. In the unlikely event, however, that access is denied to any part of the requested records, please describe the deleted material in detail and specify the statutory basis for the denial as well as your reasons for believing that the alleged statutory justification applies in this instance. Please separately state your reasons for not invoking your discretionary powers to release as this will be helpful to my clients in deciding whether to appeal an adverse determination, and in formulating their arguments in case they do appeal. The Bureau's written justification might also help to avoid possibly unnecessary litigation.

We anticipate, however, that you will make the requested materials available to Mr. Baca and the Committee on Chicano Rights within the statutorily prescribed period. We also request that you waive any applicable fees since disclosure meets the statutory standard for waiver of fees in that it would clearly be in the public interest because furnishing the information can be considered as primarily benefiting the general

EXHIBIT A

public". 5 U.S.C.A. §552(a)(4)(A). In this regard, we further point out that the Committee on Chicano Rights is a non-profit organization which intends to give the requested information the widest possible circulation.

We await your prompt reply.

Very truly yours,

Ignacio S. Cota

IGNACIO S. COTA
Counsel for Requesters

ISC/d

DECLARATION AND VERIFICATION

William Webster, Director
Federal Bureau of Investigation
10th Street and Pennsylvania Avenue, N.W.
Washington, D.C. 20535

Re: Freedom of Information Act
5 USC §552 et seq.

I, HERMAN BACA, declare I am a natural person born on April 5, 1943 in Albuquerque, New Mexico. My Social Security Number is 566 58 0033; California Driver's License Number J 491383.

I am requesting all information held by your agency on behalf of myself and the Committee on Chicano Rights,.Inc., 5 USC §552 et. seq.

I am the Chairman of the Committee on Chicano Rights and I am duly authorized to request such information on behalf of the above-mentioned "committee".

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

Executed this 10 day of May, 1978, at San Diego, California.

Herman Baca

HERMAN BACA, Chairman
Committee on Chicano Rights
1837 Highland Avenue
National City, CA 92050
(714) 474-8195

OFFICIAL SEAL
ALBERT R. GARCIA
NOTARY PUBLIC CALIFORNIA
PRINCIPAL OFFICE IN
SAN DIEGO COUNTY
My Commission Expires May 3, 1981

4-744 (3-28-78)

5/24/78

Request No. 55,871

Re: Committee on Chicano Rights, Inc., et al.

Ignacio S. Cota, Esq.
Legal Aid Society of San Diego, Inc.
Room 430, Granger Building
964 Fifth Avenue
San Diego, California 92101

Dear Requester:

This is to acknowledge receipt by FBI Headquarters of your recent Freedom of Information-Privacy Acts (FOIPA) request and to advise you of our determination to comply with your request pursuant to Title 5, United States Code, Section 552 (a)(6)(A)(i) and other applicable Federal statutes and regulations. Additional information, if needed by us in this matter, will be requested of you by separate letter.

A search of the indices to our records will be made in an effort to determine if we have the information you seek. If the search fails to indicate the existence of any record(s) pertaining to the subject matter of your request, you will be notified. In the event the search reveals the existence of any record(s) which may be responsive to your request, it will be retrieved and processed pursuant to the provisions of the FOIPA at the earliest possible date.

Your request has been assigned the number indicated above, which you are requested to use in any further correspondence with this Bureau in this matter.

Very truly yours,

Allen H. McCreight

Allen H. McCreight, Chief
Freedom of Information-
Privacy Acts Branch

EXHIBIT B

June 19, 1978

Ignacio S. Cota, Esq.
Legal Aid Society of San Diego, Inc.
Room 430, Granger Building
964 Fifth Avenue
San Diego, California 92101

Dear Mr. Cota:

This is in reference to your Freedom of Information-Privacy Acts request concerning Mr. Herman Baca and the Committe on Chicano Rights, Inc.

Please be advised that documents which may pertain to your request have been located. These documents will be assigned for reviewing and processing at the earliest possible date.

Sincerely yours,

Allen R. McCreight, Chief
Freedom of Information-
Privacy Acts Branch
Records Management Division

EXHIBIT C

ROOM 450 GRANITE BUILDING
964 FIFTH AVENUE
SAN DIEGO, CALIFORNIA 92101
TELEPHONE 239-0311

October 30, 1978

Allen H. McCreight, Chief
Federal Bureau of Investigation
10th Street and Pennsylvania Ave., N.W.
Washington, D.C. 20535

Attention: Freedom of Information Act Unit

Request No. 65,871

Re: Committee on Chicano Rights, Inc. et. al; Mr. Herman Baca

Dear Chief McCreight:

We last received correspondence from you concerning our Freedom of Information Act request on June 19, 1978. In order to avoid needless litigation, I hope your reviewing and processing of all the documentation will be completed at the earliest possible date.

Please indicate how much more time is necessary for your agency to comply with the disclosure requirements of the Freedom of Information Act, 5 U.S.C. §552, as amended by Pub. L. 93-502, 88 Stat. 1561, as the original request was made in May, 1978.

Very truly yours,

RECD
FBI-124

Ignacio S. COSTA,
Attorney at Law

EXHIBIT D

NOV 6 1978

Subject of Request: Herman Baca
Request #65,872

Ignacio S. Cota, Esq.
Legal Aid Society of San Diego, Inc.
Room 430, Granger Building
964 Fifth Avenue
San Diego, California 92101

Dear Requester:

Enclosed are copies of documents from our files. Excisions have been made from these documents and/or entire documents withheld in order to protect materials which are exempted from disclosure by the following subsections of Title 5, United States Code, Section 552 and Section 552a. The exemption number(s) indicated by a mark appearing in the block to the left of the subsection cited constitutes the authority for withholding the deleted material. (See below and reverse side of this sheet for an explanation of these exemptions.)

Section 552			Section 552a	
☒ (b)(1)	☐ (b)(7)(A)		☐ (d)(5)	
☐ (b)(2)	☐ (b)(7)(B)		☐ (j)(2)	
☐ (b)(3)	☒ (b)(7)(C)		☐ (k)(1)	
☐ (b)(4)	☐ (b)(7)(D)		☐ (k)(2)	
☐ (b)(5)	☐ (b)(7)(E)		☐ (k)(3)	
☐ (b)(6)	☐ (b)(7)(F)		☐ (k)(4)	
	☐ (b)(8)		☐ (k)(5)	
	☐ (b)(9)		☐ (k)(6)	
			☐ (k)(7)	

The decision to withhold exempt portions of our records is the responsibility of William H. Webster, Director of the FBI

☒ If you believe your name may also have been recorded by the FBI incident to the investigation of other persons or some organization, please advise us of the details describing the specific incident or occurrence and time frame. Thereafter, further effort will be made to locate, retrieve and process any such records.

☒ Your request for information concerning yourself has been considered in light of the provisions of both the Freedom of Information Act (FOIA) (Title 5, United States Code, Section 552) and the Privacy Act of 1974 (Title 5, United States Code, Section 552a). It has been determined by the Attorney General that requests by individuals seeking information about themselves are governed by the Privacy Act. In addition, as a matter of administrative discretion, any documents which were found to be exempt from disclosure under the Privacy Act were also processed under the provisions of the FOIA. Through these procedures, you have received the greatest degree of access authorized by both laws.

☒ You have thirty days from receipt of this letter to appeal to the Deputy Attorney General from any denial contained herein. Appeals should be directed in writing to the Deputy Attorney General (Attention: Office of Privacy and Information Appeals), Washington, D. C. 20530. The envelope and the letter should be clearly marked "Freedom of Information Appeal" or "Information Appeal."

☒ See additional information on continuation page.

Enclosures (4)

Associate
Allen H. McCreight

Allen H. McCreight, Chief
Freedom of Information-Privacy Acts Branch
Records Management Division

EXHIBIT E

EXPLANATION OF EXEMPTIONS

SUBSECTIONS OF TITLE 5, UNITED STATES CODE, SECTION 552

(b)(1) information which is currently and properly classified pursuant to Executive Order 12065 in the interest of the national defense or foreign policy, for example, information involving intelligence sources or methods

(b)(2) materials related solely to the internal rules and practices of the FBI

(b)(3) information specifically exempted from disclosure by statute (see continuation page)

(b)(4) privileged or confidential information obtained from a person, usually involving commercial or financial matters

(b)(5) inter-agency or intra-agency documents which are not available through discovery proceedings during litigation; documents, the disclosure of which would have an inhibitive effect upon the development of policy and administrative direction; or documents which represent the work product of an attorney-client relationship

(b)(6) materials contained in sensitive records such as personnel or medical files, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy

(b)(7) investigatory records compiled for law enforcement purposes, the disclosure of which would: (A) interfere with law enforcement proceedings, including pending investigations; (B) deprive a person of the right to a fair trial or an impartial adjudication, or give one party of a controversy an undue advantage by exclusive access to such information; (C) constitute an unwarranted invasion of the personal privacy of another person; (D) reveal the identity of a confidential source or reveal confidential information furnished only by the confidential source; (E) disclose investigative techniques and procedures, thereby impairing their future effectiveness; and (F) endanger the life or physical safety of law enforcement personnel

(b)(8) information collected by Government regulatory agencies from financial institutions

(b)(9) geological and geophysical information, including maps, produced by private companies and filed by them with Government agencies.

SUBSECTIONS OF TITLE 5, UNITED STATES CODE. SECTION 552a

(d)(5) information compiled in reasonable anticipation of a civil action proceeding

(j)(2) material reporting investigative efforts pertaining to the enforcement of criminal law including efforts to prevent, control, or reduce crime or apprehend criminals, except records of arrest

(k)(1) information which is currently and properly classified pursuant to Executive Order 12065 in the interest of the national defense or foreign policy, for example, information involving intelligence sources or methods

(k)(2) investigatory material compiled for law enforcement purposes, other than criminal, which would reveal the identity of an individual who has furnished information pursuant to a promise that his identity would be held in confidence

(k)(3) material maintained in connection with providing protective services to the President of the United States or any other individual pursuant to the authority of Title 18, United States Code, Section 3056

(k)(4) required by statute to be maintained and used solely as statistical records

(k)(5) investigatory material compiled solely for the purpose of determining suitability eligibility, or qualifications for Federal civilian employment or for access to classified information, the disclosure of which would reveal the identity of the person who furnished information pursuant to a promise that his identity would be held in confidence

(k)(6) testing or examination material used to determine individual qualifications for appointment or promotion in Federal Government service the release of which would compromise the testing or examination process

(k)(7) material used to determine potential for promotion in the armed services, the disclosure of which would reveal the identity of the person who furnished the material pursuant to a promise that his identity would be held in confidence.

FBI/DOJ

Ignacio S. Dota, Esq.

You are advised that a total of 197 pages were reviewed in connection with your client's request. Your client is receiving 190 pages. Two pages were outside the scopes of the request and two documents consisting of 3 pages have been referred to the Department of Justice for their handling and direct response to you.

A search of our electronic surveillance indices reflects you have never been the target of direct electronic surveillance coverage by the FBI nor have you participated in any conversation monitored by an FBI electronic installation.

LEGAL AID SOCIETY OF SAN DIEGO, INC.
OFFICE OF PUBLIC ATTORNEY
ROOM 430, GRANGER BUILDING
964 FIFTH AVENUE
SAN DIEGO, CALIFORNIA 92101
TELEPHONE 239-0611

November 17, 1978

Allen H. McCreight, Chief
Federal Bureau of Investigation
10th Street and Pennsylvania Ave., N.W.
Washington, D.C. 20535

Attention: Freedom of Information Act Unit

Request No. 65,871

Re: Committee on Chicano Rights, Inc. et. al; Mr. Herman Baca

Dear Chief McCreight:

I last received correspondence from you concerning my Freedom of Information Act request on June 19, 1978. Since that date an unsuccessful attempt has been made by me in hopes of obtaining your cooperation in this matter.

Under present regulations and case law pertaining to the Freedom of Information Act, I believe that these records are available to me and my above referenced clients. These records are not exempted from required disclosure under present interpretations of the Act, and I believe the Justice Department would concur that the information must be released under terms of the Freedom of Information Act. You have acknowledged custody of these records in your letter to me dated June 19, 1978.

Due to your unreasonable six month delay, I demand that you expedite this matter. In order to avoid needless litigation, I ask that you answer my request for disclosure within fifteen (15) working days.

Very truly yours,

Ignacio S. Cota

IGNACIO S. COTA,
Attorney at Law

ISC/yl

EXHIBIT F

OFFICE OF PUBLIC ATTORNEY
ROOM 430, GRANGER BUILDING
824 FIFTH AVENUE
SAN DIEGO, CALIFORNIA 92101
TELEPHONE 236-6011

8-2691
H9

December 14, 1978

Attorney General Griffith Bell
United States Department of Justice
Office of Privacy and Information Appeals
Washington, D.C. 20530

DEC 19

Attention: Associate Attorney General
Freedom of Information Appeals Unit

Request # 6,

Dear Attorney General Bell:

On May 15, 1978, I wrote a letter to William Webster, Director of the Federal Bureau of Investigation. I requested the files of Mr. Herman Baca and the Committee on Chicano Rights. A copy of that letter is attached hereto.

On November 21, 1978, I received a letter and packet from Mr. Allen H. McCreight, Chief of Freedom of Information - Privacy Acts Branch, Records Management Division, Bureau of Investigation, (F.B.I.), Department of Justice. This packet contained 190 pages of Mr. Baca's F.B.I. file in addition to a letter by the F.B.I. stating that they were withholding five (5) pages with no further explanation. A substantial number of the pages they sent us were blacked out. This letter constitutes an appeal from the F.B.I.'s decision to withhold such documents and information in response to our request.

Mr. Baca and the Committee on Chicano Rights, (CCR), have long been non-violent, political activists in San Diego, California, advocating for the rights of undocumented workers and poor people in this country. Mr. Baca and the Committee on Chicano Rights have never been charged with any crime as a result of their educational and political activities and have always petitioned their grievances to the legitimate governmental authorities.

Mr. Baca believes that the F.B.I., through its investigation and files on him, produces a chilling effect upon his and the CCR's lawful exercise of their constitutional rights as prescribed by the Bill Rights of the United States Constitution. Mr. Baca and the CCR further believe that an F.B.I. undercover agent may have been assigned to infiltrate the CCR. Should the F.B.I. files contain any information about Mr. Baca's activities, or the CCR's, with

EXHIBIT G

regards to the distribution of magazines, leaflets, marches, meeti with public officials, meetings attended by Mr. Baca, and meetings called by the Committee on Chicano Rights, it is our belief that Mr. Baca and the CCR have a right to full inspection of such docum

We are particularly concerned with any files maintained by the F.B.I. on Mr. Baca and the CCR activities in San Diego County. It is our opinion that such information does not fall within any exceptions of 5 U.S.C. 552 U.S.C. et. seq. which would allow for non-disclosure.

We therefore, request full disclosure of the one hundred and ninety some pages distributed to us by the F.B.I. dated November 3, 1978 and received November 21, 1978. We further request full disclosure of the remaining documents that were withheld by the F.B.I. and the Department of Justice, and for full disclosure under the Freedom of Information and Privacy Acts of all documents and information relating to activities of Mr. Baca and the CCR for the latter part of 1976, and the entire years of 1977 and 1978.

Thank you for your anticipated cooperation.

Very truly yours,

Ignacio S. Cota

IGNACIO S. COTA ~~- Atty~~
Attorney at Law

ISC/yl
Enclosure

United States Department of Justice

OFFICE OF THE ASSOCIATE ATTORNEY GENERAL

WASHINGTON, D.C. 20530

JAN 2 1979

Mr. Ignacio S. Cota
Legal Aid Society of San Diego, Inc.
Office of the Public Attorney
Room 430, Granger Building
964 Fifth Avenue
San Diego, California 92101

Re: Herman Baca and the Committee on Chicano Rights

Dear Mr. Cota:

This is to advise you that your administrative appeal to the Associate Attorney General from the action by the Federal Bureau of Investigation on your request for information from the files of the Department of Justice was received by this Office on December 19, 1978.

This Office has a substantial backlog of pending appeals received prior to yours and a shortage of attorneys. In an attempt to afford each appellant equal and impartial treatment, we have adopted a general practice of assigning appeals to Office attorneys in the approximate order of receipt. Your appeal has been assigned number 8-2691. Please mention this number in any future correspondence with this Office concerning this specific appeal.

We will notify you of the decision of the Associate Attorney General on your appeal as soon as we can. The necessity of this delay is regretted and your continuing courtesy is appreciated.

Sincerely,

Janice Adams
Acting Administrative Assistant
Office of Privacy and Information Appeals

EXHIBIT H

LAW OFFICES OF
LEGAL AID SOCIETY OF SAN DIEGO, INC.
SOUTHEAST OFFICE
3760 NORTH EUCLID AVENUE
SAN DIEGO, CA 92105
(714) 263-8221

February 7, 1979

Ms. Janice Adams
Acting Administrative Assistant
Office of Privacy and Information Appeals
United States Department of Justice
Washington, D.C. 20530

RE: Freedom of Information Request #8-2691 Herman Baca and the Committee on Chicano Rights

Dear Ms. Adams:

Your letter of January 2, 1979 acknowledged my appeal from the Federal Bureau of Investigations denial of complete access to records of the Herman Baca and the Committee on Chicano Rights. According to your let the Department of Justice will not be able to respond to this appeal within the statutory time limit of twnety working days, 5 U.S.C. §552 (a)(6)(A) (ii). In fact, your letter is so vague that it does not even mention a time period. I have a great desire to obtain the requested documents in the very near future. There will be of great intertest to me in my work, and the continuing denial disadvantages me. No "excepti circumstances" exist which would permit the agency to unilaterally invo an extension of the mandatory response period, and I have not given permission for an extension. As the ocurts have held, "strigent legal requirements" such as the mandatory response time must be complied with by federal agencies, Hayden v. U.S. Department of Justice, 413 F.Supp. 1285 (DC DC 1976; Cleaver v. Kelly, 427 F.Supp. 80 (DC DC 1976). Without access to these documents, I may suffer disadvantages for which the courts will grant relief. Therefore I request that your agency expedit its response to my appeal and forward the documents requested herein.

Very truly yours,

Ignacio S. Cota

IGNACIO S. COTA
Attorney at Law

ISC/dlh

EXHIBIT I

United States Department of Justice

OFFICE OF THE ASSOCIATE ATTORNEY GENERAL

WASHINGTON, D.C. 20530

SEP 8 1979

Ignacio S. Cota, Esquire
Legal Aid Society of San Diego, Inc.
Office of the Public Attorney
Room 430, Granger Building
964 Fifth Avenue
San Diego, California 92101

Re: Appeal No. 8-2691

Dear Mr. Cota:

You appealed on behalf of your clients Herman Baca and the Committee on Chicano Rights from the action of the Federal Bureau of Investigation on their request for access to records pertaining to themselves.

After careful consideration of your appeal, I have decided to affirm the initial action in this case. Herman Baca is the subject of three Bureau main files -- Civil Rights, Election Laws and Internal Security. The Committee on Chicano Rights is not the subject of any Bureau file.

Certain of the materials pertaining to Herman Baca are classified and I am affirming the denial of access to them on the basis of 5 U.S.C. 552(b)(1). These materials have been referred to the Department Review Committee for review and determination whether they warrant continued classification under Executive Order 12065. You will be notified if the Committee's final decision results in the declassification of any information. Other materials were properly withheld pursuant to 5 U.S.C. 552(b)(7)(C) and (7)(D). These pertain to investigatory records compiled for law enforcement purposes, the release of which would, respectively, constitute an unwarranted invasion of the personal privacy of third parties, in some instances by revealing an investigative interest in them on the part of the F.B.I., and disclose the identities of confidential sources. Names of government personnel were also excised on the basis of 5 U.S.C. 552(b)(7)(C). None of the material being withheld is appropriate for discretionary release.

EXHIBIT J

F.B.I. Field Offices have not been checked for materials pertaining to you. It is the practice of the F.B.I. that Field Offices and Resident Agencies forward all pertinent and significant information on individuals to Bureau Headquarters in Washington, D. C. Accordingly, if additional information pertaining to you is located in one of these field agencies, it is likely to be of minimal informational value. The policy and regulations of the Department of Justice support the Bureau's examination of only its Headquarters files in response to Freedom of Information Act and Privacy Act requests. The administrative burden otherwise placed on the Bureau would be intolerable and the counterbalancing benefit to requesters insignificant. I am, therefore, affirming the action of the F.B.I. in this procedural matter. You may, however, write directly to each Field Office you think appropriate and request the information you seek. I will consider individually appeals from each response.

Judicial review of my action on this appeal is available to Mr. Baca in the United States District Court for the judicial district in which he resides or has his principal place of business, or in the District of Columbia, which is also where the records you seek are located.

Sincerely,

Michael J. Egan
Associate Attorney General

By:
Quinlan J. Shea, Jr., Director
Office of Privacy and Information Appeals

Exhibit K

Documents #1 through 19

FILE NUMBER: 44-64689

DOCUMENT NUMBER: 1

SERIAL NUMBER: 1

DATE: 5/9/75

COMMUNICATION: A one page Memorandum from the Civil Rights Division of the U. S. Department of Justice with a two page enclosure and a 3 page Airtel from FBIHQ to the SAC, San Diego.

TOTAL NUMBER OF PAGES: 6

TOTAL NUMBER OF PAGES RELEASED: 3

Deletions from this document are listed by page number as follows:

Memorandum

Pages 1, 2 and 3

Referred to the Department of Justice in their entirety for handling and direct response to the requester.

Airtel

Pages 1, 2 and 3

No deletions, pages released in their entirety.

"PAGE(S) WITHHELD" INFORMATION SHEET

3 Page(s) has been withheld in its entirety at this location in the file. One or more of the following statements, where indicated, explain the reason for this deletion.

_____ Deleted under exemption(s) _____ with no segregable material available for release to you.

_____ Information pertained only to a third party with no reference to you or the subject of your request.

_____ Information pertained only to a third party. Your name is listed in the title only.

✓ A document originating with the following government agency: Department of Justice, has been forwarded to them for direct response to you.

_____ Page(s) has been referred for consultation to the following government agency: _____ as the information originated with them. You will be advised of the documents availability upon its return to the FBI.

_____ Page(s) withheld for the following reason(s):

_____

_____

_____ For your information: _____

_____

✓ The following number is to be used for reference regarding these pages: 44-64689-1

AIRTEL

To: SAC, San Diego (ENCT-30)

5/14/75

From: Director, FBI (CH 44)

REC 8 44-64689
EX-110

1 - Mr. Hall

UNKNOWN SUBJECT;
HERMAN BACA - VICTIM
EXTORTION - RACIAL MATTERS,
CIVIL RIGHTS

Enclosed are two copies each of a letter from C.A.S.A. Justicia, National City, California, to the U. S. Commission on Civil Rights, Jay Stanley Pottinger, Assistant Attorney General dated 4/8/75, with its enclosure. The above mentioned correspondence was received by the Civil Rights Division, U. S. Department of Justice, which has requested that we conduct a preliminary investigation.

You should conduct the requested investigation limiting it to locating and interviewing the victim; obtaining the original communication received by him and promptly submitting it to the FBI Laboratory for examination; and presenting the matter to the U. S. Attorney for prosecutive opinion only. Victim should be advised regarding FBI jurisdiction in extortion cases.

You should likewise contact Mr. Carlos Vazquez, Director of C.A.S.A. Justicia advising him the Civil Rights Division has referred this matter to the FBI for handling. Advise him that should his organization or its members receive

Encs. (4)

Note: Page 2

Assoc. Dir. ____
Dep. AD Adm. ____
Dep. AD Inv. ____
Asst. Dir.:
Admin. ____
Comp. Syst. ____
Ext. Affairs ____
Files & Com. ____
Gen. Inv. ____
Ident. ____
Inspection ____
Intell. ____
Laboratory ____
Plan. & Eval. ____
Spec. Inv. ____
Training ____
Legal Coun. ____
Telephone Rm. ____
Director Sec'y ____

JKH:dkf
(4)

MAILED 7
MAY 14 1975
FBI

MAY 27 1975

MAIL ROOM ☐ TELETYPE UNIT ☐

1

Airtel to SAC, San Diego
RE: UNKNOWN SUBJECT; HERMAN BACA - VICTIM

communications which may be violations of the Federal Extortion Statute within FBI jurisdiction then the appropriate FBI office should be promptly notified. Insure extortion matters arising out of racial situations are handled in accordance with Manual of Instructions, Volume II, Section 38.

Submit closing report within 14 days of receipt of this communication.

NOTE: This is a new extortion-racial matters case wherein the victim apparently received a threatening type letter regarding his activities in the C.A.S.A. Justicia organization. The Department requested a preliminary investigation in the matter and after receipt of same the case was discussed with Departmental Attorney William L. Gardner, Civil Rights Division. San Diego being advised to handle accordingly.

1

SD 9-995

It is requested that the letter and envelope be checked through the appropriate anonymous letter file and processed for latent fingerprints which might be of future comparative value. At the present time victim has no suspects.

Victim is described as follows:

Race:	White
Sex:	Male
Nationality:	American
DOB:	4/5/43
POB:	Albuquerque, New Mexico
Descent:	Mexican
Address:	105 South Harbison National City, California
Hair:	Black
Eyes:	Brown
Height:	5'5"
Weight:	165

Expedite handling is requested in order to make deadline set by Bureau.

1

FILE NUMBER: 44-64689

DOCUMENT NUMBER: 2

SERIAL NUMBER: 2

DATE: 5/22/75

COMMUNICATION: A one page Airtel from SAC, San Diego, to FBI Headquarters, Attention: FBI Laboratory with two enclosures.

TOTAL NUMBER OF PAGES: 3

TOTAL NUMBER OF PAGES RELEASED: 3

Deletions from this document are listed by page number as follows:

Airtel

Pages 1, 2, and 3

No deletions, pages released in their entirety.

FD-36 (Rev. 8-31-67)

FBI

Date: 5/22/75

Transmit the following in _____ (Type in plaintext or code)

Via AIRTEL (Priority)

TO: DIRECTOR, FBI
ATTN: FBI LABORATORY

FROM: SAC, SAN DIEGO (9-995)(P)

UNSUB;
HERMAN BACA -
VICTIM
EXTORTION - RACIAL MATTERS;
CIVIL RIGHTS
(OO: SAN DIEGO)
BUDED 5/30/75

750527113

44-64689-1

Re Bureau airtel to San Diego dated 5/14/75.

Enclosed herewith are the original and two copies of a hand written extortion letter, and the original and two copies of the extortion letter envelope. Also enclosed are two sets of elimination fingerprints, one set from victim HERMAN BACA and one set from CARLOS VAZQUEZ, who also handled the letter.

Victim received instant letter through the mail on 4/5/75. A friend of victim, CARLOS VAZQUEZ, read instant letter and then mailed a Xerox copy to the U. S. Commission on Civil Rights, JAY STANLEY POTTINGER, Assistant Attorney General. The matter was then referred to the Bureau by the Civil Rights Division, U. S. Department of Justice, which division requested a preliminary investigation.

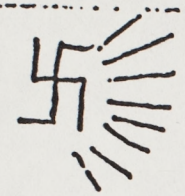
REC-15 44-64689-2

The enclosed original letter and envelope were furnished the San Diego office on 5/20/75, by victim BACA.

44-64689-2

(3) - Bureau (Enc 2) (RM)
2 - San Diego
HDW/sg
(5)

Approved: _____



Comrade Herman Baca
105 Harbor St
National City, Ca.

Gimball:

4-1-75

You are not an American, you are a lousy Mexican. You don't worry about this Country, you worry about Adlai. As for me, I would solve the problem Pronto, the gas shortage, You guys keep it up, there won't be any space around, we are nearer now with Mexico today, than we were when Texas, seceded the United States.

So just keep it up you're bringing the day closer.

Viva Abe Lincoln

I'll be looking for you, personally when the war starts.

44-64687-2

ENCLOSURE

2

FILE NUMBER: 44-64689

DOCUMENT NUMBER: 3

SERIAL NUMBER: 3

DATE: 6/4/75

COMMUNICATION: A one page report from the Identification Division to the SAC, San Diego and a one page Laboratory Work Sheet to the SAC, San Diego.

TOTAL NUMBER OF PAGES: 2

TOTAL NUMBER OF PAGES RELEASED: 2

Deletions from this document are listed by page number as follows:

Report of the Identification Division

Page 1

No deletions, released in its enitrety.

Laboratory Work Sheet

Page 1

No deletions, released in its entirety.

I-330 (Rev. 7-10-73)

FEDERAL BUREAU OF INVESTIGATION

Washington, D. C. 20537

REPORT
of the
IDENTIFICATION DIVISION
LATENT FINGERPRINT SECTION

YOUR FILE NO. 9-995
FBI FILE NO. 44-64689
LATENT CASE NO. B-12325

June 4, 1975

TO: SAC, San Diego

UNSUB.
RE: HERMAN BACA-VICTIM
EXTORTION-RACIAL MATTERS
CIVIL RIGHTS

REFERENCE: Airtel 5/22/75
EXAMINATION REQUESTED BY: San Diego
SPECIMENS:
Envelope, Q1
Letter, Q2
Elimination fingerprints of Herman Baca, FBI #970398D, and Carlos Vazquez

REC-6 44-64689-3
ST-117

MAILED 23
JUN 04 1975
FBI

Q specimens further described in a separate laboratory report.

Six latent fingerprints of value developed on Q2. No latent prints of value developed on Q1.

Two of the latent fingerprints, which are of the extreme tip or side areas of fingers, compared, insofar as possible, available fingerprints Baca and Vazquez, but no identification effected. Inked impressions of the extreme tips and sides needed for conclusive comparisons. Remaining latent fingerprints not identical fingerprints Baca or Vazquez.

Specimens enclosed.

Enc. - (4)

Clarence M. Kelley, Director

Assoc. Dir. ____
Dep. AD Adm. ____
Dep. AD Inv. ____
Asst. Dir.:
Admin. ____
Comp. Syst. ____
Ext. Affairs ____
Files & Com. ____
Gen. Inv. ____
Ident. ____
Inspection ____
Intell. ____
Laboratory ____
Legal Coun. ____
Plan. & Eval. ____
Spec. Inv. ____
Training ____
Telephone Rm. ____
Director's Sec'y ____

TRW:lsg (4)

57 JUN 12 1975

THIS REPORT IS FURNISHED FOR OFFICIAL USE ONLY

MAIL ROOM ☐ TYPE UNIT ☐

Golwna

3

cm

FEDERAL BUREAU OF INVESTIGATION
UNITED STATES DEPARTMENT OF JUSTICE

NO LAB FILE

LATENT

Laboratory Work Sheet

Recorded 6/2/75 3:00p.m. mcl Received 6/2/75

To: SAC, San Diego (9-995)

FBI FILE NO. 44-64689 3

LAB. NO. D-750527113 ND

Re: UNSUB;
HERMAN BACA -
VICTIM
EXTORTION - RACIAL MATTERS;
CIVIL RIGHTS

YOUR NO.
LC# B-12325

Examination by: Jones
Williams

OO: San Diego

Noted By: Spriggle

Examination requested by: San Diego

Reference: Airtel dated 5/22/75

Examination requested: Document - Fingerprint

Specimens received: 5/27/75

Processed I & Ident 6/2
Q2 to Photo
Processed S.N.A destroyed 6/3/75
No add. latent's of value developed.
(over)

Q1 Envelope postmarked "CHULA VISTA, CA 920 APR 4 P M 1975," bearing the handwritten address "Comrade Herman Baca 105 Harbisn St National City, Ca."

Q2 Accompanying one-page handwritten letter dated 4/1/75, beginning "Greaseball" You are not an ..."

ALSO SUBMITTED:

Note: expedite

Fingerprint card of CARLOS NMN VAZQUEZ-elimination

Fingerprint card of HERMAN NMN BACA - elimination

Examination completed 8:25 PM 6/4/75 Dictated 6/4 2211
Time Date Date

3

FILE NUMBER: 44-64689

DOCUMENT NUMBER: 4

SERIAL NUMBER: 4

DATE: 6/9/75

COMMUNICATION: A 5 page Investigative Report from the San Diego Field Division.

TOTAL NUMBER OF PAGES: 5

TOTAL NUMBER OF PAGES RELEASED: 5

Deletions from this document are listed by page number as follows:

Cover Page A and Page 1 (FD-204)

Deletions were made pursuant to (b)(7)(C) to protect the name of a Special Agent of the FBI. (See paragraph, (6)(B)(iii), supra.)

Page 2, 3 and 4

No deletions, pages released in their entirety.

FD-263 (Rev. 1-7-72)

FEDERAL BUREAU OF INVESTIGATION

REPORTING OFFICE	OFFICE OF ORIGIN	DATE	INVESTIGATIVE PERIOD
SAN DIEGO	SAN DIEGO	6/9/75	5/29/75 - 6/9/75

TITLE OF CASE: UNSUB; HERMAN BACA - VICTIM

REPORT MADE BY: SA [redacted] (b)(7)(c) — TYPED BY: mlr

CHARACTER OF CASE: EXTORTION - RACIAL MATTERS; CIVIL RIGHTS

REFERENCES: San Diego report of SA [redacted] (b)(7)(c) dated 5/29/75;
FBI Lab reports dated 6/2/75 and 6/4/75.

- C -

ACCOMPLISHMENTS CLAIMED ☒ NONE					ACQUITTALS	CASE HAS BEEN:
CONVIC.	FUG.	FINES	SAVINGS	RECOVERIES		PENDING OVER ONE YEAR ☐ YES ☐ NO PENDING PROSECUTION OVER SIX MONTHS ☐ YES ☐ NO

APPROVED _____ SPECIAL AGENT IN CHARGE _____

DO NOT WRITE IN SPACES BELOW

44-64689-4 REC-6

16 JUN 18 1975

COPIES MADE:

(2) - Bureau (44-64689)
1 - USA, San Diego
1 - San Diego (9-995)

Dissemination Record of Attached Report

Agency	1-CR Div.		
Request Recd.	6/13/75		
Date Fwd.	6/18/75		
How Fwd.			
By	JUN 23 1975		

Notations: McDONALD; DATA PROC

- A* -

COVER PAGE

FD-204 (Rev. 3-3-59)

UNITED STATES DEPARTMENT OF JUSTICE
FEDERAL BUREAU OF INVESTIGATION

Copy to: 1 - United States Attorney, San Diego, California

Report of: [redacted] Office: SAN DIEGO
Date: June 9, 1975

Field Office File #: San Diego 9-995 Bureau File #: 44-64689

Title: UNKNOWN SUBJECT;
HERMAN BACA - VICTIM

Character: EXTORTION - RACIAL MATTERS; CIVIL RIGHTS

Synopsis: FBI Laboratory results reflected extortion letter and envelope not identified in Anonymous Letter File and no marks or indented writing noted. Six unidentified latent fingerprints of value were found on letter. On 6/9/75, victim HERMAN BACA stated that he still had no suspects in this matter.

- C -

DETAILS:

The results of examination of extortion letter and envelope by the Federal Bureau of Investigation (FBI) Laboratory are as follows:

This document contains neither recommendations nor conclusions of the FBI. It is the property of the FBI and is loaned to your agency; it and its contents are not to be distributed outside your agency.

U. S. GOVERNMENT PRINTING OFFICE: 1969 O - 351-016

7-16

REPORT
of the

FBI
LABORATORY

FEDERAL BUREAU OF INVESTIGATION
WASHINGTON, D. C. 20535

To: SAC, San Diego (9-995)

June 2, 1975

FBI FILE NO.

LAB. NO. D-750527113 ND

Re: UNSUB;
HERMAN BACA -
VICTIM;
EXTORTION - RACIAL MATTERS;
CIVIL RIGHTS

Specimens received 5/27/75

Q1 Envelope postmarked "CHULA BISTA, CA 920 APR 4 PM 1975," bearing the handwritten address "Comrade Herman Baca 105 Harbisn St National City, Ca."

Q2 Accompanying one-page handwritten letter dated 4/1/75, beginning "Greaseball You are not an ..."

ALSO SUBMITTED:

Fingerprint card of CARLOS NMN VAZQUEZ

Fingerprint card of HERMAN NMN BACA

Result of examination:

The questioned specimens were not identified in the Anonymous Letter File. Appropriate copies have been added thereto.

No watermarks or indented writing of value was noted on the questioned specimens.

The submitted specimens will be returned separately. Q1 and Q2 were photographed.

I-336 (Rev. 7-16-73)

FEDERAL BUREAU OF INVESTIGATION

Washington, D. C. 20537

REPORT
of the
IDENTIFICATION DIVISION
LATENT FINGERPRINT SECTION

YOUR FILE NO. 9-995
FBI FILE NO. 44-64689
LATENT CASE NO. B-12325

June 4, 1975

TO: SAC, San Diego

RE: UNSUB.;
HERMAN BACA-VICTIM
EXTORTION-RACIAL MATTERS
CIVIL RIGHTS

REFERENCE: Airtel 5/22/75
EXAMINATION REQUESTED BY: San Diego
SPECIMENS:
Envelope, Q1
Letter, Q2
Elimination fingerprints of Herman Baca, FBI #970398D, and Carlos Vazquez

Q specimens further described in a separate Laboratory report.

Six latent fingerprints of value developed on Q2. No latent prints of value developed on Q1.

Two of the latent fingerprints, which are of the extreme tip or side areas of fingers, compared, insofar as possible, available fingerprints Baca and Vazquez, but no identification effected. Inked impressions of the extreme tips and sides needed for conclusive comparisons. Remaining latent fingerprints not identical fingerprints Baca or Vazquez.

Specimens enclosed.

Enc. (4)

-3-

Clarence M. Kelley, Director

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4

SD 9-995

On June 9, 1975, victim HERMAN BACA advised that he still had no suspects in this matter.

FILE NUMBER: 44-64689

DOCUMENT NUMBER: 5

SERIAL NUMBER: 5

DATE: 5/29/75

COMMUNICATION: A 15 page report from the San Diego Field Division.

TOTAL NUMBER OF PAGES: 15

TOTAL NUMBER OF PAGES RELEASED: 15

Deletions from this document are listed by page number as follows:

Cover Page A

A deletion was made from Cover Page A of this report pursuant to exemption (b)(7)(C) to protect the name of a Special Agent of the FBI. (See paragraph, (6)(B)(iii), supra.)

Cover Page B

Cover Page B of this report was released in its entirety.

Page 1 (FD-204)

A deletion was made from the first page of this report pursuant to (b)(7)(C) to protect the name of a Special Agent of the FBI. (See paragraph, (6)(B)(iii), supra.)

Pages 2, 3, 4, 5, 6, 8, 9, 11, 12 and 13

No deletions, pages released in their entirety.

Pages 7 and 10

Deletions were made pursuant to exemption (b)(7)(C) to protect the name of a Special Agent of the FBI. (See paragraph (6)(B)(iii), supra.)

FD-263 (Rev. 1-7-72)

FEDERAL BUREAU OF INVESTIGATION

REPORTING OFFICE	OFFICE OF ORIGIN	DATE	INVESTIGATIVE PERIOD
SAN DIEGO	SAN DIEGO	5/29/75	5/16/75 - 5/29/75

TITLE OF CASE: UNSUB; HERMAN BACA - VICTIM

REPORT MADE BY: SA [redacted] (b)(7)(C) — TYPED BY: mlr

CHARACTER OF CASE: EXTORTION - RACIAL MATTERS; CIVIL RIGHTS

REFERENCES: Bureau airtel to San Diego dated 5/14/75; San Diego airtel to the Bureau, Attention: FBI Laboratory, dated 5/22/75.

- P -

ADMINISTRATIVE

This matter is being maintained in a pending status to await and report results of examination of the extortion letter by the FBI Laboratory.

To comply with Bureau deadline set by referenced Bureau communication, pending report is being submitted.

ACCOMPLISHMENTS CLAIMED ☒ NONE					ACQUITTALS	CASE HAS BEEN:
CONVIC.	FUG.	FINES	SAVINGS	RECOVERIES		PENDING OVER ONE YEAR ☐ YES ☒ NO PENDING PROSECUTION OVER SIX MONTHS ☐ YES ☒ NO

APPROVED: S/a — SPECIAL AGENT IN CHARGE

DO NOT WRITE IN SPACES BELOW

44-6468-2

REC 44

ST-105

1 JUN 2 1975

COPIES MADE:

(2) - Bureau

1 - USA, San Diego

2 - San Diego (9-995)

Dissemination Record of Attached Report			
Agency	1-Civil Rights Div.		
Request Recd.	6/6/75		
Date Fwd.	6/6/75		
How Fwd.			
By	51 JUN 10 1975		

Notations: DATA PROC

COVER PAGE

5

When interviewed, victim BACA was advised of FBI jurisdiction in extortion cases.

Mr. CARLOS VASQUEZ was also interviewed and he was advised that the Civil Rights Division, U. S. Department of Justice, had referred this matter to the FBI for handling and that if in the future his organization or its members receive communications which might be violations of the Federal Extortion Statute within FBI jurisdiction, then the appropriate FBI Office should be promptly advised.

LEAD

SAN DIEGO

Will report results of FBI Laboratory examination of extortion letter and additional developments, if any.

- B* -
COVER PAGE

FD-204 (Rev. 3-3-59)

UNITED STATES DEPARTMENT OF JUSTICE
FEDERAL BUREAU OF INVESTIGATION

Copy to: 1 - United States Attorney, San Diego, California

Report of: [redacted] (6)(7)(C) Office: SAN DIEGO

Date: May 29, 1975

Field Office File #: San Diego 9-995 Bureau File #:

Title: UNKNOWN SUBJECT;
HERMAN BACA - VICTIM

Character: EXTORTION - RACIAL MATTERS; CIVIL RIGHTS

Synopsis: On 4/5/75, victim BACA, residing in National City, California, received a letter dated 4/1/75 and only signed "Gringo the Angelo." The letter stated that victim was "not an American," but a "lousy Mexican" and described BACA in other derogatory terms. The writer stated that he would come personally "looking for" BACA if there was a war with Mexico. AUSA BRUCE R. CASTETTER, San Diego, California, on 5/21/75, expressed his opinion that prosecution would not be feasible in this case in view of the fact that the letter did not appear to contain an overt threat.

- P -

DETAILS: AT SAN DIEGO, CALIFORNIA

This report contains results of a limited investigation.

Investigation in this case was requested by the Civil Rights Division, United States Department of Justice.

This document contains neither recommendations nor conclusions of the FBI. It is the property of the FBI and is loaned to your agency; it and its contents are not to be distributed outside your agency.

U. S. GOVERNMENT PRINTING OFFICE: 1970 O - 406-840

SD 9-995

The following letter with enclosure was received by the United States Department of Justice and referred to the Federal Bureau of Investigation (FBI) for investigation:

5

C.A.S.A. JUSTICIA
CENTRO DE ACCION SOCIAL AUTONOMO
(AUTONOMOUS CENTER FOR SOCIAL ACTION, INC.)
A NON-PROFIT CALIFORNIA CHARITABLE ORGANIZATION
1839 HIGHLAND AVENUE
NATIONAL CITY, CALIFORNIA 92050
TELEPHONE (714) 477-3155 477-3156
COMITE NACIONAL HERMANDAD GENERAL DE TRABAJADORES

APR 13 9 15 AM '75
DEPT. OF JUSTICE
MAIL ROOM

April 8, 1975

APR 21 5 31 PM '75
DEPT. OF JUSTICE
MAIL ROOM

U.S. Commission
on Civil Rights
Jay Stanley Pottinger
Assistant Attorney General

Dear Mr. Pottinger:

Enclosed is a letter which was received by our chairman, Mr. Herman Baca, on April 5, 1975. Our organization would like to go on record as requesting from your agency a full scale investigation into the implied threats against Mr. Baca and his family. It is our organization's contention that these types of threats by certain individuals, organizations, etc. against our organization which seeks legal change and the protection of our communities' civil and constitutional rights be immediately investigated by your agency exposed and prosecuted.

Any further information regarding this matter can be obtained by contacting us at the above address and telephone number.

144-12-0
APR 1975
O.R.C.M.
CIV. RIGHTS DIV.

22 APR RECD

Sincerely,

BOARD OF DIRECTORS
C.A.S.A. JUSTICIA

Carlos Vazquez, Director
Gabriel Luna, Vice Pres.
Nadine Baca, Secretary
Eduardo Martinez, Treasurer
Celestino Mancilla, Member-at-large
Luis Sanchez, Member-at-large

R 23 1975

6

SD 9-995

The enclosure consisted of the following xeroxed copy of the extortion letter:

Gumball: 4-1-75

You are not an American, you are a lousy Mexican. You don't worry about this Country, you worry about Aliens. As for me, I would solve the problem Pronto, the gas chamber. You Guys keep it up, there won't be any spics around, we are nuts now with Mexico today. There are more in Texas, kicked the shit out of them.

So just keep it up, you're bringing the day closer.

Guys the Angels.

I'll be looking for you, personally when the war starts.

SD 9-995

On May 20, 1975, victim HERMAN BACA was interviewed at the San Diego Office of the FBI and he furnished the following information concerning the above-mentioned extortion letter of which he retained the original letter and original envelope:

FD-302 (REV. 11-28-75)

FEDERAL BUREAU OF INVESTIGATION

Date of transcription May 22, 1975

HERMAN BACA, 105 South Harbison Street, National City, California, made available an anonymous letter dated April 1, 1975, and which began "Greeseball". BACA also made available an envelope addressed to "Comrade Herman Baca, 105 Harbison Street, National City, California." The envelope was postmarked "APR 4, PM, Chula Vista, CA." and bore no return address.

The letter implied threats against BACA by stating that if there was a war against Mexico and United States, the letter writer would come looking for BACA personally. BACA was described in the letter as a "lousy Mexican".

BACA said that he is an active member of the San Diego County Immigration Counsel which is involved in immigration matters and that he and some of his associates in this counsel are opposed to the Rodino Bill which would impose more restrictions on the migration of Mexicans into the United States. BACA recalled that on about March 30, 1975, he was the subject of a news story in the local papers at San Diego and was also interviewed on television in connection with his ideas on immigration. BACA said his appearance on television or the news story might have provoked the letter. BACA also recalled that about April 30, 1975, his 10-year old son had received a call at home and the caller said, "Tell HERMAN BACA that we are going to kill him." BACA stated he had no suspects in this matter.

BACA voluntarily had his fingerprints taken for elimination purposes. He said that in the future if he or any of his associates receive any communications which might be considered extortionary, he would promptly advise the San Diego office of the FBI and attempt to protect the evidence for fingerprints.

BACA furnished the following descriptive data concerning himself:

Name:	HERMAN (no middle name) BACA
Date of birth:	April 5, 1943

Interviewed on 5/20/75 at San Diego, California File # SD 9-995

by SA [redacted] (b)(7)(c)
SA [redacted] HDW/ag Date dictated 5/21/75

This document contains neither recommendations nor conclusions of the FBI. It is the property of the FBI and is loaned to your agency; it and its contents are not to be distributed outside your agency.

5

SD 9-995

Place of birth:	Albuquerque, New Mexico
Hair:	Black
Eyes:	Brown
Height:	5'5"
Weight:	165 pounds
Driver's license:	California J491383
Selective Service No.:	4-140-43-515
Residence:	105 South Harbison National City, California 92050
Employment:	Operates Aztec Printing Company 1837 Highland Avenue National City, California (telephone 477-3800)

The original extortion letter and original envelope, together with elimination fingerprints of HERMAN BACA and CARLOS VASQUEZ, were submitted to the FBI Laboratory for appropriate examination.

On May 21, 1975, VASQUEZ furnished the following information during an interview at the San Diego Office of the FBI:

FD-302 (REV. 11-2-70)

FEDERAL BUREAU OF INVESTIGATION

Date of transcription May 22, 1975

CARLOS VAZQUEZ, 1022 East 8th, National City, California, stated that on about April 5, 1975, his friend and associate HERMAN BACA showed him a letter which appeared to possibly be an extortion letter, and that he had mailed it to the U. S. Commission on Civil Rights, JAY STANLEY POTTINGER, Assistant Attorney General, U. S. Department of Justive, because the letter appeared to carry implied threats against BACA and his family.

On May 21, 1975, Mr. VAZQUEZ agreed to submit elimination fingerprints and was fingerprinted.

Mr. VAZQUEZ stated he had no suspects whatsoever in this matter.

Interviewed on 5/21/75 at San Diego, California File # SD 9-995

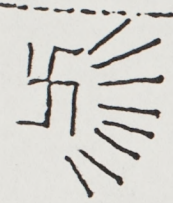
(b)(7)(c)

by SA [redacted]/sg Date dictated 5/21/75

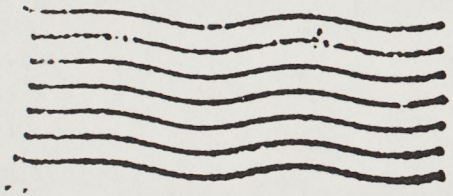
This document contains neither recommendations nor conclusions of the FBI. It is the property of the FBI and is loaned to your agency; it and its contents are not to be distributed outside your agency.

SD 9-995

The following is a copy of the envelope in which the extortion letter was mailed. The extortion letter has previously been set out in this report:



Comrade Herman Baca
105 Harbert St
National City, Ca.



SD 9-995

PROSECUTIVE OPINION

This case was discussed with Assistant United States Attorney (AUSA) BRUCE R. CASTETTER, San Diego, on May 21, 1975, and AUSA CASTETTER stated that in his opinion prosecution would not be feasible at this time in this matter even if the unknown subject were identified, in view of the fact that the letter did not appear to contain an overt threat to commit violence against the victim.

FILE NUMBER: 44-64689

DOCUMENT NUMBER: 6

SERIAL NUMBER: 6

DATE: Undated

COMMUNICATION: A Laboratory Work Sheet with 5 enclosures. A duplicate Laboratory Work Sheet, a Report Sheet from the FBI Laboratory and a Laboratory transmittal form.

TOTAL NUMBER OF PAGES: 9

TOTAL NUMBER OF PAGES RELEASED: 9

Deletions from this document are listed by page number as follows:

Pages 1 through 9

No deletions, pages released in their entirety.

FEDERAL BUREAU OF INVESTIGATION
UNITED STATES DEPARTMENT OF JUSTICE

NO LAB. FILE

LATENT

Laboratory Work Sheet

To: SAC, San Diego (9-995)

FBI FILE NO. 44-64689-6

LAB. NO. D-750527113 NK

YOUR NO.

Re: UNSUB;
HERMAN BACA -
V VICTIM
EXTORTION - RACIAL MATTERS;
CIVIL RIGHTS

Examination by: Jones

OO: San Diego

Examination requested by: San Diego

Reference: Airtel dated 5/22/75

Examination requested: Document - Fingerprint

Specimens received: 5/27/75

LFBS return encl

Specs + B/s ret San Diego 6/4 Williams

Received by LFPS

Q1 Envelope postmarked "CHULA V VISTA, CA 920 APR 4 P M 1975," bearing the handwritten address "Comrade Herman Baca 105 Harbisn St National City, Ca."

Q2 Accompanying one-page handwritten letter dated 4/1/75, beginning "Greaseball" You are not an ..."

ALSO SUBMITTED:

Fingerprint card of CARLOS MNN VA%QUE$%

Fingerprint card of HERMAN MNN BACA

PHOTOGRAPHED

MAY 28 1975.

ENCLOSURES

TO BUREAU

Original and two copies of extortion letter.
Original and two copies of extortion letter envelope.
Two sets of elimination fingerprints for HERMAN BACA and CARLOS VAZQUEZ.

SD 9-995

NOT RECORDED
End Rec'd
6-2-95
LCFB-12385

HB
5/20/75

HW

Gumball:

4-1-75

"You are not an American, you are a lousy Mexican. You don't worry about this Country, you worry about Africa. As for me, I would solve the problem Pronto, the gas chamber. You Spics keep it up, there won't be any spics around, we are sure war with Mexico today, there are more than Texas, kicked the shit out of them.

So just keep it up you're bringing the day closer.

Thanks Abe Lincoln.

I'll be looking for you, personally, in the near future.

D-750527113 HD 02

Comrade Herman Baca
105 Harbin St
National City. Ca.

CHULA VISTA C.F. APR 4 PM 1515

D-750527113 ND Q1

EVIDENCE

FEDERAL BUREAU OF INVESTIGATION
WASHINGTON, D. C.

44-64689-4
Herman Bruce

FILE# D-7505-7113

DATE _____

EXAMINER # ND

Q# 1-2

K#

NEGATIVES

INITIALS _____

Recorded
5/27/75
cm

FEDERAL BUREAU OF INVESTIGATION
UNITED STATES DEPARTMENT OF JUSTICE

NO LAB FILE

LATENT

Laboratory Work Sheet

To: SAC, San Diego (9-995)

FBI FILE NO.

LAB. NO. D-750527113 N

Re: UNSUB;
HERMAN BACA -
VICTIM
EXTORTION - RACIAL MATTERS;
CIVIL RIGHTS

YOUR NO.

Examination by: Jones

OO: San Diego

Examination requested by: San Diego

Reference: Airtel dated 5/22/75

Examination requested: Document - Fingerprint

Specimens received: 5/27/75

(1)
(2)
(3)

searched ... Calif
no watermarks ...

Q1 Envelope postmarked "CHULA VISTA, CA 920 APR 4 P M 1975," bearing the handwritten address "Comrade Herman Baca 105 Harbisn St National City, Ca."

Q2 Accompanying one-page handwritten letter dated 4/1/75, beginning "Greaseball" You are not an ..."

ALSO SUBMITTED:

Fingerprint card of CARLOS NMN VAZQUEZ

Fingerprint card of HERMAN NMN BACA

PHOTOGRAPHED
MAY 28 1975

6

7-1b

REPORT
of the

FBI
LABORATORY

FEDERAL BUREAU OF INVESTIGATION
WASHINGTON, D. C. 20535

To: SAC, San Diego (9-995) Ma June 2, 1975

FBI FILE NO. 44-64689.6

LAB. NO. D-750527113 ND

Re: UNSUB;
HERMAN BACA -
VICTIM;
EXTORTION - RACIAL MATTERS;
CIVIL RIGHTS

Specimens received 5/27/75

Q1 Envelope postmarked "CHULA BISTA, CA 920 APR 4 PM 1975," bearing the handwritten address "Comrade Herman Baca 105 Harbisn St National City, Ca."

Q2 Accompanying one-page handwritten letter dated 4/1/75, beginning "Greaseball" You are not an ..."

ALSO SUBMITTED:

Fingerprint card of CARLOS NMN VAZQUEZ

Fingerprint card of HERMAN NMN BACA

Result of examination:

The questioned specimens were not identified in the Anonymous Letter File. Appropriate copies have been added thereto.

No watermarks or indented writing of value was noted on the questioned specimens.

The submitted specimens will be returned separately. Q1 and Q2 were photographed.

6

Transmittal Form

FBI LABORATORY

1 - Mr. Jone

FEDERAL BUREAU OF INVESTIGATION
WASHINGTON, D. C. 20535

To: SAC, San Diego (9-995) June 2, 1975

From: Director, FBI

FBI FILE NO.

LAB. NO. D-750527113 ND

Re: UNSUB;
HERMAN BACA -
VICTIM;
EXTORTION - RACIAL MATTERS;
CIVIL RIGHTS

CC: San Diego

Examination requested by: San Diego

Reference: Airtel dated 5/22/75

Examination requested: Document - Fingerprint

Remarks:

The submitted specimens will be returned with the results of the fingerprint examination.

Enclosures (2) (2 Lab report)

MAILED 5
JUN 2 1975
FBI

REC-104 44-64689-6

17 JUN 26 1975

ENCLOSURE ATTACHED

ENCLOSURE

WDJ:cm (4)

ADMINISTRATIVE PAGE

MAIL ROOM ☒ TELETYPE UNIT ☐

70 JUL 1 1975

FILE NUMBER: 44-64689

DOCUMENT NUMBER: 7

SERIAL NUMBER: 7

DATE: 10/7/75

COMMUNICATION: Incoming Memorandum from SAC, San Diego, an FD376 and a 20 page Letterhead Memorandum dated 10/7/75.

TOTAL NUMBER OF PAGES: 23

TOTAL NUMBER OF PAGES RELEASED: 23

Deletions from this document are listed by page number as follows:

Cover Memorandum

Page 1

Lines 18 through 24 were deleted pursuant to (b)(7)(D); however, in accordance with the current Executive Order 12065 they are now exempt pursuant to (b)(1). (See paragraph, (6)(A), supra.)

Page 2

Deletions were made from paragraph 2 pursuant to exemption (b)(7)(C) to protect the names of Special Agents of the FBI. (See paragraph, (6)(B)(iii), supra.)

FD-376
Page 3

No deletions, page released in its entirety.

Letterhead Memorandum

Pages 1, 2, 3, 4, 6 and 11

Deletions were made pursuant to (b)(7)(d) to protect the identity of confidential sources, symbol numbers and dates the confidential sources reported information to the FBI on a regular basis, release of this information would lead to the sources identification. (See paragraph (6)(C)(ii), supra.)

Page 5

Paragraph 1 was exempted from release pursuant to (b)(7)(d) to protect the identity of a confidential source and information furnished by the source. This paragraph was previously classified pursuant to Executive Order 11652; however, the information under the current Executive Order 12065 no longer warranted continued classification (See paragraph, (6)(C)(ii), supra.)

Lines 11, 12, 25, 26, 29 and 30 were deleted pursuant to exemption (b)(7)(d) to protect the identity of confidential sources, symbol numbers and dates the confidential sources reported information to the FBI on a regular basis, release of this information would lead to the sources identity (See paragraph, (6)(C)(ii), supra.)

Page 7

Paragraphs 1 and 2 were deleted in their entirety pursuant to exemption (b)(1) as it contains classified information. (See paragraph, (6)(A), supra.)

Lines 17, 18, 25, 26, 29, 30, 35, and 36 were deleted pursuant to exemption (b)(7)(d) to protect the identity of confidential sources, symbol numbers, and dates the confidential sources reported information to the FBI on a regular basis, release of this information would lead to the sources identity. (See paragraph, (6)(C)(ii), supra.)

Page 8

Lines 11, 12, 16, 17, 31 and 32 were deleted pursuant to exemption (b)(7)(d) to protect the identity of confidential sources, symbol numbers, and dates the confidential sources reported information to the FBI on a regular basis, release of this information would lead to the sources identity. (See paragraph, (6)(C)(ii), supra.)

Paragraph 3 was deleted in its entirety pursuant to exemption (b)(1) as it contains classified information. (See paragraph, (6)(A), supra.)

Page 9

Lines 9, 10, 21, 22, 25, 26, 31 and 32 were deleted pursuant to (b)(7)(d) to protect the identity of a confidential source and information furnished by the source. These paragraphs were previously classified pursuant to Executive Order 11652; however, the material under the current Executive Order 12065 no longer warranted continued classification. (See paragrpah (6)(C)(ii), supra.)

Page 10

Paragraph 1 was exempted from release pursuant to (b)(7)(D) to protect from release the identity of a confidential source and information furnished by the source. This paragraph was previously classified pursuant to Executive Order 11652; however, the information under the current Executive Order 12065 no longer warranted continued classification. (See paragraph (6)(C)(ii), supra.)

Paragraph 2 was deleted in its entirety pursuant to exemption (b)(1) as it contains classified information. (See paragraph (6)(A), supra.)

Lines 7, 8, 18, 19, 27 and 28 were deleted pursuant to exemption (b)(7)(D) to protect the identity of confidential sources, symbol numbers, and dates the confidential sources furnished information to the FBI on a regular basis, release of this information would lead to the sources identity. (See paragraph (6)(C)(ii), supra.)

Page 12

Lines 5, 6, 17, 18, 29, 30, 36 and 37 were deleted pursuant to exemption (b)(7)(D) to protect the identity of confidential sources, symbol numbers, and dates the confidential sources reported information to the FBI on a regular basis, release of this information would lead to the sources identity. (See paragraph (6)(C)(ii), supra.)

Paragraphs 2 and 4 were deleted pursuant to exemption (b)(7)(D) to protect from release the identity of a confidential source and information furnished by the source. Release of the information would identify the confidential source. This information was previously classified pursuant to Executive Order 11652; however, the information under the current Executive Order 12065 no longer warranted continued classification. (See paragraph (6)(C)(ii), supra.)

Page 13

Lines 6, 7, 13, 14, 19, 20, 27 and 28 were deleted pursuant to (b)(7)(D) to protect the identity of confidential sources, symbol numbers, and dates the confidential sources reported information to the FBI on a regular basis, release of this information would lead to the sources identity. (See paragraph (6)(C)(ii), supra.)

Paragraph 5 which is continued on page 14 was deleted in its entirety pursuant to exemption (b)(1) as it contains classified information. (See paragraph (6)(A), supra.)

Page 14

Lines 5, 6, 10, 11, 18, 19, 27 and 28 were deleted pursuant to exemption (b)(7)(D) to protect the identity of confidential sources, symbol numbers, and dates the confidential sources reported information to the FBI on a regular basis, release of this information would lead to the sources identity. (See paragraph (6)(C)(ii), supra.)

Paragraph 1 was deleted in its entirety pursuant to (b)(7)(D) to protect from release the identity of a confidential source and information furnished by the source. Release of the information would identify the confidential source. This information was previously classified pursuant to Executive Order 11652; however, the information under the current Executive Order 12065 no longer warranted continued classification. (See paragraph (6)(C)(ii), supra.)

Paragraph 2 was deleted in its entirety pursuant to exemption (b)(1) as it contains classified information. (See paragraph (6)(A), supra.)

Pages 15, 16, 17, 19 and 20

No deletions, pages released in their entirety.

Page 18

Paragraph 1 was deleted in its entirety pursuant to exempton (b)(1) as it contains classified information. (See paragraph (6)(A), supra.)

OPTIONAL FORM NO. 10
JULY 1962 EDITION
GSA FPMR (41 CFR) 101-11.6

UNITED STATES GOVERNMENT

Memorandum

TO : DIRECTOR, FBI

DATE: 10/7/75

FROM : SAC, SAN DIEGO (157-5120)(P)

SUBJECT: HERMAN (NMN) BACA
EM - SA
(OO: SD)

Re San Diego letter and LHM dated 3/13/72 and captioned "HERMAN (NMN) BACA, IS - SA."

Enclosed herewith for the Bureau are five copies of an LHM concerning BACA. A copy of this LHM is also being furnished to local Secret Service, San Diego, California.

Attached to the Bureau copies of the enclosed LHM are two copies of an FD-376, together with a photograph of the subject.

Enclosed for Los Angeles are two copies of the same LHM.

(4) (U)

INFORMANT	LOCATION
[redacted]	[redacted]

ENCLOSURE

44-64689-7

OCT 17 1975

(2) - Bureau (Enc 5)
2 - Los Angeles (Enc.2)(105-31729)
2 - San Diego
HDW/sg
(6)

1 - LHM destroyed

Buy U.S. Savings Bonds Regularly on the Payroll Savings Plan

Subject is not being recommended for ADEX at this time. Further consideration in this regard will be given after subject's connections with the Centro de Accion Social Autonomo (CASA) (Autonomous Center for Social Action) at Los Angeles, California, have been determined.

(b)(7)(C) Subject was interviewed by SA [redacted] on 9/13/74. Subject was re-interviewed by SAs [redacted] and [redacted] on 5/20/75.

LEADS

LOS ANGELES

Will advise San Diego regarding present degree of association between CASA headquarters in Los Angeles and the San Diego Branch of CASA; and regarding extremist activities of CASA leaders which might be a factor in evaluation of subject BACA as a security risk.

SAN DIEGO

Will continue to follow subject's extremist activities, in particular his connections with CASA, for further evaluation of subject's potential as a security risk.