

- KENITH COCKE CASE - AB. -  
RAPE BY BORDER PATROL

RAPE CASE  
BORDER BRUTALITIES

San Diego Office

October 30, 1972

Edwin L. Miller, Jr. Esq.  
District Attorney  
220 W Broadway  
San Diego, California 92101

Dear Mr. Miller:

I would like to inquire into the status of the case of Mr. Kenneth Cocke, who was accused by my client, Martha Parra-Lopez, of rape. It was my understanding that your office was holding the matter in abeyance until some action was taken by the Federal authorities.

I understand at the present time that no action has been taken by the Federal authorities.

Would you be so kind as to advise me if your office also contemplates taking no action in this matter.

At about the time this case was being investigated I noticed a rape case being brought to trial in North County, which was in fact so weak, so much weaker than the instant case, that it was necessary for the prosecutor to dismiss in the middle of his own case. I would submit that the case of Mrs. Parra-Lopez is certainly relatively stronger.

But in any case we would request such information as you can give us at this time.

Sincerely,

FH:h

FREDERICK HETTER

A F F I D A V I T

I, Martha Elena Parra Lopez, residing at Circumbalacion #7, Fraccionamiento Los Alamos, Tijuana, B. Calif., Mexico; under oath to tell the true affirm and declare the following:

That on May 31, 1972, on or about 6:30 p.m. I was detained by an officer of the San Ysidro Border Patrol at 320 Sandstone Ct., Chula Vista, Calif., the officer asked me for documentation in which I stated to him that I had no papers at all. After questioning me and my companions, we were transported to the San Ysidro Border Patrol Office. Immediately after we arrived, the Border Patrol officer asked the following: He asked me if I was married, in which I answered yes, he said he thinks I have many admirors because I am good-looking, but expressing himself in obscene words. He asked me if I have children, he took my weight and height, he looked at me to see if I had any needle mark on my face or arms, he made me sign a paper and gave it to me and I was conducted to the other room where my companions were. After interrogating me, he proceeded to interrogate my two companions, then we were transported to the international border, once we were there, the officer insisted to my two companions to leave with the flow pedestrain traffic in which they stated to him that all three of us will leave or all three of us will stay. Very disturbed he told my companions to get back into the patrol car and continued in another direction without letting us get out of the patrol car at the border. We continued on the road for about 15 or 20 minutes until we reached the high mesa which is located in Brown Field, he traveled all the way to the fence where the division of Mexico and the United States is outlined. He insisted to my two companions that they immediately jump the wire fence into Mexico in which my companions refused to do so, I wanted also to go with them but he grabbed me by the arm and threw me in the front seat of the patrol car and he told my companions they better get going because he will do something to them and to me, in other words he (threaten) us. So they left. Once he had me on the front seat of the patrol car, he went back a few feet and then he order me to take my brassiere and panties off, I told him no and he insisted. He then got his flash-light and asked me again "take your brassiere off, I want to see if they are real and also take your panties off so that I can see if you have concealed money or documents". After a long struggle with this officer until my strenght was out, he stripped me completely and violated me, he made a statement and said "I hope you do not have any disease", he then told me to get dress and to get out of the patrol car and go to my country. I want to state that due to the sexual abuse rape, I started to bleed very badly, I called Mrs. Vera Leon the next morning and described what had heppened to me and she immediately contacted Mr. Albert R. Garcia.

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

*Martha Elena Parra Lopez*  
 Martha Elena Parra Lopez

SUBSCRIBED AND SWORN TO BEFORE ME  
 This 7th day of June, 19 72  
 At San Ysidro, California

*Robert R. Garcia*

San Diego Office

October 30, 1972

Harry D. Steward, Esq.  
U. S. Attorney  
325 West "F" Street  
San Diego, California 92101

Dear Mr. Steward:

I would like to inquire as to the status of Federal prosecution in the case of the Border Patrol Agent, Mr. Kenneth Cocke. I had understood the matter was presented to a Federal Grand Jury some time in the past but had never learned whether or not any action was taken by that Federal Grand Jury.

Would you be so kind as to advise us whether or not the matter is still under consideration, or whether the idea of attempting to secure an indictment has been dropped. It is my understanding that at the present time no action has been taken by the Grand Jury.

Sincerely,

FH:h

FREDERICK HETTER

LAW OFFICES

HETTER, GLICK AND HAVILAND

FREDERICK L. HETTER  
RUSH G. GLICK  
WARREN E. HAVILAND

440 OLIVE STREET  
SAN DIEGO, CALIFORNIA 92103  
TELEPHONE (714) 291-6970

127 EAST LEXINGTON AVENUE, SUITE B  
EL CAJON, CALIFORNIA 92020  
TELEPHONE (714) 442-0572

PLEASE REPLY TO:

San Diego Office

October 30, 1972

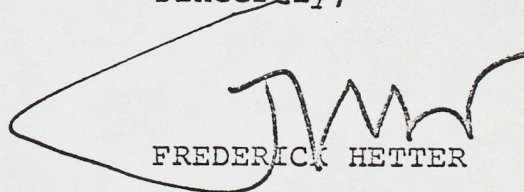
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Sincerely,



FREDERICK HETTER

FH:h

NL chg. 428-2565

TELEGRAM

RICHARD NIXON  
PRESIDENT OF THE UNITED STATES  
WASHINGTON, D.C.

UNITED STATES ATTORNEY FOR SCUTHERN DISTRICT ADVISED TODAY  
THAT UNITED STATES HAS NO INTEREST IN PROSECUTING KENNETH  
COCKE FORMER BORDER PATROL AGENT ALLEGED AS HAVING RAPED  
ILLEGAL MEXICAN FEMALE PRISCNER IN MAY OF THIS YEAR. STOP.  
UNITED STATES INTERRBPTED STATE PROSECUTION. WOMEN STILL  
IN UNITED STATES CN PAROLE. BUT UNITED STATES APPARENTLY  
WILL APPARENTLY NOT RENEW PAROLE MAKING STATE PROSEUTION  
IMPOSSIBLE. PLEASE INVESTIGATE AT ONCE AND ADVISE YOUR  
ATTITUDE TOWARD THIS AND SIMILAR BORDER BRUTALITIES. WE  
HAVE BEEN TOLD BY MANY THAT WE CAN EXPECT NO ACTION FROM YOUR  
LOCAL REPRESENTATIVES. REQUEST IMMEDIATE ACTION. ARE YCU  
WITH THE CHICANO COMMUNITY OR AGAINST US?

AL~~ED~~ GARCIA  
PRESIDENT  
AD HCC COMMITTEE ON BORDER BRUTALITIES  
323½ E. SAN YSIDRO BLVD.  
SAN YSIDRO, CALIF.

102

2.00

AN 5

NL chg 428-2565

S. Y. Calif 31

MR. EDWIN MILLER  
DISTRICT ATTORNEY  
SAN DIEGO

UNDERSTAND UNITED STATES HAS WASHED ITS HAND OF THE  
MARTA PARA LOPEZ RAPE CASE AND HAS NO INTENTION OF  
PROSECUTING KENNETH COCKE. UNDERSCOD YOUR OFFICE  
WOULD ACT WHEN UNITED STATES HAS CEASED ITS ACTION.  
PLEASE CONFIRM YOUR INTENTIONS. MRS. LOPEZ AND HER  
FRIENDS CURRENTLY HAVE FINAL EXTENSION ON PAROLE  
ENTRY AND MUST SOON LEAVE UNITED STATES PERMANENTLY.  
REQUEST ACTION BY YOUR OFFICE BEFORE DEPARTURE.

ALBERT GARCIA

PRESIDENT

AD HOC COMMITTEE ON BORDER BRUTALITIES

323½ E. SAN YSIDRO BVD.

SAN YSIDRO, CALIF.

64

1.70

LAW OFFICES  
HETTER, GLICK AND HAVILAND

FREDERICK L. HETTER  
RUSH G. GLICK  
WARREN E. HAVILAND

440 OLIVE STREET  
SAN DIEGO, CALIFORNIA 92103  
TELEPHONE (714) 291-6970

127 EAST LEXINGTON AVENUE, SUITE B  
EL CAJON, CALIFORNIA 92020  
TELEPHONE (714) 442-0572

PLEASE REPLY TO:

San Diego Office

October 30, 1972

Edwin L. Miller, Jr. Esq.  
District Attorney  
220 W Broadway  
San Diego, California 92101

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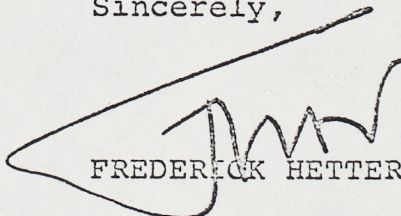
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But in any case we would request such information as you can give us at this time.

Sincerely,



FREDERICK HETTER

FH:h



SOUTHBAY NEIGHBORHOOD CORPORATION  
323 $\frac{1}{2}$  E. San Ysidro Blvd.  
San Ysidro, CA 92073

November 24, 1972

Congressman Lionel Van Deerlin  
211 Cannon Office Building  
Washington, D. C. 20515

Dear Van:

On November 19, 1972, on or about 1:30 a.m., the United States Border Patrol, Immigration and Naturalization Service; on purpose ran over a Mexican alien on top of Brown Field within the San Diego city limits.

I have personally talked with Mr. Antolin Gutierrez Morfin, who at this time is hospitalized at the University Hospital. I have notified the proper authorities for a possible criminal action against these two inspectors whose names are Dennis Boux and Joseph J. Henning who have declared the incident was on an accidental basis, but Mr. Gutierrez has acknowledged to me on a different basis. He has stipulated that this accident was on purpose on the part of these animals which call themselves "Immigration inspectors!"

I am asking that your office thoroughly investigates the U.S. Border Patrol for the purpose of, once and forever, outlining the unhuman criminal gestapo attitude that these individuals have carried for many years, and we, who represent the Mexican-American community in this county, are asking for your immediate intervention so that this criminal acts stops.

The District Attorney in this area has been notified, but again, I am very doubtful that District Attorney Edwin Miller will procede with justice, as you were notified on the last fiasco that Mr. Miller white-washed (rape case Martha Elena Parra Lopez) of which I understand this rape case was stoped in Washington so that no further publicity would be issued. We have in our hands another criminal action on the part of these men and other many complaints that are coming to my attention in regards to this Federal Agency.

Van, this has to stop immediately. For no more the Mexican-American community will stand for criminal racism attitudes of individuals such as the Immigration Department. I would recommend that a Congressional hearing against the Department of Immigration would be advisable or other action against this irresponsible department can be taken. I know that this will take very hard work, but as I accomplished the one against Customs I can also start working on the Immigration Department.

Congressman Lionel Van Deerlin  
Page 2  
November 24, 1972

I have many cases documented in regards to these brutalities, therefore, I ask for your immediate intervention and interest on this matter.

With warm personal regards.

Sincerely,

Albert R. Garcia  
President

Enc:

c.c. Congressman Donald W. Riegle, Jr.  
Senator Alan Cranston  
Senator Edward M. Kennedy  
Mrs. Romana Banuelos, U.S. Treasurer  
Raymond F. Farrell, Commissioner of Immigration  
Gilbert G. Pompa, Associate Director  
Henry Ramirez, Associate Director, President's Cabinet Committee  
John Bonds, Deputy Regional Commissioner  
Herman Baca, County Director, M.A.P.A.  
Victor Villalpando, Mexican-American Community Affairs Officer  
Daniel Munos, S.S.P.A., President  
Luis Natividad, Executive Director, Chicano Federation  
Richard Resendez, President, G-I Forum

Doctor Doty  
Univ. Hospital

①

social worker  
291-3330  
ext 1791

Born: Michoacan, Mexican  
Mexican

wants to stay in U.S.

was either deported or accepted when departure came.

Monday 1 AM - 11/20/1972.

No papers at all.

Cross border ± San Ysidro

walked ± 2 hrs when this happened.

4 people altogether.

Jacinto Mejia Varga 28 (Morelos).

Jorge Rodriguez 28 (Mexico City).

Rufino Gadrin Salcedo 21 (Zacatecas).

Patrol agent Dennis Boux drove vehicle  
Joseph J. Henning riding w/ Boux.

Crossed close to hotel.

Started out Sunday night 10 P.M.

Other men were ahead - he thinks they  
didn't see him being seen over.

Hit 1st time - he tried to get up  
hit w/ bomber of jeep.

2nd time hit by bomber - light hit  
him in face - some drivers already  
saw him.

lying in field when hit 1st time -

lying face down in field -

Thinks they saw him when 1st rode  
over him.

Other 3 guys may have seen 2nd  
time.

Trying to get up when hit second time.

448-0320

(3)

Maria Solis  
2035 Valley Blvd  
apt 6

El Monte Calif 91732

after letting him 2nd time - they went  
after other guys -  
I kept him lying there about an hour.  
when they got back to him - they communicated  
via radio - he asked for help & they  
ignored him - doesn't remember how he  
got to hospital.

Spoke w/ immigration officer 11/21/72:  
thru interpreter.

Doesn't remember if immigration officer  
checked into his status

Who lives in U.S. that he knows?  
2 Sisters, brother & brother-in-law in U.S.

Brother in law lived in U.S. - 2yo.  
Sisters have 4 mos

Marrried - wife lives in Mexico.  
State of Michoacan -  
3 children - all in Mexico  
Don't contact wife - she's ill

Patent 7 East 4 Room  
Bed C

Bill Hamilton - 357-6627 (213)

Signed:

witness:

Albert P. Gentry

Date: 11/22/72

SOUTHBAY NEIGHBORHOOD CORPORATION  
323½ E. San Ysidro Blvd.  
San Ysidro, CA 92073

November 25, 1972

Congressman Edward R. Roybal  
2404 Rayburn Office Building  
Washington, D. C. 20515

Dear Ed:

On November 19, 1972, on or about 1:30 a.m., the United States Border Patrol, Immigration and Naturalization Service; on purpose ran over a Mexican alien on top of Brown Field within the San Diego city limits.

I have personally talked with Mr. Antolin Gutierrez Morfin, who at this time is hospitalized at the University Hospital. I have notified the proper authorities for a possible criminal action against these two inspectors whose names are Dennis Boux and Joseph J. Henning who have declared the incident was on an accidental basis, but Mr. Gutierrez has acknowledged to me on a different basis. He has stipulated that this accident was on purpose on the part of these animals which call themselves "Immigration inspectors".

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Ed, this has to stop immediately. For no more the Mexican-American community will stand for criminal racism attitudes of individuals such as the Immigration Department. I would recommend that a Congressional hearing against the Department of Immigration would be advisable or other action against this irresponsible department can be taken. I know that this will take very hard work, but as I accomplished the one against Customs, I can also start working on the Immigration Department.

Congressman Edward R. Roybal  
Page 2  
November 25, 1972

I have many cases documented in regards to these brutalities, therefore,  
I ask for your immediate intervention and interest on this matter.

With warm personal regards.

Sincerely,

Albert R. Garcia  
President

Enc:

c.c. Congressman Donald W. Riegle, Jr.  
Senator Alan Cranston  
Senator Edward M. Kennedy  
Mrs. Romana Banuelos, U.S. Treasurer  
Raymond F. Farrell, Commissioner of Immigration  
Gilbert G. Pompa, Associate Director  
Henry Ramirez, Associate Director, President's Cabinet Committee  
John Bonds, Deputy Regional Commissioner  
Herman Baca, County Director, M.A.P.A.  
Victor Villalpando, Mexican-American Community Affairs Officer  
Daniel Munos, S.S.P.A., President  
Luis Natividad, Executive Director, Chicano Federation  
Richard Resendez, President, G-I Forum

EDWARD R. ROYBAL  
30TH DISTRICT, CALIFORNIA

504 CANNON OFFICE BUILDING  
WASHINGTON, D.C. 20515

LOS ANGELES OFFICE:  
ROOM 7110, NEW FEDERAL P.O. BLDG.  
300 N. LOS ANGELES STREET  
LOS ANGELES, CALIFORNIA 90012  
PHONE: 688-4870

# Congress of the United States

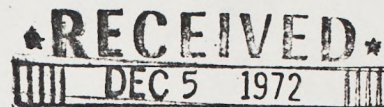
## House of Representatives

Washington, D.C. 20515

November 29, 1972

COMMITTEE ON  
APPROPRIATIONS

SUBCOMMITTEES:  
FOREIGN OPERATIONS  
TREASURY-POST OFFICE-  
GENERAL GOVERNMENT  
CIVIL DEFENSE



Congressional Liaison  
Department of Justice  
9th & Constitution Ave., N.W.  
Washington, D. C. 20530

Dear Sir:

It has been brought to my attention that a situation now exists in San Diego which raises a number of grave legal questions. According to newspaper accounts and letters I have received from concerned individuals and groups, Sheriff John Duffy of San Diego has issued an order directing taxi cab drivers to assist Immigration Department Officials by informing on passengers whom the driver feels might be an illegal immigrant. This determination is to be based on the taxi rider's appearance, speech pattern and dress. The cab driver must notify his dispatcher of his feeling so that a police officer will intercept the cab and make an investigation. If the cab driver should fail to notify the authorities he may be subject to a jail sentence of up to five years and a fine of \$2,000. This procedure raises a number of serious legal questions concerning the legal propriety of the sheriff's directions and Immigration Department involvement.

First, it is quite clear that neither the sheriff's deputy nor any immigration official could take this type action without probable cause. Therefore, it seems strange that a cab driver should be able to initiate a process which ultimately results in an investigation by a law enforcement on a basis less than probable cause.

Second, a number of cab drivers have stated that as a consequence of these regulations and the severe penalties they may face, they refuse to pick up any person who appears to be of Mexican descent. This practice results in a denial of the right to travel to United States citizens of Mexican American heritage.

Thirdly, it seems highly doubtful that the Immigration Department has the authority to delegate this authority to a sheriff who in turn delegates it to his taxi cab drivers.

Congressional Liaison  
November 29, 1972  
Page two

Lastly, if the taxi cab drivers are agents of the federal government this appears to raise problems of liability on the part of the federal government for false imprisonment or a violation of some of the Civil Rights laws that contain liability provisions concerning "color of law". Even if the taxi cab driver is not an agent of the government there is still an arguable claim of indemnity should a situation involving false imprisonment arise.

I think that it would be in the best interest of every citizen and the federal government for the Justice Department to commence an immediate investigation of this matter and the legal problems which the situation has engendered.

Sincerely yours,

EDWARD R. ROYBAL  
Member of Congress

ERR:hss

cc: Daniel Munoz, President  
Spanish Speaking Political Association  
Ad Hoc Committee on Border Brutalities



AD HOC COMMITTEE  
ON BORDER BRUTALITIES  
323 $\frac{1}{2}$  E. San Ysidro Blvd.  
San Ysidro, CA 92073

November 30, 1972

Mayor Peter Wilson  
City of San Diego  
202 G. Street  
San Diego, California

Dear Pete:

As Chairman of the Ad Hoc Committee on Border Brutalities and also Chairman of the Southbay Neighborhood Corporation which represents residents of the greater part of South Bay from National City to San Ysidro, up to the international border back to Jamul and up to San Diego, I wish to address myself against the San Diego Police Department.

I have been receiving many complaints in regards to police harassment against Mexican nationals and Mexican-American residents. It seems to me that the memorandum of Sheriff Duffy, dated September 15, 1972, was also directed to the San Diego Police Department deputizing taxi cab drivers concerning the transporting of illegal aliens, and we now have and have had the San Diego Police Department, Southern Division, harassing many people in this area.

I have witnessed many instances where police officers are undertaking the jobs of the Immigration and Naturalization Service in this area, for example: On November 22, 1972, Officer Navarro, on or about 9:15 a.m. was harassing a Mexican-American San Ysidro resident in the process of checking out his legal status in this country. I myself undertook the task of talking to the gentleman who was interrogated by Officer Navarro, and this gentleman stated to me that this was not the first time that the San Diego Police Department has harassed him, but stated that on Mondays, Thursdays and Saturdays, police officers undertake the jobs of immigration inspectors and appear at the HRD office in San Ysidro Blvd. asking to all present for immigration identification and harassing these poor working individuals. Also, on November 26, again, I witnessed three San Diego Police officers maltreating and harassing two Mexican males, this was also on San Ysidro Blvd. and E. Park Avenue at approximately 10:55 a.m., patrol car license no. 576 323; and Pete, this is not hearsay, I saw it with my own eyes.

As you are now aware that the memorandum issued by Sheriff Duffy has evoked strong feelings within the minority members of the Mexican-American community are particularly incensed by what they feel is an implied blanket indictment

Mayor Peter Wilson  
Page 2  
November 30, 1972

of all persons of latin appearance within the County of San Diego. I believe that the San Diego Police Department has other task to fulfill on their daily duties without taking upon themselves to become immigration inspectors at the same time. We are lacking much police protection in this area, when our homes are being broken into and other criminal acts are being committed, never these law enforcement officers appear on time, but when a poor Mexican resident or Mexican-American citizen are being continuously stopped by a San Diego police officer, you can immediately spot between two or three police vehicles; and these are actual facts.

There has been many other incidents that have happened to San Ysidro residents of police brutality, but nothing to date on the part of the Police Department has been alleviated. We have no efficient community relations office in this area, we have no efficient law enforcement officers in this area of Spanish-speaking and no consideration has been given to the many brutalities that police officers undertake against residents of this area. The San Diego Community Relations Board is unefficient to handle brutality problems against Law enforcement Agencies because of the continued red-tape the Police Department has in solving or white-washing many police brutalities.

This is why at this time, the Ad Hoc Committee on Border Brutalities, which has representation of all County Organizations, is strongly protesting against this department and we most urgently suggest that the aforementioned problems be stopped immediately by gestapo police officers in this area due to the greatly disturbing problems that I have outlined, and at the same time it has had the community within the sphere of all responsibility.

We respectfully welcome your reply to the comments expressed here.

Sincerely,

Albert R. Garcia  
Chairman

ARG/lr

UNITED CALIFORNIA MEXICAN-AMERICAN ASSOCIATION  
323 $\frac{1}{2}$  E. San Ysidro Blvd.  
San Ysidro, CA 92073

December 5, 1972

Joseph E. Dupuis, Officer in Charge  
United States Department of Justice  
Immigration and Naturalization Service  
San Diego Border Station  
San Ysidro, California 92073

Dear Mr. Dupuis:

On November 30, 1972, on a regular constituted meeting in the community of San Ysidro, I was duly elected president of the United California Mexican-American Association and at the same meeting, by unanimous request of members present, I was instructed to address myself to the many uncourteous attitudes adopted by border guards who work under the Immigration and Naturalization Service.

Many complaints have reached this organization alleging irresponsible, unprofessional, maltreatment and intimidation from inspectors who handle the public at that port. As you are aware, I have brought to your attention many incidents of plain uncourteous treatment to people on both sides of the border. In many cases have been arising of the typical racist maltreatment procedure that is being used against Mexican nationals, Mexican residents and Mexican-American citizens coming through this port in the ways that immigration inspectors conduct searches on women's handbags and other personal articles that most women carry. This procedure has raised many complaints as to the way this is conducted.

I would like to remind you that on Page 149 of the Subcommittee Hearings for the fiscal year 1973 of the House of Representatives of the Congress of the United States of America, stipulates as follows: A SEARCH OF POCKETS AND WOMEN'S HANDBAGS SHOULD NOT BE MADE AS A MATTER OF ROUTINE, BUT MAY BE MADE WHEN DEEMED NECESSARY. SUCH SEARCHES SHOULD BE MADE COURTEOUSLY AND TACTFULLY AS POSSIBLE, AND CONSIDERATION SHOULD BE GIVEN TO THE PASSENGER'S RIGHT TO PRIVACY. SEARCH OF POCKETS SHOULD NOT BE MADE IN THE PUBLIC VIEW, AND IN NO CASE SHOULD "HIPSLAPPING" BE USED AS A METHOD OF INSPECTION. So, I believe very strongly that new training and other ways should be acknowledged to your men and advise them of possible personal law suits that will be filed against an abusive inspector that continues this type of tactics. Therefore, no excuse for any inspector to act in the way that they have been acting, and also with this kind of attitude the image of the United States Constitution and the United States Government is being completely lowered to zero. Many countries and many people respect the United States by its greatness and courteous

Joseph E. Dupuis, Officer in Charge  
Page 2  
December 5, 1972

attentions, however the Immigration and Naturalization Service has demonstrated different.

I wish for you to take these remarks on a friendly recommendation by me and the organization that I represent, and I welcome your reply to the comments expressed here.

With warm personal regards.

Sincerely,

Albert R. Garcia  
President

c.c. Congressman Edward R. Roybal  
Congressman Lionel Van Deerlin  
Congressman Donald W. Riegle, Jr.  
Senator Alan Cranston  
Senator Edward M. Kennedy  
Mrs. Romana Banuelos, U.S. Treasurer  
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John Bonds, Deputy Regional Commissioner  
Herman Baca, County Director, M.A.P.A.  
Victor Villalpando, Mexican-American Community Affairs Officer

# The Superior Court

COUNTY OF SAN DIEGO  
GRAND JURY  
7003 COURTHOUSE  
SAN DIEGO, CALIFORNIA 92101

January 4, 1973

Frederick L. Hetter, Esq.  
Hetter, Glick & Haviland  
Attorneys at Law  
440 Olive Street  
San Diego, California 92103

Re: Grand Jury File #72-92

Dear Mr. Hetter:

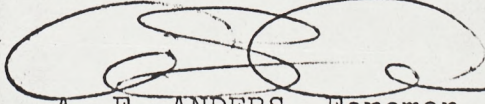
In response to your letter dated November 14, 1972, concerning Marta Parra-Lopez, we have made inquiry as to the status of this matter. It is our understanding that an exhaustive investigation was conducted of the allegations by Mrs. Parra-Lopez that she had been raped by Kenneth Cocke. This matter was investigated locally by both the San Diego Police Department and the San Diego District Attorney's Office.

In view of the fact that Mr. Cocke was a Federal officer who was on duty at the time of the incident, and that there was a substantial question as to whether a prosecutable case had occurred, this matter was turned over to Federal authorities for investigation relative to possible civil rights violation. Another thorough investigation was conducted by the Federal Bureau of Investigation and that testimony was presented to a Federal Grand Jury.

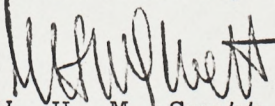
The matter is presently being evaluated by the United States Department of Justice relative to the initiating of a Federal prosecution. Because of the foregoing information, the Grand Jury has closed this case.

Very truly yours,

SAN DIEGO COUNTY GRAND JURY



A. F. ANDERS, Foreman



W. H. M. Swett, Chairman  
Public Safety and Law Enforcement  
Committee

UNITED STATES DEPARTMENT OF JUSTICE  
IMMIGRATION AND NATURALIZATION SERVICE

PLEASE ADDRESS REPLY TO

SOUTHWEST REGIONAL OFFICE  
TERMINAL ISLAND  
SAN PEDRO, CALIFORNIA 90731

AND REFER TO THIS FILE NO.

SW 71/15.2-C

December 6, 1972

Mr. Wilbur H. Hagler  
Director of the Community  
Relations Department  
1348 E. Street  
San Diego, California 92101

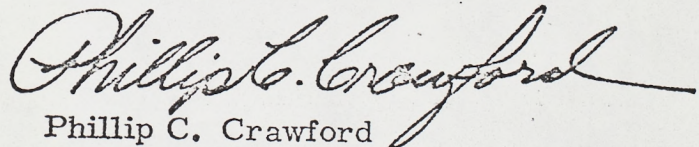
DEC 8 REC'D

Dear Mr. Hagler:

Receipt is acknowledged of your letter of November 30, 1972, in which you request a copy of investigative report prepared by an investigator of this office involving an accident in which Antolin Gutierrez Morfin, an illegal Mexican alien, was allegedly injured by a Service vehicle. The letter has been referred to me for response.

Since the interest of the San Diego Community Relations Department in this matter has not been established and, further, the report represents a confidential and internal inquiry of this Service into the matter, we cannot make a copy of the report available to you. As a matter of further information, it may be of interest to you to know that the Mexican Consul conducted his own inquiry into the matter and may be able to furnish you further information in connection with his investigation.

Very truly yours,



Phillip C. Crawford  
Assistant Regional Commissioner  
Administrative Services

agency terms it 'unfortunate accident'

# Mexican suing Border Patrolman; says he ran over him

San Diego attorney, representing a Mexican alien claims he was run over by Border Patrol jeep, is filing a complaint against the officer who drove the vehicle.

Attorney Frederick Hetter said he is filing a personal injury suit against Border Patrol Agent Dennis Boux, the

driver of the jeep, who allegedly ran down Antolin Gutierrez Nov. 20 in Otay Mesa.

ACCORDING TO a University Hospital report, Gutierrez suffered five broken ribs, two broken vertebrae and numerous bruises on his hands and legs. He was released from the hospital Dec. 1, after eight days of treatment.

Gutierrez claims that he and three others were entering the United States (illegally) when they were spotted by the Border Patrol. The Border Patrol agents flashed reflector

lights at the aliens, who ran to hide from the jeep, according to reports.

In his attempt to escape, Gutierrez reportedly threw himself on the ground and was run over by the jeep. However, the 32-year-old alien states that the jeep then returned and intentionally ran over him again.

A REPRESENTATIVE of the Border Patrol, who asked not to be identified, said the Border Patrol has completed its investigation of the incident and regards it as merely an "unfortunate accident."

"Our investigation shows

that there was no negligence or malice on the part of either officer involved," he said.

Albert Garcia, Southbay Neighborhood Corp. president and chairman of the Ad Hoc Committee on Border Brutalities, did not agree with the findings of the Border Patrol's investigation.

"They claim it was an accident, but to drive over a man twice cannot be considered an accident," he said. "Gutierrez believes that those guys were trying to kill him."

WHILE GUTIERREZ is

recuperating in Mexico with his family, Garcia has been busy trying to stir up concern in the United States.

He has already written to Reps. Lionel Van Deerlin (D-Chula Vista) and Edward Roybal (D-Los Angeles), who is heading a congressional subcommittee investigating abuses by U.S. Customs officials.

"This is not the only instance of border brutalities on record," Garcia said. "Through my organizations, and with the attorney's help, I hope to get to the bottom of the intent in these border incidents."

According to Garcia, the United California Mexican-Americans Assn., of which he is president, is planning to

request a congressional hearing against the United States Immigration and Naturalization Service.

Border Brutalities

SOUTHBAY NEIGHBORHOOD CORPORATION  
323<sup>1</sup>/<sub>2</sub> E. San Ysidro Blvd.  
San Ysidro, CA 92073

December 11, 1972

Congressman Lionel Van Deerlin  
211 Cannon Office Building  
Washington, D. C. 20515

Dear Van:

This is to acknowledge your letter of November 30, 1972, in which you state the none factual manner in which I criticize the Immigration inspectors; as I stated (inhuman animals). If they would proceed to change their attitudes as an agency with responsibility and demonstrate to me and residents of this county a better understanding and more human treatment to individuals, I would be the first person to apologize and recognize their good behavior. However, the experiences that many Mexican nationals, Mexican residents, and Mexican-United States citizens have had with border guards have not been peaches and cream.

You talk about facts, you say that Mr. Gutierrez, who has previously been deported from this country for illegal entry, it is true. I am aware of these facts, I am aware that Mr. Gutierrez broke the law as far as the Immigration and Naturalization Service is concerned, and I know that the law has to be complied with; but my concern is the way that the law is enforced against many human beings, I do not care if he is from Mexico, the United States, Russia, or communist China; I think that people should be treated equal and I also believe in my own personal opinion that the facts the Immigration and Naturalization Service gave you are not quite true but how can we doubt it, neither you nor myself were present.

I can understand when an individual is ran over once, you can call that an accident. But when he is down a second time that is no accident, that to me is plain brutal criminal procedure from these law enforcement individuals. You also state that Mr. Gutierrez was deliberately trying to hide, let me state that when Mr. Gutierrez was trying to get up from the first blow the jeep was already on top of him the second time, and this is no accident. However, you can call this unfortunate for Mr. Gutierrez, that is true, because from this he got five broken ribs, two broken vertebral and got serious injuries in his body, this is so unfortunate; but if these individuals would be more conscientious of their duties, none of these situations would happen.

Also, very unfortunate is the rape case of Martha Elena Parra Lopez by Border Patrol agent Kenneth Cocke which was white washed completely by City, County, State and Federal Agencies. Also unfortunate is the case



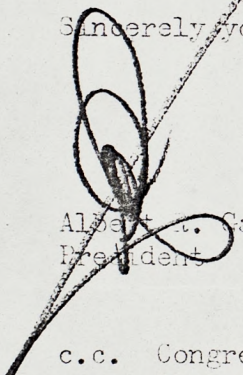
of Francisco Hernandez Moreno who was maltreated, beaten and abused by Sheriff and Border Patrol inspectors, also unfortunate is the case of Carlos Valdovinos Maldonado which on September 28, 1972, his personal property (automobile) was completely destroyed by Border Patrol inspectors, and just for trying to claim his rights was put in jail, also unfortunate the matter of Cuauhtemoc Chacón who was threaten and abused by Border Patrol inspectors trying to get a confession which never happened. And many, many other unfortunate situations that are committed by border guards in this area and other areas, it is not just because I like to criticize this department but with your help and the help of many other citizens we can stop many of these type of abuses. I think that I, as a citizen of this great county, can give my humble opinion and request a better treatment for human beings.

I also would like to point out that the reason you did not find Mr. Roybal's name on the carbon copy list is that I sent him a personal letter outlining the same situation, and I pray to God that you can understand my feelings and the feelings of many concerned citizens in this area, and together; people like Edward Roybal, Donald Riegler and yourself can really change human treatment to human beings.

I would further recommend that the next time you are in San Diego we should get together to discuss the possibilities of terminating the above mentioned problems.

With best wishes for Christmas and New Year .

Sincerely yours,

  
Albert T. Garcia  
President

c.c. Congressman Edward R. Roybal  
Congressman Donald W. Riegler, Jr.  
Mr. Herman Baca, County Director  
Mr. Victor Villalpando, Mexican-American Community Affairs Officer



# SAN DIEGO HUMAN RELATIONS AGENCY

3730 FIFTH AVENUE • SAN DIEGO, CALIF. 92103 • PHONE (714) 299-2840

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La Jolla

JOSEPH R. STABLES  
Inspector, Sheriff's Dept.  
County of San Diego

\*SALLY VAOVASA  
San Diego

\*DR. EDWARD M. WEBB  
San Diego

MRS. MARY FRANCES WELMAS  
Escondido

\*Executive Committee Members

EXECUTIVE DIRECTOR  
FLOYD WILSON

December 18, 1972

Mr. Edwin L. Miller, Jr.  
District Attorney  
San Diego County  
220 West Broadway  
San Diego, California 92101

Dear Mr. Miller:

On May 31, 1972, Kenneth W. Cocke, a United States Border Patrol Officer allegedly raped a 26 year old female Mexican National, Martha Elena Parra Lopez, while in the process of deporting her back into Mexico. (See copy of attached affidavit.)

Mr. Phil Saenz of the San Diego County District Attorney's Office conducted a preliminary investigation in which it was determined that the alleged crime took place within San Diego City Limits. It was therefore decided that the agency with primary jurisdiction handle it and thus, the San Diego Police Department conducted an investigation.

The matter was then referred to the District Attorney's Office who referred the matter to the Federal Bureau of Investigation. Apparently the F.B.I. did not feel it had jurisdiction in the matter and returned it. The District Attorney then referred the matter to the United States Attorney's Office here in San Diego.

Witnesses testified before a Federal Grand Jury and the case was presented to the Department of Justice, Civil Rights Division for consideration. To our knowledge this matter is still pending and has been since July, 1972.

The Human Relations Agency is concerned that apparently a woman, regardless of her nationality, has no legal recourse against forcible rape in San Diego County.

Mr. Edwin L. Miller, Jr.  
December 18, 1972  
Page 2

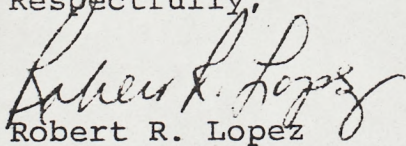
We are sure you will agree, that a San Diego woman visiting Mexico, Canada, or any other country should have legal protection against such a heinous offense--especially from government officials of the country. A Mexican National should have that same protection in our country irrespective of the legality of her entry.

Furthermore, Mr. Kenneth Cocke should have the opportunity to clear his name if indeed he is innocent. In any event, this Agency feels strongly that legal action by the District Attorney is called for and must be pursued immediately. This case has been bounced back and forth between Federal and local jurisdictions and has already experienced far too much delay. Inasmuch as rape is not a federal offense, unless committed on a Federal reservation, this matter clearly falls into the jurisdiction of the District Attorney in accordance with California's Penal Code, Title IX, Section 261.

The San Diego Human Relations Agency hopes that you agree with its assessment of the case, and that your office will take prompt legal action. This is a top priority item with our Agency, and if we do not hear from you soon, we intend to pursue it through other channels.

Thanking you in advance for your cooperation.

Respectfully,

  
Robert R. Lopez  
Chairman

RRL:jb

cc: Ken Morales, State Attorney General's Office  
Harry Steward, United States Attorney  
United States Civil Rights Commission  
Evelle J. Younger, California State Attorney General

December 4, 1972

To: Mrs. Portia Goode, Chairwoman  
Board of Trustees, Grossmont College

From: LeRoy Jaquez, Chicano Student (Grossmont College)

For too long Mexicans in this country have been subjected to discrimination and exploitation perpetrated by racial bigots whose perspectives of people from other races and cultures have been so limited as to regard these people as "beings" without human feelings, pride, or human dignity.

Very often this racism has been perpetrated by racist policies institutionalized by previous generations and more important, by attitudes manifested in "cute jokes" about ethnic minorities.

The latest quip of one of our "esteemed" and duly elected board members, Mr. Faulwetter, is a classic example of racial bigotry cloaked in the guise of humor. We understand that Mr. Faulwetter made the following comment in reference to three Mexican educators who will be here in San Diego to study various aspects of administration in San Diego colleges: "If they are carrying more than one suit of clothing and an onion bag, watch out!"

We consider this statement to be insulting and inflammatory and therefore demand a public apology from Mr. Faulwetter to the three gentlemen from Mexico and to the Chicano community.

Sincerely,

*LeRoy Jaquez*  
LeRoy Jaquez

cc:

- Mr. Herman Baca, Mexican American Political Association (MAPA) ✓
- Mr. Louis Natividad, Chicano Federation of San Diego County
- G.I. Forum, El Cajon Chapter
- Mr. Vic Villapando, Mexican American Affairs Officer, County of San Diego
- Mr. Manny Cruz, Daily Californian
- Mr. Paul Jacques, Coordinator, Multicultural Studies, Grossmont College
- Heartland Human Relations Commission (Ethel L. Hawks, Chairman)
- Mr. Robert Lopez, Chariman, San Diego County Human Relations Commission
- CASA " Centro de Accion Social Autonomo", Autonomous Center for Social Action, Inc.



THE DEPARTMENT OF THE TREASURY  
FISCAL SERVICE

WASHINGTON, D.C. 20220

TREASURER OF THE UNITED STATES

December 5, 1972

Mr. Albert R. Garcia  
Chairman, Ad Hoc Committee  
on Border Brutalities  
323 1/2 E. San Ysidro Boulevard  
San Ysidro, California 92073

Dear Mr. Garcia:

Please forgive the unavoidable delay in acknowledging the receipt of the copies of your letters of November 20th to Mr. Raymond F. Farrell, Commissioner, Immigration and Naturalization Service and November 25th to the Honorable Edward R. Roybal, concerning the situation which has developed within the community of San Diego County.

I have noted that copies of your correspondence have been sent to all the interested parties and I hope that this matter will be resolved.

Thank you for sending me the copies of your letters.

Cordially,

*Romana Acosta Banuelos*  
Romana Acosta Banuelos

LIONEL VAN DEERLIN  
37TH DISTRICT, CALIFORNIA

COMMITTEE ON INTERSTATE  
AND FOREIGN COMMERCE

SUBCOMMITTEES:  
COMMUNICATIONS AND POWER  
SPECIAL SUBCOMMITTEE ON  
INVESTIGATIONS

Congress of the United States  
House of Representatives  
Washington, D.C. 20515

211 CANNON HOUSE OFFICE BUILDING  
WASHINGTON, D.C. 20515

DISTRICT OFFICE:  
POST OFFICE BOX 729  
MAIN POST OFFICE BLDG.  
SAN DIEGO, CALIFORNIA 92112

November 30, 1972

Dear Albert:

Your somewhat intemperate letter of November 24 in which you characterized Immigration officers as "inhuman animals" and accuse them of brutality seems to me to have been written without due regard for the facts.

I have made inquiries into the matter, and find that an investigation of the incident in which Mr. Antolin Gutierrez Morfin was injured has been conducted both by the Police Department and by the Immigration Service. The facts brought out by the investigation seem to be considerably at variance with the version you have presented.

These facts indicate that Mr. Gutierrez, who has previously been deported from this country for illegal entry, was one of a group of four Mexican nationals who illegally entered this country on the night of November 19. They were discovered by two members of the Immigration Service who persued them in the area of Brown Field. Attempting to evade capture, Mr. Gutierrez tried to hide in a clump of bushes which lay in the path of the Immigration Inspector's jeep. It was 1:30 in the morning,

and according to his own account Mr. Gutierrez was lying face down in an attempt to remain unnoticed. In view of the fact that Mr. Gutierrez was deliberately trying to hide, it is not surprising that the Inspectors failed to see him before he was struck by the jeep.

The three other illegal aliens were captured, an ambulance was called, and Mr. Gutierrez was transported to hospital. His expenses there, including the cost of his transportation, were paid by San Diego taxpayers. Mr. Gutierrez's injuries were apparently not severe, and I understand that he is to be released from the hospital on December 1. He and the three men with him have been charged with illegal entry into this country.

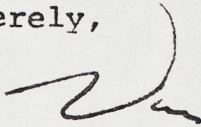
It is unfortunate that Mr. Gutierrez was injured. If my information is correct, however, it should be pointed out that he was breaking the laws of this country, was attempting to evade capture by officers carrying out their duties, and in attempting to conceal himself from these officers his own actions were a major factor in the injury which resulted.

In your considerable list of persons to receive carbon copies, I note with some surprise the omission of Representative Ed Roybal, whose Appropriations subcommittee has already dug deeper than any other into allegations of border brutality. I am therefore taking

-3-

the liberty of forwarding copies of our correspondence  
to Mr. Roybal.

Sincerely,



Lionel Van Deerlin  
Member of Congress

Mr. Albert R. Garcia  
President  
South Bay Neighborhood Corporation  
323 1/2 East San Ysidro Boulevard  
San Ysidro, California 92073

LVD:c



UNITED STATES DEPARTMENT OF JUSTICE  
IMMIGRATION AND NATURALIZATION SERVICE

2223 El Cajon Boulevard  
San Diego, California 92104

A10 831 644

November 21, 1972

Mr. Albert Garcia  
Chairman, Border Committee on Brutalities  
323½ East San Ysidro Boulevard  
San Ysidro, California 92072

Dear Mr. Garcia:

I refer to the news release you handed me on leaving my office November 16, 1972. You asked that I direct specific attention to item #5. It appears that item #5 and item #3 are related and I wish to advise you that persons who are charged by this Service as being an alien who is subject to deportation are granted a hearing. However, prior to the commencement of the hearing the Special Inquiry Officer does advise such persons of their right to representation, and I know of no case in which the Special Inquiry Officer has refused to continue a case based upon a reasonable request for time to obtain testimony of witnesses. I would indeed appreciate it if you can furnish me instances of the contrary. I wish to state further that in the event of an unfavorable decision by the Special Inquiry Officer they are always informed by him of their right to appeal in such a case. These procedures are required by regulation. And, although the Service is not by regulation required to do so, when a person under proceedings desires the services of an attorney and does not have the funds to pay for such services, he or she is informed that legal representation may be obtained from the Legal Aid Society and/or through the Federal Defenders, Inc. Therefore, I cannot accept your statement that the immigration authorities conspire to deprive the Chicano people of their rights to a fair and impartial hearing when charged with an immigration violation, and I hereby reject such charge.

In relation to item #4--Maria Rivera-- you are advised the facts in her case show that she abandoned her residence in the United States by residing in Tijuana from 1959 until January 18, 1964. It is true Mrs. Rivera made a sworn affidavit before an officer of this Service while she was in the county hospital. She was not at that time under heavy sedation. She did not give up her rights to remain in the United States, and the officer to whom she made the statement is now Supervisory Immigration Inspector William Rude whom you know very well, who you also know speaks very fluent Spanish. At the precise time Mr. Rude was under my supervision and I know he then also spoke the Spanish language fluently. Although Mrs. Rivera is and has been subject to deportation, deportation proceedings were never instituted against her. In lieu thereof she has been permitted to remain in the United States to the present time, thereby accumulating a continuity of sufficient residence to enable her to qualify for suspension of deportation, which proceedings I intend to initiate in the very near future, and which I predict will result in permitting her to again

Mr. Albert Garcia

-2-

November 21, 1972

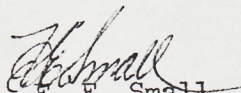
become a legal permanent resident of the United States. These proceedings would have normally been instituted in due time. However, because you have called it to my attention, I plan to institute proceedings earlier than would have normally occurred.

In relation to the letter issued by the Sheriff to the taxi operators, I understand this letter is being amended. I have previously advised you of this Service's position in relation to cooperation with all law enforcement agencies and private citizens, and can only state that any objection to action by the Sheriff's Department should not be directed to this Service.

The staff at the county hospital has in no way been requested by this Service to investigate a patient's immigration status. You may be interested in knowing that an investigator from this office periodically goes to the county hospital; and when he determines that a person who is the holder of a border crossing card is indebted to the county for hospital care he does lift the border crossing card. This action is taken because such person is no longer admissible to the United States. This inadmissibility is removed if and when the indebtedness is taken care of, in which case the border crossing card would be reissued.

As you are aware, this Service is making a concentrated effort to improve its service to the public, and as you have also been told steps are being taken and will continue to be taken to train, and if necessary remove, officers who do not properly deal with the public. I realize the pace is not as rapid as you and others would like, but assure you that your efforts to bring these matters to our attention are appreciated and that all complaints in this respect will be fully investigated.

Sincerely,

  
F. E. Small  
Officer in Charge

UNITED STATES DEPARTMENT OF JUSTICE  
IMMIGRATION AND NATURALIZATION SERVICE

SOUTHWEST REGIONAL OFFICE  
TERMINAL ISLAND  
SAN PEDRO, CALIFORNIA 90731

PLEASE ADDRESS REPLY TO

AND REFER TO THIS FILE NO.

December 6, 1972

SW 71/15.2-C

Mr. Wilbur H. Hagler  
Director of the Community  
Relations Department  
1348 E. Street  
San Diego, California 92101

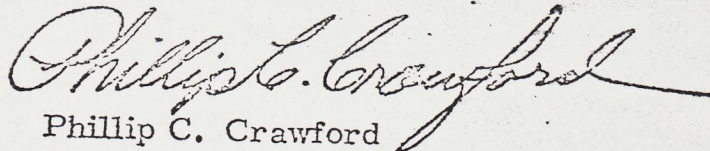
DEC 8 REC'D

Dear Mr. Hagler:

Receipt is acknowledged of your letter of November 30, 1972, in which you request a copy of investigative report prepared by an investigator of this office involving an accident in which Antolin Gutierrez Morfin, an illegal Mexican alien, was allegedly injured by a Service vehicle. The letter has been referred to me for response.

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Very truly yours,



Phillip C. Crawford  
Assistant Regional Commissioner  
Administrative Services

LIONEL VAN DEERLIN  
37TH DISTRICT, CALIFORNIA

211 CANNON HOUSE OFFICE BUILDING  
WASHINGTON, D.C. 20515

COMMITTEE ON INTERSTATE  
AND FOREIGN COMMERCE

Congress of the United States  
House of Representatives  
Washington, D.C. 20515

DISTRICT OFFICE:  
POST OFFICE BOX 729  
MAIN POST OFFICE BLDG.  
SAN DIEGO, CALIFORNIA 92112

SUBCOMMITTEES:  
COMMUNICATIONS AND POWER  
SPECIAL SUBCOMMITTEE ON  
INVESTIGATIONS

November 30, 1972

Dear Albert:

Your somewhat intemperate letter of November 24 in which you characterized Immigration officers as "inhuman animals" and accuse them of brutality seems to me to have been written without due regard for the facts.

I have made inquiries into the matter, and find that an investigation of the incident in which Mr. Antolin Gutierrez Morfin was injured has been conducted both by the Police Department and by the Immigration Service. The facts brought out by the investigation seem to be considerably at variance with the version you have presented.

These facts indicate that Mr. Gutierrez, who has previously been deported from this country for illegal entry, was one of a group of four Mexican nationals who illegally entered this country on the night of November 19. They were discovered by two members of the Immigration Service who pursued them in the area of Brown Field. Attempting to evade capture, Mr. Gutierrez tried to hide in a clump of bushes which lay in the path of the Immigration Inspector's jeep. It was 1:30 in the morning,

and according to his own account Mr. Gutierrez was lying face down in an attempt to remain unnoticed. In view of the fact that Mr. Gutierrez was deliberately trying to hide, it is not surprising that the Inspectors failed to see him before he was struck by the jeep.

The three other illegal aliens were captured, an ambulance was called, and Mr. Gutierrez was transported to hospital. His expenses there, including the cost of his transportation, were paid by San Diego taxpayers. Mr. Gutierrez's injuries were apparently not severe, and I understand that he is to be released from the hospital on December 1. He and the three men with him have been charged with illegal entry into this country.

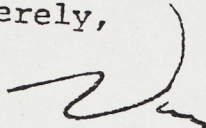
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-3-

the liberty of forwarding copies of our correspondence  
to Mr. Roybal.

Sincerely,



Lionel Van Deerlin  
Member of Congress

Mr. Albert R. Garcia  
President  
South Bay Neighborhood Corporation  
323 1/2 East San Ysidro Boulevard  
San Ysidro, California 92073

LVD:c



THE CITY OF

# SAN DIEGO

POLICE DEPARTMENT • 801 WEST MARKET STREET • SAN DIEGO • CALIFORNIA 92101  
(714) 238-7345

OFFICE OF THE  
CHIEF OF POLICE

December 26, 1972

IN REPLYING  
PLEASE GIVE  
OUR REF. NO.

15.11

Mr. Frederick Hetter  
Hetter, Glick and Haviland  
Attorneys at Law  
440 Olive Street  
San Diego, California 92103

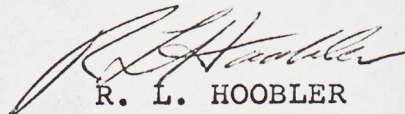
Dear Sir:

I believe that the apparent "inconsistencies" concerning an "investigation" by the San Diego Police Department into the injury of Mr. Antolin Gutierrez may be resolved.

The accident in which Mr. Gutierrez was injured was investigated and reported as a traffic accident. There has been no investigation of this matter as an incident of misconduct or complaint by this department.

The attached report is available to all attorneys or involved parties and is forwarded for your convenience. This is the only report made by our department.

Sincerely,

  
R. L. HOOBLER  
Chief of Police

448-2411  
Edgemore

SAN DIEGO POLICE DEPARTMENT TRAFFIC ACCIDENT REPORT

ACCIDENT OCCURRED ON  
 Open field South of 2700 Sunset Ave. bet. 27th St. and Dairy Mart Rd.

212 FT.  N  S  E  W OF SCL of Sunset Ave.

DATE OF ACCIDENT  
 NOV 20 72 Mon. TIME 0020

PATROL BEAT OF OCCURRENCE 93

INVESTIGATION MADE  AT SCENE  NOT AT SCENE

# VEH. INVOLVED One FOR OFFICE USE A-PED 17

2. INJURY -1  
 3. PROP. DAMAGE ONLY  
 H. & R. NO. A16230  
 CITATIONS ISSUED

DRIVER (LAST) (FIRST) (MIDDLE)  
 OWNER ROUX, Dennis Eugene  
 ADDRESS P.O. BOX 42E U.S. Border Patrol, San Ysidro  
 SEX M AGE 26

DRIVERS LIC. # N707151 CLASS VEH. MAKE III Int'l YEAR BODY TYPE 69 Scout VEHICLE LIC. # J11458 STATE U.S. GOVT YEAR DISPOSITION OF VEH. 72 Driver POLICE HOLD PRIVATE

MOVING  STOPPED  PARKED  FACING N  S  E  W ON open field south of 2700 Sunset Avenue

REGISTERED OWNER (LAST) (FIRST) (MIDDLE) ADDRESS (CITY) (STATE)  
 U.S. Government P.O. Box 42E, San Ysidro, Calif.

DRIVER (LAST) (FIRST) (MIDDLE) ADDRESS SEX AGE SPEED 10 ZONE SPEED Ø

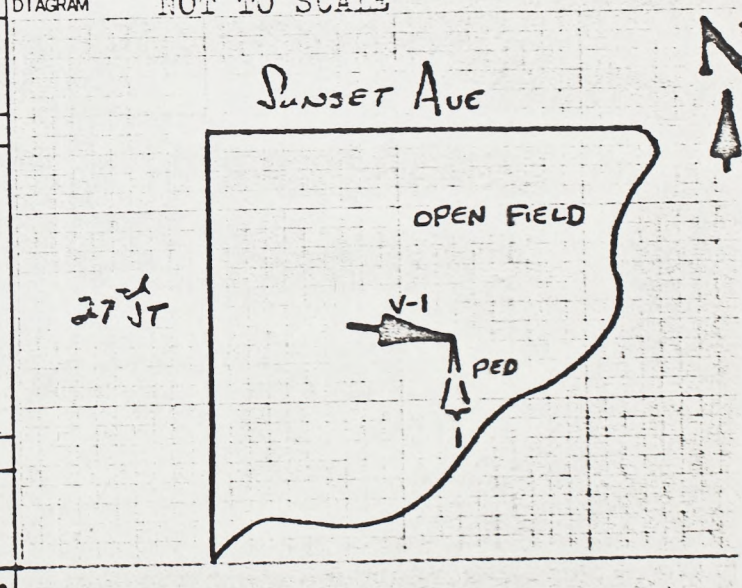
DRIVERS LIC. # CLASS VEH. MAKE YEAR BODY TYPE VEHICLE LIC. # STATE YEAR DISPOSITION OF VEH. POLICE HOLD PRIVATE

MOVING  STOPPED  PARKED  FACING N  S  E  W ON REGISTERED OWNER (LAST) (FIRST) (MIDDLE) ADDRESS (CITY) (STATE) SPEED ZONE SPEED

OTHER PROP. DAMAGE: DESCRIBE OWNER ADDRESS NOTIFIED  YES  NO

WITNESS NAME HENNING, J.J. ADDRESS U.S. Border Patrol WITNESS NAME ADDRESS

PRIMARY CAUSE OF ACC.	1. SOBRIETY		2. VEHICLE ACTION		TYPE OF ACCIDENT	CONSTRUCTION ZONE
	1	2	1	2		
1. SPEEDING	<input checked="" type="checkbox"/>	1. HAD NOT BEEN DRINKING	<input checked="" type="checkbox"/>	1. GOING STRAIGHT AHEAD	COLLISION OF MOTOR VEH. WITH	1. BARRICADES PRESENT
2. VIOLATED REG. RT. OF WAY		HAD BEEN DRINKING AND:	2. CHANGING LANES	1. RAN OFF ROAD		2. ROAD CONSTR.
3. VIOLATED RT. OF WAY ALT.		2. OBVIOUSLY DRUNK	3. MAKING RIGHT TURN	2. OVERTURNED IN ROAD		3. OTHER CONSTR.
4. PED. INVOLVATION		3. ABILITY IMPAIRED	4. MAKING LEFT TURN	5. MAKING U TURN	TRAFFIC CONTROL	1. TRAFFIC SIGNAL FUNC.
5. FOLLOWING CLOSE		4. ABILITY NOT IMPAIRED	6. SLOWING OR STOPPING	7. STARTING IN TRAFFIC		2. TRAF. SIG. NOT FUNC.
6. WRONG SIDE OF RD.		5. SOBRIETY NOT KNOWN	7. STARTING FROM PARKED POSITION	8. STARTING IN TRAFFIC	3. STOP SIGN	4. WARNING OR YIELD
7. IMPROPER PASSING	1	2 ALCOHOL TEST ADM.	9. STOPPED IN TRAFFIC	10. PARKED	5. FLASHING SIGNAL	6. RR. SIGNAL
8. IMPROPER TURN		1. BLOOD	11. BACKING	12. DRIVERLESS MVG. VEH.	6. RR. SIGNAL	7. OFFICER OR WATCHMAN
9. DISREGARDED STOP		2. BREATH	ROAD CONDITION		8. NO CONTROL PRESENT	9. OTHER
10. DISREGARDED TRAF. SIG.		3. CO-ORDINATION	1. DRY	WEATHER	LIGHT CONDITION	1. DAYLIGHT
11. IMPROPER SIGNAL	1	2 PHYSICAL DEFECTS	2. WET	<input checked="" type="checkbox"/> 1. CLEAR		2. DAWN, DUSK
12. IMPROPER START		3. ILL	3. SLIPPERY	2. RAINING	3. DARKNESS	
13. NO LIGHTS		4. SLEEPY, FATIGUED	4. OTHER open field	3. FOG OR MIST		
14. NO VIOLATION		5. OTHER		4. OTHER		
15. OTHER		6. APPARENTLY NORMAL				



REPORTING OFFICER AND BADGE R.D. Lullas # 451 DIVISION S-3 DATE-TIME NOV 20, 72 0350 APPROVED Jacobsen

POINT OF IMPACT 212' South of Sunset Ave. 456' East of ECL of 27th St. FORM PD-154



**SAN DIEGO POLICE DEPARTMENT  
ACCIDENT SUMMARY**

ACCIDENT LOCATION Open field South of 2700 Sunset Ave. bet. 27th St. and Dairy Mart Rd.		DATE NOV 20, 72	TIME 0020
PERSON CITED	CHARGE	APPEARANCE DATE	
PERSON CITED	CHARGE	APPEARANCE DATE	
DRIVER NAME OCCUP. ROUX, Dennis Eugene	ADDRESS P.O. Box 428 U.S. Border Patrol, San Ysidro	PHONE 428-1115	

WIT. \_\_\_\_\_  
 EH. # 1

**DESCRIPTION OF ACCIDENT**

I was sitting near the intersection of 27th St. and Sunet Ave. My partner and I saw four males walking in the field. We started after them with headlights and spot lights. As we approached them they fell to the ground. We began to circle them because one of them started running. We apprehended them in the field, we caught three and then heard moans. We searched for a few moments and found the fourth one on the ground. I didn't feel a thing. I didn't know he had been run over.

DRIVER NAME OCCUP. WIT. HERNING, J.J.	ADDRESS P.O. Box 428 U.S. Border Patrol, San Ysidro	PHONE 428-1115
---------------------------------------	---	----------------

**DESCRIPTION OF ACCIDENT**

I saw four males walking in the field. We pursued them and caught three of them. We heard moans and started to check for the fourth one. We found him near our location. He was moaning and said he had been run over. I didn't feel anything from inside the truck.

**OFFICER'S CONCLUSIONS: (SUMMARIZE THE ACC. INV. WITH A WORD PICTURE. INCLUDE ALL EVIDENCE NECESSARY TO SUPPORT CHARGE).**

U.S. Border Patrol Officers were sitting near the intersection of 27th St. and Sunset Ave. They observed four males walking in the field. They began pursuit and they observed all four drop to the ground to avoid detection. As they approached their general area they observed one male get up and start running. They began a circle route to apprehend him. They finally caught three of them in the field. As they were placing three of them in the rear of their scout they heard moans. They walked a short distance and observed a male mexican lying on the ground. He stated he had been run over. This field area is heavily covered with tumbleweeds and vision is severely restricted close to the ground. Point of impact was estimated in proximity to the intersection of 27th St. and Sunset Ave. The Border Patrol Officers stated they were unaware of running over anything or anyone during their pursuit.

DATE AND TIME OF REPORT NOV 20, 72 0350 OFFICER(S) *R. J. Fuller* #451

# SAN DIEGO POLICE DEPARTMENT TRAFFIC INJURY REPORT

TO BE COMPLETED ONLY WHEN REPORTING ACCIDENTS INVOLVING PERSONAL INJURY OR FATALITY.

TOTAL KILLED: None  
 TOTAL INJURED: One  
 ACC. NO. A 7296 A  
 H. & R. NO.

ACCIDENT OCCURRED ON  
 Open Field South of 2700 Sunset Ave Bet 27th St and Dairy Mart Rd  
 212 FT.  N  S  E  W of Sunset Ave

DAY: Monday  
 DATE: Nov 20, 72 TIME: 0020

1. AT INTERSECTION  
 2. NOT AT INTERSEC.  
 3. ON PUBLIC PROP.  
 4. ON PRIVATE PROP.

INSTRUCTIONS FOR CLASSIFYING INJURIES:  
 2=BLEEDING WOUND, DISTORTED MEMBERS OR VICTIM HAD TO BE CARRIED AWAY.  
 3=BRUISES, ABRASIONS, SWELLING.  
 4=COMPLAINT OF PAIN, NO VISIBLE SIGNS OR MOMENTARY UNCONSCIOUSNESS.

INJURED PERSON #	NAME (LAST)	(FIRST)	(MIDDLE)	SEX	AGE	ADDRESS (STREET)	(CITY)	VEH. #	CLASS. OF INJURIES	1. FATAL	2.	3.	4.
1	GUTIERREZ	Manfin	Antolin	M	32	Guadalajara, Mexico			1. DRIVER 2. OCCUPANT 3. PED.				
FIRST AID:		TAKEN TO		BY		NATURE OF INJURIES							
GIVEN		REFUSED				five Broken Ribs two broken vertebrae, Poss broken pelvis							
<input checked="" type="checkbox"/>		<input type="checkbox"/>											
2									1. DRIVER 2. OCCUPANT 3. PED.				
FIRST AID:		TAKEN TO		BY		NATURE OF INJURIES							
GIVEN		REFUSED											
<input type="checkbox"/>		<input type="checkbox"/>											
3									1. DRIVER 2. OCCUPANT 3. PED.				
FIRST AID:		TAKEN TO		BY		NATURE OF INJURIES							
GIVEN		REFUSED											
<input type="checkbox"/>		<input type="checkbox"/>											
4									1. DRIVER 2. OCCUPANT 3. PED.				
FIRST AID:		TAKEN TO		BY		NATURE OF INJURIES							
GIVEN		REFUSED											
<input type="checkbox"/>		<input type="checkbox"/>											
5									1. DRIVER 2. OCCUPANT 3. PED.				
FIRST AID:		TAKEN TO		BY		NATURE OF INJURIES							
GIVEN		REFUSED											
<input type="checkbox"/>		<input type="checkbox"/>											
6									1. DRIVER 2. OCCUPANT 3. PED.				
FIRST AID:		TAKEN TO		BY		NATURE OF INJURIES							
GIVEN		REFUSED											
<input type="checkbox"/>		<input type="checkbox"/>											

REMARKS:

1	2	PED'S. CONDITION	PED'S. ACTION
<input checked="" type="checkbox"/>		1. HAD BEEN DRINKING	1. CROSSING AT INTERSECTION
		2. HAD NOT BEEN DRINKING	2. CROSSING NOT AT INTERSEC.
			3. EMERGING BETWEEN PARKED CARS
		1. PHYSICAL HANDICAP	4. WALKING WITH TRAFFIC
		2. APPARENTLY NORMAL	5. WALKING AGAINST TRAFFIC
		3. NOT KNOWN	6. STANDING
		4. OTHER	7. GETTING ON OR OFF VEH.
			8. WORKING ON VEHICLE
			9. OTHER WORKING
			10. PLAYING
			11. OTHER <i>riding</i>
			12. NOT IN ROADWAY

WHERE STRUCK:  
 1. WITHIN CROSSWALK  
 2. NOT WITHIN CROSSWALK  
 3. IN ROADWAY  
 4. NOT IN ROADWAY

OFFICER AND BADGE: *[Signature]* # 253  
 DATE-TIME: Nov 20 003  
 DIVISION: 3-3

EDWARD R. ROYBAL  
30TH DISTRICT, CALIFORNIA

504 CANNON OFFICE BUILDING  
WASHINGTON, D.C. 20515

LOS ANGELES OFFICE:  
ROOM 7110, NEW FEDERAL P.O. BLDG.  
300 N. LOS ANGELES STREET  
LOS ANGELES, CALIFORNIA 90012  
PHONE: 688-4870

# Congress of the United States

House of Representatives

Washington, D.C. 20515

January 9, 1973

COMMITTEE ON  
APPROPRIATIONS

SUBCOMMITTEES:  
FOREIGN OPERATIONS  
TREASURY-POST OFFICE-  
GENERAL GOVERNMENT  
CIVIL DEFENSE

Mr. Edwin L. Miller, Jr.  
District Attorney  
San Diego County  
220 West Broadway  
San Diego, California 92101

Dear Mr. Miller:

This has reference to the letter sent to you on December 18, 1972 by Mr. Robert R. Lopez, Chairman of the San Diego Human Relations Agency, regarding the alleged rape on May 31, 1972 of Martha Elena Parra Lopez, a Mexican National, by a United States Border Patrol Officer.

I fully concur in the position taken by the San Diego Human Relations Agency that action on this case has been delayed far too long, and that prompt legal steps should be taken to bring the facts to light.

It is inconceivable to me that an allegation of such serious proportions could be buried for so long in a maze of jurisdictional disputes and other delaying tactics, thus denying justice to the parties concerned.

This case has been a source of great frustration to individuals and organizations representing a cross section of our community, who feel the normal process of law and justice has been unnecessarily obstructed.

I join in urging that appropriate legal steps be taken by your office immediately.

Sincerely yours,

EDWARD R. ROYBAL  
Member of Congress

ERR/bes  
b/c

Mr. Robert R. Lopez  
Chairman, San Diego Human Relations Agency  
3730 Fifth Avenue, San Diego 92103

Mr. Albert R. Garcia  
323½ East San Ysidro Blvd., San Ysidro 92073

ASSOCIATION OF IMMIGRATION AND NATIONALITY LAWYERS

Office of the President  
LEON ROSEN  
60 East 42nd Street  
New York, N.Y. 10017  
Tel. (212) 972-0870

January 9, 1973

Hon. Richard G. Kleindienst  
Attorney General of the United States  
Department of Justice  
Washington, D.C.

Dear Sir:

Inscribed at the base of the Statue of Liberty, the words of Emma Lazarus proclaim to the world -

"Give me your tired, your poor, your huddled masses yearning  
to breathe free. Send these the tempest tossed to me. I  
lift my torch beyond the sea."

This Association, dedicated to the fair administration of our immigration laws, firmly believes that these stirring words best describe the immigration philosophy of the United States as a "Nation of Immigrants."

We regret that recent practices of the Immigration and Naturalization Service have given us serious cause to doubt that our Government also subscribes to the philosophy set forth by Miss Lazarus.

In its zeal to enforce the immigration laws, the Service has authorized investigative procedures which substantially invade the civil rights of many persons, citizens and aliens alike.

In recent weeks, in the city of New York and elsewhere, teams of Immigration and Naturalization Service investigators have stationed themselves on public streets, and have stopped, searched, questioned, and some times arrested persons indiscriminately and at random. Those stopped have usually been black persons or persons who by dress or speech have appeared to have foreign ethnic characteristics.

Many United States citizens and lawful resident aliens have been subjected to these indignities.

Hon. Richard G. Kleindienst

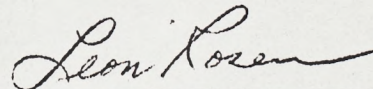
January 9, 1973

We recognize that 8 USC 1357 authorizes an officer or employee of the Service to interrogate any alien or person believed to be an alien as to his right to be or remain in the United States, but we seriously question that Congress ever intended wanton and indiscriminate investigations reminiscent of the infamous Palmer raids or of the tactics employed by the "police" of other nations less dedicated to respect of human dignity. Furthermore we have reason to believe that no reasonable basis exists for the interrogations.

On December 18, 1972, representatives of this Association, accompanied by representatives of the American Civil Liberties Union, the Association of the Bar of the City of New York and the New York County Lawyers Association, met with ranking officials of the Immigration and Naturalization Service in Washington, D.C. We were informed that the investigative practices of which we complained will continue, unless and until a court order otherwise directs. We are deeply concerned with the public image that such practices create. Thirty years ago, on the streets of Germany, people were questioned indiscriminately about their religion, and six million died in the gas chambers. Fifty two years ago, thousands of American citizens and lawful resident aliens, were arrested and deported in the infamous Palmer raids. Thomas Jefferson once warned - "The alien has been selected as the safest subject to a first experiment, the citizen will soon follow."

Has history not taught us more?

We vigorously protest the actions of the Immigration and Naturalization Service, and urge you to intervene.



---

LEON ROSEN  
President.

LR:aj

# ASSOCIATION OF IMMIGRATION AND NATIONALITY LAWYERS

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WASHINGTON, D.C.  
ARLENE T. ULMAN

OFFICE OF THE PRESIDENT  
LEON ROSEN  
60 EAST 42ND STREET  
NEW YORK, N. Y. 10017  
TEL. (212) 972-0870

January 9, 1973

Dear Member:

The Officers and the Board of Governors of the Association are deeply concerned over recent activities of the Immigration and Naturalization Service which we view as a massive assault upon the civil rights of minority groups.

At the direction of the Board of Governors, I dispatched the enclosed letter of protest to the Attorney General of the United States. The letter fully explains the problem.

On December 18th., 1972, representatives of this Association, accompanied by representatives of the American Civil Liberties Union, the Association of the Bar of the City of New York, and the New York County Lawyers Association, met in Washington with ranking officials of the Immigration and Naturalization Service. We were informed that the "dragnet" investigations will continue. We are attempting to arrange a meeting with the Attorney General. We do not know whether or not we will be successful in this regard.

I have made our position known to several members of the Senate and the House of Representatives. I urge each of you to personally protest to your respective Congressman and Senators.

The American Civil Liberties Union is anxious to test the Service's practices in Court. They are seeking an ideal plaintiff. Does anyone know a client, or a friend of a client who is either a United States citizen or a lawful resident alien, and who has been stopped and questioned in the dragnet operations? If so, please discuss with him or her whether he or she would be willing to let the American Civil Liberties Union act in his or her behalf. There will be, of course, no legal fees involved.

January 9, 1978

This is a serious business and we had better be serious about combating it or else we have no one to blame but ourselves for further and even more drastic police action.

Sincerely yours,

*Leon Rosen*  
LEON ROSEN

LR:aj.



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

January 18, 1973

Lenard W. Gilman, Regional Commissioner  
United States Department of Justice  
Immigration and Naturalization Service  
Southwest Region  
San Pedro, California 90731

Dear Mr. Gilman:

For many years I have expressed my concern on many issues involving the attitude of Immigration inspectors in the County of San Diego, specially the San Ysidro-San Diego port of entry defending and speaking out on abuses, beatings and maltreatments to human beings of Latin backgrounds.

Many Federal employees who work for the INS have disliked my participation in publicly voicing many faults of abuses proceedings on the part of these individuals. I have always been given the courtesies necessary by the Officers in Charge and their Assistants on many problems that I have brought to their attention, however, today January 18, 1973; approximately at 10:55 a.m. I experienced a very unpleasant incident with an Immigration inspector that goes by the name of J. L. Keyser who works at this port.

Mr. Keyser apparently dislikes me for the many constant complaints I submit to the Officer in Charge at this port, or who knows what his thinking is. Any way, after discussing some problems that were brought to my attention by residents in my area involving the San Ysidro and the Tecate INS offices, with Mr. Clayton, and terminating my business at that same time I requested to one of the inspectors to open the door that leads to the waiting room at that same office because one of my companions wanted to talk with her daughter that was seated waiting for us to terminate our business, and to my surprise, Inspector Keyser in a very unprofessional attitude and molested by my presence, raised his voice using profane language and stating that I always go to that office to throw my weight around and that he was not going to stand for that. He immediately approached me loosening his tie and inviting me to fight him outside the INS office. I refuted his attitude and upon the hot momentum I was ready to answer his ridiculous behavior, however, in these cases to keep you cool is the best and most recommended position to deal with individuals like inspector Keyser.

This incident has been most disturbing to me, and of course to the community I represent. I would also like to point out that inspector Keyser threaten me stating that he would be available to me in that office or any place



else, apparently looking for a confrontation with me involving the INS since he is employed by you, and if this is the case the community will be more than glad to answer inspector Keyser to whatever position he would like to take. However, my judgement on these matters has always been to the highest level of my category as a representative of my community, and I will continue to fight for the rights of my people against all abuses, maltreatments and harassments because my spirit and my background assisting the underprivileged will continue for as long as I can. Also, I would like to point out that two witnesses were present on this incident, Mrs. Rosario Berrospe de Gomez and Mr. Juan Rodriguez, whom will be available for any clarification in regards to this matter.

It is sad to have individuals like inspector Keyser who proceed leading themselves demonstrating their racist attitude against human beings, and for no more this situation can continue to be tolerated. Can you imagine, Mr. Commissioner, if this man uses this kind of attitude against a person of my category and representation, what can you expect for the underprivileged human beings that deal with him on a day to day basis?

Therefore, I wish that your office immediately investigates this matter and disciplinary action should be taken against this individual, not because I am the victim but to avoid further confrontations with other people or myself. I will be available to you or any one else sent by your office.

Yours very truly,

Albert R. Garcia  
President

ARG/lr

c.c. Congressman Edward R. Roybal  
Congressman Lionel Van Deerlin  
Congressman Donald W. Riegle, Jr.  
Senator Alan Cranston  
Senator Edward M. Kennedy  
Senator John V. Tunney  
Commissioner Raymond F. Farrell  
Mr. Frank Small, Officer in Charge, San Diego Office  
Mr. Joseph E. Dupuis, Officer in Charge, San Ysidro Port of Entry  
Mr. Henry Ramirez, President's Cabinet Committee  
Mr. Gilbert Pompa, Associate Director  
Mr. Richard Kleindienst, U.S. Attorney General  
Mr. Frederick L. Hetter, Attorney at Law  
Mr. Victor Villalpando, Mexican-American Community Affairs Officer  
Mr. Herman Baca, County Director, M.A.P.A. ✓  
Mr. Luis Natividad, Executive Director, Chicano Federation  
Raza Unida Party, San Diego County

LAW OFFICES  
**HETTER, GLICK AND HAVILAND**

FREDERICK L. HETTER  
RUSH G. GLICK  
WARREN E. HAVILAND

440 OLIVE STREET  
SAN DIEGO, CALIFORNIA 92103  
TELEPHONE (714) 291-6970

127 EAST LEXINGTON AVENUE, SUITE B  
EL CAJON, CALIFORNIA 92020  
TELEPHONE (714) 442-0572

PLEASE REPLY TO:

December 15, 1972 San Diego Office

Raymond L. Hoobler  
Chief of Police  
San Diego Police Department  
202 "C" Street  
San Diego, California 92101

Dear Mr. Hoobler:

I am writing you regarding the injury of Antolin Gutierrez within the limits of San Diego on or about December 19, 1972.

I would like to comment on the inconsistencies in the attached letters.

Mr. Lionel Van Deerlin in his letter of November 30, 1972, states that there was an investigation by the San Diego Police Department. Mr. Albert Garcia has further indicated this to me orally. Your letter indicates that no such investigation was conducted. Could you please recheck this matter and advise us?

If there is a copy we would appreciate having it sent to us immediately.

Thanking you.

Sincerely,

  
FREDERICK HETTER

FH:h  
Encl.

UNITED STATES DEPARTMENT OF JUSTICE  
IMMIGRATION AND NATURALIZATION SERVICE  
WASHINGTON, D.C. 20536

PLEASE ADDRESS REPLY TO

DEC 18 1972

AND REFER TO THIS FILE NO.

CO 893.1-C

Mr. Al Garcia  
President  
Ad Hoc Committee on Border  
Brutalities  
323½ E. San Ysidro Boulevard  
San Ysidro, California 92073

Dear Mr. Garcia:

Further reference is made to your recent telegram to President Nixon concerning action against former Border Patrol Agent Kenneth W. Cocke.

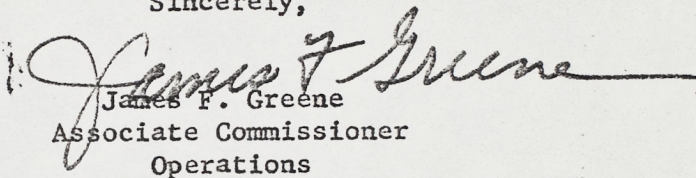
The District Attorney's office at San Diego, California, informed a Service representative that they do not contemplate instituting any prosecution action against Mr. Cocke. It was explained that when the complaint was received, the District Attorney's office was unable to develop sufficient evidence to sustain an action under California statute and, therefore, they deferred to the United States Attorney for possible action under the Civil Rights statutes. The spokesman for the District Attorney further stated that they continued to review the case from time to time and on each occasion found the evidence to be insufficient to warrant presentment to the Grand Jury.

In compliance with a request from an Assistant United States Attorney, the parole status of Martha Elena Parra-Lopez and witnesses Maria Sandoval and Teresa Castellanos has been extended to December 31, 1972.

For your information, the Service had removal action pending against Kenneth W. Cocke when he resigned on October 17, 1972. The Service was in no way involved in the determinations made by the District Attorney and the United States Attorney. Since Kenneth W. Cocke is no longer an employee of this Service, we have no authority to proceed in actions against him, and consequently have closed our case on him.

You may be assured that the Service will not tolerate any form of brutality on the part of our employees. Reports of misconduct containing sufficient detailed information on which to base an investigation will be thoroughly looked into and, if warranted, disciplinary action will be taken when an employee has violated Service policy or instructions.

Sincerely,

  
James F. Greene  
Associate Commissioner  
Operations



THE CITY OF

# SAN DIEGO

1348 E STREET • SAN DIEGO, CALIFORNIA 92101 • PHONE 239-9341



COMMUNITY  
RELATIONS  
DEPARTMENT

February 20, 1973

W. H. Hagler  
Director

W. Wesley Whetstone  
Assist. Director

Curtis W. Long  
Research Analyst

Sheriff John F. Duffy  
San Diego County Sheriff's Department  
P.O. Box 2991  
San Diego, California 92112

Dear Sheriff Duffy:

Enclosed herewith is a copy of a complaint lodged with this department. Mr. Frank Xavier Martin del Campo of 714 Tourmaline Street, San Diego, has placed a complaint against sheriff deputies in charge of the County Jail. Mr. del Campo alleges that officers from your department treated him in a manner incommensurate with the requirements of law enforcement officers in the process of releasing a person from County Jail.

Mr. del Campo also stated that the deputies on duty the night of February 9, 1973 abused him, physically and mentally, to the point of momentary hysteria. I will not dwell on the specifics involved since the attached complaint is quite detailed and self-explanatory.

I am sure you would agree that it would be much more preferable to bring this matter to a mutually acceptable conclusion without involving the Community Relations Board itself.

In anticipation of your kind reply, I thank you very much for your cooperation.

Yours truly,

*Will Hagler*  
Will Hagler

WH:bl  
Attachment

COVER SHEET

COMPLAINANT: Frank Xavier Martin del Campo

AGENCY INVOLVED: San Diego Sheriff's Department

COMPLAINT: Intent to commit physical and mental harm.

CASE ASSIGNED TO: Hector Lopez

DATE OF COMPLAINT: February 13, 1973



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

February 1, 1973

Mr. Leon Rosen, President  
Association of Immigration  
and Nationality Lawyers  
60 E. 42nd Street  
New York, New York. 10017

Dear Mr. Rosen:

I received your letter dated January 9, 1973, in which you state your concern regarding the recent activities of the Immigration and Naturalization Service, and this organization joins your concern for the most outrageous procedures that the United States Immigration and Naturalization Service has undertaken not only in New York City but in all border towns that connect between Mexico and the United States of America.

I am happy to see that an association like yours has voiced concern against the activities of this agency. It is sad to see how many foreign ethnic persons are being abused by this Service, and also dragnet procedures are being used by the local Sheriff's Department and the San Diego Police Department violating the civil and God given rights of Mexican-American citizens and Mexican-American legal residents of Latin extraction.

You also mentioned on the fifth paragraph of your letter that the American Civil Liberties Union is anxious to test the Service's practices in Court. I have many cases documented on this particular problem in which I would be more than glad to cooperate with your association, and I also request your cooperation on this same issue here in the County of San Diego, State of California.

My Board of Directors has passed a recommendation that we support your association in any way possible to combat the discrimination and racist attitude of this department. I also wish to advise you that copies of this letter and yours will go to Federal Representatives in Washington to request their support in stopping these type of abuses.

Therefore, for future reference and continue cooperation we request copies of all correspondence regarding the Immigration and Naturalization Service, and we will also do the same.

Sincerely,

Albert R. Garcia  
President

UNITED STATES DEPARTMENT OF JUSTICE  
Immigration and Naturalization Service

LOS 71/10

300 North Los Angeles Street

February 22, 1973

Mr. Albert R. Garcia  
323-1/2 East San Ysidro Boulevard  
San Ysidro, California 92073

Dear Mr. Garcia:

I refer to the letter you wrote to the Regional Commissioner of the Southwest Region of this Service under date of January 18, 1973 concerning an altercation you engaged in with officers of this Service at the port of entry at the San Diego Border Station, San Ysidro, California.

Your complaint has been given every consideration and thorough investigation and I have concluded that the incident described was one of your own making and design. The actions of the officers in refusing to permit you to allow individuals to depart through the port into Mexico without the knowledge and consent of the Mexican authorities was entirely proper and in accord with the excellent relations the countries have all enjoyed. Your intemperance in this matter was given special emphasis in the discussion you had with the Officer in Charge at San Diego, Mr. Frank Small, some time following your appearance at the port of entry. At that time you referred to the immigration officers as animals and threatened to collect a group of your friends to "tear down the port."

You were also given a full opportunity to appear with your witnesses and discuss this matter with me at San Diego, but you refused to do so.

I wish to assure you that any future actions of this type that you engage in will continue to be investigated and referred to the United States Attorney at San Diego for his consideration.

Donald T. Williams  
Acting District Director

cc: Mr. Victor A. Nieto, 825 "A" Avenue, National City, CA 92050  
✓ Mr. Herman Baca, 1837 Highland Avenue, National City, CA 92050



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## a big mouth

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to Faulwetter two weeks ago was  
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Faulwetter dismissed Ciccati as  
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upon yourselves." He then walked  
out of the room. At least one third  
of the public viewers, who were  
also Chicanos, left with him.

A recess was called while ad-  
ministrators searched the parking  
lot and the area around the ad-  
ministration building for  
Chicanos. None was found, so  
nothing more was heard of the  
Chicano community's point of  
view.

LeRoy Jaquez says  
there may be some organized op-  
position by students to  
Faulwetter's reelection in April.



boob

# Chicanos walkout on Board Meeting

When the dust settled at Monday evening's Board meeting (see story above), the unanswered question was, "Why don't you listen to the victims?"

After a considerable amount of discussion among themselves regarding Board Member Faulwetter's earlier comment, the members of the Board appeared to have decided to move onto other business.

It was at that point that Herman Baca, Director of the Mexican American Political Association for San Diego County, rose from the audience to interrupt the proceedings with his question.

Although he was ruled out of order by the Board President, Portia Goode, Baca continued. The Board then recessed, at which point Baca and the other Chicanos - - some twenty - - left the meeting, still having been given no opportunity to speak.

Grossmont Multi-Cultural Studies Coordinator Paul Jacques, who had stood patiently at the public microphone during the Board's discussion but was never recognized, said later, "I think what was said by Mr. Herman Baca was not at all out of line."

"The issue," Jacques said, "was not whether Mr. Faulwetter was misquoted or quoted correctly. The issue was not Mr. Faulwetter. The issue was plainly that at a public meeting, composed of publicly elected officials, humorous comments directed at racial minorities in this day and age should not be taking place." Coordinator Jacques emphasized that he was speaking as a Mexican citizen of the United States rather than as an official or even as a community leader. At the time he attempted to appear before the Board, he was, he said, acting in the same capacity.

"My intention," he said, "was to make a short address to the Board about the interpretation of Faulwetter's remark."

Jacques explained that when the Board recessed, he and the other Chicanos in attendance left because they felt they had been refused a hearing.

They were unaware at the time, he said, that members of the Administration were attempting to find them in order to request their return to the Board meeting.

"I think it was a very good learning experience for us," Jacques concluded.

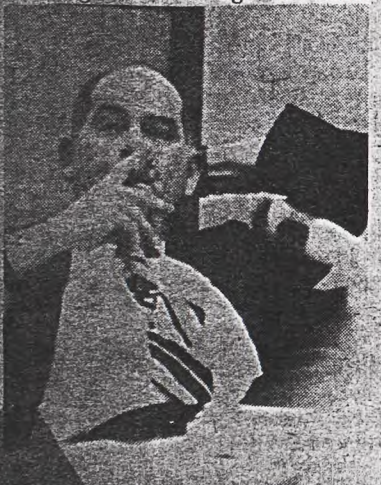
GROSSMONT  
DEC 19, 1972

# Foul Weather Creates Storm At Board Meeting

By Larry Jorgenson

It's Spiro Agnew! It's Archie Bunker! No, it's William C. Faulwetter trying to remove the proverbial foot from his mouth at Monday's meeting of the Governing Board of Grossmont College. But with each move it just seemed to go deeper.

What precipitated the incident was the accusation by LeRoy Jaquez, whose letter appeared in the G last week, that Board Member Faulwetter made a racist statement at the Governing Board meeting two weeks ago. The same



I am

letter went to Portia Goode, chairman of the Governing Board, asking for a public apology from Faulwetter. Mrs. Goode also received a letter from the Grossmont College Chapter of the American Federation of Teachers which claimed to be dismayed at Faulwetter's remarks, calling them in "disregard of human dignity." But all the allegations Monday night were being made by Faulwetter.

Faulwetter prefaced his remarks by saying "I have no comment to make," after which followed such jewels of wit and wisdom as "...I am a big mouth boob." (At times it was difficult to believe one's ears!) This could not be construed as an apology, however. Faulwetter later claimed that "I have searched my conscience... I do not think it is warranted and do not think it is required."

Dr. Dale A. Burke early in the meeting, perhaps to sidestep the whole issue, moved that the next item of business be taken up. But Karl Tuttle objected, saying that "both sides should look each other in the eye." Everyone expressed agreement with this, but the only Faulwetter opponent recognized by the chair was AFT Board Ad-



a big mouth

vocate Samuel Ciccati, who contended that the remark attributed to Faulwetter two weeks ago was accurate.

Faulwetter dismissed Ciccati as being "somewhat reckless with the truth," and also expressed contempt for the AFT for using the condition of an oppressed group for "self interest."

Dr. Paul G. Epler suggested that whether or not the remark had been made in jest, perhaps the manly thing to do would be to apologize. His comment drew the

following remark from Faulwetter: "I will apologize...if you will apologize for the patient that died under your knife this morning." (Dr. Epler is an anesthesiologist.) Mrs. Goode ruled him out of order. By now few of Faulwetter's friends or foes would disagree that he had both feet planted firmly between the jowls.

The only Chicano to speak was Herman Baca who was ruled out of order for failing to follow correct parliamentary procedure. When he persisted in speaking, Chairman Goode threatened to have him removed from the room. He said "You haven't heard the last of this: remember you brought it upon yourselves." He then walked out of the room. At least one third of the public viewers, who were also Chicanos, left with him.

A recess was called while administrators searched the parking lot and the area around the administration building for Chicanos. None was found, so nothing more was heard of the Chicano community's point of view.

LeRoy Jaquez says there may be some organized opposition by students to Faulwetter's reelection in April.

Faulwetter claimed that the letters were "wild unfavorable allegations..." about his character and reputation. He claimed those who wrote them did not know what he said, nor did they try to find out. However, Jaquez says "We're not buying that," and Faulwetter failed to point out where he had been misquoted.

As for the apology demanded by the Chicano community, the closest thing they got from Faulwetter was "As God is my witness, some of my best friends are Mexicans."



boob

## Chicanos walkout on Board Meeting

When the dust settled at Monday evening's Board meeting (see story above), the unanswered question was, "Why don't you listen to the victims?"

After a considerable amount of discussion among themselves regarding Board Member Faulwetter's earlier comment, the members of the Board appeared to have decided to move onto other business.

# \$40 rent in obscure motel

(Continued from Page A-1)

that they've been trying to enter. A second one's going in that direction. (Banging. "Did you check out No. 9?" "Yeah.") He spotted me watching.

"**BORDER PATROL** is leaving. One car has left. Second car is leaving. Border patrolman is getting in the green car. I guess that's what they came in in the first place. All the cars are gone. It's 10:31.

I'm going out. I'm going to have a look around — see what's happened. I'm not really going out

— just poke my head out the door.

"You'd never know it happened. Cars are arriving right and left. I'm surprised. A lot of cars here. Another one just pulled in. I don't know how many that makes. Maybe, it's a great time to come to this motel. Odd, since he only mentioned one vacancy. No more sound of aliens or pounding on doors. It is 10:33."

**THE NEXT** morning we went up to the manager's office to check out.

"What did they do? What was

the big deal last night?" my father asked.

"Wal," the manager answered. "I strolled outa here bout 8 — my girl friend and me we was going down to shoot pool at the

American Legion two blocks down 18th St. Went down there, had a few beers, shot pool. I came home about 9:30 or 10.

"I told these people, don't answer the damned door.

"**THEY WANNA** go do No. 10, and I said, 'You ain't gonna do No. 10. They's two ladies in that

# Doesn't buy peace for aliens

room," the manager continued. "You ain't about to go in her room. You got a search warrant? You can't search a room without a search warrant. I don't know too much about law, but I do know that. So they weren't goin in there.

"Got some out of 14. Fourteen's the only one I seen anyone was gone.

"Right across the border. These aliens come right across the border. They've got money. They'll pay twice the money you'll pay for a room."

"You'll rent to anybody?" my mother asked.

"**SURE,**" the manager explained. "I'm not a immigration officer. You're goin to give me \$40 a night for the room, I'm goin to take it. I don't care if he's an alien or otherwise. It's usual for these people to pay \$300 to the people that get 'em across that border. All the motels know that."

My mother: "Is this the first time this has happened?"

"First time. See, I'm normally

here on Saturday. In fact, if I had a been here, they wouldn't a gone through any damned room.

"So anyway, I was very unhappy about the whole thing. I will never leave here again on Saturday night. It was the first time in three months. I said we don't have anything to rent, and I wanna shoot some pool. So I took off, which I shouldna done."

**REMEMBERING** what happened after the raid, I said, "But all kinds of cars were arriving and I was wondering what was going on."

"What time was that?"

"Oh, about 10:30."

The manager said, "There's 20 of 'em down there now. They missed a bunch of them. I don't know how they got 21 out of there cause I still got 20 some down there right now."

"Well," I said, "I counted them going into the van so that's how many they got."

"Twenty-one?"

"Out of that room over there." "Fourteen," the manager said, looking where I was pointing.

"**THEY PAY** twice the amount of money that you guys — well, the Americans will pay," the manager went on. "They wanna get outa Mexico cause there's no opportunity. They save up maybe five or six years to get \$300."

"Why would they stop at a motel right near the border?" my mother wondered. "I should think the big thing would be to get as far away as possible."

"They're transferred from here to L.A. These guys that bring them in here, they guarantee them passage to Los Angeles or San Francisco. So they just stay here for a night or two till they get the green light."

"**SO THEY** save up till they get their life savings. They spend \$300 bucks with these other Mexicans. They come in here and give me \$20 \$40 per room. (We paid \$12.50) No questions asked. I get the license number of the car. I'm very nice with them. They put their name down, number of persons license number — they all California licenses. There's anybody that's going to get in trouble, it's the guys that brings them in, it's not me."

"I'm not required to look for — I'm not immigrations — and I'm real sorry for what happened to you. I didn't even know it. But the thing to do is, like I tell these people who do come in here, I said don't answer the door for nobody."

"If I want to go into the room, I have a pass key. And I go into anybody's room I want to. And I know where the Mexicans are. Maybe it's dishonest, but it's a living. And I have a hard time making a living."

"**HOW LONG** have you been here," my mother asked.

"Twelve years. Raised two daughters. Put 'em through college and so forth, and I got daughters."

"Have you been doing this for 12 years," asked my mother, "and you've never been raided before?"

"No."

"Gee," I said, "you must've been lucky."

Border Patrol

# \$40 rent in obscure motel

By KENT KERNAHAN

Special to The Star-News  
(Editor's note: Kernahan, a 16-year-old honor student from Los Alamitos, spent last weekend in a National City motel. The following story was written from tapes made during a roundup of illegal aliens and subsequent discussions of the raid.)

"Abra la puerta. Policia."

I found out what that means Saturday night in a National City motel.

It was one of those things. I decided I'd rather do my homework and watch TV in the motel, when we finally found one with a vacancy, than go to a dinner date with my parents in Tijuana.

I SETTLED DOWN for a quiet evening. I had my tape recorder along so I could listen to the Carpenters while I worked. I was in my own little world when, suddenly, it sounded like someone was going to knock the door down.

I was opening the door before I really knew what was going on — a Border Patrol officer was barging in. As he came in, he asked, "Mind if I look around?"

He told me he was looking for a group of Mexicans in one of the rooms and asked if I had heard or seen any such people. I hadn't. Then the questions started.

"Where are you from?"

"Where are your parents?"

"Where's your car?" (My parents took it.)

"Where's your luggage?"

"Can I have a look inside?"

"Okay."

I opened the only bag, explaining it belonged to my mom. He looked inside, but wanted "to see something feminine." I poked around for a minute. Satisfied, he left.

JUST THEN, I saw another

deputy marching someone with his hands clasped over his head across the parking lot. I closed the door and set my tape recorder up on the window sill, thinking, "My parents will never believe me."

The following was taken from tapes recorded that night and the next morning. As I watched, I talked into the recording, explaining what I saw and heard.

Pounding next door. Two officers, one named Schmitt, ah, three Mexicans standing by cars. I assume that they have been captured. One Mexican in the room across to the right. They're still searching. One officer just informed the other that he was to watch in case any of them split out of there. A white van with bars across the windows has just arrived to pick up the Mexicans.

"More pounding on doors. Another car arriving. Looks like a

# doesn't buy peace for aliens

big bust. I guess they're getting illegal immigrants. (car noises). (Okay bud, put em up) There's one in the van. A second. (more garbled voices outside) A third. (car motors) fourth, a fifth. A sixth. ("What we got there, Amos?" Second voice. "Jackpot!") A seventh. (Slam)

ONE MORE — nine (more voices, car motors) and 10, 11, 12, 13, 14, 15, 16, (laughter) 17, 18, 19, 20. ("You check those end buildings?" "Huh?" "You check those end buildings?" "Yeah." "We got 15 in this one. Checking on another one right there.") 21.

Knocking — hard. ("About 10, Bill. Abra la puerta, policia. That key I gave you, does that, uh might take a look in that one.")

"No, huh un, you didn't give me no key did you?" More knocking. Abra la puerta. I seen a kid go in one a few minutes ago. "No, don't

worry about it. I've already been in there.") I've been referred to.

More knocking — external voices. It is the Border Patrol. Just heard him state so. (Motor) That was a squad car somewhere. I can hear radio broadcasts in the background. They're getting in the truck. It's 10 p.m.

Motor noises, idling. Voices. Voices. Distant siren. Gets louder.

"Car four, this is seven dispatch. Could you call National City PD and request an additional unit, 2500 block — National Blvd. — Johnson's Motel?" "That's 2500 block Johnson's Motel — 10-4." "That's on National Blvd. 10-90. You're coming in broken.") He is using a walkie talkie.

"I SEE two patrolmen going up the stairs to see the manager. (Loud knocking) I just saw a patrolman come back down the

stairs. (Distant dog barking).

"It's now 10:15 p.m. Another man is being led into the truck. Might have been more. I don't know what that brings the total to. I'll have to listen to the tape and add them up.

"The van's motor's been started. Could be to recharge the batteries. All the lights and the radio've been going. A single officer is in the truck. He's communicating. Van's pulling out. There're one, two, three police cars. The van's leaving at 10:19.

"Four officers that I can see right now. One border patrolman and three highway patrol types. There's, ah, five of them now. They're all talking to the manager by the telephone booth. I assume it's the manager.

A highway patrolman just approached the room on the right. Turn to back page, this section

2/73

Name, Address and Telephone No. of Attorney(s)

Space Below for Use of Court Clerk Only

FREDERICK HETTER

440 Olive Street

San Diego, California 92103

291-6970

Attorney(s) for plaintiffs.....

SUPERIOR COURT OF CALIFORNIA, COUNTY OF SAN DIEGO

220 W Broadway, San Diego, California 92101

(INSERT STREET ADDRESS OF COURT OR BRANCH COURT)

Plaintiff(s): MARTA ELENA PARRA-LOPEZ, TERESA CASTELLANO-PEREZ, MARIA SANDOVAL-ESCOBEDO,

vs. Defendant(s): JOHN DOE, also known as "Agent", DOES I through X, inclusive,

CASE NUMBER

335443

SUMMONS

To the Defendant(s):

A civil complaint has been filed by the plaintiff(s) against you. If you wish to defend this lawsuit, you must file in this court a written pleading in response to the complaint (or a written or oral pleading, if a Justice Court) within 30 days after this summons is served on you. Otherwise, your default will be entered on application by the plaintiff(s) and the court may enter a judgment against you for the money or other relief requested in the complaint.

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

Dated AUG 10 1972 JESSE OSUNA, Clerk

By W. DUFFY, Deputy

(SEAL)

NOTICE TO THE PERSON SERVED

- Checkboxes for service types: individual defendant, on behalf of, and under various C.C.P. sections (416.10, 416.20, 416.40, 416.60, 416.70, 416.90, and Other).

The word "complaint" includes cross-complaint, "plaintiff(s)" includes cross-complainant(s), and "defendant(s)" includes cross-defendant(s).

A written pleading, including an answer, demurrer, etc., must be in the form required by the California Rules of Court. Your original pleading must be filed in this court with proper filing fees and proof that a copy thereof was served on each plaintiff's attorney and on each plaintiff not represented by an attorney.

The time when a summons is deemed served on a party may vary depending on the method of service. For example, see Code of Civil Procedure §§ 413.10 through 415.40.

(See reverse side for Proof of Service)

1 FREDERICK HETTER  
2 440 Olive Street  
3 San Diego, California 92103  
4 291-6970

5 Attorney for plaintiffs  
6  
7

FILED  
AUG 10 1972

JESSE OSUNA, Clerk

BY \_\_\_\_\_  
DEPUTY

8 IN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA

9 IN AND FOR THE COUNTY OF SAN DIEGO

10 MARTA ELENA PARRA-LOPEZ, : CASE NO. 335443  
11 TERESA CASTELLANO-PEREZ, :  
12 MARIA SANDOVAL-ESCOBEDO, : COMPLAINT FOR FALSE ARREST,  
13 : ASSAULT AND BATTERY, AND RAPE  
14 Plaintiffs, :  
15 v. :  
16 JOHN DOE, also known as "Agent", :  
DOES I through X, inclusive, :  
Defendants. :  
\_\_\_\_\_ :

17 FIRST CAUSE OF ACTION

18 I

19 Plaintiffs MARTA ELENA PARRA-LOPEZ, TERESA CASTELLANO-PEREZ,  
20 and MARIA SANDOVAL-ESCOBEDO, are citizens of the Republic of  
21 Mexico.

22 II

23 Plaintiffs are ignorant of the defendant's true name and  
24 therefore sue him by the fictitious name of JOHN DOE, also known  
25 as "Agent".

26 III

27 Plaintiffs are informed and believe, and upon such informa-  
28 tion and belief allege that defendant JOHN DOE, also known as

1 "Agent", is the same individual who is the plaintiff in Case  
2 Number 72-254-GT in the United States District Court for the  
3 Southern District of California and designated therein as  
4 "Agent" and "one border patrol agent".

5 IV

6 Plaintiffs are informed and believe and upon such information  
7 and belief allege that defendant is a Border Patrol Agent with  
8 the Preventive and Enforcement Branch of the Immigration and  
9 Naturalization Service of the United States Department of Justice.

10 V

11 The true name or capacities, whether individual, corporate,  
12 associate, representative, agent, principal, employer, employee,  
13 or otherwise of the other defendants named herein as DOES I through  
14 X, inclusive, are unknown to plaintiffs who therefore sue said  
15 defendants by such fictitious names, and plaintiffs will amend  
16 this complaint to show their true names and capacities when the  
17 same have been ascertained.

18 VI

19 On the evening of May 31, 1972, in the City of Chula Vista,  
20 County of San Diego, State of California, plaintiffs were seized  
21 and arrested by defendants without a warrant or other judicial  
22 order.

23 VII

24 On the aforesaid date, defendants wrongfully and unlawfully,  
25 under the circumstances set out above, forcibly took plaintiffs,  
26 against their will, to and confined them in a vehicle, wherein  
27 they were detained and subsequently transported to the Otay Mesa  
28 area of the County of San Diego, where they were released without

1 charges being brought.

2 VIII

3 By reason of the premises, plaintiffs have suffered great  
4 mental and physical pain and anguish to their damage in the sum  
5 of \$5,000.00 each.

6 IX

7 The aforesaid actions of the defendants were malicious in  
8 that it was improperly motivated by the fact that the defendant  
9 JOHN DOE lusted after and desired carnal knowledge of the  
10 plaintiffs, and by reason thereof, plaintiffs seek exemplary  
11 damages in the sum of \$50,000.00 each.

12 SECOND CAUSE OF ACTION

13 For a cause of action for assault and battery, plaintiffs  
14 allege:

15 I

16 Plaintiffs incorporate paragraphs I, II, III, IV and V of the  
17 First Cause of Action herein as though set out in full.

18 II

19 On the evening of May 31, 1972, in the City of Chula Vista,  
20 County of San Diego, State of California, defendants herein  
21 committed an assault and battery upon plaintiffs in that by the  
22 words and actions of the defendant, JOHN DOE, also known as  
23 "Agent", he placed plaintiffs in reasonable apprehension of being  
24 raped or otherwise touched in a harmful or offensive manner.  
25 Further, the defendant, JOHN DOE, also known as "Agent", did in  
26 fact touch, strike, and handle parts of plaintiffs' persons in a  
27 harmful and offensive manner.

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III

As a direct and proximate result of said acts, plaintiffs suffered great mental, emotional, and physical pain to their damage in the sum of \$5,000.00 each.

IV

The aforesaid actions were malicious in that they were motivated by the ill will of the defendant JOHN DOE, also known as "Agent", and by reason thereof plaintiffs seek exemplary damages in the sum of \$50,000.00 each.

THIRD CAUSE OF ACTION

For a separate cause of action, plaintiff alleges:

I

Plaintiff MARTA ELENA PARRA-LOPEZ is a citizen of the Republic of Mexico.

II

Plaintiff incorporates paragraphs II, III, IV and V of the First Cause of Action herein as though set out in full.

III

On the evening of May 31, 1972, in the Otay Mesa area of the County of San Diego, State of California, defendant herein, intentionally, unlawfully, and violently assaulted plaintiff, physically overpowering her and forcibly committed an act or carnal intercourse upon her, without her consent and despite her vehement protest and earnest supplications not to do so.

IV

The plaintiff is not now and never has been the defendant's wife.

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V

As a direct and proximate result of said act, plaintiff was caused great pain, suffering, humiliation and damages in the sum of \$100,000.00.

VI

That in doing all things herein alleged, the defendant acted maliciously and was guilty of wanton disregard of the rights and feelings of plaintiff, and by reason thereof, plaintiff demands exemplary and punitive damages against said defendant in the sum of \$100,000.00.

WHEREFORE, plaintiffs pray judgment against defendants:

FOR THE FIRST CAUSE OF ACTION

- 1. General damages of \$5,000.00 each;
- 2. Exemplary damages of \$50,000.00 each; and
- 3. Such other relief as appropriate.

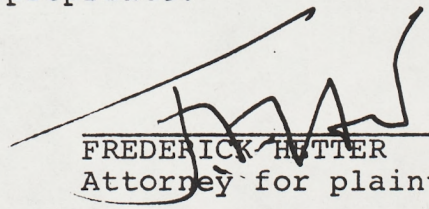
FOR THE SECOND CAUSE OF ACTION

- 1. General damages of \$5,000.00 each;
- 2. Exemplary damages of \$50,000.00 each; and
- 3. Such other relief as appropriate.

FOR THE THIRD CAUSE OF ACTION

- 1. General damages of \$100,000.00;
- 2. Exemplary and punitive damages of \$100,000.00; and
- 3. Such other relief as appropriate.

DATED: AUG 8 1972

  
 \_\_\_\_\_  
 FREDERICK HUTTER  
 Attorney for plaintiffs

VERIFICATION

I am a party to the above-entitled action; I have read the

1 foregoing complaint and know the contents thereof; and I certify  
2 that the same is true of my own knowledge, except as to those  
3 matters which are therein stated upon my information and belief,  
4 and as to those matters I believe it to be true.

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

7 Executed this 8 day of August, 1972, at San Diego,  
8 California.

9 Marta Elena Parra Lopez  
10 MARTA ELENA PARRA-LOPEZ

11 Teresa Castellano Perez  
12 TERESA CASTELLANO-PEREZ

13 X  
14 "X" (the mark of MARIA SANDOVAL-ESCOBEDO)

15  
16  
17  
18 Vera R Leon  
19 VERA R. LEON, witness

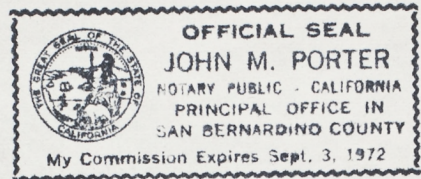
20  
21 STATE OF CALIFORNIA )  
22 ) SS:  
23 COUNTY OF SAN DIEGO )

24 On this 8th day of August, 1972, before me, JOHN M. PORTER,  
25 a Notary Public in and for said County and State, personally  
26 appeared MARIA SANDOVAL-ESCOBEDO, known to me to be the person  
27 whose name is subscribed by her "X" mark to the within instrument,  
28 and VERA R. LEON, known to me to be the person whose name is

1 subscribed to the within instrument as witness to the "X" mark  
2 of MARIA SANDOVAL-ESCOBEDO, and acknowledged that they executed  
3 the same.

4 WITNESS my hand and official seal.

5 *John M. Porter*  
6 \_\_\_\_\_  
7 JOHN M. PORTER, Notary Public



1 FREDERICK HETTER  
2 440 Olive Street  
3 San Diego, California 92103  
4 291-6970

FILED  
AUG 10 1972  
JESSE OSUNA, Clerk

5 Attorney for plaintiffs

BY \_\_\_\_\_  
DEPUTY

6  
7  
8 IN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA  
9 IN AND FOR THE COUNTY OF SAN DIEGO

10 MARTA ELENA PARRA-LOPEZ, : CASE NO. 335443  
11 et al., :  
12 Plaintiffs, : DECLARATION OF FREDERICK HETTER  
13 v. : RE: SERVICE OF PROCESS  
14 JOHN DOE, also known as :  
15 "Agent", et al., :  
16 Defendants. :  
\_\_\_\_\_ :

17 FREDERICK HETTER, on information and belief, declares as  
18 follows:

19 I am an attorney at law licensed to practice before all the  
20 court of this State and the attorney for the plaintiffs in the  
21 above-entitled action.

22 On May 31, 1972, plaintiffs were attacked, assaulted, and  
23 falsely imprisoned by an unknown border patrol agent. The crime  
24 was investigated by various governmental agencies, both State and  
25 Federal, but plaintiffs were never advised of the assailant's  
26 identity.

27 In view of the nondisclosure of this assailant's name, I  
28 have directed that service of the Summons and Complaint be made  
upon the following persons and/or agencies for the reasons stated.

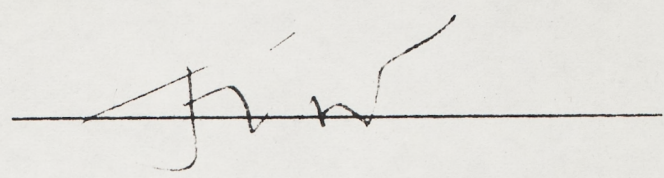
1 All of them are aware of defendant's name, but refuse to disclose  
2 it.

- 3 1. Allen L. Gerhardt  
4 Chief Patrol Agent  
5 United States Border Patrol  
6 Immigration and Naturalization Service  
7 United States Department of Justice  
8 389 East Beyer Boulevard  
9 San Ysidro, California 92028
- 10 2. George K. Rosenberg  
11 District Director  
12 Immigration and Naturalization Service  
13 United States Department of Justice  
14 300 North Los Angeles Street  
15 Los Angeles, California 90012
- 16 3. Richard Kleindienst  
17 Attorney General  
18 United States Department of Justice  
19 Constitution Avenue and 10th Street, N.W.  
20 Washington, D.C. 20530
- 21 4. Harry D. Steward  
22 United States Attorney  
23 325 West "F" Street, Annex A  
24 San Diego, California 92101
- 25 5. Rex I. Schroder  
26 Special Agent in Charge  
27 Federal Bureau of Investigation  
28 3211 Fifth Avenue  
San Diego, California 92103
6. Edwin L. Miller  
District Attorney  
7002 Courthouse  
220 West Broadway  
San Diego, California 92101
7. Raymond L. Hoobler  
Chief of Police  
City of San Diego  
801 West Market Street  
San Diego, California 92101
8. Howard B. Frank  
McInerney, Milchen and Frank  
Attorneys at Law  
1690 Bank of California Plaza  
110 West "A" Street  
San Diego, California 92101

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

Executed this 8th day of August, 1972, at San Diego, California.

A handwritten signature in dark ink, appearing to read 'F. Hetter', is written over a solid horizontal line.

FREDERICK HETTER  
Attorney for plaintiffs

CASA HERMANDAD GENERAL DE TRABAJADORES:

MEXICAN AMERICAN POLITICAL ASSOCIATION OF CALIFORNIA:

COMMITTEE CONCERNED WITH HUMAN RIGHTS:

AD HOC CLERGY COMMITTEE FOR THE FOREIGN BORN:

LOS ANGELES COMMITTEE FOR THE PROTECTION OF THE FOREIGN BORN AND DEFENSE OF THE BILL OF RIGHTS

For Release Saturday, September 2, 1972.

For Further Information Call: (213) 261 4125, or (209) 486 1479.

CHICANO ORGANIZATIONS UNITE TO URGE DEFEAT OF ALL CONGRESSMEN

AND SENATORS SUPPORTING ANTI-ALIEN LEGISLATION

In keeping with a consistent opposition by Casa Hermandad De Trabajadores to the ill fated anti-alien Dixon Arnett Law in California, and with California MAPA'S opposition to this type of legislation taken by its state convention and its executive board, both organizations came together today with a coalition of other Chicano organizations and urged that the entire Chicano community unite this fall to oppose the re-election of any Congressman or U.S. Senator who supports H.R. 16188., "The Rodino Anti Illegal Alien Act," now before the House of Representatives for passage.

A joint statement issued by Atty. Armando Rodriguez, president of MAPA, and Mrs. Chole Alatorre, chairman of CASA, Right Reverend Mark Day, Mrs. Rose Churnin, and other leaders, pointed out today that H.R. 16188 was approved by the House Committee On The Judiciary just before the current recess and will be before the fall house for a vote. While containing a much needed provision for a hitherto denied privilege for Mexicans and Latins to adjust their status while in the U.S., the statement pointed out that the overall effect of the Rodino Bill was highly negative for the Mexican and Latin people of the United States. The danger is contained in a provision that would fine employers for employment of persons without documents.

The joint statement continued, "Dixon Arnett in California clearly showed that any ban on employment of people without documents is primarily designed to affect people in the Mexican community." Congressman Rodino himself points out in his report on the Bill that 9 out of 10 people removed from the U.S. are Mexican, yet we know that only 40% of all people without documents are Mexican. This unequal application of the laws will result in all Mexicans being required by their employers to prove their status or face immediate loss of employment, and the California experience indicated all too clearly how useful this legislation was in gaining the dismissal of any "trouble makers," "undesirables," and "employees without seniority."

Although the law that Congress is considering is presumably designed to alleviate the situation of the U.S. citizen and the legal resident, experience proves that this type of legislation affects our whole community, because it is so intermingled with people in all types of status. A lay-off of a person without documents often means that a U.S. citizen mother and her U.S. citizen children go on welfare. In other cases a mother alone is without documents and is the sole support of one or more U.S. citizen children.

In California, for example, the children would be allowed welfare, but not the mother. In other cases, an abandoned mother and 3 of her children would be eligible for welfare, but two of her U.S. citizen children would be eligible. 2 people live on the budget of 2 U.S. citizen children.

MAPA and CASA and the other community organizations pointed out that there is much need for immigration reform, such as for the Legalization of all persons now in the U.S., the elimination of labor certification, and the provision for persons to become U.S. citizens in their own language. It called the present immigration legislation negative and divisive of the community, and warned U.S. Congressmen and Senators they can expect no help from these Chicano organizations in the Fall elections unless the Rodino Bill H.R. 16188 is defeated.



Border  
Bruitad...s

# Imperial Beach Fires Officer In Border Row

San Diego Union Staff Dispatch

IMPERIAL BEACH — A three-year veteran of the Police Department has been fired in the wake of an incident at the international border early Monday.

Patrolman David Vasquez, 29, was dropped by the department for "insubordination" and "behavior unbecoming a police officer," said Police Chief Frank LeCount.

Vasquez said the incident developed out of what he called harassment of Mexican-Americans at the border.

"During my entire time as a policeman, I read and heard all those things about what goes on down at that border, but I always thought it was hogwash and I put it aside," Vasquez said.

### 'NOW I KNOW'

"But now I know it's really happening down there. I can see a suspension, but not termination. I know I got pretty hot."

Vasquez said he was returning from Tijuana about 2 a.m. Monday and was directed to secondary inspection in his car.

He said he had a cousin with him and they were returning from a funeral in Mexico. The credentials of the other man in his car were questioned, Vasquez said.

"That's what started it all." Vasquez refused to comment further on the incident, explaining that he does not want to jeopardize any appeal he makes to get his job back.

### REFUSED TO OBEY

Imperial Beach Police Sgt. Al Hinton was called. According to police officials here, Vasquez refused to follow instructions given by Hinton and was suspended on the spot.

Yesterday he received a letter from the city saying he was fired.

Mayor Bert Stites said Vasquez' appeal will have to be reviewed by the city's personnel committee "but we don't have any such committee yet."

1-26-73

### SYNOPSIS

Mr. Frank Xavier Martin del Campo accuses the sheriff's deputies in charge of County Jail of physical abuse with intent to do physical and mental harm.

Mr. del Campo contends that the sheriff's deputies went out of their way to humiliate and to intimidate him to the point of a momentary hysteria.

Mr. del Campo felt confident at that time that since he had no previous difficulties with the law, that those charges he was faced with did not warrant the humiliation and pain he suffered that night.

Border  
Bratton files

CASE REPORT

CASE: Frank Xavier Martin del Campo  
714 Tourmaline  
Phone: 488-3398

ASSIGNED TO: Hector Lopez

DATE: February 14, 1973

Mr. Martin del Campo states that on the evening of February 9, 1973, at approximately 6 p.m., he and two friends, Boyd Thomas and Emilo Romero, were arrested as they were leaving a bar, the Aspen Mining Company, at 59th and El Cajon Blvd. They were charged with being drunk. Martin del Campo and Romero were also charged with interfering with an officer. Mr. Martin del Campo states that he does not drink heavily and had only "a couple" of drinks, and that during the arrest his only involvement was in trying to calm Mr. Romero, who was angry at having been arrested. They were taken to County Jail and booked. Bail was set at \$285. He states that he contacted a friend who agreed to pay his bail, and at approximately 1:30 he was given a roll-out sheet and informed that he was being released. His statement regarding the events that followed is:

I took my blanket and walked down and deposited it in the laundry bag. I walked to the next station where I gave my roll-out slip and presented my personal property sheet slip. They took my roll-out slip and left me with my personal property sheet. I went to the next and last station, that being the property clerk. I was stationed in front of the property clerk's office and the property clerk threw out a form to me and said "sign it" in a very belligerent tone. I looked at what he was requesting me to sign and it was a statement that read "I hereby certify that all personal property taken from me has been given back to me." I informed the personal property clerk that I could not sign because I had no knowledge that my personal property had been given to me--they didn't give it

to me. It was very important to me, because at the time of my arrest I had a cross that had been given to me by my mother that I didn't want lost. This meant a lot to me and I wanted to keep it and I wanted to insure that at least that piece that was most important to me would be returned. The property clerk made no effort to show me any of my personal property. He said "You are going to sign it." I informed the property clerk that I could not sign it until I could ensure that all my personal property was, in fact, in my possession. A deputy, coming out of the personal property cage and exiting to my right came out of the doors that swung into personal property. Seeing him, I thought that I could go up to him and ask him. Being that this was be first time in County Jail I was not acquainted with the procedures. I wanted to ask the deputy if I was required to sign this before I received my personal property. The deputy came around the cage (there is a small cage just in front of the personal property clerk) he came around and entered through the cage where I was. I looked back at him and said in exactly these words "excuse me deputy, the gentleman here wants me to sign this----." And that's about all I got out, because at that point the deputy threw his left arm around my throat and started choking me and grabbed my right arm and threw it up behind my back. From this point on, all I have is fleeting glimpses or fleeting periods of consciousness because as I was regaining consciousness each time a deputy would choke me until I passed out. There are a few things I do remember in the times that I regained consciousness. I have no idea what this time period was, but I will relate them as they happened. First of all I remember directly being picked up by the throat by the arm of a deputy, on his left side, and being... ..had the bulk of my body weight rested on his hip and the rest of it being rested on his arm, choking me. I remember I was picked up in the air, continued to be choking. I was trying to explain to them exactly what happened, but I never got a chance to get more than three words out. I remember being pushed up against the wall--slammed up against the wall. The next thing I remember being down on the ground, up against the wall with my face into the wall, and I was crying out, I was breaking down at this period. I have suffered pain before--I was in the army in basic training--but never such pain without a reason. Just being fired on. I was trying to talk and was unsuccessful. Next I was choked until I passed out again. Next thing I remember I was outside what is known as the rubber room at San Diego County Jail. There are about five or six rooms if I remember correctly, that have one entrance-way that are approximately 7 feet by 10 feet and a very high ceiling--it's rubber--the walls the ceilings, everything is entirely rubber.

Q. Did you lose your cool at this time?

A. I was out. The only thing I remember of anything that I did was those times that I regained consciousness, at which time I was knocked out again. I don't know.... Nothing made any sense to me. I was confident when I went into County Jail thinking that these charges I could easily explain because they simply were not true. The best thing to say is that I was very confident when I went into County Jail because I felt that there is justice. These charges I knew I did not commit. But when I was beaten up I guess my whole thinking just completely reversed. I was in a kind of 1984 situation where I didn't have any right. Where for me there just wasn't any justice and I just broke down. I just couldn't take it. I was outside the rubber room and I remember again regaining consciousness. I remember looking up and seeing just uniforms, about four or five I would say. I remember this, distinctly...I remember everyone laughing. Because evidently one of the officers grabbed another officer's arm thinking it was mine and started twisting it, and everyone was laughing. It was kind of a surrealistic effect to me. Having everyone's hands all over me and my arm was being twisted all this time.

Q. What is the matter with your arm now? I see you have it in a sling. Is that a result of what happened in jail?

A. Yes. I went to the doctor Saturday morning immediately after my release from jail. They took x-rays. I have no broken

bones, but I do not have the use of my arm. The muscles evidently were pulled out. When they have that arm lock on you, they grab you by the hand and turn it around and they twist your hand so that you have extreme pressure put on your wrist, your elbow and your arm. When I was on the ground outside the rubber room they were still twisting my arm and choking me and knocking me out. I remember them laughing. They stripped me, ripping my pants. They stripped me and took my clothes off. My glasses must have fallen off at that time. Any way, they stripped me and I was thrown into the rubber room. When I was thrown in, I fell on the ground. I fell on my right elbow to break my fall to the ground. I experienced extreme pain so I rolled on my back--this completely naked now--and let my right arm be outstretched and trying not to move it. I thought I had a broken arm. There was a nurse outside. I heard her. But I didn't ask for any medical attention. As a matter of fact when I was in the rubber room I didn't want to see any deputy ever again. I didn't want to see anyone ever again. I didn't want to see any deputy come in because I was so scared. I didn't want them to hurt me again. So I didn't say anything about my arm. For a period I was crying out. I was asking--I remember this--I was crying out to God, because it was the first time I had cried out to God in four years. I was crying out to God to help me because no one else would. I was lost. Emilio was in the rubber room. Boyd

was in the booking tank. Emilio was in the rubber room before I was. The rubber room has no bars, just slots, but he heard my voice outside. He heard someone screaming but he could not recognize the voice. I was hysterical. I was just screaming. After a while he recognized my voice being in the other cell. The best way to describe my feeling when I was in the rubber room...I don't want to see anyone ever again. I could have died there and rotted away and I would have been happy. I would never have asked for anyone to come and see me because I was really scared of the deputies. As I said before, I had left my arm outstretched to ease the pain on it. I remained staring at the ceiling for an unknown time period. The officer that I first approached to help me with the personal property clerk walked into the rubber room and informed me that I was being charged with obstructing an officer. See, my bail was paid on the first two charges and I was out and I had another bail set at \$250. When he told me this I broke down again and ...I couldn't take it. I couldn't take it. I couldn't comprehend it, so he left. After a time period this deputy came to the door. It was a sargeant. I don't remember his name. He came to the door. He was a very nice man. He kind of calmed me. He walked in and he asked me "are you calmed down now?" I replied "I have never been so calm in my life." He seemed like a very nice officer. I felt sort of secure a little, now. He told me to get out and put on my clothes. When I was

putting my clothes on I had the chills. My whole body was aching. I had a bruise on my left hip. I asked the sargeant, since he seemed nice to me, I asked the sargeant if I could talk to him. But evidently he was busy and he left. I asked this other deputy if I could talk to him to try to explain what had happened, that it was all a mistake. I said "excuse me, could I say something to you--could I tell you something?" He said "you're going to listen to me, I'm not going to listen to you. You do what I say." So they made me put on my clothes and I noticed when I put my clothes on that my glasses were not in my personal property. They were not in my bag where they put all your clothes when they strip you. I asked about them. They told me they were in my personal property. Then I was rebooked and taken back to the dormitory. As I was being rebooked they took everything out of my personal property bag. I asked the clerk for them and he contacted another deputy. I was sitting there, completely depressed, and he told this other deputy "go get this ass-hole's glasses." When I went up to the personal property clerk I was humiliated again. The guy asked me if I combed my hair with a batter whip.

Mr. Martin del Campo was returned to the dormitory and was released the next day on O.R. He states that when he contacted the City Attorney on February 13th, he found that the last charge of obstructing an officer had been dropped. He went to Kaiser Foundation Hospital upon his release. He states that he informed the doctor there that he had been jumped. He did not want his employer to find out what had happened.



Mr. Martin del Campo also states that during the time he was in the rubber room he heard two officers discussing the charges against him and he heard one officer say "don't put it like that, the District Attorney won't like it." Emilio Romero has also alleged that he heard this statement.

# Chicanos Fear Mass Deporting

A well known Mexican-American leader warned that the present campaign by the sheriff's office and other government agencies to apprehend illegal aliens may be a prelude to massive deportation of Spanish-speaking persons like those that took place in 1930s and the 1950s.

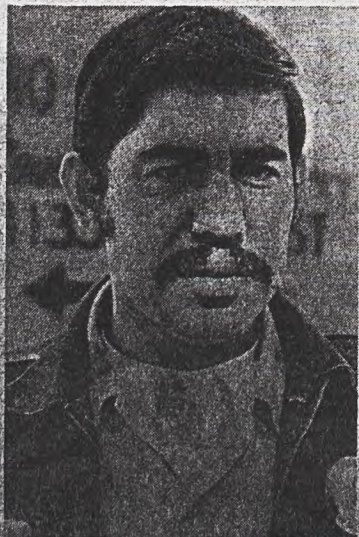
"This is not a farfetched assumption," said Herman Baca, president of the Mexican-American Political Association and chairman of the Ad Hoc Committee on Chicano Rights. "California is noted for its alien exclusion campaigns in the past."

According to Baca, "Operation Wetback" in 1954 managed to deport about 4-million Spanish speaking persons to Mexico. This can happen again, especially in California which has the largest concentration of people of Mexican ancestry, he said.

The danger of a mass deportation, said Baca, is that it does not discriminate as to whether one has a legitimate right to be in the U.S. or not. "A person is deported simply because of his name, his dress and manners," he said.

Meanwhile, the controversy between Mexican-American community and the sheriff's office regarding the latter's memorandum on taxi cab drivers and illegal aliens, has not ended.

On the other hand, it has picked up momentum when Baca charged recently that the arrest of some taxi cab drivers by the sheriff's office was simply a 'diversionary tactic' on the part of the department to 'get away from the real issue.'



Herman Baca

Arrested and charged with excessive fares and taking an indirect route, was Ronald Harkovich, 28, of 1135 Harding Ave., National City who was apprehended by deputies disguised as aliens.

Harkovich was one of two cab drivers arrested in connection with illegal aliens. The other

was Robert Orland Holley, 49, of 3249 Chicago Street, who was arrested by two of-duty Border Patrol officers in Fallbrook.

When interviewed, Baca said: "Although it appears the sheriff's office is cracking down on taxi cab drivers violating the law, the overall effect of the drive is still the harrassment of Chicanos."

"O.K., THEY'VE GOT A COUPLE OF TAXI DRIVERS. Does this justify the sherriff's department in condemning 250,000 Mexican-Americans in the county?" he asked.

In a memorandum issued by sheriff John Duffy in September last year, taxi cab drivers are required to report to authorities if they are carrying illegal aliens. The reason for the memo, said Duffy, was to stop cab drivers from taking advantage of illegal aliens by charging them excessive fares.

In this memo Duffy said, taxi cab drivers should determine whether a person is an illegal alien or not by his manners and dress.

Continued on Pg. 4

Border  
Brexitites



Sheriff Duffy

Continued From Pg. 1

The memorandum aroused vehement protest from the minority community, particularly the Mexican-Americans, because they said it is difficult to differentiate an illegal alien from a Mexican-American by dress or manner.

Moreover, they said, taxi cab companies and the sheriff's office have "no business" in immigration as this is a federal matter.

Because of the reaction from the minority groups, Duffy issued another memo dated January 8, 1973 wherein he told

of taxi cab driver's responsibilities as well as a listing of frequently violated sections of the San Diego County Code.

Asked to comment on the new memo, Baca said it is substantially no different from the older memo. "The latest memorandum is still directed against persons of Mexican descent, and it still gives taxi cab drivers the discretion to decide who is an illegal alien or not. I think it is just a play with words," he said.

"If people violate the law, they should be arrested and punished, but the cloud of suspicion should not include entire groups of people like the 250,000 Mexican-Americans in the county," he said.

Duffy was asked by the county Human Relations Agency to appear and explain his side regarding the controversial memo, but Duffy declined. The commission was at the point of issuing a subpoena for Duffy, when the body decided to suspend the effort and instead will seek an informal meeting with him to discuss the matter.

EL PAP-L  
3-23-73

# Mexican Injured By Patrol Vehicle

San Diego Union Staff Dispatch

SAN YSIDRO—A Mexican National was injured yesterday after he was accidentally run over by a Border Patrol vehicle which was pursuing him and three other men.

Assistant Border Patrol agent-in-charge Dale Swancutt identified the injured man as Antolin Gutierrez Morfin, 32, of Guadalajara, who was listed in satisfactory condition at University Hospital.

A hospital spokesman said Morfin had multiple injuries and fractured ribs.

### TAKEN INTO CUSTODY

Swancutt said Morfin and the three men taken into custody were believed to be illegal aliens.

A Police Department traffic report said Gutierrez was apparently run over by the four-wheel drive vehicle driven by patrol agent Dennis Boux. Joseph J. Henning was riding with Boux when the incident occurred.

Swancutt identified the other three men as Jacinto Mejia Varga, 28, of Morelos; Jorge Rodriguez Dias, 28, of Mexico

City, and Rufino Gadina Salcedo, 21, of Zacatecas.

Swancutt said the three men were unable to provide information as to how Gutierrez was injured.

He was found at 12:21 a.m. yesterday in a field near the intersection of 27th Street and Sunset Avenue. He and the three other men were hiding from Border Patrol agents, Swancutt said.

Patrol agents Boux and Henning received a call from the dispatcher that an electronic sensor device planted to detect illegal aliens had been triggered in their area.

### 4 MEN RAN

Swancutt said the four men apparently saw the patrol vehicle approaching and ran.

"They (Boux and Henning) drove into the field, stopped and then pursued them on foot," Swancutt said.

The police report said the other three men were found first and when agents Boux and Henning returned, they heard moaning coming from the rear of their vehicle where they found Gutierrez.



# C. A. S. A.

COMITE NACIONAL HERMANDAD GENERAL DE TRABAJADORES

2714 WEST PICO BOULEVARD  
LOS ANGELES, CALIFORNIA 90006  
TEL. 737-1269

June 29, 1972

OPEN LETTER TO THE RODINO COMMITTEE.....

Our organization, composed of 15,000 members of Mexicans and Latins has been extremely disturbed to learn that congress is currently considering passage of " The Rodino Bill" , H.R. 14831 that, in our opinion, is squarely aimed at further limiting Mexican and Latin lawful immigration into the U.S. As proposed, Section 8 of the bill would eliminate the possibility of parents of U.S. citizens and immigrants from obtaining visas without Labor Department certification. As you know Labor Department certification is impossible to obtain, so imposing this requirement automatically eliminates the possibility - for <sup>these</sup> ~~this~~ people to obtain visas.

Our community is still very much affected by government policy in the 1930's when hundreds of thousands of residentes were deported to Mexico. Along with them, over a million U.S. citizens were also expatriated forcefully as the spouses, dependent children, and dependent parents of the deportees.

These expatriated U.S. citizens are still making their way back to the U.S., believe it or not, without the education, the training, or the preparation for the U.S. life to which they were entitled as U.S. citizens. This proposed law would create millions more of U. S. citizen children who would be forced to be raised out of their country by virtue of their parents being denied the opportunity to obtain lawful status.

Section 14 of the proposed Rodino Bill would create very stiff penalties for the employment of persons without documents.

Employment in our community is already at a very low level, and substandard.

One of the reasons for this is the fact that hundreds of thousands are exploited by their employers because they know they do not have documents. Creating penalties for their employment will only drive this work force more and more underground, and the conditions under which they live will be more and more miserable, and less and less subject to government check and regulation.

We had an experience with California's Dixon Arnett law, and hundreds of thousands in our community lost their jobs, even before the law was effective, regardless of whether or not they were here with government permission. All Mexican and -- Latin workers were forced into humiliating identity checks before the entire work force while white, Anglo looking Europeans were left unchecked or unmolested.

While the so called "Liberals", in Congress decry the need for this legislation on "Humanitarian grounds," as usual these "Liberal" solution compound the very problems they are purported to alleviate. The legislation in question will restrict an already severely restricted possibility for lawful immigration, and will thus create a doubly or triply enlarged work force of persons without immigration status. The solution that CASA recommends, on the other hand, will make most people with roots in this country lawful residents, and thus remove them immediately from the super exploited work force. These suggestions are:

- 1.- Parole all persons now in the U.S. immediately for an indefinite period, pending legalization of their immigration status.
2. to make possible the legalization of the status, declare all jobs now held by persons without documents certified for purposes of their obtaining immigrant visas.
- 3.- As a condition for the parole certification for jobs for immigration visas, require that all persons now in the U.S. begin the processing of Visa applications within 3 months from the passage of the proposed law.

These proposals will not alter the existing immigration structure at all, but they will immediately remove the so called illegals as potential strike breakers, and low wage marginal workers, as they will not be afraid to unionize and to work on their jobs for fair wages.

Finally, we recommend that all persons in the U.S. be allowed to apply for the U.S. citizenship within 3 years after their entry, without reference to language requirements. We now have good media in all foreign languages used but immigrant groups to make assimilation of the literature, the ideals and the Constitution of the U.S. easily absorbable in any language. In a shrinking world this is an asset and it should be encouraged and not punished.

We also believe that Congress is wrong in passing immigration legislation without coming to Los Angeles and other urban centers to obtain the opinions of our community which is too economically deprived to be able to afford expensive Washington representatives.

We are looking forward to receiving your reactions to these proposals.

We will relay your thinking to our community in this important election year.

## Near same time as SD incident

# Post office fire bombed; damage estimated at \$350

A fire bomb was thrown through the glass front of the National City Post Office this week, shattering the glass and charring a section of rug in front of the customers' service counter.

A second bottle bomb, thrown at the rear of the building at 710 E. 16th St., did not ignite and caused no damage. A shattered 16-ounce Pepsi Cola bottle, a red rag wick and the smell of gasoline were discovered there.

**POSTMASTER** Richard O'Connell estimated the damage to the window and rug at \$350.

"If our rug had not been fire proof, it might have been a different story," O'Connell said. The rug charred where the burning gasoline hit and splattered over it.

National City police, U.S. postal inspectors and FBI agents swarmed over the scene shortly after the fire was reported by a woman occupant of an apartment house adjacent to the post office.

Police Chief John Liesman said the FBI will handle the case, with city police department assisting. However, a spokesman at the FBI offices in San Diego said the case is being handled entirely by the postal inspectors division of the Postal Service. This office in San Diego referred all questions about suspects to the Los Angeles postal inspectors offices.

O'Connell said he was called about 8:30 p.m. by Edna Davis, whose home is beside and to the rear of the post office. He said the fire department, called by a tenant in the adjacent apartment house, and the police "were already there when I arrived. The fire department got here in nothing flat," he said. "The police assisted us in every way."

**THE BARRED-OVER** window was replaced the next day. The charred rug has not been removed.

Mrs. Davis told a reporter she heard the sound of breaking glass, but was so

engrossed in reading an old ledger of her father's which she had found that the sound didn't register. One of her tenants in the adjacent apartment house called her about the fire and she called O'Connell.

Post office patrons stared in disbelief when they entered the building to find a hole in the glass front and the rug charred over a considerable area.

McConnell said the owners of the building, which is leased by the post office, will pay for the window and the smoke damage. "But the taxpayers will have to pick up the tab for the rug which we put in."

**IN SAN DIEGO** similar fire bombings, occurring Sunday within an hour of the National City incident, are being handled by officers of the juvenile division of the San Diego police department. Those bombings also included a post office branch on Logan Ave.

Det. Jim Pilling, who is handling the case in which nine arrests have been made, said there seemed to be a connection between the fire bombings and a disturbance which occurred near Chicano Park, where a picnic was in progress.

Pilling said the youths he arrested had been to the picnic. The incident which led to the disturbance occurred when officers stopped a car in front of the Community Relations Office near the park.

**THE OFFICERS** reportedly issued the driver a citation for having the body of the car suspended too low. The driver contested this judgment and refused to sign the citation. The driver was joined by protestors, and one witness said, "There was some pushing and shoving around."

The fire bombings followed shortly afterwards.

However, Pilling said the bombing of the National City Post Office could not have been done by any of the suspects arrested in San Diego. Pilling said all those arrested were in custody by 8 p.m. The bombing in National City occurred shortly after 8 p.m., according to witnesses.

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## Chicano leader ties bomb to disturbance in park

The executive director of the Chicano Federation, Louis Natividad, yesterday tied the fire bombing of the National City Post Office with the disturbance which erupted Sunday from the Chicano Park in San Diego.

Natividad, who lives in National City, said the fire bombings both in San Diego and here were a result of a brawl which erupted when police stopped a driver near Chicano Park and cited him for a vehicular violation.

Natividad said he feels that the officer over-reacted in calling other police units after the driver and friends began protesting the citation. "This is one of those cases of an action bringing a reaction," Natividad said, adding, "I

am in no position to approve or disapprove the action (fire bombing). And in any case, we (the federation) had no control over it. Whoever did it thought it had to be done."

Natividad said he has "been expecting something like this to happen." He said, "The social climate is at the breaking point because of promises made and broken."

He said the situation will get worse in the summer because many of the programs, such as the Neighborhood Youth Corps which employed high school students, have been cut out. Natividad said unemployment is contributing to the tension felt by the Chicano community.





# ¡Aquí Estamos!

por JOSÉ T. VIESCA

Siguiendo con la idea de hablar de los Chicanos que tienen sus propios negocios, fui a entrevistar a Herman Baca quien es el dueño de la imprenta "Azteca" en National City.

Baca me dijo que considera una buena idea de que en estas columnas se mencionen a los Chicanos que han llegado a ser sus propios jefes, pero que en su caso no lo considera importante, ya que este espacio debe de ser usado para hablar de cosas más importantes (que Herman Baca) para el movimiento y el futuro de los Chicanos.

**HERMAN BACA**, como es bien sabido, es uno de los líderes que mas ruido hacen. Al mismo tiempo es uno de los más respetados por que habla sin temor y dice lo que piensa en forma abierta. Algunos políticos no lo toman en cuenta por que consideran que como activista no tiene respaldo, pero el caso es que Baca cuenta con el respaldo de muchos miles de Chicanos.

"Muchos nos quieren ignorar, me dijo Baca, por que consideran que no tenemos la fuerza política necesaria, pero se llevarán una sorpresa. Ya tenemos una fuerza que hemos demostrado en muchas ocasiones, pero esto es sólo el principio. Mientras tanto seguiremos haciendo ruido y haciendo que los políticos y los nuestros abran los ojos a la realidad.

Recuerda, me dijo, al comentario que hizo Reis Lopez Tijerina, al referirse al grillo y al león. Hemos

miles de personas que buscamos y queremos encontrar justicia. Entonces como en la fábula del grillo y el león, vemos que el humilde grillo derroto al rey de las bestias solo metiéndosele en la oreja y volviendolo loco con el ruido. Nosotros haremos lo mismo".

"**TODAVÍA**, según Herman, se nos considera grillos, pero el ruido que estamos haciendo y el que hagamos en el futuro, va a derrotar a muchos que se consideran reyes en esta selva política en que estamos luchando.

"Tenemos que hacer ruido para que la gente sepa que el asesino de Ricardo Falcón, que iba a la primera convención de La Raza Unida en Tejas, fue declarado inocente en Nuevo México (el asesinado solo era un Chicano).

"Tenemos que hacer ruido para que se sepa que en las ultimas elecciones (especiales) para Senador local en el distrito 22 (predominantemente angle y que incluye a North Hollywood), Andres Torres, el candidato de La Raza Unida, tuvo mas de 2,400 votos y tenemos que seguir haciendo ruido para que todo el mundo sepa que este partido esta tomando una fuerza arrolladora en el Condado de San Diego.

"Hablando de La Raza Unida te dire que la primera meta es tener registrados a 10,000 votantes para 1974.

"Tenemos el elemento joven que está muy interesado y trabajando en una forma admirable y esta registrando a

muchos nuevos votantes todos los días, pero todavia encontramos a muchos de los nuestros, principalmente a gentes mayores, que no quieren aceptar la responsabilidad de registrarse para hacer valer sus opiniones en las casillas de votación.

"Es indispensable que esas personas se den cuenta que sólo valemos por los votos que podemos poner en cada elección.

"Que por esa apatía, o por cobardes, nunca han sido tomados en cuenta y, como lo hemos visto, tanto los Republicanos como los Demócratas nos han usado como manadas de borregos y, como consecuencia lógica, siempre se nos ha negado el respeto y la dignidad que como huinanos y ciudadanos merecemos.

"Para remediar estas injusticias y para demostrar que hemos llegado a una madurez política en la que ya tenemos una organización, es por lo que La Raza Unida muy pronto tendra su primera convención local en San Diego, para que sean electos los directivos que representen a la mayoría, organicen planes de acción, sigan haciendo mucho ruido y sean los que pueden hablar a nombre de los muchos miles de Chicanos que vivimos en el Condado de San Diego".

When you want  
great juices,  
we're the outfit  
that produces.



OFFICE OF THE ATTORNEY GENERAL

**Department of Justice**

STATE BUILDING, SAN DIEGO 92101

May 4, 1973

Albert R. Garcia  
Ad Hoc Committee on  
Border Brutalities  
323-1/2 E. San Ysidro Blvd.  
San Ysidro, California 92073

Robert R. Lopez  
San Diego Human Relations Agency  
3730 Fifth Avenue  
San Diego, California 92103

Re: MARTHA LOPEZ

Gentlemen:

After reviewing all the evidence available to the San Diego County District Attorney's Office, we have concluded that the evidence supports their decision not to initiate criminal proceedings in this matter.

While the evidence does reveal that an act of sexual intercourse did occur on May 31, 1972, between Mrs. Lopez and a member of the United States Border Patrol, the evidence also reveals that the Border Patrol officer did not use such threats or force that would cause his act to fall within the proscription of California Penal Code section 261.

Accordingly, the District Attorney's Office acted within its discretion in deciding not to file any criminal charges.

In such a situation, there is no reason for our office to intervene in this matter. While it is the responsibility of the District Attorney to prosecute violations of State law which occur within his county, whether or not a particular matter warrants criminal prosecution is a question committed to

Albert R. Garcia  
Robert R. Lopez

May 4, 1973

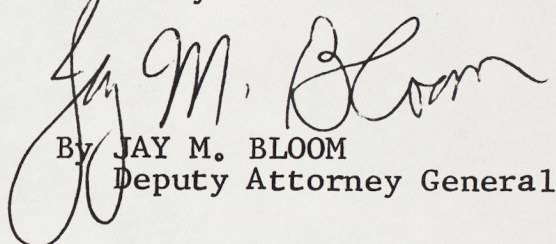
his discretion. See Taliaferro v. Locke, 182 Cal. App. 2d 752, 755-757; Taliaferro v. City of San Pablo, 187 Cal. App. 2d 153, 154; Ascherman v. Bales, 273 Cal. App. 2d 707, 708. Thus, the fact you may disagree with his decision not to prosecute affords neither reason nor basis for intervention by our office.

Moreover, it may be of interest to you, that we have been informed that the Federal Government is investigating this matter and has presented evidence regarding this case to a Federal Grand Jury. Thus, your further inquiries in this matter might better be directed toward Federal authorities. This is especially true since the conduct of the Border Patrolman in this case did not violate any State laws, but may have violated Federal laws.

Finally, we feel we should inform you that, to the best of our knowledge, the Border Patrolman involved in this case has been relieved of his position by the Federal authorities.

Very truly yours,

EVELLE J. YOUNGER  
Attorney General



By JAY M. BLOOM  
Deputy Attorney General

JMB:jg  
cc: John Hewicker, DA  
Ken Morales