PETITION FOR

CONGRESSIONAL

INVESTIGATION

FILMED NOV 1 0 1978

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

P E T I T I O N

F O R

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

2 3 J U L Y 1 9 7 9

PRESENTED TO:

THE UNITED STATES SENATE

THE UNITED STATES HOUSE OF REPRESENTATIVES

THE UNITED STATES DEPARTMENT OF JUSTICE

SUBMITTED BY:

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

(8) illegal detentions of U.S. Citizens and Legal Resident Aliens;

(9) unlawful breaking and entering into homes, churches, schools, and

(10) harassment at public gathering places by Border Patrol, Immigration Service and Customs Service.

will bring a prompt response to our request.

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

COMMITTEE ON CHICANO RIGHTS, INC.

By: Herman Baca
Herman Baca, Chairman

UNITED CALIFORNIA MEXICAN-AMERICAN ASSOCIATION

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

LEGAL AID SOCIETY OF SAN DIEGO, INC.

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

AFFIDAVIT OF

GUADALUPE ALONZO

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

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

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

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

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

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

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

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

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

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

Guadalupe Alonzo

GUADALUPE ALONZO

State of California)
County of San Diego) ss.

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

Guadalupe Alonzo
GUADALUPE ALONZA

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

Hilda J. Vasquez
HILDA J. VASQUEZ

NOTARY SEAL

OFFICIAL SEAL
HILDA J. VASQUEZ
NOTARY PUBLIC - CALIFORNIA
SAN DIEGO COUNTY
My comm. expires APR 9, 1982

... ...

... ...

1978

AFFIDAVIT

I, GUILLERMO LOPEZ CORONADO do state:

Yo, GUILLERMO LOPEZ CORONADO digo le siguiente:

1. I was born on June 25, 1957, in Mexicali, Mexico.

1. Naci en Junio 25, 1957 en Mexicali, Mexico.

2. My father Raymundo Onate Coronado is a legal permanent resident alien of the United States, A 12-987-601, and residing in the United States.

2. Mi padre es Raymundo Onate Coronado el es recidente legal de los Estados Unidos, A 12-987-601, y recide en los Estados Unidos.

3. My mother Guadalupe Lopez de Coronado is a legal permanent resident alien of the United States, A 30-536-810, and residing in the United States.

3. Mi madre es Guadalupe Lopez de Coronado y es recidente legal de los Estados Unidos, A 30-536-810 ye recide en Estados Unidos.

4. I currently have an Immigration Petition pending before the United States consulate in Tijuana, filed on my behalf by my father with priority date of 1968.

4. Presentemente tengo una peticion de Inmigracion pendiente en el consulado Americano por parte de mi padre con preferencia y con fecha de 1968.

5. I entered the United States in 2/75 with my valid Nonresident Alien Mexican Border Crossing card, Form I-186. I have not left the United States since that entry except for the incident described below.

5. Yo entre a los Estados Unidos el 2/75 con mi pasaporte local forma I-186. No e dejado los Estados Unidos desde esa entrada excepto por el incidente que voy a describir aqui abajo.

6. On Wednesday, October 5, 1977 I was stopped by a San Diego City Police Officer as I was proceeding north on interstate 5 (about 2 miles North of the City of San Diego). The officer called the Immigration Service. One officer from the Immigration Service arrived and I was taken to the San Ysidro Immigration Substation. I was there questioned by an Immigration officer by the name of Jones. I told him that my parents were lawful immigrants living in the United States and that an Immigration petition was filed before December 31, 1976 and is currently pending on my behalf in the United States Consulate in Tijuana.

I also requested to apeak to an attorney at the Legal Aid Society of San Diego and showed him a business card from that office.

6. El Miercoles fui parado por oficiales de la policia de la ciudad de San Diego cuando yo iba para el Norte del Interstate 5 (como 3 millas al Norte de la Cuidad de San Diego). Los oficiales llamaron al servicio de Inmigracion un oficial de Inmigracion de San Ysidro. Alli me hicieron preguntas un oficial de Inmigracion su nombre es Jones. Yo le dige a el que mis padres eran recidentes legales y que viven en Estados Unidos y que yo tenia una peticion metida antes de Diciembre 31, 1976 y que esta pendiente en el consulado Americano en Tijuana. Y tambien pedi hablar con un abogado del Legal Aid Society de San Diego ye les ensene la targeta de la oficina del Legal Aid Society de San Diego.

7. The Legal Aid Society of San Diego is representing me in the Immigration process. My request to contact an attorney was denied. I requested to be allowed to remain in the United States.

   I was then told to sign a paper which was not explained to me and I was immediately returned to Mexico.

7. La Oficina del Legal Aid Society of San Diego me esta representando a mi en mi proceso de Inmigracion. Mi requerimineto para llamar a un abogado me fue negada. Tambien pedi que me dejaran aqui en los Estados Unidos.

   Ellos me digeron que firmara un papel la cual no me explicaron a mi, y luego inmediatamente fui devuelto a Mexico.

I swear under the penalty of perjury that the statement above is true and correct.

Juro bajo penalidad de perjurio que lo que antes arriba dige es la verdad y esta correcto.

Guillermo Coronado Lopez
GUILLERMO CORONADO LOPEZ

SUBSCRIBED and sworn to before me this 14 day of February 1978.

Teresa Ortiz
NOTARY PUBLIC IN AND FOR THE STATE OF CALIFORNIA

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

AFFIDAVIT

I, GUILLERMO LOPEZ CORONADO do state:

Yo, GUILLERMO LOPEZ CORONADO digo le siguiente:

1. I was born on June 25, 1957, in Mexicali, Mexico.

1. Naci en Junio 25, 1957 en Mexicali, Mexico.

2. My father Raymundo Onate Coronado is a legal permanent resident alien of the United States, A 12-987-601, and residing in the United States.

2. Mi padre es Raymundo Onate Coronado el es recidente legal de los Estados Unidos, A 12-987-601, y recide en los Estados Unidos.

3. My mother Guadalupe Lopez de Coronado is a legal permanent resident alien of the United States, A 30-536-810, and residing in the United States.

3. Mi madre es Guadalupe Lopez de Coronado y es recidente legal de los Estados Unidos, A 30-536-810 ye recide en Estados Unidos.

4. I currently have an Immigration Petition pending before the United States consulate in Tijuana, filed on my behalf by my father with priority date of 1968.

4. Presentemente tengo una peticion de Inmigracion pendiente en el consulado Americano por parte de mi padre con preferencia y con fecha de 1968.

5. I entered the United States in 2/75 with my valid Nonresident Alien Mexican Border Crossing card, Form I-186. I have not left the United States since that entry except for the incident described below.

5. Yo entre a los Estados Unidos el 2/75 con mi pasaporte local forma I-186. No e dejado los Estados Unidos desde esa entrada excepto por el incidente que voy a describir aqui abajo.

6. On Wednesday, October 5, 1977 I was stopped by a San Diego City Police Officer as I was proceeding north on interstate 5 (about 2 miles North of the City of San Diego). The officer called the Immigration Service. One officer from the Immigration Service arrived and I was taken to the San Ysidro Immigration Substation. I was there questioned by an Immigration officer by the name of Jones. I told him that my parents were lawful immigrants living in the United States and that an Immigration petition was filed before December 31, 1976 and is currently pending on my behalf in the United States Consulate in Tijuana.

I also requested to apeak to an attorney at the Legal Aid Society of San Diego and showed him a business card from that office.

6. El Miercoles fui parado por oficiales de la policia de la ciudad de San Diego cuando yo iba para el Norte del Interstate 5 (como 3 millas al Norte de la Cuidad de San Diego). Los oficiales llamaron al servicio de Inmigracion un oficial de Inmigracion de San Ysidro. Alli me hicieron preguntas un oficial de Inmigracion su nombre es Jones. Yo le dige a el que mis padres eran recidentes legales y que viven en Estados Unidos y que yo tenia una peticion metida antes de Diciembre 31, 1976 y que esta pendiente en el consulado Americano en Tijuana. Y tambien pedi hablar con un abogado del Legal Aid Society de San Diego ye les ensene la targeta de la oficina del Legal Aid Society de San Diego.

7. The Legal Aid Society of San Diego is representing me in the Immigration process. My request to contact an attorney was denied. I requested to be allowed to remain in the United States.

   I was then told to sign a paper which was not explained to me and I was immediately returned to Mexico.

7. La Oficina del Legal Aid Society of San Diego me esta representando a mi en mi proceso de Inmigracion. Mi requerimineto para llamar a un abogado me fue negada. Tambien pedi que me dejaran aqui en los Estados Unidos.

   Ellos me digeron que firmara un papel la cual no me explicaron a mi, y luego inmediatamente fui devuelto a Mexico.

I swear under the penalty of perjury that the statement above is true and correct.

Juro bajo penalidad de perjurio que lo que antes arriba dige es la verdad y esta correcto.

Guillermo Coronado Lopez
GUILLERMO CORONADO LOPEZ

SUBSCRIBED and sworn to before me this 14 day of February 1978

Teresa Ortiz
NOTARY PUBLIC IN AND FOR THE STATE OF CALIFORNIA

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

CCR

Committee on Chicano Rights, Inc.

May 15, 1985

Estimado Ricardo:

Enclosed for your information are three documented cases which show the complicity of the San Diego District Attorney's office, the U.S. Attorney's office and the San Diego Police Department, in white washing and covering up crimes, by the U.S. Border Patrol against persons of Mexican Ancestry. This pattern of raping women, killing and wounding unarmed men while handcuffed and now, the shooting of a 12 year old child by the Border Patrol is but the end result, of a do nothing, look the other way policy of the San Diego Judicial System.

Your office's effort to have the California State Attorney General review the San Diego District Attorney's decision not to prosecute, is to be applauded. Our organization's position on the other hand is that the issue involves serious foreign and international questions which must be resolved at the Federal and International level. For this reason we have requested that the U.S. Congress appoint a special prosecutor to investigate and prosecute Border Patrol Agent Ed Cole, and also the INS/Border Patrol's policies which have turned the U.S./Mexico border into a "WAR ZONE." If our organization can be of further assistance to your effort, or you can assist our efforts, feel free to call me at (619) 474-8195.

Sincerely,

Herman Baca

Herman Baca
Chairman

1837 Highland Avenue, National City, CA 92050 (619) 474-8195

CCR

Committee on Chicano Rights, Inc.

FOR IMMEDIATE PRESS RELEASE

SAN DIEGO, CA JULY 3, 1985

THE COMMITTEE ON CHICANO RIGHTS (CCR) IN REACTION TO THE RECENT RASH OF CHILD ABDUCTION, ARREST, INCARCERATIONS, BEATINGS AND SHOOTING BY THE U.S. BORDER PATROL ANNOUNCED THAT IT HAS PETITIONED FOR AN INVESTIGATION FROM THE ORGANIZATION OF AMERICAN STATES,(OAS,) INTER-AMERICAN COMMISSION ON HUMAN RIGHTS. AT A PICKET PRESS CONFERENCE BEFORE THE FEDERAL COURT HOUSE HERMAN BACA CHAIRMAN OF THE CCR CHARGED, "THAT THE REAGAN ADMINISTRATION HAS UNLEASED THE BORDER PATROL AGAINST CHILDREN OF MEXICAN ANCESTRY IN ORDER TO TERRORIZE THE THE MEXICAN POPULATION IN THE U.S. AND ALONG THE U.S./MEXICO BORDER." BACA IN HIS LETTER TO THE OAS ACCUSSED THE U.S. BORDER PATROL OF "CHILD ABUSE," AND CHARGED THE AGENCY WITH THE FOLLOWING:

1.) ARRESTING YOUNG CHILDREN REGARDLESS OF THEIR AGE OR PLACE OF BIRTH

2.) HOLDING CHILDREN IN DETENTION CENTERS AND DEPORTING THEM WITHOUT DUE PROCESS

3.) INTIMIDATING AND ARRESTING CHILDREN ON THE STREETS BECAUSE THEY FAILED TO CARRY BIRTH CERTICATES OR OTHER DOCUMENTS OF CITIZENSHIP

4.) SHOOTING CHILDREN, (ESTRADA SHOOTING,) KIDNAPPING (14 YEAR OLD FROM CALEXICO,) AND ARRESTING CHILDREN (12 YEAR OLD CARLOS AHUMADA)

1837 Highland Avenue, National City, CA 92050 (619) 474-8195

5.) FAILING TO HAVE A HUMANE PROCESS FOR RELEASING CHILDREN AND NOTIFYING THEIR PARENTS

AT THE PICKET BACA ALSO CHARGED THAT, THE LATEST INCIDENTS REPRESENT BUT THE TIP OF THE ICEBERG OF CHILD ABUSE CASES BY THE U.S. BORDER PATROL (SEE ENCLOSED PACKET).

"ONE CAN ONLY WONDER HOW MANY "MISSING CHILDREN" ARE IN INS/BORDER PATROL JAILS, OR HAVE ALL READY BEEN DEPORTED TO MEXICO OR OTHER COUNTRIES," STATED BACA. "I ASK," SAID BACA, "WHAT MOTHER OF A MEXICAN/LATINO CHILD CAN NOW FEEL SAFE IN SENDING HER CHILD TO SCHOOL, TO THE STORE, OR TO THE PLAYGROUND, KNOWING THAT THE BORDER PATROL CAN INTIMIDATE, ARREST, AND DEPORT HER CHILD SIMPLY BECAUSE HIS SKIN IS BROWN?" "IS IT NOW THE POLICY OF THE REAGAN ADMINISTRATION TO REQUIRE THAT EVERY CHILD OF MEXICAN ANCESTRY CARRY THEIR BIRTH CERTIFICATE IN ORDER TO WALK THE STREETS OF THE U.S. WITHOUT FEAR?" ASKED BACA." THIS INHUMANE AND BARBARIC PRACTICE ACCORDING TO BACA, "SIGNALS A POLICY SHIFT THAT HAS BEEN INTIATED BY U.S. ATTORNEY GENERAL ED MEESE AGAINST, THE CHICANO/LATINO COMMUNITY IN RETALIATION FOR OUR COMMUNITY OPPOSITION AGAINST THE RACIST SIMPSON/ MAZZOLI IMMIGRATION LEGISLATION."

IN CONCLUDING, BACA STATED,"THAT THE ISSUE IS NO LONGER ONE OF THE U.S. BORDER PATROL ENFORCING IMMIGRATION LAWS, BUT WHETHER U.S. SOCIETY IS GOING TO PERMIT THE REAGAN ADMINISTRATION TO CONTINUE FINANCING AND AUTHORIZING AN ARMED FORCE OF PSYCHO-PATHS TO WAGE WAR ON INNOCENT CHILDREN."

FOR FURTHER INFORMATION CALL HERMAN BACA AT (619) 474-8195

CCR
Committee on Chicano Rights, Inc.

July 4, 1985

The Organization of American States
Inter-American Commission on Human Rights
17th Street and Constitution Avenue N.W.
Washington D.C. 20006

Director/To Whom It May Concern:

The Committee on Chicano Rights on behalf of our community and it's children, hereby petitions the Organization of American States, Inter-American Commission on Human Rights to conduct an immediate investigation into the issue of child abuse by the U.S. Border Patrol. The specific policies and practices which are being carried out by the U.S. Border Patrol against children of Mexican ancestry which our organization is requesting the Inter-American Commission on Human Rights to investigate are as followed:

1) Arresting young children regardless of their age or place of birth

2) Holding children in detention centers and deporting them without due process

3) Intimidating and arresting children on the streets because they fail to carry birth certificates or other documents of citienship

4) Shooting children, (Estrada shooting) kidnapping (14 year old from Calexico) and arresting children (12 year old Carlos Ahumada)

5) Failing to have a humane process for releasing children and notifying their parents

Enclosed for your information is a packet of documentation involving the shooting, kidnapping, arrest, incarceration and deportation of minor children of Mexican ancestry by the U.S. Border Patrol. Our organization's repeated request for investigations into these complaints have resulted in stone walling, white washes and out right cover-up by Public Officials.
The recent increase of such incidents and the failure of local, state and federal officials to stop this inhumane and barbaric policy of the Reagan Administration against innocent children makes it imperative that the OAS intervene and investigate these human rights issue.
For further information or documentation regarding this matter please feel

710 E. 3rd St., National City, CA 92050 (619) 474-8195

free to contact our Organization or myself at (619) 474-8195.

Awaiting your prompt reply,

Herman Baca

Herman Baca, Chairman

Boy and his family swept up in the law

By Ernesto Portillo Jr.
Staff Writer

OCEANSIDE — For 12-year-old Carlos Ahumada , going to Del Mar on Saturday mornings was routine.

There he would help his good neighbor, Suzanne Lyons Shumaker, well-known proprietor of the flower stand at 15th Street and Camino Del Mar. Ahumada, a fifth-grader at Ditmar Elementary School, has been helping Shumaker trim the flower stems and keep the stand tidy for several years.

There were never any problems — until a week ago Saturday, when Border Patrol agents picked up Carlos because he could not produce citizenship papers. Four days later the Border Patrol released him to his parents, who had to acknowledge that they are undocumented Mexican nationals illegally in the United States.

As a result, the Ahumada family, including two of Carlos' siblings who are U.S. citizens, face a deportation hearing in about six months with the Immigration and Naturalization Service.

"For us, we want our children to grow up here," said Epigmenio Ahumada, Carlos' father. "In Mexico, we have no home."

"We are very happy here," said Carlos' stepmother, Beatriz Ahumada.

Sitting in the Shumaker living room on Brooks Street, Carlos and his parents discussed the incident and prospects of having to leave their home of eight years.

"I felt strange," Carlos said of his four-day stay in the Border Patrol's San Ysidro holding cell. There he met other boys — some as young as 8 — and several from El Salvador.

He had been picked up about 11

See CARLOS on Page B-3

The San Diego Union

Carlos Ahumada, 12, ran afoul of the U.S. Immigration Service quite unexpectedly, and now he and his whole family, above, face possible deportation.

Continued from B-1

a.m. by four agents who arrived simultaneously in two vans at the flower stand, Shumaker said. With several customers present, she said, the agents told her: "Get out of the way. It's not your concern."

Carlos said an agent first asked him if he was a U.S. citizen and he answered yes. Another agent told him in Spanish that if he was lying he would be sent to jail, Carlos said.

He told them he was not lying. The agents then asked him for his "papers" and Ahumada said he didn't have any.

"He was shaking the whole time," Shumaker said.

Agents put Ahumada in the van with other men apprehended that day. In San Ysidro he was not able to call his parents until 7 p.m. Shumaker had already notified them of what had happened but no one knew where he had been taken.

"When we first found out that Carlos had been picked up, some of his uncles drove to the San Clemente Border Patrol checkpoint to look for him," Mrs. Ahumada said. With Shumaker's help, the parents sought their son's release Tuesday afternoon.

Ironically, they were given a document that guarantees their stay in this country pending their deportation hearing — in effect, legalizing this undocumented family's residence here, if only temporarily.

Shumaker said angrily she did not understand how Border Patrol agents decided to stop at the flower stand for the sole purpose of questioning Ahumada.

Assistant chief patrol agent Gene R. Smithburg in San Ysidro said Border Patrol agents constantly patrol North County. Agents often receive "a lot of information from a lot of people," he added.

Smithburg explained it is possible that someone called the Border Patrol and said that Ahumada was working at the flower stand.

The prospect of Carlos' deportation concerns his fifth-grade teacher and principal at Ditmar.

"I can see it's changed him," said teacher Juanita D. Murillo. Before the incident, she said, he was an outgoing and talkative child. On the day he returned to school — the last day of the school year — Carlos was quiet and withdrawn.

Ditmar principal James E. Cosman said he has done well academically and has been very active.

Several days before the Border Patrol picked him up, Carlos, a captain in the school safety patrol, received several citations at a school awards presentation. He received an award for reading the most books — 16 — and for perfect attendance.

It is his participation in the school patrol that has improved Carlos' role in school, Murillo said.

Cosman added that the family has been cooperative and supportive of their children's education. Also attending Ditmar are Hector, 9, and Yadira, 8. Yadira and Oscar, 2, were born in the United States.

Shumaker credited Carlos' parents with helping to organize the Neighborhood Watch Program. She said they explained the program's intent to the many Mexican families in the neighborhood.

Mr. Ahumada for the past year has been taking English classes after working in a local pharmaceutical company, where he has been employed for 2½ years. Earlier he worked in the nearby agricultural fields. His wife works as a seamstress.

The family previously had lived in Rosarito Beach, about 15 miles south of Tijuana, before coming to the United States. Carlos was born there, while his brother Hector was born in the Mexican state of Nayarit, meaning they are illegal aliens while their younger brother and sister are not.

For the family to successfully fight the hearing, they will have to prove that deportation could result in harm to the family, said Ernesto H. Azhocar, the family's immigration representative. Additionally, they will have to prove that they have lived here continuously for more than seven years and are of "outstanding moral character."

He said no date has been set for their deportation hearing.

Mr. and Mrs. Ahumada said they would have no future in Mexico — their families have emigrated to this country and some are U.S. citizens.

They have tried applying for citizenship, they said, but it is costly. They also would have jeopardized their stay by admitting they lacked necessary documents.

"What are we going to do?" Mrs. Ahumada said, indicating the children. "Take two and leave the other two?"

* Police Probe of Boy's Shooting by Border Patrol Ready for D.A.

LA Times 4-23-85

By TOM GREELEY, *Times Staff Writer*

San Diego police on Monday completed their investigation into the shooting of a 13-year-old boy in Mexico by a Border Patrol agent on the U.S. side of the border, and today will send to the district attorney's office a report recommending whether the agent should be prosecuted.

A police investigator declined to speculate on whether charges would be filed against Edward D. (Ned) Cole, 34, the agent who shot Humberto Carrillo-Estrada through the border fence Thursday.

Cole remains on duty performing strictly office work pending completion of the investigation, Gene Smithburg, assistant chief patrol agent for the local Border Patrol station, said Monday.

The Border Patrol is also investigating the shooting, Smithburg said. He refused to comment further.

Mexican Consul General Javier Escobar has threatened a stern reaction or legal action from his government over the incident, including a demand for an investigation by the U.S. attorney's office.

"We haven't heard from them yet," said Peter Bowie, chief assistant U.S. attorney in San Diego. "There's no question the remedies they could seek are broad, and the way we handle it will depend on their actions. . . .

"It would not be surprising if the family sought monetary damages from the Border Patrol."

Escobar could not be reached for comment Monday.

Mariano Lopez, a Los Angeles attorney who has represented the United Farm Workers and myriad Latino causes, has been retained by Humberto's mother, Lopez's office confirmed Monday. Lopez was not available for comment.

Humberto, who was struck in the side of the chest by the bullet fired by Cole into a

Please see SHOOTING, Page 3

SHOOTING: D.A. Gets Report on Border Incident

Continued from Page 1

large group of people, was listed in good condition at Mercy Hospital and reported to be recovering quickly from his wounds. Officials there have allowed Humberto's mother to stay in a room at the hospital free of charge until the boy is released.

The San Diego Police Department's homicide division conducted the investigation because a law enforcement officer was involved in the shooting, although there was not a fatality. "They always get these kind of sensitive cases because of their expertise," said police spokesman Lt. Dave Spisak.

"It's come-along very nicely," the homicide division's Lt. Paul Ybarrondo said Monday of the investigation. "We've completed our interviews, and the transcript will be to the district attorney by tomorrow. Then it's up to them to decide on charges."

Ybarrondo said San Diego police have spoken with Humberto, his 15-year-old brother, Eduardo, and other witnesses from both sides of the border. "I'm not going to draw any conclusions from the information we relayed to them, or as to whether there might be any charges filed," Ybarrondo said.

San Diego police say the incident occurred after Border Patrol agents spotted Eduardo on U.S. soil. Eduardo ran toward the border, and when the agents caught him just as he reached the fence, a small crowd on the other side began throwing rocks and bottles, police said.

Cole fired two warning shots before firing a third round through the fence, hitting Humberto in the back, police said.

Humberto was then carried into the United States by a Mexican citizen and flown by Life Flight helicopter to Mercy Hospital.

Strong reaction to the shooting has been registered by local Latino groups. Herman Baca, president of the San Diego Committee on Chicano Rights, said Monday the shooting of Humberto was "a manifestation of the terrorism employed by the Border Patrol against persons of Mexican ancestry."

Baca also criticized the Police Department's role in the investigation. "It's like having a husband investigate his own wife—there's no objectivity there," he said. "An outside, independent group should be looking into this."

CCR

Committee on Chicano Rights, Inc.

SAN DIEGO, CA MAY 15, 1985

FOR IMMEDIATE PRESS RELEASE

THE COMMITTEE ON CHICANO RIGHTS TODAY LAMBASTED CONGRESSMAN JIM BATES PROPOSED LEGISLATION (SEE ENCLOSED BILL) AND ACCUSSED THE CONGRESSMAN OF HAVING TO ADMIT PUBLICALLY THAT AT THE PRESENT TIME THERE IS NO STATE OR FEDERAL LAW WHICH PROHIBITS ANY BORDER PATROLMAN FROM SHOOTING OR KILLING A MEXICAN AT THE U.S./MEXICO BORDER. "EVEN MORE INSULTING" ACCORDING TO COMMITTEE ON CHICANO RIGHTS CHAIRMAN HERMAN BACA IS "CONGRESSMAN BATES PROPOSED SOLUTION IN HIS LEGISLATION WHICH WOULD PUT THE VALUE OF A MEXICAN LIFE AT $100,000 DOLLARS AND ONE YEAR IN JAIL". "THAT IS IF A DISTRIST ATTORNEY OR A U.S. ATTORNEY WERE EVER TO INDICT & PROSECUTE A U.S. BORDER PATROLMAN". THIS ACCORDING TO BACA "HAPPENS ABOUT AS FREQUENTLY AS THE APPEARANCE OF HAILEY'S COMET.

BATES WHO CALLED A HASTILY ORGANIZED MEETING OF "HISPANIC" LEADERS TO DISCUSS THE SHOOTING OF 12 YEAR OLD HUMBERTO ESTRADA BY BORDER PATROL MAN ED COLE UTILIZED THE MEETING TO PROPOSE HIS LEGISLATION IN RESPONSE TO DISTRIST ATTORNEY ED MILLER DECESION NOT TO PROSECUTE, AND TO COOL THE ANGER OF CHICANOS & MEXICANS ON BOTH SIDES OF THE U.S./MEXICO BORDER. BACA ACCUSED BATES OF "ONCE AGAIN MANIPULATING NAIVE ELEMENTS OF THE "HISPANIC" COMMUNITY TO DIVERT ATTENTION FROM HIS BETRAYAL OF THE CHICANO COMMUNITY BY HIS VOTE IN THE LAST SESSION OF CONGRESS, IN FAVOR OF THE RACIST SIMPSON/MAZZOLI IMMIGRATION LEGISLATION".

THE CCR BEFORE DISTRIST ATTORNEY ED MILLER ANNOUNCED HIS DECESION NOT TO PROSECUTE AGENT COLE HAD REQUESTED THAT THE U.S. CONGRESS APPOINT

1837 Highland Avenue, National City, CA 92050 (619) 474-8195

A SPECIAL PROSECUTOR TO INVESTIGATE & PROSECUTE BORDER PATROLMAN ED COLE FOR THE SHOOOTING OF YOUNG ESTRADA. BACA IN HIS LETTER TO HOUSE SPEAKER THOMAS "TIP" O'NEIL STATED THAT THE SHOOTING OF YOUNG ESTRADA BY COLE WAS AN ISSUE WHICH INVOLVES SERIOUS FOREIGN POLICY, AND INTERNATIONAL QUESTIONS THAT THE DISTRIST ATTORNEY HAS NO JURDISDICTION OVER. BATES PROPOSED LEGISLATION TOTALLY IGNORES THIS FACT. THE SOLUTION IN THE ESTRADA SHOOTING IS NOT IN SIMPLISTIC & POLITICALLY MOTIVATED LEGISLATION WHICH SEEKS TO DIVERT ATTENTION & JUSTIFY THE WHITE-WASH & COVER-UP BY THE SAN DIEGO DISTRIST ATTORNEY & U.S. ATTORNEY OFFICE STATED BACA.

BACA IN CONCLUDING ADMONISHED BATES TO DO HIS JOB OF REPRESENTING HIS DISTRICT & FOR HIM TO ADDRESS HIMSELF TO THE FOLLOWING ISSUES, BEFORE THE VIOLENCE AT THE U.S./MEXICO BORDER ESCALATES.

(1) WHO IS IN CHARGE OF THE 2000 PARA-MILTARY BORDER PATROL WHICH IS NOW TOTALLY OUT OF CONTROL.

(2) WHY HAVEN'T THE EXISTING TREATIES & INTERNATIONAL AGREEMENT INVOLVING VIOLATION OF SOVEREIGNTY & THE INJURING OF A CITIZEN CHILD BEEN ENFORCED.

FOR FURTHER INFORMATION CALL HERMAN BACA (619) 474-8195

Committee on Chicano Rights, Inc.

May 15, 1985

Amnesty International, USA
Department "P"
322 8th Avenue
New York, New York 10001

Re: Request for Amnesty International investigation

Enclosed is a packet of information concerning the total inaction, white wash and cover-up by the U.S. Judicial system especially in San Diego (the District Attorney, U.S. Attorney, and the San Diego Police Department) of crimes committed by the U.S. Border Patrol against persons of mexican ancestry. The shooting of 12 year old Humberto Carrillo Estrada on April 19, 1985 by Border Patrol Agent Ed Cole on the mexican side of the U.S./Mexico Border is but the latest act of official violence by Border Patrol officials which has gone unpunished. We request an immediate investigation into this matter in hope that world opinion will force U.S. Government officials to act to put an end to the rampant violence against persons of mexican ancestry along the 2,000 mile U.S./ Mexico Border.
For any further information feel free to call us at (619) 474-8195

Thank You in advance,

Herman Baca

Herman Baca
Chairman

710 E. 3rd Street National City, CA 92050 (619) 474-8195

HLC

[DISCUSSION DRAFT]
MAY 7, 1985

99TH CONGRESS
1ST SESSION

H. R. ____

IN THE HOUSE OF REPRESENTATIVES

Mr. BATES introduced the following bill; which was referred to the Committee on _____

A BILL

To amend title 18, United States Code to impose a criminal penalty for unjustified injury by a Federal law enforcement officer.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

MAY 07 '85 15:27 JIM BATES P01

SECTION 1. UNJUSTIFIED INJURY BY FEDERAL LAW ENFORCEMENT OFFICER.

Chapter 7 of title 18, United States Code, is amended by adding at the end the following new section:

``§116. Unjustified injury by Federal law enforcement officer

``(a) OFFENSE.--Whoever, being a Federal law enforcement officer, injures an individual by using greater force than is necessary to carry out the official duties of such officer shall be fined not more than $100,000 or imprisoned not more than 1 year, or both.

``(b) REVIEW BY ATTORNEY GENERAL.--The Attorney General shall review each report of a violation of subsection (a) of this section. If, based on the review, the Attorney General determines that a prosecution should not be undertaken, the Attorney General shall recommend in writing appropriate administrative action to be carried out by the department or agency employing the officer. The duties of the Attorney General under this subsection shall not be delegated.

``(c) DEFINITION.--As used in this section, the term `Federal law enforcement officer' means an officer or employee of the United States who is authorized under law to prevent, detect, or investigate an offense against the United States.''.

SEC. 2. CLERICAL AMENDMENT.

The table of sections for chapter 7 of title 18, United

States Code, is amended by adding at the end the following new item:

''116. Unjustified injury by Federal law enforcement officer.''.

CCR
Committee on Chicano Rights, Inc.

FOR IMMEDIATE PRESS RELEASE

SAN DIEGO, CA JULY 3, 1985

THE COMMITTEE ON CHICANO RIGHTS (CCR) IN REACTION TO THE RECENT RASH OF CHILD ABDUCTION, ARREST, INCARCERATIONS, BEATINGS AND SHOOTING BY THE U.S. BORDER PATROL ANNOUNCED THAT IT HAS PETITIONED FOR AN INVESTIGATION FROM THE ORGANIZATION OF AMERICAN STATES,(OAS,) INTER-AMERICAN COMMISSION ON HUMAN RIGHTS. AT A PICKET PRESS CONFERENCE BEFORE THE FEDERAL COURT HOUSE HERMAN BACA CHAIRMAN OF THE CCR CHARGED, "THAT THE REAGAN ADMINISTRATION HAS UNLEASED THE BORDER PATROL AGAINST CHILDREN OF MEXICAN ANCESTRY IN ORDER TO TERRORIZE THE THE MEXICAN POPULATION IN THE U.S. AND ALONG THE U.S./MEXICO BORDER." BACA IN HIS LETTER TO THE OAS ACCUSSED THE U.S. BORDER PATROL OF "CHILD ABUSE," AND CHARGED THE AGENCY WITH THE FOLLOWING:

1.) ARRESTING YOUNG CHILDREN REGARDLESS OF THEIR AGE OR PLACE OF BIRTH

2.) HOLDING CHILDREN IN DETENTION CENTERS AND DEPORTING THEM WITHOUT DUE PROCESS

3.) INTIMIDATING AND ARRESTING CHILDREN ON THE STREETS BECAUSE THEY FAILED TO CARRY BIRTH CERTICATES OR OTHER DOCUMENTS OF CITIZENSHIP

4.) SHOOTING CHILDREN, (ESTRADA SHOOTING,) KIDNAPPING (14 YEAR OLD FROM CALEXICO,) AND ARRESTING CHILDREN (12 YEAR OLD CARLOS AHUMADA)

1837 Highland Avenue, National City, CA 92050 (619) 474-8195

5.) FAILING TO HAVE A HUMANE PROCESS FOR RELEASING CHILDREN AND NOTIFYING THEIR PARENTS

AT THE PICKET BACA ALSO CHARGED THAT, THE LATEST INCIDENTS REPRESENT BUT THE TIP OF THE ICEBERG OF CHILD ABUSE CASES BY THE U.S. BORDER PATROL (SEE ENCLOSED PACKET).

"ONE CAN ONLY WONDER HOW MANY "MISSING CHILDREN" ARE IN INS/BORDER PATROL JAILS, OR HAVE ALL READY BEEN DEPORTED TO MEXICO OR OTHER COUNTRIES," STATED BACA. "I ASK," SAID BACA, "WHAT MOTHER OF A MEXICAN/LATINO CHILD CAN NOW FEEL SAFE IN SENDING HER CHILD TO SCHOOL, TO THE STORE, OR TO THE PLAYGROUND, KNOWING THAT THE BORDER PATROL CAN INTIMIDATE, ARREST, AND DEPORT HER CHILD SIMPLY BECAUSE HIS SKIN IS BROWN?" "IS IT NOW THE POLICY OF THE REAGAN ADMINISTRATION TO REQUIRE THAT EVERY CHILD OF MEXICAN ANCESTRY CARRY THEIR BIRTH CERTIFICATE IN ORDER TO WALK THE STREETS OF THE U.S. WITHOUT FEAR?" ASKED BACA." THIS INHUMANE AND BARBARIC PRACTICE ACCORDING TO BACA, "SIGNALS A POLICY SHIFT THAT HAS BEEN INTIATED BY U.S. ATTORNEY GENERAL ED MEESE AGAINST, THE CHICANO/LATINO COMMUNITY IN RETALIATION FOR OUR COMMUNITY OPPOSITION AGAINST THE RACIST SIMPSON/ MAZZOLI IMMIGRATION LEGISLATION."

IN CONCLUDING, BACA STATED,"THAT THE ISSUE IS NO LONGER ONE OF THE U.S. BORDER PATROL ENFORCING IMMIGRATION LAWS, BUT WHETHER U.S. SOCIETY IS GOING TO PERMIT THE REAGAN ADMINISTRATION TO CONTINUE FINANCING AND AUTHORIZING AN ARMED FORCE OF PSYCHO-PATHS TO WAGE WAR ON INNOCENT CHILDREN."

FOR FURTHER INFORMATION CALL HERMAN BACA AT (619) 474-8195

CCR
Committee on Chicano Rights, Inc.

July 4, 1985

The Organization of American States
Inter-American Commission on Human Rights
17th Street and Constitution Avenue N.W.
Washington D.C. 20006

Director/To Whom It May Concern:

The Committee on Chicano Rights on behalf of our community and it's children, hereby petitions the Organization of American States, Inter-American Commission on Human Rights to conduct an immediate investigation into the issue of child abuse by the U.S. Border Patrol. The specific policies and practices which are being carried out by the U.S. Border Patrol against children of Mexican ancestry which our organization is requesting the Inter-American Commission on Human Rights to investigate are as followed:

1) Arresting young children regardless of their age or place of birth

2) Holding children in detention centers and deporting them without due process

3) Intimidating and arresting children on the streets because they fail to carry birth certificates or other documents of citienship

4) Shooting children, (Estrada shooting) kidnapping (14 year old from Calexico) and arresting children (12 year old Carlos Ahumada)

5) Failing to have a humane process for releasing children and notifying their parents

Enclosed for your information is a packet of documentation involving the shooting, kidnapping, arrest, incarceration and deportation of minor children of Mexican ancestry by the U.S. Border Patrol. Our organization's repeated request for investigations into these complaints have resulted in stone walling, white washes and out right cover-up by Public Officials.
The recent increase of such incidents and the failure of local, state and federal officials to stop this inhumane and barbaric policy of the Reagan Administration against innocent children makes it imperative that the OAS intervene and investigate these human rights issue.
For further information or documentation regarding this matter please feel

710 E. 3rd St., National City, CA 92050 (619) 474-8195

free to contact our Organization or myself at (619) 474-8195.

Awaiting your prompt reply,

Herman Baca

Herman Baca, Chairman

Boy and his family swept up in the law

By Ernesto Portillo Jr.
Staff Writer

OCEANSIDE — For 12-year-old Carlos Ahumada , going to Del Mar on Saturday mornings was routine.

There he would help his good neighbor, Suzanne Lyons Shumaker, well-known proprietor of the flower stand at 15th Street and Camino Del Mar. Ahumada, a fifth-grader at Ditmar Elementary School, has been helping Shumaker trim the flower stems and keep the stand tidy for several years.

There were never any problems — until a week ago Saturday, when Border Patrol agents picked up Carlos because he could not produce citizenship papers. Four days later the Border Patrol released him to his parents, who had to acknowledge that they are undocumented Mexican nationals illegally in the United States.

As a result, the Ahumada family, including two of Carlos' siblings who are U.S. citizens, face a deportation hearing in about six months with the Immigration and Naturalization Service.

"For us, we want our children to grow up here," said Epigmenio Ahumada, Carlos' father. "In Mexico, we have no home."

"We are very happy here," said Carlos' stepmother, Beatriz Ahumada.

Sitting in the Shumaker living room on Brooks Street, Carlos and his parents discussed the incident and prospects of having to leave their home of eight years.

"I felt strange," Carlos said of his four-day stay in the Border Patrol's San Ysidro holding cell. There he met other boys — some as young as 8 — and several from El Salvador.

He had been picked up about 11

See CARLOS on Page B-3

The San Diego Union

Carlos Ahumada, 12, ran afoul of the U.S. Immigration Service quite unexpectedly, and now he and his whole family, above, face possible deportation.

Continued from B-1

a.m. by four agents who arrived simultaneously in two vans at the flower stand, Shumaker said. With several customers present, she said, the agents told her: "Get out of the way. It's not your concern."

Carlos said an agent first asked him if he was a U.S. citizen and he answered yes. Another agent told him in Spanish that if he was lying he would be sent to jail, Carlos said.

He told them he was not lying. The agents then asked him for his "papers" and Ahumada said he didn't have any.

"He was shaking the whole time," Shumaker said.

Agents put Ahumada in the van with other men apprehended that day. In San Ysidro he was not able to call his parents until 7 p.m. Shumaker had already notified them of what had happened but no one knew where he had been taken.

"When we first found out that Carlos had been picked up, some of his uncles drove to the San Clemente Border Patrol checkpoint to look for him," Mrs. Ahumada said. With Shumaker's help, the parents sought their son's release Tuesday afternoon.

Ironically, they were given a document that guarantees their stay in this country pending their deportation hearing — in effect, legalizing this undocumented family's residence here, if only temporarily.

Shumaker said angrily she did not understand how Border Patrol agents decided to stop at the flower stand for the sole purpose of questioning Ahumada.

Assistant chief patrol agent Gene R. Smithburg in San Ysidro said Border Patrol agents constantly patrol North County. Agents often receive "a lot of information from a lot of people," he added.

Smithburg explained it is possible that someone called the Border Patrol and said that Ahumada was working at the flower stand.

The prospect of Carlos' deportation concerns his fifth-grade teacher and principal at Ditmar.

"I can see it's changed him," said teacher Juanita D. Murillo. Before the incident, she said, he was an outgoing and talkative child. On the day he returned to school — the last day of the school year — Carlos was quiet and withdrawn.

Ditmar principal James E. Cosman said he has done well academically and has been very active.

Several days before the Border Patrol picked him up, Carlos, a captain in the school safety patrol, received several citations at a school awards presentation. He received an award for reading the most books — 16 — and for perfect attendance.

It is his participation in the school patrol that has improved Carlos' role in school, Murillo said.

Cosman added that the family has been cooperative and supportive of their children's education. Also attending Ditmar are Hector, 9, and Yadira, 8. Yadira and Oscar, 2, were born in the United States.

Shumaker credited Carlos' parents with helping to organize the Neighborhood Watch Program. She said they explained the program's intent to the many Mexican families in the neighborhood.

Mr. Ahumada for the past year has been taking English classes after working in a local pharmaceutical company, where he has been employed for 2½ years. Earlier he worked in the nearby agricultural fields. His wife works as a seamstress.

The family previously had lived in Rosarito Beach, about 15 miles south of Tijuana, before coming to the United States. Carlos was born there, while his brother Hector was born in the Mexican state of Nayarit, meaning they are illegal aliens while their younger brother and sister are not.

For the family to successfully fight the hearing, they will have to prove that deportation could result in harm to the family, said Ernesto H. Azhocar, the family's immigration representative. Additionally, they will have to prove that they have lived here continuously for more than seven years and are of "outstanding moral character."

He said no date has been set for their deportation hearing.

Mr. and Mrs. Ahumada said they would have no future in Mexico — their families have emigrated to this country and some are U.S. citizens.

They have tried applying for citizenship, they said, but it is costly. They also would have jeopardized their stay by admitting they lacked necessary documents.

"What are we going to do?" Mrs. Ahumada said, indicating the children. "Take two and leave the other two?"

* Police Probe of Boy's Shooting by Border Patrol Ready for D.A.

LA Times 4/3/85

By TOM GREELEY, *Times Staff Writer*

San Diego police on Monday completed their investigation into the shooting of a 13-year-old boy in Mexico by a Border Patrol agent on the U.S. side of the border, and today will send to the district attorney's office a report recommending whether the agent should be prosecuted.

A police investigator declined to speculate on whether charges would be filed against Edward D. (Ned) Cole, 34, the agent who shot Humberto Carrillo-Estrada through the border fence Thursday.

Cole remains on duty performing strictly office work pending completion of the investigation, Gene Smithburg, assistant chief patrol agent for the local Border Patrol station, said Monday.

The Border Patrol is also investigating the shooting, Smithburg said. He refused to comment further.

Mexican Consul General Javier Escobar has threatened a stern reaction or legal action from his government over the incident, including a demand for an investigation by the U.S. attorney's office.

"We haven't heard from them yet," said Peter Bowie, chief assistant U.S. attorney in San Diego. "There's no question the remedies they could seek are broad, and the way we handle it will depend on their actions. . . .

"It would not be surprising if the family sought monetary damages from the Border Patrol."

Escobar could not be reached for comment Monday.

Mariano Lopez, a Los Angeles attorney who has represented the United Farm Workers and myriad Latino causes, has been retained by Humberto's mother, Lopez's office confirmed Monday. Lopez was not available for comment.

Humberto, who was struck in the side of the chest by the bullet fired by Cole into a

Please see SHOOTING, Page 3

SHOOTING: D.A. Gets Report on Border Incident

Continued from Page 1

large group of people, was listed in good condition at Mercy Hospital and reported to be recovering quickly from his wounds. Officials there have allowed Humberto's mother to stay in a room at the hospital free of charge until the boy is released.

The San Diego Police Department's homicide division conducted the investigation because a law enforcement officer was involved in the shooting, although there was not a fatality. "They always get these kind of sensitive cases because of their expertise," said police spokesman Lt. Dave Spisak.

"It's come-along very nicely," the homicide division's Lt. Paul Ybarrondo said Monday of the investigation. "We've completed our interviews, and the transcript will be to the district attorney by tomorrow. Then it's up to them to decide on charges."

Ybarrondo said San Diego police have spoken with Humberto, his 15-year-old brother, Eduardo, and other witnesses from both sides of the border. "I'm not going to draw any conclusions from the information we relayed to them, or as to whether there might be any charges filed," Ybarrondo said.

San Diego police say the incident occurred after Border Patrol agents spotted Eduardo on U.S. soil. Eduardo ran toward the border, and when the agents caught him just as he reached the fence, a small crowd on the other side began throwing rocks and bottles, police said.

Cole fired two warning shots before firing a third round through the fence, hitting Humberto in the back, police said.

Humberto was then carried into the United States by a Mexican citizen and flown by Life Flight helicopter to Mercy Hospital.

Strong reaction to the shooting has been registered by local Latino groups. Herman Baca, president of the San Diego Committee on Chicano Rights, said Monday the shooting of Humberto was "a manifestation of the terrorism employed by the Border Patrol against persons of Mexican ancestry."

Baca also criticized the Police Department's role in the investigation. "It's like having a husband investigate his own wife—there's no objectivity there," he said. "An outside, independent group should be looking into this."

BORDER: U.S. Agent Seized on Boy's Charge He Was Kidnaped

Continued from Page 1

against him because the boy allegedly stole a pair of binoculars from Ferrick's vehicle in March.

Ginn said the extortion charge related to "money for the binoculars" but declined to elaborate on the charge.

The youth accused Ferrick of terrorizing him on Friday, Saturday and Sunday after the youth had been detained by Border Patrol agents each day. Mexican illegal aliens usually are offered voluntary departure and are released at the border, Ginn said.

After Ferrick completed his Thursday night shift on Friday morning, he allegedly took the youth from detention to a remote area on Mt. Signal Road, about 10 miles west of Calexico, physically abused him and left him there, Ginn said.

On Saturday, Ferrick again allegedly took the youth from detention to the remote area, handcuffed the boy, and cut off some of his hair with scissors.

"The victim was forced to lie on his back while the agent threatened him and fired a shot into the ground about two feet from his head. The juvenile was then forced to undress and was kicked into a ditch," Ginn said.

On Sunday, Ferrick allegedly drove the juvenile to the Mt. Signal area for a third time and cut off the rest of his hair. "He forced the youth to undress, threw the youth's clothes into the All American Canal and left him," Ginn said.

He said the unidentified juvenile fished his clothes out of the canal and found some fishermen to give him a ride back to Calexico, where he reported his charges to Calexico police about 11:30 a.m.

Ginn said he and two sergeants immediately launched an investigation.

"We found the hair, we found the bullet," Ginn said. He said Ferrick was arrested with a search warrant at his home in Holtville, about eight miles northeast of Calexico, at about 7:30 p.m. Sunday. He said Ferrick did not resist arrest.

Ginn said he did not know how or why the youth could have been released to Ferrick each day. "I am not going to have the Police Department investigating Border Patrol procedures. I don't know what happened. Possibly there's no paper work on the kid."

The youth, an orphan, is being held at the county juvenile detention facility.

Ferrick is the second agent from the Calexico office to be investigated by the INS internal affairs unit. Last month, a Calexico doctor, Jose A. Cisneros, said he was beaten and humiliated by Agent Kevin Jarvis.

Times staff writer H.G. Reza contributed to this report.

Los Angeles Times

Tuesday, June 4, 1985

Border Agent Arrested on Complaint of Mexican Boy

By MARJORIE MILLER,
Times Staff Writer

Calexico police have arrested a U.S. Border Patrol agent on suspicion of kidnaping a 14-year-old Mexican boy, attempted extortion and assault with a deadly weapon, Calexico Police Chief Leslie Ginn said Monday.

Ginn said Robert M. Ferrick, 24, was arrested Sunday night after the boy told police Ferrick had terrorized him over a three-day period, handcuffing him, cutting his hair, forcing him to strip and firing a shot near his head while he lay on the ground.

Ferrick is being held at the Imperial Valley Jail in El Centro in lieu of $100,000 bond for arraignment today.

Dale Musegades, chief agent in charge of the Calexico station, said the Immigration and Naturalization Service is investigating the case. He said that if Ferrick is released on bail he will be reassigned to a desk job pending the outcome of the investigation and legal case.

Ferrick joined the Border Patrol a year ago last month and has had no other complaints against him, Musegades said. He said the youth who made the charges is a resident of Mexico who has been detained 18 times in the last nine months for being in the United States illegally.

Musegades said that Mexicans who regularly cross the border illegally and the agents who patrol the area tend to know each other by name.

Musegades said the youth told police Ferrick was retaliating

Please see BORDER, Page 2

S.D. Tribune
9/1/84

Settlement disclosed in INS case

By Bill Ott
Staff Writer

An attorney for the National Center for Immigrants' Rights has announced that a $7,500 settlement has been reached with the government to compensate an American citizen who was wrongly returned to Mexico as an undocumented alien five years ago.

The settlement will go to Christopher Robles-Enciso of Imperial Beach. He is now 20 and works for a construction firm.

When Robles-Enciso was taken into custody by the Border Patrol at the San Clemente checkpoint on Sept. 7, 1979, he was 15, according to Gilbert Paul Carrasco, attorney for the National Center for Immigrants' Rights.

Carrasco, during a press conference in front of the federal courthouse, said a 1981 lawsuit against the Immigration and Naturalization Service alleged that Robles-Enciso was taken off a bus at the checkpoint, handcuffed, interrogated for 19 hours, was abused and coerced into waiving his rights for voluntary return to Mexico with undocumented aliens.

This occurred, he said, despite the fact that Robles-Enciso produced his Social Security card and birth certificate, showing he was born in Los Angeles.

One of the Border Patrol agents involved in the incident was indicted and pleaded guilty to violating Robles-Enciso's civil rights. The border patrolman was fined $1,000 and placed on probation for three years.

Carrasco said he still sees such incidents, involving Hispanic children, as a problem in the San Diego area.

"Children are particularly vulnerable to such abuses of authority," he said. "The arrest procedures employed by the INS are deficient ... This becomes alarmingly apparent in the context of an unaccompanied minor who may live in a cultural environment where Spanish is the primary language ..."

Carrasco said the center now has a class-action suit pending in federal court in Los Angeles on behalf of all unaccompanied minors apprehended by the INS.

Suit Claims INS Holds 4-Year-Old 'Hostage'

Class Action Claims Children Used to Get Their Suspected Illegal Alien Parents to Turn Selves In

By LAURIE BECKLUND, *Times Staff Writer*

Orlando Ramirez left El Salvador Aug. 5 with a group of other Salvadorans to come to the United States. His father had been killed the year before. His mother had moved to Los Angeles to work as a domestic.

But when he crossed the border near Tijuana, he and his group were caught by the Border Patrol. By Saturday, Orlando had been in custody in San Diego for 15 days.

What is uncommon about this all-too-common story is Orlando's age. He is 4 years old.

On Friday, he became the centerpiece of a class action lawsuit that charged that Orlando and other children like him are being kept "hostage" by the U.S. Immigration and Naturalization Service to lure their illegal alien parents into turning themselves in.

Orlando's mother was identified in the suit only as a "Jane Doe." Orlando is her only child.

The suit estimates that there are about 200 children like Orlando in custody around the country at any given time because they were apprehended while traveling without their parents.

INS officials counter that it would be irresponsible of them to release such children to the custody of anyone other than their parents.

"They (attorneys for the children) charge that we are being inhumane," said INS general attorney Martin Soblick. "But can you imagine what they would charge if we were to release the children to someone irresponsible and something happened to them afterward?"

However, in the class action suit, filed in federal court in San Diego, the National Center for Immigrants' Rights Inc. and El Rescate, a legal service center for Central Americans based in Los Angeles, charge that INS policy constitutes the use of children as "hostages" or "bait."

"As a condition of releasing detained children," the suit said, "the INS requires that a parent appear at the agency's office, waive (the) right to remain silent, waive (the) right against self-incrimination, and provide statements so that the agency can meet its burden of proof in subsequently initiated deportation proceedings."

The suit was filed after the immigrants rights groups lost two battles in immigration courts last week. An immigration judge in San Diego, where the boy is being held, agreed that the INS could require that a parent or legal guardian personally pick up the child. The Board of Immigration Appeals in Washington, D.C., upheld that ruling Thursday.

"We have no objection to that part of the court decision that requires a parent to personally appear to pick up a child," said Peter Schey, director of the Na-

Please see 'HOSTAGE,' Page 2

'HOSTAGE': Suit Targets INS

Continued from Page 1

tional Center for Immigrants' Rights Inc., in an interview.

"What we do object to is that the INS insists she be subjected to interrogation, and to give up her constitutional right to remain silent so INS can gather evidence to begin deportation proceedings against her."

However, Soblick said, Orlando's mother will not be arrested immediately if she appears to post bail for her son.

"It is generally conceded that the mother of this child is an undocumented, and we certainly have a right to question her," he said. "The courts have agreed with us. If, after questioning, it is determined that she is an undocumented, she will be allowed to go home with the child."

Common Occurrence

Deportation proceedings would then begin, he explained, and the burden of proof would be on the mother to show cause why she and her son should not be deported.

It is not uncommon for minors to be picked up by the immigration agents without their parents because parents often travel to the United States to earn enough money for their children's fare. In this case, Schey said, Orlando's mother worked for nearly a year as a domestic to earn the roughly $500 necessary to send for her son.

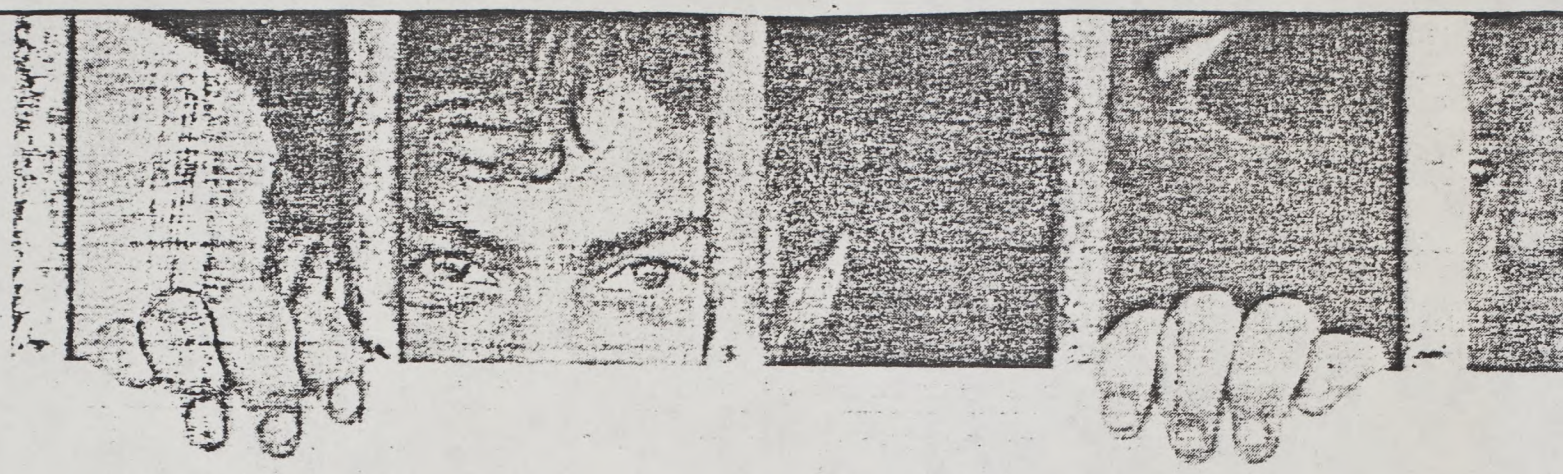
Schey said the woman has the funds to post the $500 bond set by INS and that she may assign legal guardianship for her son to someone temporarily so that person can arrange for him to be released. However, Schey said, "Most people are not in the position to set up a legal guardianship for their children and are naturally reluctant to do so, anyway."

Orlando's mother, Schey said, "is caught between two impossible choices: to fight legally, which means her son could remain separated from her for a long time, or to just surrender, at which time they would both be deported to El Salvador."

The attorney said the woman has spoken to her son by telephone twice a month since she left El Salvador last year after her husband was killed in fighting there.

"She has been able to talk to him by telephone a few times since he's been in custody, and all he does is just cry," Schey said.

The boy is being kept either at a foster home or at a contract housing facility set up to care for children until the case is resolved, Soblick said.



NEW ARRIVALS

Tribune photo by Bob Ivins

BACK TO MEXICO
Undocumented alien minors get a last look at the U.S. before deportation.

Juveniles return to Mexico with smiles

By Vicki Torres
Tribune Staff Writer

Immigration officials say it was a "major relief" to return to Mexico 500 undocumented alien minors held since last week in San Diego motel rooms because of a court ruling.

"You never saw a happier bunch of juveniles when they found they could go back to Mexico," said Gene Smithburg, assistant chief of the Border Patrol in the Chula Vista sector. "They did not want to be here, and it's a shame they had to be locked up."

Since Thursday, undocumented aliens younger than 18 who were detained by Border Patrol agents were required to be held in the United States until their parents could be contacted.

The procedure was a result of a temporary restraining order issued last week in Los Angeles by U.S. District Judge Terry Hatter Jr.

The order had been sought by the National Center for Immigrants' Rights in Los Angeles after Mario Moreno Lopez, 14, a legal alien from Santa Ana, was deported to Mexico on Feb. 15 after he signed a waiver forfeiting his right to a deportation hearing.

Under a previous court order issued Jan. 24, immigration officials were required to advise such young people of their right to an attorney or legal aid before presenting the waiver.

The boy's father, who was not contacted by immigration officials before the teenager's deportation, searched the streets of Tijuana for his son, who was found in San Diego six days after his deportation.

The immigration-rights group said immigration officials had not properly advised Mario and 15 other invididuals of their rights before deportation. The center won the temporary restraining order from Hatter.

However, yesterday Judge Edward Rafeedie lifted the order.

Gil Carrasco, director of the center, said the judge emphasized that immigration officials must advise minors of their rights before deporting them or be found in contempt of court.

He said the judge's statements would ensure that immigration officials follow proper procedures.

Alan Eliason, chief patrol agent of the Chula Vista sector, said Border Patrol agents here began in February to follow the January court order.

"There is no case where a juvenile alien has not received this advisement," Eliason said.

Last week's order resulted in the detention of 511 juveniles, Eliason said.

All but 11, who have asked for deportation hearings, were being returned to Tijuana, he said. The process was expected to be completed today.

Keeping the juveniles in motels and at Border Patrol stations over the weekend cost about $50,000, Eliason estimated. He said their return to Mexico was a "major relief" for the Border Patrol.

Also yesterday, Immigration and Naturalization Service officials in Los Angeles said an investigation into the arrest and deportation of Mario revealed no misconduct by Border Patrol agents.

ET 2/28/84

Bates appeals for border 'cooling down'

By Laura Preble
Tribune Staff Writer

Saying strategies are needed to "cool things down" at the border, Rep. Jim Bates yesterday met with civic and political groups to talk about violent incidents there in recent months and federal legislation he has introduced to address the problem.

"It's time to put a restraint on this Texas Ranger mentality of shoot first and ask questions later," said Roberto Martinez, a member of the Coalition for Law and Justice and one of about 20 participants in yesterday's meeting in Chula Vista.

Various groups have been outraged by several incidents involving Mexicans and U.S. law enforcement agencies, particularly the April 18 shooting at the border of 12-year-old Humberto Carrillo Estrada. The officer who shot the boy was not punished and the San Diego County District Attorney's office declined to file charges, saying agent Edward D. Cole was justified and concerned for his safety when he fired the shot that struck Carrillo.

The aftermath of that shooting prompted Bates, D-San Diego, to introduce his legislation.

The legislation, referred to the House Judiciary Committee, sets fines of up to $100,000 or one year in prison for "any federal law enforcement officer who assaults or otherwise physically injures an individual by using greater force than is necessary to carry out the official duties of such an officer."

The draft of the bill states that the attorney general review each report of a violation. If the attorney general determines that a prosecution should not be undertaken, he recommends in writing appropriate administrative action to be carried out by the department or agency employing the officer.

Albert Garcia, chairman of the San Ysidro International Chamber of Commerce, said the meeting was Bates' idea, but Garcia decided to attend because of Bates' political affiliations.

"As the only Democrat in the county representing us, he's the only one that can do anything," Garcia said. "The Republicans are doing nothing but trying to support President Reagan's proposals."

Bates said the purpose of Friday's session was to begin to develop a plan of action.

"The relations at the border seem to have become more tense," he said. "Incidents have happened that are regrettable. We need to develop some strategies to cool things down."

Martinez and the Coalition for

Please see BORDER, C-8

★Border

Continued From C-1

Law and Justice are gathering cases to help rally those who claim to have been abused by Border Patrol officers, immigration and law enforcement officers. "We're keeping on top of it," he said. "We're making ourselves available to the community by way of a Hotline. The INS keeps pounding the public with statements that the border is out of control. But undocumented people are not a threat to law enforcement. The violence is by border bandits, not the undocumented people."

Part of stemming the border problems in Bates' view is working with those who have jurisdiction over the INS, the Border Patrol, and immigration-related agencies.

Bates said he has met with congressmen Alan K. Simpson, R-Wyo., and Romano L. Mazzoli, D-Ky., who head the subcommittee that has jurisdiction over the INS, the Border Patrol and immigration-related agencies.

"They've agreed to assist in looking at the problem," he said.

Garcia blamed the problem on the "lack of communication between law enforcement agenices. There's a lack of sensitivity on the part of the San Diego Police, Immigration, Customs."

Bates' strategies include the piece of legislation he introduced, and canvassing those attending the meeting for ideas.

One of the more vocal speakers at the meeting was Jose B. Uribe, a member of the Hispanic Affairs Committee in Washington, D.C., with Bates. "Some of us are frustrated to see this problem stay on," Uribe said. "We're not here for a political rally or meeting. We demand to be treated as citizens of this country."

Uribe seemed to echo the consensus of those attending the meeting. "I think basically this was a good one in that people got together to express their frustration," he said. "My own opinion is that things should be done very fast to correct continuing harassment."

5/11/85
The Tribune

TOPICAL SUMMARY

PAGE

INTRODUCTION 1

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

I. FACT SITUATIONS ILLUSTRATING PROBLEMS INFLICTED ON THE LATIN-AMERICAN COMMUNITY BY THE ARBITRARY ADMINISTRATION OF IMMIGRATION POLICY. 3

A. Arbitrary Refusal to Allow a U.S. Citizen to Pass Where Urgent Need of Medical Treatment; Failure to Process or Permit Humanitarian Paroles under 8 USC 1182 (d)(5) 3

1. Humanitarian and Medical Paroles. Title 8 USC 1182 (d)(5) and regulations pursuant thereto allow humanitarian paroles in medical or emergent situations. But INS practice is to refuse, delay or discourage them. 3

2. The Death of Manolo ALBERTO An 18-month-old baby, a U.S. citizen, being rushed to medical care in the U.S., was denied entry at the border by precipitous, arbitrary decisions of INS agents. The child died as a result. 4

3. The Death of Mario CANEDO A four-year-old heart patient being treated in U.S. hospital was denied multiple entry visa and was delayed by INS personnel when being taken across to a U.S. hospital in emergency. Child died in INS waiting room. 6

4. These cases are examples of attitudes/practices whereby arbitrary decisions are made regarding validity of citizenship or legal status; agents are insensitive to urgent emergencies; applicants 6

PAGE

are not advised of procedures or rights of appeal; medical paroles are practicably denied.

B. Use of Deadly Force - Killings 8

REYES and RINCON case: Two men handcuffed together were shot in the back while trying to run away after being apprehended at the border. 8

BALDERAS case: Suspect, unarmed and passive, was shot in both arms by Border Patrolman. 8

ZARATE case: 16-year-old, unarmed Mexican youth who crossed border was seriously injured with shotgun from Border Patrol helicopter. 9

Implications: Border Patrol and INS agents make a practice of using lethal force, for the crime of crossing the border, or of trying to run away, on unarmed persons who present no threat to the officer. 9

C. Inflicting Unnecessary Physical Violence or Abuse on Suspects 10

ORTIZ case: Native-born American citizen of Puerto-Rican descent seized without probable cause and beaten unconscious to force him to sign papers. 10

DAVALOS case: A Mexican woman, traveling as a tourist with the correct visa, was detained, separated from her husband, stripped naked and subjected to a vaginal cavity search, all without any facts establishing reasonable cause. 10

Commentary: These and other cases collected in Appendices G through K indicate that American citizens and immigrants of Latin descent are regularly physically humiliated, beaten, punched, kicked, and severely injured while being stopped, detained and interrogated or forced into confessions. 11

D. Systematic Violations of Rights of Citizens and Immigrants of Mexican/Latin Descent 11

BUSTAMANTE case: Home of Mexican-American 11

PAGE

U.S. citizens broken into by Border Patrol agents without warrant or probable cause, terrorizing mother and children within.

VASQUEZ case: Native-born U.S. citizen was stopped and detained for hours at San Diego airport, caused to miss his plane, although he presented his driver's license, business card and other identification and is highly articulate in English. Sole reason for detention was that he appeared to be of Mexican descent. 12

PLANCARTE case: Documented legal immigrant was detained and deported from the San Diego airport, although he presented proof of his status, without a hearing or chance to contact his attorney, resulting in the loss of his employment. 12

Other Cases and Examples: 12

1. Appendices L through T are examples of the fact that citizens and immigrants are regularly stopped, detained and even deported without reasonable cause and for the sole reason that they are of Mexican/Latin descent. This violates their rights to equal protection under the law. 13

2. These citizens and immigrants are held for long periods of time and/or deported without hearings and without being allowed to contact attorneys, in violation of their right to due process under the constitution. 13

3. Citizens are stopped and harassed in public places, train stations and airports solely because they are of Latin descent. 13

E. Lack of an Independent Investigative Agency Able to Expose and Correct Abuses of Power 14

1. A perusal of the exhibits in the ALBERTO case (Appendix A) indicates an attempt to misrepresent and cover up the arbitrary acts of INS personnel involved. A Customs Officer who witnessed the event has spoken 14

PAGE

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

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

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

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

1. Disproportionate to the objective problem 15

2. Grounded in hysteria, propaganda and subjectivity 15

3. Of little marginal utility. 15

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

B. Other Methods of Dealing with Undocumented Workers Exist 16

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

C. Implications 17

1. The undocumented worker "problem" is 17

PAGE

exaggerated and distorted.

2. Other methods should be utilized for dealing with undocumented workers, rather than the random stopping, detaining and humiliating of innocent U.S. citizens and immigrants on the sole basis of their Latin ancestry. 17

3. Stopping the flow of undocumented workers is a relative value which must take priority second to the value of respecting the rights and dignity of Mexican/Latin Americans. 17

III. RECOMMENDATIONS 18

A. Congressional Hearings and Investigation 18

1. With substantial input from the Mexican/Latin-American community. 18

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

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

3. Give first priority to medical emergencies and emergent needs. Process requests for humanitarian/medical paroles under 8 USC 1182 (d)(5) without delay. 18

4. Adopt the policy of allowing all persons to enter who establish a colorable status as citizens or immigrants by documentation valid on its face. 19

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

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

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

PAGE

of Mexican/Latin-American citizens and immigrants.

7. Enact standards of probable cause to be applied in border areas, as well as the interior. 20

8. Require that the Fourth Amendment rights of the Latin community against unreasonable search and seizure and against breaking and entering without warrants or probable cause be respected by U.S. agents. 20

9. Establish an independent investigative/monitoring agency, and independent ombudsman, with power, funds and facilities for genuinely investigating complaints and incidents. 20

10. Maintain careful monitoring of agents and records of complaints with regard to specific agents, to detect and remove agents who are subjectively predisposed to violence, racism and attitudes of contempt toward people of Mexican/Latin descent. 20

11. Institute hiring practices, including psychological testing and profiles, to prevent the continued hiring of personnel who are predisposed to attitudes based on power drive or contempt for people of Mexican or Latin descent. 21

D. For Reduction of Violence on the U.S. Border: 21

12. Establish a policy of using no deadly force (weapons) on suspects whose only crime is crossing the border or attempting to escape. 21

13. Congress should enact specific legislation to the effect that the illegal crossing of the border and/or non-violent attempts to escape from border agents are not, of themselves, felonies, and are not worthy of the use of deadly force. 21

CONCLUSION 22

INDEX OF APPENDICES 23

APPENDICES A1

PETITION FOR CONGRESSIONAL INVESTIGATION

INTRODUCTION

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

The central concept is:

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

Other applicable concepts are:

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

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

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

Congress should therefore adopt this moral policy:

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

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

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

I.

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

A.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

4. Prevalent INS Practices Exemplified by These Cases

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

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

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

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

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

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

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

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

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

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

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

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

B.

Use of Deadly Force - Killings

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

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

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

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

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

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

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

C.

Inflicting Unnecessary Physical Violence on Suspects

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

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

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

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

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

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

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

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

D.

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

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

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

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

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

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

Other instances include:

1. Stopping and questioning people of Latin descent, at random and without probable cause. See declarations of PAZ (Appendix R), ZAPATA (Appendix P).

2. Breaking and entering homes of citizens without warrants or probable cause. (See Appendix L: BUSTAMANTE.)

3. Detaining U.S. citizens without probable cause and without allowing them to call attorneys. (See Appendix O: VENEGAS.)

4. Detaining and deporting legal immigrants without allowing them a hearing or an opportunity to present their documents, and refusing them the opportunity to contact their attorneys. See GONZALES-Velasquez (Appendix H) and LOPEZ-Coronado (Appendix S).

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

An analysis of the foregoing cases leads to these conclusions:

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

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

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

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

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

E.

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

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

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

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

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

---

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

II.

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

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

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

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

A.

Examples of Studies

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

Manuel Villalpando studied situations in both Los Angeles

---

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

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

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

B.

Alternatives to Current Methods Exist

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

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

---

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

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

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

C.

Implications

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

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

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

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

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

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

III.

RECOMMENDATIONS

A.

Congressional Hearings and Investigation

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

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

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

B.

Handling of Citizens, Immigrants and Applicants at Ports of Entry

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

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

(b) Ambulances or medical personnel should be called

if need is indicated.

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

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

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

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

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

C.

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

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

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

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

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

(1) an alien, and

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

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

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

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

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

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

10. Maintain careful monitoring of agents and records of

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

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

D.

Patroling of the U.S. Border

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

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

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

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

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

CONCLUSION

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

Respectfully submitted,

LEGAL AID SOCIETY OF SAN DIEGO, INC.

BY:

Victor P. Shupp

VICTOR P. SHUPP, Attorney at Law

Rafael A. Arreola

RAFAEL A. ARREOLA, Supervising Attorney

INDEX OF APPENDICES

APPENDIX	PAGE
A. MANOLO AGUSTIN ALBERTO	
Affidavit of Guadalupe ALONZO	A1
Birth Certificate of M. ALBERTO	A6
Medical Report, General Hospital of Tijuana	A7
Photos and Social Security card of M. ALBERTO	A10
Memorandum, Rafael ARREOLA, Attorney at Law	A11
Letter from U.S. Consulate	A14
Newspaper articles, San Diego Union	A15
B. MARIO ALBERTO CANEDO	
Declaration of Guadalupe CANEDO-Astorga	B1
Medical correspondence	B4
Newspaper articles, Los Angeles Times	
C. EFREN REYES/BENITO RINCON HERNANDEZ/ROGELIO MENDEZ DIAZ	
Coroner's Report on E. REYES	C1
Autopsy Report on E. REYES	C3
Newspaper articles	C7
Affidavit of Benito RINCON	C8
Medical Report on B. RINCON	C10
Affidavit of Rogelio M. DIAZ	C12
Newspaper articles	C14
D. MARGARITO BALDERAS	
Affidavit of M. BALDERAS	D1
Medical Report on M. BALDERAS	D2
Newspaper articles	D11
E. MARTIN ZARATE OLMOS	
Affidavit of M. ZARATE	E1
Medical Report on M. ZARATE	E3
Newspaper articles	E8
F. U.S. ATTORNEY M. WALSH	
Press Release (6-12-79)	F1

APPENDIX

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

APPENDIX PAGE

P. JOSE SALVADOR ZAPATA

Declaration of J. ZAPATA P1

Q. ENRIQUE DAVALOS/ELVIA MURPHY DE DAVALOS

Declaration of E. DAVALOS Q1
Declaration of E.M. de DAVALOS Q2

R. MOISES PAZ

Declaration of M. PAZ R1

S. GUILLERMO LOPEZ-CORONADO

Declaration of G. LOPEZ S1

T. GILBERTO ALVAREZ-CARRION

Declaration of G. Alvarez T1

U. MISC. NEWSPAPER ARTICLES U1

RESEARCH AND INVESTIGATION BY:

Carlos VASQUEZ, Paralegal

Susan ALVA, Paralegal

AFFIDAVIT OF

GUADALUPE ALONZO

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

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

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

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

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

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

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

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

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

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

Guadalupe Alonzo

GUADALUPE ALONZO

State of California)
County of San Diego) ss.

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

Guadalupe Alonzo
GUADALUPE ALONZA

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

Hilda J. Vasquez
HILDA J. VASQUEZ

NOTARY SEAL

OFFICIAL SEAL
HILDA J. VASQUEZ
NOTARY PUBLIC - CALIFORNIA
SAN DIEGO COUNTY
My comm. expires APR 9, 1982

... ...

... ...

ESTADOS UNIDOS MEXICANOS

SERVICIOS COORDINADOS DE SALUD PUBLICA EN EL ESTADO DE BAJA CALIFORNIA

HOSPITAL GENERAL
TIJUANA. B. C.

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

ASUNTO: Se envía Resumen Clínico solicitado

Tijuana, B.C. a 19 de Junio de 1979.

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

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

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

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

DR. FRANCISCO SANCHEZ MARTINEZ.

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

FSM/hrr.

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

A-7

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

HOJA DE MEDICO

NOMBRE DEL PACIENTE AGUSTIN ALBERTO MANOLO

NOMBRE DEL MEDICO RESPONSABLE LOS DEL SERVICIO.

No. de Expediente

CAMA NUM. 11 SALA PEDIATRIA

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

SERVICIOS COORDINADOS DE [illegible] DE BAJA CALIFORNIA
HOSPITAL GENERAL S.S.A., ENSENADA

HOJA DE MEDICO

NOMBRE DEL PACIENTE: MANOLO AGUSTIN ALBERTO

No. de Expediente

NOMBRE DEL MEDICO RESPONSABLE: LOS DEL SEVICIO

CAMA NUM. 11 SALA 15

FECHA	HORA	EVALUACION Y PRESCRIPCION	NOMBRE Y FIRMA DEL MEDICO
17-VI-79		NOTA DE EGRESO Y RESUMEN CLINICO: FECHA DE INGRESO : 15-VI-79 FECHA DE EGRESO: 17-VI-79. DIAGNOSTICO DE INGRESO: DESNUTRICION GRADOS II-III. DESHIDRATACION GRADO II. DIAS DE ESTANCIA : 3 dias. RESUMEN CLINICO: Paciente masculino , de 1.5 anos deedad, nacido en EEUU., admitido con los diagnosticos anotados arriba, traido por patrulla y dos mujeres estadounidenses que trabban de pasarlo a los EE UU. El paciente ingresa en malas condiciones generales, con facies palida , caquexia , signos francos de desnutricion casi en grado III, avitaminosis marcada , y deshidratacion severa grado II. Se le instituye tratamiento a base de soluciones IV, Electrolitos , inicio de dieta via oral a tolerancia, primero con solucion glucosado y despues con leche fresca, cuidados especiales y vigilancia estrecha. La evolucion no ha sido satisfactoria debido a que estos padecimientos necesitan tratamientos muy largos y costosos. Actualmente se da de alta bajo responsiva de familiar , quitando toda responsabilidad al el cuerpo medico y al departamento administrativo de esta institucion. Se da de Alta voluntaria MIdP. J. RCAMACHO. J. R Camacho. Persona que se hizo cargo del paciente Guadalupe Alonso Lupe Alonso 1967 26 SIN STREET Alpine. CAL TESTIGO: Mary Ramirez.	DR. de guardia. DR GRIJALBA.

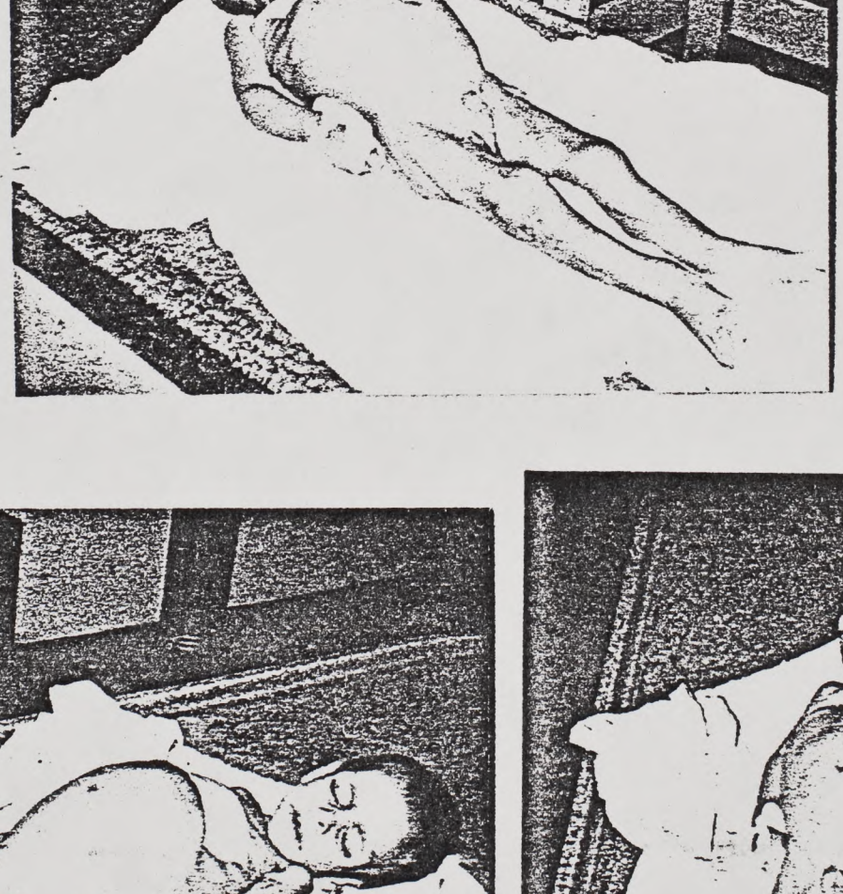
SOCIAL SECURITY

558-51-1341

THIS NUMBER HAS BEEN ESTABLISHED FOR

MANOLO A ALBERTO

SIGNATURE



LEGAL AID SOCIETY OF SAN DIEGO, INC.

MEMORANDUM

FROM OFFICE SOUTH BAY

TO: THE FILE OF MANOLO AGUSTIN ALBERTO

DATE JUNE 25, 1979

FROM: RAFAEL ARREOLA RA

RE:

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

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

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

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

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

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

Carolina Corona's statement:

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

RA:hjv

CONSULATE GENERAL OF THE
UNITED STATES OF AMERICA

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

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

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

Atentamente

Ross Benson
Consul Americano.

A-14

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

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

8-month-old boy, an American
, suffering from malnutrition,
ration and vitamin deficien-
ied in Tijuana General Hospi-
terday, several days after he
is mother were refused re-
into this country at the San
border crossing.

mother, an El Salvador
al, seeking treatment for her
was turned away at the bor-
portedly because her visa had
d. The child was in Los Ange-
ring the mother's previous
this country.

mother, Irma Alberto, then took the child to Tijuana General Hospital for treatment.

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

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

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

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

Ailing boy dies as red tape stops mother in Mexico

By JAMES REDFERN
TRIBUNE Staff Writer

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

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

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

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

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

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

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

"And then we found out he was dead.

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

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

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

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

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

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

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

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

But no one had.

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

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

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

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

She paid $550 to do it.

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

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

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

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

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

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

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

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

He planned to contact the case worker Monday morning.

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

COMPLICATIONS

Baby Dies After Being Turned Back at Border

BY PHIL GARLINGTON
Times Staff Writer

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

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

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

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

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

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

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

...tinued from First Page

...int that they could not bring the ...fant into the United States because ... legal guardian accompanied the ...ild.

The report said the women told ...spectors that they did not know the ...ild's mother, apparently to avoid ...vealing her alien status.

Mitton said the child was sick "but ...t in a terminal state" and that the ...omen were advised to take him to ...juana General Hospital. The child ...portedly had contracted an infec...n while he and his mother were in ... Salvador.

On Friday afternoon, the Tijuana ...spital called the American Consu...e in Tijuana to report that two ...omen had left a baby. With the baby ...s a birth certificate issued by USC ...edical Center in Los Angeles, a copy ... which was obtained by The Times.

"An officer went to see the child," ...d Ross Benson, head of the consu...te's citizen service department, ...nd determined he was in serious ...ndition."

"After failing to find a relative to ...t him, we called the San Diego Wel...re Department and made arrange...ents to transfer the child by ...mbulance to University Hospital," ...nson said.

Official Called Cruel in Barring Ill Child at Border

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

BY PHIL GARLINGTON
Times Staff Writer

6/21/79

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

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

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

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

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

"She then gave us a couple of dol...

$10 Million Slated for Burying Lines

...ABY

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

B-2 THE SAN DIEGO UNION Thursday, June 21, 1979

Agents Often Face Medical Choices

By LEW SCARR
Medical Writer, The San Diego Union

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

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

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

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

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

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

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

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

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

She claims an inspector told her she could not take the baby into the United States because he was not a citizen. She said she tried to show the baby's birth certificate to the inspector but that the inspector, a woman that Capolungo identified as Mary Louise Burns, told her she thought the birth certificate was a fake.

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

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

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

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

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

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

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

Congressman entered fight for remains

Dead baby's body results in bureaucratic snafu

By JOAN BROYLES
Star-News Staff Writer

Tragedy turned into nightmare this eek as a citizens group raced against me — and bureaucracy — to bring the ody of an American-born baby to the .S. for burial.

The eight-day ordeal ended Friday hen a group led by Chula Vista legal id attorney Rafael Arreola secured elease of the body of 18-month-old Ionolo Augustine Alberto.

THE BABY, born in Los Angeles to n illegal alien mother, died Monday in ijuana General Hospital after U.S. mmigration officials three days arlier refused to admit him to the U.S. or emergency medical treatment.

The tragedy was compounded in the ays following the baby's death as rreola and friends of the mother were nmeshed in a snarl of red tape urrounding release of the body.

Arreola said officials were "very low" in providing assistance and andled things "poorly."

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

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

OTHER SOURCES reported that Chula Vista's Ernesto Azhocar, at their request, had contacted the offices of several U.S. congressmen and state officials for assistance.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

— When told the notarized statement was on the way, Bogorquez said she would also need a driver's license and some other document to verify the signature. Alonzo arrived at the funeral home at 9:30 p.m., a er wasted trip.

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

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

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

Rogus could not be reached for comment.

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

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

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

DECLARATION

I, GUADALUPE CAÑEDO ASTORGA, declare:

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

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

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

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

It was around 4:00 P.M.
The line at the border was so long we drove around to the front. An Asian female official dressed in a blue uniform saw how sick the baby looked and opened the gate, sending us to the secondary inspection. We parked there and waited over ten minutes and finally got out of the car. It was then that a tall officer who had been standing there the whole time, came up and asked if I had any papers. I showed him the hospital letter indicating MARIO's last appointment. The officer sent us inside to the office.

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

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

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

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

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

Ilse Conde Astorga

OFFICIAL SEAL
SUSAN ALVA
NOTARY PUBLIC - CALIFORNIA
PRINCIPAL OFFICE IN
SAN DIEGO COUNTY
My Commission Expires December 29, 1979

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

Carlos Vasquez

OFFICIAL SEAL
SUSAN ALVA
NOTARY PUBLIC - CALIFORNIA
PRINCIPAL OFFICE IN
SAN DIEGO COUNTY
My Commission Expires December 29, 1979

Subscribed and sworn to before me this 2nd day of July, 1979.
Susan Alva, Notary Public

Fundación Project Concern de Mexico
HOSPITAL MATERNO INFANTIL

Una institución de Beneficiencia Privada No-Lucrativa

Paseo del Pacifico No. 43 Fracc. El Mirador P.O. Box 125 San Ysidro, CALIF. 92073 Teléfono 5-04-04 Tijuana, B.C., Mexico

. Robert Cronk
Director Ejecutivo
uinn K. Matthewson
Secretario
onald E. Nutter, C.P.A.
Tesorero
dward P. Irons, M.D.
Director Servicios de Salud

RVIENDO EN:
exico, Bali, Etiopía
palachia, Guatemala
ación de los Navajos
ong Kong

ONSEJO DIRECTIVO
Robert P. Lowell, Presidente
David R. Duplanty, Vice-Presidente
James A. Skidmore, Jr.
Dolores J. Dean
Lewis K. Woodward, Jr., M.D.
Director Medico Internacional
Wes H. Barnett
Steven Brim
Douglas Case
Robert F. Driver
William B. Durrette, Jr.
William M. Eagles, M.D.
Robert J. Edwards
Representative William Frenzel
Richard H. Headlee
T. R. Johnson
David L. Kilborn
Donald R. Laub, M.D.
Neville Mashford, Australia
William C. McQuinn, M.D.
Thomas E. Pollard, M.D.
Richard J. Potter
J. Donovan Ross, B.A., M.D., Canada
Deryl K. Schuster
Nancy Stanley
Carl C. Terzian
Annie D. Wauneka, Ph.D.

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

MITE AUXILIAR:
Sra. Josefina M. de Contreras

"Para Servir a la Humanidad"

Dec. 1, 1978

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

Dear Sir:

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

Birth: April 6, 1974 in Tijuana
Mother: Clara Canedo
Father: Ramon Galindo (not with family)
Address: Abrham Gonzalez 35 A, Col. Frco. Villa, Tijuana

University Hospital has notified you by telephone.

Thank you for your kind attention.

Sincerely yours,

For the Administration

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

B-4

UNIVERSITY OF CALIFORNIA, SAN DIEGO

BERKELEY · DAVIS · IRVINE · LOS ANGELES · RIVERSIDE · SAN DIEGO · SAN FRANCISCO · SANTA BARBARA · SANTA CRUZ

DEPARTMENT OF PEDIATRICS

UNIVERSITY HOSPITAL
225 DICKINSON STREET
SAN DIEGO, CALIFORNIA 92103

February 21, 1979

PEDIATRIC CARDIOLOGY ADMISSION NOTE

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

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

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

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

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

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

SUGGESTIONS:

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

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

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

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

CT:jo
cc: Project Concern

UNIVERSITY OF CALIFORNIA, SAN DIEGO

BERKELEY · DAVIS · IRVINE · LOS ANGELES · RIVERSIDE · SAN DIEGO · SAN FRANCISCO · SANTA BARBARA · SANTA CRUZ

DEPARTMENT OF PEDIATRICS

UNIVERSITY HOSPITAL
225 DICKINSON STREET
SAN DIEGO, CALIFORNIA 92103

March 9, 1979

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

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

Dear Sir:

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

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

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

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

Sincerely,

David E. Wood
Assistant Director of Finance
Patient Services

DEW:pdh

cc: Patient Services
Project Concern

BOY, 4, DIES WHILE WAITING

TO CROSS BORDER

HEART PATIENT

Boy, 4, Dies at Border Gates

BY ROBERT MONTEMAYOR
Times Staff Writer

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

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

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

Please Turn to Page 5, Col. 1

Continued from First Page

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

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

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

The Canedo boy, who had a congenital heart disease, had undergone heart sugery about a month ago at San Diego's University Hospital. Doctors told investigators that the boy's operation had involved "rebuilding the heart."

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

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

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

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

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

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

The officer, Mitton said, "recognized the problem and wrote the woman a note that indicated she had an emergency." Mrs. Astorga was instructed to proceed to the secondary inspection area, where she bolted from her car with the boy in her arms, and ran into the Customs lobby.

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

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

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

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

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

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

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

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

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

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

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

83312

Office of The Coroner

COUNTY OF SAN DIEGO

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

DAVID J. STARK
CORONER

CORONER'S REPORT

File # 83312 CC # 666-79

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

INVESTIGATIVE SUMMARY

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

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

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

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

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

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

R. V. PETTIT, Deputy Coroner

RVP:lad
4-6-79

83312

Office of The Coroner

COUNTY OF SAN DIEGO

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

DAVID J. STARK
CORONER

AUTOPSY REPORT

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

EXTERNAL EXAMINATION

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

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

INTERNAL EXAMINATION

The abdominal and thoracic organs occupy their normal positions.

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

CARDIOVASCULAR SYSTEM

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

RESPIRATORY SYSTEM

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

GASTROINTESTINAL SYSTEM

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

LIVER AND BILIARY SYSTEM

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

PANCREAS

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

ENDOCRINE SYSTEM

The thyroid gland is not palpably enlarged.

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

HEMATOPOIETIC SYSTEM

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

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

GENITOURINARY SYSTEM

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

The urinary bladder is unremarkable.

The prostate is normal in size.

MUSCULOSKELETAL SYSTEM

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

The skeleton is consistent with that of an adult male.

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

CENTRAL NERVOUS SYSTEM

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

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

Examination of the skull and cervical vertebrae reveals no abnormality.

The brain weighs 1400 grams and is symmetrical.

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

MICROSCOPIC EXAMINATION

Sections of lung show areas of disruption and hemorrhage.

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

Sections of pancreas show areas of disruption.

CAUSE OF DEATH:

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

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

DMK:MT:br
3-30-79

Agent's killing of alien justified, probe indicates

3/20/79 SD TRIBUNE

By ROBERT DIETRICH

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

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

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

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

One is that the wounded man, Benito Hernandez Rincon, 24, gave statements that essentially agree with the account given by the Border Patrol agent who did the shooting, Dan Cole, 49.

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

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

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

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

The bullet that struck the unidentified illegal alien entered his chest from the front. Hernandez's shoulder wound was from a bullet that hit the back of his shoulder.

"The shots were fired at close range," Gregory said.

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

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

DA Will Not File Charges n Manacled-Alien Slaying

5/12/79

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

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

n a decision expected to trigger newed protest from local Chicano ivists and Mexican officials, Mil- said supervising Border Patrol ent Dan Cole, 49, probably would ve been charged if he had been a te law enforcement officer.

State law prohibits the use of deadforce against fleeing misneanants, but, because Cole is a eral agent, Miller said his actions ne under the jurisdiction of federlaw, which holds that resisting rest or escape from a federal icer is a felony that probably tifies Cole's use of a gun.

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

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

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

In a letter explaining his decision to Chief of Police William Kolender, Miller said, "The facts of the case have been reviewed at length by the United States attorney for this district. He advises me that it is his view that the activity in which (Efren) Reyes (who was killed by Cole) and (Benito) Rincon Hernandez were engaged at the time they were shot constitutes a chargeable felony under federal law."

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

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

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

Miller said his investigation disclosed that "neither of the handcuffed men made any move to strike or kick the agent, nor did either of them make any move to suggest that they were reaching for a concealed weapon. The agent had not, however, determined that neither of them was in possession of some weapon."

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

Miller rejected the latter contention, however, "on the basis of indisputable physical evidence that the shots entered both men from the front."

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

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

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

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

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

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

DECLARATION OF

BENITO RINCON-HERNANDEZ

I, Benito Rincon-Hernandez, declare:

1. I am a native and citizen of Mexico. I am twenty-two years of age.

2. On March 17, 1979, Efren Reyes and Rogelio Alfredo Mendez-Diaz and myself were sitting on a paved road that runs along an embankment on the United States-Mexican Border about two (2) miles west of San Ysidro, California, and about fifty (50) feet inside the United States territory.

3. At approximately 9:30-10:00 p.m. a Border Patrolman pulled up while we were sitting there. The Border Patrolman was alone. He placed Efren Reyes and myself in handcuffs, my right arm attached to Reyes' right arm. As he was placing the handcuffs on, the Border Patrolman kicked me very hard in the back for no reason.

4. The Border Ptrolman escorted the three of us to his vehicle. As we approached the vehicle Reyes pulled back. The Border Patroman immediately pulled his handgun and threatened Reyes and myself. After the Border Patrolman replaced his gun, Reyes again pulled and started moving toward the Mexican side. I had no choice but to follow Reyes since I was handcuffed to him. About 3/4 of the way down the embankment I heard a shot from the Border Patroman's gun. I squatted down. Then another two shots were fired. I fell forward. At first I did not realize I was hit but after a few minutes, I felt an intense pain in my shoulder. The bullet had entered from my front left side and passed out the back near the right arm. I laid face down for 20-25 minutes before anyone came to my attention. Reyes was dead as soon as the bullet hit him.

C-8

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

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

Dated: 5/14/79

in San Diego, California

Benito Rincon

BENITO RINCON-HERNANDEZ

UNIVERSITY HOSPITAL
University of California
Medical Center, San Diego

HERNANDEZ, Benito
743 073 J

DISCHARGE SUMMARY

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

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

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

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

CONDITION ON DISCHARGE: Stable.

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

OPERATIONS: None.

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

PHYSICIAN'S INSTRUCTIONS RE PATIENT ACTIVITY: As above.

John Kroener, M.D.
Surgery Resident II

JK:bb
T: 3/24/79

DECLARATION OF REGELIO ADOLFO MENDEZ-DIAZ

DECLARATION OF ROGELIO ADOLFO MENDEZ-DIAZ

I, Rogelio Adolfo Mendez-Diaz, declare:

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

1. On Saturday, March 17, 1979, I, Efren Reyes and Benito Rincon were sitting on a paved road that runs along the embankment on the United States-Mexican Border about fifty feet inside the United States territory.

1. El Sabado, 17 de Marzo, 1979, yo, Efren Reyes, y Benito Rincon, estabamos sentados en un camino pavimentado que corre al lado de un bordo de la ladera en la frontera del Mexico y los Estado Unidos, approximadamente 50 pies adentro del territorio de los Estados Unidos.

2. At approximately 9:30-10:00 a Border Patrolman pulled up while we were sitting there. The Border Patrolman was alone. He placed Efren Reyes and Benito Rincon in Handcuffs.

2. Aproximadamente a las 9:30-10:00, un hombre de la Patrulla Fonteriza se acerco mientras que estabamos sentados alli. El hombre de la Patrulla Fonteriza estaba solo. Les puso loas esposas a Efren Reyes y a Benito Rincon.

3. While the Border Patrolman was attempting to place Efren Reyes and Benito Rincon into the patrol jeep, I ran down the embankment back to the Mexican side. From there I was able to observe the Border Patrolman still trying to place Efren Reyes and Benito Rincon into the jeep. I had no trouble seeing what was occurring because the lights from the city and the streets luminated the area where the arrest was taking place.

3. Mientras que el hombre de la Patrulla Fronteriza trato de poner a Efren Reyes and Benito Rincon en el "jeep" de patrulla, yo baje el bordo de la ladera corriendo al lado mexicano. Desde alli pude observar que el hombre de la Patrulla Fronteriza todavia estaba tratando de poner Efren Reyes y Benito Rincon en el "jeep". Yo no tenia ninguna dificuldad mirando lo que pasaba por que los luces de la ciudad y de los calles alumbraban el area donde estaba pasando el el arresto.

C-12

4. I saw Efren Reyes and Benito Rincon start to run down the embankment. The Border Patrolman then fired two shots hitting Benito Rincon and Efren Reyes.

4. Yo mire a Efren Reyes y a Benito Rincon bajando el Borde de la ladera corriendo. Entonces el hombre de la Patrulla Fronteriza tiro dos valas que pegaron a Benito Rincon y a Efren Reyes.

5. At no time did Benito Rincon, Efren Reyes or myself ever hit or assault the Border Patrolman in any manner.

5. A ningun tiempo tratamos (Benito Rincon, Efren Reyes ni yo) de pegar or asaltar el hombre de la Patrulla Fronteriza en ninguna manera.

6. At no time did the Border Patrolman's safety or life appear to be threatened or in danger from Benito Rincon and Efren Reyes in any manner.

6. A ningun tiempo parecia que la seguridad o la vida del hombre de la Patrulla Fonteriza estaba en peligro or amenezado en ningun manera por parte de Benito Rincon or Efren Reyes.

7. El balacera parecia que era un intentar del hombre de Patrulla Fonteriza de prevenir Efren Reyes y Benito Rincon de regresar a Mexico.

7. The shooting appeared to be an attempt by the Border Patrolman to prevent Efren Reyes and Benito Rincon from returning to Mexico.

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

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

Date:
Fecha: 2/15/79

Rogelio A. Mendez Diaz
Rogelio Adolfo Mendez-Diaz

EL MEXICANO Domingo 6 de Mayo de 1979

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

Por Rogelio LAVENANT SIFUENTES

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

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

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

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

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

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

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

NARRAN LOS HECHOS A EL MEXICANO

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

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

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

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

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

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

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

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

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

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

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

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

No logró su propósito y entonces disparó su arma.

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

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

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

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

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

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

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

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

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

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

DECLARATION OF MARGARITO BALDERAS-HERNANDEZ

I, MARGARITO BALDERAS-HERNANDEZ, hereby declare that:

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

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

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

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

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

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

OFFICIAL SEAL
SUSAN ALVA
NOTARY PUBLIC - CALIFORNIA
PRINCIPAL OFFICE IN
SAN DIEGO COUNTY
My Commission Expires December 29, 1979

X
MARGARITO BALDERAS-HERNANDEZ

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

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

Susan Alva

D-1

UNIVERSITY HOSPITAL
University of California
Medical Center, San Diego

BALDERAS, Margarito
739 582-E
D: 2-20-79

DISCHARGE SUMMARY

ADMISSION DATE: 2-11-79
DISCHARGE DATE: 2-20-79

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

PH FH SH ROS: Noncontributory.

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

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

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

S:db
2-20-79
e #1

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

DISCHARGE DIAGNOSES:

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

CONDITION ON DISCHARGE: Satisfactory.

D-2

DISCHARGE SUMMARY

DISCHARGE MEDICATIONS: None.

OPERATIONS: 1. Debridement of right and left forearms. 2-11-79

2. Delayed primary closure, right forearm. 2-16-79

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

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

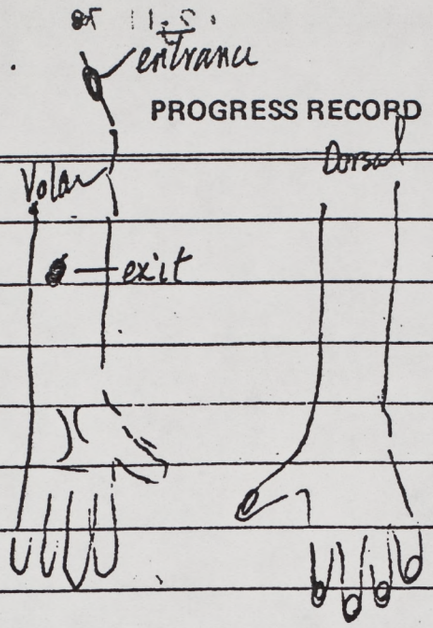
Raymond Sachs, M. D.
Orthopedics Resident II

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

UNIVERSITY HOSPITAL
University of California
Medical Center, San Diego

PROGRESS RECORD

DATE	
2/11/79	(L) arm



diminished radial & ulnar pulses ≈ nl. brachial pulse.
motor exam intact ulnar & median muscle groups + intrinsic hand motors intact
Sensory intact to touch
x ray - comminuted Fx of (R) ulna middle/distal 1/3 junction
- (L) ∈ metallic frags but no Fx
Imp: - (R) ulnar nerve, artery, FCU, FDS & P to little finger.
Fx open & comminuted of ulna.

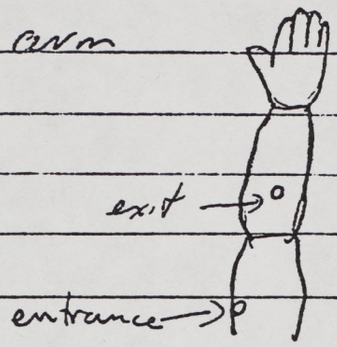
(L) Neuro & sensory exam. intact, diminished pulses distally - R/O brachial artery injury.
Plan: to angio, then to OR for debridement & irrigation of wounds, possible vasc. repair on (L).

UNIVERSITY HOSPITAL
San Diego, California

PROGRESS RECORD

DATE	

(L) arm



faint radial pulse. No ulnar pulse. Neuro intact

neuro - alert & oriented X3
motor, sensory & cerebellum intact except for ulnar (L) (R) arm
angio (L) arm → radial a interrupted just post bifurcation
(R) arm → fx ulnar
Assess. Gunshot wounds to both arms.
Ulnar n & a injury to (R) arm.
Radial a injury to (L) arm

Humby

151-029 (Rev. 5-73) SIC 600

UNIVERSITY HOSPITAL
San Diego, California

BALDERAS MARGARITO
M 07 10 48
U 7 95 2 E

Jan 12 11 78

PROGRESS RECORD

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

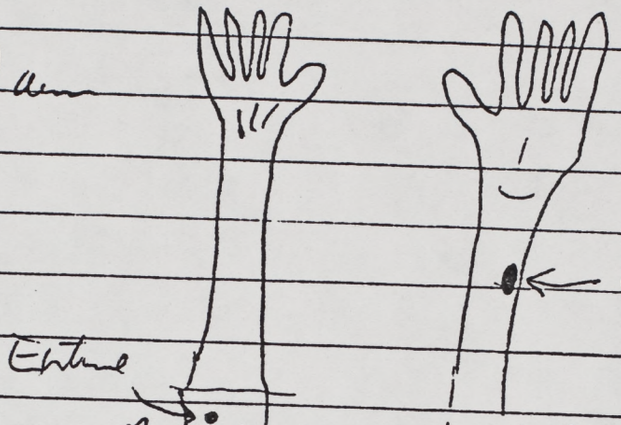
151-029 (Rev 5-73) SIC 600

UNIVERSITY HOSPITAL
University of California
Medical Center, San Diego

PROGRESS RECORD

DATE

(L) arm



Brachial pulse 4/4, Radial + Ulnar Both 3/4.
Motor WNL all groups, Sensory WNL both median + ulnar + radial
Neuro - CN II-XII full. Cerebellar Full, Sensory + Motor as above.
X-Rays - (L) - Hand - pt. bullet lodged at lat base epicondyle c multiple fragments of metal, no fracture.
(R) - comminuted fracture of (R) ulna at middle-distal 1/3 junction.

Admit Angio - Occlusion of (L) radial artery + cannot R/O compromise of (L) ulnar.
ICU: GSW to (R) + (L) arms c
1) (R) ulnar N., artery, FCU, FDS + FDP injury, + fx (open) ulna
2) (L) Radial Artery Occlusion c post brachial, ulnar A. injury.

151-029 (Rev. 4-75) SIC 600

UNIVERSITY HOSPITAL
University of California
Medical Center, San Diego

BALDERAS MARGARITC
M 07 1 48
L 7 15 2 E

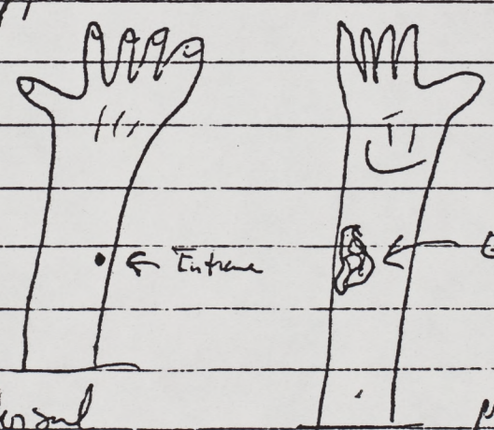
12 11 79

PROGRESS RECORD

DATE

-2-

Back - No CVAT or pen. pain.
Chest - Clear to A+P
CV - RR S @ , cl S1, S2, no S3 or S4.
Abd - Soft, non-tender + Organomeg,
no masses, cl B.S.
GU - Nl ♂, Testes ↓
Rectal - Not performed
Extremities - Lower - FROM. Strength 5/5 all
DTR's (L) (R) Sensory Nl.
AJ 2+ 1+
KJ 2+ 1+
Upper.
(R) arm:



Dorsal

Exam - 5th finger - Flex. Dig. Prof. + Superfic. Intact at Interossei Out
Prob. Flex. Carp. Ulnaris Out
Sensory - Numb (R) 5th + lat ½ 4th
Ulnar Pulse 1+/4+, No Ulnar Bluish + Allen:
Radial 4+/4+.

151-029 (Rev. 4-75) SIC 600

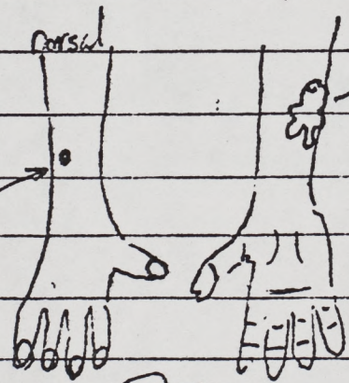
UNIVERSITY HOSPITAL
University of California
Medical Center, San Diego

BALDERAS MARGARITO
M 07 10 48
U 7 95 82 E
[illegible]

2 11 79

PROGRESS RECORD

DATE	Orthe Consult
2/11/79	
4:51 pm	Pt is 31 y/o Mex M injured today at 12:00. He was shot - both arms c 1 357 magnum. He was taken to another ER & then brought to UH by trauma van. Pt is mexican national. He speaks no english & is poor in cooperation even c interpreter. Pt claims numbness of little & ring digits on (R) hand but denies any numbness on (L). He has GSW to (R) distal 1/3 forearm and to (L) mid-forearm. He has no other complaints.



Exam

FCU out

deep & superficial flexor to little out

numbness of little & 1/2 of ring

absent ulnar pulse & allen's test to ulnar bluish.

(R) Forearm intrinsic muscles out

poor cooperation on (R). Unable to do 2pt discrim due to lack of understanding of instructions.

cont

Vandal

151-029 (Rev. 4-75) SIC 600

EXAM(S) REQUESTED	PROC. CODE
angiograms of (L) arm	

BALDERAS MARGARITO
M 07 10 48
U 739582 E
P U 0442

Infectious Disease Precautions: ☐ YES ☐ NO

Starting Date of L.M.P.

SE-TRM 639 Source

Request Date

Pateint Identification

A: DIAGNOSIS/BRIEF CLINICAL HISTORY:

gunshot wounds to both arms

☐ STAT ☐ OPR RM ☐ PORT

TECHNOLOGIST/RADIOLOGIST REMARKS

B: REASON FOR REQUESTING EXAM:

PHYSICIAN (PRINT OR TYPE) Hamber

PHYSICIAN'S SIGNATURE C. Hamber

TELEPHONE

SEND COPY OF REPORT TO:

MAIL CODE:

BELOW THIS LINE FOR DEPARTMENT USE ONLY

UNIVERSITY HOSPITAL
University of California Medical Center
San Diego

DIAGNOSTIC X-RAY REPORT

LEFT ARM ARTERIOGRAM - 2/12/79

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

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

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

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

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

Radiologist K.SEO, M.D. / J. BOOKSTEIN, M.D.

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

151-820 (Rev. 2-78) SIC 700

Otro Mexicano Balaceado por un Patrullero de la Border Patrol

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

Por Arturo GONZALEZ PEREZ

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

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

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

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

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

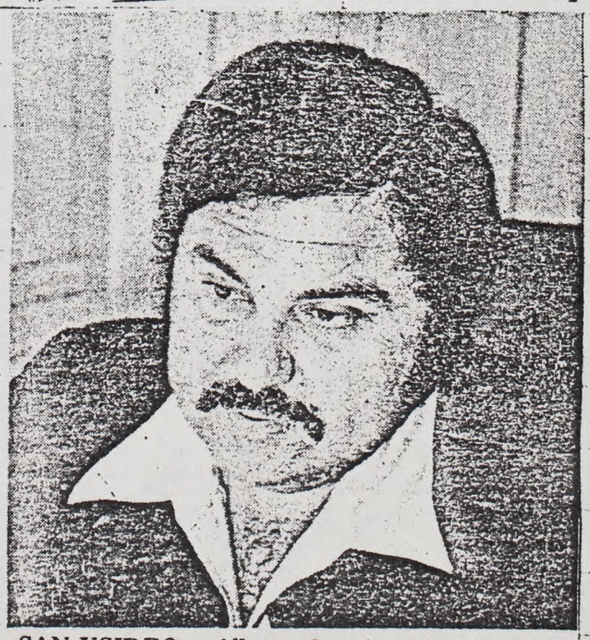
OCULTAN EL NOMBRE DEL PATRULLERO

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

HABLA UN TESTIGO

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

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



SAN YSIDRO.— Alberto García, dirigente de los mexicoamericanos del Estado de California dio a conocer los resltados de la investigación sobre el mexicano Margarito Baleras, balaceado el

EL mexicano Miércoles 14 de Febrero de 1979

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

SAN YSIDRO.- A iniciativa de la Asociación de Mexicoamericanos del Estado de California el representante del Departamento de Justicia de Estados Unidos en San Diego, encargado de los asuntos de la comunidad mexicoamericana, Angel Aldrete, inició una investigación sobre el caso del mexicano balaceado el pasado domingo en la Linea In-

(Pasa a la Pág. 4, Col. 4)

Identificado...

(Viene de la 1ª Pág.)

ternacional por un agente de la Patrulla Fronteriza.

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

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

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

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

DECLARATION

I, MARTIN ZARATE OLMOS, DECLARE:

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

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

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

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

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

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

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

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

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

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

OFFICIAL SEAL
SUSAN ALVA
NOTARY PUBLIC - CALIFORNIA
PRINCIPAL OFFICE IN
SAN DIEGO COUNTY
My Commission Expires December 20, 1979

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

UNIVERSITY HOSPITAL
University of California
Medical Center, San Diego

ZARATE, Martin

749 764 G

~~D 6-29-79~~

DISCHARGE SUMMARY

DATE OF ADMISSION: 5-29-79 ATTENDING PHYSICIAN: J. Devin, M. D.
DATE OF DISCHARGE: 6-29-79 RESIDENT PHYSICIAN: F. Hammill, M. D.

CHIEF COMPLAINT: Gunshot wounds to both legs.

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

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

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

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

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

E-3

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

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

CONDITION ON DISCHARGE: Improved.

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

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

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

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

Karl Zucker, M. D.
Surgery Resident I

KZ:er
T 7-3-79

UNIVERSITY HOSPITAL
University of California
Medical Center, San Diego

OPERATION REPORT

NAME: ZARATE, Martin FLOOR UNIT NO. 749 764 G

DATE OF OPERATION: May 29, 1979 DICTATED BY: F. Hammill
May 29, 1979

PREOPERATIVE DIAGNOSIS:
Gunshot wounds to bilateral popliteal fossae.

POSTOPERATIVE DIAGNOSIS:
Same.

OPERATION:
Repair of left popliteal artery and vein with saphenous interposition graft from the right thigh.
Intraoperative angiograms.
Left lower leg fasciotomies.

SURGEON: J.B.Devin/F. Hammill ASSISTANT: P. Humber STAFF: J.B. Devin

INDICATIONS, FINDINGS AND PROCEDURE:

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

PROCEDURE: Upon arrival in the Operating Room, the compressive dressings were removed while a pneumatic tourniquet cuff was placed about the upper left thigh. When this was inflated, dressings were fully removed and the extent of the wound was inspected. He was found to have a large defect in skin and subcutaneous tissue and muscle along the lateral aspect of the left leg at the level of the knee. Surrounding this were numerous smaller puncture wounds. Along the medial side of the knee was also a smaller defect from which moderate amounts of blood oozed when the pressure on the tourniquet was decreased. The wound was packed with Betadine soaked dressings and the opposite leg was inspected. This was found to have approximately 30 2-3 millimeter puncture wounds along the posterior aspect of the posterior and medial aspect of the right leg just below the area of the popliteal fossa. In the left leg, no pulses were palpable in the lower leg and the foot was quite cool. The patient was unable to move any muscles at the level of the ankle joint or in the foot or toes. He also note a complete lack of sensation below the knee. On the right side, he was able to move his ankle and toes and though no pulses were palpable in the foot, the foot was warm with normal capillary filling.

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

OPERATION REPORT

NAME: ZARATE, Martin **UNIT NUMBER:** 749 764 G

DATE OF OPERATION: May 29, 1979

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

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

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

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

OPERATION REPORT

NAME: ZARATE, Martin **UNIT NUMBER:** 749 764 G

DATE OF OPERATION: May 29, 1979

long Metzenbaum scissors underneath the skin.

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

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

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

Estimated blood loss was approximately 600 ccs.

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

Joseph B. Devin, M. D.
SURGEON

Fred Hammill, M. D.
Surgery Resident V

FH:er
T 6-5-79

ALARMA!
unicamente la VERDAD
NUM. 842 ★ $5.00 EN TODO EL PAIS

MAS HECHOS DE SANGRE

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

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

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

"En el mencionado lugar, localizado casi frente al aeropuerto de Tijuana, B. C. N., se encontró a Martín Zárate mal herido y fue trasladado a un hospital para las primeras curaciones. Los asaltantes del "indocumentado" herido huyeron al avistar a los elementos de la Patrulla Fronteriza, la Policía de San Diego y también agentes del FBI que acudieron al lugar de los hechos para investigar".

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

Lo anterior se registró cuando el agente de la Border Patrol, cuyo nombre no fue proporcionado, se acercó a un grupo de 18 "indocumentados" que trataban de ingresar de manera ilegal en territorio norteamericano.

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

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

Se informó

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

Por Rodolfo García TALAVERA

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

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

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

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

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

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

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

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

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

Nuevos Hechos Violentos contra los Indocumentados

Por Rogelio LAVENANT SIFUENTES

SAN YSIDRO.— La violencia contra mexicanos fueron las en la franja de terreno colindan- cuatro de dos incidentes violentos, en el cerco fronterizo, en esta por separado la noche del ción de California. pasado. Resultaron heridos con s de fuego.

Cuatro de ellos fueron llevados al hospital general de Tijuana y los otros tres a Martín Zárate, e Ismael Villa, de 16 y 17, años de edad, respectivamente, internados en el Universitario de Chula Vista.

Originalmente, Al Wells, asistente jefe de sector de la Patrulla Fronterizo, dijo que a las 10:30, p.m. los agentes acudieron al Spring Canyon, después de recibir un llamado de que varios mexicanos estaban siendo atacados por bandidos.

(Pasa a la Pág. 4, Col. 1)

a este lugar, casi frente al ae-

MAS DE MIL "INDOCUMENTADOS" ARRESTADOS

vantarse, pero los presuntos ros ilegales lo derribaron" menos dos veces"

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

pocero del FBI aseguró que el de la Border Patrol dijo que, cera ocasión en que lo tiraron sintió un jalón en la funda de la, por lo que la sacó y al o de tratar de ponerse en pie sparó accidentalmente.

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

os casos están siendo inves- por el Federal Bureau of In- tion (FBI), cuyos agentes es- atando de reunir los datos de iones con las declaraciones in Zárate e Ismael Villa

RECEIVED JUN 15 1979

F-6

ok Michael Walsh

PRESS RELEASE
June 12, 1979

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

WALSH MEETS WITH BORDER PATROL: URGES RESTRAINT

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

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

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

F-1

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

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

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

FEDERAL DEFENDERS OF SAN DIEGO, INC.

MEMORANDUM

TO: File

DATE: 8 November 1978

FROM: MRR

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

Date of Alleged Beating: 20 October 1978

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

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

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

AUSA: David Doyle

Date of Interview by AUSA: 3 November 1978

Date of Examination by Doctor: none

Defendant's Story:

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

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

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

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

G-1

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

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

DECLARATION OF EZEQUIEL GONZALEZ-VELASQUEZ

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

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

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

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

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

Ezequiel Gonzalez-Velasquez

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

OFFICIAL SEAL
SUSAN ALVA
NOTARY PUBLIC - CALIFORNIA
PRINCIPAL OFFICE IN
STANISLAUS COUNTY
My Commission Expires December 29, 1979

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

Carlos Vasquez

H-1

Country of Citizenship	Passport Number and Country of Issue	File Number
Mexico		A23 058 129

U.S. Address (Residence) (Number) (Street) (City) (State) (Zip Code)
226 California St, Salinas, California

Date, Place, Time, Manner of Last Entry	Passenger Boarded At
EWI 2/20/78 2mi.E. SYS-CHURCH 10PM	7-17-78

Number, Street, City, Province (State) and Country of Permanent Residence
UNDER DOCKET CONTROL SFR — AUTHORIZED

Birthdate	Date of Action	Location Code
7/15/52 (25)	6/15/78	LIV-SLS

City, Province (State) and Country of Birth	AR	Form (Type & No.)	
Cupareo, Gto. Mexico	X		☐ Lifted ☐ Not Lifted

Visa Issued At – NIV No.	Social Security Account Name

Date Visa Issued	Social Security No.	Send C.O. Rec. Check To:
		SFR

69 150 Laborer

crooked nose

xx

xxxx

Bª Farm and Ranch check

SLS, Ca. 6/15/78 10AM

PA Williams and crew

EWI In Agric.

1- 6 months

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

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

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

☐ Su solicitud de prórroga para su salida de los Estados Unidos ha sido _____. Usted deberá salir del país a más tardar el ~~_____~~
Vol. Departure extended to JULY 05 1978 by DD+P RBL

Usted debe notificar a esta oficina, Cuarto No. ___, a más tardar el _____ acerca de los arreglos que ha hecho para salir del país, incluyendo la fecha, el lugar, y los medios de transporte que usted va a utilizar.
The above period of time is extended to Jan 05 1979 SHD by RBL DD+P

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

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

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

Atentamente,

By: B Williams SLS BPA

DIRECTOR DE DISTRITO
CHIEF PATROL AGENT

FOR IMMIGRATION AND NATURALIZATION USE ONLY

Departed:
Port _____ Date _____
To _____ Via _____

☒ I-94 stamped
☒ I-161 prepared

I-530 submitted
I-156 prepared

UNDER DOCKET CONTROL AT SFR

Form I-210 (SPANISH)
(Rev. 7-1-73) N

H-2

FEDERAL DEFENDERS OF SAN DIEGO, INC.

MEMORANDUM

TO: File

DATE: 8 November 1978

FROM: MRR

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

---

Date of Alleged Beating: October 21, 1978

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

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

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

Assistant U.S. Attorney: David Doyle

Date of Interview by AUSA: 3 November 1978

Date of Examination by Doctor: 3 November 1978

Defendant's Story:

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

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

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

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

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

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

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

AFFIDAVIT OF LUCIANO ORTIZ

I, LUCIANO ORTIZ, declare the following:

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

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

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

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

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

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

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

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

8. In San Ysidro, I was told to sign some papers explaining my rights and other things. When I refused to sign such papers a Mexican Immigration officer, along with and anglo officer grabbed me, one grabbed me by the hair, and the other by my writs. The Chicano officer struck my face repeatedly with his fists. I was knocked down. While I was on the ground they both began to kick me severely and repeatedly, while grabbing my hair. In addition the officers grabbed my head and knocked my head many times against the wall. My forehead, the side and back of my head were banged against the wall, I lost consciousness.

9. I woke up at the Chula Vista Detention Center at approximately 1:00 p.m. In Chula Vista my fingerprints and photo were taken without my consent. I was showered with water. All this time I was not in total control of my senses due to the physical abuse I received at the hands of the Immigration officers.

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

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

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

13. I have never violated any United States Immigration Laws.

.....

.....

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

DEPARTAMENTO DE SALUD
(DEPARTMENT OF HEALTH)
DIVISION DE REGISTRO DEMOGRAFICO
(DIVISION OF DEMOGRAPHIC REGISTRY)

CERTIFICADO DE NACIMIENTO

Para el Encargado del Registro

NEGOCIADO DE REGISTRO Y ESTADISTICA DEMOGRAFICA

DISTRITO No. 54 — No. DE ARCHIVO - 83233 — No escriba en este espacio

LUGAR DEL NACIMIENTO
(a) Municipio de Patillas
(b) Zona Urbana ____ (Calle y Número o Barriada)
(c) Zona Rural: Barrio Jacaboa
(d) Nombre de Hospital, Institución ____
(e) Estadía de la Madre en Hospital o Institución antes del Parto ____ (Especifique Años, Meses, Días.)

2. RESIDENCIA DE LA MADRE
(a) Municipio de Patillas
(b) Zona Urbana ____ (Calle y Número o Barriada)
(c) Zona Rural, barrio Jacaboa

NOMBRE Y APELLIDOS DEL NIÑO Luciano Ortiz

Sexo	5. Número de meses del embarazo	6. Gemelo, Triple, etc. No. en el orden de nacimiento	7.	8. Fecha del Nacimiento (Día) (Mes) (Año)
M	9			27 Oct. 1947

PADRE
Nombre Herminegildo Ortiz
Residencia Bo. Jacaboa
Color o raza M 12. Edad al tiempo de este nacimiento 44
Natural de Patillas P. R. (Ciudad o Pueblo) (Estado o País)
14. Oficio, profesión u ocupación Obrero agrícola
15. Industria o Negocio en que trabaja finca frutos menores
16. Fecha en que trabajó por última vez en esta ocupación Oct. 1947 (Mes y Año)
17. Años que ha trabajado en esta ocupación 20

MADRE
18. Nombre de Soltera ____
19. Color o raza ____ 20. Edad al tiempo de este nacimiento ____
21. Natural de ____ (Ciudad o Pueblo) (Estado o País)
22. Oficio, profesión u ocupación ____
23. Industria o Negocio en que trabaja ____
24. Fecha en que trabajó por última vez en esta ocupación ____ (Mes y Año)
25. Años en que ha trabajado en esta ocupación ____

OCUPACION

Número de hijos que ha tenido la madre (incluyendo el presente) 7 (a) Nacidos vivos y viviendo actualmente 6
(b) Nacidos vivos y que han fallecido 1 (c) Nacidos muertos ____
¿Se usó algún preventivo contra la ceguera de los recién nacidos? se ¿Cual? nitrato plata
(a) Nombre de la persona que asistió al parto Petronila Ortiz
(b) TITULO: Médico ____ Comadrona ____ Comadrona Aux. X Enfermera ____ Otros ____ (Especifique)
(c) DIRECCION Bo Jacaboa
Toda la Información anterior fué suministrada por Herminegildo Ortiz Bo. Jacaboa (Informante) (Dirección)
en su carácter de padre del niño. (padre, madre, hermano, amigo, etc.)
CERTIFICO QUE (asistí) (presencié) el nacimiento de este niño el cual ____ que nació con vida a las 8. P. M. de la fecha arriba citada y que la Información dada es cierta a mi mejor saber y entender.

INSCRITO HOY 7 (Día) noviembre (Mes) 1947.

31. Herminegildo Ortiz
FIRMA DEL PADRE, MADRE, MADRINA, PADRONA, Etc.

Carmen Evelina de Jesus
ENCARGADO DEL REGISTRO

Eliseo Morales
Asst. Local Registrar

FECHA DE EXPEDICION
DATE ISSUED
JUN. - 5 1979

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

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

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

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

50¢ 50¢ 50¢ 50¢

ADVERTENCIA: Es ilegal alterar o falsificar esta copia.

LEGAL AID SOCIETY OF SAN DIEGO, INC.
SOUTH BAY OFFICE
305 CENTER STREET
CHULA VISTA, CA 92010
TELEPHONE: 427-0491

November 28, 1978

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

Re: Complaint against
U. S. Border Patrol

Dear Mr. Walsh:

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

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

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

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

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

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

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

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

Yours Truly,

LEGAL AID SOCIETY
OF SAN DIEGO, INC.

Carlos Vazquez, Paralegal
for Nicholas S. Aguilar,
Attorney

CV/hv

cc: Committee On chicano Rights,
Herman Baca, Chairman

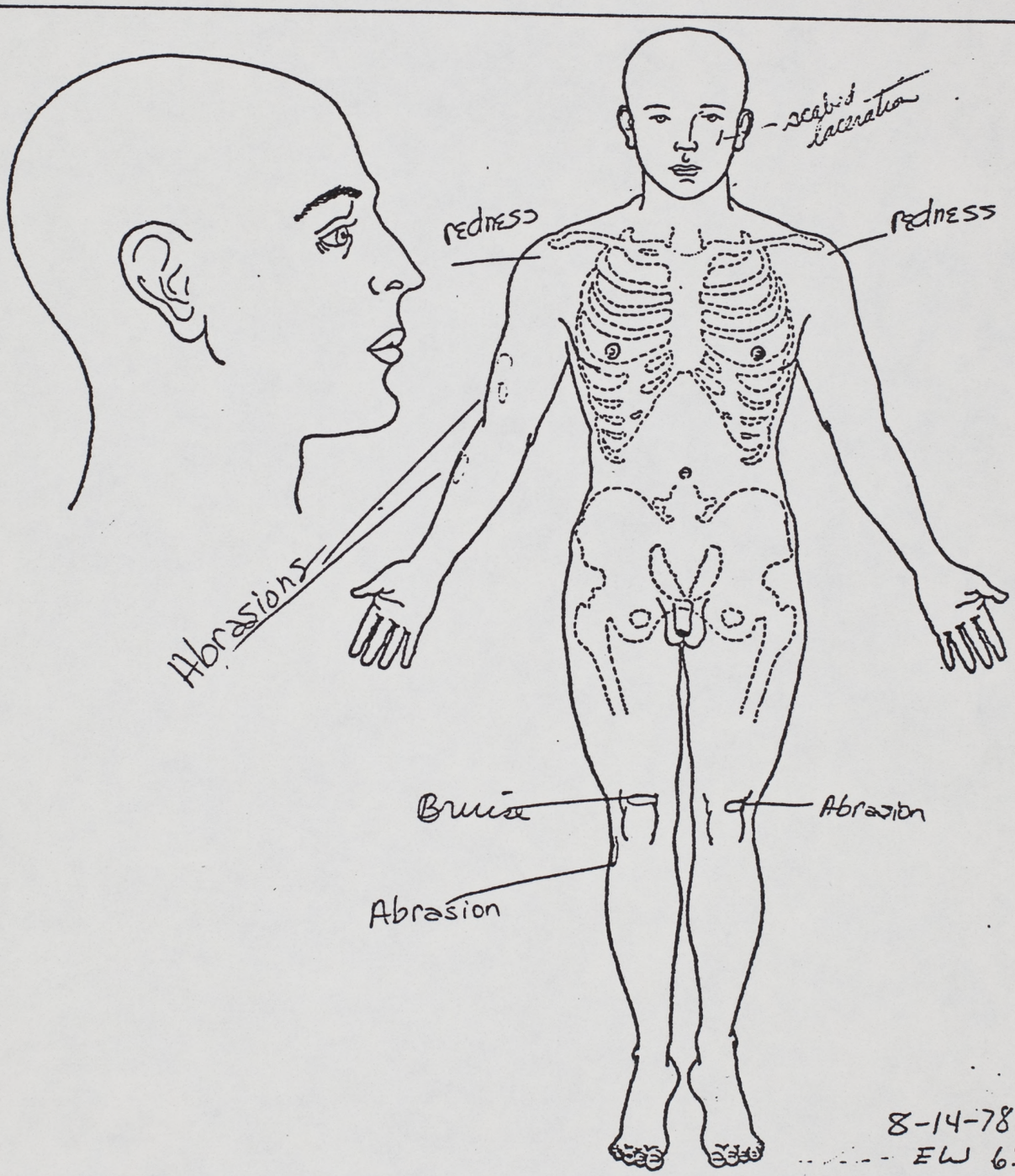
United California Mexican-
American Association,
Alberto R. Garcia, President

Leonel Castillo, Commissioner
Immigration & Naturalization Service

Timothy Barker, Attorney
Immigration Unit, LAS

Standard Form 531
Rev. August 1954
Bureau of the Budget
Circular A—32

CLINICAL RECORD	ANATOMICAL FIGURE



8-14-78
EW 6:30pm

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

Rangel, Enrique

REGISTER NO. 23953

WARD NO.

ANATOMICAL FIGURE
Standard Form 531
531-104

METROPOLITAN CORRECTIONAL CENTER
808 UNION STREET
SAN DIEGO, CALIFORNIA 92101

In the matter of the Claim of :
:
MERCEDES BUSTAMANTE and MERCEDES BUSTAMANTE as parent and guardian of ALEJANDRO BUSTAMANTE and BENJAMIN BUSTAMANTE, :
Claimants, :
:
v. :
:
THE CITY OF SAN DIEGO, CALIFORNIA, :
:
Defendant. :
:

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

1. The claimants' names are MERCEDES BUSTAMANTE and MERCEDES BUSTAMANTE as parent and guardian of ALEJANDRO BUSTAMANTE and BENJAMIN BUSTAMANTE.

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

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

4. On February 26, 1974, claimants were assaulted, detained, arrested and threatened by officers of the San Diego Police Department and officers of the United States Border Patrol, and charged with no offense.

5. A Border Patrol officer observed two juveniles (claimants ALEJANDRO BUSTAMANTE and BENJAMIN BUSTAMANTE) running from a playground on Park Boulevard in San Ysidro toward their home on Olive Avenue in San Ysidro. He pursued them. They entered their home. He broke down the door and grabbed them, damaging the refrigerator, overturning chairs, and pushing and shoving the claimants and their mother MERCEDES BUSTAMANTE. He yelled, and called them racist names. He accused them of crimes. Other officers came, and did likewise. San Diego Police Officers arrived. They ignored the pleas for help from the mother and children. They threatened to arrest the children for

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

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

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

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

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

and

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

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

9. Amounts claimed are determined by damages computed for claimants in similar cases.

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

DATED: March 12, 1974.

FREDERICK HETTER

THIS CLAIM IS FILED with
the above-named entities
on March 12, 1974.

Un official persiguio a dos muchachos

Denuncia contra oficiales de la patrulla fronteriza

Escribe Oscar Villarreal
Editor de espanol del Reminder

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

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

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

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

"Mas me hubiera valido no pedir que nada - porque cuando llegaron dos gigantescos agentes tambien se metieron a mi casa y despues de derribar a mi hijo sobre un sofa lo sujetaron de los brazos por detras y casi arrastrando lo sacaron de mi residencia amenazandolo con mandarlo a la Juvenil, despues uno de los policias volvio a meterse a mi casa para recuperar una corbata que el oficial del Border Patrol habia perdido durante el forcejeo".

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

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

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

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

Two sons mistaken for aliens

Woman claims Border Patrol raided home

By JACKIE DEWEY
Reminder Staff Writer

Mrs. Mercedes Bustamante of 143 Olive Street has charged that two officers of the Border Patrol pursued her two sons, Benjamin 14, and Alejandro, 17, broke the door and entered her house and scuffled causing much damage to her home. She said her cries for help caused the neighbors to call the police and that the police assisted the Border Patrol on arrival.

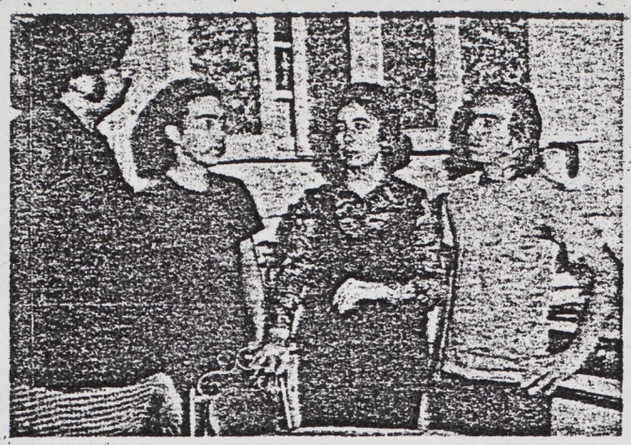
She claimed her sons were dragged into the front yard in hand cuffs, but released with the explanation that the officers had called to the two boys, and when they broke and ran, pursued them to their home, where the boys were struggling on the porch with a locked door.

According to Richard Batchelor, deputy chief patrol agent for the Border Patrol, the officers

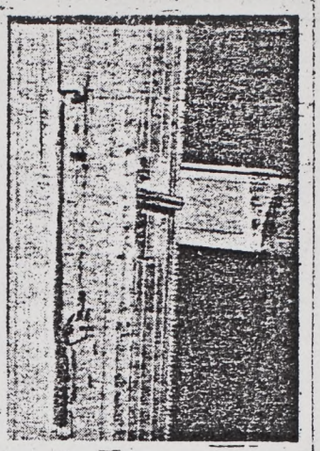
He said no one entered the Bustamante home and

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

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



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



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

Charges filed against officers who chased SY youths home

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

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

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

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

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

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

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

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

AFFIDAVIT OF CARLOS VASQUEZ

State of California)
) ss
County of San Diego)

Carlos Vasquez, being duly sworn, deposes and says;

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

the plane that I was scheduled to travel on.

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

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

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

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

... ...

... ...

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

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

... ...

... ...

verify my United States citizen status and residence.

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

Dated: 2/27/78

Carlos Vazquez
CARLOS VAZQUEZ

Subscribed and sworn to before me on February , 1978

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

Teresa Ortiz

... ...

... ...

DECLARATION OF JOSE MARIA PLANCARTE

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

1. I was lawfully admitted to the United States as a permanent resident alien on September 18, 1971. I have continuously resided in this country since that date.

2. On November 3, 1977, I went to Tijuana, Mexico to attend a dentist appointment.

3. On November 4, 1977, I returned to the United States and proceeded to the San Diego Airport to travel back to my residence and employment in Los Angeles, California.

4. At the San Diego Airport I purchased a one-way ticket to Los Angeles. Following the purchase of the ticket, I proceeded to a set of seats across from the ticket counter to wait for my flight which was to leave in about one hour. It was about 12:00 a.m. when I sat down.

5. After about 10 minutes a person in civilian clothes came up to me while I was seated across from the ticket counter waiting for my flight. This person asked where I was going. I responded that I was going to Los Angeles. He then identified himself as an immigration officer and showed me his badge. He then asked for my documents. I presented him my Alien Registration Receipt Card (Form I-151) which contained my picture. He then grabbed my arm and took me to a room on the other side of the airport. In that room there were 5-6 persons who appeared to be under arrest. I latter learned from some of these persons that they too were apprehended

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

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

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

8. I have never been convicted of any crime.

.....

.....

.....

.....

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

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

JOSE PLACARTE

JOSE MARIA PLANCARTE

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

Teresa Ortiz

TERESA ORTIZ

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

.....

.....

.....

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

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

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

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

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

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

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

I had asked the arresting officer several times at the center if I could use the telephone to call an attorney,(Frank Hurst). I was denied the use of the telephone, I was told by the officer "later, later, wait a little bit." I was placed in one of their cells for about 30-45 minutes. I never was given the opportunity to make the phone call. During the same period of time, I called

arresting officer told me that they had a slight emergency and that he had to leave. I was allowed to use the bathroom. I was told by the arresting officer that they had called the United States Attorney and that I was going to be released, since it was my first offense.. I asked the arresting officer if I was actually charged with alien smuggling. He responded that yes I was charged for that. I then asked him for his name and I.D., His name is Officer Stephen Chunt #11181. I thanked him. While in the bathroom the arresting officer gave me the above information I was then released. I left the building feeling humiliated. The other officers just looked on.

Porfirio G. Venegas, Jr.

Date 8/24/78

STATE OF CALIFORNIA
COUNTY OF San Diego } SS.

On August 24, 1978 before me, the undersigned, a Notary Public in and for said County and State, personally appeared Porfirio G. Venegas, Jr.

, known to me to be the person whose name is subscribed to the within instrument and acknowledged that he executed the same.

HILDA J. VASQUEZ

Name (Typed or Printed)
Notary Public in and for said County and State

Misc.-166 (G.S.) Ack. Individual (Rev. 9-68) Staple Staple

FOR NOTARY SEAL OR STAMP

OFFICIAL SEAL
HILDA J. VASQUEZ
NOTARY PUBLIC - CALIFORNIA
SAN DIEGO COUNTY
My comm. expires APR 9, 1932

to make the phone call. During the same period of time, I called

I, Otilia Venegas, declare under penalty of perjury, that the foregoing is true and correct, to the best of my knowledge:

It was August 23, 1978, at about 9:15 a.m. my husband and I,with our two children Phillip and Paul left to the Border Egg Ranch, located on Siempre Viva Road, Otay Mesa. When we got to the Egg ranch , my husband got out of the pick-up and told our sons to remain in the back of the truck. He then entered the store for the purpose of purchasing two flats of eggs. As he was walking out, a woman with a young boy approached him at the steps and was talking to him. Then they walked towards the truck. My husband told me he was giving them a ride to Chula Vista, because her car had broken down. As we were driving home, a Border Patrol car passed us up and before we knew it my husband told me that we were being stopped by a Border Patrolman.

My husband got out of the truck and walked up to them. I turned around to see what was going on through the back window, when I saw another patrolman come up to the truck and began yelling at the woman and the young boy. Then he came to the drivers side and began asking me where I lived and how long I lived at that address. I answered him, " I live in Otay". He then asked me how long had I lived there, I said " twenty years". He came around the truck towards the back and began to ask my sons where they lived at. They answered him. Then he asked me if they were my children, I replied"yes".

I told him that I had to hurry and get home because I had another son at home that had to be at the doctor's office at 10:45. My son had water in his knee and had to be treated for that. He then told me that I was going to have to go with them to their station. I was allowed to drive the truck. During the whole ordeal, when they were hand-cuffing my husband, my son Phillip was crying because he was frightened by the whole thing.

The officer then told me to drive between the two patrol cars, and so I did.

When we arrived at the station at about 10:a.m. I was asked for my I.D.. I showed them my driver's license. The officer then began to fill out a form. He told me that he was not going to give me my rights, because I was going to be a material witness.

I was then taken to another room and had my picture taken. At that time, I told him that all we did was to give them a ride. The officer said that he believed us, but it was not up to him.

While the officer was completing the form, the woman that was riding in the back of the truck came into the room. The woman began to apologize for all the trouble she had caused. She was sorry that she asked us for the ride and if she would have known that it was going to cause all the trouble, she would never had asked us for the ride. The officer told her to keep her mouth

shut and not to say anything.

The officer then finished filling the form out and he then released me. Before I left, I asked him what was going to happen to my husband. He responded that my husband would be able to call us at home or at the doctors office. Then, I left all worried and nervous, thinking about what had happened. It felt like a nightmare.

Otilia Venegas

Otilia Venegas

Date 8/24/78

STATE OF CALIFORNIA
COUNTY OF San Diego } SS.
On August 24, 1978 before me,
the undersigned, a Notary Public in and for said County and State,
personally appeared Otilia Venegas
known to me
to be the person whose name is subscribed to the
within instrument and acknowledged that she executed the
same.

Hilda J. Vasquez

HILDA J. VASQUEZ
Name (Typed or Printed)
Notary Public in and for said County and State

Misc.-166 (G.S.) Ack. Individual (Rev. 9-68) Staple Staple

SECURITY TITLE

FOR NOTARY SEAL OR STAMP

OFFICIAL SEAL
HILDA J. VASQUEZ
NOTARY PUBLIC - CALIFORNIA
SAN DIEGO COUNTY
My comm. expires APR 9, 1982

I, Jose Salvador Zapata, under oath to tell the truth affirm and declare the following:

That on Monday, April 22, 1974, I arrived in San Ysidro from Fallbrook and stopped to buy groceries for my family living in Mexico. During my shopping I met an old friend (whom I have known for 4 years) by the name of Prieto who is employed by the Big Star supermarket. We talked for a few minutes about how the families were. Then he mentioned something about going to Los Angeles to correct his immigration documents. Then I said that I was going to Anahiem for a doctor's appointment and to see if I could receive more medicine. I was previously at University Hospital under medi-cal for a head concussion. I offered to give him a ride to Los Angeles. We agreed to meet in the parking lot adjacent to the Big Star supermarket, on Tuesday the 23 between the hours of 12 noon and 1:00 p.m. Then I left to Mexico. The time of visit in Mexico was Monday night til Tuesday afternoon. I then began my return trip to the U.S. with my daughter Sylvia. At approximately 12:30 p.m. I crossed the border, I then proceeded to the Big Star Supermarket parking lot called Hutchinson's brokers parking (parking receipt in my possession) .

My daughter and I left the car and entered the store to buy ice-cream. While leaving the store I met my friend Prieto outside, he mentioned that he had two other friends needing a ride to Los Angeles and I could give them a ride also. I said sure why not. We then decided to walk towards the car, I paid for the parking and started down the little hill and stopped at the corner. I then made a right turn and proceeded toward San Ysidro Blvd. I made my stop at the three-way stop signs. I then proceeded north. I then noticed in the rear view mirror the police car with red lights, I then pulled over to the right.

The officer got out of his car came directly to my side and without saying a word grabbed my arm pulled me out of the car and took me to his car. He told me to stay and not to move, he then returned to my car and said to my companions to get out of the car, which they did. They stood on the right side of my car then another policeman came, a mexican-american officer, I then asked the other (american) officer if I could speak to the mexican-american officer. He replied I don't care, I don't understand spanish. He did not let me. Officer Pakkula then went to his radio while the other officer continued to interrogate my friends. Then officer Pakkula asked me for my driver's license. I gave it to him. He then asked me for my registration for the vehicle. I handed him all the registration papers. He then told me that they were not the registration papers. He then began to write out a traffic ticket. He then told me to sign the ticket, I said no that I would not sign it and that I wanted to speak to the mexican-american officer. He finally let me talk to him, I explain to the officer that I would sign the ticket but that I had never committed the violation, and I would go to court. I felt that if officer Pakkula stopped me for those violations, why then did he put me through the process of pulling me out and my friends out of the car without no reason treating me like a criminal, with no respect and no cosideration of my rights.

I would also mentioned that the officer did not permit my friends to continue the trip with me. I feel that the officer made a mistake thinking I was someone else. He probably thought I was a person who charged fees to people for rides up north, and after finding no wrong doings in my part decided to cite me for the violation mentioned on traffic ticket.

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

Jose A Zapata

Jose Salvador Zapata

"STATEMENT"

I, ENRIQUE DAVALOS, residing at Romano #109, La Mesa, Tijuana, B. C. Mexico and employed at Empresas Finbres, CALI MAX Revolucion, wish to state and affirm that on February 4th, 1978 after my wife, ELVIA MURPHY DE DAVALOS, and I got out of work at approximately 9:00 p.m. we went to our home to pick up some belongings that we were to take on our trip to Disneyland. We then arrived at the San Ysidro port of entry at approximately 11:00 p.m. being refered to Secondary Inspection; in Secondary Inspection we requested a permit for both of us to go beyond the 25 mile limit. We were issued form SW-434 (one only) for both of us with the ending numbers of each of our border crossing cards by an Immigration Inspector; we then proceeded inland without any problem, at our arriving at the San Onofre Border Patrol Check Point at approximately 1:00 a.m. of February 5th, we were pulled over by a Border Patrol Officer. He requested to see our I-186 cards with our permits, we demonstrated with the SW-434, and the officer replied back to us by telling my wife to get out of the car and alleging that one permit was missing without giving us the opportunity to speak, he also stated that there were some numbers missing from the SW-434 form. He then in a very nasty attitude order my wife to get out of my car and order her to get into his office. and abusively told me to get out of the area. I asked again for an explanation as to why he was taking this attitude against us, he got me by the jacket and threaten to beat me up and take my I-186 card. I did not want to leave my wife at the mercy of such indivioual, I was very concerned of what was going to be the destiny of my wife with an individual like that Border Patrol Officer but I did not have any other alternative but to leave. I then returned back to Tijuana and waited for my wife to returned to Mexico. I HERE WITH STATE AND DECLARE THAT THE FORECOING IS A TRUE AND CORRECT STATEMENT OF FACT.

Enrique Davalos C.

ENRIQUE DAVALOS

"STATEMENT"

I, ELVIA MURPHY DE LAVALOS, residing at Romano #100, La Mesa, Tijuana, B.C. Mexico and employed at Empresas Fimbres, Credit Department, wish to state and affirm that on February 4th, 1978 after my husband, ENRIQUE LAVALOS CERDA, and I got out of work at approximately 9:00 p.m. we went to our home to pick up some belongings that we were to take on our trip to Disneyland. We then arrived at the San Ysidro port of entry at approximately 11:00 p.m. being refered to Secondary Inspection; in Secondary Inspection we requested a permit for both of us to go beyond the 25 mile limit. We were issued form SW-434 (one only) for both of us with the ending numoers of each of our border crossing cards by an Immigration Inspector; we then proceeded inland without any problem, at our arriving at the San Onofre Border Patrol Check Point at approximately 1:00 a.m. of February 5th, we were pulled over by a Border Patrol Officer. He requested to see our I-186 cards with our permits, we dmonstrated him form SW-434, and the officer replied back by telling me to get out of the car alleging that one permit was missing without giving us the opportunity to speak, he also stated that there were some numbers missing from the SW-434 form. He then in a very nasty attitude ordered me out of my husband's car to go to his office and abusively told my husband to leave the area. My husband again asked him for an explanation as to why he was taking this attitude against us, he got my husband by the jacket and threaten to beat him up and to take his I-186 card. My husband did not want to leave me by myself at the mercy of this individual, he was very concerned of what was going to be my destiny with an individual like that Border Patrol Officer but he did not have any other alternative but to leave. I was then ordered by the same Border Patrol Officer to go in his office and then was told to go in a room with another Officer, where I was ordered to take my clothes off. The room was dirty, unsanitary, very poorly cared for the officer proceeded to search me touching my body with her dirty hands also thouching my sensitive parts and putting me in a very embarassing situation. I pleaded with the officer not to touch me and asked her why I was being treated like an animal and she only replied and stated "I DO NOT SPEAK SPANISH" I was then returned back with other individuals and stayed there without food or water until I was returned back to the Mexican Border and realeased to the Mexican Authorities at about 7:00 a.m. in the morning of February 5th, 1978. I [illegible] AND DECLARE THAT THE FOREGOING

. IS A TRUE AND CORRECT STATEMENT OF FACT.

DECLARATION OF MOISES PAZ

I, MOISES PAZ, declare: That I am employed at CASA FAMILIAR, located at 3037 Coronado Avenue, San Diego, California, 92154. That I am a United States Citizen residing at 6595 Montezuma Rd., San Diego, Ca and my responsibility at CASA FAMILIAR is that of Project Director for AMANECER, Youth Counseling Program. On Friday , June 29, 1979, our Youth Counseling Program sponsored an outing to Imperial Beach Shores, south of the pier.The outing consisted of 29 underprivileged youth, all of which are U.S. Citizens, ranging from 14 to 16 years of age.

Upon arriving at the beach at approximately 1:15 p.m. , we left one counselor with a small group and returned to the Teen Post for another group. WE arrived the second time and both groups gathered together while waiting for the last members of the party. When we all were together, a group of boys had gone to the restrooms, on their return to the group, they mentioned to me that they were stopped and questioned by an unidentified I.N.S. agent. I responded that we should not let it bother our outing. Approximately five minutes after , Officer S.P. Kean appeared on the scene and began to question the group again. I immediately approached officer Kean to inform him that I was in charge of the group, and also that we had just been interageted by an I.N.S. agent. Rudely ingoring any of the adults present officer Kean approached the Youth for a second time interrogating them as to their place of birth and national origin. After causing a scene, intimidating the youth, and questioning about seven youths, officer Kean left the scene yelling his name and badge number challenging us to file a complaint. The manner in which we were all dealt with was very unprofessional, rude and highly aggressive, to such a degree that a few of the adolescents began to pick up rocks to go throw them at officer Kean.

R-1

Luckily we were able to stop this action.

I declare under penalty of perjury that the above is true and correct to the best of my knowledge. Executed in San Diego, California this 17 day of July ,1979.

Moises Paz

Moises Paz, Project Director

SUBSCRIBED AND SWORN BEFORE ME IN SAN DIEGO,CALIFORNIA THIS 17TH DAY OF JULY ,1979.

Susan Alva

Susan Alva

OFFICIAL SEAL
SUSAN ALVA
NOTARY PUBLIC - CALIFORNIA
PRINCIPAL OFFICE IN
SAN DIEGO COUNTY
My Commission Expires December 29, 1979

AFFIDAVIT

I, GUILLERMO LOPEZ CORONADO do state:

Yo, GUILLERMO LOPEZ CORONADO digo le siguiente:

1. I was born on June 25, 1957, in Mexicali, Mexico.

1. Naci en Junio 25, 1957 en Mexicali, Mexico.

2. My father Raymundo Onate Coronado is a legal permanent resident alien of the United States, A 12-987-601, and residing in the United States.

2. Mi padre es Raymundo Onate Coronado el es recidente legal de los Estados Unidos, A 12-987-601, y recide en los Estados Unidos.

3. My mother Guadalupe Lopez de Coronado is a legal permanent resident alien of the United States, A 30-536-810, and residing in the United States.

3. Mi madre es Guadalupe Lopez de Coronado y es recidente legal de los Estados Unidos, A 30-536-810 ye recide en Estados Unidos.

4. I currently have an Immigration Petition pending before the United States consulate in Tijuana, filed on my behalf by my father with priority date of 1968.

4. Presentemente tengo una peticion de Inmigracion pendiente en el consulado Americano por parte de mi padre con preferencia y con fecha de 1968.

5. I entered the United States in 2/75 with my valid Nonresident Alien Mexican Border Crossing card, Form I-186. I have not left the United States since that entry except for the incident described below.

5. Yo entre a los Estados Unidos el 2/75 con mi pasaporte local forma I-186. No e dejado los Estados Unidos desde esa entrada excepto por el incidente que voy a describir aqui abajo.

6. On Wednesday, October 5, 1977 I was stopped by a San Diego City Police Officer as I was proceeding north on interstate 5 (about 2 miles North of the City of San Diego). The officer called the Immigration Service. One officer from the Immigration Service arrived and I was taken to the San Ysidro Immigration Substation. I was there questioned by an Immigration officer by the name of Jones. I told him that my parents were lawful immigrants living in the United States and that an Immigration petition was filed before December 31, 1976 and is currently pending on my behalf in the United States Consulate in Tijuana.

I also requested to apeak to an attorney at the Legal Aid Society of San Diego and showed him a business card from that office.

6. El Miercoles fui parado por oficiales de la policia de la ciudad de San Diego cuando yo iba para el Norte del Interstate 5 (como 3 millas al Norte de la Cuidad de San Diego). Los oficiales llamaron al servicio de Inmigracion un oficial de Inmigracion de San Ysidro. Alli me hicieron preguntas un oficial de Inmigracion su nombre es Jones. Yo le dige a el que mis padres eran recidentes legales y que viven en Estados Unidos y que yo tenia una peticion metida antes de Diciembre 31, 1976 y que esta pendiente en el consulado Americano en Tijuana. Y tambien pedi hablar con un abogado del Legal Aid Society de San Diego ye les ensene la targeta de la oficina del Legal Aid Society de San Diego.

7. The Legal Aid Society of San Diego is representing me in the Immigration process. My request to contact an attorney was denied. I requested to be allowed to remain in the United States.

I was then told to sign a paper which was not explained to me and I was immediately returned to Mexico.

7. La Oficina del Legal Aid Society of San Diego me esta representando a mi en mi proceso de Inmigracion. Mi requerimineto para llamar a un abogado me fue negada. Tambien pedi que me dejaran aqui en los Estados Unidos.

Ellos me digeron que firmara un papel la cual no me explicaron a mi, y luego inmediatamente fui devuelto a Mexico.

I swear under the penalty of perjury that the statement above is true and correct.

Juro bajo penalidad de perjurio que lo que antes arriba dige es la verdad y esta correcto.

Guillermo Coronado Lopez
GUILLERMO CORONADO LOPEZ

SUBSCRIBED and sworn to before me this 14 day of February 1978

Teresa Ortiz
NOTARY PUBLIC IN AND FOR THE STATE OF CALIFORNIA

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

I, Gilberto Alvarez Carrion, declare that I am a Legal Resident Alien, A-11-322-278, residing at 1389 Don Carlos Court, Chula VIsta, California; employed by San Diego State University and have been residing in the area for the last fifty years.

On the morning of July 1, 1979, at approximately 2:A.M., I was in Mexico and approached the border crossing from the eastside, where the lines of cars were waiting to cross into the United States. A customs officer left his inspection gate,came over to me on the Mexican side of the border and screamed "get in back of the line". I got out of the car and said, among other things, that he did not have any authority on this side of the border. He then hit me in the left jaw and knocked me unconscious. I regained some state of semi-consciousness and found myself being hit, pushed and shoved around repeatedly by the same officer and two others.

The next thing I remember is being dragged across the gates, handcuffed, by the three officers. I was taken into a building and I sat down on a bench. I was bleeding from my right elbow and a cut over my left eye. My right index finger and left wrist were hurting me tremendously (I was later treated for a broken finger, chiped-wrist, bruises and other injuries).

As I was sitting on the bench one officer took pictures of me, the handcuffs were removed and I was offered coffee. A man came in shouting "why have the handcuffs been removed?" Two hours later the same man identified himself as a federal investigator and took me to another room. He read me my rights and I said that I wanted to call my lawyer, but that I would go ahead and explain what had happened. He prefered to have his supervisor present during my statement to him. The supervisor listened but began to misquote so much of what I was saying, that I refused to say any more without my lawyer being present. They asked me to wash the blood from my face and arms but I prefered to have witnesses (lawyer,wife) to verify my injuries.

A brief declaration was taken in the presence of my lawyer. The federal investigator informed my lawyer that he did not know what the next step would be but that he would notify us.

T-1

I was released to my lawyers'custody .
I declare under penalty of perjury that the above statement is true and correct to the best of my ability.

Executed on this 19 day of July 1979, in Chula Vista, California.

Gilberto Alvarez Carrion

SUBSCRIBED AND SWORN BEFORE ME THIS 19TH DAY OF July 1979, IN THE COUNTY OF SAN DIEGO AND STATE OF CALIFORNIA.

OFFICIAL SEAL
SUSAN ALVA
NOTARY PUBLIC - CALIFORNIA
PRINCIPAL OFFICE IN
SAN DIEGO COUNTY
My Commission Expires December 29, 1979

Susan Alva
Susan ALva
Notory Public

Customs Agent Held In Alien Smuggling Conspiracy Case

By GINA LUBRANO
Staff Writer, The San Diego Union

A U.S. Customs official who allegedly charged $50 a person to allow carloads of illegal aliens cross the border through his inspection lane was jailed yesterday on smuggling conspiracy charges.

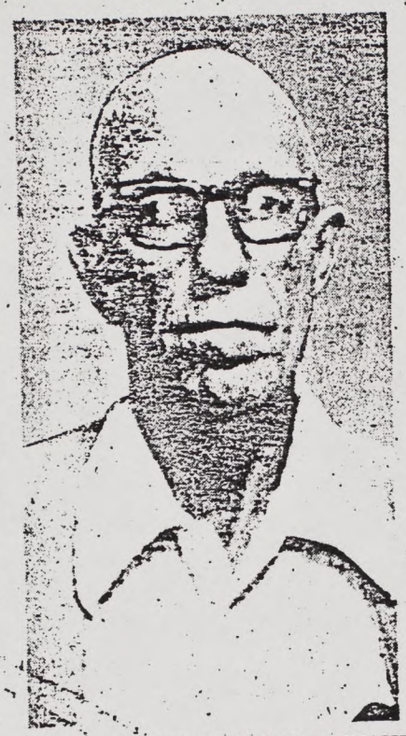
Inspector Alexander Ralston Trench, 55, of 9416 Barbic Lane, Spring Valley, was arrested at his home following a 2½-month investigation by the Border Patrol's antismuggling unit and the U.S. Customs internal affairs office.

The balding, white-haired Trench, a retired Air Force major, told U.S. Magistrate Harry R. McCue that he has been with Customs since February, 1970.

He sat with one hand cupping his chin and the other holding a straw hat with a green print band while McCue interviewed three women and three men arrested in connection with the case.

Assistant U.S. Attorney Howard Allen asked McCue to set Trench's bail at $100,000, and McCue agreed, calling it "reasonable under the circumstances."

McCue, who set bail review for 2 p.m. Monday, called Trench's alleged role in the conspiracy a "callous breach of duty and trust," saying that an affidavit filed in connection with the complaint told "a rather sordid story."



ALEXANDER RALSTON TRENCH
... held in case

Michael McCabe, an attorney appearing on behalf of Trench, asked for a lower bail, saying that with an income of $17,605 a year Trench did not have the resources to post that high a bond. McCue, however, did not budge. "He didn't do it for noble motives," the magistrate said.

McCue pointed out that the affidavit told of a newsboy, stationed as a lookout, who warned drivers smuggling aliens when Trench was off duty. "They stopped dead in their tracks" when Trench was not at the gate, McCue said.

Drivers sometimes pretended to have car trouble until Trench returned on duty from breaks, according to the affidavit. When tipped that he was manning a different gate than expected, they made rapid lane changes to be where he could let them pass, the affidavit said.

Allen said that Trench — while under surveillance during the 2½-month period — was observed allowing hundreds of illegal aliens through his lane. Investigators said they believed that he was being paid $50 per person.

Agents, arrest warrants in hand, had Trench under surveillance between 6 a.m. and 7 a.m. yesterday and said they watched him allow six

(Continued on B-4, Col. 1)

(Continued from Page B-1)

"smuggling vehicles" enter the United States through his lane.

Five of those were stopped and eight illegal aliens were found, in addition to the drivers, according to Allen. One of the vehicles, containing three aliens, was driven by Maria de la Luz-Hurtado, 26, a singer from Santa Ana, who was taken into custody.

Allen told McCue that she has been observed bringing aliens across the border "on an almost daily basis" and when Trench was on duty. The two had been observed meeting on a number of occasions, Allen said.

He asked that her bail be set at $100,000 and McCue agreed.

Bail was set at $75,000 each for Victoria Maciel, 48, of 723 Twin Oaks Ave., Chula Vista, and Joe Lopez-Esparza, 56, an employed U.S. citizen living in Tijuana.

McCue set bail at $50,000 each for Estella Leon Sosa, 53, of Los Angeles; Stephen Paul Novobilski, 20, an American living in the La Mesa suburb of Tijuana, and Manuel Mendoza-Lara, 21, of Tijuana.

Seven others named in the complaint remained fugitives as of yesterday.

McCue, who asked defendants about their ability to hire attorneys to represent them, made a point of appointing female lawyers to represent the women. However, Allen asked that one of the attorneys be disqualified because she had represented aliens held as witnesses in smuggling cases.

After scanning his list containing names of attorneys who could be appointed by the court to represent indigent defendants, McCue appeared could not find an-

The affidavit filed with the court said that officials were told about Trench's role in the smuggling conspiracy through an informant. Trench, a 22-year veteran of the Air Force who received a bachelor's degree in education from the University of Maryland following his military discharge, was known to the informant only as "El Viejito" (old man) when he went to the Border Patrol on Jan. 7.

Surveillance of Trench resulted in a 14-page affidavit that outlined his meetings with Luz-Hurtado, also known as Lucha, and in-

stances when he allegedly allowed vehicles across the border without inspection.

"Allegations of any sort of official corruption will receive immediate and highest priority attention from this office," said U.S. Attorney Michael Walsh. "We will prosecute any such cases to the full extent of the law and request appropriate periods of incarceration for convicted defendants."

ET 24 MAR 78

BORDER BUST

U.S. Customs agent, others arrested

By WILLIAM POLK

A U.S. Customs Service inspector as among seven people arrested oday in an alleged smuggling ring ccused of allowing hundreds of ille- al aliens to enter the United States.

Assistant U.S. Attorney Howard llen said Alexander Ralston rench, 55, of 9416 Barbic Lane, pring Valley, was taken into custo- y at his home.

Trench, a customs inspector for bout six years, is charged with onspiracy to smuggle aliens into ne United States through his gate at ne San Ysidro border crossing.

Meanwhile, violence flared anew n the border with a rash of attacks n illegal aliens entering the coun- ry.

Police said the border had been elatively quiet for the last three nonths.

len said Trench and the six er suspects were arrested after a ½-month investigation by the anti- muggling unit of the Chula Vista Border Patrol office and the Cus- oms Service office of internal ffairs.

The others were identified by Allen as Victoria Maciel, 48, of 723 Twin Oaks Ave.; Stephen Paul Nobilski, 20, of 1349 Elden Ave., Chula Vista; Maria de la Luz-Hurta- do, 26, of Santa Ana; Estella Leon- Sousa, 53, of Los Angeles, and Joe Lopez-Esparza, 56, and Manuel Men- doza, 21, both of Tijuana.

A complaint issued by the U.S. attorney's office here charges Trench with receiving $50 a head for each illegal alien allowed to pass undetected through his inspection lane at the border.

The aliens were said to be paying smuggling fees ranging from $50 to $200 to defendants other than Trench.

Officials said several other per-

CONTINUED FROM PAGE 1

sons are still being sought in connnection with the case.

Border Patrol investigator Frank J. Petraglia said the operation was uncovered by information from an informant who said a smuggler was using a customs inspector to slip aliens into the United States.

Petraglia said in an affidavit that he and his partner, agent Miguel Vallina, began surveillance of the San Ysidro port of entry shortly after receiving this information in January.

In his affidavit, filed with the complaint, Petraglia said Trench allowed at least 17 vehicles carrying illegal aliens to pass through his gate during the investigation.

"It is my best estimate that inspector Trench has allowed hundreds of illegal aliens to cross into the United States through his lane while working primary inspection," Petraglia said.

Investigators were unable to say exactly how many aliens may have been allowed into the country.

Police said the three-month lull in gang-style attacks on illegal aliens crossing the border into the United States ended with the robberies of illegals in separate border zones Wednesday night.

A 25-year-old Mexicali man and his 27-year-old wife were terrorized by three Mexicans armed with pistols and knives as the couple crossed the border at Monument Field in the beach area.

Raul Valerio Martine and his wife, Juana, turned over $350 in Mexican pesos and a sandwich after one of the bandits pressed the muzzle of a large-caliber automatic against his head and another jabbed at his throat with a switchblade knife.

As the bandits fled, Valerio told police he heard the voice of a female illegal alien shout, "They have guns'" He then heard two shots.

The other holdup occured in Dead Man's Canyon when Gabriel Vinegas Garcia, 37, and Ramona Gonzalez, 23, of Guadalajara, were robbed at knifepoint by three Mexican youths.

One of the bandits tried to rape Gonzalez, according to police accounts, but he was restrained by the others. Vinegas Garcia said he lost about $200 in pesos.

These were the eighth and ninth known holdups along the smuggling routes so far this year.

Police Department spokesman Bill Robinson said the robberies occurred in areas where the SDPD's special border crime task force was not on patrol.

Last year, there were 112 reported robberies of illegal aliens. Robinson said more may have occurred but an illegal alien who reports the crime also faces deportation and he indicated this may cut down on the number reporting crimes.

er Accused In Shooting

Judicial Police in Mexi- ed a U.S. border patrol- e Calexico area with Mexican citizen who sed the border last Sun-

Meanwhile, U.S. Attorney Michael Walsh's office, the FBI, the Imperial County district attorney's office and the Mexican consulate all were investigating to determine if the border patrolman had acted improperly in the incident.

It is unlikely that the officer, William V. Elliott, 23, will have to face prosecution in Mexico.

Elliott, according to the charge, fired his gun, wounding Jose Rodriguez-Gomez, 30, in the left knee.

According to the Mexican investigators, Elliott then returned Rodriguez-Gomez to the border, sending him back into Mexico without medical attention.

Assistant U.S. Attorney Peter K. Nunez said Rodriguez-Gomez since has been paroled back to the United States, where his wound is being treated at El Centro Community Hospital. After treatment, he will be returned to Mexico.

Nunez said the incident at the border occurred on the banks of the New River about 11 p.m. Sunday.

A sensor alerted the Border Patrol to activity near the scene and Elliott was dispatched to investigate, Nunez said.

9/4/78

Authorities probe shooting of alien by border guard

By WILLIAM POLK

The shooting of an illegal alien by a U.S. Border Patrolman in Calexico is under investigation by the U.S. attorney's office here.

Officials said the alien, identified as Jose Rodriguez-Gomez, 30, of Zacatecas, Mexico, apparently was returned to Mexico without being given medical aid after being shot in the knee by Patrolman William Elliott late Sunday.

Assistant U.S. Atrorney Peter K. Nunez said his office is one of several American and Mexican agencies looking into the shooting.

He said Mexican authorities already have charged Elliot, 23, with "discharging a firearm and causing injury." But no U.S. charges have been filed, pending the outcome of investigations on this side of the border.

Nunez said the Imperial County District Attorney's office, the FBI, the Mexican consulate, and the State Judicial Police in Mexico were among the other agencies also looking into the case.

Rodriguez-Gomez, meanwhile, has been returned to this country for treatment of his wound at El Centro Community Hospital, where he was reported in satisfactory condition.

Elliott, 23, of Calexico, was still on duty yesterday and there are no plans to suspend him, pending the outcome of the U.S. investigations, said Bill King, deputy chief patrol agent at the Border Patrol's El Centro sector headquarters. Elliott's version of the shooting, King said, is that he thought Rodriguez-Gomez had a gun when he suddenly emerged from a group of six aliens attempting illegal entry in the New River area Sunday night.

While it is unlikely Elliot will be turned over to Mexican authorities, officials on this side of the border have indicated charges may be filed if investigations find that the officer acted improperly or illegally in the shooting incident.

2 Charged With Violating Civil Rights of Alien

Two men who claimed to be Ku Klux Klan members were indicted Friday for an incident last spring in which they allegedly abducted a man and then turned him over to the Border Patrol as an illegal alien.

The three-count federal grand jury indictment, returned in San Diego, accused Robert L. Cole, 28, and Carl Leroy Shipton Jr., 37, of depriving Juan Mendez Ruiz of his civil rights last April 3.

The two men were accused of picking up Ruiz in San Clemente while he was hitchhiking, threatening him and then driving him to the Border Patrol headquarters.

The two defendants reportedly were wearing White Power T-shirts at the time of the incident.

On the way to the Border Patrol headquarters, Shipton threw Ruiz's passport out of the car window, according to the indictment.

Cole allegedly told a Border Patrol agent that Ruiz, a resident alien, was a "wet," the indictment further alleged.

If convicted, the two men could receive maximum penalties of 11 years imprisonment and $21,000 in fines.

The grand jury began investigating the incident two months ago and the leader of the California Ku Klux Klan was called to testify.

Tom Metzger of Fallbrook said however, that he invoked the Fifth Amendment before U.S. prosecutors asked him any questions about Cole or Shipton.

Asst. U.S. Atty. Stephen A. Mayo said that neither defendant, both from the San Bernardino area, has been arrested. L.A. Times 11/4/78

Los Angeles Times 5
J Sat., Nov. 4, 1978-Part II

Camp Pendleton Ejects Klansman

CAMP PENDLETON — A member of the Ku Klux Klan was escorted off this Marine Corps base Friday after he tried to deliver flowers to the memorial service of a marine, also a Klan member, who was shot and killed Monday.

The 3 by 1½-foot wide arrangement of white daisies included red carnations that spelled out the letters "KKK."

Naval intelligence officers, apparently tipped by a florist that the flowers were en route to the base chapel, met Klan member Clyde Teeple at the chapel and escorted him off the base, a Marine Corps spokesman said.

Lt. Col. Dan Brown said Teeple was removed from the base because of the fear of a possible disturbance.

Teeple, a Fallbrook resident, said he was detained and questioned for 45 minutes and that both he and his car were searched.

The service was being held for Lance Cpl. Hugh L. Finigan, who was shot by his roommate Monday in what has been ruled an accidental death.

Teeple and other Klan members, however, have charged that Finigan was about to disclose to authorities the operation of a narcotics ring on the base when he was killed.

...desaparecio un cuerpo el ... que

...la Border Patrol lo Agredió a Golpes

...ICALI.- Agentes Policía Judicial, Jesús ...olicía Judicial del Medina dijo a EL ...que dirige el MEXICANO que sus ...do Francisco agentes Dámaso ...Navarro, están Marroquín, Félix y ...igando las Leonardo Arellano ...s que presun- Vega, fueron los en- ...e fueron in- cargados de investigar ...a un trabajador aquí le fueron cer- ...a mexicano, al tificadas por los ...la frontera con médicos que le aten- ...s Unidos, en dieron. ...legal, siendo Dijo que había in- ...ndido por la tentado cruzar la ...Patrol de frontera hacia el vecino ...o, California. país del norte, cuando lo ...omandante del sorprendió una patrulla ...sector de la de esta mencionada ...haberlo lesionado corporación californiana y el patrullero, lo condujo ante un oficial primero a puñetazos, y luego, que lo vió tirado en el suelo, lo agredió a puntapiés en diferentes partes del cuerpo, causándole las múltiples lesiones que aquí le fueron certificadas por los médicos que le atendieron.

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

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

1978

DECLARATION OF JOSE MARIA PLANCARTE

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

1. I was lawfully admitted to the United States as a permanent resident alien on September 18, 1971. I have continuously resided in this country since that date.

2. On November 3, 1977, I went to Tijuana, Mexico to attend a dentist appointment.

3. On November 4, 1977, I returned to the United States and proceeded to the San Diego Airport to travel back to my residence and employment in Los Angeles, California.

4. At the San Diego Airport I purchased a one-way ticket to Los Angeles. Following the purchase of the ticket, I proceeded to a set of seats across from the ticket counter to wait for my flight which was to leave in about one hour. It was about 12:00 a.m. when I sat down.

5. After about 10 minutes a person in civilian clothes came up to me while I was seated across from the ticket counter waiting for my flight. This person asked where I was going. I responded that I was going to Los Angeles. He then identified himself as an immigration officer and showed me his badge. He then asked for my documents. I presented him my Alien Registration Receipt Card (Form I-151) which contained my picture. He then grabbed my arm and took me to a room on the other side of the airport. In that room there were 5-6 persons who appeared to be under arrest. I latter learned from some of these persons that they too were apprehended

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

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

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

8. I have never been convicted of any crime.

.....

.....

.....

.....

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

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

JOSE PLACARTE

JOSE MARIA PLANCARTE

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

Teresa Ortiz

TERESA ORTIZ

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

.....

.....

.....

CASO: Editorial, KGTV 10 San Diego

FECHA: 9 de Marzo, 1981

DESCRIPCION DEL CASO:

Una editroial de KGTV 10 San Diego transmitida por el vice presidente de McGraw-Hill Broadcasting Company, Clayton Brace a las 5 de la tarde y a las 10 del noche en las noticias del 9 de marzo de 1981 y convocando la asistencia "de los altos oficiales" de la Digilancia o Policia del Frontera (Border Patrol), e insistiendo en que sus miembros trabajen juntamente en la frontera y traten a las personas sensata y respetuosamente. Si no lo hacen, la Vigilancia de la Frontera se rera privada de apoyo general de la comunidad que necesita para reforzar la ley.

CASO: Camara Internacional de Comercio de San Ysidro

FECHA: 23 de Febrero, 1981

DESCRIPCION DEL CASO:

Protesta en forma de una carta al Presidente Reagan, fechada el 23 de Febrero, 1981, escrita por la Camara Internacional de Comercio de San Ysidro y referente a la interferencia del gobierno que dificulta seriamente la libertad del sistema de libre demanda, a causa de la falta de respeto a la propiedad privada, y la excesiva y arbitraria reglamentacion y los represivos y abundantes sistemas que dificultan cada vez mas el dirigir o tener su propio negocio. La Camara Internacional de Comercio condena las acciones deliberadas de la Policia de San Diego, de la Patrulla Fronteriza y de las Autoridades de Inmigracion que hacen dificil el desenvolvimiento de sus negocios.

National news

Regional INS official in hot water for allegedly calling aliens 'wets'

PHOENIX, Ariz. (AP) — The head of the U.S. Immigration and Naturalization Service's Western region has come under fire from Sen. Dennis DeConcini, who accused him of using a derogatory term for Mexican immigrants.

"Maybe he was kidding, but I didn't interpret it that way," DeConcini added yesterday, saying he had overheard INS official Harold Ezell tell a Border Patrol agent he wanted to "go out and chase some 'wets.'"

DeConcini, D-Ariz., said he had reported the remark to INS Commissioner Alan Nelson and was waiting for Nelson's response before deciding whether to call for Ezell's ouster.

Ezell told The Arizona Republic newspaper he had never used the term "wets" — short for "wetbacks," a derogatory term — and said another controversial statement attributed to him had been taken out of context.

"I don't use the word 'wets,' but I probably said I'm sorry I can't go with you on the line," Ezell said.

Other officials called for his immediate ouster, citing statements attributed to him calling for scrutiny of welfare applicants who don't understand English and comparing undocumented aliens to wildlife that should be cleaned and cooked.

DeConcini said he would not call for Ezell's ouster yet, but believed Nelson should take action. He said he and aides were on a field trip when they "overheard Mr. Ezell say to one of the Border Patrol officers, 'Sorry I don't have time so we can go out and chase some wets.'"

Ezell had angered Hispanics when he was quoted in the Jan. 27 issue of Time magazine as saying undocumented aliens should be prosecuted instead of voluntarily deported because "if you catch 'em, you ought to clean 'em and fry 'em yourself."

Breaking Bread —the Political Way

The sixth annual North County Mayors' Prayer Breakfast, held Saturday at Pea Soup Andersen's Restaurant in Carlsbad, was a decidedly political and conservative affair.

David Courson used the occasion to make a fund-raising pitch for his Carlsbad-based Christian Emergency Relief Team and its work in teaching paramedic skills to the U.S.-backed *contra* rebels fighting the Sandinista regime in Nicaragua. He was backed by an articulate refugee identified as "Joseph Douglas."

And keynote speaker Harold Ezell, western regional commissioner of the U.S. Immigration and Naturalization Service, gave a tearful account of his late father's work as a pastor in the Los Angeles suburb of Wilmington.

He attacked the "big mouths who are going after" Rep. Ron Packard (R-Carlsbad) for recent comments about a crime wave caused by illegal aliens, and said he has no apologies for his aggressive and controversial approach at INS.

If the Democrats win the White House, Ezell said, he'll be the first person purged.

"I'm only doing what God put me in office to do . . . ," he told the 150-plus breakfasters, mostly businessmen, Protestant ministers and other civic leaders. "I don't think my work is through but if that's God's plan, I'm history in 1988."

"Ladies and gentlemen, if Nicaragua gets its way, Mexico has had it," Ezell said. "If you think you have illegal immigration now, wait until that happens."

Sponsored by the National Christian Fellowship, the prayer breakfast was presided over by Dr. Richard Koole, senior pastor at First Baptist Church of Vista.

Missing from the roster of mayors at the breakfast was Oceanside Mayor Larry Bagley. "I was very disappointed at their performance last year," Bagley said. "It was an evangelical performance, not nondenominational as I had been promised. If that's what they want, they can count me out."

Golden Hype

The quest for the senior housing and health care market in North County is

OTHER SAN DIEGO COUNTY NEWS

■Dollars and Sonatas

San Diego Trust & Savings Bank downtown was the site of a concert by Silver Gate, a local series of chamber music performances in historic sites.

CALENDAR, Page 3

WALK FOR RIGHTS!

SEND THE U.S. CONGRESS A MESSAGE

STOP THE PASSAGE OF THE SIMPSON/MAZZOLLI IMMIGRATION PLAN

Estimada Communidad.....

On September of this Year (1983) the U.S. House of Representatives will consider passage of the most Anti-Mexican piece of Legislation to come before the U.S. Congress since the end of the U.S. Mexican War.....The Simpson/Mazzoli Immigration Plan. This Bill if passed will effect your Rights & The Rights of your Children for Decades to come because of the following Laws which will be implemented by the Reagan Administration: **(A) THE ESTABLISHMENT OF A SOUTH AFRICAN NATIONAL I.D. CARD SYSTEM (B) A BRACERO TYPE PROGRAM (C) A TRIPLING OF THE U.S. BORDER PATROL (D) DEPUTIZING OF LOCAL POLICE, SHERIFFS & OTHER LOCAL AUTHORITIES TO ENFORCE IMMIGRATION LAWS (E) EMPLOYMENT DISCRIMINATION (F) TAXATION WITHOUT REPRESENTATION FOR MEXICAN UNDER THE FALSE "AMNESTY PROGRAM" (G) UNION BUSTING (H) INCREASED MILTARIZING OF THE U.S./MEXICO BORDER.**

If you agree that the above proposals are a threat to our Rights & that they should be oppossed the CCR is asking & urging you to walk with us help us to send the U.S. Congress a message that the Simpson/Mazzolli plan is unacceptable to us & that it will be opposed by our People even though it May pass.

Sinceramente

Herman Baca

HERMAN BACA

Chairman

MARCH BEGINS AT 8:00 A.M. IN SAN DIEGO, CA, TRAVEL THRU SHELLTOWN, NATIONAL CITY, CHULA VISTA, OTAY & SAN YSIDRO WHERE IT WILL END.

(ADDRESS OF THE ABOVE LOCATION WILL BE ANNOUNCED AT A LATER DATE.)

JOIN US

SAT. AUGUST 27, 1983

Committee on Chicano Rights, Inc.

For Further Information Call (619) 474-8195

IV.

DEFENDANTS

11. Defendant BENJAMIN CIVILETTI, is Attorney General of the United States and is in charge of the U. S. Department of Justice.

12. Defendant the Immigration and Naturalization Service is an agency of the Justice Department (hereinafter "INS").

13. Defendant DAVID CROSLAND is the acting Commissioner of INS.

14. Defendant DURWARD E. POWELL, JR., is the Acting Regional Commissioner of INS and is located in Dallas, Texas. He has jurisdiction over all INS activities challenged in this complaint.

15. Defendant PAUL B. O'NEILL is the District Director of INS in Houston, Texas.

16. Defendant CLAUDE BARTH was, at times material hereto, the Assistant District Director of INS in Houston in charge of investigations.

17. Defendant V. P. HENDERSON is the Assistant District Director of INS in Houston in charge of investigations.

18. Defendant LEONARD LATHAM is sued individually and in his official capacity as Chief of Police for the City of Lufkin, which is a Municipal Corporation or political subdivision of the State of Texas, County of Angelina. As Chief of Police he was at all times herein responsible for and exercising supervisory authority over the activties of the Lufkin Police Department (hereinafter "LPD") and the LPD police officers mentioned herein.

19. Defendant BURK "PETER" McBRIDE is sued individually and in his official capacity as County Sheriff for the County of Angelina in the State of Texas. As County Sheriff, he was at all times herein responsible for and exercising supervisory authority over the activities of Angelina County Sheriff's Department.

20. Defendant DEWEY WOLF is sued individually and in his official capacity as Chief of Police for the City of Diboll, Texas, which is a Municipal Corporation or political subdivision of the State of Texas, County of Angelina. As Chief of Police, he was at all times herein responsible for and exercising supervisory authority over the acitivties of the Diboll Police Department (hereinafter "DPD").

21. Defendant the CITY OF LUFKIN is a city located in the State of Texas.

COMPILED BY THE COMMITTEE ON CHICANO RIGHTS,1837 HIGHLAND AVE..NATIONAL CITY,92050 #(714)474-8195

SAC Bee 2-27-81

Sweeping Changes Urged On US Immigration Policies

By Spencer Rich
Washington Post

WASHINGTON — The Select Commission on Immigration Thursday recommended sweeping changes in national immigration law, including making it a crime to employ an illegal alien, much stronger border enforcement, and "amnesty" for up to 3 million illegal entrants who came to the United States before Jan. 1, 1980.

The recommendations were included in the final report of the commission, headed by the Rev. Theodore Hesburgh, president of Notre Dame. Taken as a whole, the commission proposals were designed to keep the door to legal immigration open, even widen it a bit, while clamping down harshly on border-jumping and other forms of illegal entry.

The report said there are from 3.5 million to 6 million illegal immigrants now in the United States, over half of hispanic origin, the bulk from Mexico.

One key recommendation of the commission was substantial improvement of border control.

Federal Panel Urges That Illegal Aliens Be Allowed Residency

2-27-81 Wall Street

By a WALL STREET JOURNAL *Staff Reporter*

WASHINGTON—Illegal aliens should be granted legal residency and immigration quotas should be increased, a federal panel urged; but enforcement against further illegal inflows should be toughened.

The Select Commission on Immigration and Refugee Policy submits its report to Congress and to the President today, after more than two years of study.

"We recommend closing the back door to undocumented or illegal migration, (and) opening the front door a little more to accommodate legal migration in the interests of this country," said Theodore Hesburgh, chairman, in his introduction to the 500-page report.

The report also urges admitting more persons who don't have relatives in the U.S.

Current immigration laws allow legal admissions of 270,000 persons annually, plus an unlimited number of close relatives and a varying quota of refugees. The commission recommends boosting the annual limit to 450,000 for five years, and 350,000 thereafter. The panel estimates that 150,000 close relatives and an average of 50,000 refugees will continue to enter each year.

The commission recommended passing a law against hiring illegal aliens. It also said a new form of identification was needed to indicate that job applicants were legal residents, but the panel was unable to agree on one.

The panel said such an identification system could require spending as much as $220 million a year.

The commission estimated that 3.5 million to six million illegal aliens live in the U.S. Those who have lived here continuously since Jan. 1, 1980, should be granted legal status, it said. However, such legalization should be conditioned on tougher border enforcement, the panel added.

E.T. 5-25-79

Two sentenced for federal violations

Five-year prison terms and fines of $10,000 each have been ordered for a Long Beach aviation firm owner and his pilot on convictions of making false statements to federal officers and a currency violation.

U.S. District Court Judge Gordon Thompson Jr. yesterday ordered the sentences for Glen Moore, 43, owner of Coast Aviation, Inc., and pilot Michael English, 43, of 245 Country Haven Road, Encinitas. Both men currently are free on $5,000 bonds, pending appeal of their convictions.

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

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

Suspect in border shooting had OK to carry own gun

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

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

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

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

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

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

E.T. 5-23-79

Mexicans big spenders here

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

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

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

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

Mexicana dies after INS harassment

By MICAELA GALLEGOS

Maria Contreras, 8-months pregnant, died of a heart attack last month because the Immigration and Naturalization Service (INS) officials on the south Texas border refused to call an ambulance before it was too late. Her baby also died.

The Mexican community in Texas has turned out protesters in the hundreds in the weeks since the May 16 killing in an unrelenting series of demonstrations.

Rosa Cuellar, an organizer for the Texas Farm Workers (TFW) union in Pharr told the Guardian recently that the marches and demonstrations are "not only to demand justice for Senora Contreras, but to protest all that the workers have suffered at the hands of the immigration department, and the attacks that continue against our people."

According to TFW organizers, the details of the incident are as follows.

On May 16, Maria Contreras, mother of 11 with a heart condition, suffered a heart seizure in an INS interrogation room after she was harassed by border officials.

Contreras was returning from Nuevo Progreso, Mexico, with her children and a young girl she was bringing over to help with the housework. They stopped at the border station in Progreso, Texas, for a routine check.

Daniel Castro, El Cuhamil

Sisters of Maria Contreras.

When the officials took Contreras into an interrogation room, her daughter Rosalinda, 16, pleaded with them to let her mother go, telling them that she was very ill.

The officials scoffed at her, saying that her mother was just faking to avoid interrogation. They accused Contreras of trying to smuggle the young girl into the country, took her papers away and threatened to deport her.

Even after Contreras became visibly ill, they refused to call an ambulance.

When her sister, Sara Camarela, who lives only a couple of blocks away from the border, was finally contacted, she rushed to the station. She found Contreras sitting in a chair, bent over in a position which prevented her from breathing.

She gave her mouth-to-mouth resuscitation and was able to revive her long enough to hear her say, "Take care of my children...."

After 45 minutes an ambulance arrived to take the woman to a hospital. She was pronounced dead on arrival. The baby also died.

The deaths have sparked a number of protests in and around the Rio Grande Valley in south Texas, one of the country's largest producing areas of citrus fruits and other agricultural products. These actions include:

• On May 20, about 50 TFW members accompanied the victim's husband and sister to Laredo, Texas, where they met with INS head Lionel Castillo, who was speaking at a statewide League of United Latin American Citizens convention.

Some 200 local residents, including about 100 striking workers at a Coca Cola plant, gathered outside the convention hall to protest Castillo's refusal to act upon previous TFW demands that the INS investigate ongoing harassment at the bridge in Progreso.

Daniel Castro, El Cuhamil

Anti-INS demonstrators marching to border checkpoint in Progreso, Tex., May 27.

"We had been trying to meet with Castillo for nearly a year," Antonio Orendain, TFW director, told the Guardian, "but he never even answered our calls."

According to Orendain, Castillo claimed that the INS officials were already under investigation by the FBI. He promised to make public the results.

JOINT U.S.-MEXICO ACTION

• In a show of solidarity, about 300 people marched to the bridge in Progreso May 27, where they were met by an equal number of Mexicanos who had also marched to their side of the bridge in Nuevo Progreso. A rally was held to demonstrate against the recent crime and to emphasize the bond which must be strengthened between workers on both sides.

• On June 1, about 250 people marched to the bridge in Brownsville, another border town about 15 miles from Progreso. The march was organized by Organizaciones de Harlinton and Pueblo's Unidos, a group from Brownsville.

• A march was also scheduled for June 10 at the U.S. border towns of Hidalgo, Texas and Reynosa.

The TFW's Cuellar stated that as part of a large campaign aimed at seeking justice for all Mexican workers the following four demands are being made:

(1) That an investigation into the recent crime and a general investigation of the INS take place. (2) That Ruben Gonzales, the official in charge of the interrogation of Contreras, be fired. (He has been moved to another border station.) (3) That all deportations of undocumented workers be stopped. (4) That all forms of harassment and attacks against Mexican workers cease immediately.

People are also urged to send letters and telegrams to President Carter and Lionel Castillo protesting the crimes of the INS against Mexican workers.

"Our organization receives numerous complaints from workers who have to cross the border to their jobs in Texas," said Cuellar. These workers, who have been driven north because of the staggering unemployment in Mexico, suffer daily abuse and harassment at the hands of border officials, from Texas to California.

For futher information: TFW, PO Box 87[illegible] San Juan, Texas 78589, tel. 512-787-5984.

199

Illegal Aliens Said Separated From Children

S.D. Union 2-29-80

Children as young as 2 are being held apart from their parents in the federal Metropolitan Correctional Center and in detention centers for undocumented aliens in San Ysidro and El Centro, Herman Baca, chairman of the Committee on Chicano Rights, said in a telegram to President Carter yesterday.

Baca said he will elaborate on the charges today during a press conference.

Federal officials here denied any knowledge of incidents described by Baca.

Baca said an investigation by his committee determined that the children are held as material witnesses in cases against smugglers of undocumented aliens.

"Once the children are no longer needed as 'material witnesses,' the INS (Immigration and Naturalization Service) authorities simply toss them into Mexico without making any effort to insure that the children are reunited with their parents," he said in the telegram.

"Furthermore, it has also been reported to us th children who are turned over to Mexican authorities are kept for one week and then are turned loose in the streets to fend for themselves," Baca said.

United States Attorney Michael Walsh could not be reached for comment yesterday.

Assistant U.S. Attorney Herb Hoffman said children in some cases are held with their parents, but added that he knew of no cases where children were imprisoned by themselves.

Tossed Into Mexico

Regarding the accusations by Herman Baca that children are being imprisoned and then "tossed into Mexico," subsequently denied by federal officials, here is a true story:

The 15-year-old daughter of a friend of mine was picked up on the street by "La Migra," driven 150 miles to San Ysidro, and "tossed into Mexico" at 1 a.m. Fortunately, just by chance, her schoolteacher witnessed the pickup and called the local immigration office to find out what they intended to do with the child. The teacher then called my friend who boarded the next bus for San Ysidro and managed to arrive there minutes before the immigration bus arrived.

What if the teacher had not witnessed this pickup? The child would have been abandoned — alone and penniless — on the streets of Tijuana in the middle of the night. And what about the anguish of the mother not knowing the whereabouts of her daughter?

ELIZABETH HUGHES
Coronado

3-7-80

CASO: Hermanos Hanigan

FECHA: 1976

DESCRIPCION DEL CASO:

Tres trabajadores mexicanos indocumentados, Manuel García, Eleazar Ruelas, y Bernabe Herrera, fueron torturados y asaltados. Los tres fueron desnudados, amarrados, torturados, atacados, heridos por disparos de escopete y ahorcados por los hermanos Hanigan. La familia Hanigan fue acusada con violacion del Acto Hobbs de Arizona. Durante el juicio, el padre de los Hanigan murió, uno de los hermanos fue declarado culpable y el segundo fue declarado inocente.

CASO: Jose Sinohui

FECHA: 2 de Julio, 1977

DESCRIPCION DEL CASO:

Jose Sinohui Jr. murio a causa de un tiro disparado por el ex-oficial de la Policia del Sur de Tucson Christopher Dean, con un arma de fuego de .45 calibres. Fue herido por la espalda mientras se iba de la escena de un altercado en el cual no habia participado. Dean habia sido absuelto por un jurado de blancos de la Corte Estatal a cargo de causas de homicidio en enero de 1978. La familia de Sinohui solicito la intervencion del Gobierno Federal. El Tribunal de Jurados formulo una decision en agosto de 1979 en favor de la familia Sinohui, concediendoles $150,000.00 como compensacion de danos. El Tribunal de Jurados ademas dispuso, en favor de la familia Sinohui y contra Dean, la compensacion de $50,000.00 por danos punitivos comoresultado de la mala conducta de Dean.

CASO: Stella Salazar

FECHA: 27 de Febrero, 1980

DESCRIPCION DEL CASO:

El 27 de febrero de 1980, se mataron dos nacionales mexicanos y fueron otros 12 heridos cuando la Patrulla Fronteriza del condado de Jim Hogg, Texas disparaon a su camion mientras huian. Los agentes de la Patrulla Fronteriza niegan haber disparado al camion. Sin embargo, un agente policiaco del condado de Jim Hogg, llamado Onofre Serna vio a un agente de la Patrulla Fronteriza sacar su arma de su vehiculo. Fotograficas tomados del camion demuenstran las perferaciones causadas por las balas. El caso se presentara a la corte acusando a la Patrulla Fronteriza de haber violado los derechos civiles de los atacados.

CASO: Elvia Murphy de Dávalos

FECHA: 4 de Febrero, 1978

DESCRIPCION DEL CASO:

La Sra. Murphy de Dávalos, acompañada por su esposo Enrique Dávalos Cerda, salieron del trabajo para pasearse en Disneylandia. En las oficinas aduanales de San Ysidro, se les entregaron una forma SW-434 por ambas personas. En la inspección aduanal de San Onofre, fueron detenidos por un agente de la Patrulla Fronteriza y les exigió su forma SW-434. Les informó que necesitaban una forma SW-434 por cada uno de ellos y que la forma SW-434 que tenían estaba incompleta. Tal agente procedió a ordenar al Sr. Dávalos que se fuera. El Sr. Dávalos resistió el orden pero, por fin, fue esforzado a cumplir con el orden. La Sra. Dávalos, dirigida a un cuarto, fue ordenada quitarse su ropa. El cuarto estaba sucio y la agente también tenía las manos sucias cuando conducio una inspección vaginal de la Sra. Dávalos. Más tarde, sin haberse alimentado desde su salida de Tijuana, fue deportada a Tijuana.

PROCESO: Rogelio Adolfo Mendez-Diaz

FECHA: 17 de marzo de 1979

DESCRIPCION DEL CASO:

Rogelio Adolfo Mendez-Diaz testifico que Efren Reyes y Benito Rindon, estaban sentados en un camino parimentado como a cincuenta metros de la frontera de los Estados Unidos y presenciaron un incidente en que un agente de la Vigilancia de Frontera (Border Patrol) disparo contra y mato a un inmigrante mejicano e hirio a otro el 17 de marzo de 1979. Los dos hombres trataron de escapar al ser esposado juntos.

PROCESO: Emiliano Zapata Coleman, et al.

FECHA: 29 de junio de 1978

DESCRIPCION DEL CASO:

Alberto Garcia presento una queja el 29 de junio de 1978 contra el Vigilante de Frontera Donald Heidt y otros en nombre de Emiliano Zapata Coleman. La queja alegaba que el Vigilante Heidt dirigio su vehiculo contra Zapata Coleman y despues disparo contra el. Tambien acuso a la Vigilancia de Frontera por el tratamiento inhumano e ilegal de individuos de habla hispana y de la raza negra.

D. INFLIGIENTO VIOLENCIA FISICA Y INNECESARIA O ABUSO SOBRE SOSPECHOSOS SIN DOCUMENTACION, CIUDADANOS AMERICANOS O CON RESIDENCIA PERMANENTE Y LEGAL EN LOS ESTADOS UNIDOS.

PROCESO: Frank Amaro

FECHA: 1971 a 1979

DESCRIPCION DEL CASO:

El Sr. Francisco Amaro, representante de de la Organizacion Nacional Mejico-Americano (MANO) describio casos en cual ninos fueron abandonados sin compania despues de que sus padres fueron deporttados de los Estados unidos de Norte America. La unidad familiar fue separada, ninos forzadamente fueron separadados de sus padres y ninguna asistencia fue contratada en localizar y reunir miembros de familia afectada.

CASO: Pedro Velazquez Gonzalez

FECHA: 4 de Septiembre, 1979

DESCRIPCION DEL CASO:

Un ciudadano mexicano que trabajaba en los EE.UU. fue deportado y enviado a Guatemala por el SIN bajo la alegacion de que parecia un "inmigrante ilegal de Guatemala".

CASO: Christopher Enciso Robles

FECHA: 17 de septiembre, 1979

DESCRIPCION DEL CASO:

El senor Enciso Robles fue detenido en San Onofre en el 17 de septiembre de 1979, bajo sospecha de ser persona indocumentado. Aunque Enciso Robles mostro su certificado de nacimiento y otros documentos, no fueron aceptados por la Patrulla Fronteriza y fue atacado fisicamente. La "Practica de Aparencia Racial" fue aplicada por la Patrulla Fronteriza en este caso. Los derechos civiles de Enciso Robles fueron violados a traves de tres horas de interrogacion continua, dieciseis horas de encarcelacion y el ser forzado a firmar un documento de salida voluntaria, renunciando asi todos sus derechos a acceso de un abogado, mientras se le abusaba verbalmente, causandole perjuicios emocionales.

C. ABUSO DE NINOS

CCR

Committee on Chicano Rights, Inc

BOLETIN DE PRENSA

Marzo 28,1981

Tijuana B.C. Mexico

EL COMITÉ DE DERECHOS CHICANOS (CCR) ANUNCIA QUE SOSTENDRÁ UN TRIBUNAL NACIONAL SOBRE INMIGRACIÓN EL DIA 11 DE ABRIL DE 1981 EN SAN DIEGO, CALIFORNIA, COINCIDENDO CERCANAMENTE CON LA FUTURA VISITA DE LOS PRESIDENTES RONALD REAGAN Y JOSE LOPEZ PORTILLO A SANDIEGO Y TIJUANA EN ABRIL 27 y 28, 1981.

HERMAN BACA DIRIGENTE DEL COMITE PRO-DERECHOS CHICANOS DIJO " QUE EL PROPÓSITO DEL TRIBUNAL ES EL DE REUNIR Y A LA VEZ DOCUMENTAR NACIONALMENTE CASOS Y ESTUDIOS CON RESPECTO DE VIOLACIONES DE LOS DERECHOS HUMANOS CONTRA LOS INDOCUMENTADOS POR LO LARGO DE LA FRONTERA ENTRE MEXICO/ESTADOS UNIDOS Y DE LOS DERECHOS CIVILES Y CONSTITUCIONALES QUE PADECEN 20 MILLONES DE CHICANOS/LATINOS EN LOS ESTADOS UNIDOS DE NORTE AMERICA, VICTIMAS DEL DEPARTAMENTO DE INMIGRACIÓN Y NATURALIZACIÓN Y LA PATRULLA FRONTERIZA".

"EL TRIBUNAL ES URGENTE Y NECESARIO PARA ASEGURAR QUE LOS INTERESES Y DERECHOS DE LOS CHICANOS Y LATINOS SERAN SALVOGUARDADOS Y TOMADOS EN CONSIDERACIÓN", INDICÓ BACA ADEMÁS QUE "NUESTROS DERECHOS NO SERAN SACRIFICADOS EN UN ALTÁR DE PETROLEO NI POR UN CONTRATO BRACERO".

DESPUES DEL TRIBUNAL, SE RENDIRA INFORME SOBRE LAS CONCLUSIONES A LOS PRESIDENTES RONALD REAGAN Y JOSE LOPEZ PORTILLO. ESTE REPORTE SERA ENTREGADO PERSONALMENTE POR REPRESENTANTES DEL CCR EN LA CIUDAD DE MEXICO Y WASHINGTON D.C.

LAS EVIDENCIAS RECOPILADAS EN EL TRIBUNAL SE DARÁN A CONOCER A ORGANIZACIONES INTERNACIONALES EN DEFENSA DE LOS DERECHOS HUMANOS, ASI COMO A LOS MAS ALTOS REPRESENTANTES DE CADA PAIS.

1837 Highland Avenue, National City, CA 92050 (714) 474-8195

BACA CONCLUYÓ DICIENDO "QUE EL, EN CONJUNTO CON OTROS LIDERES CHICANOS DESEAN ASEGURARSE DE QUE LOS DERECHOS DE 20 MILLONES DE CHICANOS Y LATINOS NO SERAN SOLO PARTE DE UNA MANIOBRA POLITICA SIN TOMAR EN CONSIDERACION SU VOZ. EL TRIBUNAL CONVOCA A LOS LIDERES CHICANOS Y LATINOS DEL PAIS PARA QUE ASISTAN AL EVENTO Y TAMBIEN A TODA ORGANIZACIÓN RELACIONADA CON LA PROTECCIÓN DE LOS DERECHOS HUMANOS, CIVILES Y CONSTITUCIONALES DE LOS INDOCUMENTADOS Y LOS CIUDADANOS DE LOS ESTADOS UNIDOS DE NORTE AMERICA.

UN DISTINGUIDO JURADO ESCUCHARÁ TESTIMONIOS Y RECIBIRÁ PRUEBAS DE LAS VIOLACIONES QUE SE REALIZAN EN CONTRA DE CIUDADANOS MEXICANOS Y CHICANO/LATINOS POR EL SERVICIO DE INMIGRACION Y LA PATRULLA FRONTERIZA.

PARA MAS INFORMACION, LLAMA O COMUNIQUESE CON CCR-714-474-8195,
1837 Highland Ave, National City, California 92050

CCR

Committee on Chicano Rights, Inc

BOLETIN DE PRENSA

Marzo 28,1981

Tijuana B.C. Mexico

EL COMITÉ DE DERECHOS CHICANOS (CCR) ANUNCIA QUE SOSTENDRÁ UN TRIBUNAL NACIONAL SOBRE INMIGRACIÓN EL DIA 11 DE ABRIL DE 1981 EN SAN DIEGO, CALIFORNIA, COINCIDENDO CERCANAMENTE CON LA FUTURA VISITA DE LOS PRESIDENTES RONALD REAGAN Y JOSE LOPEZ PORTILLO A SAN DIEGO Y TIJUANA EN ABRIL 27 y 28, 1981.

HERMAN BACA DIRIGENTE DEL COMITE PRO-DERECHOS CHICANOS DIJO " QUE EL PROPÓSITO DEL TRIBUNAL ES EL DE REUNIR Y A LA VEZ DOCUMENTAR NACIONALMENTE CASOS Y ESTUDIOS CON RESPECTO DE VIOLACIONES DE LOS DERECHOS HUMANOS CONTRA LOS INDOCUMENTADOS POR LO LARGO DE LA FRONTERA ENTRE MEXICO/ESTADOS UNIDOS Y DE LOS DERECHOS CIVILES Y CONSTITUCIONALES QUE PADECEN 20 MILLONES DE CHICANOS/LATINOS EN LOS ESTADOS UNIDOS DE NORTE AMERICA, VICTIMAS DEL DEPARTAMENTO DE INMIGRACIÓN Y NATURALIZACIÓN Y LA PATRULLA FRONTERIZA".

"EL TRIBUNAL ES URGENTE Y NECESARIO PARA ASEGURAR QUE LOS INTERESES Y DERECHOS DE LOS CHICANOS Y LATINOS SERAN SALVOGUARDADOS Y TOMADOS EN CONSIDERACIÓN", INDICÓ BACA ADEMÁS QUE "NUESTROS DERECHOS NO SERAN SACRIFICADOS EN UN ALTÁR DE PETROLEO NI POR UN CONTRATO BRACERO".

DESPUES DEL TRIBUNAL, SE RENDIRA INFORME SOBRE LAS CONCLUSIONES A LOS PRESIDENTES RONALD REAGAN Y JOSE LOPEZ PORTILLO. ESTE REPORTE SERA ENTREGADO PERSONALMENTE POR REPRESENTANTES DEL CCR EN LA CIUDAD DE MEXICO Y WASHINGTON D.C.

LAS EVIDENCIAS RECOPILADAS EN EL TRIBUNAL SE DARÁN A CONOCER A ORGANIZACIONES INTERNACIONALES EN DEFENSA DE LOS DERECHOS HUMANOS, ASI COMO A LOS MAS ALTOS REPRESENTANTES DE CADA PAIS.

1837 Highland Avenue, National City, CA 92050 (714) 474-8195

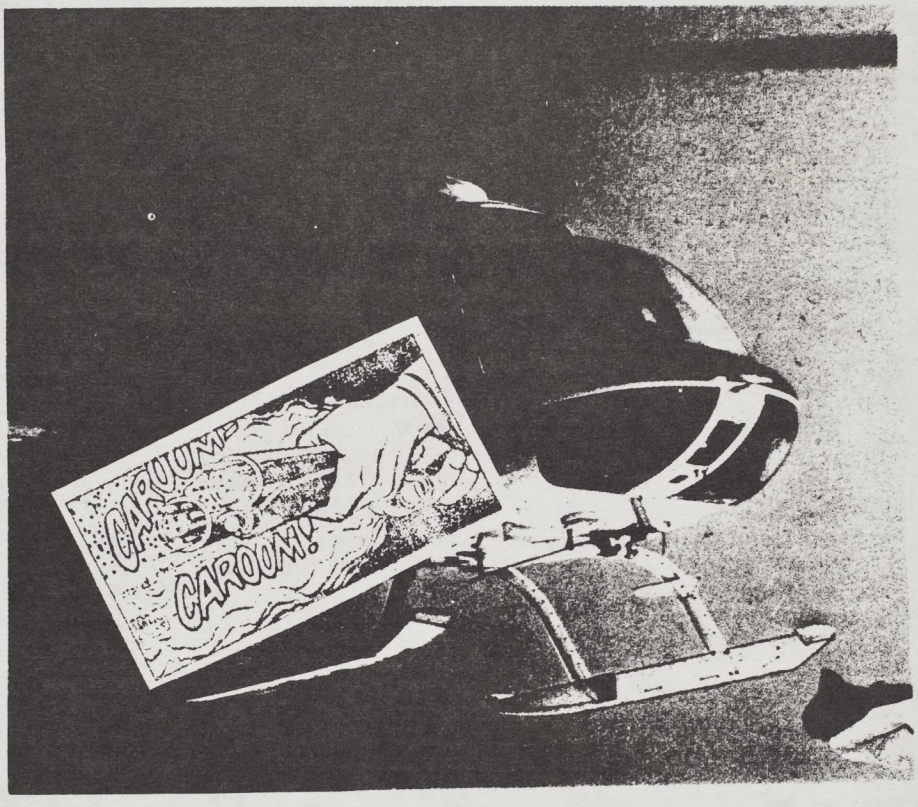
BACA CONCLUYÓ DICIENDO "QUE EL, EN CONJUNTO CON OTROS LIDERES CHICANOS DESEAN ASEGURARSE DE QUE LOS DERECHOS DE 20 MILLONES DE CHICANOS Y LATINOS NO SERAN SOLO PARTE DE UNA MANIOBRA POLITICA SIN TOMAR EN CONSIDERACION SU VOZ. EL TRIBUNAL CONVOCA A LOS LIDERES CHICANOS Y LATINOS DEL PAIS PARA QUE ASISTAN AL EVENTO Y TAMBIEN A TODA ORGANIZACIÓN RELACIONADA CON LA PROTECCIÓN DE LOS DERECHOS HUMANOS, CIVILES Y CONSTITUCIONALES DE LOS INDOCUMENTADOS Y LOS CIUDADANOS DE LOS ESTADOS UNIDOS DE NORTE AMERICA.

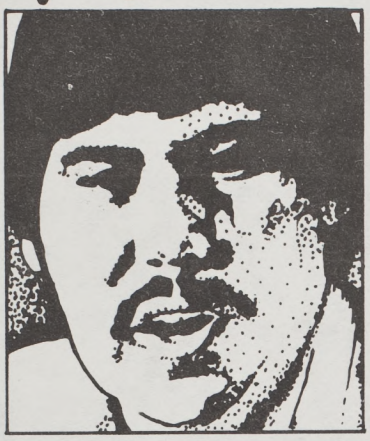
UN DISTINGUIDO JURADO ESCUCHARÁ TESTIMONIOS Y RECIBIRÁ PRUEBAS DE LAS VIOLACIONES QUE SE REALIZAN EN CONTRA DE CIUDADANOS MEXICANOS Y CHICANO/LATINOS POR EL SERVICIO DE INMIGRACION Y LA PATRULLA FRONTERIZA.

PARA MAS INFORMACION, LLAMA O COMUNIQUESE CON CCR-714-474-8195,
1837 Highland Ave, National City, California 92050

EL MEXICANO Martes 22 de Mayo de 1979

Ilegal Balaceado Desde un Helicóptero de la Border Patrol





Herman Baca

Baca remarks end in shouting match

Chicano activist Herman Baca of National City and Rep. Ed Roybal (D.-Los Angeles) traded caustic barbs this week as Roybal's U.S. Treasury subcommittee continued its look into the recent deaths of two babies at the San Ysidro port of entry.

"We question the planning and structure of the hearing," Baca said during his testimony. Referring to alleged cases of violence at the border, Baca said he has "seen case after case dismissed with a see-no-evil, hear-no-evil, speak-no-evil attitude.

BACA called the hearings a "sideshow, a farce, a whitewash. We were elated that finally, someone in Congress was willing to come," he said.

But he nevertheless protested "the manner in which this hearing was structured."

Because of the location of the hearing — customs offices at the Port of Entry — Baca charged it was "like investigating the wolf in the wolf's den.

"We know the primary cause of the deaths of those two children was INS (Immigration and Naturalization). So what are you investigating?"

The main reason for protest by Baca and others was the limited scope of the hearings. The Committee for Chicano Rights had reportedly sought an open hearing in which to describe alleged border abuses by federal agencies involved.

BUT ROYBAL'S committee, which has jurisdiction over customs, concerned itself only which that agency.

"We have waited seven years," Baca screamed at Roybal. "We believe this hearing should've been open."

(Informed sources reported that Baca knew the hearings would be limited in scope.)

It was also revealed during the hearings that Roybal and other committee members — none of whom were present — had received threatening calls.

"We're sorry that you received threatening calls, Mr. Roybal," Baca said. "But we've been receiving them for 10 years.

AT ONE point, it was revealed that plans to hold the hearings at Smythe Elementary School were shelved because of security concerns.

"What surprises me more than anything," Roybal reported, "is your lack of gratitude. You (Baca) have the nerve to stand there for local consumption and say what you did.

"The truth of the matter is that I'm the only one who helped you. What you want Mr. Baca is a demonstration, a big show, and you're getting it."

"Mr. Congressman, we want a solution," Baca countered.

"I'm doing my job on my solution," Roybal said. "No one here in San Diego can vote for me."

The blow-up eventually ended in a shouting match with Baca supporters walking out.

Later Roybal pledged that "anything that has gone on is not going to deter the committee from getting the facts."

Rape-Slaying of Illegal Alien

Federal Protective Service Employee Linked by Lab Tests to Brutal November Assault at Border

By TED VOLLMER
Times Staff Writer

A 24-year-old federal officer was arrested Thursday and held without bail in the brutal strangulation and rape last Nov. 25 of a teen-age Mexican alien at the border.

Michael Edward Kennedy of Chula Vista was linked to the slaying of Maria Lopez de Felix, 19, through FBI lab comparisons of his palm print, blood type and hair samples, authorities said.

FBI special agent Roger Young told reporters in San Diego that Kennedy was arrested without incident at his home after issuance of a federal complaint by U.S. Magistrate Edward Harris.

Kennedy, appearing in street clothes, entered a not-guilty plea before Harris late Thursday and a preliminary hearing was scheduled for Feb. 8.

Young said the case against Kennedy, an employee of the Federal Protective Service since 1978, was given the "highest investigative priority" by his office.

Kennedy also was questioned last year about the strangulation of another Mexican woman. Authorities said that, while Kennedy was questioned and released in that case, the investigation now will resume.

According to an FBI affidavit supporting the criminal complaint against Kennedy, Lopez de Felix tried to enter the United States at the San sister-in-law's car.

Authorities said she was trying to cross the border to join her husband, believed to be an undocumented worker who was living in Riverside. After her discovery, she agreed to return to Mexico and was released.

Kennedy told investigators that he met Lopez de Felix at an Immigration and Naturalization Service building and escorted her to the checkpoint where she crossed into Mexico.

Authorities believe the following chain of events then occurred:

Both Kennedy and Lopez de Felix walked along the border fence on opposite sides and the woman either reentered the United States through an unchecked turnstile or a hole in the barrier. A red suitcase believed to have belonged to her was later discovered in some bushes on the U.S. side of the border.

The woman then was apparently allowed through a security gate that had an easily picked lock and then through another gate secured only by masking tape.

Kennedy, authorities believe, used a pocketknife to slit the tape. Adhesive residue matching the masking tape was discovered on a pocketknife seized in a search of Kennedy's home, according to the affidavit.

Lopez de Felix then was taken to a building containing an unused detention room, where she was raped and strangled, according to authorities.

After the slaying, the woman's partially clothed body was dragged outside the room and left in a hallway. It was not discovered until the next day.

The suspect then allegedly returned to the site and tried to cover up the crime by using the woman's shawl to brush away signs of a struggle, the affidavit said.

Evidence found at the scene linking Kennedy to Lopez de Felix's murder included two cigarette butts matching Kennedy's brand, three hairs in the woman's shawl matching Kennedy's, and paint scrapings. The same type of scrapings, which authorities said came from the detention room floor, were found on a uniform worn by Kennedy.

On Dec. 5, authorities said, Kennedy was scheduled to meet with the FBI to provide a blood sample and palm print. The suspect, however, failed to show up. Instead, he left a note saying that he was fleeing across the border because he might otherwise "confess to a crime I didn't commit."

It is unclear whether Kennedy actually fled the country.

Kennedy told U.S. Magistrate Harris that he lives with his parents in Chula Vista and has been working continuously with the service since the investigation began.

His court-appointed attorney, Juanita Brooks, argued that Kennedy should be released to the custody of his parents, indicating that the defendant had strongly suspected he would be arrested for the crime but had not fled.

Assistant U.S. Atty. Thomas Coffin, however, argued for Kennedy's being held without bail, noting that the crime carries a possible sentence of life imprisonment.

Kennedy will face a federal murder charge since the slaying occurred on federal property.

The murder case in which Kennedy was questioned earlier last year involved Ramona Hernandez, whose body was discovered in a shallow grave on the Campo Indian Reservation on March 21, more than a month after she disappeared. Authorities said she had been strangled.

Hernandez had last been seen alive on Feb. 12 when she was returning to the United States after a bus trip to Ensenada.

A problem developed with Hernandez' documents and she was escorted by Kennedy to the INS office. Later investigation revealed that Kennedy had her telephone number in a notebook he carried.

CCR

Committee on Chicano Rights, Inc

RESOLUTIONS PASSED AT THE NATIONAL CHICANO IMMIGRATION CONFERENCE

May 24, 1980

BORDER VIOLENCE WORKSHOP

1. THAT THIS CONFERENCE GO ON RECORD in calling for the abolishment of the INS/Border Patrol.

2. THAT THIS CONFERENCE GO ON RECORD in calling for the abolishment of the militarization policy between the U.S./Mexico as a solution to the immigration issue.

3. THAT THIS CONFERENCE GO ON RECORD in calling for the immediate termination of the policy of incarcerating children and their mothers in federal prisons.

4. THAT THIS CONFERENCE GO ON RECORD as appointing a representative group of this conference to present the most degrading violations of human rights(i.e. incarceration of children, rape of women, handcuffed individuals shot and killed, etc.) to international Human Rights Organizations (i.e. the United Nations, International Amnesty, Federation fo the Rights of Man,etc.) with the understanding that the long range solutions be in our people's self-determination.

5. THAT THIS CONFERENCE GO ON RECORD in calling for an end to the racist term of illegal alien.

ADMINISTRATION OF JUSTICE

1. THAT THIS CONFERENCE GO ON RECORD as supporting the creation of a broad-based coalition to end all residential sweeps.

2. THAT THIS CONFERENCE GO ON RECORD in support of the Legal Services Corporation and oppose all legislation that discriminates against immigrants and that the Conference oppose the O'Brien amendment.

3. THAT THIS CONFERENCE GO ON RECORD as opposing any collaboration with the INS/Border Patrol which will result in sweeps being conducted in work places and/or the community.

1837 Highland Avenue, National City, CA 92050 (714) 474-8195

A. RECHAZO DE SERVICIOS MEDICOS PARA CIUDADANOS AMERICANOS, PERSONAS CON RESIDENCIA PERMANENTE EN LOS ESTADOS UNIDOS Y PERSONAS SIN DOCUMENTACION.

CASO: MARCOS ESPINZOA Y OTROS

FECHA: MARZO 18, 1981

DESCRIPCION DEL CASO:

El dia 18 de marzo respecto al caso de Marcos Espinoza y otros, el Servicio de Inmigracion y Naturalizacion, por medio de un empleado debidamente autorizado, admitio los siguientes hechos:

1. Que durante el mes de noviembre de 1979 los agentes del Servicio de Inmigracion y Naturalizacion entraron al condado de Angelina, Texas con el fin de identificar, arrestar y deportar a las personas que no eran residentes legales de los Estados Unidos de America.

2. Que durante el mes de noviembre de 1979, lo agentes del Servicio de Inmigracion y Naturalizacion entraron al condado de Nacogdoches, Texas con el proposito de identificar, arrestar y deportar personas que no eran residentes legales de los Estados Unidos de America.

3. Que por el 6 de noviembre de 1979, en el condado de Angelina, Texas, el Defensor, sus agentes y empleados tuvieron en custodia a personas en el condado de Angelina, Texas, por estar en este pais sin la documentacion apropiada.

4. Que al llevar a cabo estas operaciones en el condado de Angelina, Texas en noviembre de 1979, el Defensor no obtuvo una orden de saqueo autorizandolos para entrar a las residencias.

5. Que al llevar a cabo estas operaciones en el condado de Nacogdoches, Texas en noviembre de 1979, el Defensor no obtuvo una orden de saqueo para entrar a las residencias.

6. Que al llevar a cabo sus operaciones en el condado de Angelina, Texas en noviembre de 1979, los agentes de la Defensa entraron a los negocios de comercio con el objeto de encontrar a las personas que no eran residentes legales de los Estados Unidos.

Ademas, otras admisiones fueron hechas por el Servicio de Inmigracion y Naturalizacion respecto a las practicas ilegales cometidas con el proposito de hallar a personas que estan residiendo ilegalmente en los Estados Unidos.

G. EJECUCION LLEGAL DE LAS LEYES DE IMMIGRACION POR AGENCIAS POLICIACAS.

CASO: Raul Gonzalez, et.al.

FECHA: 13 de Septiembre, 1977

DESCRIPCION DEL CASO:

Los Oficiales de Policia de Peoria, Arizona, rodearon el Mercado de Saliba Park y el Mercado de las Tiendas el 13 de Septiembre,1977 y exigieron a las personas de origen mexicano que presentaran su identificacion y prueba documenta de la legalidad de su presencia en los EE.UU. Habian ido para detener a los "inmigrantes ilegales" que estaban comprando en la tienda. Fueron arrestadas cuatro personas. El 18 de Febrero, 1978, otras siete personas fueron detenidas. Todas las personas de origen mexicano perdieron el uso de sus derechos constitucionales de ser libres de registros injustificados y de arrestos y el derecho de proteccion y proceso legal, asi sufrieron la pena, la humillacion y la preocupacion mental. Otros incidentes adicionales de arrestos ilegales de personas de origen mexicano por la Policia de Peoria tuvieron lugar en Febrero de 1978 en frente del Mercado de Bodine; y el 26 de Junio, 1978 en el Correo de Peoria.

CASO: Departamento de Policia de Inmigrantes sin documentacion, en San Diego

FECHA: 29 de junio de 1978

Declaraciones parciales de la politica del Departamento de Policia de San Diego sobre los inmigrantes sin documentacion. No existe una causa probable de detencion por una ofensa criminal, el individuo (inmigrante sin documentacion) puede ser entregado a las Vigelantes de la Frontera en el local donde la detencion tiene lugar. Los oficiales deben juzgar correctamente sobre cuanto tiempo es practico esperar la llegada de una unidad de la Vigilancia de Frontera (Border Patrol) teniendo en cuenta la naturaleza de la ofensa y el impacto sobre la autoridad y fuerza del lugar, asociado con demora prolongadas.

CASO: Angel Hernandez

FECHA: 15 de mayo de 1979

DESCRIPCION DEL CASO:

Sr. Hernandez, un trabajador indocumentado, fue gravemente herido cuando estaba descargando fardos de heno el dia 15 de mayo de 1979. Se cayo del camion que estaba descargando. Se lastimo la cabeza y quebro su cuello. Ahora el senor Hernandez se quedo quadraplegico de resulta de el accidente. Desde no habia dinero para pagar los tratamientos medicos del sr. Hernandez, el hospital de Albuquerque ordenaron la despedida y se comunucaron con SIN. El teniente gobernado Mondragon intrevenio y transportaron al sr. Hernandez al hospital del estado.SIN ha fechado una cita el dia 29 de julio de 1981 para la audencia de deportacion. Desde las leyes de estado de Nuevo Mexico fallaron protegerlo, Angel Hernandez no recibera compensacion por su grave herida y ademas esta esperando ordenes de deportacion.

H. OTROS CASOS.

B. USO DE FUERZA MORTAL POR AGENTES POLICIACOS.

CIONES. ESTO DEMUESTRA QUE LA COMISION NO TOMARA NINGUN PAPEL POSITIVO EN CUANTO A LA RESOLUCION DEL ASUNTO DE INMIGRACION Y SU REPORTE ES TOTALMENTE INACEPTABLE Y OPUESTO POR LA COMUNIDAD CHICANA/LATINA.

EN CONCLUSION, HERMAN BACA DECLARO, "EL CONTINUO ALTO INDICE DE VIOLENCIA Y VIOLACIONES DE DERECHOS DENTRO DE LOS ULTIMOS DIEZ AÑOS HAN SIDO TOTALMENTE IGNORADOS POR LOS CREADORES DE LEYES DE MEXICO Y LOS ESTADOS UNIDOS DE NORTE AMERICA. ES NUESTRA POSICION QUE LA INTERDEPENDENCIA SOCIAL, ECONOMICA, Y POLITICA ENTRE MEXICO Y LOS ESTADOS UNIDOS DE NORTE AMERICA EXIGE UNA ACCION INMEDIATA. ES LA ESPERANZA DE LA COMUNIDAD CHICANA/LATINA QUE LAS VIOLACIONES DE VIDA HUMANA, DERECHOS Y DIGNIDAD SEAN EXTINGUIDOS Y QUE PODAMOS VER EL COMIENZO DE UNA SOLUCION JUSTA, HUMANA, Y RACIONAL AL PROBLEMA DE INMIGRACION.

PROCESO: Jorge Olmos

FECHA: abril de 1979

DESCRIPCION DEL CASO:

Jorge Olmos fue gravemente herido y llevado al Hospital de la Comunidad. Debido al estado de su herida fue trasladado al "University Hospital" donde fue necesaria la intervencion de un neuro-cirujano, al enterarse este de que Olmos no llevaba consigo identificacion, rehuso autorizar el traslado creyendo, en parte, que podia ser un "inmigrante ilegal," o ciudadano mejicano incapacitado para pagar los servicios medicos. Despues de una protesta de la Comision de Derechos Civiles y de gran presion de la comunidad el "University Hospital" camio la politica de admision en tales casos.

CASO: Maria del Cármen Ordonez y Luis Platon Ordonez

FECHA: 6 de Marzo, 1981

DESCRIPCION DEL CASO:

Maria del Carmen Ordonez y Luis Platon Ordonez son residentes de Laredo, Texas. El dia 13 enero,1980, les fue negada atencion medica en el Hospital Mercy de Laredo, Texas y fueron llevados por la fuerza a un hospital del lado mexicano. Su abogado demando a dicho Hospital Mercy y al Servicio de Ambulantes Delta por haberles negado servicio y por las practicas arbitrarias contra la familia Ordonez. La Sra. se encontraba en cinta y ya al punto de dar luz a su quinto hijo. Fueron traslados por la fuerza al Hospital Civil al lado mexicano sin autorizacion ni orden legal. Antes de llegar a este hospital, la Sra. dio luz a su hijo. La Sra. sufrio gran angustia, mortificacion y temor por el bienestar de ella y de su hijo.

PROCESO: FRED DREW

FECHA: 1966

DESCRIPCION DEL CASO:

Fred Drew protesto contra el adiestramiento inadecuado provisto para los agentes de la Vigilancia de Frontera y la preparacion abusiva de como tratar a los mejicanos. Los comentarios sobre la actitud y los incidentes de brutalidad hacia las personas sin documentacion fueron presentados. Los incidentes de brutalidad habian sido en la forma de abusos fisicos, tratamientos inhumanos, y violaciones.

Las quejas fueron presentadas por el Sr. Drew a INS, pero hasta la fecha, Washington no ha contestado.

CASO: Maria Elena Esquivel

FECHA: Noviembre 26, 1979

DESCRIPCION DEL CASO:

Queja levantada contra A.J. Rodriguez, Inspector de Aduana, S.Y., California insignia No. 12353 por trata abusivo, falta de conducta profesional y maltrato contra Maria Elena Esquivel.

E. VIOLACIONES SITEMATICAS DE DERECHOS, HUMANOS, CIVILES Y CONSTITUCIONALES.

CASO: Daniel Cardona

FECHA: 8 de Septiembre, 1977

DESCRIPCION DEL CASO:

Daniel Cardona, incapacitado mentalmente y ciudadano de lo EE. UU., sin identificacion y documentos, fue parado por la policia sin causa pobable de haber cometido un crimen. No le aconsejaron de sus derechos legales, no le permitieron comunicarse con su familia, ni ser presentado ante el juez. Fue encarcelado en la ciudad de Clovis el 8 de septiembre de 1977, y el dia 9 de septiembre fue entregado al Servicio de Inmigracion y llevado a Fresno a la Patrulla Fronteriza. Despues de ser interrogado, fue llevado a Mexico forzosamente. No le permitieron regresar a los Estados Unidos hasta el 15 de enero de 1978 a cual fecha fue admitado al Centro Medico Valley para recibir tratamiento de un psiquiatra.

CASO: Jose Plancarte

FECHA: 3 de Noviembre, 1977

DESCRIPCION DEL CASO:

Jose Plancarte fue detenido interrogado por un oficial de inmigracion en el Aeropuerto Internacional de San Diego acerca de su estado legal en los Estados Unidos. Plancarte mostro su "mica" pero fue puesto en duda la validez y autentidad de la tarjeta. Plancarte fue forzado a firmar un formulario de salida involuntaria y fue deportado a Tijuana sin oprtunidad de comunicarse con su abogado o recibir audiencia. La deportacion resulto en la perdida de su empleo en los Estados Unidos.

PROCESO: Elezar Escamilla Montoya

FECHA: 19 de abril de 1979

DESCRIPCION DEL CASO:

Eleazar Escamilla Montoya fue detenido y puesto en custodia por un agente de INS en Chicago, Illinois, mientras iba en camino para ver a su novia. Fue interrogado por investigadores de criminales y forzado a firmar una forma (I-274) involuntariamente, renunciando a su derecho de una audiencia de deportacion que lo escuchara. No se le dio nunca la razon de hacerle firmar la forma I-274. Un abogado de los Estados Unidos protesto contra la practica rutinaria de la INS de obligar a los mejicanos de origin a firmar formas de salida involuntariamente.

PROCESO: Abel Galvan Zavala

FECHA: 21 de julio de 1979

DESCRIPCION DEL CASO:

El Senor Zavala, un residente legal de los Estado Unidos presento una queja contra la Vigilancia de Frontera (Border Patrol) en San Ysidro por el encarcelamiento ilegal, el abuso verbal y molestacion. El 21 de julio de 1979 la Vigilancia de Frontera (Border Patrol) rehuso aceptar su identificacion personal o tarjeta de identidad militar de los Estados Unidos como prueba de su residencia legal en los Estados Unidos .

PROCESO: Terry Lujan

FECHA: septiembre de 1979

DESCRIPCION DEL CASO:

En la manana del 28 de septiembre de 1979, el Senor Lujan fue detenido en la estacion terminal de Las Cruces despues de preguntar a los oficiales de INS porque estaban molestando a sus empleados. Enseguida el Senor Lujan fue golpeado por dos agentes de INS y detenido por 3 horas y media. La unica excusa dada for los golpes fue que el se estaba procediendo irrespefuosamente (smart) con un oficial de INS. Fue detenido con la acusacion de que habia atentado el asalto a un agente federal.

CASO: Margarita N. Gutierrez

FECHA: 9 de febrero 1981

DESCRIPCION DEL CASO:

La Sra. Gutierrez, mientras caminaba a casa con su hijo Carlos, fue aprehendida por un agente de la patrulla fronteriza. Siguieron caminando cuando fueron detenidos fisicamente por el agente. La Sra.Gutierrez y su hijo se identificaron como cuidadanos estadounidenses pero el agente aun les dijo "mentirosos." Decidio regresar a su oficina y entregar una queja; obtuvo el nombre del agente y los placas de su vehiculo. Luego observaron el agente dirigirse hacia su hogar, lo cual se lo habian identificado, y decidieron regresar a casa. El agente alego que el "podia entrar en cualquier propiedad dentro de 25 millas de la frontera". Tambien dijo que lo habian trasladado del canada y que debian imponerse a su presencia.

F. ALLANAMIENTO INESPERADO DE COMUNIDADES Y EN LUGARES DE EMPLEO POR AGENTES DE LA PATRULLA FRONTERIZA Y AGENTES POLICIACOS.

CASO: LOS 13 DE VOUGE COACH

FECHA: abril 13 de 1977

DESCRIPCION DEL CASO:
El 13 de abril, 1977, la gerencia de la empresa Vouge Coach, constructor de vehiculos recreacionales localizado en el Valle de San Fernando, California, llamaron al INS para que se llevara a los trabajadores indocumentados. Trece de aquellos trabajadores que apelaron el orden deportivo eran los lideres del esfuerzo de establecer un sindicato en la presa. El caso ha procedido a la corte de apelaciones de trabajadores y el de ser protegido contra ser exculcado y detenido ilegalmente.

PROCESO: Juan Diaz Chaidez

FECHA: 24 de agosto de 1979

DESCRIPTION DEL CASO:

El 24 de agosto de 1979, Juan Diaz Chaidez fue detenido en su negocion en Naperville, Illinois por los agentes de INS de Chicago. Fue interogado por un investigador criminal y obligado a firmar la Forma I-274 autorizando su salida para Mejico y renunciando a su derecho a una audiencia sobre deportacion. El abogado de Diaz Chaide apelo al Distrito de Chicago INS por su practica de rutina de obligar a las personas de origen mejicano a firmar la Formal I-274, autorizando la deportacion y sin derecho a la consulta legal.

CASO: Marcos Espinosa, et. al.

FECHA: 8 noviembre 1979

DESCRIPCION DEL CASO:

Todos los reclamantes son victimas de redadas conducidas ilegalmente por la policia y la migra en el condado Angelina de Texas . El 8 de noviembre de 1979, en el condado de Angelina de Texas , la migra arresto a Juan Antonio Mendoza y Arturo Mendoza sin fianza (esto en violacion del codigo legal de los EE.UU., secion 1325), y en violacion del primer, tercer, cuarto, quinto, noveno y catorce enmiendas, Estas redadas fueron conducidas porque los reclamantes aparecieron ser extranjeros y eran de decendencia latina, esto en violacion del quinto enmienda de las constituciones de texas, EE.UU. Todos los reclamantes fueron negados la proteccion de acuerdo con sus derechos civiles.

PROCESO: Chema Ramos, et al.

FECHA: 26 de diciembre de 1979 a 23 de enero de 1980

DESCRIPCION DEL CASO:

El Senor Chema Ramos, dueno de la Tienda de Descuentos y de Electronicos, declara que durante el periodo del 26 de diciembre de 1979 al 23 de enero de 1980, la Vigilancia de Frontera de Indio fue culpable de abusos poco comunes con "los individuos de aspecto mejicano" que compraban en su negocio y asistian al Teatro Mejicano. El ha documentado quince ocasiones en las cuales fueron violados los derechos civiles de algunas personas. El ha escrito a los senadores Kenney y Cranston protestando.

PROCESO: Camilo Ramos Gallegos

FECHA: 3 de enero, 1980

DESCRIPCION DEL CASO:

Aproximadamente el dia 26 de enero, 1979, un areglamento de trato colectivo fue firmado por Goldmar, Inc, y los empleados. Aproximadamente el mismo dia, el Sr. Gallegos fue empleado como agostero citrico con Goldmar, Inc. Durante el curso de redada entre la propieda de Goldmar, agentes de la Patrulla Fronteriza el dia 31 , 1979, el Sr. Gallegos fue forzosamente golpiado por la espalda con un barrote,golpeado y patiado mientras en el pavimiento. Fue transportado a la oficina de Phoenix, Arizona, entrevistado y encarcelado en Chandler City, donde fue detenido por siete diaz. No se permitio comunicarse con abogado, llamada telefonica, y fue negado asistencia medica cuando solicito el Sr. Gallegos. Despues fue traslado a El Centro, California y fue libre aproximadamente el dia 9 de febrero, 1979. El Sr. Gallegos subsequientmente fue arestado de nuevo y institutaron procedimiento de deportacion contra el. Presentemente el Sr. Gallegos se encuentra encarcelado en Winslow, Arizona y solamente puede comunicarse con su abogado por llamada telefonica por cobrar, y de larga distancia. Camilo Ramos Gallegos peticiono a la corte del districto que prosumera jurisdiccion y que lo transporten a la carcel de Avondale, para falicitar comunicacion con su abogado y que conceda permiso quedarse en Avondale pendiente el resultado del juicio. El demandante se puso de acuerdo de sospender los cargos en ves de un pago de $850.

CASO: Rafael Garcia

FECHA: 29 de Enero, 1981

DESCRIPCION DEL CASO:

Rafael Garcia, mientras trabajaba de cantinero, fue abusado por un agente de la Policia de San Diego y un agente de la Patrulla Fronteriza. Entraron a su lugar de negocio y procedieron a revisar los sanitarios y demandar la identificacion de su clientela. Alegaron que " siendo agentes federales, tenian la autoridad de hacer lo que querian ". Desde Junio 29 de 1981, cada noche, un agente de la Policia de San Dieo y un agente de la Patrulla Fronteriza, se estacionan fuera del bar y revisan la clientela que entra y sale del bar. A las once de la noche, entran y demandan indentificacion de toda la clientela dentro del bar.

CASO: Violacions Inhumanas Contra Ninos, Mujeres
y Violencia en la Frontera

CASO: Violaciones Inhumanas Contra Ninos, Mujeres
y Violencia en la Frontera

FECHA: 11 de abril, 1981

DESCRIPCION DEL CASO:

Herman Baca, Dirigente del Comite de Derechos Chicanos, presento testimonio sobre encarcelamiento de ninos, violaciones contra mujeres, y violencia en la frontera entre los EE.UU. y Mexico.

a. Manolo Alberto. El 13 de junio de 1979 un nino de dieziocho meses, cuidadano norteamericano, cuando se le llevaba con rapidez a los Estados Unidos por razones medicas, se le nego entrada en la frontera por decisiones arbitrarias y precipitadas de parte de los agentes de la inmigracion. El nino murio como consequencia.

b. Mario Canedo. En marzo de 1979, un paciente de cuatro anos, con problemas de corazon que se le estaba tratando en un hospital en los EE.UU. Se le nego visa de entrada multiple y fue demorado por el personal de la inmigracion cuando se le llevaba a un hospital de los EE.UU. en un caso de emergencia. El nino murio en la sala de espera de la oficina de inmigracion.

c. Marta Elena Parra. El 31 de mayo de 1972, Marta Elena fue detenida y violada por un agente de la Patrulla Fronteriza de los EE.UU.

d. Reyes Y Rincon. Dos hombres con nacionalidad mexicana fueron aguiados y balaceados en la espalda mientras trataban de escapar su aprehencion en la frontera.

e. Balderas. En febrero de 1979, un hombre desarmado fue balaceado en los dos brazos por la Patrulla Fronteriza.

f. Zarate. Un joven de 16 anos de edad, sin armas, que cruzo la frontera fue seriamente herido con un tiro desde el helicoptero patrullero de la frontera de EE.UU.

g. Ortiz. El ciudadano de descendencia puertoriquena y americano fue aprhendado sin causa aprobable y fue golpeado hasta tenerlo inconciente para forzarlo a firmar los papeles.

h. Davalos. Una mujer mexicana viajando como turista con visa fue detenida, separada de su esposo, despojada y sujeta a una busqueda de la cavidad vaginal, todo sin hechos que establecieron una causa razonable.

i. Bustamante. Una casa de ciudadanos americanos/mexicanos fue entrada por agentes de la Patrulla Fronteriza sin ordenes legales o causa probable, terrorizando a la madre y a los ninos que estaban con ella.

j. Vasquez. Un ciudadano nativo de los E.E.U.U. fue parado y detenido en el aeropuerto se San Diego, perdio su vuelo, aunque el presento su licencia de manejar, su tarjeta de negocio y otras identificaciones. La unica razon para su detencion fue que parecia ser de descendencia mexicana.

CASO: Luis Arquer

FECHA: Septiembre, 1979

DESCRIPCION DEL CASO:

Luis Arquer, un puertoriqueño y cuidadano de los Estados Unidos, fue detenido por un agente de la patrulla del oeste de Chicago mientras conducia su auto marca Chevrolet del año 1963, en Septiembre de 1979 y se le pido que presentara sus documentos de inmigracion. En septiembre de 1979, otra vez fue detenido por otro oficial de la policia del oeste de Chicago y se le exigieron de nuevo sus paples de inmigracion. Otras tres (3) veces mas el mismo incidente ocurrio mientras se dirigia a su trabajo. Dando prueba con su licen ia de manejar, se le permitio al Sr. Arquer a que continuara su camino. Como resulta de estas acciones por la policia del oeste de Chicago, el Sr. Arquer ha sufrido angustia mental, humillacion y zozobra. El abogado del Sr. Arquer protesto contra est practica rutinaria del departamento de policia del oeste de Chicago de interrogar y molestar a los latinos preguntando acerca de su estado legal de inmigracion.

CASO: Algimiro Gomez

FECHA: Septiembre de 1979

DESCRIPCION DEL CASO:

Algimiro Gomez, mientras que conducia su carro Chevrolet en el Oeste de Chicago, Illinois, fue detenido por una mujer oficial de policia en Septiembre del ano 1979. La oficial le exigio su "mica". El Sr. Gomez entonces le reclamo sobre que derecho tenia en exigirle su documentacion ya que el podia demostrarle que era ciudadano estado unidence. Almiro Gomez sufrio angustia, humillacion, y verguenza. Su abogado reclamo al Departamento de Policia del Oeste de Chicago la costumbre de detener, interrogar y maltratar a los latinos cuando exigen documentos de inmigracion.

CASO: Pedro Cervantez y Juan Lozano

FECHA: 10 de Agosto,1979 y 15 de Agosto,1979

DESCRIPCION DEL CASO:

Pedro Cervantez, ciudadano de los EE.UU., el dia 10 de Agosto, 1979 fue detenido por el Departamento de Seguridad Publico (DPS) y se le pidio que presentara su visa y su certificado de nacimiento. Cervantez informo a los oficiales que era ciudadano de los EE.UU. Le pusieron las esposas y lo llevaron a la carcel donde permanecio tres dias. A Cervantez no le llevaron nunca ante un juez, una corte, ni un magistrado, no se le informo de sus derechos de consulta legal. Juan Lozano, ciudadano de los EE.UU., el 15 de Agosto,1979, paro en la oficina del DPS en Hereford, Texas para pedir informacion, se le ordeno

mostrar el pasaporte y estuvo detenido por dos horas. Lozano fue detenido sin causa probable de infraccion de ninguna ley. Ambos, Cervantez y Lozano, sufrieron humillacion, verguenza, angustia mental y perdida de sueldo a causa de haber sido ilegalmentes arrestados y detenidos por el DPS de Texas. El abogado de Cervantez y Lozano acuso al DPS de una conducta y politica que violaba a los derechos legales de los Hispanos bajo el Cuarto, Quinto, Sexto y Decimocuarto Enmienda de la Constitucion de los EE.UU.

CASO: Alfonso Guzman Hernandez

FECHA: 24 de Julio, 1980

DESCRIPCION DEL CASO:

El Sr. Guzman Hernandez estuvo detenido envuelto en un accidente en Azusa, California el 24 de julio, 1980. Llegando la policia de Azusa arrestaron al Sr. Hernandez por violacion del Codigo Legal de EE.UU. Secion 1325. El Sr. Hernandez todavia esta encarcelado sin fianza. El Sr. Hernandez esta detenido por la Inmigracio porque es supuesto que ie "ilegal".

CASO: Jose Luis Borja vs. Jorge Teague, et.al.

FECHA: 1 de marzo de 1980

DESCRIPCION DEL CASO:

Jose Luis Borja fue detenido el 26 de dicienbre de 1979 en Denver City,Texas por un diputado al guacil del Condado de Lea, al informarse este de gue Borja habis sido testigo en un caso criminal. El senor Borja se halla detenido indefinidamente basandose en que una orden de dentencion es suficiente para retenerlo. El senor Borja alego que su detencion era ilegal porque no habia habido ninguna garantia de arresto. Las leyes de Nuevo Mexico no estipulan la detencion de testigos presenciales de actos civiles y sin que ningun certificado del juez del Distrito de Nuevo Mexico se hubiera publicado permitiendo la detencion de un testigo de fuera del estado por las autoridades en el caso de un crimen. La continuacion de la detencion del senor Borjas violalas leyes de Nuevo Mexico y las leyes federales. El requirio un decreto de habeas corpus para presentarse ante un juez del Distrito y determinar la legalidad o ilegalidad de su detencion.

CASO: Antonio Montes

FECHA: 27 de AGOSTO, 1981

DESCRIPCION DEL CASO:

Antonio Montes fue arestado el 16 de agosto de 1980 por un Sherife del condado de San Bernardino, California, por supuestamente haber conducido su auto en manera descuidada. Fue encerrado en la carcel del condado de San Bernardino. Nunguna demanda fue levantada contra el Senor Montes pero no fue puesto en libertad hasta el 22 de agosto 1980. El Sr. Montes que firmimente

que fue encarcelado por motivo orden de dentencion migratoria por parte de la SIN aun siendo nacido en Buckeye, Arizona. La orden de detencion migratoria fue puesta porque empleados del Departamento de Sherife del Condado de San Bernardino creian que el Sr. Montes era trabajador ilegal. El ha exigido compensacion monetario por haber sufrido privaciones de sus derechos civiles resultando en angustia emocional.

CONTENIDO

I. Declaracion de Proposito

II. Carta para el Presidente de la Republica Mexicana Jose Lopez Portillo y Presidente de los Estados Unidos de Norte America Ronald Reagan

III. Resumen de casos

IV. Categoria de casos

A. Rechazo de servicios medicos para ciudadanos americanos, personas con residencia permanente en los Estados Unidos, y personas sin documentacion.

B. Uso de fuerza mortal por agentes policiacos.

C. Abuso de ninos

D. Infligiento violencia fisica y innecesaria o abuso sobre sospechosos sin documentacion, ciudadanos americanos o con residencia permanente y legal en los Estados Unidos.

E. Violaciones sistematicas de derechos, humanos, civiles y constitucionales.

F. Allanamiento Inesperado de comunidades y en lugares de empleo por agentes de la patrulla fronteriza y agentes policiacos.

G. Ejecucion Llegal de las leyes de Immigracion por agencias policiacas.

H. Otros casos.

V. Recomendaciones

Committee on Chicano Rights, Inc

DECLARACION DE PREPOSITO

NOS HEMOS REUNIDO AQUI EN SAN DIEGO, CALIFORNIA HOY, DIA. 11 DE ABRIL DE 1981, CON EL PROPOSITO DE PARTICIPAR EN EL TRIBUNAL NACIONAL CHICANO SOBRE INMIGRACION Y DECLARAR A TODA PERSONA QUE RECONOCE LA DIGNIDAD INHERENTE Y LOS DERECHOS INNEGABLES DE LIBERTAD, JUSTICIA, E IGUALDAD DE LA RAZA HUMANA, QUE EN DEFENSA DE NUESTRA GENTE CONDENAMOS LAS VIOLACIONES DE DERECHOS HUMANOS, CIVILES Y CONSTITUCIONALES, POR EL SERVICIO DE INMIGRACION Y NATURALIZACION (SIN), LA PATRULLA FRONTERIZA, Y OTRAS AGENCIAS DE EJECUCION POLICIACA ACTUANDO EN DEFENSA DE LAS POLITICAS IRRACIONALES, DEGRADENTES, E INHUMANAS DEL GOBIERNO ESTADOUNIDENSE.

EL TRIBUNAL, ASIGNADO POR MANDATO EN LA CONFERENCIA NACIONAL CHICANA SOBRE INMIGRACION QUE TOMO LUGAR EL ANO ANTERIOR Y DONDE PARTICIPARON 1000 PERSONAS. REPRESENTANDO APROXIMADAMENTE 200 ORGANIZACIONES, HA SIDO ORGANIZADO CON EL PROPOSITO DE:

(1) PROVEER A TODA PERSONA QUE HA SIDO VICTIMADO POR EL SIN/PARULLA FRONTERIZA UN FORO PARA PRESENTAR TESTIMONIO Y CASOS A UN JURADO COMPUESTO POR LIDERES DISTINGUIDOS NACIONALES.

(2) DOCUMENTAR NACIONALMENTE LAS NUMEROSAS MASIVAS VIOLACIONES DE DERECHOS HUMANOS CONTRA PERSONAS INDOCUMENTADOS EN LA

1837 Highland Avenue, National City, CA 92050 (714) 474-8195

SOBRE UN INTERCAMBIO DE PETROLEO NI SOBRE UN SUPUESTO PROGRAMA DE BRACERO."

EL TRIBUNAL NACIONAL CHICANO SOBRE INMIGRACION, EL CUAL ESCUCHO TESTIMONIOS DE LAS VICTIMAS Y TESTIGOS, INCLUYENDO ORGANIZACIONES QUE TRATAN CON CASOS DE BRUTALIDAD COMO LOS SIGUIENTES:

1. ENCARCELACION DE NIÑOS EN CARCELES ESTADOUNIDENSES.
2. NIÑOS SEPARADOS FORZADAMENTE DE SUS PADRES.
3. NIÑOS MURIENDOSE EN LA FRONTERA ENTRE MEXICO Y LOS ESTADOS UNIDOS DE NORTE AMERICA.
4. MUJERES SIENDO VIOLADAS POR AGENTES DE LA PATRULLA FRONTERIZA.
5. INDIVIDUOS HERIDOS Y MUERTOS POR LAS BALAS ESTANDO YA ESPOSADOS.

SEGUN BACA, EL PROPOSITO DEL TRIBUNAL FUE PARA ESTABLECER UNA PERSPECTIVA CHICANA INDEPENDIENTE SOBRE EL ASUNTO DE INMIGRACION, ~~Y FORMULAR RECOMENDACIONES~~ CHICANAS QUE ESTEN EN UN DOCUMENTO QUE SERA PRESENTADO A LOS DOS PRESIDENTES. BACA DECLARO, "NUESTRAS BUSQUEDAS CLARAMENTE DEMUESTRAN QUE LOS INTERESES Y PREOCUPACIONES DE LA COMUNIDAD CHICANA/LATINA DEBEN SER ESCUCHADAS SI UNA POSICION SOBRE INMIGRACION PRETENDE SER DESARROLLADA, DEBERIA BENEFICIAR LA GENTE DE AMBOS PAISES, MEXICO Y LOS ESTADOS UNIDOS DE NORTE AMERICA. UNA DE NUESTRAS RAZONES PRINCIPALES PARA HABER ENVIADO UNA DELEGACION A LA CUIDAD DE MEXICO Y A WASHINGTON, D. C., FUE PARA PRESENTAR UN DOCUMENTO DE 500 PAGINAS QUE REFLEJA LOS RESULTADOS ENCONTRADOS POR EL TRIBUNAL NACIONAL CHICANO SOBRE INMIGRACION. ESTE DOCUMENTO SUBRAYA LA TENDENCIA SISTEMATICA DE DISCRIMINACION Y VIOLENCIA CONTRA PERSONAS DE DESCENDENCIA MEXICANA/LATINA POR EL SERVICIO DE INMIGRACION Y NATURALIZACION Y POR LA PATRULLA FRONTERIZA.

ESTA DOCUMENTACION CLARAMENTE DEMUESTRA LA NECESIDAD DE INCLUIR LA PERSPECTIVA CHAICANA EN CUALQUIER DISCUSION SOBRE EL ASUNTO DE INMIGRACION, SI ES QUE UNA POSICION HUMANA, JUSTA, Y RACIONAL SOBRE INMIGRACION HA DE DESARROLLARSE. BACA CONTINUO CRITICANDO LA

CASO: Gilbert Jasso

FECHA: 3 de Enero, 1980

DESCRIPCION DEL CASO:

Relatos exponen que a las 3:00 de la manana, varios policias del departamento policiaco de San Jose entraron en forma forzada y violente sin orden judicial a la residencia de la familia Lopez. Frank Lopez, 57, Tomasa Garcia, 61, y Angel y Evelyn Ramirez se encontraban dentro de la residencia conversando cuando los agentes policiacos tumbaron a los adultos, los atacaron con macanas luego fueron esposados. Frank Lopez recibio cortadas, moretes, y tres costillas rotas. Tomasa Garcia recibio una muneca rota cuando fue arojada al suelo. El caso fue presentado en corte. El caso fue ganado el 27 de febrero de 1981 por el Lic. Alejandro Contreras. Nombrados en el litigio fueron el Sgto. Robert Grant, Sgto.William Mitchell, y los oficiales Jaime saldivar, David Hendrix, Robert Pine y James Wagner.

TRIBUNAL

APRIL 11, 1981

SAN DIEGO, CA.

RESUMEN

DEL

TRIBUNAL NACIONAL CHICANO SOBRE INMIGRACION

FRONTERA E.E.U.U./MEXICANA Y TAMBIEN LAS VIOLACIONES DE DERECHOS CIVILES Y CONSTITUCIONALES DE MAS DE 20 MILLONES DE CHICANOS/LATINOS EN LOS E.E.U.U. POR LA SIN/PATRULLA FRONTERIZA, DEBIDO A LA POLITICA DE INMIGRACION.

(3) DESAROLLAR UNA DECLARACION CHICANA BASADA EN LOS CASOS DOCUMENTADOS Y EN LAS DECLARACIONES TOMADAS POR LA COMUNIDAD SOBRE LA POLITICA DE LA INMIGRACION Y LA SIN/PATRULLA FRONTERIZA PARA SER PRESENTADA A LOS PRESIDENTES LOPEZ-PORTILLO Y REAGAN.

(4) PRESENTAR LA DOCUMENTACION DEL TRIBUNAL EN LA CIUDAD DE MEXICO, D.F. Y WASHINGTON, D.D., Y OTROS GRUPOS INTERNACIONALES.

ENCLUSION QUEREMOS DECIR QUE ES PROPIO RECORDAR LAS PALABRAS DE OTRO INDIVIDUO QUE FUE OPRIMIDO POR UNA POLITICA SIMILAR A LA POLITICA PRESENTE DE INMIGRACION, UN HOMBRE QUE NACIO BAJO LA ESCLAVITUD Y QUE SE DESHIZO DE SUS CADENAS Y DECLARO LO QUE SE TENIA QUE HACER PARA DESHACERNOS DE LA OPRESION. ESE INDIVIDUO FUE FREDERICK DOUGLASS Y SUS PALABRAS SON LAS SIGUIENTES:

"AQUELLOS QUE PRESUMEN ESTAR EN FAVOR DE LA LIBERTAD, Y SIN EMBARGO DESAPROBAN AGITACION, SON HOMBRES QUE QUIEREN EL SEMBRADO SIN CULTIVAR LA TIERRA: ELLOS QUIEREN LLUVIA SIN TRUENO Y RELAMPAGO: ELLOS QUIEREN EL OCEANO SIN EL TEMOR DEL RUIDO DE SUS MARES. EL PODER CONCEDE NADA SIN LUCHAR - NUNCA LO HA HECHO Y NUNCA LO HARA. ENCUENTRA LO QUE UN PUEBLO SE DEJA SOMETER Y ENCONTRARAS LA INJUSTICIA Y EL MAL QUE SE LE IMPONE AL PUEBLO: Y ESTO CONTINUARA HASTA QUE EL PUEBLO RESISTA CON PALABRAS O CON GOLPES O CON AMBOS. LOS LIMITES DE LA TIRANIA SON PRESCRITOS POR LA RESISTENCIA DE AQUELLOS QUE LA TIRANIA REPRIME."

COMITE DE DERECHOS CHICANOS

PRESENTADO A

RONALD REAGAN, PRESIDENTE DE LOS ESTADOS UNIDOS DE AMERICA DEL NORTE

Y

JOSE LOPEZ PORTILLO, PRESIDENTE DE LA REPUBLICA MEXICANA

POR

HERMAN BACA, DIRIGENTE DEL COMITE DE DERECHOS CHICANOS

EN NOMBRE DE

CHICANO NATIONAL IMMIGRATION

CCR

TRIBUNAL

PANELISTS

RUDY ACUNA
PROFESSOR CAL STATE NORTHRIDGE
CALIFORNIA

HERMAN BACA
C C R
CALIFORNIA

VICTORIA CASTRO
STATE PRESIDENT AMAE
CALIFORNIA

RUBEN SANDOVAL
CIVIL RIGHTS LITIGATION CENTER
TEXAS

JUAN SOLIS
LEGAL CENTER FOR IMMIGRANTS
ILLINOIS

RODOLFO GONZALEZ
CRUSADE FOR JUSTICE
COLORADO

GILBERTO JASSO
NATIONAL OFFICE OF CIVIL RIGHTS
G.I. FORUM

MANUEL LOPEZ
MEXICAN AMERICAN NATIONAL ORGANIZATION
CALIFORNIA

LUPE SANCHEZ
ARIZONA FARMWORKERS
ARIZONA

JOSE "PEPE" MEDINA
INTERNATIONAL CONFERENCE FOR THE FULL RIGHTS OF UNDOCUMENTED WORKERS
U.S./MEXICO

THE CHICANO NATIONAL IMMIGRATION TRIBUNAL WAS MANDATED IN A RESOLUTION PASSED AT THE MAY 24,1980 CHICANO NATIONAL IMMIGRATION CONFERENCE HELD IN SAN DIEGO CALIFORNIA BY THE FOLLOWING ORGANIZATIONS.

AMAE,Southbay San Diego/American G.I. Forum,National, California,& San Diego/AMIGOS, San Diego/ August 29 Chicano Moratorium Coalition / Arizona Farm Workers/Barrio Station San Diego/Bishop Gilberto Chavez/Brown Berets California Statewide MECHA/Centro Adelante Campesinos, Arizona/Centro de Inmigracion,Wash. D.C./ Chicano Health Coalition,San Diego/Chicanos Unidos, Texas/Chicano Park Steering Committee, San Diego/Club Azteca CB Congreso Para Pubelos Unidos,California/Crusade for Justice,Colorado/El Clarin, Chicago/El Movimiento Artistico, Chgo./El Pueblo,Texas/Federation Internationale Desdroits de-el Homme, Paris, France/Voz del Pueblo Farm Labor Organizing Committee, Ohio/Hermandad Mexicana General de Trabajadores,L.A./Hispanic Community Ministry Luthern Church,Arizona/International Chamber of Commerce / National Chicano Moritorium Coalition / La Prensa,San Diego,Stockton/La Raza Legal Alliance,Houston, Texas/La Raza Health Alliance,California/Ladies Pride,San Diego/Las Hermanas, National /Los Perros,Los Angeles/Legal Aid Society,San Diego/ Legal Serivce Center for Immigrants,Chicago/Life Car Club,San Diego/MAPA,Imperial Valley /Mario Cantu,Defense Committee,Texas/MECHA CENTRAL,San Diego/Mexican American National Organization,Los Angeles/ Midwest Coalition in Defense of Immigrants, Chgo./National Federation of Priests/National Lawyers Guild/LULAC NATIONAL/National Mexican American Correctional Association/National Center for Immigrants/ Organizitional Feminil/PADRES,National/Padre Hidalgo Center, San Diego/Dilice of Civil Rights, G.I. Forum, San Jose/MANZO,Area Council Arizona/REACT CB club, San Diego/Bishop Patrico Flores,Texas/Black Berets, San Jose San Diego City College, MECHA/Specials, San Diego/Spanish Speaking Executive Catholic Commission, San Diego, County/Sherman Unidos, San Diego/San Diego Low Rider Car Council/ San Antonio Human Rights Council/ Spanish Speaking Political Association,San Diego/Teatro Urbano,L.A./Tucson Coalition for Justice, Arizona/United California Mexican American Association,California/National Coalition On The Hannigan Case

CCR
Committee on Chicano Rights, Inc

BOLETIN DE PRENSA

MEXICO, D. F. 20 DE ABRIL, 1981

HERMAN BACA, REPRESENTANDO EL TRIBUNAL NACIONAL CHICANO SOBRE INMIGRACION Y SU CUADRO DE DISTINGUIDOS LIDERES CHICANOS SOBRE INMIGRACION, HOY DIA EN LA CUIDAD DE MEXICO SE DIRIGIERON A LOS PRESIDENTES JOSE LOPEZ PORTILLO Y RONALD REAGAN PARA:

1. DENUNCIAR EL ALTO INDICE DE VIOLACIONES DE LOS DERECHOS HUMANOS, CIVILES Y CONSTITUCIONALES DE PERSONAS DE DESCENDENCIA MEXICANA Y LATINA POR LOS AGENTES DEL DEPARTAMENTO DE INMIGRACION Y NATURALIZACION Y LA PATRULLA FRONTERIZA;
2. ESTABLECER UNA COMISION BI-NACIONAL PARA INVESTIGAR ESTOS ACTOS VIOLENTOS;
3. INCLUIR EN DISCUSIONES FUTURAS LAS POSICIONES Y RECOMENDACIONES SOBRE LA INMIGRACION ENTREGADAS POR EL TRIBUNAL REPRESENTANTE DE LOS VEINTE MILLONES DE CIUDADANOS CHICANOS Y LATINOS, RESIDENTES Y TRABAJADORES INDOCUMENTADOS RADICADOS EN LOS ESTADOS UNIDOS DE NORTE AMERICA.

HABLANDO EN REPRESENTACION DEL TRIBUNAL NACIONAL CHICANO SOBRE INMIGRACION, LA CUAL FUE REALIZADA EN SAN DIEGO, CALIFORNIA, EL 11 DE ABRIL DE 1981, HERMAN BACA DECLARO, "EL CASO SOBRE INMIGRACION NO ES NADA MAS QUE UN CASO DE ESCLAVITUD DEL SIGLO VEINTE (XX) POR EL ALTO INDICE DE VIOLENCIA Y VIOLACIONES DE LOS DERECHOS HUMANOS, CIVILES Y CONSTITUCIONALES." BACA DECLARO A LOS PRESIDENTES LOPEZ PORTILLO Y REAGAN UNA REALIZACION "DE ESTABLECER UNA POLITICA HUMANA, JUSTA, Y RACIONAL SOBRE INMIGRACION, COMO PRIMERA PRIORIDAD EN EL ENCUENTRO QUE TENDRAN LOS DOS PRESIDENTES." BACA, PRESIDENTE DEL COMITE PRO-DERECHOS CHICANOS RADICADO EN SAN DIEGO, CALIFORNIA, EXPRESO SU INQUIETUD SOBRE LOS ASUNTOS DE INMIGRACION Y EL PETROLEO, LOS CUALES SERAN DISCUTIDOS EN EL ENCUENTRO POSTERIOR ENTRE LOS DOS PRESIDENTES, Y AGREGO QUE "LOS VEINTE MILLONES DE CHICANOS Y LATINOS RADICADOS EN LOS ESTADOS UNIDOS DE NORTE AMERICA NO ESPERARAN NI TOLERARAN LA EXPLOTACION DE LOS DERECHOS DE NUESTRA GENTE, SEAN INDOCUMENTADOS, DOCUMENTADOS O CIUDADANOS,

1837 Highland Avenue, National City, CA 92050 (714) 474-8195

Antonio Quedo Sosunaga.
tel = 3-21-00 Colegas.
Periodico Noroeste
Revista Proceso.
Miguel Hidalgo 1020 B. O/E. Col. Las Vegas.

Ralph ✓
426-9970

1569
Skyline Dr.
C Vista

Ben Miranda
Chicanos Law Students
C/o A.S.U. Law School

Tempe Az.
109 W. Chambers
Phx, Az. 85,081

Home