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TREASURY, POSTAL SERVICE, AND GENERAL GOVERNMENT APPROPRIATIONS FOR FISCAL YEAR 1973

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HEARINGS

BEFORE A

SUBCOMMITTEE OF THE
COMMITTEE ON APPROPRIATIONS
HOUSE OF REPRESENTATIVES

NINETY-SECOND CONGRESS

SECOND SESSION

SUBCOMMITTEE ON THE TREASURY, POSTAL SERVICE, AND
GENERAL GOVERNMENT APPROPRIATIONS

TOM STEED, Oklahoma, *Chairman*

JOSEPH P. ADDABBO, New York
EDWARD R. ROYBAL, California
LOUIS STOKES, Ohio
TOM BEVILL, Alabama

HOWARD W. ROBISON, New York
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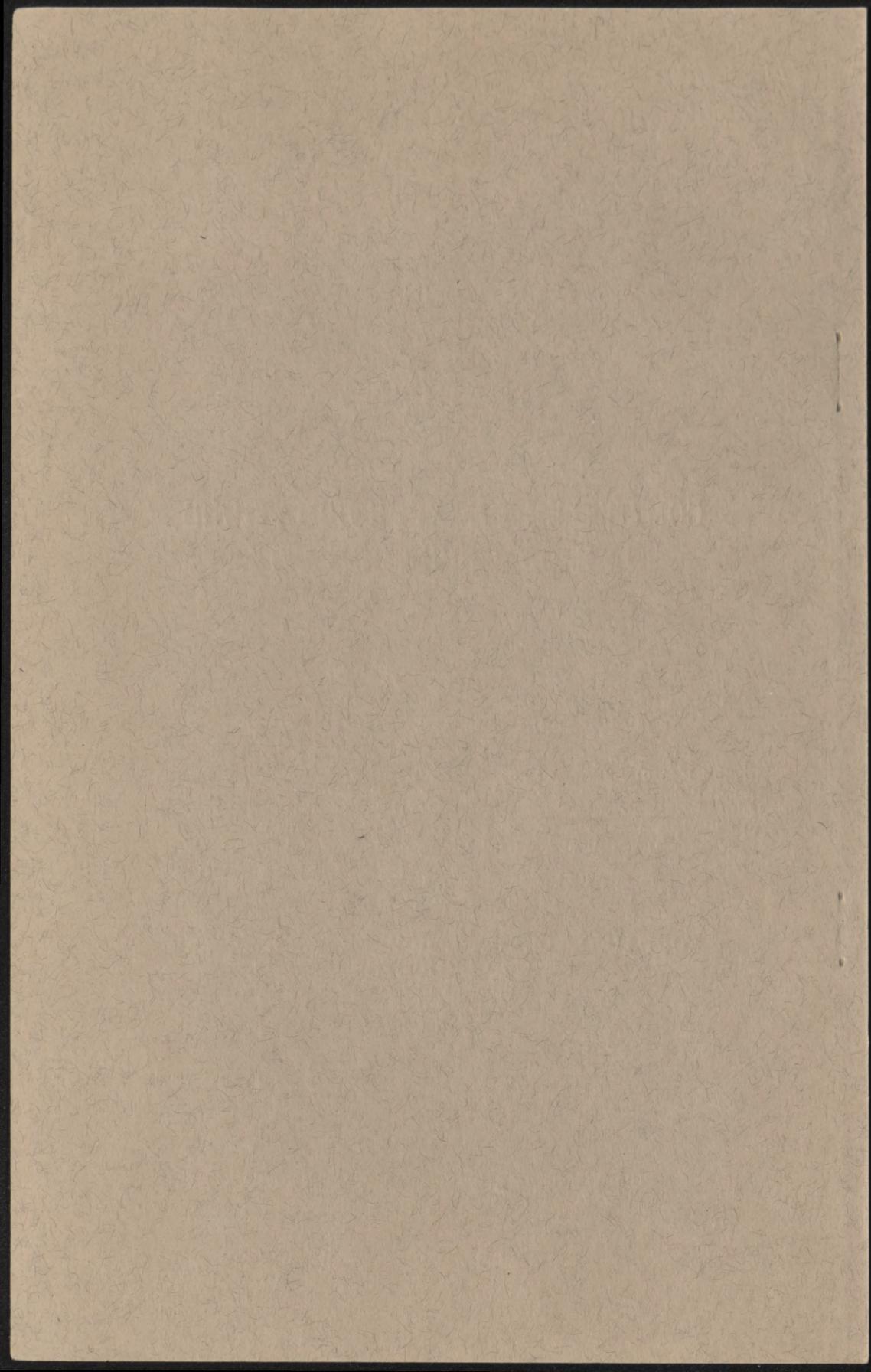
Part 5

BUREAU OF CUSTOMS BORDER INSPECTION
PROCEDURES



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FOR FISCAL YEAR 1973

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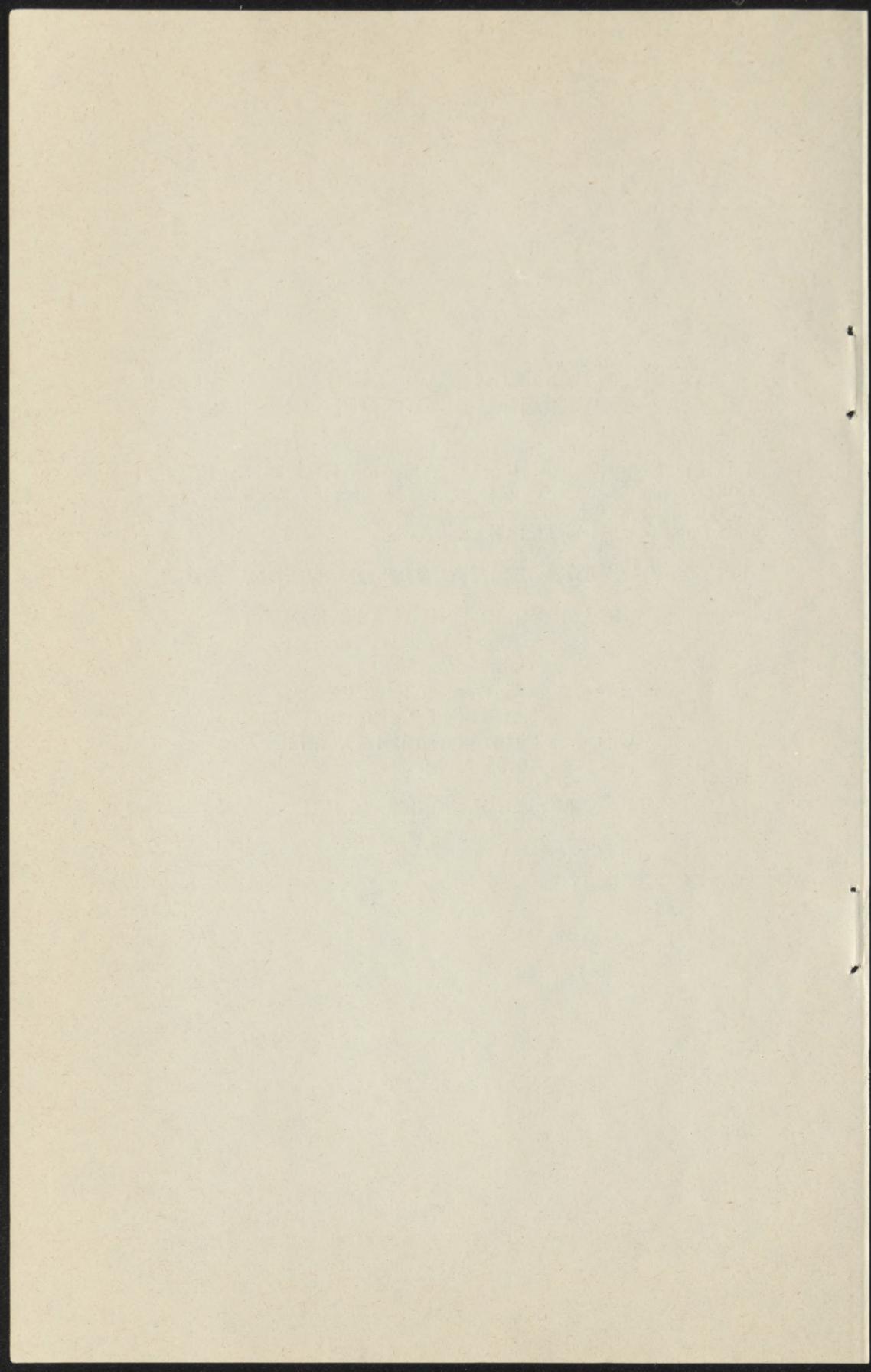
**HEARINGS PERTAINING TO BUREAU OF CUSTOMS
BORDER INSPECTION PROCEDURES**

Appearances: Congressman Edward R. Roybal (Democrat, California); Congressman Donald W. Riegle (Republican, Michigan); Congressman Lionel Van Deerlin (Democrat, California); Aubrey A. Gunnels, staff assistant, Committee on Appropriations. Interpreters: Pat Moranville, and Gabriel Arce.

REPORTER'S TRANSCRIPT OF PROCEEDINGS

**Held at: United States District Court
Second Judicial District
Courtroom B-2
325 West F Street
San Diego, California 92101**
**On: Saturday, April 29, 1972
10:00 A. M.**

Mirjam E. Malbin, C. S. R.



BUREAU OF CUSTOMS BORDER INSPECTION PROCEDURES

SAN DIEGO, CALIF., SATURDAY, APRIL 29, 1972, 10 A.M.

Mr. ROYBAL. Ladies and gentlemen, we thank you for your attendance. As you know, this is a Committee hearing; a hearing of the Subcommittee on Treasury, Postal Service, and General Government of the House Appropriations Committee. We are here to look into alleged mistreatment of people crossing the border by Customs Inspectors and other employees of the Federal Government.

It will be the responsibility of this Committee to examine testimony very carefully, and then to make recommendations to the whole Committee and to the Congress of the United States. Those recommendations, of course, would be based on a thorough study of the situation, the examination of facilities, and other things that have to be done, and we hope that the Subcommittee will have a report to make to the full Committee within 30 days. As you know, whatever action is taken by the full Committee is not determined by the Subcommittee, but our job, we hope, will be completed within 30 days, and a report will be given the general public.

Now, as a member of the Subcommittee, I have the pleasure of presenting to you Congressman Don Riegle to my right, who comes here all the way from Michigan. I hope he appreciates the good weather that we have here in San Diego. And then we also have, not a member of the Committee, but he will be extended all the courtesy of the Committee, the Congressman for this area who is doing an excellent job in Washington, Congressman Van Deerlin, who is to my left. Then immediately to my right is the man who masterminds the whole thing. He is Mr. A. A. Gunnels, the clerk of the Committee, and without whose expertise we would not be able to function.

I would like to have all the witnesses please stand at this particular time so we can know who they are, and Mr. Gunnels will administer the oath.

Mr. GUNNELS. Will those persons who will be witnesses please stand and remain standing for just a moment, all witnesses, if you please?

(Whereupon various members of the audience arose.)

Mr. GUNNELS. Would you raise your right hand?

(Whereupon the clerk duly administered the oath, and such was interpreted by the interpreter, Mrs. Moranville.)

Mr. GUNNELS. Do you swear that the testimony that you are about to give will be the truth, the whole truth, and nothing but the truth, so help you God?

The WITNESSES. I do.

Mr. GUNNELS. Please be seated.

Mr. ROYBAL. Ladies and Gentlemen, we're going to try to follow a regular schedule, and the first person that is scheduled to make a presentation is Mrs. Georgette Pierson. Will she please take the stand.

Mrs. Pierson, I think you come in this way.

(GEORGETTE PIERSON, having been previously duly sworn, took the stand and testified as follows:)

Mrs. PIERSON. Oh, sorry.

My name is Georgette Pierson. I refer this testimony on behalf of my daughter, Carolyn Elizabeth Beverly, now 21 years old; residing 80 Porter Road, Apartment 6, Cambridge, Massachusetts.

In the summer of 1970, herself, her friend, Marisca Guevara, an American, black girl of 22, working at Walker Scott at La Jolla, and two young Mexican men, one student in San Diego, by the name of Raoul Gamara, left to spend the day in Tijuana. On their return in the evening they were ordered by Customs Officers to get out of the car, and to surrender the keys in order for the car to be searched.

I spoke with my daughter yesterday on the phone, and she said a yellow sticker was put under the windshield, and the car was in the—they were ordered to put the car in the surcharge area. The Custom Officer took everything apart, the glove compartment, the seat. The trunk was searched, and a box of chocolate was thrown on the floor. Then the young women were taken by a matron and ordered to strip. Then their underwear was searched. They were told to bend down with their legs apart and their vaginas and rectum were checked with a flashlight.

The black girl said to the matron, "Don't you think this is terribly embarrassing?" and the matron said, "Oh, no, I don't think so."

They were detained about two hours. Later on the young man, Raoul Gamara, the owner of the car, was told to move his car away, and he told the officer, "I do not have the keys, you do," and the officer said, "No, I don't. You have the key. Move the car"; and they got a little upset, and the men were grabbed by the hair, and the car had to be abandoned.

I asked Mr. Gamara to complain to the Mexican Consulate, and I don't know if he did, but several weeks later he was advised that his car had been returned to Mexico.

My daughter says her pocketbook was checked; her letters were read; and she had a little box with white tablets, and the matron said, "What's that?" and my daughter answered, "Oh, this is only aspirin"; and my daughter said that she could see that the matron wrote on the notes "Suspicion of narcotics." Then we never heard of anything, and they didn't have narcotics or anything.

Mr. ROYBAL. Are there any questions on the part of any member of the Committee at this time?

Mr. RIEGLE. Yes.

EXAMINATION

By MR. RIEGLE:

Q. I would like to ask you, was there anyone else present at the time that this examination took place; was it just the two girls and the matron or was there anyone else there?

A. I don't think—I don't know, sir. I wasn't there. I don't know. She told me the matron was about, you know, 50, and she wasn't touched.

EXAMINATION

By Mr. ROYBAL:

Q. She was not touched by anyone?

A. Not touched; no, sir.

Q. But a search was made by means of a flashlight?

A. That's right.

Q. Were they at any time told that they were under arrest?

A. No, not at all; not at all.

Q. They were not under arrest?

A. No.

Q. But they were taken to an examination room where this examination was conducted?

A. That's right. My daughter said it was a very humiliating experience; and I said, "Why do you think they did that?" and she said, "Well, I had long hair and blue jeans, and my friend was black, and my friend was Mexican—looked like counterparts to the drug culture."

I have three teenagers. I am terribly worried about this. I think punishment belongs with the courts, not with the Custom Officer.

Mr. ROYBAL. Is there anything?

Mr. RIEGLE. Yes.

EXAMINATION

Mr. RIEGLE:

Q. Now, was this the only time she had gone across the border like this, or did she make frequent trips this way?

A. No, I think that's the only time, unless she didn't tell me at all, but I think she was not.

Q. This was not a normal practice, to go back and forth?

A. No, not at all; just to spend a day in Tijuana.

Mr. RIEGLE. That's all.

EXAMINATION

By Mr. VAN DEERLIN:

Q. Where did you say this notation, "Suspicion of narcotics" was written by the agent?

A. On her notes. The matron probably had to write down the name; and my daughter said she wrote "Suspicion of narcotics."

Q. She could see the matron write, "Suspicion of narcotics"?

A. Oh, yes.

Q. Although there was no narcotics?

A. No, not at all. I suppose they had to justify the search.

EXAMINATION

By Mr. RIEGLE:

Q. May I ask again, how long was your daughter detained from the time they arrived?

A. About two hours.

Q. Then they were allowed to go. How were they able to go if they didn't have the car; did they take the bus?

A. Hitchhiking.

Q. She had to hitchhike?

A. Oh, yes. She came back about 11:30, and she said, "Mom, you never guess what happened to us."

Mr. ROYBAL. Anything else?

Mrs. Pierson, I would like to thank you for testifying. I understand you came from a sickbed in order to testify. We appreciate it. That's the reason we had you testify before anybody else.

Mrs. PIERSON. Thank you.

(Whereupon the witness stepped down from the stand and was excused from the proceedings.)

Mr. ROYBAL. Now we would like to hear from Mr. Albert Garcia.

Mr. GARCIA. Thank you.

Mr. ROYBAL. Mr. Garcia?

(ALBERT GARCIA, having been previously duly sworn, took the stand and testified as follows:)

Mr. GARCIA. Mr. Chairman, Honorable Members of Congress, we are gathered here today to give light to a bad—to impel the bad things as far as the manpower personnel procedures that is conducted by the bureau of our customs which is happening at the San Ysidro port of entry which involves beatings, maltreatments, despotism, and illegal searches, and lack of communication from the part of the officers in charge, and most of this is happening to the Mexican-American community and now has become an international abuse against our neighbors.

We had witnessed many kinds of abuses from the Customs Department, for instance, the Puella case, the Viesca case, and many female abuses that this Department has encountered without mercy at all. We have seen the unhuman attitude that inspectors who work for this agency have, and with no mercy step on the rights of the people, violating civil and God-given rights that have been given to us as citizens, taxpayers, and people that we represent. We have seen to protest makes it worse because to this Department all people that cross that border are smugglers, traffickers and pushers. They have no mercy on mankind. To them 99 per cent of the people that cross that border have something to smuggle. To them the female searches that are conducted without the necessary sanitary facilities and the embarrassment that young ladies and old ladies go through in spite of the Mexican culture does not mean a thing.

We are asking today for the investigation of this Department. What this Department is hoping on is for better educated personnel in the understanding of human action. We believe that bilingual agents should be established, and the necessity for that politeness and good training should be explored; that good evaluation of people should be determined by all personnel that works for this agency; that all kinds of aggression should be stopped.

For example, not too long, gentlemen, three buses that were transporting school children in the ages of eight, nine and ten were submitted through a thorough search by Customs and detained there for three and a half hours to see if these children had concealed drugs in their bodies or pockets. This, gentlemen, is going too far. When a license plate number is telephoned to this Department, this agency should make a good evaluation of what kind of person they are going to deal with to see that the individuals there are going to—that they have described a good, honest-working citizen; to check thoroughly before jumping to conclusion; to be honest in their thinking, and not just to harass people.

Therefore, gentlemen, when you have a long train of abuses, it is time that you, who represent the rights of this great country, hear out the people to testify in which they themselves have practiced from a day-to-day basis. Let's be honest about what you will hear today so that you can evaluate your recommendation when you hear out the people's own experiences with this agency.

This is why government agencies are so far from the people. They do not care what happens to the people. This is why I believe that very—this is why I believe very strongly that our Constitution has been completely violated, and it will be up to you gentlemen to prevent the edge of our country from becoming a star spangled land. Thank you, gentlemen.

Mr. ROYBAL. Mr. Garcia, would you remain just a moment?

EXAMINATION

By Mr. ROYBAL:

Q. I'd like to establish first of all—

A. Yes, sir?

Q. The agency with which you work, whom you represent?

A. I'm Albert R. Garcia. I'm President of the South Bay Neighborhood Corporation.

Q. Is that a—

A. A delegate agency to the Office of Economic Opportunity.

Q. Thank you. Now, with regard to the children that you mentioned—

A. Yes. About a week and a half ago, Mr. Chairman, it was reported to me by reporters from the Mexican side that three buses were detained for three and a half hours at the port of entry when they were transporting them to the San Diego Zoo, and they detained them for three and a half hours to check them out if they had concealed drugs or anything to smuggle in their pockets.

Q. Was a body inspection made; do you know?

A. Apparently there was. I could not verify this through the lack of communication from the Department of Customs, but I tried to do this.

Mr. ROYAL. Mr. Riegel?

EXAMINATION

By Mr. RIEGLE:

Q. I'm wondering—now, this isn't a question within the Subcommittee, but I'm wondering if records are kept of activities of that kind; if a bus was stopped on a given day and a search was made, and so forth, if there would be records in the Customs Department, and I pose the question because I want it on the record, and I would hope that—if you can give us approximate dates on that, I think it would be useful for the Subcommittee to make an inquiry and to see if we can find if there's any formal record.

A. I will check the time and day exactly for you, gentlemen, and I'll send it or give it to Congressman Roybal.

Q. If you would do that I think it would be useful for us as a cross check against what record keeping is done with respect to situations as this.

A. I tried to find out, but as it's publicly known, Customs will not cooperate. They will not give out any information. They will not say a thing. It's impossible.

Q. I'm also wondering—you've indicated your own professional situation at the moment in terms of your own job; has there been a group of citizens formed to actively lodge protests against what's been alleged here so far today?

A. Yes, there is, Congressman. There is all the Mexican-American organizations which have gotten together behind me to protest against these abuses that have been taking place for many years, not just six months or so. It's been going on for many years.

Q. The reason I ask that—are you speaking also in another capacity as a group leader for the—

A. I am speaking as a group leader, and as a leader of my community, and as a citizen that I'm trying to stop these type of abuses because they get these complaints every day. If it's not from Customs, it's from Immigration, but it's the same hassle, the same situation on a day-to-day basis.

I live about ten blocks away from the border. I have an office—I'm an immigration consultant, and people call me on the different matters. We could have had more witnesses to testify today, gentlemen, but they are afraid. They are afraid to come and say what has happened to them. Most of the ladies are embarrassed to give testimony of what really has happened, but most of them are here present today at my request because they want to see this stopped. They have been humiliated, and it's a terrible situation that I, myself would not like this to happen to my wife one of these days when she crosses that border.

Q. May I also ask you; are we talking about one border crossing station or are we talking about several different border crossing stations?

A. Well, I understand—

Q. Can you familiarize me with where—can you localize the problem for me in terms of where in your knowledge it's been occurring?

A. Well, I think the problem has gone all through the Mexican border, but Tijuana and San Ysidro; the Tijuana and San Ysidro border. Since it's the most people that cross that border every day, every weekend, I think the trouble has gotten down to a point that the Tijuana and San Ysidro border is the most bothered by this agency. I am not aware thoroughly if the other borders have had this type of a problem.

Mr. RIEGLE. That's all for me, Mr. Chairman.

Mr. ROYBAL. Mr. Van Deerlin?

EXAMINATION

By Mr. VAN DEERLIN.

Q. Mr. Garcia, you mentioned a requirement for better training of agents and for a requirement that they have a bilingual understanding. Do you think that perhaps a higher percentage of agents of Mexican descent would be helpful in meeting this problem?

A. Yes, sir. I think it would be a good alleviation of the problem if you have Mexican-American agents or inspectors to work, and better trained. As you see, it's not—

Q. I think we found that the fewer than ten per cent presently at this border station are of Mexican descent.

A. That is correct. I think it's less than ten per cent. I don't think it goes up to one per cent or two per cent.

Q. Well, yes, I think there were about nine in the Border Patrol and a lesser number of Customs agents.

A. Immigration has one, and one Puerto Rican, and Customs I think have about two or three of them to my knowledge; I don't know.

Mr. VAN DEERLIN. I inquired, and I do have the figures—not with me today—but I think it's uniformly low, but somewhat better than that.

Mr. RIEGLE. Mr. Chairman, do we have any data or—

Q. Do you have any data as to the number of people that would cross that border at any point either way; the percentage that would be Spanish-speaking people?

A. Well, I think it would have to be 99 per cent of a percentage that cross that border on a daily basis that are Spanish-speaking; and I'll just brief you on a little—on an incident here. The other day they stopped a Mexican boy who was a citizen of this country, but he cannot speak English, and they arrested him. They wanted to beat him up. They wanted him to talk English because he was an American citizen, and the man could not talk English.

Q. What percentage—if we use your per cent for a moment, that 99 per cent would be Spanish-speaking, what proportion of that 99 per cent would be bilingual; in other words, how many would just speak Spanish, for instance, would you say just as a per cent?

A. Oh, I would say 40 to 45 percent would speak only Spanish approximately, yes.

EXAMINATION

By Mr. ROYBAL.

Q. Which highlights, in your opinion, the reason why Spanish-speaking personnel should be made available at the border?

A. Yes, sir; very definitely.

Q. I think you testified it was less than ten percent. I agreed with you.

A. That is correct.

Q. We have been inquiring into the ethnic composition of Customs and other departments of government, and we find it shocking. For an example, of all employees in the government in the United States only 2.9 percent have Spanish surnames, not all necessarily of Mexican descent. We also find that in other departments, for example, in AID, which as you know is a government agency that spends billions of dollars in the foreign aid program, that there are only 49 Spanish-speaking persons throughout the world. One can also look with amazement at the fact that people in the Employment Opportunities Commission, which is entrusted by the people of this nation to see to it that at least civil rights are maintained, that they too have a discriminatory policy with regard to Mexican-Americans, and that their percentage is in the neighborhood of 6.7; which incidentally is better than 2.9, but still not enough; and we go on and on and on. So this problem you talk about is not only something that happens at the border. I think it is mostly the problem of the United States.

We thank you very much, Mr. Garcia.

Mr. GARCIA. Thank you, sir.

Mr. ROYBAL. I'd like to hear from attorney Steven Hardwell. Is he available?

Mr. HARDWELL. Yes.

(STEVEN HARDWELL, having been previously duly sworn, took the stand and testified as follows:)

Mr. HARDWELL. I have by chance Marshall McLuhan's *Understanding Media* with me. I don't know whether that's apropos or not by reading material of today.

My name is Steven Hardwell. I'm an attorney for Legal Aid in San Diego. I've been an attorney here for two years. Previous to that I was in the Peace Corps. I spent five years in Kenya, and two and a half in Colombia. So my last seven years have been basically working with poor people here and around home; and although I'm far from being bilingual, I have a working understanding of the Spanish language which enables me to speak with my Spanish-speaking clients; and I would like to use five minutes of your time to set out certain findings which I think I can state from my personal knowledge and experience.

The first thing I'd like to touch on is the dimensions of the problem; whether it really is a problem. I think the first thing that strikes any legal services attorney is that what hits the poor is not individual versus individual but institution or organization versus individual. Probably the most—well, not exactly—the United States is mere welfare, where the litigation has been tremendous, as you all know. If you look to the area of Immigration and Customs, you find that there is no similar pattern of litigation, and one asks why not; if there's really a problem, why not?

Well, I'm convinced there is a problem. I'm also convinced there are good reasons why we have not seen—as told perhaps this morning—the kind of criticism aimed at Customs and Immigration which should have been aimed a long time ago. The first reason that I would see hindering the kinds of criticism is the kind of people themselves that we're talking about that are being abused. These are basically what I would call "compasino" people, a lot from the interior of Mexico. They are used to a hard life. They are used to taking things on the chin and letting the punches roll off if they can, and they simply do not make strong criticism. They simply do not defend themselves as they should.

I speak not only in the area of immigration, but in welfare. I found in my own personal experience, specifically, a Spanish named individual with a welfare problem doesn't come to our office until she's got to. The hearing date has been set for her hearing, and then at that time she comes in. The Mexican, Spanish-speaking people, Spanish surname people from my experience in this community simply do not complain.

Okay, the second thing that has reduced or muted the criticism is that they're afraid. Mr. Garcia spoke that some of the people were afraid to come down here today. I have found that universally all of the Spanish surnamed clients that I had believe that they're making some kind of a complaint about anything was going to threaten their status here in the United States. They were afraid to complain about a welfare problem for fear that they were going to be thrown out

of the country. They were afraid of juvenile rights problems of their kids for fear they were going to be kicked out of the country. I had a client who was in an automobile accident, and he wanted me to settle the case out of court because he was afraid if he lost he would be kicked out of the country. This may sound incredible, but I have found from my own experience that I have worked with, and this is true.

Okay, three. I started about July or August of last year simply inquiring on my own behalf among clients who came in with any kind of a problem, if I felt from conversation they were people from across the border. I simply started asking them if they had had border incidents, and I found as a kind of a rough tabulation that at least half had personal—had some kinds of event in their life crossing the border which they should have complained about. I'm talking about the kinds of things Mr. Garcia has talked about. I'm talking about licenses, driving licenses, being taken from them; identification cards being taken away from them; crazy things like a box of chocolate, that he referred to, those kind of things, things that seem to have no relationship to smuggling or anything of those kinds of things from them; being held up without any explanation as to why they're being held up; searches with no reason given as to why a search was necessary; in some cases pushing around or physical abuse which I think we're going to hear more of today.

Okay, so I found that (1) people are afraid; (2) they're long-suffering; that (3) they have almost universal complaints of some kind, personal complaints on their own behalf.

I would base these statistics on the following: I saw when I was in San Ysidro between 100 and 120 clients a month, and I would make an estimate ten per cent of those clients were border crossers. At least they cross it on a twice a week kind of basis, and so that's the population that I'm trying to make my basis—that I'm basing it on. That's the dimension of the problem.

The second thing I wanted to touch on was the remedies; in this case, the lack of remedy. After talking with them, if they ask me what I could do about the problem, I tell them I couldn't do anything. There is, to my knowledge, being a lawyer, no simple remedy of any kind to try to rectify these kinds of complaints. First of all, they can't really turn to Legal Aid. We have 19 attorneys, and we represent an estimated 220,000 poor people in the county of San Diego, and border crossers make only a small percentage of that 220,000 people. As a result of our heavy case load, we attempt to concentrate on those areas where we think we could do the most good, and Immigration and Customs has not been an area where we can do any good. So as a result we don't have any expertise because we don't do it. There is very little national kind of backing in the area such as you have in welfare, juvenile rights, school rights, et cetera. There is no resource we can go to for help. The third problem is you always have a language problem. There's two attorneys and myself on our staff that speak Spanish. The others don't; and as you all know, when you're attempting to get testimony through an interpreter, the same is time consuming. The same is on the private bar. There are roughly 1,600 private attorneys in the county of San Diego. There are, to my knowledge, three attorneys who are members of a national immigration bar. Again, to my knowledge, those attorneys typically asking in the area of

\$1,000.00 retainer to represent somebody. With that kind of a retainer staring you in the face, one is not apt to file too many complaints. Again, the private bar lacks the same kind of expertise that we do because they don't engage in this type of problem to know what we're doing.

Our other problem as attorneys is we don't have any forum. We have a complaint; we don't have anywhere to take it. There's no welfare, juvenile; there's no benefits hearing. There is no kind of a forum available where one can take any type of a complaint. You're left with making what is typically an idle telephone call asking something to be rectified, and I'm sure one of you have been on one side or the other from one of those phone calls, and typically nothing ever results from it.

And that brings me to the third point, and what I think should be the responsibility of your Committee. If anything is to be done, it's going to have to be done through some kind of Congressional action. The courts have said Immigration and Customs is a creature of the Congress and not something the courts are to be involved in, and there is a proposal this morning, and I think it has 13 points on it which I would strongly back as to what kind of action this Committee might recommend, and I would go on record as being strongly in support of that proposal.

I'd like to add as one other point, a little while ago you were asking about statistics, available statistics on the border. I believe you were asking how many crossed and language, and things like that. There is a study called "Border Crossers" prepared by Trans-City at the request of a Congressional committee about two years ago, and that has excellent statistics in it, and your Committee could draw on that for help.

EXAMINATION

By Mr. ROYBAL:

Q. Mr. Hardwell, are you acquainted with Title 19 of the U.S. Code?

A. In a vague kind of way. I couldn't speak on it.

Q. You could not speak on it?

A. No.

Mr. ROYBAL. I'm sorry, that's all.

Mr. Riegle?

EXAMINATION

By Mr. RIEGLE:

Q. Well, first I appreciate your coming in today and sharing these observations with us. I'm wondering if you had occasion at any time to try to take any case or any incident up with Customs officials on any level; in other words, have any of your clients asked you to do that or has there been a case where you've tried to do that?

A. I've had three or four I handled informally. We've had three or four that I handled informally, the Cuevas matter.

EXAMINATION

By Mr. ROYBAL:

Q. Describe that a little for me. I'd like to know what you tried to do in the past and what you met with.

Mr. HARDWELL. (To Mr. Garcia:) Al, is there going to be a presentation on Mr. Cuevas?

A. It would be better in a way not to do that.

Q. Someone is scheduled for that?

A. Frankly, I rather not talk about that particular case because that's mine, but the things that I could tell you about as a lawyer regarding that case, without getting into the facts of it are that you come under the Federal Tort Claims Act immediately, which keeps you from suing the government—so called deep pocket, the people who perhaps have got the money to pay for damages. That's the first thing you run into as an attorney. The other thing you run into as an attorney is the bewildering array of being passed around from office to office without having—without knowing what you're doing.

EXAMINATION

By Mr. RIEGLE:

Q. You have personally contacted Customs officials to launch complaints?

A. Yes.

Q. In specific cases?

A. Uh-hum.

Q. And have all those been unsatisfactory?

A. No. One guy got his driver's license back. I don't know how he got it back, but he got it back.

Q. He had a good lawyer.

A. He thinks I did it. I don't know who did it. I got an apology, informal apology, one time; but I mean that's what I'm talking about. There's nothing more dramatic than that.

Q. I think you make a good point with respect to the fact there are are no very clearly finished procedures and ways in law on which you can seek remedies. I'm wondering in areas where you've approached the Customs people with complaints of people, has there been a responsiveness on their part to help you out?

A. Number one, I'm a Gringo, and number two, I'm a lawyer. People are always going to think lawyers are going to do something, so I'm typically given respect wherever I go on those two criteria. However, I can't get any information. I get no information politely.

Q. So basically those inquiries you've made have been—with the exceptions of the two cases you've cited, I mean—have been quite unsatisfying?

A. Let me give you an example. In the Cuevas matter I asked Customs who was working that night, and they said, "I can't tell you that," and that seems to be a rather basic question.

Q. Well, I just want to make a suggestion. I'm making it personally, and I'm not speaking for the Subcommittee. I'll have them correct me on that, but as a member of Congress I'm here to see whether you get a fair disposition, or whether you get the run-around, or whether you get things settled. So I would like to suggest to you until such time procedures are changed that you pursue this through every channel, and that if you find that you're not getting straight answers or getting the run-around anywhere in the Customs Bureau, I would personally like to know it; and if I find that out, having now gotten involved in the program, I'll get answers myself. I don't want you to feel you're

alone in this, and no one in the room should feel they're alone, because you're entitled to this information and the facts, and you have to, I think, insist on getting that. So if you have difficulty, I would hope you would feel free in the future to contact this Committee because we have now entered this problem and we're going to stay with it until some remedies are forthcoming; and as I say, I'm available personally despite the fact I might come from the state of Michigan. I would be interested in hearing any specific case where you feel you're being denied reasonable information, and I will see if I can get that information myself.

A. That's very good of you.

Mr. ROYBAL. Mr. Van Deerlin?

Mr. VAN DEERLIN. Mr. Chairman, of all the Congressmen, this is one Congressman that has interest in the case. I especially appreciate the feelings of the gentleman from Michigan, who is one of the most concerned and most respected Members of Congress on each side of the aisle.

I would like to add, since you have referred to people who are afraid that if they testified here today there might be repercussions in future relations with government personnel in regard to the border, that any witness today who has any reason in the future to believe he's being—his rights are being infringed upon or any kind of discrimination is growing out of the testimony he's given today, I hope you won't hesitate to get to any Congressman, who will move on it, I assure you.

I feel with you, to get to the bottom of these facts; who was involved; what took place.

EXAMINATION

By Mr. VAN DEERLIN :

Q. To refresh my recollection, was it in the Viesca case or in the Cuevas case that the final solution was the transfer of the agent involved in the alleged brutality to a station elsewhere in the country?

A. I can't answer that.

Mr. HARDWELL. (To Mr. Garcia :) Was it in the first case?

Mr. GARCIA. Pardon?

Mr. HARDWELL. He was asking me about the transfer of the Customs inspector. He was asking on what case that was.

Mr. GARCIA. Oh, yes, he was promoted. After he beat Mr. Cuevas, he was promoted to another post and given another job.

Mr. VAN DEERLIN. Is it established he was transferred; is it established he was transferred; is it established that was a promotion?

Mr. GARCIA. Well, he was promoted; and on the Cuevas case they gave him a three-day suspension and they raised his salary, I think.

Mr. VAN DEERLIN. Everything but an oak leaf cluster.

Mr. GARCIA. And they're still vacant.

Mr. ROYBAL. Mr. Hardwell, I think you can be sure this Committee is very serious about this hearing. I can assure you nothing is going to be whitewashed, and I can assure you this Committee is going to follow through in everything we hear here today, and this Committee will make appropriate recommendations and then see to it those recommendations are backed.

Mr. HARDWELL. Thank you.

Mr. RIEGLE. If I may, before you leave the witness stand, I'd just like to add to the remarks I made earlier and I think this is an appropriate time to do it in the way of a general statement, and that is, I think, what is developing here so far in the pattern of testimony is that there are cases where there is insensitivity. We know in the United States in the past we've had a problem right from the beginning of our country with racism and with people not in very many cases being treated equally and being given their full and equal rights. We know that's wrong when it occurs, and I just want to say in the most forceful way the reason we're here is because we're very troubled about the fact that any American should feel a sense of fear or a sense of discrimination, and that has to stop in this country.

So what I would hope is, and what I would appeal to with everyone in the room, whether they're a witness or not, is that we not let ourselves be made afraid or that we not be repressed or put down in such a way that rights are taken away that belong to people. And there is a feeling within the Congress—I happen to be a Republican, and I happen also to oppose the war in Vietnam. Many times I get repressed by other Republicans, but I feel that way; but just as I have to resist that, you have to resist these pressures too, and I think it's very good that you're here today and that you've come forward physically to let us know how you feel about these things; but I think the only way these inequities are going to get settled is if you stand up for your rights, which I know in many cases you're doing. I realize the difficulty of that, particularly when there are language barriers and when there's racial discrimination.

I have many Chicanos in my own community of Flint, Michigan, and they experience many of these things, these kinds of problems; and it's going to take a long time to change these attitudes so discriminatory practices can stop. But I think in every case where they occur you have to speak out against that and resist that, and I think the act of resistance—and I don't mean violence, and I don't mean going in a direction where we adopt the philosophy that two wrongs make a right, because two wrongs don't make a right—but I think when there is a denial of rights, that it becomes important that we assert ourselves honestly and openly with the facts to make sure that our rights are given to us. And this Subcommittee, and I think many people in the Congress in both political parties, will stand with you to help solve this problem that's been with us so many years.

So I just want to make that statement now because you're not alone in the struggle, and I don't want you to feel as if you are, but the struggle isn't going to be settled unless it's made. So in that sense, I think it's very healthy that this hearing takes place today.

Thank you, Mr. Hardwell.

(Whereupon the witness was excused and stepped down from the stand.)

Mr. ROYBAL. We would like to hear now from Mrs. Dorothy Bablet. (DOROTHY J. BABLET, having been previously duly sworn, took the stand and testified as follows:)

Mrs. BABLET. My name is Dorothy Bablet. I'm a registered nurse, and I live 18823 Grayland Street in Artesia.

Up until 3 years I worked and lived in Chula Vista. Therefore, I'm well known, and I'd rather not have any publicity following this. I don't wish to answer questions to my friends or employers, or what have you because of the nature of this thing.

Last year, May 28th, 1971, I remember because it was my birthday. I came across the border about 9 o'clock in the morning. I answered the routine questions, and for some reason the officer said, "Pull up in front," and he put a sticker on my windshield. I pulled forward into the first space, and suddenly—I don't know where they came from, but there were about four officers there who said, "Get out of the car and go into the building." I did this, and there was an officer in there. He took my purse; and I asked him—I said, "What is this for? I—I don't have"—I'm aware of the narcotics problem and I said, "I don't have anything." He said, "Sit down over there and be quiet." There was a row of chairs against the wall. He took my purse, and he took out—there were about six compartments in it. He emptied them all on the counter, and he gave my driver's license to another man who was there and in front of a microphone or what have you. I again asked him, "Why are you doing this?" and he said, "Sit down over there and be quiet." So pretty soon—I watched, and this man behind the microphone handed me back my driver's license with a shrug like, you know, I guess there wasn't anything about it.

Pretty soon a lady came, a lady in her middle age came, and she said, "Come with me." I went to a small dressing room, and there she said, "Undress completely." She did not give me a sheet. She did not give me a robe, nothing of that sort to—to help one over this immodest probe. As I took off my things she went through them. And because the floor was dirty, I put my shoes back on, and she told me to take them off. I put them back on my bare feet, and she said, "Remove them." She went through the hem of my clothes; and I had long hair at the time, and she said—she asked me to raise that up and looked underneath it. She told me to bend over; hold onto my knees and then spread my cheeks and she used a flashlight for that inspection.

As a nurse, I know this is not the way to conduct an inspection, you might say. One cannot really tell anything by these methods.

Pretty soon she said, "You can get dressed," and she waited while I did. I didn't notice her writing anything. I followed her out to the other room, and she also shrugged her shoulders and told the Customs man, "Nothing."

He again said to sit down, and I started to sit down, but I happened to notice what they were doing to the car, and I walked over to the glass doors to see what they were doing, and he said, "Sit down over there." So I did. Pretty soon he gathered stuff up and put it back in my purse and brought it over to me. He said, "You may go;" and he said, "You can't win 'em all. Have a good day," and as I was going out the door I noticed my driver's license laying on the counter, and I said, "Can I have my driver's license back?" and I reached for it, and took it, and I left, and that was—that was about two and a half hours; and I have been across that border when I lived down here many, many, many times. I have never had that happen before, and I don't think I will cross the border again. That's all.

EXAMINATION

By MR. ROYBAL:

Q. Mrs. Bablet, during the time of this examination were you at any time touched by the individual?

A. No, sir.

Q. Can you describe the room; did it have any sanitary facilities of any kind?

A. Absolutely not. They were for—I think the partitions were wood, and they had been painted at one time, but they were very marked up. The floor was very filthy dirty. There was across a catty-corner, like this, a bench where one could sit to finish undressing.

Q. But how big was the room?

A. It was a small room about like a small closet. I don't—I would say maybe six by six.

Q. Approximately six by six in that; and it was dirty at the time?

A. It was dirty, and the floor was dirty. My feet were bare, and I tried to put my shoes back on, and she said, "Take your shoes off."

Q. Did you notice any other rooms where such an examination could be conducted?

A. There were all along there.

Q. Where such an examination could be conducted?

A. All along. They were dressing ones, such as one would see in a department store trying on clothes. They were dressing room styles.

Q. Now, as a Public Health nurse you're aware—

A. I'm not a Public Health nurse. I'm a registered nurse.

Q. Now, excuse me, as a registered nurse, you're quite aware of how examinations are conducted?

A. That's right. With examinations with doctors and patients even I, as a nurse, will turn my back to allow the patient the right to undress and put a gown or a sheet on even when I'm still in the same room, and of course I remain in the room when the doctor does the examination, and only that part is inspected that is needed to me. That's all that's uncovered.

Q. But when an examination is conducted, an internal examination is conducted, it is always conducted by a qualified physician?

A. That's right.

Q. And it's never conducted by an unauthorized person not trained in that field?

A. No, sir.

Q. When an examination, again, is conducted, the patient is always given a sheet?

A. Always; a gown or a sheet, and most times both.

Q. And every possible precaution is taken with regard to the sanitary condition of the room; is that correct?

A. That's right. Everything is extremely—must be sanitary, must be sterile; and as a nurse I have an obligation to my doctor and to my patient not to look at the patient.

Q. All right. So in comparison, what one word would you use to describe the room in comparison to those rooms that you're familiar with in a hospital, for example; was it clean?

A. It was unclean. It was dirty.

Q. Then dirty would be the word to describe it?

A. Dirt—dirty.

Mr. ROYBAL. Mr. Riegler?

Mrs. BABLET. There was debris on the floor.

Mr. ROYBAL. One more question I would like to establish.

Q. During the time that you were—the examination was being conducted, did anyone else come into the room?

A. No, sir.

Q. Besides the person that was there?

A. No, sir.

Q. In other words, you were there with just the person making the examination, and that was also a woman?

A. And that was a woman.

Q. Yes.

A. And she waited with me until I was dressed again, and I followed her out.

Mr. ROYBAL. Mr. Riegler?

EXAMINATION

By Mr. RIEGLE:

Q. Well, Mrs. Bablet, I want to congratulate you on your courage for coming today and to tell us this incident that you experienced, and I know it's not easy to talk about it.

A. No, it isn't.

Q. But we appreciate your doing this, and it's an act of great courage on your part to do it, and we appreciate it.

Were you afraid that day when this chain of events started to evolve?

A. Well, yes, of course; definitely. The demeanor of the Custom agent—he was—he kept staring at me like this. (Indicating shifty eyes.) I was somewhat frightened of him, and I felt if I did object—since I couldn't find out why I was being detained or examined—if I did object maybe worse things would happen.

Q. No one gave you at any time any explanation—

A. None.

Q. —as to why this procedure was being followed?

A. None.

Q. What was the manner of the matron that conducted this examination in the little dressing room; was she pleasant; was she unpleasant?

A. She was not unpleasant. She had a job to do.

Q. But she didn't give you any explanation as to why she was doing this—

A. No, no.

Q. —or what the circumstances were?

A. No.

Q. So there weren't very many words passed?

A. No. The only thing she did say, "Oh, you have pretty, long hair." That's all she did say other than to take my clothes off and take my shoes off again.

Q. And did I understand you to say you have not gone across the border since?

A. I have not.

Q. Just out of fear?

A. I used to go over there all the time to have my hair done. I have many friends over there, and of course I always went to the bull fight over there, but not again.

Q. Well, I hope that we can see that the situation is changed so that you can again feel free to go across the border, because that's—the fact that you have those fears I think is wrong, and we better change some things.

A. This is such an embarrassing thing that I've only told two people about it, even though I would like to tell more so it could be stopped. This is the first time I've told more than two, and as I said I don't want any of my friends calling me and saying, "My, how did you feel; what did you do?"

Mr. RUDBAUM. Mr. Chairman—

Mr. ROYBAL. Mr. Rudbaum, I'm sorry, we will not hear from anyone else, nor will we permit anyone else to ask any questions.

Mr. Van Deerlin?

Mr. VAN DEERLIN. No questions for Mrs. Bablet.

You will understand, of course, that as a witness in a public hearing, the Committee doesn't have any right to circumscribe the publicity that might accompany your appearance here, and I think while it was an act of forthrightness to come and testify, it is a public appearance and—

Mrs. BABLET. Well, —

Mr. VAN DEERLIN. —of course, this is something over which there is no control—

Mrs. BABLET. Well, then—

Mr. VAN DEERLIN (continuing). Which is really proper in the American scheme of things.

Mrs. BABLET. Well, then I can only hope that nobody does ask me much.

Mr. VAN DEERLIN. Well, we thank you very much.

Mrs. BABLET. You're welcome.

Mr. GARCIA. Mr. Chairman, there's a gentleman that has to go to work, and he would like to testify, if you will permit it before he leaves.

Mr. ROYBAL. Well, I don't make very many exceptions. We've already made one.

Mr. GARCIA. Yes, sir. I apologize for that.

Mr. ROYBAL. We'll follow with him.

Is Esperanz Tapia here?

Esperanza Tapia was scheduled to testify. I am informed at the last moment she has decided not to.

Mr. GARCIA. So can we take—

Mr. ROYBAL. We will take Magdalena Martinez.

A SPECTATOR. Mr. Roybal, there are a lot of people that have come for this hearing, and they were not allowed to come in. There are not enough places to sit.

Mr. ROYBAL. Well, if the officer will see to it some more chairs are placed, we will get some more people in.

Is Mrs. Martinez here?

Magdalena Martinez, will you take the stand, please?

Mr. GARCIA. Mrs. Martinez does not speak English, so she will be translated by Mr. Arce.

(MAGDALENA MARTINEZ, having been previously duly sworn, took the stand and testified through the interpreter, Gabriel Arce, as follows:)

Mrs. MARTINEZ. My name is Magdalena Martinez. I'm an employee of the Civil Register Office in Tijuana, California.

It was approximately in November, about the end of November, on a Saturday when I had to come to this side of the border to deliver some papers for Mr. Garcia. My car was not in order, and I had to come across on foot; and Mr. Garcia was to wait for me on this side of the border to pick me up. I was in a hurry because my appointment with Mr. Garcia was at 10:30; and I made a few quick steps, and then I was stopped by this officer who pulled my purse and asked me what—where was I going. I was very upset by the way—so ungentlemanly—in which he pulled my purse, and pulled me along with my purse into an office; and he told me, "You are going to stay here as long as I want because this is my country, and you are going to stay all the time that I want you to stay here regardless." I was very upset by this, and I told him I was in a hurry; that I had an appointment at 10:30, and he expressed his lack of concern about it and repeated that I was to stay there as long as he wanted me to stay there.

I was held up there for about three hours, and as I don't know English I don't know what went on in their conversation. Finally one of them told me, "Look, we are wasting our time with you, and, therefore, we are going to bring a female worker, a matron, from San Clemente. So you are going to wait. She is going to examine you."

I waited for about an hour and a half more, and finally this lady arrived and I was taken into a room. I was taken into that room and asked to undress, which I did, entirely. I had boots on because it was on a Saturday, and Saturday and Sunday I don't work and I dress a little more informally. I noticed that there was a mirror on the door. And so I was searched by this lady. Then I was asked to dress again, and I went out.

As I sat there to wait for what else they were going to tell me, a man there who speaks Spanish came to me, and then I started talking to him. I told him I was an employee of the Civil Registry in Tijuana, and he told me what they made in one week money-wise we make in one hour because we were taking money from the people, and thus increasing our income that way. I believe he was talking about the Mexican customs people that he was referring to those people, which I have nothing to do with and I'm totally unconcerned about.

After this I didn't cross the border. I went back, and the next day I called Mr. Garcia and told him what had happened, and I talked to Mr. Martinez, and explained to him the harrassment—Mr. Martino, and explained to him the harassment I had gone through. He apologized, and told him these things happen. I told him through our office many Americans come, too, and we treat them with courtesy, and we feel these things should not happen to the Mexican coming across the border. And my boss asked me to explain to you gentlemen or tell you gentlemen that some of the Mexican officials, higher Mexican officials have been victims of this harassment crossing the border also. That's all.

EXAMINATION

By MR. ROYBAL:

Q. Were you at any time touched by the person making the inspection?

A. Yes.

(A question was asked in the Spanish language by Mr. Roybal.)

The INTERPRETER. There was a vaginal examination.

Mr. ROYBAL. Will you repeat that answer again?

The INTERPRETER. Would you repeat your question, please?

Q. Well, in other words, was a vaginal examination made?

A. Yes, sir.

Q. I realize that this is a ticklish situation, but may I ask this question in a very broad sense: was an internal examination thoroughly conducted by the person making the examination?

A. She didn't know. It wasn't a very thorough examination. She was touched. She was examined inside the vagina. "We were both alone in the little room."

Q. Were you at any time prior to the examination given information as to what your rights were?

A. No.

Q. In your opinion was the person that conducted the examination a doctor or just a matron at the border?

A. She didn't even look like a woman. She was in a blue uniform.

Q. In other words, this was the uniform normally worn by a crossing guard?

A. Yes; it was a blue uniform.

Mr. ROYBAL. Mr. Riegle?

Mr. RIEGLE. Well, I'm not clear at this point—of course, I missed the early part of her statement because we were trying to get more chairs in the room—but is there a suggestion the person doing the examination is a man, or is it a woman, or is that not clear?

Mr. ROYBAL. Oh, I think it's quite clear now the person conducting the examination was a woman.

The INTERPRETER. It was a woman.

Mr. ROYBAL. And it's also quite clear, Congressman Riegle, a vaginal examination was conducted, an internal examination was conducted. It's also clear the person that conducted the examination, at least in her opinion, was a guard or a customs officer.

Mr. RIEGLE. Do we have for the record the date and place where this occurred?

Mr. ROYBAL. Mr. Garcia, do you have that information?

Mr. GARCIA. Yes, I do, and I also have the name of the officer who conducted that.

Mr. ROYBAL. You do?

Mr. GARCIA. Yes; and I also will make that available.

Mr. ROYBAL. Mr. Van Deerlin?

EXAMINATION

By MR. VAN DEERLIN:

Q. Because information at the border is sometimes difficult to obtain, may I ask how the information was obtained in this instance; did the witness see a badge number or did she ask his name, or how was it obtained?

A. I remember his face, and I called Mr. Garcia later on. There were three officers.

Mr. ROYBAL. Mr. Garcia?

Mr. GARCIA. Yes, sir. When this lady called me I immediately put myself in contact with Mr. Martino who was the officer in charge of Customs at the port of entry, and I asked him. I told him what had happened to this young lady, and that she was a government official from the Mexican government, and immediately he, upon my request, investigated the issue; and through another officer, not through him, I knew who the officer who conducted and stopped her was, and I have the name of the inspector in my possession, which I will give to the Committee later on.

Mr. VAN DEERLIN. Only one further question.

EXAMINATION

By MR. VAN DEERLIN:

Q. What would you estimate was the total elapsed time that you lost as the result of this delay and search?

A. About three hours.

Mr. ROYBAL. Any other question from a member of the Committee? Congressman Riegle.

EXAMINATION

By MR. RIEGLE:

Q. Are you afraid now when you cross the border—I mean, are you worried this same thing is going to happen again?

A. I don't cross the border on foot any more. I do it by car.

Mr. RIEGLE. That's all.

Mr. VAN DEERLIN. Mr. Chairman, that raises an interesting question itself.

EXAMINATION

By MR. VAN DEERLIN:

Q. Is there a greater surveillance and a greater susceptibility to search and abuse if one crosses the border on foot than by automobile in the opinion of the witness?

The INTERPRETER. Is that a question to the witness?

Mr. VAN DEERLIN. Yes.

A. I think people crossing the border on foot are harassed more frequently. That was also the case of three other girls that work in the same office, U.S. employees of Federal office. They get Mexican permits to cross the border, and then they come to the office of Immigration and they are issued a temporary card to cross the border and they are issued a temporary card to cross the border and come shopping or to the zoo as tourists, and they had a very bad incident, and since then they didn't want to get a passport, and they don't cross the border anymore.

Mr. ROYBAL. Well, Mrs. Martinez, it's taken a great deal of courage for you to testify. I want to express our appreciation for the fact that you did so.

(Whereupon the witness was excused and stepped down from the stand.)

Mr. ROYBAL. Eleanor O'Connor?
 (ELEANOR O'CONNOR, having been previously duly sworn, took the stand and testified as follows:)

Miss O'CONNOR. My name is Eleanor O'Connor, and I'm a citizen of the United States of America.

I've gone to Tijuana many times in the past, and I never been molested until the 7th day of January, 1972. That day a male acquaintance of mine—I'm single, by the way—called me and asked me would I like to go to Tijuana for an evening of entertainment as his brother had just come home from Germany. He's in the service, and his girlfriend and he would like to go to Tijuana as they've never been there, and I said yes, I would go; and we dressed all up in the evening and went down about 7 o'clock. We crossed the border. We went to the Aloha Club. By the way, the two young men are black, and the other girl was a Caucasian, and for the record I'm American Indian and Spanish. I'm not Mexican.

We went down to the Aloha Club and had a few drinks, and we went to the Coco Club and had another drink and danced awhile, and about 2:30 we decided we would come home.

So we waited about a half hour at the border to get to the gate. When we got to the gate, the Immigration man said would we pull over to the other line. I had never had this happened to me except to open the trunk. We pulled over there, and the door was opened very quickly, and there were about four guys around the car at this point, I would say. I was remembering back. I was quite frightened. They had guns, and they asked us to step out with our hands up and leave the keys in the ignition. I knew I was clean, but I didn't know about the other parties in the party because I didn't search them before we went down.

At any rate, we were—we stepped inside the building, and we were asked to put our hands on the counter and not touch our bodies in any way, and they frisked the guys, and then we were asked to remove our clothes, and I was asked to—I had on a maxi coat, and they searched the whole coat; and then they looked at our arms for needle marks. I thought they were going to ask for identification. They handed the information to a man with a little machine, and I thought he had some way to check our driver's license to see if we were wanted; and the guys looked through our purses, and then they told us to go through this gate, and then I realized they weren't going to let us go. We weren't allowed to talk to each other or sit close.

One of the officers brought up three marijuana cigarettes which he tossed on the counter, and said, "These were found while they were coming across, and we'll get the dogs out and see if they like the car, and if they like the car we'll know we have the right people."

In a few minutes a matron came. She picked up my purse and asked, "Who does this belong to?" She said, "Would you come with me?" She took me into a small room, five by five. There was a corner shelf to put—a small corner shelf in which she put a box and a paper napkin on—a paper box, and there was a vent that looked like a heater. She said, "Would you please undress?" I took off my garments one by one, and I said, "Everything?" and she said, "Yes, everything." So I took off my pantyhose. I had white lace boots and a pant suit. I took everything off, and my hose, and everything, and she searched

every garment as I removed it. Then she asked me if I had a wig on, and I said yes, I did—the one I'm wearing now—and she said, "Would you remove it?" and I took it off and handed it, and she came over and unpinned my hair and felt through it to make sure I had nothing concealed. She said, "Do you have false teeth; would you please take them out?" and I said, "No, they're mine." And she said, "Would you please face the wall and put your hand to the wall in the corner?" and I did. I obliged. I didn't know what to do. She said, "Would you raise your feet one at a time?" She looked on the bottoms of my feet. And she said would I bend over and take hold of my buttocks, and raise myself toward the ceiling, and she examined me, and she did so with a flashlight, into my vagina with a flashlight. I've never been examined or even seen by a woman like that before, and it was rather embarrassing; and I said, "I don't think I'm coming down here anymore." And she said, "I have a job to do." She looked like she was 57 years old, and she had on a kind of a blue coat top; and she had a form which the officers had given her with my name on it and everything, and she wrote something down. I don't know what. I couldn't see it. Then she told me to get dressed, which I did, and I kind of looked in the mirror when I got myself together again and followed her out. It took about three hours in all for us because they searched me, the two men, and the other female in the party.

I really didn't think I was going back down to Tijuana. The following afternoon—I get off about 3 o'clock in the afternoon—and the same three people called me and said would I like to go down; they like to make a few purchases. So I said, "Sure, why not?" So I ran home and changed into a pair of blue jeans and jacket; and we crossed the border 5 o'clock in the afternoon, and we went down on the avenue; bought a couple of purses, leather purses. That was all we bought. We didn't buy anything else. That was all we bought.

We came back about 7 o'clock in the evening, and I thought sure, no hassle that hour of the night, maybe early in the morning, but not 7 o'clock in the evening; and again we were asked to pull over into the parking area, and I couldn't believe it was happening to us all over again. The first time we went down we were in my car; second time we were in the male acquaintance's car. We pulled over, and went in again; same routine. They looked on our arms to see if we had needle marks on our arms, and they frisked the guys, and took our coats and purses from us, which our purses were gone through very thoroughly both times.

They took a small knife out of the car, out of the automobile, and claimed because it said it was made in Italy we didn't claim it. It was an old knife, and they wanted us to pay a \$5.00 fine. And it was an old knife, so I said, "Don't pay it; let him have the knife." And they said because it was made in another country we should have claimed it. And the serviceman that was with us had a small headband, and the Shore Patrol was called and picked him up and took him away from us, and we waited for about three hours to get him back. I guess they took him to San Diego. He had a comb, a small Afro comb, two inches wide and four inches long. It wasn't one of the big, heavy combs that was a weapon, but they did—they said it was a weapon, and it had to be covered, and a whole bunch of stuff, and the Shore Patrol arrested him. And I kept insisting the second time around they arrest me or not

search me. I said, "Place me under arrest before you search me; and at no time do you arrest me; and at that point do I ask for the phone to call the attorney?" and the man said, "You can't use the phone because when you go across the border you automatically relinquish your citizenship and subject yourself to search and seizure."

It was about 11:30. I was really afraid. They did have a German Shepherd dog. They were talking to him and petting him; and I don't know whether they put him to my car. I couldn't see. It was quite cold. It was in January. We waited around for the Shore Patrol to bring our friend out. At one point I stepped in the building, and the man told me to get out, and I said, "It's cold." They had another couple in there they were harrassing. The man said, "Don't tear my jacket up. I just got it for Christmas. It's brand new. Don't tear the lining." It was probably the only jacket he had. He looked like he wouldn't be very affluent and be able to buy another jacket, and it bothered him; and that's about what I have to say.

EXAMINATION

By Mr. ROYBAL:

Q. During the time that you were being inspected, did the inspector touch you at any time?

A. The matron. She unpinned my hair, and took it down, and felt through it with her fingers.

Q. But she did not conduct an internal inspection?

A. No; just with her flashlight. She just looked.

Q. Were you at any time arrested prior to the time the inspection took place or after; were you arrested or reprimanded in any way?

A. No, sir. I was never placed under arrest.

Q. Or that they might have thought you had—

A. No. We weren't arrested. I'm sure they thought we had narcotics; and at one point one of the men said, "I don't think you like to see black people and white people together," or something to that effect; and they said, "Oh, we don't care who you run around with," and their attitude wasn't the nicest.

Q. In other words, they were not very courteous at the time they conducted the examination, at the very least?

A. At one point I put my hands to my coat, and the man said, "Get your hands up back to the counter, and don't move or touch yourself again."

Mr. ROYBAL. Mr. Riegler?

EXAMINATION

By Mr. RIEGLE:

Q. I'm not clear whether you were subjected to the physical examination.

A. The second time I was not searched by the matron; and he told me, "The matrons doesn't like you,"—and he said, "She doesn't like you," and I said, "Well, I don't like her either." My attitude was a little bit out of shape the second time, I'm afraid.

Q. And you did ask to use the telephone and you were specifically refused that right?

A. Yes, I did. I asked to call my attorney.

Q. And would you tell me again the exact quote the one Customs official made to you about relinquishing your citizenship rights, as you can remember it?

A. He said when you cross the border and come back you don't have any rights until you are searched—seized and searched at their discretion, if they choose, and one of the men said, "What made you pick us up for in the first place?" and he said, "I didn't like the way you looked" or I thought you looked like you would have something." That was his words: "You looked like you would have something." And he said, "You can't detain us because of what you think;" and the Immigration men said, "Well, if I'm right—if I'm wrong; and if I'm right, I got you;" and that's all he would say.

Q. Do you have the feeling just based on your own experience that perhaps the Customs officials have sort of a quota to meet if they don't find "X" number of people coming through in a given time period who they can charge with some crime or some thing that's been done wrong; do you get the feeling that they have to find so many people—I mean, is there any—have you gotten any sense of that just yourself in your own judgment as you've gone through these experiences?

A. Well, I realize they must have pressures like all problems have pressures, and I heard traffic officers have to write so many tickets within a given period of time, but I never thought that about the Immigration authorities.

Q. The thing I'm wondering about, and which I intend to do some questioning on this afternoon—I think there are occasions in which people in government service are given quotas to fill. I know that does happen with police officers and traffic tickets. It's happened with field commanders in Vietnam. Their body quota is such and such, and people have to work towards those goals.

I know there's been tremendous pressure to try to clamp down on drug traffic. Some people think we've put too much emphasis on harrasing people at border crossings. The people that are bringing large amounts of drugs into the country aren't doing it there, in that way. They're doing it in other ways. But, nevertheless, that's a way you can make a big fuss about it, and if you can find people from time to time—you cited the case where the fellow came in with three joints and suggested that, you know, that that—it almost sounds to me that there may be a pattern here where some Customs officials may be under some bureaucratic pressure to meet a quota within some time to bring some kind of results.

This may be why the harassment is beginning. I don't know, but maybe it's one of the things we're going to uncover.

A. Well, if they're taking two or three hours to search people, they're probably missing a lot of people that are bringing things across.

I just like to say, the first time we were in there—first time we were searched—there was only another couple, and there was—they stopped two other black men and a Caucasian couple. The girl was only 16. They were giving her a terrible hassle in leaving. He was hassling this man about the papers, and the girl, did she have papers?

I would like to point out—I don't know how many people get stopped at the border—but a lot of black and brown people get stopped.

Q. I would just like to ask, did you ever get the feeling these Customs officials work for you; did you ever get that feeling they work for you and you're their boss?

A. No, I really can't say that. I really didn't think about it. I didn't give it much thought except we were going to be locked up and detained and we wouldn't get out. I only had a couple of dollars that night, and they wouldn't let me use the phone. I don't know.

Mr. ROYBAL. Mr. Van Deerlin?

EXAMINATION

By MR. VAN DEERLIN.

Q. Miss O'Connor, were any of the persons whom you dealt with on the first crossing the same men or women you dealt with on January 2nd?

A. Yes. I recognized some of the men, and also I said, I've been down there many times, and I've only seen one Spanish looking man on it.

Q. Specifically, did they know you were the same person they dealt with?

A. Possibly, because they asked for identification. All they would have to do is get it by saying. I said, "I can't believe you would pick us up twice." Yes, I think they knew I was the same one.

Q. And there had been nothing out of the way found on the occasion of your first crossing?

A. That's right.

Q. And there is nothing earlier in their records that might indicate there was any reason to suspect you?

A. None whatever. I've never been arrested for a misdemeanor or felony. I don't even have a traffic ticket outstanding. So, I mean, I don't have any record that they might say—even that we're in different cars the second time—the automobile wasn't even the same. So—

Mr. VAN DEERLIN. Thank you, Mr. Chairman.

Mr. ROYBAL. Thank you very much, Miss O'Connor.

Anastacia Cortez?

(ANASTACIA CORTEZ, having been previously duly sworn, took the stand, and testified as follows through the interpreter, Mrs. Moranville:)

Mrs. CORTEZ. My name is Anastacia Cortez, but now I'm going to ask you—the gentleman speaks Spanish, and I would like for him to speak because—so that the Mexican people that are here understand what he is asking.

Well, I came across exactly on the 2nd of April at 7:00 p.m., and they said that the car that we had was used for contraband. Then they took us out. I brought my children. They were sleeping.

Miguellano and Debra, stand up. (Two children arose.)

Then they took down the names of my children. And then I had a lot of papers in my purse—and they made me empty them all—because I go to meetings and I go to very many reunions. So I had to take out all my papers, and I do have them separate, and sometimes I put money separate; and they made me empty out the money from the

small purse that I had; and they wanted me to count all the money that I had with me. My husband, they stopped him. And they didn't find anything absolutely on my purse.

A SPECTATOR. May I make a motion on that?

Mr. ROYBAL. Sorry. Witness, continue.

Mrs. CORTEZ. Then they stopped my husband, and he didn't have absolutely anything in his pockets because I'm the one that carries his papers. I'm the one that's always with him. Then they stopped him, and they searched him like if he was a delinquent.

So then I asked them, "Why are you doing this?" We have many years crossing the border, and they never had done this to us before.

When we came across I had the doors locked, and the agent, Customs agent, that is Number 1021—because in front of him I took the number of his badge—then he took the papers, and he opened one. So I told him, "Are you also going to read my papers?" So he said, "Yes. I can do it, but I'm not going to." I said, "Do it. You have them all spread out there." "No," he said. So I took my children and we sat for one hour.

What I want is erase my bad record. My children are going to grow up, and they're going to have the fear as if they were delinquents. They are only children that are beginning to live.

I have a grown son, Elias Adaga. They have him there in the records. They have also had him—what's the name where they say them; where they keep the records of the illegal entrants? And they have him there. They have never found anything on him. On March they took his certificate because he didn't look like what he looked when he was a boy. Here nobody is going to look alike as when you were children because you, and you, and you don't look like what you did when you were babies. That's the way we all are, and why does he? My husband and I took him. He is a citizen, and why did they throw him back to Mexico? Because he was not Mexican? Because he was not American? He speaks English perfectly, and why did they throw him back to Mexico?

So the next day that I went back and I showed them my identification card and my husband's, and I told them the name of my son, and after the Immigration came and took the certificate. How did he know that it was that boy that had been taken? They are taking advantage very much these Customs agents also because they have done it several times to me.

(Whereupon a question was asked by Mr. Roybal in the Spanish language.)

The INTERPRETER. Would you repeat the last question?

Mrs. CORTEZ. Repita la pregunta.

Mr. ROYBAL. I'll end up being the interpreter for the interpreter.

EXAMINATION

By Mr. ROYBAL:

Q. All I want to know—and the question has already been asked in Spanish—is whether or not one of the agents, if she knows, wrote something on a piece of paper; whether they did write something; whether or not she knows what he did write.

A. The name of my children, the age, and the driver's license number of my husband, and also the number of my certificate. He wanted me to show him a driver's license by force, but I don't drive.

Q. Did they tell you to undress anywhere?

A. No.

Q. And you were not touched by any agents?

A. No, because we would not allow them to.

Q. But in your opinion they didn't write anything?

A. No, but the guy was very rough, and he opened the door and got in.

Mr. ROYBAL. Mr. Riegle?

Mr. RIEGLE. No questions.

Mr. ROYBAL. Mr. Van Deerlin?

Mr. VAN DEERLIN. No, thank you, Mr. Chairman.

I would merely observe that one of the responses of the witness that has touched me is the emptying of her purse. If this was always required of Mrs. Van Deerlin at the border we would always be delayed three hours in getting back.

Mrs. CORTEZ. Okay, what I'm asking of you is that you drop that bad record that they put on Customs and they send it to my home.

(A statement in Spanish was made by Mr. Roybal which was interpreted by the interpreter as follows: We'll see what we can do about it.)

Mr. ROYBAL. We still have quite a few witnesses to hear from, and we're going to try to hear all of them. There have been requests from others who did not indicate before the hearing that they wanted to testify.

May I suggest to those individuals who have testimony to present that they prepare an affidavit and present it to this Committee. Now, I have received several affidavits from people who could not be present and some people who are here did not want to testify because they fear the publicity involved would not be to their best interests. Now, anyone who has any information that you would like to give this Committee, if you are not willing and able to testify, please submit it to the Committee, and I can assure you there will be every consideration given. We're going to go through all the testimony again. We have a lot of work to do on this Committee, and we will be sure to take into consideration every affidavit that is made available to us. If you don't give it to this Committee, you can send it to me in Washington D.C. or to Mr. Garcia, and we will keep the record open for two weeks after the hearing to receive any written material, and then we'll get to work on the final report, which we hope to make available to the Committee within 30 days.

A SPECTATOR. Say it in Spanish, please.

(Whereupon the last statement was repeated in Spanish by Mr. Roybal.)

Mr. ROYBAL. We will be in recess for our hour for lunch.

(Whereupon the hearing recessed at 12:15 p.m. for the luncheon recess.)

SAN DIEGO, CALIF., SATURDAY, APRIL 29, 1972, 1:35 P.M.

Mr. ROYBAL. Ladies and gentlemen, the hearing of the Subcommittee on Treasury of the House Committee on Appropriations is now in session.

We will hear this afternoon from various witnesses, and we're going to try to expedite it because there are many that have to be heard. Two members of the Committee will have to leave at approximately ten minutes to 4:00. We would also like to hear before that time—before they depart some testimony from Customs, so we're going to try to expedite this as much as we possibly can.

The next witness is Mr. Marco Antonio Cuevas. Mr. Cuevas, please?

Mr. GARCIA. Mr. Chairman, I think Mr. Cuevas was afraid to come to testify. Therefore, he didn't show up. I think he was called on the phone and threatened or something.

Mr. ROYBAL. I think Mr. Cuevas was here this morning.

Mr. GARCIA. No, he was not.

Mr. ROYBAL. He was not. That appears to be the third person that has decided not to testify finally.

Jose Viesca?

(JOSE T. VIESCA, having been previously duly sworn, took the stand and testified as follows:)

Mr. VIESCA. My name is Jose Viesca. I'm an American citizen. I live in Chula Vista and write a column in Spanish for three Spanish South Bay papers.

On July 24th, 1970, I was coming from a business engagement in Tijuana, and when I crossed the border—I reached the border—I was asked the ten questions, which I answered. Then the inspector asked me in a very unpolite way what I was doing in Tijuana. I told him I was taking care of personal business. He told me, "Don't give me that answer. I'm asking you what you were doing in Tijuana." I said, "If I tell you, it's not personal; so it's personal business." I started the motion as if he wants me to open my trunk, and started coming down, and he told me get in my car and go to the secondary inspection area. I reach there, and there was a Mexican, and the car open from the back, and I ask him how long he was waiting. He said, "Oh, about two hours". So I saw an inspector and asked him, "Please, you want to check my car?" He did not answer; grab my hand, arm put in the back, and twisted. I happen to have five broken bones in the arm, and I told him, "Be careful;" he don't need violence, and besides that as an American citizen I know my rights. He told me, "No matter; no bastard, son of a bitch Mexican has no right."

A SPECTATOR. Can you repeat that again?

Mr. ROYBAL. I'm sorry, the hearing is being conducted by the Committee itself.

You may proceed.

Mr. VIESCA. Then the Committee in the bar, inside the office, asked me to take off my coat; empty inside of my pockets, and put everything in the bar. I empty. He search me, and I try to reach for a cigarette. I didn't see any sign no smoking, and it was enough for him to slap my face. "I don't want you to smoke. I don't allow you to smoke." Then he went through my papers, through my wallet, paper by paper, and at the moment I carry a religious medal in my pocket, and I didn't want him to lose it. So I tried to get my wallet, and it was enough to start beating me and throw me to the floor. In that moment there were about six or seven Customs and Immigration officers plus

about seven or eight police officers from San Diego. So when I got up I asked them—I will call you as a witness, and they—one of them told me, “I will be a witness against you.” When he was beating me I didn’t dare to raise my hands to protect me because I knew of many instances of people that because they raised their hands to protect them are accused to attack a Federal officer, put in jail, and later make them to plead guilty of disturbing the peace after being beaten.

So the inspector by the name—by the way, his number was or is 9094—went to my wallet, and when he found my two identifications, one Mexican, one American, as a newsman he get madder and start hitting me again; then ask me to sit in a bench or chair where there were four black young fellows and a Mexican citizen that was caught with an automatic handgun. He took my car key and went to check my car.

Later he came back very mad, and then the supervisor asked me to go to his office, and he told me it was only a misunderstanding. Of course, I was very mad, and I told him, “How can be a misunderstanding when I’m called bastard, son of a bitch Mexican and thrown to the floor?” That was enough for this inspector to repeat the same treatment; throw in the back of the office in front of the supervisor, and the supervisor didn’t do anything to stop him.

Later this man walked out, and the one who sends me to the first—I mean the secondary inspection walk in, and the supervisor still try to tell me it was a misunderstanding, and the inspector who sends me to secondary inspection told me I was belligerent. He said if you call—if you be belligerent—I don’t answer the questions you are supposed to ask me. It’s stupid, because if I was buying dope in Mexico I was not going to tell you I was buying dope. This is a stupid question.

A few minutes later the supervisor told me, “I’m sorry, you can go.” That was a Friday.

Saturday, in the afternoon, I got a call, and I was told that if I dare to publish anything about the incident next time I will come from Tijuana they will find incriminatory evidence in my car. For many months I was every time I had to go to Tijuana—I was having a car in front of me and one back of me because if everything is there, and is witnesses.

Later three persons from the Immigration called me. Two called me over the telephone, and one went to see me. By that time the former Senator Murphy asked the F.B.I. to make an investigation into this matter because the other congressman and senators didn’t pay attention to me, and I gave the name of one person who went to see me that was a witness. His name is Wilcox. I remember very well. And the other two that called me to testify, I made appointment with one of them who is a lady—is this lady from Chula Vista, and didn’t show up, and called back and told me please, Mr. Viesca, forget it.

There were two gentlemen that came from Los Angeles from the Custom to make an investigation, and not only mine, but all the people went through the same things, but when the paper, San Diego news, published in the front page my story they were recalled and everything forgotten. That’s all.

EXAMINATION

By MR. ROYBAL:

Q. Well, Mr. Viesca, were you at any time told that you were under arrest?

A. Well, if you are confined about three hours on the proceedings, being beaten and thrown on the floor, you can consider yourself under arrest.

Q. But were you ever told by any of the officers you were under arrest?

A. No, but the one that send me to the secondary told me he could arrest me because I was interfering with a Federal officer.

Q. But he didn't place you under arrest as such?

A. Well, not official; I mean, not properly.

Q. Properly, all right.

Now, at the time the officer slapped you, you say in the face, were you wearing the glasses you are wearing?

A. He was very careful to remove them before he slapped me.

Q. Did he personally remove them—

A. Yes.

Q. —or did he ask you to do it?

A. No, no; he did it.

Q. But he did remove your glasses?

A. Yes, sir.

Q. And after he removed your glasses, then he slapped you?

A. Before he was hitting me in the stomach and grabbing my necktie and throwing me to the floor, but later was very careful to remove my glasses before he slapped me.

Q. Now, you also testified before the incident someone called you to warn you not to publish the incident in the newspaper. Do you—can you supply the name to the Committee?

A. How many times an anonymous caller tells you his name?

Q. But in this case you're saying then you have no idea who called except—

A. Anonymous.

Q. —that it came—

A. Over the telephone in my office; to my office.

Q. Now, what part did Mr. Wilcox play in the situation? I didn't exactly recall.

A. Well, Mr. Wilcox came to see me to the office with his wife.

Q. And who is Mr. Wilcox?

A. He was working in that office at that time. This is what he told me.

Q. He was working in the office?

A. In the Customs office in that time in some type of work.

Q. All right. He told you he was an employee of Customs?

A. Yes, he—

Q. And—

A. Excuse me. He gave me his name and his address that I supply to the F.B.I.

Q. And in what capacity did he say he served?

A. The dominial janitor, or something like that.

Q. What kind of information did Mr. Wilcox give you?

A. He told me many instances happened—many. He didn't especially say he saw my case, but he said he knew it happened, and he also told me the people in the border were associated with some bureaus and race tracks and the people that run the bets at the race track. They cross the border freely without any inspection. Mr. Wilcox told me that, and I told to the F.B.I.

Q. Did you at any time publish anything?

A. Yes, sir—

Q. And—

A.—the following week, Thursday.

Q. And were you contacted again by anyone in Customs because of the—

A. No.

Q.—the article you wrote?

A. No.

Q. Not again?

A. No.

Mr. ROYBAL. Now, Mr. Rieggle?

EXAMINATION

By Mr. RIEGLE:

Q. I gather that when you were beaten up that you made no effort to defend yourself?

A. No, sir.

Q. And the fellow who beat you up, his badge number was 9094?

A. Yes, sir.

Q. And you're sure of that?

A. Yes.

Q. Did you see it there?

A. I took this in front of the supervisor, and I told him I'm going to take your badge number because I'm going to make waves.

Q. And after you published this account in the newspaper, then I assume you then continued to cross the border other times in the future, but as you say, you took other people with you—

A. Yes.

Q.—so that you would have witnesses.

And were you ever bothered again?

A. And never before; was the only time I was bothered.

Q. And you haven't been bothered since?

A. No.

Mr. RIEGLE. That's all for me Mr. Chairman.

Mr. ROYBAL. May I submit, for the record, an affidavit that this gentleman has submitted? This affidavit will be accepted and will be part of the record at this point.

Mr. Van Deerlin?

Mr. VAN DEERLIN. Mr. Chairman, does the affidavit include the name of the accused Customs agent?

Mr. VIESCA. No, Mr. Congressman, because I didn't know the name, and don't remember his name now.

EXAMINATION

By Mr. VAN DEERLIN :

Q. Was this not the case in which there was a disciplinary action taken?

A. Well, actually they—his wife wrote us something to the paper, and it can be constructed that he was promoted, not punished, because he was complaining that the fumes crossing the border were making him nervous and sick, so he was looking for another—for another place to work, and he got it. So you can construct it as a promotion.

Mr. VAN DEERLIN. I understood he was sent to Los Angeles, and with all due deference to Mr. Roybal's home community, I would not concede a better community to be Los Angeles.

Mr. VIESCA. His wife considered that way.

Mr. ROYBAL. Let the record show that he's only kidding.

Any other questions from any other member of the committee?

We thank you very much for your testimony.

Mr. VIESCA. Thank you.

(Whereupon the witness was excused and stepped down from the stand.)

Mr. ROYBAL. Edmundo Ramirez. Is Mr. Ramirez present?

Mr. RAMIREZ. Yes. I need somebody to speak Spanish—English.

(EDMUNDO RAMIREZ, having been previously duly sworn, took the stand and testified as follows through the interpreter, Mr. Gabriel Arce:)

Mr. RAMIREZ. My name is Edmundo Ramirez. I live in San Diego—in Beta Street in San Diego. I'm a welder for the shipyards.

On February 27, I was coming from Tijuana with another gentleman, Juan Sangriego, and we were sent to the secondary station. We were taken inside, and the officer told us to empty our pockets. After that we were ordered to sit down.

I wanted to go to the bathroom, and we had to wait about 20 minutes; and then I told the officer who took me inside there that I wanted to go to the bathroom, and he told me that there were no bathrooms there. Then I started to have stomach ache also to that. Then I got up. I walked about four steps and asked another officer or told another officer that I wanted to go to the restroom. Then he told me to sit down, and again I repeated to him that I was feeling very bad and I wanted to go to the restroom. After a while I tried to convince him that he should accompany me if he wanted to where I wanted to go. He told me again to sit down. As I was talking to him another officer came from behind the counter and hit me with the back of his hand and pushed me to sit down. As I was sitting down he tried to slap me again and I grabbed him by the wrist. Then he said, "When I say something you must listen to me." About ten minutes later another two officers came and led us to a room where we were asked to take our clothes off. After searching us, and searching our things, and asking us certain questions we—or I dressed up again and then I saw a door nearby where it said "Employees Only." Then he told me that I could go to that door where that sign was; that I could go to the bathroom. After that I remained seated, and the same thing that they did to me they did to my friend, searching him and asking him those questions.

Then they told us that everything was all right; that we could go. When we were outside I saw the officer, the one that sent us originally to the secondary station, and I asked him for the name of the officer, the one that had hit me. Then he told me, "If you want I give you my name," but he did it in a sarcastic manner. Then I told him what I wanted to know was the name of the other one, the one that had beaten me up. Then he told me if I kept bothering him I would be sent to jail. Then we left, and that was all.

EXAMINATION

By Mr. ROYBAL:

Q. He was not very specific as to what kind of an examination they conducted. Was he in fact examined internally?

A. We were taken into a room. We were asked to strip off our clothes. Then they asked us—they search our clothes. Then they ask us to bend over, spread our cheeks, and then they look over.

Q. Do they just look or do they actually conduct an internal, rectal examination?

A. No. One does everything oneself, and they only look.

Mr. ROYBAL. Mr. Riegler?

Mr. RIEGLE. I have no questions at this time, Mr. Chairman.

Mr. ROYBAL. Mr. Van Deerlin?

Mr. VAN DEERLIN. No, thank you, Mr. Chairman.

Mr. ROYBAL. Thank you very much.

(Whereupon the witness was excused and stepped down from the stand.)

Mr. ROYBAL. Alfredo and Mike Figueroa?

May I state for the record that the testimony of Mr. Edmundo Ramirez, the written testimony, will be part of the record.

I must also make it known to the members of the Committee that there's an investigation now being conducted by the Customs internal security people, and there's a legal remedy that he believes can be had to expunge that also.

(ALFREDO FIGUEROA, having been previously duly sworn, took the stand and testified as follows:)

Mr. FIGUEROA. My name is Alfredo Figueroa. I'm an organizer with the United Farm Workers organizing committee for the past five years. I'm a United States citizen, and that—when you were saying about repercussions, anybody that crosses the Calexico border with a Black Eagle sign displayed in his—with a button or otherwise or flags or anything, then you really get the treatment.

This happened on—I want to read my own affidavit; is it all right?

Mr. ROYBAL. Will you please?

Mr. FIGUEROA. On February 26, 1970, at 3:35 p.m., I, Alfredo Figueroa, United States citizen, crossed the U.S. border in Calexico in a 1966 blue and white, two-door Chevrolet, license number PEG-938, accompanied with my brother, Roger Rigueroa, a driver, Professor Raoul, lawyer and RDC liaison, Pablo Cassales. At the port of entry, a U.S. immigration officer asked us for our place of birth, and we responded by stating our place of birth, Blythe, California; Parker, Arizona; Miami, Arizona; and Mr. Cassales displayed his green card passport. The officer then asked what we were bringing in from Mexico,

and I showed him a package with some cough syrup, 19 tablets of antidiapena, 48 throat smoothers, five tubes of vita sapina ointment, and one bar soap. The officer took the package and examined them. Then he asked us if we have anything else, and my brother said we have some can of chili, sweetbread and cigars. Then he got out and unlocked the trunk for the officer. The officer said everything was all right, but the package of medical supplies would have to be cleared by other officers and ordered us to park at other stalls, which we did. The officer walked over with the package in his hand and talked to some other inspectors at the station. My brother got out of the car and started to talk to the officer holding the package.

When I got out of the car and started a conversation where a plain-clothes man was sitting in the table I asked one of the men, "What's the trouble?" He said the cough syrup was illegal and said I needed a prescription. I told him my mother, Carmen Figueroa, had requested to buy it for her. She had crossed this syrup before with no problem. He stated to me, "Is that what you inject yourself with?" and I turned around, and I said, "What are you trying to imply?" He said, "You know what I'm saying. Just answer my question." I reached for part of the contents which had been laid on the hood of the car. The bottle of cough syrup was being held by another officer showing it to my brother, and Gilbert was writing something on a pad. I asked, "Could anybody be injected with any one of these things?" He ordered me in a very angry tone, "Just answer my question." Then with blunt anger he asked to see my identification. I said, "Wait a minute. I don't know who you are. Who am I talking to?" Many of the men around the automobile were in plain clothes. "May I see your identification?" He pulled out a dark folder which identified him as a United States Customs. Then I pulled out my wallet and showed my certificate, wallet size. He questioned me about the anti-grip pills, and I picked the wrong place to get smart.

About this time I heard a groan, and turned around and saw a man twisting my brother's arm from the other side. I said, "What's going on?" and men were twisting my arm from the back, and carried me into the building. I remember telling the people around me they were all witnesses what was happening. The man told me to—he shoved me into a small room, and another officer showed up—shoved my brother in too. Moments later another officer came in and said he was Indian and said we had nothing to gripe about, and another officer came in and placed us under arrest. I never raised my voice or touched anybody until I had been attacked, but I did holler to the people they were all witnesses.

My brother, who is Assistant Postmaster in Blythe and the evening school instructor had invited us to accompany him to Calexico and Mexicali for a conference with Dr. Hagen. The conference ended about 12:30, and doctor sends his assistant, Julian Lopez with us Asquare Numero (phoenetic) in Mexicali and my brother were delegated by Blythe for 60 educators to visit the Mexican school February 28, and on the way back we made these small purchases which caused us this horrible inhuman experience.

We were transported to a central jail in shackles, and later to San Diego. I have received a jail record which shows I was charged with 21 USC 174, Smuggling Marijuana, and 18 USC 111, Assaulting a

Federal Officer, and these are all bare fiction, lies, fabrications made by the officers in plain clothes, Miller, Quick and Riggenberger. Riggenberger said to get us because he said he never lost a case. He mentioned in thousands of cases he has prosecuted he has only lost two. I have never been convicted of any charge in all of my life, and I have been right all my life.

I would never have suspected anyone employed by the Federal government in their capacity would have, so brutally arrogant within the public, have criminal elements filtered into these responsible positions. I personally feel Congress should investigate these conditions before other good citizens fall victims of their abuse. Why were Loya and Cassals not charged, inasmuch as they were in the same car? Why did the officers not search our vehicle? Why did they impound the car? Why did they say we had been charged with assaulting a Federal officer and failed to announce the more serious charge? Why were we taken to El Centro before San Diego? Why did Riggenberger enter our cells in the middle of the night and take our picture? Why were we transported with shackles, hands and feet, in two separate vehicles to San Diego?

I have inquired about my release with Calexico officials, post master, businessmen, and they tell me these are very common experiences for Mexicans, Mexican-Americans, particularly with Miller, Quick and Riggenberger. Please accept this as a formal complaint because I have been deprived of my civil rights. I did this too, and I said to Congressman Roybal, because he was informed, and Congressman Tunney. All these people were informed. One of the things they told me, Riggenberger was—said he was going to do away with all these anarchists. We were in a great struggle in Cochella, and I was assisting in a strike in Cochella, and at that time my name was pretty popular in the Imperial Valley, and one of the other officers said, "We're going to get rid of your kind," and that's why they took us to El Centro and in the middle of the night they took us from El Centro to San Diego because they said they anticipated a riot in El Centro because they had apprehended the Figueroa brothers. To us, it was a deep blow because we had just won a Supreme Court decision in the state that pertained to the clapdown case of Congressman Tunney, and at that time officers were going to make sure they got a hold of us. So they did so.

And this other case was called the famous drug-cough syrup case. We took it to court. After four postponements here in the Federal building, finally a good judge from Montana threw the case out of court, and now we have our lawsuit pending; and thanks to *Bevins v. Six Federal Officers*, we can now sue the government and sue for drugs. They're ont immune no longer, and right now I just received a notice from our attorney Mr. Haverstick that Judge Clifford Wallace denied the motion from the government for dismissal of the suit which was dated April the 19th, and it goes—after all the—that's February of '70. This was when we encountered our greatest strike in Cochella and in Calexico, and every day all the strikers that would cross from the Mexican border were stopped, harassed, threatened that they would lose their citizenship—lose their green cards if they had any participation whatever being on the strikes in the Imperial Valley against the Body Brothers. St. Andrews, and the rest of the people we were striking, and that broke a lot of our strikes. We did not win those

strikes because of the treatment and harassment given by the Immigration authorities and Custom authorities, and consequently to the suit that we have pending.

A prior—this other gentleman that has spoken before me, he said that the Custom officer was transferred to Los Angeles, while my officer I'm suing was transferred to Nogales. Now he's the head man. He's the head officer in the Customs—down in the Customs in Nogales. And it's been like that all the time I've heard these other testimonies. I want to thank you.

EXAMINATION

By Mr. ROYBAL:

Q. Was your case for your alleged smuggling of marijuana or dope dismissed by the court; and was the reason for dismissal lack of evidence?

A. The case was dismissed by the court because the government itself analyzed the cough syrup. It's a eucalyptus—Lavarre eucalyptus, and it contained no drugs whatsoever.

Mr. VAN DEERLIN. Mr. Chairman?

Mr. ROYBAL. Mr. Van Deerlin.

EXAMINATION

By Mr. VAN DEERLIN:

Q. Was it a prescription drug?

A. No. I bought it in the drugstore in Mexicali, and I had the paper and everything for it.

Q. Your mother had used this earlier, and you were getting it for her. Had she ever brought it across the border herself?

A. Yes. She always brought it across the border.

Q. Without difficulty?

A. Without difficulty.

Q. And it doesn't require a prescription?

A. No, it doesn't. It's like Formula 44, same like Formula 44.

Mr. ROYBAL. Mr. Riegler?

EXAMINATION

By Mr. RIEGLE:

Q. Do I gather from what you said you had a feeling from when you were involved in strike activities, and particularly ones that were very important to you, that people in the Customs Department were harassing workers that were coming across the border that might participate in some way in that strike?

A. Yes, definitely.

Q. And did this happen often, and was this a common practice?

A. Yes. It was a very common practice because we had to go after the strike. We used to follow some of the "scabs" back to Mexicali, and what they would do they would even stop us and not permit us to cross back into Mexico so we could find the houses and people in Mexicali so we could talk to the people and anybody that had a flag or anybody that had a bullhorn or anybody that had any kind of literature or material of Cesar Chavez would get always the rough treatment.

Mr. RIEGLE. That's all.

Mr. ROYBAL. Any other questions? I want to thank you, Mr. Figueroa.

Mr. FIGUEROA. Thank you very much.

Mr. ROYBAL. Dr. Drew?

(FREDERICK A. R. DREW, having been previously duly sworn, took the stand and testified as follows:)

Mr. DREW. My name is Frederick A. R. Drew. I live in Chula Vista.

Before I begin my testimony I'd like to make note that Mr. Riegle—you might want to congratulate me on my courage too. Also I'd like to make one more note. I noticed that Congressman Van Deerlin stated here today, "Of all the Congressmen this is one Congressman that has interest in the case." I don't know whether this has much bearing, but I'd like to remind the Congressmen I brought incidents of atrocity reports in 1966 and again in 1967, and I'm waiting for your answer, sir. I will continue.

Mr. ROYBAL. The mere fact the Committee is here, Mr. Drew, is testimony to the fact something is being done. We hope something can be done.

Mr. DREW. I thought I might mention that in case you already have that information.

I'd also like to make it clear—because it seems to me you might be confused about one point—the men who are on the border crossing stations are not all Customs agents. Some of them are agents of the United States Immigration and Naturalization Service, and some are agents of the United States Department of Health, and other Federal agencies as a matter of fact. I don't know whether that is very pertinent, but I would like you to understand that's so. It's also so that many of the Customs agents are former Immigration Patrol inspectors.

I am from Washington, D.C. I'm a native of that city. I have been employed by the Federal Civil Service for I guess about 11 years to 12 years until I took an examination, passed it, and was accepted as an Immigration patrol inspector here in Chula Vista. The Immigration patrol inspectors, of course, are selected from all throughout the United States of America as a result of examinations, Federal examinations. I considered myself fortunate in having been selected.

When I arrived here I was the only Negro member of the United States Border Patrol that I knew of, the only one. There were 1,100 Immigration patrol inspectors here, and I was the only Negro. So it didn't take me five minutes to decide that something was wrong or would be. Also, within that same five minutes, I was taught my first Spanish word. It was Cabron. I was taught that every Mexican was a Cabron; I would need to know that. It took me more than five minutes to learn that a Cabron was a male goat, and most people of Mexican ancestry don't particularly care to be called a Mexican goat. Nevertheless, it was the most vital lesson I got because most of the lessons I got from that forward were based on that lesson.

I noticed from the first day that I worked as an Immigration patrol inspector that it was traditional, customary to treat the people that we dealt with with a lack of respect, and I'm being graceful in describing it even that way. I criticized the fact that we were treating people without accurate respect, and I made specific emphasis of the fact that all of the people we were treating were not Mexicans in fact. Some of them were United States citizens who had been mistaken for Mexi-

cans. Some of them did not look like Mexicans and were also not United States citizens. It seems to me I was being elected in the affairs of Hondurans, who also come here, some legally and some illegally.

Because of the constant mistreatment of our charges, and in the instant of expediency, I suppose I cannot even outline many of them. I'll pick a few and name those instances of outright brutality, outright cruelty perpetrated among these people. Because of these instances I could not last long as an inspector. I only lasted for four months, and at the end of that period I requested and received a hearing from the Department of Justice, of which the Border Patrol is a part, and some agents came from Washington, D.C. and investigated, and held the hearing, and most of the things that I'm telling you plus many more that I will have forgotten and many more that I just simply won't tell you because you're pressed for time are documented pieces of evidence.

I'd like to cite this one incident. As an Immigration patrol inspector probationer I was normally assigned to do duty with an older officer, one who was not a probationer, not necessarily the same one each day; as a matter of fact usually with a different officer. Sometimes you got to work with the same guy two or three times in a month, but normally you worked with someone different most of the time. There was one man—and I have his name here if you want me to recall it, but for the moment I'll just simply explain—who made it a habit to drop in at the Customs agents' office at the border crossing point and, of course, this is why I want to make it clear they're not all Customs agents there. Some are and some aren't. But this man made it a point to stop at the Customs office regularly to pick up a type of firecracker called a cherry bomb, plastic cherry bomb. Now, the Customs office has these cherry bombs because no matter who confiscates contraband at the border it's supposed to be turned over to the Customs Department. It's the duty of the Customs agents to incinerate whatever material is of little value that's brought across the border in this manner, but they didn't incinerate the plastic cherry bombs. They made a habit to give some to their friends, and keep some for themselves, and dispense most of those to the inspectors.

It would be necessary to say most of the work the Immigration officers do is not done at the border. Usually we run through the weeds playing a sophisticated cowboys and Indians game to try to apprehend whoever might illegally cross the line. Sometimes we catch people who might be wandering through the streets in San Ysidro or Chula Vista who might look like they illegally entered, and it seemed to me—I was given to understand it was our job to harass people. Sometimes the harassment would be unfruitful. Sometimes the people who had crossed the border actually had crossed the border illegally, or if they did cross the border they didn't have the necessary papers, and they would be deported. Sometimes they were American citizens we deported just because they looked like aliens. We never, ever in the time I was there apprehended a blue-eyed, blond-haired Mexican. I think I was the only border patrol agent who knew there were blue-eyed, blond-haired Mexicans.

Now, this one inspector with whom I was normally assigned would normally toss the cherry bombs behind a cactus bush or weed in which he thought there was an alien hiding, and if indeed there was an alien hiding there, and if he wasn't very sophisticated, he would probably be

frightened by the firecracker and show himself. In that way he would be apprehended. We weren't told to apprehend them like that, but we did. This man's favorite position was to post himself besides a drainage ditch which runs close to the border near the Travelodge in San Ysidro. For some strange reason, many illegally entrant aliens would come across the border and go through this drainage ditch figuring this would get them pass the border patrol agent who was generally stationed at what was known as the "high point." It's a border patrol station. And this nice fellow would wait until the aliens got in the drainage ditch and toss one of the cherry bombs down into the drainage ditch.

Now, I did not seem to have been able to reason with this man that once an alien or a subject was in a drainage ditch he only had one of two routes he could take. He either had to go back out the end he came in or he would have to come out the end that was exposed so that, therefore, since there was always two of us, all we needed to do was position ourself at either end and we would have him. He seemed to think it was more logical to throw a cherry bomb, plastic cherry bomb, into the ditch. So it was sometimes the alien would come out not being able to hear. I was never able to determine whether he was ever able to hear. Sometimes he would come out with parts of the face burned and still burning.

I considered that to be cruel, so I reported it. I don't seem to have gotten very far with the reports I made. My senior officer—and I mean the senior officer in position over all the officers in this sector—Mr. Batchelder, had heard me make reports of this nature over, and over, and over again. He was always very willing to hear the reports that I made, but I'm not even certain that he did hear me most of the time. I never was able to see any results.

There was a time when a woman was apprehended. The woman was from Honduras, so—she spoke English—and because she was from Honduras she was a dark-skinned woman, and because I was the only Negro that was there I was brought in two hours after my shift ended; that is, when I should have been off. I was brought in to interview the woman.

Now, an ordinary interview takes about three hours, which meant I was going to be five hours overtime to begin with. I guess you understand there's also—I've sufficient reason to believe the Border Patrol would give me assignments to conduct. This is just one of them, and there were a few, but in this particular case the woman had been apprehended something like seven or eight hours earlier. She had two infant babies with her, both of whom had colds, and they seemed to be very serious colds. The holding cells in the Border Patrol headquarters are simply wide open prison cells with steel conduits and steel bars opening to the night watch officer's desk. The night watch officer's desk is generally pretty well exposed to the elements anyhow because there are always Border Patrol agents coming and going. So the door was constantly swinging open. It was in the middle of winter, and it was a particularly cold night. So I explained to you that the woman already had two infants—and I don't mean just babies; one was about two or three months old and the other was about nine months older than that. Both had colds, and that was obvious. I have nine children of my own so I presume I can tell when an infant has

a cold, but I think that someone without any children could have told that these children had colds. Nevertheless, they had saved that woman for seven hours in order to get me, the Negro, to interview her. The reason, of course, that they wanted me to interview her was because they decided that she was uncooperative and they thought she would cooperate with me, which I thought was a pretty unfair thing to do without the two children that were there. After I interviewed the woman they detained her still longer because it wasn't until after I had interviewed the woman that they decided to send for the matron to examine her, and after hearing testimony today I can presume they examined her pretty thoroughly. It happens.

The woman was from Belise, Honduras, and I have a relative in Los Angeles who is also from Belise. When I visited my relative I mentioned the name to my relative because I remembered the name, and when I mentioned the name to my relative she said she knew the woman, and in fact, she said she was going to go back to Belise within a year and she was going to look the woman up. I asked her what the woman had said and she told me after my interview they did not simply use a flashlight and it was not a woman who interviewed her—not an almost-woman like I heard described here a little earlier, but not a woman at all; and that it was very certain that she was going to be deported, and because she was from Belise, and in fact because she was from Honduras, that means she was as far away from San Ysidro crossing point could be and still be on the continent. So the Border Patrol man that did examine her internally was reasonably assured that she would not be returning to testify in a hearing such as this.

Now I say that—of course, I'm speculating, and I apologize, of course, for that—but I say that to say that I expect there must be for every one person who is willing to sit here and submit to this hearing there must be three or four thousands who were more badly treated who would be entirely too ashamed to admit what has happened to them at the hands of Immigration patrol inspectors. As I said, it's my own speculation, and I would expect you might not accept that as evidence, but I do strongly urge you to consider that as a reasonable speculation from someone who has witnessed from the other side of the fence Border Patrol men's treatment of illegal entrants or other aliens.

By the way, I might add too that to get away from the severe criticism of Immigration patrol inspectors I might ask you to keep in mind there are some minor things or things that you might consider minor that ought to also be on your minds when you decide to do whatever you might decide to do. I hope, Mr. Van Deerlin, that the four of you can work a little faster than one. What I was going to—what I was talking about was the actual treatment of American citizens who are not even suspected as being illegal entrant aliens. There are times when there are—like someone mentioned—long-haired kids who might be roaming around in the weeds; maybe sometimes will bring their dates out to the bushes for whatever reason. I leave that for you to speculate. I'll only speculate once at a hearing. And sometimes the Immigration patrol inspectors that worked with me weren't too happy about the fact that their domain, their weeds were being used for immoral purposes, especially as they weren't participating. So quite

often the Border Patrol would harrass them. I don't suppose that it's wrong to discourage young couples from using—capturing weeds for such purposes, but on the other hand, I think it's rather a waste of the taxpayer's money for Border Patrol men to be spending energies and undue efforts for attempting to thwart Cupid, when their responsibility is attempting to thwart something else, and I think that brings discredit to the Border Patrol.

Furthermore, any of the young people in our community—I live in Otay—I'm affiliated with Chula Vista—any young people who are illiterate are afraid to walk the streets. I'm not talking about young girls who might be afraid to walk the streets, but I'm talking about young boys. They're almost assured of being harrassed. Now most of the people in my community carry their birth certificates with them their life times. Now, it might not seem to you that that's a severe or serious thing to have to carry your birth certificate with you for a life time. I bet you don't do it. I don't do it. I haven't seen my birth certificate since I was nine years old; but they must carry something to prove they're American citizens, to show they're American citizens, and I think it's unfair of any agency or Federal agency—that it's unfair to require any person who is a citizen of the United States to carry identification with him constantly when he's walking the streets. I think that's in itself cruel. We can forget about—or if we can forget about it—the flashlight and the other things. I don't think we can forget about that. Also they are harassed otherwise.

I guess I better not mention too many things. I don't really want to turn your stomachs yet.

EXAMINATION

By MR. ROYBAL:

Q. Mr. Drew, can you give us the dates again of your employment?

A. Yes, sir; from June 1966, to October 1966. I have here—

Q. What was your rating?

A. I was a rate GS-7, Immigration Patrol Inspector, which is what nearly everybody down there is.

Q. Were you, at the time, a trainee?

A. Yes, sir; I was a trainee or a probationer. They didn't call it trainee until a few years later, after I got out.

Q. But this was during your probationary period, which would usually take six months; isn't that correct?

A. No. It usually takes a year. I was very lucky to be able to last four months.

Q. But your probationary period would normally have taken one year?

A. It would normally have taken one year.

Mr. ROYBAL. All right. Any other question?

Mr. RIEGLE. Yes.

EXAMINATION

By MR. RIEGLE:

Q. I'm not clear as to what it is your're doing now. Are you with the Federal government?

A. No. I didn't know what I was doing now was pertinent because I'm bringing the testimony about the issue before us. I'll tell you what I'm doing now if you just care to know.

Q. Yes.

A. I own a janitorial service in the Chula Vista city, and I'm also dabbling in politics.

Q. I'm just wondering if your experience as a Border Patrol agent was part of the decision to leave government service. I assume you left on your own?

A. No; after I left the Border Patrol I went to work for the Navy. Later on I started my business, primarily because I wanted to create some employment for the people in the area. I might add it was because of my experiences on the Border Patrol I developed such a deep sympathy for the problems of the people.

Q. May I ask one more question; did you witness in that four month period physical beatings—

A. Oh—

Q. —unprovoked, physical beatings?

A. Oh, yes.

Q. How many, would you say?

A. On an average, two to three a week, somewhere in there that I witnessed.

Q. Would these be other men you worked with who just enjoyed beating people up, or what do you think was the motivation for this kind of treatment?

A. I would think that a man with a pistol on his side and handcuffs, and four or five other men with pistols on their side and handcuffs who picks on another man who is unarmed, who has committed no crime like murder or rape, or who's not been an enemy of war, I would think when such men beats such a man in those circumstances I'd think he must be doing it for the fun of it.

Q. Did you see women beaten that way?

A. I've seen woman with hands on their bodies more than the customary two that they usually carry. I don't know that you call it beating.

Q. And how about just abusive language?

A. Abusive language was very, very common; yes, sir; being used by the Border Patrol men against their charges. Yes, that was quite common; abusive language in two languages. I think one man spoke French, so I think I'll amend that to three.

Mr. ROYBAL. Anything further.

Mr. VAN DEERLIN. No questions.

Mr. ROYBAL. Thank you very much, sir.

(Whereupon the witness was excused and stepped down from the stand.)

Mr. ROYBAL. The hearing then will continue. I think this is an appropriate time to hear from the Customs Department. Is there anyone from the Customs who is ready to testify at this moment, or should we go on with another witness and then come back with them?

A SPECTATOR. Mr. Roybal, in protest we are walking out until they are done. We are the victims. They are the criminals. So we will not listen to what they're going to say.

Mr. ROYBAL. I'm sorry you're walking out; you're not listening to what they're going to say at all. This is an investigation, and in order for it to be properly done we must interrogate them also.

Mr. GUNNELS. Will you state your name for the record?

Mr. HANN. Vernon Hann, H-a-n-n.

Mr. GUNNELS. Please stand and raise your right hand.

(Whereupon the Clerk duly administered the oath.)

Mr. GUNNELS. Be seated.

Mr. ROYBAL. Will you proceed, Mr. Hann.

(VERNON HANN, having been first duly sworn, took the stand and testified as follows:)

Mr. HANN. You want me to make a statement?

Mr. ROYBAL. Yes, sir, if you have a statement to make.

Mr. HANN. Well, I haven't been listening to the testimony that's been going on here. All I would like to say is that when President Nixon took office one of the first actions was to charge the then Commissioner of Customs, Miles Ambrose, with the interdiction and interruption of narcotic drugs coming into the United States, and as a result of that, Operation Intercept took place. This was particularly felt in the San Diego area because of the large volume of traffic at San Ysidro. We then changed our operation to Operation Cooperation, which was less intensified examinations as during Operation Intercept, but was considerably more than prior to Operation Intercept. Since that time we have continued with this high enforcement profile.

We, shortly after Operation Intercept, had an increase in personnel. In fact, to date our force is almost doubled. However, this increase was negated by the withdrawal of commitments on the primary examination areas by the Immigration Service. So we really did not realize any additional personnel, so we still have backups. We still have delays, and we're still attempting to maintain our enforcement profile.

With the increase in personnel and the increase in the Bureau of Customs, many of our experienced officers have been transferred and promoted to other areas. Right at the present time I think I have two officers or inspectors at San Ysidro that have over two years experience.

However, due to our intensified efforts during fiscal year 1971, there was 60,000 pounds of marijuana seized, about 15 pounds of heroin, 12 pounds of cocaine, and 8,500,000 units of dangerous drugs, and we expect this to be increased by about 33½ per cent during this fiscal year. There is something like 1,300 arrests for narcotic violations made during fiscal year 1971. These were for Federal violations of laws enforced by Customs, and I understand there was another 9,000 violations detected by the Immigration. Most of these violations were initially detected by Customs officials since they are manning the majority of primary lanes at San Ysidro. San Ysidro is the largest single land border in the United States, in that it handles more traffic than any other land border part.

Last year there were over 26 million people that entered the United States at San Ysidro. There were some 6,000 seizures of merchandise. Penalties were assessed about \$8 million. With all of these people, all

of the arrests, the seizures, the penalties issued, it leaves very little time for our inspectors to pick fights.

When our inspectors come on duty they are sent to a training school in Hofstra, or Hofstra Training School in Hempstead, New York. Included in this training school are classes on courtesy and tact. Subsequent to their training in Hofstra they are continually having training on courtesy and tact, and handling of the public, and on-the-job training sessions. These are periodically followed up by letters from the Commissioner of Customs, the Regional Commissioner, my officer, or the Board Directors' office.

Anytime we receive a complaint of any abuse on any of the travelling public, we make an investigation locally and respond to the complaint. If the complainant is not satisfied with our answer and lets us know it, we immediately forward the complaint to our Bureau to the Assistant Commissioner for Security and audit for their investigation. That's all, sir.

EXAMINATION

By MR. ROYBAL:

Q. This Committee, of course, is not inquiring into the efficiency of your Department, but we welcome the testimony you've given us with regard to the narcotics seized and so forth.

What we are inquiring into is the alleged mistreatment of people crossing the border, and your policy, and the policy of the Department with regard to the border crossings. Would you please tell the Committee what is your authority?

I suppose Title 19—but would you tell the Committee what your authority is and what your policy is with regard to it?

A. We have—I have taken the liberty of bringing copies of our authority, and in brief I'll give it to you. It's Title 19, United States Code, Section 1581: Any officer of the Customs may at any time go on board any vessel or vehicle in the United States, without or within his direction, and examine or manifest any document or papers, and examine or inspect, and search, the vehicle and any part thereof, and any person, trunk, package, or cargo on board, and to this end may hail and stop such vessels or vehicles, and use all necessary force to compel compliance.

We also have 19 USC 1982: All persons coming into the United States from foreign countries shall be liable to detention and search by authorized officers or agents of the government.

19 USC 482: "Any other officers or persons authorized to board or search vessels may stop, search, and examine any vehicle, beast, or person on which or whom he or they shall suspect there is merchandise which is subject to duty or shall be introduced into the United States in any manner contrary to law."

Q. I am familiar with Title 19, and will stipulate to the fact that you have that authority, but I see no place in Title 19 that gives you or a Customs agent the authority to conduct internal investigations?

A. We do not conduct internal investigations.

Q. Are you then testifying to this Committee to the effect it is not your policy to conduct internal investigations?

A. It is not our policy to conduct internal investigations. This is done by a physician, if required.

Q. I have here an affidavit that is written by a young girl—I understand a very good-looking one—who writes as follows:

It says, "A young Customs officer, who would spend little or no time with many people preceding us in line, asked the usual questions, examined our parcels, and then accused me of being an English alien because I speak with a slight accent, acquired through years in theater."

It goes on and says the Customs people did in fact examine her very closely, but I think that the one that you'd be most interested in would be the following:

"When they failed to find any evidence of drugs, they took me into another smaller room where only the first officer accompanied me, and then he was joined by another one who gave me an even rougher time and a more probing examination of my person, through my clothes as before, leaving nothing untouched or unfelt."

Then she goes on: "The second officer who joined us kept asking me what I was hiding and where; why I was shaking. He insisted it was guilt. I was shaking out of shock and concern. When I backed away from him he pulled my right wrist, held it with a twisting hold, and slipped a hand into my bra, where he later said he thought I had hidden something. When I insisted on a policewoman he laughed sarcastically and said, 'You'll get one if you're not careful, and a 72-hour stay with it. So be cooperative. If not, I'll complete the arrest.'"

It goes on to say she was never under arrest at any time; that she was never told of why she was being detained.

So my question to you is: were these officers acting against your specific instructions when they did this?

A. They certainly were.

Q. Were those who acted in the same manner—based on testimony we got this morning—were they also acting against your specific instructions and policy of the Department?

A. Well, I didn't hear the testimony this morning, but if any inspector, a male inspector, touches a woman, they are certainly acting against my policy.

Q. Well, we will make available to you all testimony that has come before this Committee, and I think we will be able to prove almost beyond a doubt that this is happening at the border.

Since you testified this is against your specific instructions and policy of your Department—

A. It is.

Q. —would you be prepared to take immediate action once—

A. If the veracity—

Q. —once the information is made available?

A. If the veracity of the statements are truth; yes, sir.

Q. And by that, would mean immediate rearrangement of personnel and firing of personnel responsible?

A. Yes, sir, if the claims are correct.

Q. The Committee, of course, will try to establish the veracity of all these claims and try to get as much evidence as possible, and will make such a presentation when the time comes.

Now, when a person is examined—when they get into this secondary line we heard about today, and when they go into this one little room where they are asked to disrobe, is this room well-heated, well-lighted; is it clean; does it have proper sanitary facilities?

A. Well, this is a very small room, and the only thing in the room is a desk that is mounted on the wall so that paper—reports can be prepared. It is purposely kept bare so that nobody can hide anything under chairs or utilize chairs as any weapons. There are sanitary facilities outside of the search room, in the search area.

We are presently undergoing a reconstruction at the port at San Ysidro. The previous facilities were old. They haven't been painted; and this decision was made by the General Services Administration not to paint them because the building was going to be torn down very shortly. The facility is kept clean. It's cleaned daily by G. S. A. It's heated the same as the remainder of the offices.

Q. All right. Now, one final question, and perhaps I'll come back to the question and give my colleagues a chance to ask questions before they leave, but are you familiar with the "Rochene" case, *Rochene vs. California*?

A. Yes. It's been a long time ago. I remember the case; and at that time I was working in the enforcement and was working with it.

Q. Do you remember whether or not you agreed with it at the time you read it?

A. Well, as I recall, it was reversal where they were forced to—was it regurgitated narcotics?

Q. Yes.

A. And they used force to do this—no, I was not in favor of this.

Q. You were not in favor of it at the time.

It also dealt with a rectal examination that was conducted under arrest. Do you remember that case at all?

A. No. I'm familiar with several decisions along those lines.

Q. Do you conduct rectal examinations?

A. We don't conduct rectal examinations. Occasionally rectal examinations are warranted, and the Customs agency takes over, and takes them to a physician.

Q. All right. Does that mean that individual is taken at the time he crosses the border to a physician; do you have a physician on your payroll 24 hours a day?

A. The Customs agency service have contracted with a physician to do this type of search.

Q. So regardless of the time this takes place a physician is there waiting for the Customs agent to take a patient?

A. No. He is not there waiting. His office, I believe, is presently in Chula Vista, and they call him and advise him they are en route with a suspect, and he meets them at his office.

Q. Is he under contract with your Department?

A. He is under—well,—I don't know. This is between the agency and the physician.

Q. But what you are saying is that he is in fact paid by the United States Government for his services?

A. Yes, sir.

Q. And the services are rendered upon request?

A. Yes, sir.

Q. And this request can come any time within a 24-hour period?

A. Yes, sir.

Q. May I state to you, as I did to someone who testifies on behalf of the Department, and that is the Customs Department is very lucky to have a doctor that immediately answers to a call. The Customs

Department would be the only Department or perhaps the only group of people in the world that gets that attention. I know, as an average citizen, I call a doctor and can't be taken care of immediately when he has 200 appointments. He usually calls me and tells me to come back two weeks later; and to have this kind of attention Customs people are very lucky. I hope you can make the name available.

A. We are going to give you the name.

Q. We are going to contact you about the name you have, but going back to the authority, you agree then a Customs officer does not have the authority to conduct an internal examination unless that person is taken then to a physician?

A. I certainly do. A person that is examined, and their clothing is removed—no officer should put a hand on their body.

Q. Well, we do have testimony to the fact in many instances this has taken place, and you will look—once we submit all this information to you, you will be most cooperative in, first of all determining the facts, and if they happen to be as stated—

A. Certainly.

Q.—you will take some action?

A. Yes, sir.

Mr. ROYBAL. All right. Mr. Riegle?

Mr. RIEGLE. Thank you, Mr. Chairman.

EXAMINATION

By MR. RIEGLE:

Q. Mr. Hann, will you repeat your title for me again and tell me how many people you have under you?

A. I am just a Director of Customs at San Ysidro. I have approximately 225 people under my supervision.

Q. So the Border Patrol would be under your direct supervision?

A. San Diego County and San Ysidro.

Q. Now, you mentioned other changes in policy with respect to border crossing activity; that there was at one point a substantial increase in personnel?

A. Yes, sir.

Q. Was any effort made at that time to employ minorities or people with Spanish-speaking backgrounds?

A. Yes, sir.

Q. And what success was achieved in that regard?

A. Very little.

Q. Why?

Q. No applicants? Well, how is the application process carried on?

A. Well, Civil Service. They have to go to the Civil Service Commission and make application to the Commission and pass the Federal Civil Service Entrance examination.

Q. One of the problems we've experienced, and I'm sure you're familiar with it because you've been in the Federal program, and that is, if you're going to open up job opportunities to minorities to bring them into the activity that's involved often times the normal procedures are set up in such a way that many minority people may not know about the fact that a job opportunity might be available, and I'm just wondering—it seems to me there are no applicants, and no one could be found and, therefore, there wasn't a way to get minority representation in this new hiring force is really a very lame answer.

I only speak for myself in answering that, but it seems to me in the job you have in light of the seriousness of the charges that have been made today—and it hasn't been made by a few people; there are a large number of people who are here; some who apparently were afraid to come; some were embarrassed to come—so I think you have to solve it on hiring, not blaming it on hiring procedures or whatever.

Do you think a way will be found to do it, or do we have to meet ten years from now and find minorities are one or two per cent of the work force?

A. At San Ysidro, I think you will agree, we have about 12 in the population.

EXAMINATION

By Mr. ROYBAL:

Q. Twelve out of what?

A. One hundred.

Q. Twelve in what? You say—in what minorities; are these Spanish-speaking people, Blacks?

A. Spanish-American and Blacks.

Q. Twelve out of one hundred?

A. Yes.

Q. Are any in supervisory capacities?

A. I don't believe so.

Q. Now, this is part of the problem. It seems to me if you're going to have credibility, and if the Customs service is going to have credibility, and if 90 per cent of the traffic across the border are Spanish-speaking people, that you're going to have to be able to reflect a sensitivity in people in your own work force and not in just the lowest job levels, but up the line, incorporate these very same people, and I don't know how you feel about that. I don't know if you feel that's something that ought to be an objective of yours or whether you'd have to be mandated from upstairs to feel that was something important enough to accomplish.

A. Let me explain something. Our regional office has had representatives in the various schools in the area soliciting minority groups to make application. I have myself talked with many of the minority groups, and attended their seminars, and invited applications from the minority groups, and I again make that invitation.

EXAMINATION

By Mr. RIEGLE:

Q. Well, do you have job vacancies?

A. I have job vacancies for Customs Inspector at San Ysidro right now.

Q. So what needs to happen, if people in the community need to qualify for applicants for these jobs that are Spanish-speaking people or Mexican-American people is that you'll give every consideration to those people for jobs?

A. I certainly will.

Q. And how many jobs do you have right now?

A. Well, it fluctuates. I think it's called in our Los Angeles office. I think we have probably eight or ten vacancies at San Ysidro. I have recently increased that force in San Ysidro of approximately 40 people that man a new facility and take over more adequately the primary commitments we have right now to reduce the delay.

Q. Well, I would just say to you, based on what I heard here today and what I read about these problems before today, if we could hire more minority people in these positions that that would go a long way toward bridging the gap that exists.

Now, we had another witness this morning that talked about abusive language that was used against particularly Mexican people or Mexican-American people, different sorts of phrases used, and so on, and I'm just asking, what discipline would it be necessary for you to take against anybody in your chain of command that would have been found out to use any abusive language to anyone crossing the border?

A. It would depend on the circumstances: oral admonishment, a letter of reprimand, suspension, depending on the severity.

Q. What if somebody called somebody a name, if it came to your attention? What was the name we heard today, Cabron?

A. Cabron.

Q. What sort of punishment would be necessary for an officer that used that phrase?

A. Well, it depends who's saying it to whom.

Q. Would you explain that, please?

A. I have very close friends in the Mexican—in the Mexican—Tijuana, for instance, and quite often they'll call me Cabron or I'll call them Cabron.

Q. That's one thing for friends to do that, but to strangers—but what kind of punishment would be necessary?

A. It would probably be an oral admonishment not to do it again.

Q. Well, it happens quite often—is it your understanding it happens quite often?

A. Not unless it was provoked. The officers take a lot of very foul abuse, and if it's foul enough they may retort and come back.

Q. And are they allowed to do that under the rules; in other words, if someone calls them a name—

A. Well, we don't condone it. We're having so much of this particular type of offense down there where the public is using abusive language, and we have this under discussion with the United States Attorney at this particular time as to what action we can or cannot take in this particular area.

Q. Well, what I'm wondering—is there any departmental order that exists which would instruct your Department not to use any kind of abusive language?

A. Yes, sir.

Q. Is that in writing?

A. Yes, sir.

Q. And how has that been circulated; has that been sent to your people within the last year?

A. On all courtesy matters, courtesy and tact.

Q. Specifically addressing this question to words of—abusive words of this kind that have particular meaning—

A. I feel in reading the instruction, the instruction covers this though it doesn't particularly cover the word Cabron.

Q. I would just make a suggestion to you as one member of the Subcommittee, and I think there ought to be that kind of directive sent through your chain of command, specifically identifying words like that which have particular meaning, which are of specific meaning to people.

A. I would more than welcome that list.

Q. Now, do you have any—I would hope you get a copy of the record and read it verbatim because it's a very distressing record in terms of the number of people coming forward to cite situations which are very unpleasant to hear about, and which you would not—I can't believe that you would be a person that would allow those things to happen if you knew about them.

So what I'm wondering is particularly with respect to physical examinations, which are very sensitive anyway, if you have written requirements and guidelines that are exact and precise, and which people are forced to follow to a "T" at the risk of losing their job or being disciplined if they don't follow them; do you have those directives?

A. Yes.

Q. Have they been sent around in written form in a year?

A. Well, these are taken up—every Customs inspector has a Customs manual, and this Customs manual is thoroughly studied in the training school, and these instructions refer to everyday particulars, which they frequently do, and incorporate it.

Q. When a suspect is asked to strip and disrobe, I gather there is no provision to provide any sort of a sheet or a covering or anything of the kind to make that easier for them to do; is that right?

A. That's correct.

Q. Now, is there any valid reason why we couldn't provide a sheet or some sort of a paper robe or anything so that this was not as unpleasant an experience as it is?

I'm sure you wouldn't want to have it happen. You wouldn't want to have it happen to your wife; and the people that are here feel the same way.

Can't we get around this problem and not have this be such an unpleasant experience for these people, because we've had a number of people here today who testified it was done, and in each case these people were not charged with any offense; nothing was found to be wrong. So they were innocent people, but yet they were subjected to this kind of physical examination.

Isn't there a way to make this less demeaning?

A. Well, whenever we have any additional objects like a sheet, we find that it's difficult enough now to even watch their hands to keep them from palming an ounce of heroin, and if we put a sheet or give them the privacy in disrobing. I'm afraid we lose lots of contraband.

Q. Well, let me ask you this: Do you have any statistics to show how many people are forced to strip or actually found to have some contraband on their person; what's your batting average; is it ten per cent of the people you force to disrobe, or ninety per cent, or fifty per cent; what is it?

A. Well, I take the liberty of getting statistics from women, and let me first preface this answer. Searches, particularly of women, are not done promiscuously. There are rigid instructions out to all of the inspectors as well as the supervisors that they should have very close to probable cause before they bring someone in, particularly a female, for a strip search, and this is usually a progressive measure. It may be accompanied by a narcotic addict that has fresh needle marks on his arm—they may have needle marks on their arm, this type of thing, before they're subjected to this search.

I took the liberty of getting some statistics before I came here. There were 285 women during the last year on which searches revealed contraband hidden on or within their person.

EXAMINATION

By Mr. ROYBAL:

Q. Two hundred eighty-five; how many were there all together?

A. There were approximately 1,800 searches, but this figure of 285 does not take into account the women that were accompanied—that were in a vehicle in which there was contraband. They are all searched.

Q. So what I gather—in other words, you're saying that there are some other people that, in a sense, were guilty of bringing contraband across?

A. Right; that were also searched in the vehicle.

Q. What would be a guess as to that number; how substantial a percentage would that be for the 285—I mean, you can supply this for the record, but I'm just interested in your estimate now.

A. I would say another hundred.

Q. Okay, so let's say 385 or let's say 400 out of 800, and that means 1,400 then of the women forced to go through this procedure were innocent. They were not found to have contraband on their person or in their automobile, or anything else, and that percentage—I can't do that percentage in my head on 1,800, but it's well over half were people that were forced to go through this procedure.

The way it's been described, it sure isn't very pleasant, and it just seems to me that the percentage of innocent people being subjected to this being well over half, that you ought to find some way to make this procedure less demeaning, and when you say providing a sheet or providing something that lets someone, if they feel modest, protect that feeling—to say there's no way to solve it, that troubles me.

A. I didn't say there were no ways.

Q. What way would there be?

A. There may be ways, but—

Q. I guess what I'm asking—I sort of reached a judgment we ought to find that way, and I guess I'm hoping what you'll do is decide in your own wisdom, perhaps, that is appropriate too. I mean, when 1,400 out of 1,800 women are innocent in any wrongdoing and subjected to this kind of examination, I think you have the responsibility to see to it that does not become something that's demeaning and personal kind of experience.

I don't think you want your wife subjected to that. I don't want mine subjected to that.

What can we do about that other than say that's too bad, and we really don't have any other way to do it?

A. Well, we were continually restricting the number of searches on females, but getting right down to the point there is probable cause.

Q. You see, that argument falls apart because in 1,400 cases out of 1,800 cases your probable cause ended up being not probable cause. In other words, somebody made a mistake. These people were innocent.

A. That means they didn't have anything on them at that time.

Q. That's right, and you didn't make any charges.

You see, if your batting average was 80 or 90 per cent, you'd be in a very different position in arguing about the inconvenience to the

other people, but it isn't that way; and what I'm saying is that you look at this problem and try to see if there's some way to solve this problem.

Now, if I may just take a couple of minutes? I don't want to hog the time.

Do you have any rules with respect to the length of detention of suspects? We have testimony here of persons that are asked to wait hours, not much, not much in terms of anything other than waiting for processing, and so forth, and it would seem to be reasonable to establish a rule of the house if you've got a witness that you're holding for probable cause that you can proceed within an hour, an hour and a half, or whatever is a reasonable period of time to detain someone, and if you're not prepared at that time to make some specific charge or some tangible evidence hasn't been found to detain them, they can go.

Now, are there any rules in this area, or could you just have a person sit there for 24 hours and have nothing done about it?

A. Of course, you're getting into a manpower problem. We do have rules the business should be conducted as expeditiously as possible, but when you have four men working a secondary area and you've got 40 to 50 vehicles in the secondary areas, you have people that are bringing merchandize and paying duty on them, and all of them in the same office at the same time, and people attempting to take care of the business as rapidly as they can, they may sit for a period of time. If the Committee is interested, we prepare a report on every search, and it shows the time of actual search including the waiting period.

Q. I think we ought to have that.

A. And I don't recall four-hour waits on any of these reports waiting to be searched.

Q. We've heard incidents of people who are detained longer than that, so you'll have to check that record.

Now, I'm wondering—anybody who is detained on the basis of physical investigations—I gather are physical investigations of women, according to your testimony, 75 per cent are found to be innocent, and 20 per cent are found to be guilty. Would that be true of people who are just detained rather than have physical examinations performed, or would it actually be a lesser percentage of people detained are found to be committing a crime of some sort?

A. I really don't have any statistics on it that I can readily come up with. They are held until the vehicles are searched, the inspectors are satisfied, and away they go.

Q. Now, I think that's important to get. I'll tell you why. I spent some time with a company myself, with IBM, and my experience has been if you're not measuring performance of that kind there's no way to know if you're getting good utilization.

If one out of every ten percent is stopped for a crime, that means somebody's making a pretty poor analysis in the other nine, and maybe analysis ought to be made.

The fact you don't know these statistics, and they are not part of the appraisal operation, worries me. I think we should have that data, and we should know because another value of it is to find out if harassment is occurring; and we've heard charges today of people who believe—and they're quite sincere in their belief, correct or incorrect—

that there's—there is harassment occurring. One way we would know if there is harassment occurring is if there were a large amount of people being stopped without being arrested. So that kind of thing has to stop, and that information has to be analyzed so we can have it for the record here today.

Now, one other thing, Mr. Hann, and then I'll stop. It seems to me it would be a very useful thing for any Customs agent who approaches the border to identify himself by name so that the person who is being approached by the Customs officer knows who it is they're dealing with. Now, in the number of cases we heard from people today who tried to get names of officers that they felt were abusive to them or to get officer badge numbers, or things of this kind, and they were prevented from doing so or even threatened in some cases.

Now, is there any reason why the Customs Service couldn't take an affirmative step? After all, you work for the people just as I do. Is there any reason why, as the first step in any kind of investigation, that the Customs official couldn't begin by indicating what his name is, and what his rank is, and so forth, so that if the person being approached later feels they've been badly treated, that they'll know who it was that treated them; is there any reason why you couldn't institute that procedure?

A. This has been insisted on many occasions. We do have orders that they will give their badge number to anyone who asks. This went to the Bureau, and this Bureau felt that they did not want them to wear name plates.

Q. Why is that?

A. Because of the possibility or the thought of harassment via telephone, and this type of thing.

Q. Well, it seems to me if that's the worry then you can also identify your officers by a thing other than name; you can have a large number.

A. We do have on the badge; the face of the badge has the man's number.

Q. Well, I think you're going to have to find some way—from what I hear, here today, you're going to have to find some way for the officer to identify himself more completely to the person he's stopping than the procedure that you presently have, because we heard from a number of people who told us that they were not able to find out who it was.

One other thing: Do you keep records; are your men required to file reports any time they take physical action against someone?

A. Yes, sir.

Q. So presumably, any time someone is beaten or subdued that there is a report written, and that ends up in a file somewhere, and somebody analyzes that and tracks it down as to what happened, and so forth?

A. That's correct.

Q. Now, we have a gentleman down in the front row down here who alleges that he was beaten up, and in fact rather badly, and twice in the same episode, once in the presence of the supervisor of this particular situation; and he's made that—apparently made that case known publicly.

Now, if a report is filed in that instance, and it comes—would that normally come to your attention?

A. No, it wouldn't normally come to my attention until such time I had a complaint against someone. That's maintained at the port of entry.

Q. Maintained at the port of entry. So there's no upward movement of these reports?

A. Through the supervisor, or the report director.

Q. And—well—

A. He maintains the files.

Q. But it stays there physically?

A. Yes.

Q. And there's no report that comes up the line to you?

A. No.

Q. So if you didn't get a complaint there could maybe be a report of 200 physical assaults in one month and you wouldn't know about it.

A. I'd certainly know about it.

Q. How would you know about it?

A. Because I discuss problems daily with the Border Directors, and if they had an unusual number of assaults, why they'd certainly bring it to my attention.

Mr. RIEGLE. Well, I concede I used more than my share of time, Mr. Chairman.

Mr. ROYBAL. Mr. Van Deerlin?

Mr. VAN DEERLIN. Well, Mr. Chairman, I think Mr. Rieggle has put his finger on a couple of very profitable suggestions. One has to do with the identification of the officer. This would do away completely with the report that so often accompanies complaints of abuse that it was impossible, except by returning when the man is on duty, to point out who it was.

EXAMINATION

By Mr. VAN DEERLIN:

Q. Whenever an F.B.I. agent comes to talk to you, even if it's about someone who is being considered for promotion in government, it's required under their proceedings that they begin by showing you their identification.

A. I certainly agree with this myself.

Q. The second suggestion that Mr. Rieggle started on is this matter of the upward movement of reports.

Now, in the case of Mr. Viesca, here is a man who is a columnist on a large, widely read newspaper, a man of prominence in his community, and I would think it inconceivable that there could have been a physical confrontation with a man of his prominence that would not be reported to you the moment you came to work the next morning.

A. It was.

Q. Oh, in this case it was reported?

A. (The witness nodded in an affirmative manner.)

Q. I see. So that what we might assume is the unusual case would get to your attention without any delay?

A. (The witness nodded in an affirmative manner.)

Q. You've been in your present job, Mr. Hann, how long?

A. Four years.

Q. Can you tell us how many disciplinary actions have been taken against officers under your command during that period?

A. Three.

Q. Did they all result from complaints from the public or from persons who complained about abuse, or were some of them on the basis of reports from other agents such as Mr. Drew when he was a probationer?

Mr. Drew, I believe, was before your time as officer in charge, but you would have complaints now and then from other officers, would you, or reports that would lead to disciplinary action?

A. I really don't know what you mean by other officers.

Q. Well, obviously Mr. Viesca came down there complaining of what happened in his case. Is it possible that on some occasions, someone not enjoying Mr. Viesca's prominence in the community, might suffer the indignity of physical abuse and not report it but the matter would come to your attention?

A. Yes.

Q. Through the organization?

A. Yes.

Q. Other officers?

A. Yes.

Mr. VAN DEERLIN. It would seem to me. Mr. Chairman, that because the number would not constitute an undue burden, if there were only three in four years in which disciplinary action was taken, that perhaps Mr. Hann might be asked to provide the Subcommittee with a review of those actions; what the complaint was, and what the disposition was.

EXAMINATION

By Mr. VAN DEERLIN:

Q. Getting back to the Viesca case, Mr. Hann, there has been some conflicting testimony here today about a so-called promotion that resulted, and I am not being facetious, Mr. Chairman.

I would like you to tell us what the action was that was taken, if it was taken; whether it was with the agent involved with Mr. Viesca; whether it was considered a disciplinary action, or whether it was a normal transfer of duties?

A. It was a transfer of duties due to health reasons, and there was no promotion involved.

Mr. RIEGLE. If the Congressman would yield?

EXAMINATION

By Mr. RIEGLE:

Q. Was there any disciplinary action taken in that case?

A. No, sir.

Q. None at all?

A. No, sir.

Q. Would you tell us what you read in the report; what was the provocation of this man insofar as it was released up to that gentleman?

Mr. RIEGLE. Would the gentleman yield for that question?

Mr. VAN DEERLING. Of course.

A. In that the officers involved felt there had been a deliberate attempt to bait them into some act unbecoming an officer.

Q. Did they physically strike the man involved?

A. Not according to the testimony that I have.

Q. They claim that they did not hit him or——

A. Did not.

Q. — or physically subdue him?

A. They did not.

Q. Did they respond to what was alleged baiting or not?

A. As I recall the particular incident, they asked Mr. Viesca to take what he had in his pockets out of his pockets, and place them on the counter. He took part of them out of his pockets. Then he reached for a cigarette, and started to light the cigarette. The officer asked him to refrain from smoking until he completed the examination. He started to light the cigarette. The officer took the cigarette between his thumb and forefinger, and took it out, and threw it in the ashtray.

Q. Was that the extent of it?

A. Well, there was—no. There was words bantered back and forth between the two. As I recall, Viesca called the inspector a bastard, and the inspector grabbed him by the shirt and said, "Don't call me a bastard again or you'll be knocked on your ——."

Q. Now, is this a complete record of what you're relating to us now?

A. Yes, sir.

Mr. RIEGLE. There is a report necessarily. Would you make that available to the Committee?

May I ask your Honor's consent that we have that?

Mr. ROYBAL. That will be the order. We also ask you submit the names and the circumstances surrounding the three cases in which there was a reprimand.

Mr. HANN. Yes, sir.

EXAMINATION

By Mr. RIEGLE:

Q. And was there a supervisor at that time—is he still stationed in the area?

A. I don't recall. I think the officer has been promoted, and is in the Bureau, and is a supervisor.

EXAMINATION

By Mr. VAN DEERLIN:

Q. Mr. Hann, why would—and I hate to get into specific cases where there is a great deal said on both sides—why would an officer apply physical force, laying hands on a man like Mr. Viesca who, whatever his intellectual qualifications, is not a physical menace; why would that officer not be reprimanded for admittedly, no matter what Mr. Viesca said to him, using physical force against him, such as even yanking him by the collar?

A. Well, I think that—I've discussed this with our region, and I think we came to the agreement Mr. Viesca had deliberately came up to bait the officers involved, and they were under a great deal of pressure, and they actually didn't do much to Mr. Viesca except for admonishing him to use—refrain from using certain language.

Q. However, if Mr. Viesca had been a private in the Army, and a sergeant had done to him what you have indicated the agent had done to Mr. Viesca, that sergeant could well have been in trouble under Army regulations, and it would just seem to me you'd be very much on the safe side if you had flat rules against the use of physical force

except where there is a physical abuse against the officers. You know, "sticks and stones may break my bones," but I don't think Mr. Viesca is going to break many Customs agents.

Mr. Hann, there was testimony this morning—and I had reason in the back of my mind to challenge it—that 99 per cent of the persons crossing the border at San Ysidro are Spanish-speaking persons. Could you give any record?

A. I have seen the Immigration—the Immigration keep a record of the number of aliens that come across the border at San Ysidro and, as I recall, it's approximately 50 per cent are aliens that enter the United States at San Ysidro, and I would estimate another 25 percent are Mexican-Americans that come across, or approximately 75 per cent.

Q. I see. Now, on the record keeping that you make on those bodily examinations, do you have—does this indicate how many are aliens, and how many are Mexican-Americans, and how many are "Anglos"?

A. No.

Q. Well, you don't indicate, so we wouldn't have any idea of knowing whether the body search is exclusively of persons of Mexican descent or Mexican-Americans.

A. Well, the only way you could tell would be by the name or the address. We take the address. If they had an alien registration card, we'd probably have the alien registration card. There's a complete description. But we do not have records stating whether they are aliens.

Q. There have been complaints from young women that they seem to get it quite frequently coming through. They are searched quite frequently coming through in this small room.

Does your inspection of the records disclose that there is repetitious searching of the same persons?

A. No. The only time I am aware there is repetitious searching is when there is information which is supplied by the Customs Service on a particular individual or particular automobile.

Q. You have any comment on the complaint that was made that there was some political overtones in some of the alleged harassment; that persons involved in farm labor organizing efforts have been subjected to unusual search?

A. As far as Customs is concerned, there certainly have not been any political overtones at all. In fact, I don't know how an inspector could tell whether a man was affiliated with a union or not.

Q. Well, sometimes they wear the badge which would make it clear.

I think a final question, as far as I'm concerned—just to nail this down—you've indicated that there are no internal examinations; by that you mean involving the use of hands of the searcher?

A. That's true.

Q. And this would apply to both the matron as well as to male agents?

A. Yes, sir.

Mr. VAN DEERLIN. Thank you, Mr. Chairman.

Mr. ROYBAL. Mr. Gunnels?

EXAMINATION

By Mr. GUNNELS:

Q. Mr. Hann, how many female inspectors do you have under your jurisdiction?

A. I have one female inspector, and two—well, actually four acting inspectors.

Q. Are they uniformed personnel in the same manner as the male agents are on the border?

A. I have two—three that are uniformed, and two that are secretaries in our office, that perform this function, that do not wear a uniform. They have a smock with U.S. Customs and a badge when they perform these duties.

Q. Now, do these ladies have the same authority as the other Customs agents, the male Customs agents?

A. Yes.

Q. We have heard testimony before, this morning, that when the ladies are searched in these small search rooms a matron in uniform performs that search. Does that matron have authority to touch the person who is being—

A. They have strict instructions not to.

Q. Not to? So you say that it is your policy and the policy of the Customs Service that whenever an examination is made of the internal cavities of any person it must be performed by a qualified physician?

A. That is correct.

Q. Now, let me turn to one other point. Under what circumstances do you feel that your agents who are armed and always present in reasonable force, number-wise, would have occasion or provocation sufficient to justify violence?

A. When they have been physically assaulted or when a person is attempting to escape.

Q. And under no other circumstances?

A. No, sir.

Q. In other words, the person who is being searched must first give evidence of violence before you—your agents would feel that they had authority to respond; is that correct?

A. That's correct.

Mr. GUNNELS. Thank you, Mr. Chairman.

EXAMINATION

By Mr. ROYBAL:

Q. Mr. Hann, you testified to the fact that approximately 1,800 women were inspected. Is that over a period of one year?

A. Yes, sir.

Q. And of the 1,800, 1,400 of those were set free; 400, however, were—or you found narcotics in 400?

A. I believe I stated on—approximately 285.

Q. Two hundred eighty-five?

A. Yes; and probably another hundred were searched as a result of accompanying or being in a vehicle in which there was contraband.

Q. Now, were these just full-time matrons doing the inspections? That's quite a job, isn't it?

A. Three—well, I had access to five women.

Q. But for the most part you can count on three at all times?

A. Well, I have two that are secretaries at the office that are called upon any time during the office hours.

Q. Oh, secretaries can also conduct inspections?

- A. They have been designated as acting inspectors.
- Q. Then the person that conducts the examination does not necessarily have any training for that job, do they?
- A. They have training by the full-time matron.
- Q. Oh, full-time matron.
- A. Inspector.
- Q. A full-time matron does not have any medical training of any kind; she does not go through a nursing course before she's qualified to make these inspections?
- A. Well, the woman involved has been working down there as long as I can remember, and I certainly don't know what training she has had off-hand prior to becoming a matron.
- Q. The reason I ask that is because some of the letters I received from people who do not want to testify because they're afraid, they tell me—if I want to use the term—that the "old bag" making the internal inspections hurts them and doesn't have the proper training to do it without hurting.
- A. Hurts?
- Q. Yes. For example, in a rectal examination, if it's not done properly, even men get hurt.
- A. We don't have rectal examinations.
- Q. I understand you testified to that effect, but to the contrary we've heard testimony clearly stating that you do that at the border; and your testimony, of course, has been to the effect if it's done, it's done in a doctor's office.
- How far away from the border is it?
- A. It's in Chula Vista, approximately seven miles away.
- Q. Then your testimony is it has never been done at the border?
- A. Yes, sir.
- Q. Never been done at the border?
- A. Not to my knowledge.
- Q. You being a director then, and having people work under you, I would assume, would know if the order were violated?
- A. Well, I don't know if they would come and tell me if the orders were violated.
- Q. Well, you must have under your employ people who are pretty loyal to you.
- A. Oh, yes.
- Q. Then I suppose——
- A. But there are only two in the search room, the matron and the person being searched.
- Q. But you have every confidence in your employees; that is, to the point where you can assume that any violation would be reported to you?
- A. Yes, sir.
- Q. Now, you've also testified that—to the effect that the rooms in which an inspection is conducted is small; that they have no sanitary facilities of any kind; and that a sheet is not provided the individual at the time of the inspection.
- A. That's true.
- Q. You also explained why this is so.
- A. Yes, sir.
- Q. Is that correct?

A. (No oral response.)

Q. Now, we have heard testimony to the effect that the rooms are—well, cold to begin with, but dirty.

Now, if I may just visualize the situation for a while, this is an empty room, probably old, that perhaps was painted the last time five years ago, that has perhaps a—or, a bench where people can sit, and perhaps has a table.

If an investigation—that is, an internal investigation, is not conducted, why do you have a table?

A. To make the reports. After they finish, and while the individual is dressing, the inspector or the inspectors will complete their report while waiting for them to—

Q. Well, why can't you have a regular office desk, if you need such facility?

A. Well, we have this mounted to the wall so we don't have so many crevices and places they can hide merchandize that they may throw or try and conceal during the search.

Q. So if I may—I am just looking at this thing. I can't visualize this thing. I would like to see it, and I would like to make a visit, and will, before we leave; but it surprises me in some of these rooms—it doesn't have any sanitary facilities of any kind; they haven't been painted for eight years; that you do have an old stool there or something for people to sit on, but it still has a mirror.

Now, do you know of any of these rooms that have a mirror; have you ever inspected any that has a mirror?

A. I've been in most of the search rooms out there.

Q. You see, it was implied this morning this is perhaps one of these reversible mirrors where one can see what's going on in that room, and I was kind of wondering why a mirror was in an examination room of that kind.

A. I assure you if there is a mirror there, which I do not recall it is, that it is not a two-way mirror.

Q. But it's quite possible there is a mirror there?

A. I'm trying to visualize all of the doors on all of the search and holding rooms.

Q. Well, let's not both visualize.

A. Pardon?

Q. I said, let's not both visualize at this moment.

A. I do not recall a mirror on any of the doors. If there is one, I assume it to be on the outside of the door where the inspectors could adjust their uniforms or something because the locker rooms were in that area, but I don't believe there is a mirror on the doors, but we can check it together.

Q. That I would like to do, but I hope they're not removed by the time I get there.

However, one other point that I think we must examine into, and that is about your authority. I agree that there is authority under 19 USC, and under Section 5082, and also under Section 482, but you also stipulate to the fact that that authority does not extend beyond the normal rights of a Customs officer to look into matters, and does not entitle the Customs officer to make internal examinations; you have stipulated to that fact?

A. Yes, sir.

Q. You agree. Now, you did—but you have said that now, or at least implied, although you may not have said it directly, this authority given onto this particular section makes it possible for you to request or force—let us use the word request—an individual to disrobe?

A. Yes, sir.

Q. And this is still under Section 19, and perhaps under Section 42, but before you do that your authority deals with probable cause or reasonable cause.

What is probable cause in your opinion?

A. Probable cause: Information which would lead a prudent person to believe that a violation has or is occurring.

Q. Is this probable cause particularly based on information you might have received; can it also not be based on a quick visual examination of the situation?

A. Well, it can be based upon information received. It can be based upon the people that are accompanying the individual that is searched. It can be based upon visual examination and notice of say needle marks which would indicate an addiction to narcotics.

Q. From the testimony we heard this morning I can make several interpretations of what probable cause is and what reasonable cause is, and one interpretation that perhaps fits the situation is that officers under your command look at probable cause from a different standpoint that anyone who may speak broken English, who may be of Mexican background, who may come in old automobiles or walk across not very well dressed is in fact a person suspected of carrying narcotics, and that that in itself is probable cause.

Now, is that the situation with regard to your office?

A. I don't believe that's true. I know we've had the United States Attorney—on several occasions several of his assistants down for lectures to our officers based on this particular thing because the courts have come up with some very strong decisions concerning body cavity searches, and these are constantly brought to the attention of the officers involved, and by the United States Attorney's office.

Q. Then you are familiar then with the decision in Finley and Able in regard to body cavities, and your officers are aware of that also?

A. Yes, sir. They are gone into, and the situation is discussed with the officer by the United States Attorney's office.

Q. Well, I was surprised a little while ago when I felt you were not quite versed on the Rochene case, *Rochene versus California*.

A. Well, I don't recall. As I recall, that case was back in 1960, '58.

Q. Yes; then it was subsequently reviewed, and finally the state of California just last—in March of '72 made reference to that case in another ruling that it made.

A. I'm not familiar with that.

Q. This is not really relative, but I bring that to your attention because I feel that is a pillar case—

A. All right.

Q. — and one which has been quoted on many, many occasions; but the fact then remains that your officers are well-informed as to what the court says with regard to their particular jurisdiction?

A. Yes, sir. We try and keep them as current as possible.

Q. And then, one final thing because—I note this is repetitious, but nevertheless it has to be in the record more than once—and that is

that your officers never conduct an internal inspection of any individual—any individual, man or woman, at the border?

A. That's correct.

Q. And that whenever it's done, it's done by a physician in Cucamonga—where did you say it was? Well, somewhere.

A. (No oral response.)

Mr. RIEGLE. Mr. Chairman, could you yield to me for a question?

Mr. ROYBAL. Yes.

EXAMINATION

By Mr. RIEGLE:

Q. We were also told this morning if the person is detained at the border and is asked to—has asked to use the telephone or asked to call her lawyer—at least one witness and perhaps more today said they were denied access to a phone or denied the right to call an attorney. What is your policy in that respect?

A. Well, after a person is arrested we no longer have anything to do with it. It's turned over immediately to the investigators for the Customs Service, who are not under my jurisdiction at all, and they continue the investigation and advise them of the Miranda decision, and their right to an attorney. As far as I know, why they're allowed to use a telephone. If a person is in the office and wants to use a telephone and they aren't detained, we usually refer them to a bank or pay telephone which are right adjacent to our property.

Q. But if a person is detained, which I gather can last for a long time—it can last for a period of at least a couple of hours, because we heard of a couple of people here at least today who weren't being charged and were detained for that long a time.

When someone is ushered outside and treated as if they're in trouble, it would seem to me if they were they should ask at that point in time, right at the very beginning, they want to use the telephone and they want to contact an attorney, that they should have a right to do that. Now, what is your policy in that respect?

A. I don't believe this point has ever been raised before. I know as soon as they have been placed under arrest they're turned over to agents, and at that point they make their telephone calls.

Q. Yes, but the point is if you've detained someone on suspicion, whatever, you've detained someone, and at that point they're obviously frightened, and your batting average based on physical examinations isn't that good—75 percent of the people you detain you let go anyway—so there will be an awful lot of people stopped to be detained who will be terrified as to what's going on, and it seems to me if they had the presence of mind at that point to phone an attorney—do you have any objection to that?

A. I don't have any objection to that.

Q. Is there any reason why we couldn't supplement that as a procedure, because I think that would be another thing that would make people much less apprehensive if they knew at that point, if they were being unduly harassed or wanted to call them, what's the difference about that; what's the harm about that?

A. No harm.

Mr. VAN DEERLIN. Would the gentleman yield?

If they just wanted to call them they wouldn't be frightened.

Mr. RIEGLE. Well, counsel will yield.

EXAMINATION

By Mr. RIEGLE:

Q. If someone is frightened, as I'm sure a person would be in this setting, are you telling us then it's possible, and you'll consider, issuing a directive—

A. Certainly.

Q. That would instruct anyone to allow anyone wishing to make a phone call at that point to do so?

A. Certainly.

Mr. RIEGLE. I think that would be a help.

Mr. ROYBAL. I have no questions.

I'd like to thank you for your testimony. We'll make available to you at the agency locally a complete report of the recommendations of this Committee.

Mr. HANN. Fine, thank you.

Mr. ROYBAL. Two of Congressmen will have to leave to catch an airplane, and we still have quite a few witnesses that would like to testify. I was wondering if there was anyone that has written testimony that would like to supply it to the Committee in lieu of a verbal testimony. If there is, you're perfectly—feel perfectly free to submit it to the Committee, and we will make it a part of the record.

Now, the other witnesses we have—there are about ten of them, I believe—we're going to have to put a limitation on their time. We would not like to have you go through an entire transcript as happened this morning, but summarize. In other words, summarize your testimony, and see if we can't get each individual at least five minutes to summarize. Those that do summarize can send to the Committee in writing such written testimony as they so desire. We have two weeks to do it.

The next—the recorder—you see, we never think of these things when we're busy, but this young lady has been working quite a few hours, so we will take a recess, and we'll hear from Mr. Villapando when we come back.

(Whereupon the hearing recessed at 3:50 p.m., and resumed at 4:15 p.m.)

(After recess.)

Mr. ROYBAL. The Subcommittee will again come to order. We are going to make available a few minutes to the remaining witnesses.

Mr. Villapando, I understand, has decided to submit his testimony in writing; is that correct, or do you still wish to testify?

Mr. VILLAPANDO. No. I don't believe that five minutes would be adequate to encompass such a complicated situation of this type, so I'll have to, you know, go ahead that way.

Mr. ROYBAL. What Mr. Villapando has in mind is an affirmative action program, and I agree with him it would take more than five minutes to outline. I have suggested to him the proper thing to do is put it in writing—reduce it to writing, send it to the Committee, and the Committee then will make those recommendations. By an affirmative action program I mean the hiring—recommendations as to the hiring practices of the Customs Department.

I want you to know that I've been at this for a long time asking questions of every Department that comes in, wanting to know how many people they have of a minority group, particularly Mexican-American. So it started some time ago and I'm glad to have his recommendations

as to what he believes would be an affirmative—as to what constitutes an affirmative action program.

May I go then on to the other witnesses, and ask first of all for Mr. Herman Bacca, the President of the Mexican-American Political Association.

Is he present this afternoon?

(HERMAN BACCA, having been previously duly sworn, took the stand and testified as follows:)

Mr. BACCA. My name is Herman Bacca.

Mr. ROYBAL. Mr. Bacca?

Mr. BACCA. Yes.

Mr. ROYBAL. It is my duty at this time every time I start the hearing—I know that you're aware of it—to remind those witnesses that testify that they're under oath, and it's just one of these necessary precautions that under the law we must do.

Mr. BACCA. I have nothing but the truth.

Mr. ROYBAL. Will you proceed?

Mr. BACCA. Yes. I was chosen by the vast Chicano organizations in San Diego County to talk about the total immigration policy. We have been talking about specific incidents. Now we, of the Chicano community of San Diego County, would like to address ourselves to the causes of the specific incidents that you have been hearing about.

First of all, I wish to protest the fact that the Immigration came on. I'm sure that as representatives of the people—they or the Congressmen—they're supposed to be representing the total community could have just called and have let them know that this type of abusive behavior was going on.

Mr. ROYBAL. Well, had you remained to hear the testimony, I think you would agree it was most fruitful. We actually had a real commitment from the Head of the Department saying that he would effectuate changes if whatever was told to this Committee this morning and this afternoon happened to be the truth. I personally believe that it was not only adequate, but most fruitful due to the fact that this Committee is charged with the responsibility of determining what the truth is.

Now, from what I see from your particular testimony you're going to talk about the overall problem of immigration. I'll have you know that this is not within the prerogative of this Committee at all. This is under the Committee on Judiciary, which is another committee, and it is not a subject matter that we are entrusted to look into. However, since you are there and ready to testify, we will hear general comments with regard to it and then ask you to submit your entire program in writing to me, and I will assure you that I will get it to the proper authorities—get it to the Chairman of the Committee on Judiciary, and I will do everything I possibly can to be of service to you and to these organizations in seeing to it that your recommendations are implemented.

Mr. BACCA. Okay. First of all, if you're going to deal with symptoms and not the causes, you are always going to have the symptoms around because the policy of this government here in the United States and the officials that govern have chosen to condone a racist institution, and as such we see violation of Chicanos' civil and God-given rights daily. Throughout our history this has been the thing that we have had to carry.

Now, we have talked about the specific incidents here at the border. What about the incidents in San Onofre and other incidents that happen throughout the frontera of the entire Southwest? These are things that we want to address our things to because on this you address yourself to that. This problem of the symptoms will never be corrected.

Now, we of the Chicano community are specifying that we come out with a realistic policy, and that is an open border something like Canada has. Why has Canada an open border and Chicanos who have built this country here, Chicanos who have worked in agriculture, railroads, why do they become the scapegoats when economic recession sets in?

Now, these are the questions we have to ask if we're going to deal with the symptoms you read today. Now, this is a very serious matter because it's creating international ill-feeling between two countries.

Daily La Brensa from Mexico and the papers from this side report abuses of Chicanos' and Mexicanos' God-given rights daily. So the problem is one of God-given rights and with causes.

Our community is asking for a total new immigration policy, an open-door policy in accordance with our rights. This is the only realistic thing.

Mr. ROYBAL. But you're talking to a Committee that has no power to do that for you. This is what I'm trying to explain to you.

Mr. BACCA. This is the problem. We don't want to deal with Committees. We want to deal with the problems that exist on the borders of Mexico.

Mr. ROYBAL. The only way you can deal with those problems is through the Congress of the United States, and what I'm telling you is that our responsibility here today is to look into the charges against the Department, to find out what the facts are, and make recommendations. I say that we will accept your overall representation and then send it to the proper committee.

Mr. BACCA. Okay, but you should hear that number one this total policy of immigration has been one of racism. The only reason the Mexicanos do not have, and the United States do not have, an open border is because—I ask, is it because of cheap labor that is needed on this side? Is that the reason?

Now, those are questions that somebody's going to have to start answering because we are sick and tired of being stopped at airports, San Onofre, Los Angeles, wherever you go; hunted down like cattle. This is the worst type of colonialism that exists in the United States.

Now, what assurance do we have? Mr. Villapando, other people, has submitted affidavits, recommendations. Now, what assurance do we have that something will be done this time? Every time committees come in. It's a political year once again. Everybody's interested in Chicano vote, especially right now that it's not so easy to get.

A SPECTATOR. Right on.

Mr. BACCA. So what assurance do we have something will be done about the problems we have; neither it won't be a complete whitewash? Commissions, hearings, et cetera, et cetera, daily. These are the things that we get.

I cannot understand why the "criminal," the Immigration Department, got 45 minutes to an hour to testify, and our Chicanos are

denied that opportunity; are limited to 5 minutes. I'm sure that what Mr. Villapando had to say was important.

Mr. ROYBAL. First of all, I'm not going to stand—to sit here and listen to that kind—

Mr. BACCA. You don't have to.

Mr. ROYBAL.—that kind of talk—

Mr. BACCA. You don't have to.

Mr. ROYBAL. — because first of all I know the problems you're talking about. I have been involved in this problem. I come just as much from the ghettos, and perhaps even more than you, and perhaps we must come to one understanding and that is unless you and I get together and plan a program to do away with this particular problem nothing is going to happen, and if you and I sit on opposite ends to one another and start addressing—and raising our voices to one another as seems to be the case at the present time, nothing will be accomplished.

What I'm trying to tell you, and I tried to tell you at the very beginning, that this is a subject matter not within our jurisdiction. I understand your problem. I have bills in the Congress of the United States now in committee, particularly with regard to the Walter McKerrin Act, with regard to immigration in this hemisphere, protesting the immigration policies of this country with regards to this hemisphere. All these things are matters that I have interest in. I have bills in it. And it seems to me that you and I ought to start working together to do something about it.

Now, how can you and I do that?

Mr. BACCA. First of all, we can start by you firing that director over there. That's the first thing.

Now, was that gentleman under oath like we are?

Mr. ROYBAL. He sure was.

Mr. BACCA. Okay. Now, somebody's lying because I understand that he makes a statement that he knew of no such rooms where they check women; is that correct?

Mr. ROYBAL. That's correct.

Mr. BACCA. Now, somebody's lying.

A SPECTATOR. Perjured himself.

Mr. BACCA. Now, somebody's lying, so that's prejury, correct?

Now, the other thing is what assurance do we have that an affirmative action program and other steps will be taken to remedy the abuses that go on along that border?

Will you push for a liaison?

Mr. ROYBAL. Well—

Mr. BACCA. Twenty-four hours, where that liaison is controlled by the Chicano community; can you do something like that?

Mr. ROYBAL. First of all, I think you should know since I got on this Committee I'm almost like a broken record asking every department that comes before this Committee to tell me what the ethnic composition of their employees is.

You may not know this, but last October I joined with the League of United Latin American Citizens as the G. I. Foreman, and I have been the only United States Congressman to sue the Federal Government. I sued the Federal Government for discriminating against Mexican-Americans. So—

Mr. BACCA. I'm aware of that.

Mr. ROYBAL. So you see, I'm involved in the things that you're talking about, but I'm involved directly with them. I'm involved in the legislative processes. I'm involved in the legal processes. And today I'm involved in the investigative processes where I will use whatever prerogatives this Committee has, whatever powers this Committee has to effectuate changes.

Now, if you were here and heard the testimony of the Director, you probably remember very well that I repeated over and over again certain questions. The reason that I did that was not because I had forgotten what he had said, but because I wanted to be sure it was in the record, and we have many statements in the record. On three different occasions he said that whatever was alleged to have happened, was not condoned and are not the policy of the Department, and he also said that if he found them to be the truth—if we in the Committee actually established the fact that it was the truth—that he would take immediate action. Now, three times he said it, and I want you to know I'm not deaf; that I knew that he said it three times, and that I purposely got him on the record for the purpose of reading it back to him if and when we conclude that the testimony given this Committee is factual and we take some action on it. The reason it was done is because I have in mind using the powers of this Committee to effectuate changes, and I can assure you we'll do everything we possibly can legally to get these changes done as soon as possible.

Mr. BACCA. The other thing, we are advocating an open border. Now, is this something that you can push—just like the Canadian border?

Mr. ROYBAL. Now, what we can do, of course, is push an open border. My understanding is we have an open border both here and Canada.

What we're investigating today is the reason why—the fact that it is an open border—there are certain individuals that are being harassed at the border.

Mr. BACCA. It is not an open border by no sense.

Mr. ROYBAL. Well, this is legally supposed to be. We want to know why it isn't, if it isn't, and then we will make recommendations to the border; and if it isn't then we will make recommendations to see it is an open border.

Mr. BACCA. In other words, I am just raising my voice to the other two, one Republican, one Democrat. Mr. Van Deerlin knows about this problem. I'm sure this other gentleman knows about this problem; and your party, the Democratic party, knows about the problems. The very people that are making Chicanos prisoners are Democrats. The very law you are against was passed by Democrats.

So we're not talking about laws. We're talking about individual interests to exploit Chicanos, and this is why I say there is no open border. My feeling is the people of this state, of this country, want this closed border so—in order that they may have cheap labor, and in the process, in the racist society, every Chicano or Mexicano is looked upon as the same thing. You can have five Medals of Honor hanging on your chest, and you still get harassed at San Onofre, at the bus station, at the border. So it doesn't matter.

I am talking about can you come out for an open border? That was laid down in the Treaty of Guadalupe Hidalgo.

Mr. ROYBAL. Under the Treaty of Guadalupe Hidalgo there is in practice an open border between the United States and Mexico. What I'm saying is while it does not exist on a prima facie evidence, it's still supposed to exist from a legal standpoint, and this is what this Committee is doing looking into this matter and, of course, we'll make the appropriate recommendation.

We will go on then with your other recommendation.

Mr. BACCA. The other recommendation is the revision of the Walter McKerrin Act. This is a racist bill and has been used to exploit minorities.

Mr. ROYBAL. I understand that.

Mr. BACCA. Are you for recession of that Act, not only for revision?

Mr. ROYBAL. If you look at my bills since I went to Congress, one of my first bills was the original Walter McKerrin Act, and you probably also remember—those of you who were around—the time I was campaigning it was one of three issues I campaigned on. The other was the war in Vietnam. I was against it then and still am. Another one of them is the McKerrin Act, which was of great importance, and I still feel we should have revision on it.

I agree with you. Go on to your next point.

Mr. BACCA. Okay. The other point is we are tired of being picked on by people that have no business in Immigration, police, sheriffs, social workers, and now yesterday's paper there was an article even the matrons are picking up Mexicanos—from the Halls of Montezuma. I'll give you the article.

Mr. ROYBAL. I think that will be proper to include that in the record if you make it available.

Mr. BACCA. And the other things are the denial of due process when people are caught and are deported with no due process whatsoever. This is something that happens daily.

The other thing is the detention. We have reports of slave labor camps where Mexicanos in Imperial Valley are taken there and then are farmed out to agricultural interests for \$1.65, which half of that salary is kept somewhere—I don't know where—until they are released. Now, this is something that should be looked into.

Mr. ROYBAL. Now, may I state to you on that I whole-heartedly agree with you. I was a social worker before I became a politician, and from 1940 until 1949 I did health education throughout the state of California and did some work along the border states, and remember very well how people were used across the border, the exploitation that went on. So I'm familiar with the situation, familiar with what you mean by due process, and familiar also with the present practice of Immigration to, in many instances, separate families.

I have people working in my office that are not graduates from a school in political science. They're mostly graduates from a school of social work. They're sociologists who are interested primarily in the problems of the people. So—and we do have—sometimes you go to my office you'll see people coming in the office—always full of people—that have these kind of problems. So I understand what you're talking about, and I agree with you whole-heartedly.

Mr. BACCA. Okay. Another thing is the deportations that are separating families. This is another very serious problem. We are demand-

ing that families be reunited. Right here in San Diego we have cases where half of the family is on the other side and half of the family is over here. Now, this is not only inhumane, but has no place in this society. So we are asking that all families now divided be reunited.

Another thing is there's Mexicanos that come here and are cheated for their cheap labor; pay taxes, social security, unemployment insurance, and as soon as they go and collect of the social services the Immigration is called. So this is another thing that we are demanding. Another thing is we are demanding that they be entitled to these rights that they have paid for.

The other thing is the one about since they do pay these taxes in the United States that they be allowed to vote; that they be allowed to register in Spanish, which is now being done here in California, but not in other states.

And another thing is we were talking about an open border. There is a 25-mile radius that is now placed on Mexicanos. So we are demanding that that be done away with.

Another thing is—in affirmative acts, we were talking about a liaison. We were talking about a 24-hour liaison or liaisons that will be controlled by the Chicano community where Mexicanos, Chicanos, and other people can go and air their grievances completely at the border. So this is one thing we were demanding. This is something that can be rectified right now. We don't have to wait until next year or 25 years from now.

The other point that we're making is that it be a change in the composition of the staff along the Mexican border in order that it consist of at least 50 per cent of Mexican individuals. These individuals control the Chicano community also.

So those are the demands that we are making. We feel that will solve the problems that we're talking about now; that will hit at the causes and do away with the symptoms that we have seen today, because all of us know of the abuses that go on daily for a Mexicano or a Chicano that lives in the United States.

Mr. ROYBAL. First of all, I'd like to thank you for your testimony. Some of the things you alluded to do come under this Committee.

For an example, your recommendation with regard to the Walter McKerrin Act does not come within the jurisdiction of this Committee, but other recommendations you've made particularly with regard to the open-door policy, our policy, is a recommendation this Committee can make. Those that deal with immigration and naturalization we will submit to the Committee on Judiciary.

Now, the person assigned to examine this is from California incidentally, from up north, Congressman Edwards, and I'll submit those recommendations to him. I will also submit the recommendations of Mr. Villapando, and submit them, and include them in the record. So it will be in this record, and then make the proper referrals.

Thank you, very much.

Mr. BACCA. Thank you, very much.

(Whereupon the witness was excused, and stepped down from the stand.)

Mr. ROYBAL. Mr. Ricardo Guerrero, is he present?

(No oral response.)

What about Guillermo Florez? Mr. Florez.

Mr. FLOREZ. You mean Gabino Florez?

Mr. ROYBAL. I have Guillermo Florez.

Mr. FLOREZ. Maybe it's myself. What is the address?

Mr. ROYBAL. 3711 Clavelita Street, San Diego.

Mr. FLOREZ. Yes. My name is Gabino, G-a-b-i-n-o, Florez.

Mr. ROYBAL. G-a—

Mr. FLOREZ. B-i-n-o.

Mr. ROYBAL. Okay, Mr. Florez, go right ahead.

(Whereupon a conversation in Spanish took place.)

(GABINO FOREZ, having been previously duly sworn, took the stand and testified as follows through an interpreter, Mr. Gabriel Arce:)

Mr. FLOREZ. My incident is the same as the others. I was coming from Tijuana with my mother and my son, and as I arrived at the border I saw that the officer had kind of an unpleasant look, an unpleasant attitude towards me. He didn't ask me. He demanded for me to get out of the car and open the hood, and I did it. He asked us to declare that we had from Mexico, and my mother told him that we had some vegetables and some fruits, nothing illegal. Once I was up in the car he stood for a moment there without saying anything, and as he move his hands—as they do sometimes after their decision for the border crosser to move on—so I started moving slowly. When I was to go about five feet away he hollered at me and said, "Who the hell told you to go?" Yet I stopped. I didn't like very much what I heard because he hollered at me, but nevertheless I told him I had understood that he had indicated for me to go; but nevertheless he indicated for me to go to the secondary station. When I got there I told my mother that this man didn't look very well to me and that I had some kind of resentment. When I got there he came very quickly walking towards me, and as he got there he asked me to get off and open the trunk. I told him that I wouldn't; that if he wanted me to open it he should ask me in a more polite manner and not to holler at me to do it. By this time I was getting upset and my voice was being raised also. He asked me that—"Why," and who I thought I was to talk to him back in a loud voice, and I told him if he spoke to me as a human being, I would answer as a human being; that if he spoke to me as an animal, I would answer like an animal too. I told him the keys were in the car, and if he wanted he could get them and do whatever he wanted to do. He took the keys and went into the office, and then I told my mother that I would phone my brother-in-law.

That was what I did. I went across the street, where the bus station is and phoned my brother-in-law, and told him to come there because I had been detained, and I might have needed him or I perhaps would need him.

When I went back to the car he was inspecting the front seat of the car, and as he was doing that then he looked to the backseat and he said, "What's that? What's that?" and my mother told him, "That is his son." He was asleep as he had been sick before with a cold. And the man intended to take him out of the car. He said, "Let me take him out of the car," and my mother said, "No, let him stay there because he has been sick. He's asleep now. His body is warm. If you take him out of the car it will be bad for him. Why don't

you let him—if he wakes up now his body will get used to it, and then take him out of the car.”

Then he went away very mad, and didn't come back in a long time. In the meantime my brother-in-law came, and I told my mother, “Look, we better take the child out of the car. Otherwise they won't inspect it.” So I took my son out. I got in my brother-in-law's car.

I sat inside my brother-in-law's car, and I was just sitting there dozing off when I heard some voices on my side. It was the officer, the same officer that was arguing with my mother that we hadn't let him inspect the car, and my mother was telling him it wasn't that we didn't let him inspect the car. The only thing was we didn't take my son out of the car because he had been sick.

When I heard him I got out of the car and told my mother not to argue with him. I just didn't want her to argue with him. Then I felt that he grabbed me by an arm. By then another officer had come, and there were two officers now. He grabbed me by an arm and he says, “Come on,” and he started walking, grabbing me by the arm.

He never explained to me or he never told me that I was under arrest or anything. I could see that was not the correct thing to do, that he was pulling me away in that manner, and I pulled away from him. Then he jumped over me at this time for him to grab me by the neck. He managed to grab me, but I lowered myself and got myself loose from the guy, and to me that was already an assault.

I felt like striking back, but then I realize that my mother was present, and that he was an officer, and I shouldn't do that. Then when he jumped back from me I didn't present any defense, and he grabbed me by the neck again, and another carried me by the feet, and both carried me inside the office, which to me was a kidnap.

The grip on my neck was very tight, and it was choking me. So I started hollering. I think I scared them, and they turned me loose a little more then, and then they showed me the way in.

They got me into a little room. They asked me to take my clothes off; to bend off; open, you know, and then they searched me all over; and then they asked me to put my clothes back on.

After this I wait. I think it was a long time. Then I laid down on the bench and went to sleep awhile. Then two men in civilian clothes came and told me that—they asked me if I knew that I was under arrest, and I told them that I didn't know that. Then I was taken to another office where another man in civilian clothes told me that the officer had made his report, and his version had been submitted; that if I wanted to make my own I could, and I told him, “No.” I told him that there was no need for it, but if I was under arrest I would rather save my words for the Judge. Then he asked me if I wanted to make a phone call, and I told him I did; and I called my brother and asked him to get a lawyer for me. But before then he told me, “Well, this is nothing big. This is nothing serious. You have nothing to worry about.” But for me to be arrested is not an everyday matter.

I got a lawyer that cost me about \$500.00. I went to the court, and the lawyer got me out on my word and on bail with money that I had saved. About a month later on which my case was—in which I was advised that my case has been dismissed.

To them probably this is an everyday game, but for a citizen, a taxpayer-citizen, it's not a game. It's a very serious thing, and one cannot just find anywhere \$500.00 to be spent on this kind of thing.

Mr. ROYBAL. Can we ask him questions now with regard to the \$500.00?

Mr. FLOREZ. Sure.

EXAMINATION

By Mr. ROYBAL:

Q. Did this attorney represent you in court for his \$500.00 fee?

A. Well, he did.

Q. That was only done during the time of arraignment?

A. Yes.

Q. But there was no actual trial?

A. No.

The INTERPRETER. The question you asked—the answer was: “Yes, this lawyer represented me in the court to be bailed out rather, and there was no action afterwards.”

Q. Ask him if he'd be willing to give the Committee the name of the attorney so that we can consult with him as to what was done with regard to the case.

A. Yes, Ramon Castro,

(Whereupon a question was asked in Spanish.)

Mr. ROYBAL. I asked, for the record, where we could get in touch with Mr. Castro, and he has given me the information that he is associated with the firm of—

The INTERPRETER. Castro, Sheela & Barton.

Mr. GARCIA. Mr. Chairman, I'll give you the information.

Mr. ROYBAL. All right, then, Mr. Garcia will give us the information.

We have then other people to testify, and we'd like to thank you for your testimony.

Do you have any question?

Mr. GUNNELS. No questions, Mr. Chairman.

Mr. ROYBAL. Thank you, very much.

(Whereupon the witness was excused, and stepped down from the stand.)

Mr. ROYBAL. Now, since we've been hearing from them, I'd like to ask Miss Orosco—is she in the audience?

(No oral response.)

Mr. ROYBAL. What about Maria Nunez?

(No oral response.)

These are—my understanding is that's some real good testimony.

What about Mary Martinez?

A SPECTATOR. Three ladies just walked out. Can you wait just a second? They had a baby that was crying.

Mr. ROYBAL. All right, we'll hear then from Mr. Julio Hernandez. Is he here?

(No oral response.)

Mr. ROYBAL. All right, what about Mr. Solis?

(No oral response.)

Mr. ROYBAL. All right, Paz Gonzalez.

(No oral response.)

Mr. ROYBAL. Mike Villaneueva?

(No oral response.)

Mr. ROYBAL. Will Hagler?

(No oral response.)

Mr. ROYBAL. I guess it is—

Mr. GARCIA. Mr. Chairman, for the record, Mr. Villaneueva will submit his testimony in writing. He had to leave.

Mr. ROYBAL. Do you know whether the others will also submit their testimony in writing?

Mr. GARCIA. Probably.

Mr. ROYBAL. Anyone else who has written testimony, either give it to Mr. Garcia or send it to me, my name, Washington, D.C.

Mr. GARCIA. There was a lady that was going to testify.

(CARLA BETANCOURT, having been previously duly sworn, took the stand and testified as follows:)

Miss BETANCOURT. My name is Carla Betancourt, and I live in San Diego; and on November 23rd I was crossing the border. I went over there to have my car fixed. I was coming back, and this Customs agent stopped me, and asked me to let him look in my papers, first for the papers for my car, and then in my purse. Then he asked me to get outside and open the trunk, which I did. At this time he asked me, "Are you nervous?" and I told him, "No, I'm cold." It was about 5:00 in the evening.

So he asked me, "Well, go into secondary." This time I went in there and he made me—he took my purse and he looked at everything that was in it. Then he asked me to see my arm. He looked at my hands.

Well, I've been an addict for 11 years. I'm an ex-addict now. I'm on the maintenance program now.

He couldn't possibly see my arms, but he did see my hands. You couldn't pull up the sleeves of my dress because it was tight. So he told me, "Wait a minute," and called a woman.

This time I went into the examining room. At this time she told me to take off all my clothes, and I did. She had me bend over. She told me, "I can't see anything," and "I can't see good enough, so put your clothes back on and go outside."

At this time they went back with two men agents, and they said, "Would you go back?" and I did. And so I did, and she went through the whole procedure, and I did. She had me only go through the same thing. And they asked me to go to a doctor, and I told them I wouldn't; I wouldn't have anybody looking up my body cavities. And I thought my constitutional rights were being violated.

So I told them I had to be at the Methadone Maintenance Program at 5:00 o'clock, and they waited until 7:30. They drove me into a doctor's office in Chula Vista. To this date I don't know if he was a doctor or not. They drove me into a back way. They took me down a hallway with a few rooms; asked me to go inside a room. At this time they asked me again if I would submit to a body search, and I said I would not. I was not giving my consent at any time.

So they asked me—they sent the two men out, and it was this one doctor. The doctor told me if I didn't go along with this search I was going to get hurt, and I told him I still wouldn't give my consent. This went on for maybe half an hour.

Next thing I know these two men came in—it was Williams and O'Niel—and twisted my arms. They took both of my arms. Well, I was

fighting with them because I still wasn't going to give my consent. One of them kicked me on the side. It was O'Niel. They picked me up and threw me on the examining table, and threw my clothes over my face. I just had a mini-dress on—tore my clothes off, and I don't see any more, and they searched me, and after they told me—they took me back into the car; took me back into the border; told me they were going to put me in jail, and I told them, "What for?" and they said they had found heroin.

I went into court. They told me on a decision based in Washington they were no longer interested in me or my case.

They took my car from me. They won't give it back. I think I talked to this man who was sitting right here from Customs. He just refuses. You know, he told me from Washington—"We denied your petition here. We denied your petition in Washington." I said, "Where are the papers or some kind of verification this is true?" He told me, "This is not public reading material. You can't see it," and I—that's all.

EXAMINATION

By MR. ROYBAL:

Q. Would you authorize this Committee to check into the matter?

A. Yes.

A SPECTATOR. What about the doctor? Tell them about the doctor.

MISS BETANCOURT. I don't know if this is the doctor I saw to this day. He had on a brown corduroy pants. He had on a T-shirt; had long beard, and long hair; didn't look like a doctor.

When I went to the courtroom my lawyer told me the doctor was present. I said, "Where is he?" He said, "Didn't you see him?" He described the man with a suit, an elderly man, dark complexion, and I told him, "No, that is not the man that searched me. I don't know who I saw. I don't know where they took me to."

EXAMINATION

By MR. ROYBAL:

Q. In other words, you believe the man that conducted the examination and the man that appeared at court were not the same man?

A. No.

Q. Well—

A. And I called up the agents and I asked them—they had my bank book. They had everything. They wouldn't give it back to me. I don't have it now. I asked them, "Who is this doctor you took me to?" and he said, "We can't give that information." This is O'Niel, Agent O'Niel.

Q. Was your case dismissed?

A. It was thrown out of court. They said they weren't interested in me or my case.

Q. Did the Court do it on its own, or was this upon petition of the attorneys for U.S. Customs?

A. I don't know. I don't think so. I think they just did it on their own.

Q. Because it can be done both ways, as you know.

A. I remember the woman saying—it was a woman—she said on the—on a decision based from Washington they were no longer interested in me or my case.

Q. Well, the Committee will try to determine what the situation was with regard to that case.

What about your automobile?

A. I don't have it. I don't know.

Q. What year car was it?

A. 1964, Bonneville, Pontiac.

Q. And they confiscated the car?

A. Yes.

Q. It's never been returned to you?

A. No.

Q. Even though your case has been dismissed?

A. Right.

Q. Have you been arrested subsequently to this first encounter?

A. At the border?

Q. Any place?

A. Oh, I have a record, yes.

A Spectator. Since then, he said.

Miss BETANCOURT. No, no.

Q. Since your encounter at the border—

A. No.

Q.—you've had no record whatsoever?

A. No.

Q. Therefore, there's no reason why they should be keeping your car—

A. Oh, no.

Q.—in view of the fact your case was dismissed?

A. Oh, no.

Mr. ROYBAL. Thank you, very much.

Mr. Gunnels, any questions?

Mr. GUNNELS. No questions.

Mr. ROYBAL. Okay, thank you very much.

(Whereupon the witness was excused, and stepped down from the stand.)

Mr. ROYBAL. Are the other ladies present—Maria Orosco; Maria Nunez?

(No oral response.)

Mr. ROYBAL. What about Juan Lujan?

(JUAN LUJAN, having been previously duly sworn, took the stand and testified as follows:)

Mr. LUJAN. My name is Juan Lujan, and I'm employed at National Steel, and I live at Chula Vista.

1966, on April 26, I was crossing the international border between San Ysidro and San Diego, and I left after work; decided to get a haircut across the border and have my car tuned up. I didn't stay too long; and the officer approaching the border, he asked me routine questions, and I answered him in the—by the way, that last question—he told me, "How long were you across the border?" and I told him—about an hour and a half, and he said, "Well, drive in the inspection area." So I drove in, and right away there was another man. They wouldn't leave me out of their sight, and I believe they had two men.

They took me into a little room, and they—routine they took all my clothes off and spread my legs and everything; and he says, "Okay, you

can put your clothes on—back on, and go ahead and sit down here:” and he pulled a chair from the aisle, and I said, “What’s that for?” I told him, “The chair?” He said, “Well, we’re going to search your automobile,” one said.

Okay, so I sat down and I waited for him, and there was a Custom office—a Customs officer by the name of Mr. Dale waiting at people who have something to declare at the office, and he more or less was looking at the outside to see if they caught anything in my automobile. And I waited there for maybe a half an hour or so, and I got tired of sitting down. Then I stood up. As I did, this officer approached me. From about ten foot away I saw him coming. I was standing up near the chair against the wall. He got his two hands and pushed me down in the seat, and he told me to sit down, and he pushed me so hard that I bumped my head on the wall and I jumped up so fast that I didn’t know what was going on. Then he told me—he pushed me down again. He says, “When I say sit down, I mean sit down.” So I didn’t know why he was doing this to me, but I didn’t want to start any trouble with him. That would get me more involved than I was. I still didn’t sit down though because he was pushing me too fast, and I was rebounding like a rubber ball. He pushed me two or three times, and I rebanged my head two or three times, and by that time there was Customs officers there. They thought that I was trying to beat up the Customs agent, and they dragged me from the chair. They dragged me out of there so fast I didn’t know what was going on.

So then they took me to the police car, and I waited outside in the police car. I waited there for about half an hour, and pretty soon the officer—I was sitting inside the car with the officer, and another officer came in and told me, “What do you want me to do with your automobile?” and I said, “Why?” He said, “You’re under arrest,” and he said, “For using profane language in front of women and children.” and I said, “There was no women and children in there and you know so,” and he told me the exact words I used. He said, “Son of a bitch” and “bastard.”

So then they booked me; handcuffed me; took me to the border exit there, and put me in a police car, and drove me to San Diego, and booked me for using profane language in the presence of women and children.

I called my brother, and he bailed me out. It cost me \$50 to bail me out. I came to the court, and Mr. Dale—I asked the court for a speedy trial, and I pleaded not guilty, and they gave me a speedy trial all right. They gave me—they came to court and Mr. Dale brought in two policemen and three Immigration, three Customs that swore up and down on a stack of Bibles that I swore, using those two cuss words.

Against many, so what could I do? I asked for a jury trial, and the jury more or less, to my lawyer—I think he was more or less in cahoots with them because my lawyer told me before the court, he said, “Don’t say a word. I got this case beat.” So he told me—I didn’t say a word. I was going with my lawyer because I wasn’t a lawyer myself, and he had the education and training for a lawyer. So I went along with him and didn’t say one word, and they put me in a—what’s it?—witness stand, and they asked me what little room I was in. Well, I never been in there before, and I couldn’t tell them which room it was.

So then the jury went in, and they must have stayed out ten minutes, and they found me guilty. So the Judge said—well, then my lawyer says we're going to appeal the case. So I said—well, and then the Judge says, "You mean to tell me you have a lawyer?" and he said, "Are you paying for the lawyer?" I said, "No, I'm not paying for the lawyer. The Court granted me this lawyer." He said, "No, you've got a pretty good job; you've got to pay for a lawyer."

So he dismissed my lawyer, and I took the case myself. I appealed the case myself, and got some papers written down for the appeal, and I was appealing for the government property, where the arrest was made, on government property, and it was under Federal jurisdiction, and more or less I had to prove that the van was on the Federal—owned by the Federal government and under the Federal jurisdiction, which it took me a long time. I wrote to Mr. Van Deerlin, and he wrote me a letter telling me he had an office down there; to get some information from the man that was working there for him. So I went over there, and he told me that the land was Federal property, but the office that was there was under the first jurisdiction.

So I lost the appeal. So the Judge gave me three years probation, and things—two words I didn't use because there were no women or children present at that time. So that's what it was.

Mr. ROYBAL. Do you have any questions, Mr. Gunnels?

Mr. GUNNELS. No question, Mr. Chairman.

EXAMINATION

By Mr. ROYBAL:

Q. All right, during the time you were being interrogated by these officers, did they push you, shove you, or in any way unduly molest you?

A. No. By that time, as he knows—I mean, I went in there first. The officers were more or less—no, they didn't push me or nothing. This took place afterwards when they went on—when I went in with the two officers. One was questioning me while the other one was checking my coats and my pants and everything, but they didn't bother me.

Q. So there wasn't anything preceding your alleged charge that you had cussed them out?

A. No, not whatsoever.

Q. So they couldn't say you got angry because of certain things that might have happened?

A. No. What it is they got into a pattern. I've been listening—I've been here all day, listening to these men and women. They come to you with the same words. Now, Mr. Viesca, they told him the same words were used. They have more or less words to use to frame somebody; and in other words I was framed with these two words more or less that were used for Mr. Viesca.

Mr. ROYBAL. All right, thank you very much. We have two witnesses. Roberto Gonzalez?

(No oral response.)

Mr. ROYBAL. I understand he's going to submit written testimony. Is Will Hagler still here?

Mr. GARCIA. No, Mr. Chairman, he left. He wasn't feeling too well.

Mr. ROYBAL. Well, in closing, is there anything you'd like to say, Mr. Garcia?

Mr. GARCIA. Mr. Chairman, Mr. Dan Munoz, who is the President of the Spanish-speaking Commission, would like to say a few words to the Committee.

Mr. ROYBAL. Mr. Munoz is recognized. Would you come forward, please?

(DAN MUNOZ, having been duly sworn, took the stand and testified as follows:)

Mr. MUNOZ. Thank you, Mr. Chairman, for giving me the courtesy to address myself to the Committee.

Mr. ROYBAL. Give us your name again and identify your affiliation.

Mr. MUNOZ. My name is Dan Munoz. I'm associated with the Spanish-speaking Association.

I've been asked to kind of sum up a little bit some of the things that have been happening here. As Mr. Herman Bacca indicated, and some of us have indicated, this is a concern that is held not by a single element of the community, but it's a concern that's held by the entire community; this is Mexicans, Blacks, Whites, Chinese, Japanese, everybody, because everybody suffers these particular problems. We have presented a list of demands, if you wish to call them demands, in which we indicate certain action which we feel will do the kind of things to eradicate these particular problems.

What I would like to address myself to is some simple recommendations that are in effect right now by another Federal agency, and I don't see no reason why this Federal agency can't put them into effect. I would like to recommend the same procedures that are used by the Federal Bureau of Investigation.

First of all, I think that reasonable grounds should be established that these people need to be searched; and when this is done, I recommend that this person immediately be notified that he's under arrest, and a complete list of his rights be immediately made known to this individual before any further action is taken or that person incriminates himself by saying anything. We cannot have a denial of our constitutional rights.

Second, once placed under arrest I believe that this individual should be given access to legal advice, be this legal attorneys that he has wished to contact himself, or be this legal representation that is furnished by the Federal government itself. We must have our legal representation. I think lack of economics should not preclude our people from having legal advice. This is a very crucial time for them. I don't believe that any individual should have to respond to any question whatsoever once he's placed under arrest. He must not be forced to incriminate himself. These are procedures that are followed by the F.B.I. They can use them.

Now, the body searches that are being conducted are being dehumanizing. I don't see no Canadian suffering from this particular problem. I don't see any other people suffering from this problem. I don't see why our people are animals that can be inspected in any way. I totally object to this procedure. I think it's a stigma to this country. I think they can be immediately stopped. The amount of drugs that can be found in a woman's cavities is nothing as compared to the plane loads, and truck loads, and boat loads that are being brought across our country right now. A boat load can be brought across our continental border right here with no trouble whatsoever. I think there is no need

for this kind of treatment. I think it should be immediately stopped. If it is carried on, then I think there should be methods of redress for the victims. Right now we have no redress. The government should be liable for immediate suit for false arrest immediately. These are legal remedies which I implore your Committee seek to impose immediately upon this organization. We can no longer tolerate this type of a situation. Thank you.

Mr. ROYBAL. Well, I'd like to thank you very much for an excellent summary and representation that you're making to this Committee. May I suggest that they not only be included in the record, as they are, but that you communicate this to me personally and to the Committee so that we can have not only the views that you've expressed here today, but perhaps after a little bit more reflection, you may come up with some recommendations that you can make.

Mr. MUNOZ. I certainly will.

Mr. ROYBAL. I also ask other organizations to do likewise. And since you've made such an excellent summary, I hesitate to summarize myself outside of the fact that I want to again re-emphasize the Committee's position; and that is, we do want to look into this matter very thoroughly, and that we are going to make the recommendations to the Committee, and eventually to the Congress, if necessary and may even, if the situation warrants, make recommendations to the legislature that can be presented and passed.

What I am saying is that this Committee does not take this testimony lightly; that we are going to really look into it; and that we expect to get some action, particularly in view of the fact that the Director has taken a very positive position when he stated that if these charges are proved to be a matter of fact that he will take immediate action, since these things are not in accordance with the specific orders nor the policy of the Department.

May I thank each and every one of you for testifying. I would like to—yes, sir?

Mr. GARCIA. Mr. Chairman, the name that I submitted to you—this young man, he wants to also testify.

Mr. ROYBAL. After this summary, it's a little after the point, but I think I remember seeing you before and agreeing that I would give you time to testify.

Mr. CASTRO. Yes, sir.

Mr. ROYBAL. So we will do that, and then I will continue with my brief summary.

Mr. CASTRO. Thank you.

(MARIO CASTRO, having been previously duly sworn, took the stand and testified as follows:)

Mr. CASTRO. My name is Mario Castro. I'm the son of the U.S.—ex U.S. Immigration Officer that—which was indicted and found convicted for various crimes that were blown out of proportion. No actual proof has been presented, but he was employed as a U.S. Immigration Inspector. He was accused of taking large sums of money that have not been either found or proven to have been spent by him. My father lived in a manner that any person that earns the amount of money he earned per year would.

Persons of ill-repute and convicted violators of Federal laws were the people that accused him in his indictment and conviction. Crimes

were allegedly committed in imaginary places such as his home, Mexico, and his place of employment because his accusers benefited by being given complete immunity of their own crimes.

Also, my father is of Mexican descent. We have written a letter to "El Mundo News" in Tijuana, which expresses how we feel about injustices that have been committed against our parents, not only as citizens but as Mexicans.

I have here some other information towards this. There are other officers that were found guilty and suspended from their office—from their position a couple of years ago, and for selling documents. One of them was given a second chance, but he was not allowed to touch documents which were more or less in the lines of "permissos armigas," any kind of a border card. Then they found him doing it again, and then they give him another chance. They give him three chances, and what I'd like to know is—and for the Committee to investigate—why any steps—there weren't any steps taken in the way of having this man prosecuted in the way that my father was and my mother.

The man's name was John Petradida. At this moment this man has his own businesses and has other incomes which he is—

Mr. ROYBAL. Was he also a Customs officer?

Mr. CASTRO. No, he was Immigration.

Mr. ROYBAL. Immigration?

Mr. CASTRO. Yes, sir.

There's another man in Los Angeles—he's an investigator in Los Angeles—who went under investigation for five years for dealing with narcotics, and why hasn't this man been prosecuted? And the only reason I can come up with is that they're trying to use my father as a scapegoat—which is not right—simply because he is a Mexican.

Now, there's only two Mexicans that work at that border. One is my father—well, it was my father that worked there—and another man by the name of Tom Acquina. Now, this man Tom Acquina was under investigation, but this man has the will and position to brown up to other people; and he did this, so he got off the line; but my father didn't do this, so they're doing this. Everybody just got together and made up a bunch of lies and just put him where he is now.

The sentencing is to come on the 1st, which is Monday. He's supposed to—he's able to get 95 years in jail. My mother's supposed—he's up for 13 counts, my father. My mother is up for 4 counts of aiding and abetting my father. So, like, she is supposed to receive 45 years in prison.

Now, I have here a letter which is written by—this isn't the exact letter, but my aunt in Los Angeles wrote a letter to John D. Tunney, and in reply he sent this letter, which seems to be that just the heading to my aunt's address was typed out. The rest looks like a regular standard form. His signature looks like it was just stamped on, no signature; like no personal attention was given to us. Say, for instance, I write a letter to you, and the man—like a mass production type thing, and I don't know whether to believe this or not.

Mr. ROYBAL. Will you make that available to the committee also so we can examine it also? We can give it back to you if you'll wait just a moment.

(Whereupon Mr. Castro handed the letter to Mr. Roybal.)

Mr. ROYBAL, Thank you very much, Mr. Castro. I have looked at it. Can you make available to this committee a digest of the case in question?

Mr. CASTRO. Yes.

Mr. ROYBAL. All right.

Mr. CASTRO. Yes, I planned to do that after I leave here and mail it to you—

Mr. ROYBAL. Yes.

Mr. CASTRO. —but I'd like to also read something that was printed in the paper, "El Mundo." It's an article on him and my mother, and it explains more or less why he's being used as a scapegoat for the "white-eyed gringo"—the "blue-eyed gringo." It's in Spanish, so I might need an interpreter.

Mr. ROYBAL. Why don't you submit it for the record because of the interest of time?

Mr. CASTRO. Well, this is why I'm down here, so I can get this into the public eye.

Mr. ROYBAL. All right, we'll permit you to do that, although it's not something we can do ourselves, but in order to get it into the record we will have an interpreter interpret it.

Mr. CASTRO. Well, my sister—

Miss CASTRO. The woman. The woman, please.

Mr. ARCE (an interpreter). The headline says—

Mr. ROYBAL. No, let her translate it from the Spanish to the English. The INTERPRETER. (Mrs. Moranville.) They say that the charges to Frank Castro are because of discrimination. "It is insistent that DuPuy is also involved with other messes. Coming back to the scandal about the accusations to the Immigration official in San Ysidro, California, Mr. Frank Castro, we have found new motives to give to our readers; better information that gives light to such a resound matter. Our informants say that the authorities, American authorities, want to give justice; that they want to investigate to the bottom of Mr. Joseph DuPuy, Chief of the Office of San Ysidro, also to the agents that have dealings with him. Since this man by the name of Jesse Contreras-Ramirez assures that any time that they want, and they would like to, he can go to the office of DuPuy and bring out permits and other documents of Immigration that are necessary for his Mexican friends. They also informed us that this Jesse Contreras-Ramirez operates also with DuPuy because they have the same standards. He had a traffic accident close to Ensenada in 1940, and since then they have been dealing together without the Chief of Immigration being able to do—to say no.

It is also being said that somebody by the name of Angelo Beas-Senor—

Miss CASTRO. There's a correction on the date of that accident. It's not 1940.

Mr. CASTRO. It says 1940, but the actual date is 1970.

Mr. ROYBAL. The date is 1970 instead of 1940?

Mr. CASTRO. Yes. It was a mistake on the newspaper's part.

The INTERPRETER. It says 1940.

"It is also said Marhoro Vias-Garcia, who lives at 333 North Figget Street, Los Angeles, also has dealings with a high official by the alias

of Pearson, who the Yankee American authorities have investigated for his dirty dealings in Immigration.

All these people have contacts with the Chief of Immigration in the side of the border, but the authorities have not investigated, and it is thought that it is because Frank P. Castro is of Mexican ancestors and the rest are Anglo-Saxons.

In all, the case of Frank P. Castro has something shady, and they want him to pay for all that the others have done from Immigration. We will investigate."

Mr. CASTRO. Thank you. I also have another article. I'm not going to read it, but I'll more or less summarize it for you.

This article states that one of the main character witnesses that was brought forth, and what I would say was the key witness, was a man named Isabel Corvello-Corrasco. This man was posted himself as an internal policeman in Mexico, which he never has been. The reason he was brought here to the United States to be a witness by the F.B.I.—the F.B.I., at the time they went to get him, he was in Juarez and had no permission from the Mexican government to penetrate the border and bring him back. So when they brought him back they gave him immunity from the law, which he was a quick coyote here in Tijuana, and when he was in Basso he was a coyote there, and that's when they caught him.

So this man at the very time is on the payroll, and he is receiving \$200.00 a week, and he still is doing business down at the border.

Mr. ROYBAL. What is the man's name?

Mr. CASTRO. Isabel Corrasco.

Miss CASTRO. Mention the fact about the—

Mr. ROYBAL. Is there anything else?

Mr. CASTRO. Oh, I also would like to mention the fact that this man—he can cross into Mexico, but he won't simply for the fact if he does he will be killed, not by any of us or anything like that, but for things he has done in Tijuana when he was there. For instance, he has killed four men, and one of those men was a boy which was about 20 years old. He shot him in cold blood, and I know this is the truth because I was a witness for it; and they take this man to be a character witness? Now, this is something I can't understand why; and they pay him to lie. They—well, almost the whole situation was just to use my father and my mother as a scapegoat.

My mother has already had a nervous breakdown, and like I come to you not to say—well, you know, demanding you do something; you have to do something, but I'm here to ask for justice in the right form; for an inquiry into the actions of the F.B.I. and other government officials which handled the case; that steps be taken so that the truth will come out and the actual criminals be apprehended.

Mr. ROYBAL. Mr. Castro, I sincerely hope your desires may sometime be honored. I don't know that this Committee can directly order that take place, but you have a sympathetic ear, and if there's anything, after reviewing the files, that I personally could do or the Committee could do, we'll be happy to be of assistance because I don't think there's a member of the Committee that wouldn't like to see justice prevail. So I thank you very much for your testimony.

Mr. CASTRO. Thank you.

Mr. ROYBAL. As I told you, ladies and gentlemen, I want to thank you, each and every one of you, all those who testified, particularly the ladies. It took a lot of nerve for the ladies to get on the stand and testify as they did, all of them under oath. One just has to sit here and admire that kind of courage. That doesn't mean it didn't take some courage for the men also, but I'm kind of partial to ladies, you know, and I might as well give that first pat on the back to the females, who did a tremendous job, and to all of you presenting testimony to this Committee, and I can assure you we'll use it properly, and that a recommendation will be made within 30 days.

(Whereupon the hearing concluded at 5:40 p.m.)

Faint, illegible text at the top of the page, possibly bleed-through from the reverse side.

STATE OF CALIFORNIA,
County of San Diego, ss:

I, Mirjam E. Malbin, do hereby certify that as a certified shorthand reporter in the state of California I was present at the Congressional Subcommittee Hearing; that while there I took down in shorthand all the oral testimony adduced and proceedings had; that such shorthand has been transcribed under my direction; and that the foregoing typewritten material, (pages 1 through 197) contains a full, true and correct transcript of my shorthand notes taken by me as aforesaid.

MIRJAM E. MALBIN, C.S.R.

Dated at San Diego, California this 9th day of May, 1972.

CLERK'S NOTE.—Pursuant to authority granted by Congressman Roybal, Acting Chairman, at the April 29, 1972, hearing, the following affidavits and letters were submitted.

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

May 6, 1972

Congressman Edward R. Roybal
504 Cannon Building
Washington, D. C. 20515

Dear Congressman Roybal:

This is to thank you for the great interest you have shown in defense of the Spanish-speaking population in their past experiences, humiliations, maltreatments, beatings etc.; to our people that have encountered this type of abuses.

The hearing that was conducted by you on April 29, 1972, has been a demonstration on the part of the members of Congress that do care for the minorities, and specially commendations should go to the Honorable Congressman Donald W. Riegle from the State of Michigan, of whom the Mexican-American admired tremendously for the interest that this gentleman demonstrated in clarifying the abuses that take place on a day to day basis at the San Ysidro port of entry and other ports.

Although, this agency was tremendously molested by this hearing, the abuses are still continuing against female individuals who crosses the border daily. Just yesterday I was notified that on May 4, during the morning hours, a lady resident of Tijuana, Mexico; who is eight months pregnant was submitted through a body search and embarrassed, humiliated to the point that she broke out in tears and stated. Is this what was accomplished by the Honorable Members of the United States Congress? In which Customs agents replied that Congress was just putting on a show for the public opinion, unquote. After humiliating her to the point which any woman who is pregnant, as this lady is, her border crossing card was picked up by the Customs Department and turned it to the Immigration authorities on the recommendation of Customs agent that goes by the name of Nilson. The name of this lady, which I wish to express to you in a confidential manner because of the embarrassment and the well-known position that she has in Mexico, it has been requested to me unless she, herself, wishes to sign an affidavit to that effect which I will later submit to you for investigation purposes, confidentially, the name of this lady is Ana Raquel Levine de Glelicot. Therefore, you can see that this department can careless on the recommendations that your committee will make, at least, this is the attitude they are demonstrating at this time.

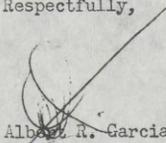
Congressman Edward R. Roybal
Page 2
May 6, 1972

I also received a copy of a letter sent to you from an Attorney by the name of Frederick Hetter, in which he is bringing to your attention an incident of a Mexican male in which they kidnapped his eight-year old daughter to have the father confess to something that the Customs agent wanted separating him from his minor child and then brow-beating this infant. Therefore, Mr. Congressman, I recommend fast and fruitful action as early as possible to stop this kind of procedures that the Department of Customs practices before our standard of justice spreads as I mentioned in my opening remarks at the hearing, a star-spangle gangland and justice drops to zero.

May God bless you and your family, and I wish that we would have more Congressmen of your responsibility and integrity to protect the weak.

With warm regards to you and your colleagues.

Respectfully,



Albert R. Garcia
President

ARG/lr

Statement of Charles E. Reid

On October 8, 1971, I, Charles E. Reid was invited to participate in IBM Branch Manager - Ray Paulin's "mustang" golf tournament at the Sigeana Country Club. After 36 holes of golf and the Awards dinner in the evening, a lady companion and I started on our return trip to San Diego. The paragraphs which follows is an account of what happened upon arrival at the Border entering the United States.

Traffic in all north bound lanes was fairly heavy (six or eight lanes). After what appeared an unusually long wait, I had worked my way up to the next car to be motioned forward for inspection and subsequent entry into the U.S. At the exact time I became the next available car in my lane, there was a change in the security guards performing the border checks. An older man was relieved by a smaller, younger man. After the new inspector had taken his position in the entry station, I assumed he would motion me to come forward. He did not. Some 4 to 5 minutes later, I started my motor and pulled ahead so that I could undergo my interrogation and proceed on my way to San Diego. As I approached the sentry, I said "Would you mind telling me what took you so damn long to motion me forward?" He asked the question, "Would you repeat that?" I remarked, "yes, what

took you so long to motion me forward?" With this, he asked me to pull to the left in an area reserved for vehicles that are to undergo an inspection. At this time I owned a 1968 Fiat and it was the car I was driving. Having pulled into a marked parking slot, I opened my door to get out of the car. As soon as I had gotten my left foot on the pavement, three (3) or four (4) ~~sentries~~ sentrys, including the younger one grabbed me and began to surround me and shove me towards the customs sentry house. Upon being brought inside I was shoved into a small, wet, 6x8' room with a door on it. Several custom officers came into the room with me and demanded my wallet. When I asked for the reason I was being detained I was told that I was to give up my wallet and ask no questions. Upon taking my wallet these officers left locking the door behind them.

In the meantime, the lady companion in my car had been brought inside in the waiting area and had been denied access to a telephone when she asked permission to call an attorney friend of ours. She further told the officers I had done no wrong and they had

no legitimate cause to detain me. During the time I was being accosted in the parking lot, my lady companion pleaded with me not to offer any resistance. She will attest to the fact I offered none.

~~Five or six minutes~~ ^{Fifteen to twenty minutes} passed and a much more sensible officer returned with my wallet and after some conversation said I could come out. Whereupon I did. Upon entering the waiting area, seeing the young man that had incited the difficulties initially, I was threatened to be tossed back into the "shoe box" if I did not show and use more restraint.

After being interrogated by another gentleman, who represented himself to be an FBI agent, some 55 minutes later I was told I could go. When I asked the releasing officer for the badge number of the young man that had started the difficulties, he said he would not give it to me. I then asked if I could have his, he replied negative to this also. Whereupon I and my lady companion departed from San Diego.

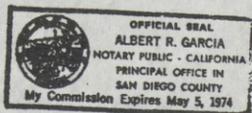
I'm convinced that had not these officers found an NAACP card in my wallet, and after asking me and I told them I was President of the San Diego branch, I would have been involved in some unjustified trouble.

*These statements are true and accurate
to the best of my knowledge.*

*Detained at approximately 9:30 PM
Released at approximately 11:10 PM*

CRK:if

SUBSCRIBED AND SWORN TO BEFORE ME
THIS 17 DAY OF May, 1972
Albert R. Garcia
NOTARY PUBLIC - CALIFORNIA



649 West Ave.
Santa Rosa, CA 95401

April 25, 1972

The Honorable Edward R. Royball
U.S. House of Representatives
House Office Bldg.; 2404 Rayburn
Washington, D.C. 20515

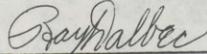
Dear Sir:

This letter will certify through Notarial witness and further substantiate the testimony given you in a certain letter of complaint written by us under date of March 7, 1972, narrating the circumstances of mistreatment of us by border station attendants at Nogales on Feb. 27, 1972.

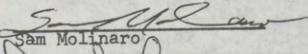
We hereby attest to the truth of the statements we made in said letter, and reaffirm our complaint.

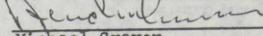
We are enclosing a copy of the letter we sent, and will make it a part of the Notarial statement verifying our signatures on both documents.

Yours in Truth,



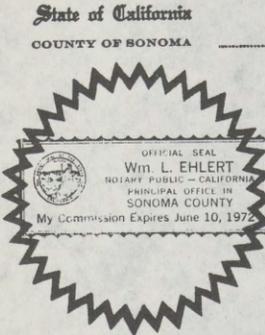
Ray Dalbec



Sam Molinaro


Michael Craver

Notarial Certification & Seal:



State of California }
COUNTY OF SONOMA } SS

- GENERAL ACKNOWLEDGEMENT -

ON THIS DATE APRIL 25 A. D. 1972 before me,
WM. L. EHLERT a Notary Public in and for the said
County and State, residing therein, duly commissioned and sworn, personally ap-
peared RAY DALBEC
SAM MOLINARO
and MICHAEL CRAVER

known to me to be the person whose name..... subscribed to the
within Instrument, and acknowledged to me that he executed the same.

In Witness Whereof, I have hereunto set my hand and affixed my official seal
the day and year in this Certificate first above written.



Notary Public in and for said County and State of California

My Commission Expires 6-10-72

649 West Avenue
Santa Rosa, CA 95401

March 7, 1972

Dear Sir:

This letter is to call to your attention the abuse of privileged authority and degradation of the image of the United States by certain minor officials of the Customs Department.

We would like to relate in the letter an incident which we have reason to believe frequently occurs, and which will illustrate to you the need for investigation and correction of the abuses taking place at our border stations at the juncture of the United States and Mexico.

We have read and heard of such things from the media, by rumor, and from our friends narrating their own experiences, but always discounted the repugnancy of these situations as being a little distorted by the natural tendency of man to exaggerate; we now know these reports to be true.

The four in our party, returning from a trip into Mexico, have just been put through a highly embarrassing, humiliating, even degrading experience at the Nogales border station (Sunday A.M., Feb. 27, 1972) by a group of pusillanimous persons who, in representing the United States, are certainly presenting to the public a low image of our country, as though they were operating under a comic-opera principality or dictatorship.

These "Hitlerites" interrogated us in Nazi fashion for an inordinately long period of time, abusively ordered us about, denied us the right of being present when they ransacked our home on wheels by curtly and offensively ordering us out and denying us any entry during their "search" which they conducted three separate times, added the implied threat of a police dog which they then used in the motor-home allowing him to run over our bedding (and clothing which had been dumped there from our drawers) with the resultant soiling, misappropriated our property both through these actions and the confiscation of prescription medicines without questions or receipts, and were generally insulting and abusive, leaving us with the outraged feeling of having been run through a Cestapo meat grinder.

Our seething resentment impelled us to request identification from both the conducting "officers" and the "officer" in charge, and we were refused point-blank---no names, no badge numbers, no identification. We notified them that we were going to make a complaint, and asked them if there were any unusual circumstances to justify their actions, and were told that this was their policy, and that they could do what they "damn well pleased" whether we liked it or not.

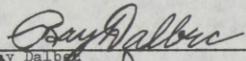
Our feelings have crystallized into a determination to do something about this matter, to protect others and to see that these conditions are corrected.

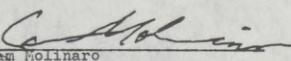
We full well realize the necessity for protective measures at points of entry into our country, and we subscribe to this; but such procedures certainly should be conducted with courtesy, dignity, and reasonable attitudes. In this case, we charge that these officers are guilty of abuse of authority, unreason-able and/or illegal search and seizure, mistreatment of citizens who pay their wages, and degrading the image of the United States, and we are willing, both individually and severally, to so testify in any hearing.

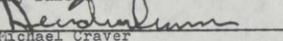
As to our own course of action, we are going to make formal complaints to the Senators and Representatives of Arizona and California, to our own California Senators and Assemblymen, to the U.S. Customs in Washington and its Nogales Regional Director, and will exhort all our friends to do the same; and we will in future support all individuals who take action. We also intend to forward this material, along with the enclosed fact sheet, to local and national publications, to expose the problem to public scrutiny.

We respectfully urge you to take action on this immediately.

TRULY,


Ray Dalberg


Sam Molinaro


Michael Craver

(Registered voters, State of California)

1 GEORGE HAVERSTICK
2 Attorney at Law
3 1150 Union St., Suite 3
4 San Diego, Calif. 92101
5 239-9459

6 Attorney for Plaintiffs

7
8 UNITED STATES DISTRICT COURT
9 SOUTHERN DISTRICT OF CALIFORNIA

10 ALFRED FIGUEROA, GILBERT)
11 FIGUEROA,)
12 Plaintiffs,) Civil No. 71-65-CW
13 -vs-) AFFIDAVIT OF ALFRED FIGUEROA
14 DONALD A. QUICK, LOUIS A.)
15 RICHENBERGER, OWEN T. MILLER,)
16 JR., JOHN DOE ONE, JOHN DOE)
17 TWO, JOHN DOE THREE, JOHN DOE)
18 FOUR, JOHN DOE FIVE,)
19 Defendants.)

20 STATE OF CALIFORNIA)
21) ss.
22 County of San Diego)

23 Alfred Figueroa, being first duly sworn, deposes and
24 says:

25 That I am one of the plaintiffs in the above captioned
26 case.

27 On February 26, 1970 at 3:35 P.M., I, Alfred A. Figueroa,
28 U.S. Citizen, crossed the U.S. border at Calexico, in a 1966
29 blue and white 2-door Chevrolet license number PEC 938, accom-
30 panied with my brother Gilbert Figueroa, the driver, Professor
31 Raul Loya and RDC community liaison Pablo Carrizales. At the
32 port of entry a U.S. Immigration officer asked us for our place

1 of birth and we responded by stating our place of birth "Blythe,
2 Ca, Parker, Az, Miami, Az and Mr. Carrizales displayed his green
3 card passport"; the officer then asked what we were bringing in
4 from Mexico, and I showed him a package with some cough syrup,
5 19 tablets of anti-grip, 48 throat soothers, 5 tubes of Vita-
6 penicillin ointment and (1) bar of scalp soap "Jabon de Tio Nacho".
7
8 The officer took the entire package and examined the contents;
9 then he asked us if we had anything else, and my brother said,
10 "We have some cans of chiles, sweet bread and cigars in the
11 trunk" and he got out of the car and unlocked the rear trunk for
12 the officer. The officer said everything was alright, but the
13 package of medical supplies would have to be cleared by other
14 inspectors and ordered us to park at one of the stalls, which
15 we did, and the officer walked over with the package in his hands
16 and talked to some of the persons by the inspection table. My
17 brother got out of the car and he started to talk with the officer
18 holding the package. Then I got out of the car from the back
19 seat and approached a group of people around the inspection table
20 where a plainclothes man was sitting on the table. I asked one
21 of the men in uniform "What's the trouble?" He said the cough
22 syrup was illegal, and said I needed a prescription. I told
23 him that my mother, Mrs. Carmen Figueroa, had requested me to buy
24 it for her. She had crossed this syrup before with no problem.
25 The man turned around and said "What are you trying to imply."
26 He said "You know what I'm saying - just answer my question."
27 I reached for part of the contents (which had been laid on the
28 hood of the car. The bottle of cough syrup was being held by
29 another officer showing it to my brother and Gilbert was writing
30

1 something on a pad. I asked "Could anyone be injected with any
2 of these things?" He ordered me in a very angry tone, "Just
3 answer my question!" Then with blunt anger he asked to see my
4 identification. I said "Wait a minute; I don't know who I'm
5 talking to." (Many of the men around the table were in plain
6 clothes). "May I see your identification?" He pulled out a
7 dark folder which identified him as a U.S. Custom's Officer; then
8 I pulled out my wallet and showed him my birth certificate (small
9 photo size). The officer kept my credentials and said I could
10 not bring medicine for anyone else; he questioned me about the
11 anti-grip pills and said that I picked the wrong place to get
12 smart.
13

14
15 About this time I heard a groan and turned around and saw
16 a man choking and twisting my brother's arm from behind. I said
17 "What's going on," when several persons jumped behind me and
18 grabbed me by the neck and twisted my arms back and carried me into
19 a building. I remember telling the people around me that they were
20 all witnesses of what was happening to us. The man twisting my
21 arm told me to shut up or he would knock me on my ass. He shoved
22 me unmercifully against a counter and raised his fist to hit me.
23 He shoved me into a small room and another officer shoved my
24 brother in.
25

26 Moments later another officer came in and said he was
27 Indian and that we had nothing to gripe about and another officer
28 placed us under arrest.
29

30 I never raised my voice or touched anybody until after I
31 had been attacked; then I did holler to people to witness what
32 was taking place. I remember this like some terrible nightmare,

1 because the officers were aggressively sarcastic, brutal and
2 impudent.

3 My brother who is assistant postmaster in Blythe and
4 evening school instructor had invited us to accompany him to
5 Calexico and Mexicali for a conference with Dr. Hagen, Superin-
6 tendent of Schools, and Professor Garcia Rodriguez, principal
7 of Escuela Numero Uno in Mexicali. Their conference ended at
8 about 12:30 P.M. and Dr. Hagen sent his Assistant Julian Lopez
9 with us for our meeting with Professor Garcia Rodriguez at
10 Escuela Numero Uno in Mexicali.

11
12 My brother Miguel A. Figueroa was delegated by Blythe
13 School authorities to make arrangements for sixty local sixth
14 graders and adult educators to visit the Mexican school on the
15 previous Saturday - February 28, 1970, and on our way back we
16 stopped and made these small purchases which caused us this
17 horrible inhumane experience.

18
19 We were transported to El Centro jail in shackles and
20 later to San Diego. I have receipts and jail records which show
21 I have been charged with 21 USC 174 (smuggling marijuana) and
22 18 USC 111 (assaulting a federal officer) and these are all bare
23 faced lies, fabrications made by those officers in plainclothes,
24 Miller - Quick and Richenberger. Richenberger threatened to get
25 us because he said he never lost a case. He boasted to me that
26 in thousands of cases he has prosecuted he has only lost two.

27
28 I have never been convicted of any charge and I have
29 lived in Blythe all of my life, and I have been in the mining
30 business in this same area since I dropped out of college in
31 1953.
32

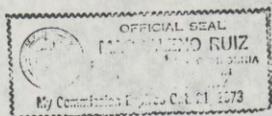
1 I would have never suspected that anyone employed by the
 2 Federal Government in their capacity could be so disgraceful and
 3 bluntly arrogant in the presence of witnesses within the
 4 Department and public. Have criminal elements filtered into
 5 these responsible positions? I personally feel that congress
 6 should investigate these conditions before other good citizens
 7 fall victims of their abuse.

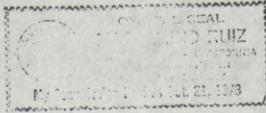
9 Why were Loya and Carrizales not charged, inasmuch as they
 10 were with us in the same car? Why didn't the officers search our
 11 vehicle? Why didn't they impound the vehicle? Why was Miguel
 12 misinformed by officer Bancook that we had been charged with
 13 assaulting an officer and failed to mention the more serious
 14 charge of smuggling dope? Why was Miguel informed that we would
 15 be taken to El Centro before Magistrate McKee and in the early
 16 morning taken to San Diego? Why did Richenberger enter our cells
 17 in the middle of the night and take our pictures with a polaroid
 18 camera? Why were we transported with shackled hands and feet
 19 in two separate vehicles to El Centro and later to San Diego?

21 I have inquired after my release with Calexico city
 22 officials, postmaster, business men, etc. and they tell me these
 23 are very common experiences for Mexicans, Mexican-Americans and
 24 Anglo youth with long hair by some customs and immigration officers,
 25 particularly Miller - Quick - Richenberger.

27 Please accept this as a formal complaint because I have
 28 been deprived of my civil rights.

29 *Alfred Figueroa*
 30 ALFRED FIGUEROA





1 SUBSCRIBED AND SWORN TO
2 before me this 17 day
of January, 1972.

3
4 Magdaleno Ruiz
5 Notary Public in and for
said County and State

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1 GEORGE HAVERSTICK
 2 Attorney at Law
 3 1150 Union St., Suite 3
 San Diego, Calif. 92101
 239-9459
 4 Attorney for Plaintiffs
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8 UNITED STATES DISTRICT COURT
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10 ALFRED FIGUEROA, GILBERT)
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 18 Defendants.)
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20 STATE OF CALIFORNIA)
 21) ss.
 County of San Diego)

22 Gilbert Figueroa, being first duly sworn, deposes and
 23 says:

24 That I am one of the plaintiffs in the above captioned
 25 case.

26 On February 26, 1970, about 3:15 P.M., I was returning
 27 to the United States at the Port of Entry, Calexico, California
 28 as the driver of an automobile in which my brother, Alfred
 29 Figueroa, the other plaintiff in this case, and two others were
 30 passengers.
 31
 32

1 At the border the uniformed Customs inspector, the first
2 official we saw, asked us what we were bringing from Mexico.
3 I heard my brother tell him we had some medicine. The officer
4 asked me to open the trunk, which I did. The officer looked
5 at the bottle of medicine which Alfred handed him, and then
6 showed it to a man in civilian clothes - Defendant Quick, as I
7 later learned.
8

9 My brother got out of the car, and I heard Mr. Quick
10 tell him he could not bring the medicine in. I then asked the
11 officer holding the bottle to let me take down the contents. He
12 said I could and I wrote down the description in my notebook.
13 At that time Mr. Miller, one of the defendants passed by and
14 ordered that we be taken in. ~~At that time Mr. Miller, one of the defendants passed by and~~
15 ~~ordered that we be taken in.~~
16 As I turned back to continue writing, Mr. Miller suddenly grabbed
17 my arm from behind with his one hand and put a choke-hold on me
18 with the other. He held me and asked if I would do what he
19 told me. I could not answer due to the hold. After he released
20 it a bit I said "yes." He then pushed me into the Customs office.
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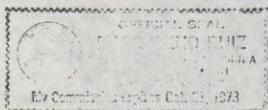
22 After I was grabbed and manhandled, Alfred protested.
23 I saw several men grab him by the neck and twist his arms and
24 he was thrown into the office right behind me. We were then
25 both handcuffed and taken into tiny rooms and were searched over
26 our entire bodies.
27

28 After about two hours we were put in a car, still hand-
29 cuffed, and tied into the seat. We were driven to the El Centro
30 jail and held there. At 10:30 P.M., Defendant Richenberger
31 ordered us out of our cell, taken to a hallway, told to sit
32 and were photographed several times by him.

1 On Friday morning about 6:30 A.M., we were handcuffed,
2 chained about the waist and legs and driven to Court in San Diego,
3 and there released.

4 The medicine costing \$11.00 and Alfred's birth certificate
5 were kept in Calexico.

6 Please accept this as a formal complaint because I have
7 been deprived of my civil rights.
8



Gilbert Figueroa
GILBERT FIGUEROA

13 SUBSCRIBED AND SWORN TO
14 before me this 21 day
15 of January, 1972.

16
17 *W. J. [Signature]*
18 Notary Public in and for
19 said County and State
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AFFIDAVIT

I, Carla Betancourt, residing at 4086 38th St., San Diego, Calif. 92105, Telephone No. [REDACTED], hereby state and affirm that on November 23, 1971, I was driving across the International Border Tijuana-San Diego, at approximately 5:00 p.m., when I drove to the inspector of Customs. His first question was. Where were you born? The said inspector asked me to open the trunk of my car which I did and then I got back into my automobile. He kept on looking at me very strongly and stated to me that I was going to be sent to secondary inspection. I got to secondary inspection, they got me out of the car, took me into an office and stated to me after questioning that they were going to search me, they told me to sat down and I waited for approximately thirty minutes until a matron appeared in the office and took me into a small room and told me to take my clothes off, which I did. Then she told me to get dress again and told me to go out into the office and sat down, after 15 or 20 minutes they requested that I should go back into the same room to be rechecked again because of the impossibility of looking with a flash light up to my last cavity. The matron stated again, get dress and told me to go out into the office again. After the second search, they stated to me that they were going to submit me to a third search at a doctor's office. They got me into a automobile and stated that they were taking me to Chula Vista to see a doctor; when we arrived no doctor was there, just a long-hair hippie type of a man with a long beard. They threw me down to the floor between the hippie and the two agents and the matron. They tore my clothes off and one of the agents hit me and beat me.

They confiscated my auto because when I returned the car was not there. The Customs officer stated that I had to petition for the return of my car all the way to Washington, D. C. and they stated that my petition was denied.

I hereby also state that I have been an adict for the past eleven years, that at the time that this happened I was and still am under methadon treatment. That these agents were cruel, unhuman on their treatment to me and also at this time I request that this matter be investigated as soon as possible.

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

Carla Betancourt

Carla Betancourt

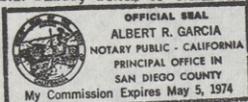
SUBSCRIBED AND SWORN TO BEFORE ME

This 22nd day of April, 19 72

At San Ysidro, California

Albert R. Garcia
 NOTARY PUBLIC IN AND FOR THE COUNTY

OF SAN DIEGO, STATE OF CALIFORNIA



April 27, 1972

To Whom it May Concern:

Leaving Tijuana, we encountered a U.S. Border Guard who asked us many questions and then went through all of our purchases.

He was not satisfied with our explanations of what our purpose was in Tijuana & brought us into their office for further questioning. They rudely commanded us to empty our purses & rifled through the contents

(2)

(which included extremely personal belongings, which was very humiliating) after this they demanded that we remove our coats, went through our coat pockets, + then roughly grabbed our arms + searched for what I imagine to be needle marks. Having found nothing at all incriminating they therefore started out on another very brusque, demeaning interrogation.

The very obvious implications, made on our character were thoroughly humiliating, degrading + totally without due cause.

(3.)

They seemed bound + determined to prove us either drug pushers or prostitutes, + were relentless in their insinuations and tricky double-talk.

When their harassment + obscene insults didn't work, and we remained coolly polite, they reluctantly let us go with the suggestion that we were guilty but they just couldn't prove it.

During all of the above proceedings we were never asked to show any identification or

(4)

proof of U.S. citizenship.

Sincerely yours

Marilyn Amber

SUBSCRIBED AND SWORN TO BEFORE ME

THIS 27th DAY OF April 1972

[Signature]

NOTARY PUBLIC - CALIFORNIA



SSPA

Spanish Speaking Political Association
5035 Ensign Street • San Diego, Calif. 92117

May 6, 1972

Honorable Edward Roybal
United States House of Representatives
Washington, D.C. 20515

Dear Sir:

In consequence of hearings conducted 29 April, on the San Ysidro border incidents, by your committee, and per your verbal requests, I am submitting the recommended immediate legal safeguards required for the protection of our peoples (La Raza) civil rights.

I am well aware of the difficulty that exists in curbing, here to fore, unrestrained police powers of a federal agency, however, the limits of toleration has been reached. We, as Chicanos, can no longer tolerate the blatant raciest actions of certain elements of our federal government. Therefore, it is in the fervent desire for change that these, and other recommendations have been made.

If we are to survive as a nation united in common cause, then, perhaps it is the duty of those most oppressed to commence and continue the purging of the decayed and perverse members of a rotten society, a cleansing of our national consciousness so to speak.

The following minimum requirements, for protection of our people, comprise the main requests which I, speaking in behalf of the SSPA, presented in summation at your hearings.

1. No person(s) shall be subjected to un-reasonable search without first being placed under arrest and charged.
 - a. This will help eliminate current "fishing" expeditions being conducted daily at the border.
2. No person shall be arrested until the officer making the arrest has "reasonable" grounds for doing so.
 - a. This will force the agents to use some other criteria other than "race" for establishing reasonable grounds.
3. A prepared statement, in Spanish and English, shall immediately be read to the person(s) placed under arrest informing them of their constitutional rights (right to remain silent, to legal representation, to make a phone call etc).
4. A waiver of rights must be requested whenever a search is to be conducted without a search warrant.

SSPA

Spanish Speaking Political Association
5035 Ensign Street • San Diego, Calif. 92117

- a. if no waiver is granted, a search warrent must be procured.
- 5. The individual(s), thus arrested, must have a legal right for "redress" against the government for false arrest and searches whenever occuring.
 - a. This will cause a cessation of indiscriminate arrests and searches.
- 6. Legal representation must be afforded to all regardless of economic means at the port of entry.
 - a. The concept of an Ombudsman would be functional here.
- 7. That the F.B.I. procedures be utilized as a model for all police-power agencies of the Federal government in execution of their police duties.

As you may well recognize, these are very limited and minimum objectives, however, they are required immediatly in order that relief may be afforded our people, however, it is recognized that fundamental change is required before the situation is corrected or eliminated.

As you well may be aware a considerable body of administrative regulation affects the Mexican and the Mexican American (Chicano). Most of this administrative regulation has been the creation of agencies of the Treasury and Justice Departments. The sad story, however, is that their agencies have not, in many cases, observed their own regulations or the ordinary civil rights of citizens and alliens affected. I would conclude this letter by calling your attention that due process of law, under the 5th Amendment of our Constitution, is guaranteed not just to citizens and nationals of the United States but also resident aliens (Supreme Court decision of 1886). Due process, therefore, is our right and is not at the whim of the Customs bureau or the Immigration department, or the Border Patrol, to name a few.

Your continued interest in this matter is of vital concern to us all, and we shall look forward to concrete results from the Roybal hearings.

Sincerely

Daniel L. Munoz
Daniel L. Munoz
President

CC: Adhoc Committee on Royball
Hearings.

To:

The Congressional Sub-Committee now investigating instances of cruelty and irregularities as performed by United States Federal Officers at the Port of Entry in San Ysidro, California.

Gentlemen,

Herewith, I submit a statement which I hope and trust will help you as you pursue the charges lodged against federal officers at the P.O.E. in San Ysidro. I beg you to consider that you have stated you will receive such statements pertinent to this case for a two week period. Within these two weeks, I am, myself, badly pressed for time and the enclosed statement has already represented much more of my time than I can afford now. The statement is only a draft and I would, if I could, condense it and correct what errors there are in it.

I am Frederick A. R. Drew, the former Immigration Patrol Inspector who already testified orally before you. I am, so far as I know, the only person possessed of this particular information who is willing to present you with it, and who is credible. Realizing the impact of what I just claimed, I feel a certain responsibility to additionally advise you, hence, this statement.

I am prepared to present proof or evidence of whatever I have said in this statement that can be supported and I am ready and willing to conduct anyone interested on a tour of the areas that I describe herein so that it can be seen firsthand that I speak with absolute authority.

I strongly urge that you, as a sub-committee, attend to all of the matters that you can clearly see need attention. If any are outside of your purview, then I strongly urge that you call for such an investigative (and legislative) team as can attend to what needs attention.

I add, for your interest, that I have been, in this community in the almost precise position that Mr. Albert Garcia now is in, that is, I was president of the Community Action Council of San Ysidro, and of Otay and Woodlawn Park several years ago, and I called then, for some official attention to the matters at hand. I have already congratulated Mr. Garcia for his success where I had failed, and I advise you, I am very pleased that he has aroused your interest.

I add, too, that I registered complaints citing such incidents as you heard testimony of, - to Congressman Lionel Van Deelen, among others, immediately after I left employment as an Immigration Patrol Inspector, in an effort to help my own case. That was in 1966. As the CAC president, I resubmitted to the same man the same complaints in an effort to help the indigent people whom I then represented, and who felt abused. That was in 1967.

Since the moment that I began residency in this area, I have been publically prominent. I have served as an officer or member of many locally important organizations including FTA groups, the CAC, Legal Aid, Child Guidance Center, and on and on. Only a month ago, I ran for a seat on the Chula Vista City Council and although I did not win, I gained a respectable poll for a first-timer. I expect to continue an interest in local politics and I very well may seek a seat in the state Assembly within the next two years or a seat on the County Board of Supervisors. Naturally, I expect to win if I should chose to run, because I am now known as a political aspirant, and I was already well known as a social leader.

Prior to my residency here, I was an honorable citizen of the nation's capital and a long time civil servant having held high security clearances and other credits. I am a family man, having a wife and nine children, none of whom was ever in any trouble whatever, and all of whom earn good credits at school. My eldest is enrolled in college, the next, a high school senior just this week won an important scholarship, and the rest are at or are near the top of their classes. I am a rather regular church-goer, being Catholic, and our family combined are leaders in our church community. My wife is also an important community leader in her own right.

Frederick A. R. Drew

Frederick A. R. Drew
1275 Basmer Avenue
Chula Vista, California 92011
Since de Mayo, 1972

Honorable Edward Roybal, Congressman from Los Angeles
Honorable Don Riegal, Congressman from Flint
Mr. Albert Garcia, 327 1/2 E. San Ysidro Blvd. San Diego 92073

Gentlemen,

I remind you of my testimony last Saturday which was in support of several complaints you received concerning certain atrocities against the persons of individuals who have crossed the Mexican border into the United States, as perpetrated by officers of United States federal agencies.

The mood of your hearing led me to believe that there was some confusion in your minds and in the minds of the complaining witnesses as to whether the officers discussed were Customs officers. I believe that you should know from the outset that federal officers who man the usual check point in San Ysidro are from a variety of federal agencies with Customs and Immigrations being perhaps, best represented. The agencies cooperatively supply to the total pool of officers who are normally seen as representative of U.S. interests there.

Another point about which you seemed uninformed was the distinctive difference between the people who cross the border at the normal check point in San Ysidro, and those who cross at unauthorized locations along the international boundary, although, still into San Ysidro. Although it is certainly true that many people who successfully cross at the official check point do actually cross illegally, and do actually transport illegal contraband, it is also true that people who cross elsewhere along the line into San Ysidro always do so illegally, and occasionally transport illegal contraband as well.

Illegal entries and smuggling activities that occur at other points along the line than at the official check point are almost exclusively within the purview of that agency known in this area as the Border Patrol. Officers of this agency are known as Border Patrolmen, of course, but they are officially U.S. Immigration Patrol Inspectors.

Inasmuch as large, uncountable numbers of illegal entries are made, through the check point and across other parts of the line, illegal entrant aliens are encountered by all sorts of people throughout the United States, but especially in the Southwestern states, and most especially in communities near the border. They fall into the hands of public law enforcement agencies often enough that there has been, and I presume, still is, - a bounty system so that they are worth so much per head when captured and delivered to a federal agency. Locally, it is common for municipal and state police officers, and sheriffs, and members of armed services, such as U.S. Marines to actively hunt illegal entrant aliens for the bounty money.

The point I am making is that the general chase is highly disorganized even as involves those officers of federal agencies whose purview is to participate in it. The chase is totally uncontrolled where it involves other policing agencies, armed services, and private citizens, or even other aliens who themselves may be illegally here.

It is my opinion that as a group you are making an admirable beginning to protect the human rights of people who cross this border where those rights are violated by United States Customs officers, however, I insist that a full understanding of the problems you are just beginning to be aware exists, - should lead you to protect the human rights of border crossers against anyone who would, who could, and who do violate those rights.

2

I think you should know it was customary for Immigration Patrol Inspectors to seek the higher pay grades offered by Customs, thus it was common for IPI's to transfer over to Customs after they had worked as IPI's a couple of years. The effect was that the job of IPI was viewed by most as a sort of basic training course for the job of Customs Officer. It seems, therefore, pertinent, if your examination is to deal exclusively with the manner by which Customs officers handle people, for that examination to begin where customs officers began.

In my own case, I was given a series of written and oral examinations in my native home city of Washington, D.C., and having passed them all, I was put in competition against other applicants to the job from all over the nation, including such protectorate places as Puerto Rico. When I was finally selected I was told that I was then member of a highly exclusive group of applicants and we were called the "cream of the crop" from this entire national community numbering hundreds of thousands of people.

When I was told in a letter that I had been selected, I was also ordered to report to work on a certain date which was about three weeks off. I needed to settle my affairs, terminate my employment, pull up stakes, get to Chula Vista, settle in, and then report ready for work in three weeks. Even though I was a federal employee of many years experience, and had what we called "permanent status", I was required to resign and be rehired here. The meaning would have been a sacrifice of my candidacy to status if I did not already have that, but as it turned out, I sacrificed enough, because the meaning also was that the government would not pay for my travel expenses. I did not have time to sell my home, so I merely signed over all rights to my equity, which amounted to about ten thousand dollars. - for the right of being free of continuing house notes which I wasn't certain at that point I could maintain, and I did not want to spoil my credit standing inasmuch as that standing was one of the criteria by which my new employers would judge me. In addition, of course, the scarce time did not allow me to make satisfactory arrangements concerning my other personal belongings. I simply bought a box trailer and loaded it as full as possible, then gave away all that was left including furniture, T.V.'s a piano, et cetera. I cannot still estimate my losses on that account. I drove cross country with the trailer, and my family, including my wife and nine children and arrived here about a week later, tired, almost broke, needing living quarters and in a desperate mood.

It should not surprise you that I was willing to undergo such sacrifice, especially as you, being congressman, know that in Washington in 1966 a Negro had little opportunity to advance beyond grade GS-3, - and my new job would start me at grade GS-7 from which I could go up.

When I arrived here, as I stated in oral testimony, I was almost immediately advised that the Mexicanish people I would be working with should be considered somehow sub-human. Inasmuch as I am a Negro with at least one Mexican forebear, that primary lesson served to start me off in extreme discomfort. Also, as I testified already, I witnessed several atrocities against the Mexicanish sub-humans that put me even more ill at ease. In addition to what I have said already, you might note that on that first day I was introduced to others who were starting then and we were all taken to a private taylor in San Diego and ordered to purchase our uniforms there. When we were brought back to headquarters, we were issued guns and ammunition, handcuffs and other de-jads. On the next day we were sent out in the field to work. Most of the other probationers were put into jeeps with partners. I was given a jeep of my own for the day and told to follow another jeep out into the field. I was not told precisely what to do that day, but, in any event, I had a gun to do it with, handcuffs to hold it with, and a jeep to move it with while no one had bothered to ask if I could shoot or drive. That struck me as being odd since four-wheel drive jeeps do not drive like regular vehicles, and the terrain was over steep, dusty hills and into deep canyons, - a dangerous trip. My immediate feeling was that my life was not to count for much thereafter, nor were the lives of others thought to be important, - after all, I could panic and shoot anyone whom I thought should be shot, and I wasn't told who should be shot.

As I stated in oral testimony, I witnessed several instances of beatings and other atrocities. Some of these instances impressed me a lot. For example, one afternoon a large group of aliens had been rounded up and were herded together in one open backed jeep, - all handcuffed to each other or to the vehicle and the several IPI's who had participated in the captures were standing around the jeep shooting the breeze with each other. This was in a very rugged overgrown area near the fence where there was much wild life. A piggy rattlesnake darted out onto the road and most of the IPI's took wild shots at the thing as it was trying to crawl away from where we were standing. Someone finally hit it, I would guess about three inches behind the head and the snake stopped its progress. An IPI went over, picked the snake up by the tail and in the same motion tossed it into the truck where the alien prisoners were crowded. Of course, they went into an instant panic which resulted in one alien jumping over the side of the truck in a motion that nearly broke the arm of the man he was cuffed to. An IPI who didn't like that ran over, punched the man in the stomach, then slapped him a couple of times on the face, and cursed him out for "attempting escape".

But the one instant I reported to you orally last Saturday I chose especially because it ~~involved~~ involved an IPI with some Customs officers, or in other words, it involved officers of both agencies. In that case, the customs officers supplied the IPI with the firecracker commonly known as a plastic cherry bomb. The supply was plentiful and regular. To refresh your memory, the IPI used the firecrackers to frighten aliens out of bushes and brush and to make them think they were being shot at. At that point, I wish to excite your thinking. Mind you, an IPI would need full confidence that he was safe from return fire, if he would deliberately make an illegal entrant alien who is hidden in the brush think he was being shot at. The point is almost a convincing argument that federal officers at the border do not need guns to do their duty. Perhaps some special investigative force might, but one would hope that such officers would be well trained in the use of fire arms, and well screened so that their level of maturity is well assured.

The hero of this episode was my partner at least four times while I was an IPI and he used to prefer stationing himself in the brush behind the Travel Lodge Hotel in San Ysidro. The busy teamwork began at about that point as opposed to the wilderness area that stretched beyond that point to the border fence. Also at that point there was a large drainage ditch of concrete which was large enough for a human to crawl through. As I recall, the length of the pipe was about twenty or thirty feet and it ran under some railroad tracks, which meant that a moving human could be spotted rather easily if he crossed the tracks at that point because it was a straight smooth stretch which was not wooded. So illegal entrant aliens often would use the ditch. One must understand that we IPI's were equipped with binoculars which besides magnifying distant objects, also gathers in all available night light so that one can see almost as clearly at night as in the day time. From our position, we always knew when someone had entered the ditch and the obvious strategy would have been for one of us to locate ourselves at each end of the pipe since there was no where else a trapped human could go. My temporary partner almost always tossed a cherry bomb into the pipe and then laughed himself silly when the dazed alien emerged deafened and frightened, sometimes with smoke clinging to his skin, sometimes temporarily blinded, and always pitiful and helpless.

The firecrackers had been illegal contraband gathered by officers of the various agencies at the border, but brought to the Customs agency specifically inasmuch as it was Customs responsibility to determine the disposition of such contraband. Contraband of little value, or narcotics was to be disposed of by incineration and a large incinerator was at the border for that purpose, and was fired every day. But instead of the confiscated material being burned, Customs officers held out what they wanted, and even distributed it among themselves and other officers of other agencies. One could presume that such distribution may have been beyond the scope of comrade in arms, and one could further presume that firecrackers were not the only contrabands dealt with. One imagines that narcotics might be saved out and distributed, also, bottled alcoholic beverages, and even some valuable material such as jewelry might be "declared" valueless by officers who pocketed such material, but who claimed to have destroyed it.

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I wish to point out at this moment, that from the beginning of my four months tenure, I was witness to several "irregularities" that I had an immediate urge to report to someone. My situation immediately forced me to consider and to weigh the consequences of such reporting and recognizing the fact that I was here, far from my own native home without any money, any property and any friends I realized that I was desperately in need of my job. It was obvious to me that these nearby communities had very little to offer in the way of alternative jobs, and I could not afford the return trip home, nor was I too anxious to go back there as a pauper to start all over again and to need to explain my failure to my family and friends. The result of my considerations found me promising myself that I would overlook the irregularities I had seemed to be seeing every day, - but I broke my promise almost immediately as I witnessed a beating I absolutely had to report to someone. Having no one else to turn to, I went to my new chief and laid my cards on the table, explaining the desperateness of my own situation even. He explained to me with such great logic that it seemed well rehearsed, that although I had the right, and indeed the duty, (even a sworn duty) to report on any irregularities I witnessed, I would need to take them through channels, just as in a military service, - then, that the channels might involve some of the offenders, and I would only serve to get myself in trouble. Furthermore, he agreed, I would have great trouble substantiating my statements. He described the people who could back my claims up. They would be other IPI beginners whose situations may be as desperate as my own; or, other IPI's who would be some of the offenders, (and I couldn't tell which were which except among those whom I had personally witnessed). Or they would be aliens, most of whom would be shipped back to Mexico before they could testify in my behalf. Or they would be aliens against whom certain offenses had been committed, but who would, on account of these offenses be in too great a fear to testify for me, a stranger to them. Or they would be aliens who had been convinced their crime (entering illegally) was so serious that they considered themselves lucky to get off with only a beating, a scare, or an immoral overture. In the case of women, he explained, most are aware of the chances they take in meeting a federal officer in the bushes. If they take such chances anyway, they must be already basically immoral, and do not care. He explained, furthermore that there are people in Mexico whose livelihoods depend on illegal activities at this border and who do not mind at all exacting certain revenge on any Mexican who came up here and reeled the boat. Whether that was true or not, I was impressed by the mental reference he was building to old time, and not so old time gangster organizations, and jail house systems.

After some more witnessing of what I could not stomach, and some more deep soul searching, I decided that I couldn't avoid doing what I saw as the right thing, and I proceeded to make reports of instances of atrocious action of my fellow officers, and I made these through channels. I got telephone threats, to be certain, but I counter threatened to submit my charges above channels if necessary, and implied that I had a detailed report stashed away somewhere that would be uncovered in the event of my death. It was a bluff, but then, I haven't been killed yet either. Nevertheless, I pulled the most difficult duty possible thereafter and amassed an incredible amount of "bad" reports from my senior officers that established me as officially so inefficient a worker that it would seem to a reader of these reports I had an army of help to accomplish so much wrong. I cannot understand why I was not fired outright after my first week of service, unless it was thought that I might be some sort of special undercover special investigator from the department, but I lasted until I had worked a couple of months before I was orally invited to resign. Refusing the invitation, I was later asked officially to resign, and I refused again. After four months of service, I was "washed out" of the apprenticeship program by reason of having received enough "bad" reports from senior officers leading to the conclusion that I would probably not make a good IPI. It is, of course, the right of a federal employer to dismiss any probationary employee almost arbitrarily. In my case it was rather unusual in that I already had federal "status". It was unusual too that I was the only Negro on the force, and the only "wash-out".

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You should notice by now, that I am describing a system by which the newly hired officer is exposed, almost naturally, to the commission of certain crimes by more established members of the system. There is no authority greater than the system itself that can or that will aim to correct the improprieties. The novice member has three alternatives to choose from. His first alternative would be to attempt to break the system, as I had done, but that alternative is so probably hopeless that almost every intelligent person will choose from the other alternatives, and most novices here are highly intelligent. The second alternative would be to overlook the system, and in that alternative, one could either quit his job, or if he stays on the job, he might elect to do so for only a limited period, but to hear no evil, see no evil, and speak no evil for that duration, or he may try to remain on the job until retirement, hearing, seeing, and speaking no evil. In this option, quitting would be the least likely thing to do because everyone of the novices had already invested in his new job as I had done, albeit not to the same extent, and all novices were stranded too, as I was. This option causes those who elect to stay on to flirt with a dangerous psychological phenomena I've heard described as "proximity breeds assimilation". The final alternative occurs to the person who has latent racism that he recognizes can now be expressed without fear of punishment. Those who choose it become immediate members of the system and perpetuate it.

This morning's newspapers carried an account of a federal officer named Castro who had been sentenced yesterday to twelve years of "hard time". Castro was found guilty of selling documents to illegal entrant aliens that would allow them to come into or remain in the United States "legally". I understand that Castro claimed that all federal officers here do things similar to what he was convicted for, unfortunately, he could not establish his claim as fact for the reasons that as I explained earlier, my senior chief had earlier told me. Even so, the simple fact that all federal officers, most, some, or a few were as guilty as he was found to be, would not have been accepted as sufficient reason for his own guilt, even if he had been able to establish his claim as fact. Therefore, there didn't appear to be reason enough for the court to dig into his claim and find the truth.

It is my feeling, that, according to the options available to a novice federal officer here, anyone who would remain on the job is practically forced by circumstances to participate in the sort of illegal activities Castro was found guilty of. The system is one in which all must participate.

Castro's case is and was exceptional. One needs to consider that although there are a number of minority members among the federal officers here now, they are all relative newcomers. (I should point out that the number is still ridiculously low, - it is just much greater than it was when Castro and I were probationers). As I know the feeling, Castro, who was the only Mexicanish person on the job his first year carried on his shoulders a heavy weight and responsibility to his "race". He could not bring any discredit that would prohibit others from following the path he created for them. If I, as the only Negro, was making history, Castro was making even more history because he, as a Mexicanish person, was the subject of more abuse. He did not even have the alternative to quit, or to close his eyes to what he witnessed. He had to develop a callousness and join the establishment as quickly and as completely as possible as a lesser evil than the evil of failing his people/ It is my opinion that Castro should be declared innocent by reason of extenuations.

As Castro has said, and as I concur, all were almost certainly guilty of what he was convicted. As I know well the attitudes and convictions of the federal officers who work this border, I know that if ever it would be necessary for them, as a unit to offer up a sacrifice to appease the gods of crime and corruption, the Jesus Christ that would be sent to crucifixion to pay for the sins of all, would be a minority member, and most especially, the "cabron". Lucky me that I was not available to be sentenced to twelve years at hard time, but then, I couldn't make myself join the system, even though for a few moments, I tried.

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I have mentioned Castro's case, and my own, as a means of establishing in your minds the extent of the problem you are dealing with, and what lies at its roots, but it would hardly be graceful to pass these cases by without appealing to you congressmen to see what you can do about establishing justice in these cases. It would be justice to release Castro from prison because his guilt is out of extenuating circumstances. In order to do that, it may first be necessary to dig out the truth of his charge that "all" federal officers at this border are guilty as he was found, - but since, on my testimony as another man who was on the inside and wears his agreement, you have reasonable cause to feel that your diggin will find substantial evidence that his charges were correctly lodged. Inasmuch as that is so, you should use your congressional powers to furlough the man from prison so that he would not need to spend even another day at what might prove to be an unjust sentence. In my case, you should reinstate me into my job for which I had made so many serious sacrifices, - and you should return to me the back pay I would have earned by now.

But, since I did not describe Castro's case and my case for the express purpose of gaining your sympathy, or even in order to ask for justice in these cases, and since my purpose was to establish in your minds some background for the situation your committee now examines, I will ask that you take some of your own testimony now. To do that, you must apply some logic and reason to Castro's case, for example. Without establishing him as an innocent man, you must credit him with more genius than we see in one man in any one century on earth. He has, by charges, singlehandedly, and without expert help, or the help of an elaborate ~~SYSTEM~~ and sophisticated system, managed to accomplish impossible crimes, not once, but often, and his crimes have involved making contacts all over this entire continent, printing and distributing federally made, counterfeit proof documents, and ferreting out those people who could use his services and pay for them, - plus, he has singlehandedly protected those people wherever they were on this continent though they scattered all over. It would seem to me that a man of such capabilities would have managed to defend himself in a courtroom of mere ordinary mortals, much better than he did, and it should seem so to you too. The man was not just knocking over gasoline stations in the dead of night, - he was found to have committed federal crimes that were the responsibility of his fellow officers to detect. If he was able to move among his fellows daily while in the commission of his particular crimes they must have had some knowledge of his activities for a long time, or they must have been incredibly stupid. If they did not themselves commit the same crimes, and help him commit them, they, at the very least were guilty of a certain dereliction of duty in not apprehending him. While you are thinking, think too of the supreme oddity that of the few officers of minority groups who were at this border in 1966, (less than one percent) nearly one hundred percent of them have either washed out or been drummed out of service. Now, also consider that Castro and Drew were U.S. citizens, and in addition, were comrades in arms to the officers at the border. If they treated us cruelly, think how cruelly they treated strangers, most of whom were aliens, and some of who were in illegal status. Believe the testimony you hear from your parade of witnesses. They described mild events.

It is my opinion that U.S. officers at this border are cruel and callous enough to rank with Hitler's Gestapo. Those who began as normal young men are systematically converted into the willful perpetrators of atrocious acts following the Nazi style very closely, but this time, in the name of the United States of America. It is an absolute disgrace.

I would be pleased for you to consider something more. The incidents of death by gunshot, that is, a suicide murder, an "accidental" self inflicted mortal rifle shot, and other similar cases involving Immigration Patrol Inspectors in these communities are rather high from among a specific society and would indicate some interesting emotional instability which is high in that society. I'll bet a scientific interpretation would indicate that consciences among federal officers here are so dangerously unbearable.

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Most of the women and men who testified before you about internal organ examinations seemed very ashamed of their admissions even though all but one explained the examinations were only visual. The one who testified that she was physically examined seemed least ashamed but she was exceptional in many ways. For one thing, she also admitted she had been a narcotics addict. She was a very attractive young woman and I advise you that in this area of the country attractive female addicts usually support their habit by prostitution and I wished that she had been pointedly asked if, in fact she had been a prostitute. The pertinency would be that she would in fact, not be so ashamed to admit that she had her internal (vagina) digitally manipulated in what was called an "examination". As one would logically conclude that the number of ashamed people who testified before you about visual vaginal and anal examinations was a mere fraction of the number of all people so abused, but too ashamed to mention it in public. The fact that one of the many women who must have been "fingered" for examination did, indeed testify was amazing, and it is certainly obvious that the rest would be too ashamed. If my wife had been digitally manipulated I would not want her to admit it in public, in private, or in writing, even anonymously. If it does not seem shameful to admit that ~~one's~~ ~~one's~~ anal cavity or vagina was looked into for any other than a medical reason, it certainly has to be a crying shame that such cavities of any man or woman could even be thought to be so large as to conceal illegal contraband. The examined party is really very insulted, and the examiners ~~must~~ must certainly subject individuals to the humiliating, degrading and painful experience for the particular purpose of demoralizing them.

Someone pointed out at your hearing that the amount of illegal contraband which enters the United States through San Isidro is so enormous that it seems a waste of time and effort to subject individuals to searches of their body cavities since body cavities could only contain small amounts of any material. In that context, of course, the illegal contraband allowed to pass has been narcotic substances. I feel that very few people would wish to consume such narcotics as had been "born" so to speak, anyway, since it is typical of people to sicken at even the thought of swallowing material which had been connected with their ideas of filth. Take as an example the case of many people who could not bear the thoughts of putting rattle snake meat into their mouths. I feel too, that most narcotic substances would melt from body heat or moisture as carried in any fleshy "suitcase". I would like to point out especially that narcotics is not the only material that can be considered illegal contraband, and it certainly does not comprise the bulk of material smuggled into this country. I wonder if while the boys down at the port of entry are digitally examining the pubic cavities of some cute dame they expect to find inside an illegal bottle of booze, or perhaps an airplane engine, or two. I wonder also, if while they crowd around insuring that the internal search of a proper body is thorough, truckloads of "stuff" exposed, and even obvious ~~one~~ may be passing right by, completely undetected just because a truck is not a cute enough container to garner the same complete interest that a more fleshy vehicle can garner.

It is a matter of fact that the officers who man the entry gates pride themselves in asking just the right questions that lead them to just the right suspects who warrant a secondary search. "Where were you born?" is supposed to lead to all sorts of revelations and questions subsequent to that one almost tell the whole story about a person attempting to enter these United States. As a matter of fact, I am not attempting sarcasm here, the questions very often are very revealing when they follow a proper sequence and elicit answers that are not expected. The border guards work at perfecting their line of questioning all day, every day, and they have developed a true science of it. But, after some time at this, the duty becomes pretty boring, and some border guards apply that special science to the detection of which pretty young things who attempt to cross are most likely to be easy marks for activities that are nightly unrelated to United States business. A properly worded question and answer format will likely include the notion that a safe crossing will be provided in exchange for the promise that the questioning officer will not need to spend the night cold or lonely. Sometimes, the ladies who realize they are being propositioned and who feel insulted by it, strike back verbally, and so the humiliating, degrading, painful, and time consuming "official duty" commences from that point. At other times, the system of secondary delay is only an incorporated part of the personal examination which results in a satisfactory date for the interested

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That inspector who was my occasional partner, and whose use of "cherry bombs" I described earlier, also figures in the notion I am describing at present. It is the usual duty of an IPI to sit at night somewhere near the border fence where he has a good view of the fence itself, or some road or path where illegally entrant aliens are likely to pass, and are relatively easy to apprehend. Oftentimes, he sits in a jeep which is somewhat concealed by a clump of bush, a hill, or some other wilderness feature, but on occasions, he parks his jeep completely out of sight, and sits on blankets on the ground at an area where the jeep would be a give-away. He told me that on a particular night when "traffis" was light, he was at such a still watch and was settling in for eight or ten hours of boredom when he spotted a figure sneaking across the border whom he apprehended. He found that it was a young woman who told him that she was coming here to find work. He frisked her, he proceeded to "frisk" her, and for whatever reason, (perhaps fear coupled with unsophistication) she raised no obvious objection, whereupon, he frisked her more and more personally concluding with his contention, finally, that until that night, she had been a virgin. Shortly before his watch for the night was over, they got up and he took her to a motel on San Ysidro Blvd., gave her some money and instructed her to take a room there until he returned. The next day while he was off duty he did return to the motel and brought with him some papers which "legalized" her stay in the U.S. He decided, after telling me this that he would introduce me to her, and inasmuch as we were working as partners that day, he drove the jeep to the motel and got out, instructing me to stay with the jeep in case the radio monitor had any messages for us. Shortly afterwards he returned to the jeep with the girl, hugging and kissing each other as they walked, and he introduced us. The girl was very pretty, but she looked to me to be no more than twelve years old. I was inwardly upset because I knew this man to be married and I wondered at how brazenly he conducted that girl to the jeep in broad daylight. Sometime later, he told me that he and the young girl had "broken up". I can not remember the exact details. I believe he said that she had gotten pregnant and that he had arranged an abortion in T.J. which she objected to, but which she got anyway. What I do remember clearly was that he said she remained in Tijuana and had become a prostitute. It was my feeling that he should have been hung, then electrocuted, then gassed, - and that is remarkable inasmuch as I am otherwise very opposed to capital punishment.

In spite of that account, and the other concerning this one officer, it was not my opinion that he was the most cruel or contemptable officer on this border I had met. I chose to tell of him only because in the first case, he exemplifies the interdepartmental corruption that exists. I could as well have chosen to speak of another officer whose cases involve such dealings, but with the officers of the MEXICAN Immigration entity.

It occurs to me that Herman Bacon, (who is a man I had not been an admirer of) has offered to you the most useful and constructive testimony of all. He recommends an "open border" such as exists between the U.S. and Canada.

My memory on the following point may not be accurate, but I believe the U.S. immigration laws were originally constructed especially to limit or inhibit the importation of Chinese immigrant laborers who were working the railroads at slave wages. The laws were relatively easy to enforce because the ocean presented a formidable natural barrier between the U.S. and China. To-day, American workers, including a great many so called Mexican-Americans are pressing to prevent the importation of Mexican laborers who work the farms hereabouts at slave wages, and, of course, we also want to keep narcotics out. It is very true, however, that in the absence of a formidable natural barrier, we are not keeping out illegal entrant aliens, nor contraband. It is an interesting note that regardless of the number of body captures the Border Patrol reports annually, many of these bodies are perennials, that is to say, they are often the same people who cross the border every year at harvest time and again at planting time. When one man is captured five or ten times, he is still not five or ten men, but that is how he is accounted for on reports. Even if every single body counted was different, the total number of captures is ridiculously short of the total number of bodies illegally here, so the effort to maintain the illusion that we are preventing the entry of unauthorized aliens here is futile and entirely too expensive in terms of money and morality for a proposition that does little.

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On my suggestion, the Star-News, which is a local organ, examined the seriousness of our efforts to prevent the illegal crossings of our border by humans or contraband. I guided the photographer from the beginning of the border fence which is east of the POE (Port of Entry) in San Isidro, to the ocean west of the POE where the fence ends. There were, of course, many breaks in the fence and they varied in size from a break large enough for a person to crawl through to one huge break large enough to park an over-sized tractor-trailer truck. As a matter of fact, that break occurs at a point where Mexican homes face the fence and are located just across a dirt road from the fence. Their road is not maintained, but the road on this side is constantly smoothed over several times a day in order that foot-prints can be clearly seen. On that account, the day that the reporter saw this opening in the fence, a private Mexican tagged car was parked across the break, obviously, because the condition of the road at that point was far better than anywhere along the Mexican side. From that point, there were several tire tracks leading through the break in the fence and on into oblivion across the U.S. and the Mexican dirt roads. One could speculate that it was a do-it-yourself Port of Entry.

Although there were no American homes anywhere in sight near the fence, the row of Mexican homes south of the fence stretched along the fence for miles. At one point, there was a deep canyon going across the boundary and the American road had to skirt that canyon so that we needed to leave the fence temporarily. Looking down into the canyon, which had a flat bottom we could see a game court with Mexican children playing soccer there and a large weather-beaten net stretched across the court. There was a wide break in the fence near the court and very obvious foot paths leading to the court, which is in the U.S., and other obvious foot paths leading from the court, northward to, and across the road we were on. Further along the road, we came to a point where there was a pond near the fence and we saw a Mexican woman washing clothes in the pond while a number of children played nearby. There were a couple of grown men in the group too. Of course, there was a huge gap in the fence and foot paths leading to the pond, and northwards into oblivion. Such were sights that we saw all along the fence as we proceeded west to the beach.

The beach is marked by a monument on the U.S. side, abutted against the fence. I cannot remember how often I had come to that monument, but I never read the inscription on it, and it did not attract the notice of the reporter or the photographer. I had never seen anyone at that point of the fence actually on the U.S. side who would or could notice the monument except other IPI's, and none of them, to my knowledge, ever paid any attention to the monument. But on the Mexican side, in spitting distance of the monument there is a new bull ring which presumably attracts crowds that near to the fence. Just past the monument and the bull ring, there is, of course, a beach. In Mexico, the beach is a public place and I have never seen it when people were not using it. even during the coldest part of winter, (which is not ever extremely cold), many people fish there in the Mexican public beach. Our fence terminates a little east of the high tide line at the beach, which is often fifty feet or more from the edge of the water. The end of the fence is a tangled rusty mess and gives the impression that whoever erected it has long since forgotten it, and no longer cares about it. A result is that when the Mexican beach gets too crowded for some, they merely move over into the U.S. for more room and that was the precise situation the reporter observed. As a matter of fact, the photographer, in order to get a good angle actually crossed the line himself, without even knowing it and then re-entered the U.S. illegally.

At my suggestion, we left the beach and proceeded north instead of east over the road we came in on. I wanted to demonstrate the ease by which a man, who had just technically entered illegally could continue undisturbed, into the U.S. Just as we were leaving, a border patrol jeep came into sight over a hill. To rob it in, I got out of our jeep and waved at the federal officer to attract his attention. He waved back at us, and we proceeded deep into the U.S. Now, it should be understood that our jeep was an ordinary civilian owned vehicle. It was very weather-beaten, just like one would expect would be owned by Mexicans. Our path was perpendicular to the line of vision of the border patrolman so that he couldn't see the California tags, which were covered with mud anyhow. He did not chase or challenge us.

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We proceeded parallel to the beach along an almost obscure path through tall weeds until we reached a road, I believe it is named Monument Road, after the monument that no one sees or cares about. We continued along that road through ~~HEM~~ a wooded area and followed other little used roads until we were back at San Ysidro Blvd., and from there we returned to Chula Vista. We didn't see so much as one federal officer anywhere along that route. The reporter wrote a very good story, but he lamented to me that it got very little public interest. It would, perhaps, excite the good people of Flint or Dearborn or Pontiac, but not of San Diego County.

If the reporter had stayed parallel to the beach only a little farther, before ~~HEM~~ taking the road east, he would have driven up to a bathing beach. It is now known as "Border Park" having been given to local governmental entity by the United States in the person of Mrs. Richard M. Nixon last year, but at that time it was the property of the Navy and could be used for bathing or fishing by any government employee. My wife and I had used it often and we were usually alone on the beach with only our family. We even called it our private beach. It was at one family outing there, that I discovered how near we were to the border and I walked to the line with one of my children who went into Mexico for a ball or something, and we walked back to the "private" beach, and a little beyond. It was clear that we could have walked on to Imperial Beach, and to the Navy installation at North Island if we had reason to, and we would not have been challenged along the way. I was so used by that, - that I considered it would be easy for an enemy to sabotage North Island and then I realized how futile our efforts to defend this border were.

In response to my considerations, I offered a beneficial suggestion to our chief that we cease patrolling the border by present methods, and instead erect towers and strong lights at periods along the border so that tower sentinels could maintain a constant and realistic watch, over the entire length of the fence. I never got acknowledgement that the suggestion had been received by any incentive awards committee.

Not very long after that, and while I was still very green, I was assigned to work on the group commanded by the senior officer, Inspector Hendley, at night duty. On a particular night, he positioned me near a large hole in the fence where my view of that hole was nearly perfect, - but also, where anyone at that hole could see me clearly too. The position was otherwise unusual in that it was the lowest ground in the vicinity so that I could not see to either side of me, or behind me because of the terrain. At a very quiet hour, I could hear some voices off on my left side, (to the east) and I reasoned that it would be foolish to remain glued to my position while I had reason to believe that a crossing was in progress nearer to me than to any other officer's position. So I left my spot and sneaked up the hill where I could see a group of people, probably five aliens, and a uniformed officer. I might explain here that we used binoculars that not only magnified whatever one was looking at, but that gathered in all available light too, so one could see very well at night with binoculars.

I had still not been taught yet what I should do in special situations, so I used what I thought was good judgment. I decided that five or six aliens were too many for one officer to handle alone so I walked up to the group to offer my help. The officer was my senior, Mr. Hendley, and he showed me out for leaving my post, and ordered me to return to it, which I did. I felt so bad about having done a foolish thing that I sought to get back into Mr. Hendley's good graces. When my shift was over, I scanned the report book for the entry of Mr. Hendley's spectacular capture. It was a slow season so that the capture of a dozen aliens altogether from the efforts of all officers combined would have been a good haul. The notation wasn't in the book anywhere. Still determined to polish the apple, I was deliberately slow finishing my own report for the night so that the senior would have to have finished his by the time I was done. Hendley noticed that I was scanning the book and asked me what I was up to. I answered him honestly, and he blew up again and showed me out again, then we both left the parking lot, headed for home, I presumed.

11

The next day, there was a report in the book, entered on the previous day's business, that Hendley had made a capture of five illegal entrants. There was also a 'bad' progress report on me for having left my post.

The border, rather than being impenetrable is little more than an invitation to people who know it to become corrupt. The fact that Federal officers make a show of protecting the border at all is only good business sense. If people knew how easily they could cross that border on their own, without apprehension, there would be no need to pay-off the many people on both sides of the fence for tours across the border. There are times when the Border Patrol assembles all its might to make a capture. It is difficult to perceive why this or that particular crossing deserves such concentrated effort, but it would be worth your while to consider an example.

In Mexico there is a character known to IPI's as "Number One". He telephones (or RAIO'S) in to our station that there will be a crossing attempted at a certain hour of the night, and he pinpoints the home in the fence where the aliens will cross. He is always absolutely right, and it is understood that he is paid for the information. At 1 hour, all units are pulled from the line anywhere near the pinpoint, and are concentrated at the pinpoint area. More than likely, two young boys, or a family of father mother and children will cross. I have always felt that while we were concentrated at the pinpoint, someone was driving a truckload of narcotics through the fence completely unperturbed and at ease. It is a matter of fact that I had been the one to drag the roads at the point where a vehicle could cross. The operation I am describing is one where an IPI can, at his option, pull a specially constructed bross behind his jeep on a trailer hitch so that the road will have a smooth layer of dust on which any footprints will show up clearly. I went back to that spot after the 'exciting' apprehension of a family had been completed, and sure enough, there were tire tracks perpendicular to the road. So, - true to my form, I reported to a senior officer that I saw the tracks and he advised me that he had, himself, driven to the hole and blocked it with his jeep to insure against such an eventuality as I suspected, and that he got a ride in another jeep to where the action of the night was, - so, what I saw were his tire tracks. I went to the spot once more on my own just to see if I could tell that the tracks were made by a light jeep, or by something else. When I got there, the road had been dragged again and was smooth and clean of any kind of tracks.

It happens occasionally that our men would get the heck beat out of them by aliens, and, sometimes, aliens would take an officer's gun from him and shoot him with it. I never apprehended, or participated in the apprehension of any alien whomas so desperate. Usually, the aliens I saw were simple farming folk who only came here for employment in the fields. When they get caught, they usually say something like, 'well, I guess I got caught this time'. It was no big deal with them. I felt that if an officer got beaten, he must have done something to provoke such a desperate act.

Once, an apprehended alien beat an officer who had been working with a partner, and took the officer's own gun and shot him with it, despite the fact that the partner was near at hand. I think that was pretty desperate and chancy. Inasmuch as the "mayday" call came over everyone's radio, there were some more green uniforms in the area than you could shake a stick at and the culprit was quickly overwhelmed. He was not found to be carrying any sort of contraband and he did not seem to have a violent personality. He claimed, of course, the officer had attacked him first. I reserve my opinion.

The commonest technique for determining the number of illegal crossings occurred on any day is known as "sign cutting". As I explained before, roads are rather regularly dragged by IPI's who "read" the signs in front of their vehicles at the same time that they cross them with the special brosses. The operation cannot escape the notice of the people who live almost right against the fence in Mexico, especially as the jeeps are driven along the roads at night with special lights that point downward to the roadways.

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Officers who are good sign cutters have developed a science out of it, and can read all sorts of information in the tracks left in the dust. A problem is that practically every officer thinks himself an expert, and it just aigh't so. A great many farm type people in Mexico wear a particular type of sandal which has a sole cut out from an automobile tire. The shoe is known as a Juarachi. City boys in Mexico favor a certain type of footwear known as a 'fruit-boot' which has a cowboy style high heel. A lot of IPI's are certain that when they see sign on the road left by "Mexican" style footwear, there was an illegal crossing. But anyone can buy the typically Mexican shoes in Tijuana, and many are sold to tourists. Many Americans ~~BUY~~ buy the shoes for use here because they are cheap and wear well, so it is that rabbit hunters and lovers leave lots of sign on the border roads that go out as reports of illegal entries.

On the other hand, many real illegal entries are made by people who are wise to the sign-cutting syndrom and they frustrate efforts to count entries. In many cases, they distribute rocks across the road and mbers of people can walk across the rocks leaving the IPI's to wonder if they should look for a gang of people or just one. Sometimes, they step in each other's foot prints for the same purpose. Sometimes, they walk backwards so as to create the illusion that an exit rather than an entry ~~is~~ was made. Sometimes they brush out the tracks or urinate on them, or otherwise confuse them, so, our daily reports of the number of entries over that part of the border are unrealistic and do not account for the number of entries made at the beach or beyond the sign cutting road to the east. Occasionally, there are more captures in a day than there were reported entries, and the reports have to be adjusted. In any event, the figures are kept very close so that it looks like our Border Patrol is doing a good job.

Obviously though, at the very best, our federal officers are doing little more than playing meaningless games in the weeds, and are actually catching only token amounts of the aliens and contraband that crosses into the U.S. At the worst, the combined federal officers at the border, from various agencies, are organized gangsters, answerable to only themselves, and operating under the guise of public, taxpayers employees. They are encouraged by circumstances to deal in the very illegal activities they are hired to prevent while, at the same time, they are encouraged to give vent to whatever latent sadistic tendencies exists in their nature, under the immunity and protection of our governmental might, and, perhaps, the might of the Mexican government as well.

We have created a series of unenforceable laws and provided a ghostly troop to deal with them. Mr. Baca's suggestion of an open border is probably the best route for us to take.

I would think that we could do away with green cards and red cards and cards with purple polka dots and merely concern ourselves with ordinary identification like driver's licenses, birth certificates, et cetera. We should allow any walker to pass through without needing internal, or even external examinations, theorizing that walkers can't carry very much contraband. The Border Patrol should be disbanded or replaced with a special investigative force. Vehicles, but not their drivers, should be checked for contraband. And that should be that.

There may remain the problem that Mexican workers would continue to work for slave wages, but the responsibility should be placed on employers to pay any worker the proper wage and to check the legitimacy of any employee. Social Security cards should cease to be issued to any one just on his request, and should bear absolute identification of the Bearer, such as a thumb print.

If such a system should create a down grading of our employment system, but an upgrading of Mexico's, in other words, a balance, then let it be. It would amount to an investment in our nearest neighbor, who is already our national friend, and would be refreshing after many great investments abroad to the friends of our enemies. Besides, - it would be nice to be able to walk across that border without fear that someone will take a notion to look up your uh, - body cavities.

Frederick M. ...

SOUTHBAY NEIGHBORHOOD CORPORATION
323 1/2 E. San Ysidro Blvd.
San Ysidro, CA 92073

May 16, 1972

Mr. Vernon V. Hann
District Director
U.S. Treasury Department
Bureau of Customs
2202 Columbia St.
San Diego, California

Dear Mr. Hann:

On May 11, 1972, on or about 7:30 p.m., entering the United States international border on lane No. 1 to the far left east side; I approached a female Customs inspector, Badge No. 4063 in the company of my son and wife. As she saw me, she immediately requested all kinds of identification from my wife and son doing this in a very unpolite and rude attitude and also stated to me to identify myself as a United States citizen. I immediately saw the beginning of a harassment ^{ROBUST} attitude from this individual, she stated that since I was of Mexican descent I should prove my U.S. citizenship to her. I responded back to her that I did not carry my birth certificate with me which she stated that I should carry my birth certificate with me or other identification, I asked her if she carries her birth certificate with her at all times. She stated no. She proceeded in an attitude of getting me disturbed and stating to me that I was going to secondary inspection to be clear by the Immigration authorities. I asked her if the Congressional investigation that was going on had not been sufficient so that her attitude could be in a more polite composure, she answered giving her opinion as a United States Customs inspector that (THE CUSTOMS INVESTIGATION FROM CONGRESS WAS OVER, AND THAT THE SUB-COMMITTEE WHO WAS INVESTIGATING THIS DEPARTMENT HAD TOLD HER AND DECIDED THAT EVERYTHING WAS PEACHES AND CREAM AT THIS PORT, AND THAT THE INVESTIGATION HAD STOPPED BECAUSE IT WAS FOUND IRRELEVANT BY THE POLITICIANS THAT WERE ONLY LOOKING FOR PUBLICITY). After her statement, I went to secondary inspection to clarify my U.S. citizenship, once I entered the secondary inspection; the Immigration inspector who approached my automobile stated. What are you doing here? Very surprised. I explained to him all that happened and he said. (I am sorry, but you can understand that these Customs inspectors are not qualified individuals to make this type of inspections, they are learning). After having a few words with this gentleman, I continued on my way.

I believe that my civil rights as a U.S. citizen have been violated, I believe that I have been discriminated, and I also believe that this individual, who is functioning as a Customs inspector, should not be allowed to

Mr. Vernon V. Hann
District Director
Page 2
May 16, 1972

intimidate and harass human beings. She should be immediately removed from this position because of other complaints that I have received against her. In a short investigation that I conducted, I was informed that this lady was unauthorized to be cross-designated up to now by the Department of Immigration, and that she was performing her duties against the authorization of the United States Department of Immigration. I will conclude this letter by making this department responsible of any harassment or damage to me or my family.

Please accept this as a formal complaint and I am requesting your immediate attention to stop this criminal attitude from all personnel who are under your immediate orders.

Sincerely,

Albert R. Garcia
President

ARG/lr

c.c. Congressman Edward R. Roybal ✓
Congressman Donald A. Riegel
Congressman Lionel Van Deerlin
Senator Alan Cranston
Senator Edward M. Kennedy
Mr. Robert Finch, White House Assistant
Mr. Vernon Acree, Commissioner of Customs
Raymond F. Farrell, Commissioner of Immigration
Gilbert G. Pompa, Associate Director
Mr. Henry Ramirez, Chairman, President's Cabinet Committee
Mr. Ralph Ruiz, Associate Director, President's Cabinet Committee
Rector L. Smith

HOUSE OF REPRESENTATIVES
WASHINGTON D.C.

ASSEMBLYMEN
EDWARD R. ROYBAL

I AM SENDING YOU A COPY OF THE LETTER WRITTEN TO
CONGRESSMEN JOHN SZHMITZ REGARDING THE ARTICLE IN THE
NEWSPAPERS OF LOS ANGELES "LA OPINION" TO LET YOU KNOW
WHAT I'M DOING AND IF THERE'S SOMETHING IN WHICH YOU CAN
HELP US WITH.

VERY GRATEFULLY YOURS,

Socorro Gonzalez

P.S. WAITING FOR YOUR ANSWER IF I'M DOING RIGHT OR IF I
HAVE TO DO SOMETHING ELSE.

April 24, 1972

Socorro V. Gonzalez
 1345 W. 3rd St.
 San Pedro, California

CONGRESSMEN
 JOHN SZHMITZ
 520 E. 4th St.
 TOSTIN, CALIFORNIA
 92680

Dear Congressmen John Szhmitz:

I'm writing you this letter hoping that you can do something for what is happening on April the 23rd at 10 p.m. of this year to my Aunt at the time we were crossing the border from Tijuana to San Isidro, California.

In a few words I am going to try to explain what happened at that time. My Aunt, born an American Citizen, and I were coming back from our vacation and had the most awful experience we ever had. So my Aunt Petrita Diaz (like I can prove with the birth certificate that I am adding to this letter) that they, the Immigration Personnel at the border, denied her entrance to her own country. They also accused her of lying, and that she had illegal documents in her possession, forcing her to accept that she had bought the said documents.. She then refused those certain accusations and maltreated her to the stage that I had to leave her in the doctors care at Tijuana. And when I told them that I was going to put my accusations to the proper or highest authorities they remarked for me to keep my mouth shut and be quiet or they would do the same to me. They also said that they were the highest authorities to the crossing border of the United States.

I have to make the travel from San Isidro to my house alone and I explained to my husband what happened and he suggested that I should write a letter to you now that you are the representative of this district so you can tell me what is the best steps to do in the case that happened to me because now I am worrying so much about my Aunt's health.

Waiting for your answer at the above address.

Yours truly,

Socorro Gonzalez

P.S. Enclosed is the birth certificate of my Aunt to see if it is possible to verify if this document is real or fake.

APR 24 1972



COUNTY OF SAN DIEGO

HUMAN RESOURCES AGENCY • 1600 PACIFIC HIGHWAY
SAN DIEGO, CALIFORNIA 92101 • (714) 239-7711 EXT. 1278

FRANK PANARISI
HUMAN RESOURCES
ADMINISTRATOR

April 14, 1972

Honorable Edward R. Roybal
7110 New Federal Building
Los Angeles, California 90012

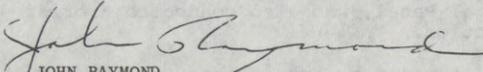
Dear Congressman Roybal:

It has come to the attention of the Human Resources Agency Advisory Board that you are chairing a Congressional committee to investigate alleged incidents at the California/Mexican border.

We have heard of complaints regarding alleged inappropriate harassment of Mexicans and Mexican-Americans by the Federal border officials. In fact, one member of our Advisory Board, a Black person, was personally involved in an incident at the border. At the conclusion of the incident, the border officials refused to give their names or badge numbers. We are deeply concerned about the occurrence of such incidents.

Best wishes to you and your committee in your efforts to improve relations between our country and Mexico.

Yours truly,


JOHN RAYMOND
Chairman, Human Resources Agency Advisory Board

FP:JR/mt

cc: The Honorable Alan Cranston
The Honorable John V. Tunney
The Honorable Bob Wilson
The Honorable Lionel Van Deerlin
Members, Human Resources Agency
Advisory Board

LAW OFFICES
HETTER, GLICK AND HAVILAND

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

440 OLIVE STREET
 SAN DIEGO, CALIFORNIA 92103
 TELEPHONE (714) 291-8970

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

PLEASE REPLY TO:

San Diego Office

April 20, 1972

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

Dear Mr. Garcia:

I noticed in the April 12, 1972, issue of the San Diego Union the proposed future investigation regarding the treatment of individuals at the Mexican border when they enter the United States.

I must congratulate you on the action you have taken.

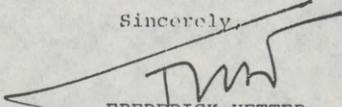
Over the last three or four years numerous cases have come to my attention involving so-called "body cavity searches". Unfortunately, none of these which I handled had anything to do with females.

However, a number of my personal friends who practice criminal law could relate to you a great number of such cases. Let me give you a few names: James Hagerstrom, Federal Defenders, 234-8467; Edward Infante, Federal Defenders, 234-8467; George W. Hunt, 232-8141. You might also wish to contact the American Civil Liberties Union, Legal Panel, who also conducted a brief investigation of this practice.

I would also suggest that it would be appropriate for the committee not only to hear matters briefly in the Federal Building or in some other pleasant spot, but I think they should get in a car, wearing working mens' clothing, and cross the border at a normal high density crossing. The simple rudeness and discourtesy of the border officials is enough to affront anyone who has not experienced it. Another thing: I have noticed that in crossing the border I was much better treated when I drove a late model car than when I drove a car which was five or ten years old. Additionally, you and I both know that there is a very thorough and systematic discrimination against non-Anglo Saxons. Why not have one of the darker members of the committee, say Mr. Stokes, cross with several other local citizens and see just what it is like when they actually stop and hassle you.

Best wishes to you and your group.

Sincerely,



FREDERICK HETTER

FH:h

LAW OFFICES
HETTER, GLICK AND HAVILAND

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

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

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

PLEASE REPLY TO:

May 5, 1972

San Diego Office

The Honorable Edward R. Roybal
 Room 504 Cannon Office Building
 Washington, D.C. 20515

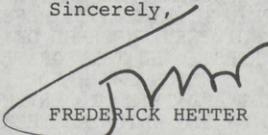
Dear Congressman Roybal:

Regarding procedures at the Mexican border, I wanted to advise you of a case upon which I am presently working. The father of the family was arrested and charged with the smuggling of aliens. Present with him in the vehicle at the time of arrest were two illegal aliens, his wife and children.

Subsequent to the arrest, his daughter, aged 8, was separated from the family and was grilled by Customs Agents at El Centro. The child was terrified, reduced to tears and incoherence.

While this case is presently set for trial later this month, I felt that I must advise you immediately of these actions. If our brave Immigration inspectors must secure the confession of a father by separating him from his minor child and then brow-beating this infant, I feel that our standard of justice has dropped to near zero.

Sincerely,



FREDERICK HETTER

FH:h

MAY 12, 1972

REP. EDWARD ROYBAL
WASHINGTON D. C.

DEAR SIR,

MY NAME IS GABRIEL J. NECOCHEA. ON APRIL 30, 1972 I WAS ATTEMPTING TO ENTER THE UNITED STATES WITH A FRIEND BY THE NAME OF RUEBEN SALVATIERRA. WHEN WE APPROACHED THE BORDER AT SAN YSIDRO I WAS ASKED TO OPEN THE TRUNK OF MY CAR. AFTER THE INSPECTOR SEARCHED THE TRUNK AND UNDER THE SEATS I WAS ASKED TO DRIVE TO THE INSPECTION AREA. THE INSPECTOR STARTED TO WALK TO THE INSPECTION AREA AND ASKED ME TO FOLLOW HIM. I TRIED TO DO SO AT AN IDLE SPEED AND WHEN MY CAR ACCELERATED TO A SPEED FASTER THAN THE INSPECTOR WAS WALKING HE SHOUTED AT ME TO FOLLOW HIM AGAIN. I THEN TOLD HIM MY CAR WOULD NOT IDLE ANY SLOWER. A FEW MOMENTS LATER HE CHALLENGED ME AGAIN. "I TOLD YOU TO FOLLOW ME" HE SAID. IN TURN I TOLD HIM "YOU DRIVE AND I'LL WALK". UNTILL THIS TIME I COOPERATED FULLY. I DID NOT ARGUE OR GIVE HIM ANY TROUBLE. AS WE APPROACHED THE INSPECTION AREA THERE WAS A LANE BARRIER IN THE WAY SO I STOPPED. THE INSPECTOR TOLD ME TO DRIVE OVER THE BARRIER AND I REFUSED SO HE MOVED IT. OTHER INSPECTORS CAME OVER TO THE CAR AND ESCORTED MR. SALVATIERRA TO A HOUSE TRAILER. I WAS INSTRUCTED TO GET OUT OF THE CAR AND THE INSPECTOR DEMANDED MY CAR KEYS. I REFUSED BUT I TOLD HIM I WOULD OPEN THE TRUNK FOR HIS INSPECTION. IN A RAISED VOICE HE DEMANDED MY KEYS AGAIN. I TOLD HIM AGAIN THAT I WOULD OPEN THE TRUNK FOR HIS INSPECTION. I FELT THAT I WAS WITHIN MY RIGHTS BY REFUSING TO SURRENDER MY CAR KEYS SINCE I HAD NOT BEEN INFORMED OF BEING IN VIOLATION OF ANY LAW OR UNDER ARREST. HE THEN GRABBED FOR MY KEYS WHICH WERE IN MY LEFT HAND. I CLOSED MY HAND TIGHTLY AROUND MY KEYS AND HE GRABBED MY WRIST AND TRIED TO PRY MY HAND OPEN. HE THEN STARTED TWISTING MY ARM WHILE ANOTHER INSPECTOR GRABBED ME IN A HEADLOCK AND STARTED CHOKING ME. THE FIRST INSPECTOR THEN TWISTED MY ARM BEHIND MY BACK AND ANOTHER INSPECTOR CAME OVER AND GRABBED MY RIGHT ARM WHICH IS PARTIALLY CRIPPLED DUE TO AN AUTO ACCIDENT A FEW YEARS BACK. BY THIS TIME THEY HAD ME BY THE HEAD, THE RIGHT ARM AND MY LEFT ARM BEHIND MY BACK. THE FIRST INSPECTOR BENT MY WRIST BACK AND STARTED PULLING MY ARM AWAY FROM MY SHOULDER BLADE. ONE OF THE INSPECTORS TORE THE IGNITION KEY OFF OF MY KEY RING. BY THIS TIME THE PAIN WAS SO INTENSE IN MY ARM THAT I DROPPED MY KEYS AND SCREAMED AT THEM TO LET GO OF MY ARM SINCE I HAD DROPPED THE KEYS. AFTER THIS THEY DRUG ME TO A HOUSE TRAILER AND ALL THE TIME I KEPT HEARING SOME

ONE SHOUTING TO BREAK IT, BREAK HIS ARM. AFTER FORCEFULLY DRAGGING ME INSIDE THEY THREW ME ACROSS A COUNTER AND ONE INSPECTOR KICKED MY ANKLES APART AND SAID "IF YOU MOVE I'LL BREAK YOUR NECK". THEY THEN SEARCHED ME AND TOLD ME TO STAND UP AND EMPTY MY POCKETS. AN INSPECTOR IN BACK KEPT SAYING WISE GUY HUH, WE KNOW HOW TO KANDLE WISE GUYS. I TRIED TO EMPTY MY POCKETS AND DISCOVERED THAT I COULD NOT MOVE MY LEFT ARM. WE WERE THEN TURNED OVER TO A SHERIFF AND HAND-CUFFED. WE WERE NOT ALLOWED TO SMOKE OR GO TO THE BATHROOM. WHEN WE WERE BOOKED IN THE COUNTY JAIL THE MAN BEHIND THE DESK READ US OUR RIGHTS. WE WERE BOOKED FOR BEING DRUNK IN A PUBLIC PLACE. WE WERE DETAINED FOR APPROXIMATELY SIX HOURS AND THEN RELEASED. WE WERE TOLD THAT ALL CHARGES WERE DROPPED AND THERE WAS NO FINE OR BAIL. I HAD REPEATEDLY ASKED FOR MEDICAL ATTENTION FOR MY ARM BUT WAS GIVEN NONE. MY FRIEND MR. SALVATIERRA HAD ALSO ASKED FOR A SOBRIETY TEST AND WAS GIVEN NONE. WE WERE ORIGINALLY DETAINED AT THE BORDER AT 6:30 P.M. AND RELEASED FROM JAIL AT APPROXIMATELY 2:00 A.M. WE RECEIVED NO RECEIPTS OR DOCUMENTS FROM THE JAIL. WHAT KIND OF A LAW ENFORCEMENT AGENCY IS THIS THAT CAN HARRASS AND MAN HANDLE A CITIZEN AT WILL?

Gabriel Necochea
3929 9th ave
San Diego, Calif.
92103

233 Reclonide
 Long Beach, Cal. 90803
 May 1, 1972

The Honorable Edward Roybal
 The House of Representatives
 Washington, D.C.

Dear Sir

The disclosures your committee
 has made concerning the actions of the
 Border Patrol at the San Ysidro border
 crossing are shocking and incredible.

It is necessary to stop the illegal
 drug flow across the border, but it is
 not necessary for federal police
 officers to behave like a band of
 outlaws. I certainly hope that Congress
 will take the necessary steps to remedy
 this situation.

Yours truly,
 Vincent Edwards

Mrs. Max Miller
 2522 Vista Drive
 Newport Beach, Calif. 92660
 April 30, 1972

Rep. Ed Roybal
 House Appropriations Sub-Committee
 on Treasury-Postal Service

Dear Congressman Roybal:

I was pleased to read in today's Sunday Los Angeles Times of a hearing you conducted into the practices and abuses at the San Ysidro border station. The article mentioned complaints of "strip searches" suffered by women, but I wonder if you are aware of another practice which I consider to be extremely counter-productive and perhaps in violation of several civil rights.

Using legislation enacted to apprehend aliens who were entering the country in large numbers to work as farm labor some years ago, the customs officers at this border station now confiscate the cars of individuals whom they search and discover to be carrying, even small (personal-use), amounts of marijuana. This procedure is grossly unfair in unequal degrees to the young and poor who are the main, if not only, victims of selective law-enforcement.

To one person, the loss of a car may be merely an inconvenience - to another it could mean financial disaster. To one person, a car may be a luxury - to another it is a means of livelihood; access to job or study or even a home on wheels.

The original law was surely meant to impound the altered vehicles used repeatedly to defy detection in bringing in large amounts of contraband or large numbers of aliens into the country - surely it is bad judgement, if not punitive motivation, that prompts the application of such a law to the case of an individual carrying a small amount of marijuana for personal use only. It is even questionable whether the proper search regulations were complied with in all cases, but the defense of such a law-suit is too expensive for those apprehended to consider - a fact well known to enforcement officers.

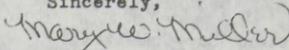
As a member of the 1969 Orange County Grand Jury, which delved deeply into the human relations problems of the county and into the police-community relations, which were explosive at the time, I have some strong views on the criminalization of our youth through inappropriate legislation and selective enforcement. I was also involved in the 1968 study of "Youth and the Law" researched by the League of Women Voters, which had quite an impact on the community. It was found that unenforceable laws (mainly those legislating morals) and selective enforcement, (harassment of the young, poor, minorities) weaken the administration of justice. Putting large numbers of our young in conflict with the law because of the repressive attitude of an older generation reflected in police practices, produces only alienation and cynicism.

Doesn't the confiscation of an \$800 to \$1000 automobile, without right of appeal short of a lengthy and expensive court action, constitute cruel and unusual punishment? Such practice is not

consistent with the punishment decreed by other branches of the judiciary. In fact, by what right do customs officials inflict punishment in the first place??

I would hope that your committee could look into this inequitable practice, and I would be interested to hear the outcome.

Sincerely,



Mary W. Miller

MRS. MAX MILLER
2522 Vista Drive
Newport Beach, Calif. 92660

Compton, California
May 4, 1972

Honorable Ed Roybal
House Office Building
Washington, D.C.
20510

Dear Sir:

I am writing this letter to you and also sending a copy to Congressman Glenn M. Anderson, in the hope that some action be taken against the Department of Immigration and Naturalization at San Ysidro. I would like to make a formal complaint against the Immigration and Naturalization Service at San Ysidro, California.

I, Jose Isaac Alcala, being of legal age and a Naturalized Citizen, Certificate #8782692 Petition #3300 granted through the Superior Court of the State of California, County of Santa Cruz, dated November 9, 1964. I reside at 1471 W. 151st St., Compton, California.

The following is the information which I would like to submit, in the hopes that some action be taken against the Department of Immigration and Naturalization Service, and the officer directly involved. On April 22, 1972, between the hours of 8 and 9 p.m., myself, wife, brother, sister-in-law and three of my children, which are ages 4 years and two twins 8 months old. The children being citizens by birth. We were crossing the International Border at San Ysidro, California. All the adults were legal residents and had proof. I was the only one which did not have proof, for the reason that I had left my card in my other auto. I speak sufficient English. At the border, I was told to go to the office where the officer in question was very rude. I explained my circumstances about my card, he even asked me the color of my Naturalization Certificate, he did not believe me and said that we were all to go back to Mexico, which at that time, I told the officer that I would go back, but that I wanted my family to proceed to our home, stating that I did not want my 8 month old twins to stay in Mexico, which would have been an inconvenience and a hardship due to obtaining

proper food for my children. At that time, the officer got very rude and ordered me to get back in the car and go back to Mexico. I again stated I would go back, but not my family. The officer tried in every way to provoke me. He said in these words "Get your ass in the car and go back to Mexico." He also stated that if I didn't get in the car and return, he would kick my ass in the car. He then grabbed me by the shoulder and shoved me, causing my four year old son to fall on the pavement. I was holding my son by the hand. The whole family saw the incident and my wife got upset and started to scream. I told the officer to either arrest me, but to leave my family alone, then another officer came into the picture. I explained what had happened with the first officer, which he denied any of the above had happened. I asked for the officers name, but was only given the watch number, which is watch #6309. It was not until the other officer came, that my family were allowed to proceed to our home. I was forced to stay in Tijuana until my document was brought to me.

Sir, I am willing to hire an Attorney to obtain some satisfaction, for being man handled and disgraced in front of my family, and being a Citizen of the United States, I feel we should be protected against this type of law enforcement agency.

I will appreciate greatly if an investigation can be brought against this matter. I await respectfully for your response.

Su Seguro y Muy Atento Servidor,

Jose Isaac Alcalá
Jose Isaac Alcalá
1471 W. 151st Street
Compton, California

Clerk's note.—The following letter was ordered printed in the record by Subcommittee Chairman Tom Steed (D.-Okla.).



THE DEPARTMENT OF THE TREASURY
BUREAU OF CUSTOMS
WASHINGTON



MAY 17 1972

REFER TO

OA 191.11'D

The Honorable
Tom Steed
House of Representatives
Washington, D. C. 20515

Dear Mr. Steed:

This has reference to the public hearings held by our Subcommittee in San Diego, California, on Customs secondary procedures at the border crossing in San Ysidro.

I am, of course, prepared to take any corrective action which is warranted as a result of the hearings and our investigation.

Although the hearing record has not been fully completed, it is apparent that a major complaint, and a contributing factor to other types of complaints, is the lack of adequate inspectional staffing.

We have taken action to temporarily provide more staffing at San Ysidro and expedite filling of vacancies at San Diego by delaying some scheduled training classes and by detailing additional Inspectors from Los Angeles to San Diego. While not a permanent solution, this will help during the next 30 days.

Additional personnel for the next fiscal year will be extremely difficult, primarily because we will be required to effect a 5 percent reduction in personnel while assuming our major programs. However, we will do the best we can within these constraints.

Another complaint dealt with our current instructions which require our inspectors to give only their badge number when requested by a complainant. We intend to amend these instructions. We are clearing the change with the unions which represent our employees. Any publicity on this change will be coordinated with your Subcommittee.

Sincerely yours,

Vernon D. Acree
Commissioner of Customs

In duplicate

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TESTIMONY OF THE BUREAU OF CUSTOMS

TUESDAY, JULY 25, 1972.

WITNESSES

EDWIN F. RAINS, DEPUTY COMMISSIONER OF CUSTOMS

G. R. DICKERSON, ASSISTANT COMMISSIONER, OFFICE OF ADMINISTRATION

WILLIAM A. MAGEE, JR., ASSISTANT COMMISSIONER, OFFICE OF SECURITY AND AUDIT

C. WAYNE HAMILTON, BUDGET ANALYST

GORDON HEGDAHL, ACTING DEPUTY DIRECTOR, OFFICE OF BUDGET AND FINANCE

Mr. ROYBAL. The meeting of the subcommittee will come to order.

The purpose of this hearing is to inquire further into the inspection procedures of the customs service, particularly the processing and inspection of persons crossing our borders.

The first to testify will be Deputy Commissioner Edwin F. Rains. Mr. Rains, will you proceed.

STATEMENT OF DEPUTY COMMISSIONER OF CUSTOMS

Mr. RAINS. Thank you, Mr. Roybal, I will be glad to.

First, I would like to express Commissioner Acree's regret that he could not personally appear before you today.

During the course of our testimony before this committee in March, a number of members of the committee, and particularly you, raised some questions with respect to our inspection procedures, particularly as they apply at the Port of San Ysidro. At that time you will recall I expressed to you the view that we would be very happy to participate with you and with the other members of the committee in any way that we could in clarifying the situation by way of investigation or any other way.

Commissioner Acree has taken a very strong and personal interest in the matter which we are about to discuss. He has made clear that it is his firm policy that the Customs Service will include in its personnel all elements of the population of the United States. He has also made it clear that tact and courtesy in the processing of arriving passengers are and will continue to be a principal concern of all customs managers and customs personnel performing these duties.

In fact, Commissioner Acree is visiting the San Diego district this weekend and next week for a personal onsite review of the matters we will discuss, and will hold in-depth meetings with customs management personnel to insure that the programs which we are installing are

properly emphasized. As you are well aware, situations of this nature cannot be completely corrected by Washington-installed programs or directives. It is his intention to deal personally with the problems of attitude and motivation which may exist in the San Diego area. He is hopeful that he will have the opportunity to personally appear before this committee and fully explain the results of the corrective actions which are now in the process of being implemented.

We have just completed an intensive review of the situation at San Ysidro and we intend to continually evaluate the procedures and activities there.

I would like to, at this time, call the committee's attention to some of the positive programs now in effect or being implemented. As I testified before your committee in March, the Bureau of Customs shares with the committee the objective of seeing to it that the customs job is done in the best possible way. We desire to operate with optimum efficiency and with due regard for the rights and dignity of every member of the public with whom we come into contact.

I share with the committee the desire to employ more customs officers of Mexican-American heritage at San Ysidro. That customs does not discriminate against this minority group is, I think, demonstrated by the fact that at Laredo, Tex., 58 percent of all employees are of Mexican-American heritage; at Brownsville, Tex., 40 percent; at Eagle Pass, Tex., 66 percent; at Hidalgo, Tex., 32 percent; and at El Paso, Tex., 37 percent.

Commissioner Acree has personally instructed the acting regional commissioner of customs at Los Angeles to make every effort immediately to intensively recruit Mexican-American and other minority members to fill existing and future vacancies.

In order to emphasize our interest in this matter at San Ysidro, the commissioner and I will personally monitor the hiring situation at San Ysidro on a weekly basis.

Further, we are extending the recruitment program to other regions having significant Mexican-American communities, in the hope of attracting qualified applicants wherever they may be found.

The Bureau of Customs has been conducting Spanish-language classes for inspectors stationed along the Mexican border, and for other customs employees, for approximately 2 years. We have given very intensive Spanish training to 64 special agents, and 8 weeks of training to 118 inspectors. We hope to expand this training this year with programmed on-the-job training courses. However, this alone has not provided the number of Spanish-speaking personnel required by our service. By increasing the number of Mexican-American employees, we will automatically increase the Spanish-language capabilities of the Los Angeles region and, in turn make customs more sensitive and responsive to the Mexican-American community.

We have instructed the Los Angeles region to immediately begin canvassing southern California educational institutions in an effort to attract qualified applicants of Mexican-American descent. Applicants will be considered for all customs vacancies including those in the management field.

Further, we intend to establish a training program to prepare customs officers to be more culturally sensitive to the people they serve, and we have directed the Director of the Inspection and Control

Division, Bureau headquarters, to prepare a plan for onsite training to promptly implement this program. Senior customs operations officers will lead a Bureau team to present the training at San Ysidro and at other appropriate Mexican border sites.

The Bureau of Customs has considered the possibility of requiring name tags to be worn by all its inspectors. The question of customs inspectors being identified to members of the public was submitted by the Bureau to its employee organizations. As you know, consultation with employee organizations is required in connection with changes in working conditions. In this connection, we have received some information which troubles us. This information relates to episodes in which customs officers, their wives, and families have been harassed in private situations because of the officers' employment in a law enforcement agency. We have not fully determined how to cope with this matter, but the Commissioner is presently considering a requirement to make employees identify themselves on specific demand. It is my understanding that this subject will be among others which Commissioner Acree intends to discuss with officials of the National Customs Service Association at its annual meeting which will be held in Los Angeles at the end of this week.

INSTRUCTIONS TO EMPLOYEES

The Bureau of Customs has detailed, uniform instructions regarding inspections and searches. These procedures and instructions are being reaffirmed to each and every employee involved in inspectional activities. A special liaison team from headquarters is being sent to the Los Angeles region to conduct an inservice retraining program to emphasize my personal interest and that of the Commissioner in this matter.

I am, of course, delighted that the allegations of body cavity searches by persons other than physicians, which had been made some time ago, have, at least this far, proven to be without foundation. The Bureau of Customs has for years required a detailed report for every instance involving a strip or body cavity search. We will continue to require strict observance of this rule.

All such searches, and by that I refer to body cavity searches, are and will continue to be performed by a licensed physician, either at his office, clinic, or hospital.

Customs inspectors are well trained in the laws they enforce and the rules of evidence. I assure the committee that personal searches are based on sound authority and adequate cause.

To explain our authority to make searches, the Bureau is taking action to place appropriate English-to-Spanish placards in conspicuous locations in customs offices along the Mexican border. These placards will explain the authority and nature of examinations and searches. As our Spanish-language capabilities increase at these ports, the placards will be supplemented by a personal explanation by inspectors conducting such searches and examinations.

I would like to assure the committee that the Bureau of Customs maintains, and will maintain, the closest liaison with other agencies involved in governmental action at the border. At almost all large ports, monthly meetings of all four inspection agencies are held to dis-

cuss training, assignments, supervision, staffing, inspection process, et cetera, and records are kept of the meetings. We will take particular care to insure coordination in those cases in which a customs officer is performing work for another agency and vice versa.

As you are aware, a situation in which vast numbers of people cross the border with a relatively small number of customs inspectors to process them presents grave difficulties for us. The committee in its report recommended the assignment of 53 additional inspectors to the border. We believe that this assignment is necessary will be made, with most of the inspectors being stationed at San Ysidro. The committee has recognized that, in large part, our problems at that border crossing stemmed from insufficient personnel. In this connection, I would be less than frank if I did not say that the stringent financial circumstances in which the Bureau now finds itself is a potential source of further problems. I think that the committee should be aware of the fact that we are experiencing an overall increase of 8 percent in persons arriving in the United States and a 22-percent increase of persons arriving at international airports. This kind of workload increase coupled with personnel shortages may, despite our best efforts, lead to increased delays, frustration on the part of travelers, and the kind of working conditions for inspectors which, to put it mildly, are less than optimum.

To summarize:

The Bureau of Customs is addressing itself with energy to the solving of the problems to which I have referred within the Los Angeles region, and, in particular, at the Port of San Ysidro.

We expect that these immediate present and long-range programs will correct any deficiencies that may have existed in the past. We believe that these actions will eliminate any perceived need to establish unusual measures for dealing with complaints. I believe this particularly, since it is the Commissioner's intention to receive and fully investigate any complaints which these new procedures do not eliminate.

I would not like to leave the impression that all is or has been bad in San Ysidro. Our customs inspectors, as individuals and as a group, are among the most dedicated and hard-working members of the customs service. They perform their duties under many adverse circumstances, in inclement weather, under constant pressures, and many time in situations which are hazardous. The record of inspectors in San Ysidro for many years was and continues to be, one of the best in the interdiction of narcotics and marihuana. In San Ysidro alone, inspectors have been responsible during the past 6 months for seizures totaling 5,600 pounds of marihuana. Many inspectors have been abused, assaulted, and injured in the line of duty, and they have made many personal sacrifices and achievements for the benefit of their communities and this Nation in the performance of their duties.

Last year the members of the customs service nationwide were responsible for the seizure of 1,300 pounds of hard narcotics, 5 tons of hashish, and almost 150 tons of marihuana, removing from the streets of America these drugs which are such a blight on our country. The customs service is responsible for the collection of billions of dollars of revenue and for the prevention of the introduction into the United States of many materials other than narcotics which could

be dangerous to the health, welfare, and economic interest of the United States.

While temporary deficiencies may occur in isolated instances, I can assure you that it is our policy to correct these promptly and in a firm manner. I can also assure you that the loyalty and dedication of all of our employees will continue to remain at a high level, and we will continue to perform in the responsive manner we have in the past.

Thank you. I will be glad to answer any questions that you may have, sir.

RESULTS OF THE COMMITTEE HEARING

Mr. ROYBAL. Thank you, Mr. Rains. I think your statement is very comprehensive. It deals with some of the recommendations that the subcommittee had made. It does, however, not include recommendations that in my opinion should have been adhered to. You have not dealt with all the subject matter the way I was hoping that you would. If you had we wouldn't have to go through this hassle that we are now going into. In your statement you said that you are delighted that the allegations of body cavity searches by persons other than physicians which had been made some time ago have at least thus far proven to be without foundation.

Where did you get that erroneous impression?

Mr. RAINS. So far, Congressman, I have heard no substantiation of the allegation.

Mr. ROYBAL. Were you present at the hearings?

Mr. RAINS. No, I was not.

Mr. ROYBAL. Then you didn't hear the allegations of those of the witnesses who attended the hearings.

TESTIMONY AT THE HEARINGS

Mr. RAINS. I read the reports of those who were present. My understanding is that no woman testified that any person other than a physician had explored her internal cavities.

Mr. ROYBAL. May I ask you to read that testimony again. There were two women who testified to that fact, and then I presented to the committee an affidavit and made reference to other affidavits of women who had gone through the same thing. One of them said that no part of her body was left untouched by a male guard. These are affidavits signed by a notary public, so to make a flat statement that they are without foundation seems to me erroneous.

Mr. RAINS. If you will give me a minute, perhaps I can discuss what I know, and then you can correct me. As I understand it, there were two women who testified. One was a Miss or Mrs. Beatancourt. Miss Beatancourt testified not that she was searched internally by any one who was not a physician, but that her search had been conducted in the presence of male customs personnel, and this is, in fact, the case.

Mr. EDWARDS. It is or is not?

Mr. RAINS. It is, in fact, the case. Miss Beatancourt, who has a criminal record that goes from 1956 through—

Mr. ROYBAL. Her criminal record is not now, nor was it a matter of discussion at the hearings. Were her allegations true or not? The fact that she has a criminal record is not—

Mr. RAINS. The facts are these, Mr. Roybal. Miss Beatancourt was suspected of smuggling heroin. The suspicion was based on needle marks, including very fresh needle marks, on her arms. She was taken inside. She admitted that she had had a "fix" while she was in Mexico. Then she denied that she had had a "fix" while in Mexico. She was taken to a physician. She struggled with the physician, and the physician called for assistance in restraining her so that she could be properly examined. I am informed that her body was covered by a sheet while our officers were restraining her.

Mr. ROBISON. Could I inquire here, Mr. Chairman? Did the result of that examination disclose any contraband?

Mr. RAINS. Yes, heroin.

Mr. EDWARDS. Where?

Mr. ROBISON. Contained internally in her body?

Mr. RAINS. That is right.

The other lady, whose name escapes me, asserts not that she was searched internally, but that while she was stripped, the female customs employee, a Mrs. Night, touched her private parts. She does clearly assert that. Mrs. Night signed an affidavit after questioning, in which she says she did not do so. She further asserts that she would leave the customs service if she was forced to touch any woman's private parts. There is a clear conflict of testimony, and I certainly don't know which is right, but the allegation was not that this woman had been searched internally by our female employee, but had been touched by her.

NUMBER OF WOMEN SEARCHED BY PHYSICIANS

Mr. ROYBAL. But you still insist that all internal searches are done by qualified physicians but you haven't submitted to this committee the name of the physician, how much you pay him, and how many examinations were made. For example, testimony before the committee was that 1,800 women in 1 year were inspected. You know 1,800 women would take a physician a long time to inspect.

Mr. RAINS. Sir, I don't think that the testimony was 1,800 internal searches. I think it may have been strip searches.

NUMBER CARRYING CONTRABAND

Mr. ROYBAL. Of the 1,800 women, whether inspected internally or not, my understanding is that, of those, a little over 200 were found to have contraband. According to the testimony before the committee, there was no indication at all that there was any heroin or narcotics in that contraband.

We tried to ask how many women actually came across with narcotics. We tried to get that answer. We didn't get it.

Mr. RAINS. I am sorry. In that case I misunderstood the nature of your question at the time of the hearing in March. I can give you records—I don't have them presently with me—as to the number of searches which produced narcotics, and I will be delighted to furnish it to the committee, but I can assure you, Congressman, that in the case of this young lady, Miss Beatancourt, she did in fact have heroin inside her person.

Mr. ROYBAL. Even though she testified in San Diego that she did not, and that your case against her was thrown out of court we can stipulate to the fact that Miss Beatancourt may or may not have had narcotics on her person, but what about the other 1,800 who came across and were stripped and body searched.

Mr. RAINS. 285 I am told had narcotics on them.

Mr. ROYBAL. The testimony is that 285 were carrying contraband.

Mr. RAINS. The word "contraband," I think, was used to mean narcotics, because obviously what they carried had to be something extremely small. I can verify this.

Mr. ROYBAL. Also according to the testimony it was not in body cavities but just somewhere on the body.

Mr. RAINS. That is right. Of the 1,800 searches, some small number of which were internal searches, 285 were found to have narcotics.

Mr. ROYBAL. I think you had better clarify that because it is not clear to me; 1,800 women were stripped.

Mr. RAINS. Yes, sir.

NUMBER OF BODY CAVITY EXAMINATIONS

Mr. ROYBAL. Of these 1,800 women, how many went through body cavity examinations?

Mr. RAINS. I can't answer that for you at this moment, but I can supply it later.

Mr. ROYBAL. Apparently you couldn't supply it the last time. Mr. Hann, your man at the border, couldn't supply it at the hearing, and no one is able to supply an answer to that question so one must assume 1,800 women were searched and/or stripped, and of those 285 were found to carry contraband.

Mr. RAINS. That is right.

Mr. ROYBAL. That means four-fifths of those stripped or body searched were not carrying anything.

Mr. RAINS. Some such figure; yes, sir.

Mr. ROYBAL. In other words, one out of five then.

Mr. RAINS. If the mathematics is right, something like that, yes.

Mr. ROBISON. Mr. Chairman, of those 1,800 women, were some of these repeaters or are these 1,800 different individuals?

Mr. RAINS. I can't answer that, Congressman. I don't know.

Mr. ROBISON. Was this 1,800 over a period of a year?

Mr. RAINS. One year.

NUMBER OF WOMEN CROSSING THE BORDER

Mr. ROBISON. Is there any rough statistic by way of comparison as to how many women crossed at the same point over a period of a year?

Mr. RAINS. We have roughly 24.5 million people cross that border crossing, and I would suppose that probably half of them are women.

Mr. ROBISON. 1,800 out of?

Mr. RAINS. Twelve million.

Mr. ROBISON. Twelve million, something like that.

Mr. ROYBAL. I am interested in determining once and for all whether or not you use a physician to conduct these internal body cavity searches, and if you do have a physician, you must pay the man. We

would like to know what his name is, what you pay him a year. You testified here some time ago that it was all on a voluntary basis. The testimony before the committee was also to the effect that physicians volunteer as far away as San Ysidro in San Diego. What are the facts with regard to this? What is the truth?

Mr. RAINS. The truth, sir, is this: Our instructions are specific. Internal searches are performed by physicians. I stated to you in March—

NAMES OF EXAMINING PHYSICIANS

Mr. ROYBAL. What are the physicians' names and how much do you pay them?

Mr. RAINS. I can give you the name of the physician who searched Miss Beatancourt.

Mr. ROYBAL. I am not interested in Miss Beatancourt above.

Mr. RAINS. You don't want his name?

Mr. ROYBAL. Yes, I want his name, but also the name of the physician who examined at least 1,800 women.

Mr. RAINS. Let me give you at least one name.

Mr. ROYBAL. I would like to find out how much you pay him and what payroll he is on. You testified before this committee some time back that you had no nurses or physicians on the payroll. Now it appears you do have a physician on the payroll.

Mr. RAINS. The doctor's name is Dr. Salganich.

Mr. ROYBAL. How much do you pay him a year?

Mr. RAINS. His first name is Alfred. His office is in Chula Vista, Calif.

Mr. ROYBAL. How much do you pay him a year.

Mr. RAINS. He is not on our payroll, sir.

Mr. ROYBAL. He is not on the payroll? How many examinations does he conduct a year?

Mr. RAINS. I can't answer that offhand.

Mr. ROYBAL. You strip 1,800 women. You must have an idea how many body cavity examinations you conduct.

Mr. RAINS. Sir, I can give you the number of body cavity examinations we conduct, but I can't give it to you at this moment because I don't know it. I can find out.

Mr. ROYBAL. Does anyone on your staff know it?

Mr. RAINS. I don't think anyone on my staff knows it as of this moment, no, sir. It is on record, I can find out and will be very happy to supply this information.

Mr. ROYBAL. I am surprised you don't have it now because this is one of the questions we asked in San Diego and one of the questions I asked you the last time you were here and you still don't know.

Mr. RAINS. You asked if we had any physician employed in the San Diego district and I told you, sir, we did not. I told you that we use physicians from time to time, that some of them are paid and some of them volunteer their services. That is a correct statement.

Mr. ROYBAL. Your testimony some time back was that no one was paid.

Mr. RAINS. No, sir.

Mr. ROYBAL. You said that they are all volunteers.

Mr. RAINS. No, sir. My testimony was that we had no physician on our payroll as a customs employee in the San Diego district.

Mr. ROYBAL. You are now playing with words.

Mr. RAINS. I am trying not to play with words, sir. I am trying to describe the situation as accurately as I can.

Mr. ROYBAL. You are now stating you do pay physicians to perform the service.

Mr. RAINS. Yes, sir.

NUMBER OF PHYSICIANS PAID

Mr. ROYBAL. How many physicians do you have on the payroll? How many physicians do you pay?

Mr. RAINS. Sir, I have told you that I don't know.

Mr. ROYBAL. Then you don't know how many physicians you pay. You also don't know how many women you inspect internally.

Mr. RAINS. I do not know at this moment the number of women who were searched internally during the last year. This is a matter that I could retrieve from the records.

Mr. ROYBAL. If you would give me a figure for last year or 5 years ago or anything, some kind of a figure that will establish the fact that you do have physicians, if not on the payroll as such, but physicians that you do pay I can't believe unless it is made available for the record that your testimony with regard to body cavity searches being done only by physicians is true.

Mr. RAINS. Well, sir, I do believe it, and I am terribly sorry if you don't, because I am telling you what I honestly do believe. I am telling you what our instructions are. I am telling you that, to the best of my knowledge, these instructions have not been violated. I am not assuring you that there may never have been a case in which there wasn't a violation because I cannot assure you of that, but I can tell you, sir, that I know of no case, not one single case that has been brought to our attention where the internal examination was performed by anyone other than a physician.

If you have an affidavit from some person who has said this, I would be delighted to look at it and have it investigated. This is an offer I made before, and which I am delighted to repeat.

Mr. ROYBAL. We will accept your offer and give you such affidavits. (Discussion off the record.)

RECOMMENDATIONS MADE

Mr. ROYBAL. Let's go back on the record, Mr. Reporter.

As long as you agree, then, that a discussion of this subject matter could be beneficial I was wondering if we couldn't go over some of the recommendations that were made and see whether or not you agree or disagree with some of them. One is that all stripped and obtrusive body searches, including body cavity probes, stomach pumping, and other internal methods, be conducted only after the officer carefully determines that substantive evidence supports a search.

Mr. RAINS. Yes, sir; I fully agree with that and we have had long-standing instructions to this effect. I would be glad to put them in the record. I can give you now the instructions which are in our manual on this point.

Mr. ROYBAL. You realize the key words here are "substantive evidence?"

Mr. RAINS. Yes, sir. Would you care to have the material I just referred to?

Mr. ROYBAL. Yes, definitely. That is the instructions that you give your officers; is that correct?

Mr. RAINS. Yes, sir. This is an excerpt from a manual that is used by our Customs inspectors.

Mr. ROYBAL. May we go on to the next one?

Mr. RAINS. Should I read a portion of it to you or would you prefer—

Mr. ROYBAL. I think it would be wise to have a portion relating to the substantive evidence supporting the officer's decision to search. I think that that would be proper to be included in the record at this time.

Mr. RAINS. Mr. Chairman, here is the material which I have mentioned.

(The information follows:)

3.4 Personal Search -- The search authority of customs officers is broader than that vested in other federal officers. This is because of the recognition that such search authority is essential to the proper enforcement of the laws governing the entrance of persons and things into the United States. This essential authority must be zealously guarded against any abuse. Customs search authority is based on the suspicion and belief of a customs officer that there is concealed merchandise or contraband which is being introduced into the United States in a manner contrary to law. Therefore, as a customs officer you have full authority under such conditions to make any reasonable search. When circumstances warrant, this search may extend to the removal of any part or all of a suspect's clothing. Normally, you should confer with your supervisor before proceeding with such a search.

(a) A search of pockets and women's handbags should not be made as a matter of routine, but may be made when deemed necessary. Such searches should be made courteously and tactfully as possible, and consideration should be given to the passenger's right to privacy. Search of pockets should not be made in the public view, and in no case should "hipslapping" be used as a method of inspection.

(b) As an inspector, you have full authority to make personal searches. Under the law, it is YOUR belief or suspicion which forms the basis for a decision to make a personal search. Full personal searches (i.e., those not limited to baggage, purses, and pockets) are authorized, with the concurrence of the supervisor on duty, if deemed necessary because:

- (1) There is information at hand that the passenger is, or is believed to be attempting to smuggle, OR,
- (2) The name of the passenger appears on the soundex list, and it is established that the passenger is the person named and is listed as a potential smuggler of articles or contraband of a nature likely to be concealed on the person, OR,
- (3) The person appears to be under the influence of narcotics, marihuana or other dangerous drugs, or there are strong indications that he is a user of such drugs for other than medicinal purposes or is a convicted violator of the narcotic or smuggling laws, OR,
- (4) During the course of your questioning or examination there arises a serious suspicion that articles have been concealed in the clothing or on the person of the passenger. Some

reasons for suspicion, further questioning, a closer examination and a conclusion that a personal search is warranted may include, but are not limited to, the following: (a) unusual actions on the part of the passenger which cannot be explained logically, such as making a point of turning so that a particular part of his body will be away from your view, the reluctance to make a natural movement of his arm or other part of his body or obviously holding a coat or other articles so that a particular part of his body will be concealed; (b) unusual appearance which might include suspicious or abnormal bulges, excessive clothing in hot weather, etc.; (c) a hypodermic needle or syringe, a finger-stall, a burnt or smoke blackened spoon, an eye dropper or any other narcotic addiction paraphernalia found in the baggage or effects of a passenger; (d) contraband or articles found in his effects which indicate that the passenger is not acting in good faith. (See also Section 3.6 Art of Inspection)

(c) A personal search is not a routine search, and the decision to perform such a search is not to be taken lightly. No personal search should be made as a retaliatory or punitive measure. If it has been determined that a personal search is to be made, whenever possible you should ask someone, preferably another customs officer, to act as a witness. The search must be conducted in privacy. At airports or seaports if proper facilities are not available ask a representative of the carrier to assign

a room for this purpose. At border stations if no search room is provided, make arrangements to use other facilities. In making a personal search, the following rules should be observed:

- (1) Whenever possible, have a witness to any personal search.
- (2) Watch the subject closely while en route to, or inside, the search room to prevent him from discarding any contraband, from drawing a weapon or using force to prevent search or arrest.
- (3) Conduct the search in a professional or businesslike manner, without frivolity or gratuitous remarks. The less said the better. After first checking to see that the passenger has no concealed weapons, instruct him to remove his clothing one piece at a time. Each piece should be thoroughly searched and the contents placed on a table in full view of the passenger. All bills, receipts, price lists, tags, and other papers, notes, names, addresses and phone numbers, or other articles pertinent to the investigation should be segregated and detained pending further action. You should inform the passenger that the articles are being temporarily detained. You should be able later to identify the articles and the persons from whom they were removed if necessary.

- (4) Remember the person being searched is a fellow human being. Allow him to maintain as much human dignity as possible. Do not make any remarks about his appearance, clothing, or character. You can be absolutely right in what you do and make one remark that will make you absolutely wrong.
- (5) Try to gain the willing cooperation of the person you are searching. This may avoid the necessity of resorting to force.
- (6) Avoid any unnecessary physical contact with the suspect.
- (7) In case of trouble or anticipated trouble, notify a supervisor immediately, if possible.
- (8) Be sure the passenger can see what you are doing especially when you examine his wallet or money container.
- (9) Answer reasonable pertinent questions if you can do so without detriment to the case under investigation. However, do not engage in lengthy, aimless conversation or volunteer any information.

- (10) The extent of the search should depend on the circumstances of the case. For example, if you are looking for watch movements you should not have the subject strip and bend over for you to examine his body. If you are looking for heroin, you should examine his body closely.
- (11) Once the decision has been made that a personal search is in order, it should be made to the extent deemed necessary. In no case should any complaint, threat of complaint, or physical resistance result in a passenger's not being searched, or in his being searched any less thoroughly than is required by the circumstances. Customs officers have the authority to use such force as is reasonably necessary to accomplish a search.
- (12) Make a record of the search, giving the name and address of the subject, the reason for the search, the result, including the seizure number, if a seizure is made, your name, and the name of the witness and any other information that might be useful in a subsequent inquiry or investigation.

POSSESSION OF "SUBSTANTIVE EVIDENCE" FOR SEARCHES

Mr. ROYBAL. May we go on to the second one, then? That the officer detaining a person for a strip or body search file and find before proceeding with the search a report showing the substantive evidence on which he based his decision.

Mr. RAINS. We have outstanding instructions that there shall be a full report. The instructions do not call for the report to be written before the search but, rather, that the report be made. The reason that it is not done before is severalfold: First, to write the report beforehand would increase the delay which is particularly not desirable in the case of a person who is innocent. Secondly, at some of our small border ports where we only have one person on duty, or perhaps two, there is likely to be an attempted escape or an attempt to dispose of the contraband, by which I mean narcotics, while somebody is trying to write a report. Frequently, also, one encounters situations in which the person who is the suspect is drunk or belligerent, or something of that sort, and this is not a good time to sit down and write the report.

We thought very seriously about your suggestion. I hope you know that we in Customs think very seriously about any recommendation coming from any member of this committee. The thing that we concluded was this: I believe, personally, that our inspectors are honest but if we had one who was dishonest he could lie about the reason for the search just as well before the search as after it and there would be no particular advantage in having the report written earlier.

Mr. ROYBAL. So you would rather have him lie afterward than before?

Mr. RAINS. No; I would rather have him tell the truth at all times. I am just saying that writing the report beforehand would not get us closer to the truth.

Mr. ROYBAL. Maybe the word "report" is really not in order. It is not really a report I am seeking but just to file a card of intention which states that John Jones is being body searched on this date and then the reason for it.

Mr. RAINS. We do more than file a card. We file a full report. It is just a question of timing, and I think if you have been along the border—and, of course, San Ysidro is special—at some of these other smaller places like Naco, Ariz., it really would not be feasible to do it in advance.

Mr. ROYBAL. All right.

Mr. RAINS. But we do file a full report in every case.

Mr. ROYBAL. In that report does it give the reason for the body search?

Mr. RAINS. Of course, yes.

MEDICAL DOCTORS TO CONDUCT SEARCHES

Mr. ROYBAL. Number three, that a qualified medical doctor conduct the search under sanitary medically approved conditions. You have already agreed to that?

Mr. RAINS. Yes, sir. Mr. Roybal, I don't want to leave any confusion in the record. When I said physican, we are talking about internal cavity searches. We are not talking about the strip search where the

woman takes off her clothing and a female inspector shakes it out to see that there is nothing in it. This is not done by physicians and we do not expect to have this done by physicians.

Mr. ROYBAL. I agree that that is probably the right procedure but there should be a trained person that does this and a person of the same sex as the individual being searched.

Mr. RAINS. We don't take clothing off them typically. We ask the lady to undress while a female inspector is in the room.

Mr. ROYBAL. I would assume that to be the case.

INFORMING THE SUSPECT OF HIS RIGHTS

Number four, that the person to be detained, stripped, or body searched be informed of his rights as well as procedures in English or Spanish, whichever is appropriate.

Mr. RAINS. Yes, sir; I agree with that. I tried to cover that in my prepared statement which I have read. We have some practical difficulties because of the absence of a sufficient number of Spanish-speaking employees, but we are doing our level best to rectify that.

Mr. ROYBAL. Mr. Hann in the testimony before the committee in San Diego felt that was proper and that he was going to do something about it immediately. Has anything been done at the moment?

Mr. RAINS. We have issued instructions for the training in language. We have issued instructions for putting out the placards. I am not sure whether the placards are actually manufactured and are up but I can assure you we will do what we have told the committee we will do.

Mr. ROYBAL. I think you also agreed that uniform procedures for inquiries and searches be set and enforced with a mandate that they be conducted in a courteous and expeditious manner, protecting the person and his property from injury and damage.

Mr. RAINS. I think, sir, that you will find that the material which I have given you for inclusion in the record deals with the question of personal searches. The material I have given you does not deal with the protection of his property. That is elsewhere in the manual. But I can assure you also that we attempt never to damage anyone's property.

WEARING OF NAMEPLATES BY INSPECTORS

Mr. ROYBAL. We also recommend that all Federal officers working at the border wear nameplates. You have discussed that in your testimony. What is the reason that you finally decided not to have it done? Would you repeat that information?

Mr. RAINS. Yes, sir; I will be glad to. As I said in my prepared statement, we felt that we were obliged to take this up with the employee organizations, the labor organizations, including particularly the NCSA, the National Customs Service Association. We received a very strong letter signed by John J. Murphy, president of NCSA, and he included some material, some of which was from immigration inspectors and some of which was from customs inspectors. This is the kind of thing. This episode relates to an immigration inspector. It says:

Mrs. B. W. Blakeney, present address so-and-so, wife of Inspector Blakeney, U.S. Immigration and Naturalization Service, came to the inspection point on the International Bridge—

This is at El Paso—

where the undersigned was on duty with Supervisory Inspector Kamm—

And it looks like "Rocket" of such-and-such an address.

Her face was bruised and swollen and her eyes were bloodshot from having been assaulted and pummeled by an unknown male. She told us that just a few minutes before, when she was at the grocery store in El Paso, a Mexican man had accosted her and using vile and obscene language, had mentioned her husband's name and had struck her in her face with his fist before she could get away from him, almost blinding her about the eyes.

And the inspector felt that this was because he was known as an inspector who had arrested somebody.

Mr. ROYBAL. That has nothing to do with wearing a nameplate.

Mr. RAINS. Yes, it does. Let me read one more and I will explain to you why. This is a statement by Guillermo A. Perez, who is a U.S. customs inspector. This is also El Paso, Tex. He says:

As a result of making one of the largest narcotics seizures on the border at the time, my picture, name, and address was published in the local newspaper along with a news item covering the seizure. A few nights later while I was on duty as a Customs Inspector one or more men broke into my home while my family was sleeping and beat my wife unmercifully.

Since then he has changed his address, and so on.

What I am saying is that our people feel, and this has not been a matter that has been fully decided, but what our people feel is that they are performing a law enforcement function and if they arrest one of these hard characters at the border their families are in danger of retribution by a criminal or by his associates.

Mr. ROYBAL. Because of wearing nameplates?

Mr. RAINS. Because they know who the man is. In short, if they are just arrested by a man in a blue suit they don't know who he is, but if it says on the nameplate "Edwin F. Rains," then they know this is Ed Rains.

Mr. ROYBAL. Mr. Rains, please.

Mr. RAINS. I am not supporting this view; I am just telling you that this is the position that is held very strongly by our employees' association.

Mr. ROYBAL. Well, if that is the position then customs differs from the Capitol Police, from the FBI, and from other enforcement organizations in the United States. The FBI man always identifies himself when he approaches anyone. So why is customs so different?

Mr. RAINS. I am not saying that we are different and I am not saying that we have decided against the employee identifying himself. I am saying that the matter is under consideration, that we have been concerned by this employee protest, that the Commissioner is going to look into the matter when he reaches Los Angeles where the National Customs Service Association is having its annual meeting, and that a decision will then be made. I don't say it will be different. I am just saying that this is one of the matters, one of the few, that has been raised by the committee and by yourself that has not been finally resolved one way or another.

Mr. ROYBAL. But the objection to it is based on the fact that these two officers in question, perhaps others—

Mr. RAINS. Many others.

Mr. ROYBAL (continuing). Did encounter some difficulty? They were not wearing a nameplate but they still encountered some difficulty, and I can't understand why the nameplate is going to identify the person beyond that of visual recognition. I just don't understand your argument.

Mr. RAINS. It is not my argument, sir. I want to repeat that one more time. It is not my argument. I just said that the association of our employees feels very strongly that, if their names are known, they and their families may be subject to reprisals, and obviously, if they are wearing nametags, their names will be known. I don't necessarily support this position. I am just stating it.

Mr. ADDABBO. Will the gentleman yield?

Mr. ROYBAL. Yes.

BADGE NUMBERS

Mr. ADDABBO. Commissioner, how about badge numbers?

Mr. RAINS. They wear badge numbers now.

Mr. ADDABBO. Do you have identifying numbers on the badges?

Mr. RAINS. Yes, sir.

Mr. ADDABBO. Doesn't that identify them as a person? If they sign a complaint the only time their address is known is when they sign a complaint, and that is given to the newspapers, not by their nameplate but is given to them by the fact that they have signed a complaint and go to court, or where have you, not just the nameplate. I think that the unions are being arbitrary because no one would like to be identified. I know it happens in New York at Kennedy Airport, that some woman claims that she wants a customs agent to be her baggage carrier and he says, "Lady, I will try and give you help," and she says, "Well, I am going to report you. What is your name?"

I know why they would be reluctant to wear nameplates because they would have nuisances such as that, but I think there should be some way of identifying them or be required that they identify themselves if they are asked.

Mr. RAINS. We will report to this committee just as soon as the Commissioner makes a determination as to how this should be handled.

Mr. ADDABBO. Up in New York some of them wear plates, don't they?

Mr. RAINS. Not our people, sir.

Mr. ADDABBO. Who wears the plates?

Mr. RAINS. The Immigration Service people did but they have stopped doing so.

Mr. ADDABBO. The supervisory help don't?

Mr. RAINS. No, sir.

Mr. ADDABBO. Thank you.

MEXICAN-AMERICANS IN THE BUREAU OF CUSTOMS

Mr. ROYBAL. One other recommendation that was made was to the effect that an affirmative action program be designed to increase the percentage of Mexican Americans in the U.S. Customs. You have already testified to the fact that this is being done and that every effort will be made in the future to hire more Spanish-speaking personnel. I think you said something with regard to a training program.

Mr. RAINS. Yes, sir.

Mr. ROYBAL. Is this of long duration, or is it something new?

Mr. RAINS. Our Spanish language training program has been underway for some years with more emphasis in the last 2 years. We are also attempting to acquaint our people more with, as you put it, the cultural background of Mexican Americans to make them more understanding of the problems, and this is something we intend to do. We are quite serious about it.

Mr. ROYBAL. What we said was that there should be a program initiated for the training of staff to prepare officers to be culturally sensitive, including a working knowledge of Spanish and so forth.

Mr. RAINS. We have an operations officer—his name is Najera, who will be working intensively on this.

INTERAGENCY COUNCIL

Mr. ROYBAL. One of the complaints we got from some of your own officers at the border was that there was very little interagency coordination. For example, we were told that the Customs and Immigration were not really sharing the responsibilities at that border. That is why we recommend that an interagency council be established to coordinate all Federal activities at the border, and then in your testimony today you tell us just the opposite, that you are doing this.

Mr. RAINS. No; if it seemed to be in conflict it really wasn't. I think what I said was that at most of our border ports we have a very close liaison and monthly meetings. I think that for reasons that are not known to me this has been less true at San Ysidro and this condition will be corrected.

Mr. ROYBAL. You agree then that such a council or—

Mr. RAINS. "Council" is too formal, but I think close coordination with meetings between appropriate representatives to be sure that they have worked out their mutual problems is the thing that you have in mind. It is something that we will accomplish.

Mr. ROYBAL. Mr. Rains, there is one other thing that I saw at the border, and that is the attitude of the officers. I think a great deal has to be done to change some of those attitudes.

Mr. RAINS. I agree with you with respect to some employees.

RELATIONSHIP BETWEEN U.S. CUSTOMS AND MEXICAN OFFICERS

Mr. ROYBAL. I hope that you will make those changes.

We also made recommendations that some discussions be held with perhaps your Mexican counterpart. I don't think you people even talk to one another from what I saw. One afternoon while I was there and at other times when I visited the border I saw no communication between U.S. Customs and the Mexican officers.

Mr. RAINS. I think perhaps you did not gain a completely accurate impression, sir; there is communication. It varies from border point to border point depending upon a number of factors. One is how close they are geographically. In some cases they are separated by a river. In other places they are right across the road; there is communication. I don't mean to say that every Customs Inspector in the United States knows every Customs Inspector on the other side, but there is communication and we work with them.

Mr. ROYBAL. We made the recommendation that our border people meet with their Mexican counterpart in an effort to discuss the advisability of creating an office at each border station that would hear complaints and give assistance and perhaps legal counsel to those who are body searched and as a result of that may have complaints. Now, I realize that many of these complaints arise over the embarrassment suffered by some of these people, particularly when nothing was found on them. Now, it seems to me that if you had someone at the border that would at least talk to these people, instead of just dismissing them without an explanation as was testified at San Diego, that a great deal could be done to at least cure some of these wounds a little bit.

Mr. RAINS. I think you are quite right that communication is extremely important. I don't see us in need of anything like an ombudsman. I think two things. I think, one, that we can do better than we are doing in terms of our supervisory inspectors who should be available for consultation. We can do better than we are doing with our port directors who should be available for consultation. I think the promise I can give you is one that I made in my formal statement, that the Commissioner is going to follow up very closely on complaints, and I would think that if you wait a while you might find that you are pleasantly surprised, that the number of complaints will diminish.

But let me go one step further. I think it is quite natural that people, where you have a very large Mexican American population, as you do in San Ysidro, may feel their search is based on some prejudice or some lack of full appreciation for them as individuals. I think if you would look at the number of complaints, for example, in Mr. Addabbo's district where John F. Kennedy Airport is located and where there is a very different group of people, from an ethnic standpoint coming in, or look at some of our other places like Honolulu Airport, where there are thousands of people coming in, or, for example, Miami or San Juan, any of our big airports, a certain number of complaints are inevitable.

We processed, as I told you, roughly 24.5 million people last year at San Ysidro. If you take the complaints arising there they make a pretty big stack. However, if you look at them as a percentage of 24.5 million people, it is a very, very small percentage. I really think that to some extent one gets to an irreducible number of complaints because you get complaints that are based on all sorts of things that annoy people. They were in the sun. It was hot. There was a delay. They had one of those conflicts that arises whenever two people meet who are somewhat different. I am not talking about different because one is Mexican-American and the other is not. I am just talking about two different people. So I think we are always going to have some complaints. Our aim is to eliminate the justifiable complaints.

VALIDITY OF SEARCHES

Mr. ROYBAL. I think that is a commendable objective and you should definitely pursue it, but the facts are that as of the moment you are wrong 85 percent of the time.

Mr. RAINS No, sir; we are not wrong 85 percent of the time.

Mr. ROYBAL. 1,800 women were searched, or stripped, or whatever it is that you want to call it, and of the 1,800 you had 270 or something like that, that were found with contraband.

Mr. RAINS. That is right.

Mr. ROYBAL. That is 85 percent of the time you were wrong.

Mr. RAINS. No, sir; we are not wrong 85 percent of the time. I would like to put it this way: We are only wrong if we search when there isn't a valid basis of suspicion. But if we see somebody who is acting in a suspicious way, who has a hypodermic syringe in his pocket, who has a blackened spoon in his pocket, and we search that person and that person doesn't have heroin, we were not wrong to search that person. It may have happened that at the time he did not have heroin, but I would personally feel that the inspector who did not search such a person was wrong since he had seen these indicia of smuggling and had failed to search.

Mr. ADDABBO. Do any of your records show how often this happened? Where?

Mr. RAINS. What happened?

Mr. ADDABBO. In other words, you didn't find any contraband but you found other items which would have lent some credence to a search.

Mr. RAINS. We search for a great many reasons, Mr. Addabbo. We may search a person because when he comes in, he is unduly nervous. We may have found fresh needle marks on his arm. We may see a person who looks as though he is avoiding examination. Perhaps he keeps turning one side to you as though maybe he has a bulge on the other side and he keeps that side away from you. There are many different reasons why a person gets searched. The person may have been seen talking to a well-known dope peddler on the other side of the border and had been seen to go into a place with that person and come back. Such a person would be searched. Indeed, we know that there are people who make dry runs. They really come through to see if they are going to be searched before they actually carry something over. They want to know if they can get away with it.

I have to say to you that I don't think that our inspectors are making mistakes at John F. Kennedy Airport, for example. We open thousands and thousands and thousands of bags there before we find any contraband. I don't think we are wrong in opening the bags which are found to be without contraband. I think this is what we have to do.

Mr. ROYBAL. No one is saying that you are wrong in opening the bags. I am making reference to your own statistics.

Mr. RAINS. That's right.

Mr. ROYBAL. 1,800 women went through that inspection line and you came up with less than 15 percent. Now, that batting average is not very good. If you played the stock market on that average you would go broke in 90 days. If you have that much money.

Mr. RAINS. Well, sir, let me put it this way. I do not concede, I specifically do not concede, that every time we search someone and don't find anything we have made a mistake. However, I think that what we have to do, and what we intend to do, is to be sure that we don't search anyone unless there is a reasonable, sound basis for conducting the search. That's all I can promise you.

Mr. ROYBAL. I think we have established one point which I think is good and that is that you are going to have substantive evidence before such an examination is made, that a full report is going to be made, not before, as I have suggested but after the examination by a physician and that the report will be made available in the event that person needs it. It seems to me that since you have agreed that the customs officer will explain to the persons being examined what their rights are, and so forth, that the report made by the officers should be made available either to persons making a complaint or to their attorney. Things of that kind I think would lead to the elimination of some of these complaints.

Mr. RAINS. We are going to be working toward the elimination of complaints. This is the assurance I give you. We are also going to try to do it without detracting from our efficiency.

ATTITUDES OF PERSONNEL

Mr. ROYBAL. I am also pleased that you are making some effort with regard to changing the attitude of some of your personnel. There was an admission here that the attitude at San Ysidro just had to be changed. I was there for a little while and have since gone back twice. I haven't heard one of those officers say "Good morning" to anybody or "Thank you" or smile. It seems that something like that wouldn't hurt at all.

Mr. RAINS. Sir, I have to disagree with you. I overstated myself if I indicated to you that all of our officers down there have the wrong attitude. I don't believe that for a minute. We have some of the finest, most courteous people in the world down there. We have some people with whom I think you would find it a pleasure to associate, people who invariably go out of their way to be friendly.

I do agree with you that we have had some other evidence of attitudes on the part of some inspectors that have to be changed, should be changed, and will be changed, but I don't want to leave with you the impression that we have a whole bag of bad apples down there, because we don't.

Mr. ROYBAL. I don't have that impression at all. What I am saying is that you do have some bad apples and that as a matter of policy it should be made quite clear to them that the people they are dealing with are human beings and should be treated as such.

Mr. RAINS. Mr. Roybal, as you are aware, I believe, the position of regional commissioner at Los Angeles, who is the officer who has direct supervision over the San Diego district, is now vacant. I can assure you that when somebody is selected for that position it will be a person who has as one of his duties seeing to it that the conduct of our people in San Ysidro is good.

Mr. ROYBAL. Fine.

Mr. RAINS. And he will be somebody selected because we believe he has the capacity to do the job.

Mr. ROYBAL. All right. With that statement, then, Mr. Chairman, I am just about to conclude. I think that we can work together to try to make some of these changes at the border that are necessary. I do not mean to imply that everything was wrong at San Ysidro. There are some things that are wrong. I also understand that the men are

working under pretty bad conditions. When a man has to work as many hours as they work at San Ysidro I don't really see how anyone can smile for those 16 hours, so something has to be done to get personnel out there so they won't have to work that many hours.

Mr. RAINS. You are absolutely right and, unfortunately, our problem is not only San Ysidro. We have had, as I mentioned in my prepared statement, a 22-percent increase in air passenger arrivals this year. We have an 8-percent overall increase, and the kind of working conditions who you find deplorable at San Ysidro are not unique to San Ysidro. They exist in a great many places and it is very, very difficult for us because we are not in a position where we have ports that are doing no business from which we could take people and put them in San Ysidro or other busy places. This is a nationwide problem. Therefore, the absence of an adequate number of inspectors really has us in a rather difficult position.

Mr. ROYBAL. But you do contemplate working on the problem and getting more people employed, and so forth?

Mr. RAINS. I have assured you that we are going to put 53 people on the border as this committee directed and that the majority of those people would be put in San Ysidro.

CONSTRUCTION IN SAN YSIDRO

Mr. ROYBAL. Again, you are going to put in 53 more people there, and if that building out there isn't completed soon you are going to continue to have more problems. What is the situation with regard to the construction that is going on?

Mr. RAINS. The problem, sir, is that we don't control construction. This is in the hands of the General Services Administration. When you spoke of the wretched conditions in the building at San Ysidro, and I can point out many that are worse, this is a problem that we don't control. I wish we did but we don't, and if there is any way this committee can help us, I would be grateful.

Mr. ROYBAL. Do you know when that building is supposed to be ready for occupancy?

Mr. DICKERSON. It is promised for next April but, of course, there may be delays. One of the difficulties down there, of course, is that we can't stop business while they build, so they have had to close up part of the facility while they build one part of it and that forces us to work in temporary facilities; but they have let the contract on the building, they have started construction, they are moving ahead now as rapidly as could be expected, and we are very hopeful that they will have a new facility to operate in in the fairly near future.

ADDITIONAL PERSONNEL FOR SAN YSIDRO

Mr. ROYBAL. In the meantime, the 53 will be hired, and additionally, I hope, by the end of that time more will be authorized to work at the border.

Mr. RAINS. The authorization of inspectors is something that is controlled by the availability of funds.

Mr. ROYBAL. But will you request authorization for additional personnel so that these men won't work that many hours, or do they want to work that many hours?

Mr. RAINS. I don't believe that our people want to work that many hours. I think the fact that they may get some overtime pay doesn't loom that large with them. I think many of our people, who are very devoted people, regret the fact that they can't spend time with their families, with their children, that they sometimes are working 2 weeks at a stretch, including night work. I think it is a very bad situation. But, as you know, sir, what we can request by way of funds is not strictly within the control of the Bureau of Customs.

Mr. ROYBAL. Well, the ultimate objective, then, would be to get adequate personnel to do the job more adequately, more expeditiously, and in that intent I will be happy to cooperate with you, and I am sure this committee will also be most helpful in getting this done.

Mr. RAINS. Thank you.

Mr. ROYBAL. And done as soon as possible.

I don't have any other questions, Mr. Chairman.

Mr. STEED. Mr. Robinson?

Mr. ROBINSON. No questions.

Mr. STEED. Mr. Addabbo?

Mr. ADDABBO. No questions.

Mr. STEED. Mr. Edwards?

Mr. EDWARDS. No questions.

FACILITIES AT CANADIAN AND MEXICAN BORDERS

Mr. STEED. Commissioner, the problem of adequate facilities at our borders is probably pointed up in more detail at San Ysidro than maybe some other places, but it is one that does exist. What would you say the overall need at the Canadian and the Mexican borders is at this time in terms of physical facilities to give you a reasonably good opportunity to conduct your work?

Mr. RAINS. We have a number of places that are very bad. Champlain, N.Y. is terrible. There is, however, a construction program underway there. Can you tell us when that will be ready by August Dickerson?

Mr. DICKERSON. Again, the contract has been let for construction. Construction has started, and the facility should be ready by August 1973.

Mr. STEED. I was in the El Paso area about the time you were completing some new facilities there which was 4 or 5 years ago. What is your situation there? Do you have that pretty well under control now?

Mr. RAINS. I haven't surveyed all of what we have there, but my understanding is that this is good.

Mr. DICKERSON. Yes, sir.

Mr. STEED. I have been told that there have been two or three other areas, points of entry into Mexico, that have grown in importance in recent years. Are you having this kind of a problem?

Mr. DICKERSON. Calexico would be another place at which the facility is now very poor. GSA has let a contract for construction and we hope to have a new facility by November 1973.

Mr. RAINS. That situation is compounded by the terrible heat in the summertime. People may be backed up for an hour or an hour and a half when the temperature is 115 degrees, which makes for a very poor situation indeed.

Mr. DICKERSON. Laredo is a very poor facility. There is talk of building a new bridge there, and if the bridge is constructed, a new modern facility would be constructed at Laredo. Unfortunately, many of these things are not controllable by just one agency. We have to work with the Mexicans and we do work very closely with the Mexican Government on this and through GSA in construction of major new facilities.

We need new facilities on the Mexican border at San Luis and Lukeville, Ariz.; Presidio, Brownsville, Ysleta, and Roma, Tex.; major improvements are needed at Andrade, Calif., Douglas and Nogales, Ariz., and the customs station at Laredo, Tex. New facilities are needed on the Canadian border at Blaine, Washington-Pacific Highway and Peace Arch Crossings, Sumas, Wash.; Ambassador Bridge and Windsor-Detroit Tunnel, Detroit, Mich.; Fort Kent and and Houlton, Maine. We also have requirements for a number of small stations in the northern area.

Mr. RAINS. Some of these problems, sir, are extremely difficult. For example, at Fort Kent, Maine we have a totally inadequate setup but it would probably require a rerouting of a portion of U.S. 1 to give us anything that would be workable, and that, of course, is a terribly difficult problem.

RECRUITING OF BILINGUAL PEOPLE

Mr. STEED. In your recruiting of bilingual people, especially on the Mexican border, are you having any success in this field? I know that you have had some problems heretofore. Do you think that is improving?

Mr. RAINS. We are trying and we are going to try much harder. I was talking to our Assistant Regional Commissioner for Operations for the Los Angeles region yesterday and he told me that he had 60 declinations from people who didn't want to take Customs jobs that he had approached. These were Mexican-Americans who are on Civil Service lists. I don't know the reasons why they were uninterested in coming with us. But we are going to do everything we can. We are going to go to schools and colleges. We are even going to go out of the area to see if we can get Mexican-Americans, perhaps from Texas or Arizona, who would be willing to come in. Within the limits of what is possible, we are going to do what we can.

Mr. STEED. When you have the flow across the border of especially Mexican people from all levels of economy and walks of life, don't you find that the bilingual capability is probably the best insurance against misunderstandings and complaints?

Mr. RAINS. It is tremendously important, sir.

Mr. STEED. You are not going to have too many of your people crossing the border who are bilingual so you have to furnish that capability for them. Isn't that your idea?

Mr. RAINS. Yes, sir.

Mr. STEED. The language barrier on the Canadian border outside of the Montreal (French) area is not any real problem any more; is that right?

Mr. RAINS. Yes, sir. However, we have in recent years made an effort to get more French-speaking inspectors along the Quebec Province border.

Mr. STEED. As you know, we had this matter of preclearance to deal with in the regular bill and, of course, it is still some matter of concern to the committee as well as it is to you. I would like to get some additional information on one question that came up that I hadn't gone into to my own personal satisfaction. As I understand it, preclearance in Canada hasn't been the kind of problem that has created your worst situation. Is that right?

Mr. RAINS. It has been very bad. We have unquestionably had some narcotics smuggling through our preclearance operation in Canada and I think it is very clear that it has been a wide open loophole. Montreal is a pretty open town. There is no question that a lot of narcotics comes into Montreal by water. Montreal is, after all, a seaport with easy access from the Atlantic and it has been a real concern to us.

CANADIAN CUSTOMS

Mr. STEED. I noticed where there have been some seizures by Canadian authorities of narcotics in recent weeks. Does this indicate that they are developing their capability to interdict narcotic smuggling?

Mr. RAINS. I think their capacity is improving. We have worked with them on narcotics identification. We work very closely with the Canadian customs and the Royal Canadian Mounted Police, as I think you know. We have had some of our people in communication with them on problems of narcotics identification. I think this has opened their eyes, not that I mean that their eyes had been shut before, but I think that this has spurred them on to greater efforts. But the RCMP, like a good many American agencies, is an overworked, understaffed agency and they don't have the full capacity to do the kind of job that they would like to do.

SUPPLYING ADDITIONAL INFORMATION

Mr. STEED. Any further questions?

If you would like to provide any additional information or statements in regard to any of these recommendations for the record we would be pleased to have you do so when you correct this record.

Mr. RAINS. Thank you, sir. I will supply the information that was requested with regard to the physicians and I would like to ask, Mr. Roybal, if I am correct in assuming that your desire to know about the physicians is restricted to the San Ysidro area? You don't want us to make a nationwide survey?

Mr. ROYBAL. No, sir.

Mr. RAINS. You are just interested in this particular problem?

Mr. ROYBAL. Just San Ysidro, because I am amazed at the conflict in testimony. In one instance everyone was a volunteer. Now you say that you are paying the physicians even though they are not on the payroll. In plain words the Bureau of Customs' testimony doesn't make very much sense, so I want to know what the truth is and this is why I ask that you do it only for San Ysidro.

Mr. RAINS. You can be assured, sir, that I am going to try to get you as accurate information as I can.

Mr. ROYBAL. Then we will check with Internal Revenue to see if they reported the income that they got from Customs just to be sure that everything is correct.

Mr. RAINS. When I indicated to you as I did in March that some of the physicians do this on a voluntary basis, I know this to be so because I have known of such instances in other Customs districts and I really don't know at this moment the extent to which the physicians are paid in the San Diego district but, as I assured you, this will be given to you in the record.

(See Appendix at page 171.)

MODERNIZATION OF BORDER FACILITIES

Mr. STEED. I think that it is correct to say, while we have, of course, concern about any condition that is less than desirable at borders in terms of one individual or more, that the main concern is, can we look forward to improvement in all our problems at the border, and I am concerned not only with the attitude of employees we already have but with the problem of getting additional manpower because we not only have an existing problem but a growing problem and what is sufficient for today is not necessarily going to be sufficient a few months in the future.

This, of course, also brings up this unsolved problem, but apparently one that grows faster than we can solve parts of it, of the physical facilities that we have at the border. It has always been a source of concern and puzzlement to me why we never have been able, in all the years I have been connected with this, to do a better job of getting our physical facilities at the border modernized better than we have. I know there are all sorts of complications. I am not criticizing Customs. I am sure no one would be happier to have adequate physical facilities at the border than the Customs people. But taking the Government as a whole and looking at it from the standpoint of the United States of America, it just seems inexplicable to me why we after all these years haven't gained much ground in terms of modernizing what we need at our borders. Usually it is Congress saying no to an agency, and in this case it has been congressional prodding more than anything else, to try to speed this up.

Mr. RAINS. As you know, sir; we lack the authority to engage in a project that costs over \$100,000 where building facilities is involved, and this puts us in the hands of agencies other than Customs. We made an attempt that was not successful to have Congress authorize us to build facilities ourselves up to the value of \$200,000, and this was turned down, I believe, in the Senate. I don't believe is ever got out of the Senate committee, and so we are just another supplicant putting our case before the General Services Administration and hoping for the best.

Mr. STEED. Of course, in addition to the stations themselves there are other physical installations along the border that are very important in the conduct of your work. I hope that sometime, perhaps before this year is out, that those on the subcommittee who are interested will be able to join me and we can go down and take a look at some of the more recent acquisitions in this field.

Mr. RAINS. It would please us very much, and I know I speak on behalf of the Commissioner as well as personally, if the members of the committee would give us the opportunity to show them some of these operations and some of the facilities that are involved in the operations.

Mr. STEED. I am sure that all of us were thoroughly convinced after our visit up to the Canadian border that the situation at Champlain had gone far beyond the time when delay could be tolerated. It is to be regretted that we couldn't have anticipated the situation that is now current up there and tried to head it off before it got as bad as it is. Hopefully, steps now are underway and it won't be too long before that situation is cured. But, I think you are going to continue to have other Champlains if you don't keep the emphasis on trying to be a little bit ahead of the need in some of our major points of entry on both our borders.

Have you had any reaction that you could put in the record about this preclearance problem that the committee hasn't been made aware of?

PRECLEARANCE

Mr. RAINS. We waited until the bill as enacted by Congress was signed and then sent a proposed message to the State Department asking it to transmit it to our embassy in Ottawa and to our Consuls General in Nassau and Bermuda, advising them of the bill that was now law, telling them what it said, stating the conditions which you had attached to the continuance of preclearance and asking these U.S. representatives to ask the governments to which they were accredited, first, whether they expected to give us the authority to conduct searches, seizures, and arrests, and, second, if they did, what facilities they would provide so that a decision could be made if they were adequate. We received from the State Department last Wednesday a letter saying that they didn't think they could send this message to the Ambassador in Ottawa and to these others that I have mentioned unless we answered a series of questions. I have here and I will give you for the record the response which the Commissioner wrote to the State Department. This is where we stand. We have not as yet received a reply to it. I would be glad to read it aloud, if you like.

Mr. STEED. You might do that. It is not too long.

Mr. RAINS (reading):

Reference is made to your letter of July 19, 1972, addressed to Deputy Commissioner Rains, in which you suggest that it is impossible for the State Department to transmit to our Ambassador in Ottawa and our Consuls General at Bermuda and the Bahamas the text of a statute enacted by Congress and signed by the President which asserted certain conditions as essential to the continuance of preclearance and ask them to ask the governments to which they are accredited whether those governments intend to comply with the terms and conditions of the statute. You assert that before such a message may be sent it is necessary for the Bureau of Customs to answer a number of questions.

It seems obvious that with this statute, as with others, there are many questions which could be asked. Except in terms of generalities, specific answers must relate to the factual situations as they arise. However, to provide you with some general information, in the interest of proceeding as rapidly as possible to carry out the instructions which Congress has enacted, the following is set forth:

United States Customs officials acting in the United States are authorized to search the person, clothing, baggage and effects of any person either presenting himself for Customs examination or trying to evade such examination. The statute requires the same authority in any foreign country in which they are to operate.

In general a Customs officer may conduct a search of incoming persons, baggage and cargo on the basis of any reason or no reason. Probable cause is not required. The courts have held that insofar as searches of body cavities are concerned there must be articulatable grounds for suspicion. This is something less than probable cause.

Articles which would be subject to seizure are those which are not declared, are falsely declared, or are prohibited importation into the United States, for example, narcotics, lottery tickets and obscene materials as well as many others which are precluded from importation by the laws of other agencies which are enforced by Customs. In this latter group would be psittacine birds, certain agricultural products and flammable fabrics. Vehicles, vessels and aircraft used for smuggling attempts may, depending upon the circumstances, also be subject to seizure.

Articles which are seized are thereafter subject to forfeiture under the United States Code and may be disposed of, according to circumstances, by transfer to a Federal agency, by sale or by destruction.

Arrests would be made in accordance with United States law. Which law would depend upon the circumstances. Conceivably an arrested person could be turned over to local authorities. This might be done in a case where the violation also involved a violation of local law. An example might be an attempt to smuggle heroin from Canada into the United States, if the transaction also involved a felony in Canada.

We are not, at this point, able to specify in detail the procedures involved in prosecution under United States laws, but these would be worked out on a timely basis if any of the governments involved should see fit to grant appropriate authority to United States Customs personnel in their countries and to provide adequate facilities for the exercise of that authority.

I see no point in trying in this letter, or in any other, to spell out in detail what facilities would be required at each of the six locations where preclearance is now operative. We have had lengthy discussions with local officials and airport operators with respect to the inadequacies of their facilities and they are well aware of the problems.

I should point out also that the implication of your letter that "equal facilities" may be involved is erroneous. We, of course, recognize that some of our existing facilities in the United States may in fact be less than adequate. The statute, however, requires adequate facilities for preclearance in foreign countries and does not afford us discretion to accept inadequate facilities which may, however, be equal to some sub-par facilities in the United States.

It is my hope to proceed promptly in this matter. As we have pointed out to you orally, delays at this stage can only result in increasing the transitional difficulties for airlines, airports and travelers should it become necessary to terminate preclearance at some or all of the places where it now exists.

Mr. STEED. Are there any preclearance operations by foreign carriers inside the United States?

Mr. RAINS. No, sir.

Mr. STEED. Are we the only country in the world that does this?

Mr. RAINS. Yes, sir.

Mr. STEED. Do you have any current figures on how many people are involved in preclearance?

Mr. RAINS. Between 2 and 3 million during fiscal year 1972.

Mr. STEED. Is preclearance of any advantage to the country in which it is conducted?

Mr. RAINS. I don't believe so. I think some of these countries, and here I am talking about the Bahamas and Bermuda, may think so, but I think they are wrong. The idea that somebody in January living in Boston and who wants to take a vacation in the Bahamas is going to refrain from taking that vacation when it is snowing and the temperature is 10 below zero in Boston just because he is going to be cleared by Customs when he returns to Logan Airport rather than cleared when he leaves Nassau I think is plain ridiculous. I don't think it will interfere with their tourist trade one little bit.

Mr. STEED. Will it impose any undue burden on carriers if preclearance is cut out, do you know? Does this circumscribe the points of landing inside the United States that they now have, or work any other kinds of hardships?

Mr. RAINS. It will probably mean that we will have to expand facilities at some places where we don't have them. For example, there are now precleared flights which go into Newark Airport in New Jersey, and into LaGuardia Airport in New York, where we don't now examine passengers. We will simply have to cope with that. There are also a few flights which land at some smaller airports, where additional facilities will have to be provided unless there are schedule changes, but in general I think that the transition will not be a difficult one.

Mr. STEED. Does anybody else have any questions on this or the other subjects?

Gentlemen, on behalf of the committee, I want to thank you for your appearance and your cooperation and the information you have made available to us. Thank you very much.

APPENDIX



THE DEPARTMENT OF THE TREASURY
BUREAU OF CUSTOMS
WASHINGTON, D.C.



REFER TO

DC/R

The Honorable
Tom Steed, Chairman
Treasury-Post Office- General Government
Subcommittee
House Appropriations Committee
House of Representatives
Washington, D. C. 20515

Dear Mr. Chairman:

During the course of my appearance before your Subcommittee on July 25, 1972, members of the Subcommittee asked a number of questions with respect to matters on which I did not, at that time, have detailed information. In response to those questions I stated that I would be glad to submit further information for the record. The Subcommittee was gracious enough to authorize me to take this course of action and I am, accordingly, attaching hereto, in the form of a table, the information which was requested by the Subcommittee.

The attached statistical table relates to body cavity examination cases conducted on persons entering the United States through San Ysidro during the Fiscal Years 1971 and 1972.

You will note that during Fiscal Year 1971 there were 57 vaginal or rectal examinations and that there were 45 such instances in Fiscal Year 1972. In each of these instances the examination was by a physician in a doctor's office or hospital. As I told you in my oral testimony, we have been unable to authenticate any case in which a vaginal or rectal cavity search of any person has been made by one of our employees.

We continue to offer the Subcommittee our assurance that if it, or indeed any member of the public, should provide us with specific information with respect to any such episode it will be fully investigated and, if found to be factual, Customs personnel who have violated Bureau instructions will be appropriately disciplined.

The attached table sets forth the names and addresses of the doctors and hospitals involved, the type of examination, and the fees paid. I believe that this information fully provides everything which was asked by the Subcommittee in this regard but if there is any additional information which is required, we will be happy to supply it.

I think that there are three things about the attachment which are worthy of being called specifically to your attention.

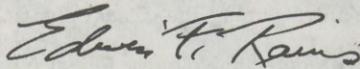
The first is that internal body cavity searches during the 2-year period resulted in the discovery of narcotics in over 46 percent of the cases. During Fiscal Year 1972 the percentage rose to more than 55 percent.

The second is that the number of body cavity examinations made were overwhelmingly made on men, not women.

The third point which I believe is of importance is this. Your Subcommittee has received allegations that our personnel at San Ysidro discriminate against Mexicans and Americans of Mexican heritage. The testimony which your Subcommittee has received indicates that the vast majority of border crossers at San Ysidro are among this group in the population. Yet our records disclose that overwhelmingly body cavity examinations were performed on persons who, judging by their surnames, were neither Mexican nor of Mexican heritage.

If there is any further information the Committee desires, we shall be happy to provide you with it.

Sincerely yours,



Deputy Commissioner of Customs

Enclosure

In duplicate

Body Cavity Examination Cases: San YsidroFor the Fiscal Years 1971 and 1972

<u>EXPLANATION</u>	<u>FISCAL YEAR</u>		<u>Total</u>
	<u>1971</u>	<u>1972</u>	
Examination Cases			
In doctor's offices or hospitals			
Vaginal-rectal	57	45	102
Induced regurgitation	-	8	8
Stomach pumping	<u>38</u>	<u>4</u>	<u>42</u>
Sub Total (see Prof. Services below)	95	57	152
At the Port of Entry			
Concealed in the mouth	5	5	10
Extracted by examinee	<u>12</u>	<u>8</u>	<u>20</u>
Total Cases	<u>112</u>	<u>70</u>	<u>182</u>
Finding of Contraband	45	39	84
No findings	<u>67</u>	<u>31</u>	<u>98</u>
Totals	<u>112</u>	<u>70</u>	<u>182</u>
Sex of examinee as determined from the record on the basis of first name.			
Males examined	71	50	121
Females examined	37	19	56
Not determinable	<u>4</u>	<u>1</u>	<u>5</u>
Totals	<u>112</u>	<u>70</u>	<u>182</u>
Surnames of examinees			
Spanish	31	32	63
Other	70	36	106
Not clearly classifiable	<u>11</u>	<u>2</u>	<u>13</u>
Totals	<u>112</u>	<u>70</u>	<u>182</u>

	<u>FISCAL YEAR</u>		
Professional Services	<u>1971</u>	<u>1972</u>	<u>Total</u>
Dr. A. B. Salganick 470 Third Avenue Chula Vista, California Vaginal-rectal		34	34
Dr. P. R. Salerno 4518 Fifty-Fourth Street San Diego, California Vaginal-rectal	56	9	65
Induced regurgitation	-	7	7
Stomach pumping	38	4	42
Dr. E. K. Disteen c/o Doctors Hospital Pacific Beach, California Vaginal-rectal	-	1	1
Dr. W. O. Nightingale c/o Doctors Hospital Pacific Beach, California Induced regurgitation	-	1	1
Chula Vista Community Hospital Vaginal-rectal	<u>1</u>	<u>1</u>	<u>2</u>
Total Professional Services	<u>95</u>	<u>57</u>	<u>152</u>

FEES PAID:

Dr. Salganick		\$ 850.00	\$ 850.00
Dr. Salerno	\$2920.00	640.00	3560.00
Dr. Nightingale		35.00	35.00
Dr. Disteen		14.65	14.65
Chula Vista Hospital	<u>No fee</u>	<u>No fee</u>	<u>No fee</u>
Totals	<u>\$2920.00</u>	<u>\$1539.65</u>	<u>\$4459.65</u>

FEE SCHEDULE: (from which there were minor departures in two cases)

Vaginal-rectal examination	- \$25.00
Induced regurgitation	- \$35.00
Stomach pumping	- \$40.00

FREQUENCY OF EXAMINATIONS:

Of the 182 examinations made, five people were examined on one day and four were examined on another day; three people were examined on each of three days and two people were examined on 33 days. The remainder, 98 people, were examined on 98 different days. During this two year period, there were no examinations of this type on 595 days.

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