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**SAN FRANCISCO
NEIGHBORHOOD LEGAL ASSISTANCE FOUNDATION
IMMIGRATION LAW UNIT**

☐ MISSION OFFICE
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TELEPHONE (415) 648-7580

☐ CHINATOWN-NORTH BEACH OFFICE
250 COLUMBUS AVENUE
SAN FRANCISCO, CALIFORNIA 94133
TELEPHONE (415) 362-5630

Jan. 5, 1979

**Herman Baca
Chicano Federation
1960 National Ave.
San Diego, CA 92113**

In Re: Kidnapping of Baby Macias AKA Cythia
Elizabeth Johns

INS #21-324-657

Dear **Mr. Baca**

The Macias baby has been in the custody of her kidnappers for 3 years. On December 12, 1978 The Board of Immigration Appeals found the Macias child deportable to Mexico.

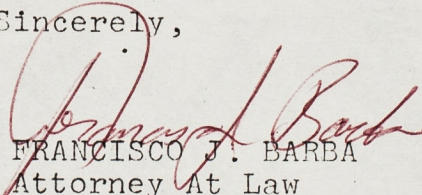
In the 4 January 79 edition of Oakland Tribune it is reported that Mark and Eileen Johns have again absconded with their kidnap victim baby Macias. (See enclosure)

The fate of the victim child is presently in the hands of the U.S. Attorney General and his deputies.

Your expression of concern would be most helpful in securing justice for the kidnapped child and his mother.

Thank you very much for any assistance you may wish to render in this case.

Sincerely,


FRANCISCO J. BARBA
Attorney At Law

FJB:scu

*This is latest
The since I last
talked with
you - last word is
that Walsh's no
office has no
intention to
prosecute
4.*

In Re: Kidnapping of Baby Macias AKA Cynthia
Elizabeth Johns

INS #21-324-657

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The Macias baby has been in the custody of her kidnappers for 3 years. On December 12, 1978 The Board of Immigration Appeals found the Macias child deportable to Mexico.

In the 4 January 79 edition of Oakland Tribune it is reported that Mark and Eileen Johns have again absconded with their kidnap victim baby Macias. (See enclosure)

On behalf of Mr. Macias we would like to know immediately what steps your office plans to take to insure the safety of the child.

We would also like to know what steps you are taking to secure the prompt return of the child to her mother.

Sincerely,

Baby kidnap case gets hearing today on mother's appeal

Fremont— A Mexican woman who claims a Fremont couple kidnapped her baby girl three years ago will appeal to immigration officials today to let her into the country to get the child back.

Angela Macias-Rosales will petition District Director David Ilchert of the U.S. Immigration Service, her attorney said.

The petition notes that David and Irene Johns, who claim to have legally adopted the child, are the subjects of a Mexican arrest warrant and have left Fremont for an unknown destination in Florida.

"The mother is seriously concerned about the welfare of her baby," said attorney Francisco Barba.

Ilchert said that unless he receives a court order staying a deportation order, issued last year and confirmed on appeal, "I will have to enforce the deportation order."

The child, Cynthia Elizabeth Johns, is in this country illegally, he said, and he will order her to his San Francisco office by Jan. 12, the final day of her legal stay in this country.

Pair Ordered To Return Mexico Child

A Fremont couple accused of kidnaping a child they say they legally adopted in Tijuana three years ago have been ordered by U.S. immigration authorities to return the child to Mexico.

Cynthia Elizabeth Johns, daughter of Mark and Eileen Johns, was found to be an alien in this country, brought into the United States without a visa. The child has been ordered returned to Mexico within 30 days.

A U.S. Immigration Appeals Board in Washington issued the order on Tuesday after it upheld a finding by a San Francisco judge a year ago that the child was an alien.

The appeals board did not make any determination on the custody of the child.

Johns told reporters last week that he and his wife adopted the little girl through what they believed were proper legal procedures.

He said he and his wife were assisted by Mexican attorneys from the Institute for the Protection of Infants, an organization run by the Mexican government.

Johns said the attorneys gave them the child shortly after she was born and then went with them to get a birth certificate saying the child was theirs.

The birth certificate lists Johns and his wife as the parents of the child. Johns says the attorneys told him this would make the adoption legal.

But Angela Macias-Rosales, who says she is the child's natural mother, has testified that the child was kidnaped when she went to sign out of the hospital, after giving birth.

Mother ready to prove claim

Fremont—Angela Macias-Rosales said yesterday she is "ready and willing to prove beyond any doubt that she is the mother" of a child she claims was stolen from a Tijuana hospital three years ago by a Fremont couple.

She made the statement through attorney Francisco Barba of San Francisco. He said he will be traveling to Tijuana soon to accompany Macias-Rosales to California to confront David and Eileen Johns, who have the child.

The Johnses claim they legally adopted the 3-year-old girl, whom they named Cynthia Elizabeth Johns.

The U.S. Board of Immigration Appeals ruled last week that the Johnses did not legally bring the child into the United States and ordered her deported within 30 days.

The Johnses vowed to appeal that order to a court, however, and also to oppose an arrest warrant signed by a Mexican judge after Macias-Rosales charged the Johnses with kidnapping the child.

Macias-Rosales would not give further details of her promise to prove she is the child's mother and return with her to Mexico. But she said she will offer proof before a judge and a doctor after she arrives in California.

Barba said he has a notarized statement by Alicia Cabral de Lopez, described as an agent for the Institute for the Protection of Infants in Tijuana, that she did not help arrange the adoption, despite claims to the contrary by the Johnses. Lopez claimed she was merely a witness when the baby was registered in the name of the Johnses in Tijuana on Oct. 27, 1975.

Barba said Macias-Rosales has been upset by stories in U.S. newspapers that the baby was raised in the United States and therefore should stay here.

Macias-Rosales said the baby would be living with her in a tourist community—Rosalita, a Tijuana suburb where she and her common law husband, Victor Martinez, own the Del Mar Restaurant. She claims the restaurant has a 90 percent U.S. clientele.

She said the child would be part of a large family with children of her own age, culture, race and religion.

Macias-Rosales and her friends and relatives consider it an "extremely racist question" to ask her to prove maternity before getting her baby back, said Barba.

"What if the Chowchilla parents had to prove these children were theirs before they were returned?" Barba asked. "It's preposterous."

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The Tribune, Wed., Dec. 20, 1978

Wednesday briefing

Bay Area

S.F. district attorney invites investigation . . . Joseph Freitas has asked the attorney general's office to check the way his department handled a voter fraud inquiry involving the Peoples Temple two years ago. But Freitas says his own staff inquiry disclosed no impropriety by Timothy Stoen, who conducted the investigation. Stoen was an aide to the Rev. Jim Jones and a member since 1969 of the Peoples Temple. Page 8.

Tijuana woman "ready to prove she's the mother" . . . To regain her 3-year-old daughter in a custody dispute with a Fremont couple, Angela Macias-Rosales will come to the Bay Area backed by the testimony of another woman who denies helping to arrange a claimed adoption ceremony. Page 27.



Angela Macias-Rosales, holding another child, says she will prove she is the mother of a Fremont girl.

Mexican mother vows to get child

by Ruud Van der Veer
Staff Writer

Fremont— Angela Macias-Rosales vowed yesterday to fly here from Mexico to personally demand return of the child she claims a Fremont couple stole from her at a Tijuana hospital three years ago.

Macias-Rosales will confront David and Eileen Johns with a "deportation order (for the child) in one hand and the Mexican warrant for the Johnses' arrest in the other," promised her attorney, Francisco Barba of San Francisco.

The deportation order was issued last week by the U.S. Board of Immigration Appeals. It ruled that the child was not legally adopted by the Johnses, as they claim, and must be returned to Mexico within 30 days.

The arrest warrant, charging the Johnses with kidnapping, was signed by a Baja California judge.

The warrant was based on Macia-Rosales' claim that the child was taken from the Social Security Hospital in Tijuana in September 1975 the day after her birth to Macia-Rosales and illegally signed over to the Johnses.

Barba said Macia-Rosales will arrive here "within the 30-day deportation period."

But despite her determination and legal backing, David Johns gave no outward sign of lessening his determination, and that of his wife, to keep the child, whom they have named Cynthia Elizabeth Johns.

"Why call Macias-Rosales the natural mother?" he asked. "That hasn't been established at all."

"Anybody in Mexico can make a claim to our child and say 'This is my child. I want it.'"

Despite the Johnses' claim, the immigration appeals board found that "the child has not been lawfully adopted" and that the Johnses' attorney "conceded that Cynthia Elizabeth Johns was an alien who was brought into the United States without a visa."

The Johnses submitted no evidence to Mexican officials that the natural mother had consented to adoption, the board found, and in fact claimed they were Cynthia's natural parents.

An immigration judge in San Francisco first ordered the child's deportation a year ago. In their appeal of that order, the Johnses argued that the judge would not admit evidence supporting their claim that Mexican custom allows "an adopted child to be registered as the child of the adopting parents."

But the appeal board ruled that the Johns' attorney offered no proof that "such a practice in fact results in an adoption recognized under the laws of Mexico."

Even if the adoption was legal, the board declared, "it is undisputed that Cynthia Elizabeth Johns had no entry documents when she was brought into this country."

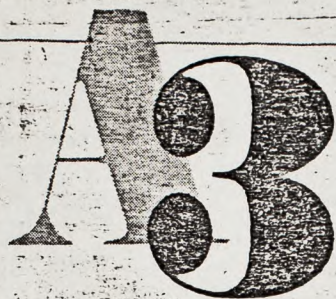
The Johnses have vowed to follow the child to Mexico should her day of deportation ever arrive.

He said the couple will appeal the immigration ruling to a federal court, although the Johnses' attorney, Allen R. Jackson, said "we haven't decided yet what to do."

Tuesday morning/December 19, 1978/Oakland, California/20*

Handicaps

Oakland Tribune
Sunrise Edition



THE SAN DIEGO UNION

Wednesday, December 6, 1978

Baja Issues Arrest Warrant In Child Theft

By ALEX DREHSLER

Staff Writer, The San Diego Union

TIJUANA — An arrest warrant has been issued here charging a California couple with stealing a day-old baby from a local hospital three years ago.

But despite the warrant, the infant's natural mother may never regain custody of her daughter.

"I'm still leery about the possibility of the arrest warrant being effectively processed," said Francisco Barba, attorney for the child's mother, an unmarried Rosarito waitress.

"I foresee a lot of bureaucratic barriers to withhold the warrant, from the time it leaves the judge's hands until the time it reaches U.S. Attorney (General) Griffin Bell," Barba said during a telephone interview yesterday.

He said he is not sure the California couple will be extradited to Mexico because, "Given the performance of both Mexican and United States authorities, the fact that even after being presented with literally

reams of confessions under oath by the (couple), both Mexican and United States authorities have refused to act for the past three years.

"The child was stolen at the age of 1 day and she is now 3 years old. This reaches a new low in discrimination or double standard in police protection," Barba said.

Baja California State Judge Leonila Pichardo on Friday ordered the arrest of Mark D. and Eileen Johns of Fremont.

The arrest warrant is based on a complaint filed two months ago in Tijuana by Angela Macias-Rosales, charging that the Johnses stole her baby Oct. 22, 1975.

A new complaint had to be filed after Public Ministry officials in Tijuana discovered that the original complaint, filed Dec. 22, 1975, had disappeared.

Two months after her baby disappeared, Macias' search brought her in contact with U.S. Immigration officials. In early 1976, during the immigration officers' investigation, her plight was brought to Barba's

attention by an immigration judge in San Francisco. Barba is employed by the San Francisco Neighborhood Legal Assistance Foundation.

As a result of the immigration investigation, a deportation hearing was held Dec. 16, 1977, before Immigration Judge Chester Sipkin.

The judge ruled that the Macias baby had been brought into the United States illegally and ordered that she be "deported from the United States to Mexico." The Johnses are appealing that decision.

Although the Johnses maintain that the baby was adopted legally, the deportation hearing and a court proceeding in Alameda County Superior Court in Oakland in 1977 (based on a petition for a writ of habeas corpus filed by Barba) reveal that Macias never signed a document releasing her baby for adoption, that the Johnses fraudulently filed a birth certificate with the Civil Registry office in Tijuana and that the couple did not initiate adoption proceedings with any court of law in Tijuana or anywhere else in Mexico.

Johns told immigration officers the baby's adoption was handled through two attorneys who at the time worked for the Institution for the Protection of Infants (IPI). No charges have been filed against the two women.

Manuel Perez Aguilera, of the State Public Ministry office, explained that with a formal charge having been filed against the Johnses, the case has to be reviewed by the Superior Tribunal of Justice, State Attorney General's Office and then Gov. Roberto de la Madrid.

The governor must then ask the federal Secretariat of Exterior Relations to ask the United States to extradite the Johnses to Mexico, Perez said. But the matter could still be tied up in court for months if the Johnses decide to contest the extradition proceeding.

"I expect the baby to be returned because there are enough people interested in the case, including myself, who will not give up until she is returned to her mother," said Barba.

Community Border Affairs Advisory Council

318 E. SAN YSIDRO BLVD.

SAN YSIDRO, CA 92173

714-428-2565

December 4, 1979.

John McNelly, Port Director
U. S. Customs Service
San Ysidro Port of Entry
San Ysidro, CA 92073

Dear John:

Enclosed you will find signed declaration by Maria Elena Esquivel regarding her treatment at the San Ysidro Port of Entry on November 26, 1979. I also want to call to your attention the treatment given to Mrs. Imelda Moreno on November 22, 1979, 7:30 p.m. by U. S. Customs inspector Pahio. Also incident of November 14, 1979, 11:45 p.m. black female Customs inspector, bage number 17188, where Arturo Scolari, his wife, myself, and my wife were also mistreated by the above mentioned inspector and matter was handled by incompetent supervisor, Ray Seewald, bage number 2440, on November 28, 1979, on or about 5:30 p.m. Hector Scolari and his associate, Manuel Parra, were also harassed and abused by inspector Pahio. Who apparently is enjoying the walk up's and the abuse of authority he is accustomed to.

Unfortunately, lately we are getting many complaints against U. S. Customs inspectors and I am begining to get concerned regarding many of these abuses many inocent people are being harassed, maltreated, and humiliated by personal searches that are being conducted against people who are members of the Community Border Affairs Advisory Council, business people from both sides of the Border, and simple citizens that have no reason to tolerate abusive inspectors and incompetent supervisors.

I, therefore, urge you to take immediate action against the persons mentioned above and also for you to talk to your supervisors to further train new and old inspectors plus incompetent G-S ll supervisors, because if this continues we will seek elsewhere for solutions to these problems.

Sincerely yours,

Alberto R. Garcia
Chairman

ARG/ tm

Enclosure

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

I, Maria Elena Esquivel, declare:

1. I am a Citizen of the United States of America.

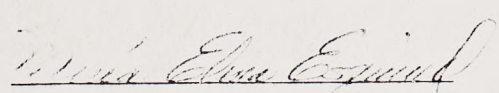
2. On November 26, 1979, applying for entry on primary inspection I encountered the most abusive attitude by inspector A. J. Rodriguez U.S. Customs badge No. (12353). After going through the regular questioning by inspector Rodriguez, he abusively tried to grab my purse, threw half of his body over my person touching my breast and my body with his hands and arms.

3. I advised inspector Rodriguez that if he wanted to see my purse that I would gladly show it to him if, (a) He asked for it in a courteous manner. (b) That I would show it to him myself. (c) If he would stop acting abusively against my person.

4. He reacted so unprofessional that he walked me to secondary inspection and on his way he made a gesture and stated; "If you play any games with me, I will shoot you." grabbing his gun with his right hand, he ordered me to park my car in the first stall treating me like if I were a criminal, he told about ten inspectors, that were just standing out there, to check my car, further ordering me to leave the keys in the car. I was taken to the office of the U.S. Customs Service, where inspector Rodriguez using abusive language again by force took my purse and threw everything on the counter and checked item per item. I was further ordered to let myself be checked by a female inspector so that I would continue to be harassed by this individual which I considered his attitude and procedure used against me, unbecoming of a United States Federal Officer.

5. I, therefore, request for an immediate investigation against this individual so that proper steps are taken against him for the way that I was mistreated and also for his attitude of throwing half of his body and touching me, which is illegal and unconstitutional and not within U.S. Customs regulations.

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


M A R I A E L E N A E S Q U I V E L.
1033 Woodhaven Drive
Spring Valley, CA 92077

NOVEMBER 27, 1979.



Committee on Chicano Rights, Inc

Dec. 14, 1979

Manny Najera
District Director
U.S. Customs
Treasury Dept.
880 Front St.
San Diego, CA. 92188

Dear Mr. Najera:

The Committee on Chicano Rights, as a Rights Organization, is deeply concerned over the humiliating and degrading treatment which has been reported by Mrs. Maria Elena Esquivel. Enclosed is a declaration by Mrs Esquivel and a letter from Mr. Alberto Garcia regarding alleged charges of harassment, abuse, and maltreatment by U.S. Customs agents.

It is our Organization's position that immediate disciplinary action be taken against the agents involved and that an investigation be instituted into;

1. Why the Agent threw half his body over Mrs. Esquivel to supposedly get her purse.
2. Why the Agent intimidated her by grabbing his gun and then threaten to shoot her.
3. Why the Agent had ten (10) agents check her car.
4. Why the Agent used abusive language.
5. Why the Agent subjected Mrs. Esquivel to a body check.

Please keep us informed of any results or action taken by your office on this matter

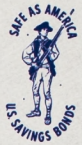
Thank You,

Herman Baca

Herman Baca
Chairman (CCR)



DEPARTMENT OF THE TREASURY
U.S. CUSTOMS SERVICE
SAN DIEGO, CALIF.



DEC 19 1979

REFER TO
BAG-2-01:S MG

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

Dear Mr. Baca:

This is in reference to your letter of December 14, 1979, concerning a complaint filed by Mrs. Maria Elena Esquivel.

We are currently looking into this matter and will reply further as soon as possible.

Sincerely yours,

C R Marshall

CHARLES R. MARSHALL
Acting District Director

June 4, 1981

James O'Keefe,
District Director
Immigration and Naturalization Service
880 Front Street
San Diego, California 92188

Re: Formal Complaint against INS

Dear Mr. O'Keefe,

I would like to submit this letter as a formal complaint against several unknown Immigration Officers and Supervisors assigned to the San Ysidro Port Of Entry.

I am requesting that a complete investigation be made of the May 17, 1981 incident that occurred while I was attempting to enter the United States after returning from an innocent and casual trip to Tijuana.

Enclosed please find the original copy of my affidavit regarding the entire incident of May 17, 1981. In my affidavit, I try to describe the bad manner in which I was treated and the misconduct that the officers acted in during their questioning of me and my children.

It is my belief that the officers and supervisor in question could have handled the situation in a more professional manner. It is my understanding that several options could have been given to me to resolve the question of citizenship of my children. I could have been given a humanitarian or emergency parole due to the circumstances or some type of deferred action or I could have been allowed to request an exclusionary hearing for my children. I can not understand that an agency of our government with a responsibility of the largest port of entry does not have a method or procedure where United States citizens can be admitted into their own country.

I am a mother of three United States Citizen children. I am employed with UNITED WAY as a computer operator, my husband who also is a naturalized citizen is employed with NASSCO as a pipe-fitter and serves as a volunteer with the National Guard. We are law abiding and church going family. We have never had problems with any of the law-enforcement agencies before.

Although I do not know the names or badge numbers of these officers, I will be more than glad to review photographs or identify them in person if I am given the opportunity to do so.

In closing, I would like to reiterate my formal complaint against these unknown officer and request that the investigation into this matter be made promptly.

1981
James O'Keefe
District Director

If you have any questions with regards to the above information or of my affidavit, please inform me by written correspondence.

Thank you very much for your cooperation and I await your prompt reply in this matter.

Thank You,

Esperanza Blanco
Esperanza Blanco Saenz,
239 19th Street
San Diego, Calif

cc: Paul Villanueva, Investigator
Office of Professional Responsibility

Ruben Rains, Director
San Ysidro Port of Entry

Herman Baca, Chairman
Committee On Chicano Rights

June 4, 1981

Department of the Treasury
District Director of Customs
880 Front Street, 5th floor
San Diego, California 92188

Re: Petition for Remission or Mitigation of Fine

1971 Dodge
Cal. Lic. #169 DZJ
Case Number #250401212
Seized and Fined, May 19, 1981

Dear Director,

I, Esperanza Blanco Saenz, hereby petition U.S. Customs for remission or reduction of the \$100. fine assessed against me on May 17, 1981 in violation of 19 USC 1585, improper entry into the United States.

It is my belief that the fine assessed against me by U.S. Customs for allegedly entering the United States without inspection was unjust and excessive. If one takes the totality of the circumstances in this case, it would seem that relief is warranted.

I have enclosed the affidavit concerning the incident of May 17, 1981 at the San Ysidro Port of Entry. As I have indicated in my declaration, if it was not for the mistreatment by the Immigration officers at the primary and secondary inspection area, I would not have had the problem with Customs.

Although I have stated that I have been a resident since 1972 and that I am a naturalized citizen, I would also like to mention that I am a mother of 3 U.S. citizen children, my oldest attends Spreckles Elementary School, that I am employed with UNITED WAY as a Computer operator and that my husband is employed with NASSCO as a pipefitter and on the weekends, he volunteers with the National Guard. We attend Guadalupe Catholic Church and have never had any problems with any local or federal law enforcement agencies. In addition, the vehicle in question is used by me on a daily basis to and from my employment and to transport my child to school. The car is needed for our daily activities which include shopping, doctor visits and the like.

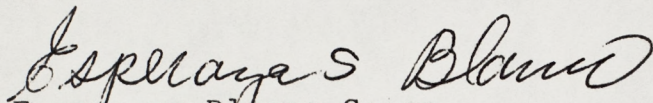
I understand that false statements made to request remission or reduction of said fine can result in criminal charges being filed against me under 18 USC 1001.

Furthermore, as provided in 19 CFR 171.21, the District Director, after reviewing all of the circumstances, has discretionary power to remit, or mitigate any fines or penalties assessed to any person charged with violating U.S. Customs law.

Therefore, I request that the fine of \$100. assessed against me be remitted or reduced and that the charges of improper entry be dismissed.

Thank you very much for your cooperation and consideration and I await a prompt reply in this matter.

Sincerely,

A handwritten signature in cursive script that reads "Esperanza S. Blanco".

Esperanza Blanco Saenz,
239 19th Street
San Diego, California 92

AFFADAVIT OF ESPERANZA BLANCO SAENZ

I, Esperanza Blanco Saenz, declare that the following facts and information are true to the best of my ability:

That I reside at 239 19th Street, San Diego, California and that I have been a Permanent Resident Alien since 1972. That I became a Naturalized United States Citizen in August of 1979.

(A-9957941)

That I have three children who are also United States Citizens by birth in this country and their names are: Jesse Blanco Saenz, Age 7, Alexander Blanco Saenz, Age 3, and Anne Marie Blanco Saenz, Age 9 months.

That I am married to Jesse Blanco R. Sr who is also a naturalized United States Citizen. That we have lived in the above mentioned address for approximately five years.

At approximately 8:45 A.M. of the morning of May 17, 1981, I was accompanied with my three children and we were returning from leaving my mother, Laura Gortares, who was departing to Sonora, Mexico, from the Bus terminal in Tijuana and arrived at the primary inspection area at San Ysidro at that time.

The officer stationed at the inspection booth asked me where I was coming from. I answered from Tijuana. The officer then asked me where I lived and I said, "San Diego". I was then asked, "what citizenship are you?" I replied that I was an American Citizen.

He then asked me if the children were mine. I said, "yes".

Immediately, he asked me for their birth certificates. I responded, "I don't have them with me".

The officer then placed a yellow slip on the front window of my car. He asked to drive to the secondary inspection area and pointed to the first entrance to the right.

When I arrived at the secondary inspection area, I parked my car in the first stall and waited until another officer approached the car. While I was waiting, I fed my baby the last of the milk that was left.

The officer approached the car and began to read the yellow slip of paper. He then asked, "where are the birth certificates of the children". I then said, "I don't have them with me". He repeated, "where are they". I said, "they are at my home". The officer then handed me the yellow slip and asked me to go inside the building. I gathered my children as best I could and headed for the building. I stopped momentarily at the front desk, but was told to go to the next office and the officer pointed towards the door.

Immediately on entering the second office, I presented myself and the children to the desk officer. I noticed that he was busy interviewing someone else. The officer turned to me and said, "take a seat", and so I did. After a short period of time, I noticed another officer come into the office. I saw that it was a female officer. The first officer indicated to the female officer that I was next.

The female officer then asked me to come to the front desk. She said, "how can I help you?" I said that I did not have the papers of my children. She then said, "why don't you carry them with you". I replied, "I never have them with me". The officer then said, "if you don't have those papers, you can't go to San Diego". I said, "what am I going to do". She replied. "go to Mexico". I said, "what am I going to do in Mexico". She answered, "I don't know, you have to go to Mexico". I then said to her, "If

you don't believe me that they are citizens; why don't you send someone with me to my house to look at the papers or bring back the papers". She said that they could not do that. I then asked her again, "what am I going to do?". She replied, "if you don't have the papers, we can't do nothing for you".

I then reached for my purse and looked for the medical card I had for the children. I showed the officer the Kaiser Permanente medical card, but all she did is grab them and tossed them back to me and said, "these are no good". I told the officer that I was not going to stay here all day, the male officer standing next to her, said to me in a high voice, "don't yell at her". I answered, "why don't you understand me". Then he spoke with the female officer and said to send me to a Supervisor upstairs. She then wrote something on the yellow slip and told me to go up stairs to the second floor. At this time, my children began to cry. My baby needed attention, but I was told to go up stairs and wait.

When I reached the second floor, I immediately approached the two officers who were near the counter. I handed the yellow slip of paper to another female officer. She told me to wait there. I saw her go to the male officer who was in an office located near the big windows. She returned to the desk where I was standing, but instead of coming over, she sat down by her desk. After ten minutes or so, the officer in the office came over and asked me what I wanted. I said, "I want to go to my house in San Diego".

The officer then said, "you can't go home, you don't have the papers". I then said, "I need someone to understand me", He replied, "what kind of understanding do want". "If you don't believe me, send somebody with me or call the police". The officer then turned around, held the yellow slip down on the counter and stamped it with some lettering. He then turned towards me and handed me back the yellow slip. I read the slip and it said "RETURN TO MEXICO". I immediately got mad, and said, "hey, I can't go over there, I don't have a family and nobody there". AS I said this, the officer was walking away and slammed the door to the office shut.

I gathered my children and decided to leave. I placed the children into the car and I left the area. I approached the small station at the end of the inspection area. I handed the yellow slip to the officer and he replied, "make a left turn to go to mexico". I then told the officer that I was not going to return to mexico. He said if I didn't go to mexico, I couldn't go to San Diego either. I then said, "so I will stay here". "You can't stay". "I can't go to mexico". The officer said that if I go to San Diego, we will charge you \$500.00. I then turned off the car and sat there and said, "I am going to stay right here, I will not go to mexico or San Diego, because my baby is crying and she had not eaten and she is wet and it is bothering her". The officer then told me to go back inside and speak with the officer in charge. I told him that they did not understand. He then told me that he could not do anything also. He then called another officer to the small booth. The second officer appeared very angry. The officer yelled, "Lady, you better move ". I then said, "or what". He then said, "if you don't move

I am going to move the car". I said, "try it". He then yelled at me, "You go to mexico". I told him that I would not go to mexico, that I wanted to go to my house. "If you don't move, I am going to call the police". I said, "fine call the police". The officer reached over and grabbed the telephone and marked several numbers. The officer dialing the telephone turned to the second officer and said that he didn't know how to call out to the police. I said, "call the operator its, 411". The officer then replied, "I am going to call the tow-truck", and as he told me that, he reached into the car and tried to grab the keys from the ignition, but I grabbed them first. He then called a third officer and told the second officer was just standing there. When the third officer was approaching the small booth, the officer standing near the car, told me, "If you don't go to mexico, I will drag you out of the car and I'll walk you to Mexico. By this time, the third officer was standing next to the officer, and I said, "why are you going to take me back to mexico if I live here in San Diego". The third officer then answered me and said, "you have to understand that you have to go back to mexico". I then replied, "you have to understand me that I have no business going to mexico". Then my son Jesse said that he would stay here and I go for the papers. I turned to the officer nearest the car and said, "he understands more than you and he is only a child". I then started the car and left the area.

I was near my home when I observed the San Diego Police stationed near the intersection of 19th and L street. As I passed them by, they immediately placed their cars behind me and turned on the siren.

I immediately stopped the car in the middle of the street. I waited until the officers approached my car. They asked me if I had my driver's license. I presented my driver's license to them. One of the officers then asked me why I didn't stop at the Border. I then told him that I did stop at the Border. He repeated the question of why I didn't stop at the Border. I said, " I did stop". He then asked me if I stopped at the first inspection and I said yes. He then asked me if I went to the second station. I said, "yes". He then asked me if I went into the building and I said, "yes, but they didn't understand me and they didn't want to understand me". He then said, "It isn't none of my business what happened, I am here because they called me to stop you". I asked the officer if I could go inside the house to change the baby and prepare a bottle for her. He gave me permission to leave and said, "It isn't my business, the Border Patrol is coming for you". I then entered my home and cared for my children. I also gathered all the birth certificates of the children. I then returned outside and waited until the Border Patrol came. I waited for approximately thirty minutes before they arrived. Prior to there arrival, I handed the birth certificates to the police officer. When the officer's arrived, they immediately spoke with the police. I saw the officer hand over to the other officer the papers of my children. I then asked the second police officer if I could get another bottle and a diaper for my baby. As I was returning back, I saw a police officer coming for me.

As we approached the newly arrived officer, he indicate that he would be taking my car and that I had to ride in the patrol car. The newly arrived officer also told me that I had to leave my children at home. I told him that I did not have anyone to care for them and they will stay with me. He then said if the big one could stay and I said no. Then I asked the Customs officer what was going to happen to me. He then said that I might go to jail or you may pay a fine. AS we arrived at the port of entry, they escorted us to the office inside the building. They took me and my children behind the counter and the female officer that was there asked me for my purse. She began to look through everything I had. She then told the male officer that she could not find any thing to prove that I was a citizen or that I lived in the states. The male officer then said that with the birth certificates that the female officer was holding was O.K.

Then the officer that I had spoken with earlier came into the office. He asked me to come over so that he could speak with me. He asked me why I had jumped the stop. I told him that because he didn't understand me. He then said, who didn't understand you. I then said, "when I went up stairs to talk to them, they stamped the slip and turned around and shut the door". He then asked me why I had called the officer a "Cabron". I then showed him my arm and said, "because he hit here". He then left the office. Then a second officer came in and told me that they needed my signature on the forms that he was holding. He then was trying to explain what laws I had violated when I jumped the stop. He also told me that they were going to keep the car and I asked him to repeat the reasons why they were going to do that. He said that I would have to submit a letter indicating why I had jumped the stop and the

reasons why I wanted the car back. I was then handed a form where I could write down the reasons. My statement was written in the spanish language. My reasons for passing the last inspection area was that they did not understand me and that they had me corraled and that my children need food and needed attention. Also said that I needed the car to go to work. I then signed the form and gave it to the officer. The officer then left the office and returned in a few minutes. He told me that the fine was going to be \$100. I was carrying with me the exact amount. Since my husband was on duty with the National Guard that day, Knowing this, I went to the bank on Friday, May 15, 1981 to withdraw money so that I would have enough to take my children to the San Diego Zoo.

I then handed the officer the correct amount. I was given a receipt for the penalty. I then turned to my son Jesse and told him that we would be unable to go to the zoo and to MacDonalds since I had to pay the fine of \$100. The officer then handed me another form and advice me that I could file another petition where possibly they could return some of the fine back. As I was standing by the counter, another officer came in and began to ask me several questions. He asked me when I immigrated to the U.S. and when I did I become a naturalized citizen. I told him that I immigrated in 1972 and that I became a U.S. Citizen in 1979. He then asked me if I had been informed of the laws. I then said yes. Then why are you not obeying them. I do obey them, but you circumvent them. The officer then left and another one came in and told me to go to another office and handed me the yellow slip. AS I was standing in the next office, the officer was reviewing the documents again. I waited for approxiamtely one half hour. I was then sent up stairs with the supervisor. I was told to take a number and sit down. When

my number came up, I approached the counter and I advised the female officer who I was. I gave her the yellow slip and it had indicated that the supervisor need to review the case. She said that the supervisor was not in. I then pointed at him and told her, "thats him right over there". She then replied, "oh,yes". He was called over and he began to review the slip and asked me for the birth certificates of the children. He then told me, "why didn't you show them the first time". I then told him, "because I didn't have them the first time". He then asked me how I had got them. I told him that I had gone to my house and picked them up. The supervisor then handed the female officer my son Jesse's birth certificate. The female officer then asked my son if he was Jess and my son said yes Iam Jesse. She then asked the same question to Alex and Alex replied that he was Alex. Then the Supervisor checked off the yellow slip and gave it to me. He then told me if I knew that the car was going to be held. I then told him, "I don't think so, I already payed". He then called down stairs and inquired of the fine. Thereafter, I was told to leave and so I did. I returned to my car and my children and I left the area.

I DECLARE UNDER PENALTY OF PERJURY THAT THE ABOVE STATEMENT IS TRUE TO THE BEST OF MY KNOWLEDGE.

Date 09-20-81

Esperanza S. Blanco
Esperanza Blanco Saenz

DECLARATION
OF
BOYD LOWELL APPLEGATE

I, BOYD LOWELL APPLEGATE, residing at 4007 Coldwell Lane, San Diego, California, and a United States citizen declare the following:

That I am self-employed doing business as a cab driver; that I am registered with the Sheriff's office and hold a license as a taxi lease driver.

That at approximately 6:00 p.m. on November 29, 1979, I arrived at my place of employment with the Red Cab Company, located in San Ysidro, California. Prior to arriving at the garage, Rick Furlong, the cab company mechanic and I agreed that Rick would work on my car, while I went on duty. When I arrived, I gave my car to Rick and I checked in and got into my cab and went to work.

At approximately 10:50 p.m., I returned to the station. I parked my cab in front of the Greyhound Depot, behind another "Red" cab. I then returned to the garage office and began to talk with other drivers. After a short time, I decided to walk towards the outside parking lot of the garage to speak with Rick about my car. We were discussing the work done on the car, when Rick and I heard one of the drivers call to the dispatcher and tell him that driver 104 should come out and pull his cab forward. Where we were standing, the dispatcher could see us and he leaned over and said to me that I should move my cab. I then ran to where the cab was parked and moved it forward.

At the same time I remembered that I should move my car so that other cabs could have a place to park. I ran back to where my car was. The car door on the driver side was locked so it took me a few moments to open the door and get in. As I started the car, I looked to my left because I noticed a flash of light coming from the hill, but I didn't pay too much attention to it. I then turned and looked over my right shoulder and began to back-up. Just as I was moving a short distance, I noticed a man in a croached position pointing a gun at me. He had a frightened look about him. He did not say anything to me nor did he identify himself to me. I could not tell who he was because of the way he was positioned, I could see no identifying patches or badge to tell if he was an officer. I immediately rolled to the left side of the car for protection. As I started to rise and look up, I saw the man standing upright, I could see the gun in his hand. In a few seconds I saw Rick coming from the garage and could see that he noticed the man with the gun in his hand. I then turned and looked at the man. This time I did notice his jacket was open and I could see half a badge and that he was wearing a service belt. Still, the man had not said one word to me, so I started towards the rear of the car and said to him, "by what right do you have to point that weapon at me," the man immediately said, "I thought that you were an alien." I then said, "what the fuck do you think I look like, a mexican or alien," just as I said that, I felt someone grab my right shoulder and pushed me around and throw me against my car, just then, someone said "I thought my life was in danger," then

the man that had turned me around said, "Fuckin' cool it, you have no right to be upset". By this time I was quite upset. Rich was standing next to me trying to calm me down. Four other agents appeared and Rick stepped between us, telling me to calm down. After a few moments, I asked them if I was being detained or was under arrest. Someone said, "No!" I then said "Okay, then I am going to get into my car and back it up and if anyone is still standing, you're going to get hit." One tall huge agent then responded and said, "No one tells me what to do". I then parked the car and put my keys away in the office. I then returned to the cab stand.

A short time later, the San Diego Police arrived and several other agents had joined the rest of the Border Patrol. A police officer approached me and asked me if I had a problem. I was still mad at what had happened, and I responded in an angry manner, "Yes, I do have a problem". I explained the whole matter to him and he advised me to file a formal complaint at the Border Patrol Headquarters; and that I should do it before the night shift changes so that I could get the names of the person involved.

A few minutes later, as I was sitting in my cab with one of the doors open, several agents approached my car and surrounded the door that was open. One agent identified himself to me as a supervisor, and as he peered into the cab, said "I think we have taken care of this problem," I then said "No, I am going to file a formal complaint." Another agent standing behind the supervisor said, "that is your right". Then they all left.

Later, I made a run to North Island to drop off a sailor. Rick and I then decided to go to the headquarters of the Border Patrol and file a complaint. While at the Border Patrol Office, the agent asked who was going to make the complaint, I said that I was. He then asked Rick to wait out in the room and I was taken to a smaller room. I was given a pencil and paper to file the complaint.

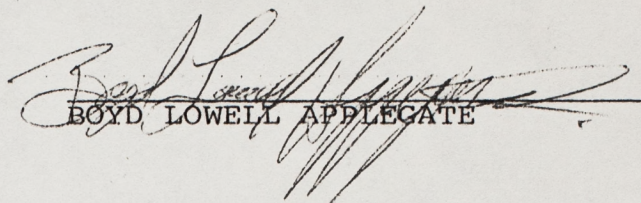
A few days passed and I had not heard from the Border Patrol. So I decided to call and ask for information about the complaint. I was told that the complaint could not be found and that no one knew anything about it.

I then received a call from Mr. Franco, Assistant Director of the Border Patrol. He asked me if I could come to the office and talk about the complaint. I said that I would like to. When I arrived, I was met by Mr. Franco and another person. We sat in Mr. Franco's office. I was told by Mr. Franco that he had reviewed the complaint and had interviewed all the agents involved and that he had talked to the police officer that was at the scene and reviewed all their reports regarding the incident. He told me that I should consider myself a very lucky guy because they could file charges against me with the U.S. Attorney. I asked what for, and he responded by indicating to the reports regarding the statements I made at the scene. He also threatened me with prison. I then said that I understood everything that was said and that if that was how they saw the incident, then they should go to their attorney and I will go to mine. I then left the office.

I certify under penalty of perjury that the foregoing is

true and accurate statement of facts known to me, or of what
I know to the best of my knowledge.

Signed under penalty of perjury on Jan 3, 1980,
1980, at San Diego, California.


BOYD LOWELL APPLEGATE

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

I, Maria Elena Esquivel, declare:

1. I am a Citizen of the United States of America.

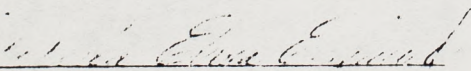
2. On November 26, 1979, applying for entry on primary inspection I encountered the most abusive attitude by inspector A. J. Rodriguez U.S. Customs badge No. (12353). After going through the regular questioning by inspector Rodriguez, he abusively tried to grab my purse, threw half of his body over my person touching my breast and my body with his hands and arms.

3. I advised inspector Rodriguez that if he wanted to see my purse that I would gladly show it to him if, (a) He asked for it in a courteous manner. (b) That I would show it to him myself. (c) If he would stop acting abusively against my person.

4. He reacted so unprofessional that he walked me to secondary inspection and on his way he made a gesture and stated; "If you play any games with me, I will shoot you." grabbing his gun with his right hand, he ordered me to park my car in the first stall treating me like if I were a criminal, he told about ten inspectors, that were just standing out there, to check my car, further ordering me to leave the keys in the car. I was taken to the office of the U.S. Customs Service, where inspector Rodriguez using abusive language again by force took my purse and threw everything on the counter and checked item per item. I was further ordered to let myself be checked by a female inspector so that I would continue to be harassed by this individual which I considered his attitude and procedure used against me, unbecoming of a United States Federal Officer.

5. I, therefore, request for an immediate investigation against this individual so that proper steps are taken against him for the way that I was mistreated and also for his attitude of throwing half of his body and touching me, which is illegal and unconstitutional and not within U.S. Customs regulations.

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



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

NOVEMBER 27, 1979.

DECLARATION OF DEOCHARAN SING

I, Deocharan Singh declare:

I am a United States citizen residing at 1724 Del Sur Blvd., Apt.202, San Ysidro, California 92073.

On January 6, 1980, at approximately 10:a.m. I left my residence to visit Tijuana B.C. Mexico to place a few bets at the Foreign Club located on 3rd Ave. and Revolucion. After a few hours at the Club, I decided to go shopping at the Mercado on 6th Avenue. I purchased four coconuts. I placed them in the trunk of the car and headed towards the border.

When it was my turn to be inspected, the Officer at the primary inspection area asked me several questions, "What country are you a citizen of?", I said United States, "What business did you have in Tijuana?", "I went to the Foreign Club and placed some wagers ". "What are you bringing from Mexico?", I said four coconuts. "Any thing else?" "No".

The Officer then asked me if the car belonged to me. I said, "I hope it is mine by now". he then asked me for my registration and I told him that I didn't have it with me or in the car. I was asked to open the glove-compartment and I did. Then without any reason, the Officer remarked, "why do you people give us so much problems at the border". I said, "what are you talking about,"you mean you don't give problems". He said, "shut your black mouth up or I will blow your brainoff".

He then asked me for my identification, so I reached inside my right pant pocket for ^{my drivers license and} a four color ink pen so that I could write down his name and badge number, but he responded and yelled at me, "do you have a gun there"and I said no, its a pen. At the same time, the Officer grabbed me behind my neck and reached over to grab my right arm hitting my jaw. He began to pull me out of the car and I kept yelling , " you fuckin nigger, I'll blow your brainsout". I then called him a "white bastard". Then another Officer came running to where we were and I kept yelling "release my seat belt, release my seat belt, your breaking my bones". By this time the first Officer had me hanging halfway out of the car and the belt was still on. The second Officer then reached over and unfastened the belt.

Then the officers stood me up and one of them twisted my arms behind my back and began to walk me to the secondary inspection. As we walked the officer kicked me several times in the ass and said, "you motherfucker, I am going to get you". I kept telling him that he shouldn't twist my

arms , that I could walk by myself to the office.

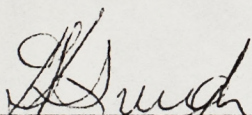
When we reached the office, the officer said, "take care of this ass". I was made to place my hands on the counter. The Officer at the counter reached into my pockets and emptied them. Then Officer #2440 handcuffed me and sat me down. After a few minutes passed, I was placed in a small dark room. I stayed there for approximately forty minutes. Then Officer 2440 opened the door and asked him if I could take a piss. He said, "I will be right back". Then Officer Phillips opened the door and I asked him if I could take a piss. Officer Phillips remarked, "if you promise me you won't do anything to me". I then said, "I have done nothing to anyone". I was allowed to use the toilet. After that, I was taken to the front of the office and taken into a second room. Officer Martinez, Phillips and another Officer were standing in front of me and officer Phillips questioned me about what had happened. I told him exactly what had happened. Officer Phillips then said, "we have a tape recording of you threatening the officer at the inspection area". It was a direct statement, said Officer Phillips. I said, "no, I never said that". "Are you sure", "yes I am sure", "how sure are you", I said, "99.99% sure". Officer Phillips said that he could produce the tape, and I said that he wouldn't find that statement there because I didn't say it. Officer Phillips then said, "what would you say if I told you that we found a knife in your car, the one that you were going to use on the Officer". I then said, "all you are going to find is a paring knife that I keep under neath the front seat of the car, so that my children won't get it". Officer Phillips then removed the handcuffs and placed me back into the small room. After one hour or more, I was returned back to the front of the office and placed in a room. Phillips, Martinez and Officer #2440 again were standing in front of me and one of them said that I had threatened the officer. I said, no thats not true, I never did. I have never been in any problems before. Officer Phillips then asked me what type of work I was in and I said that I was a student at San Diego State University. Phillips then said, "your attitude is horrible".

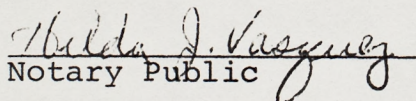
"If someone beats you up and treats you like a prisoner, you would react worse than this," I said.

I was then escorted to the front desk and Officer #2440 then walked me to my car. As we walked, Officer #2440 remarked that the incident was blown out of proportion and that the officer was at fault as much as I was. Then he said, "you know, you could have gone to jail because of the assault on the officer". I then said, "I didn't touch the officer or make any gestures towards him".

I then got into the car and headed for Bay General Hospital in Chula Vista. I was admitted at the Emergency Room. They took X-rays of my back, neck and sides. I felt pain all over. The doctor looked at me and told me that I didn't have any broken bones, but that I should check with him in three days. I then left the hospital and went home.

I declare under penalty of perjury that the following statement is true and correct to the best of my knowledge. Executed this 16th day of January, 1980.


Deocharan Singh


Notary Public





DEPARTMENT OF THE TREASURY
U.S. CUSTOMS SERVICE
SAN DIEGO, CALIF.



JAN 07 1980

REFER TO
MAN-10:S MN

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

Dear Mr. Baca:

This is in further reference to your inquiry concerning the incident involving Mrs. Maria Elena Esquivel at the San Ysidro crossing.

Due to the great variance between the allegations made by Mrs. Esquivel and the reply received from Inspector Rodriguez, we have requested that our agents open an investigation to determine the facts; I hope Mrs. Esquivel will be available in case she has to be interviewed. We have, however, already initiated some training classes at San Ysidro wherein courtesy is stressed; searching of ladies' purses and personal pat downs, although we have the authority to do so, are emphasized in this class. In order to alleviate incidents such as the one with Mrs. Esquivel, we instructed Customs personnel to request the ladies to open their own purses, rather than for an inspector to ask for the purse and then opening it. Whenever a woman refuses to open her purse, then we will presume that it contains either a weapon or contraband and the vehicle shall be walked in. A full discussion of the above-mentioned class will be made at the next monthly meeting of the Community Border Affairs Advisory Council; I hope you'll be able to attend.

As noted above, we are moving in a positive manner to alleviate and, hopefully, eliminate confrontations between the travelers and inspectors.

If I may be of further assistance, feel free to call.

Sincerely yours,

MANNY NAJERA
District Director