

CR #6922

THE UNITED STATES COMMISSION ON CIVIL RIGHTS

SPECIAL MEETING

Juanes Room,
El Tropicana Hotel,
San Antonio, Texas.

Evening Session

Wednesday, 11 December 1968

PRESENT:

COMMISSIONER HESBURGH, Presiding.
COMMISSIONER GARCIA.
COMMISSIONER FREEMAN.

WITNESSES:

MR. Jesus Dominguez
Mrs. Rosaria Dominguez

ALSO PRESENT:

Lawrence Glick
Cruz Reynoso
Sam Simmons
Phil Montez
John Ulfelder
Dave Hunter
Richard Alletorre
Louis A. Lopez Diaz
Mrs. Socorro Barba

P R O C E E D I N G S

COMMISSIONER HESBURGH: Mr. Dominguez, would you

tell your story now? Give your address.

MR. DOMINQUEZ: My address is 4322 Garden Homes Avenue.

MR. REYNOSO: Los Angeles?

MR. DOMINQUEZ: Los Angeles.

MR. MONTEZ: Excuse me, Mr. Chairman. Mrs. Barba has a bad back. Would it be all right if we excuse her? She has been under an awful lot of strain.

COMMISSIONER HESBURGH: Certainly.

MRS. BARBA: Thank you.

COMMISSIONER HESBURGH: Go ahead, Senor.

MR. DOMINQUEZ: On September first, Sunday morning, at about 12:30 -- approximately between 12:30 and one o'clock in the morning, my son and daughter and niece had been invited to a dance which they were at, and I had received a call at approximately that time from him, from the dance. I don't know from where.

Anyway, I was seeing T.V. at home and I answered the phone and he said, "Daddy, come and pick us up. The police are picking us up and a lot of kids and taking them in."

So I hung up right away and I went and woke up my wife, and I woke up my son -- his name is Jess also -- and I said, "Well now, we have got to get a ride." I had no

1 transportation. So we were across, not across, but right
 2 next to us is a neighbor's car, and by the name of Erlinda
 3 Muzrietta. And we asked her for a ride and she said yes, she
 4 is willing to give us a ride because her son was there at the
 5 same wedding dance that night.

6 So she said, "Mr. Dominguez, would you take the car?"
 7 She said, "I'm too nervous to drive." And I said, "Yes, I
 8 will do that."

9 So I drove the car all the way up there. And we
 10 were getting near there, I saw a lot of squad cars.

11 COMMISSIONER REINOSO: Where was that, Mr. Domin-
 12 quez?

13 MR. DOMINQUEZ: The dance, it is on North Broadway.
 14 I don't know the address. And I stopped the car, there was a
 15 lot of police and a lot of people there. So I told my wife,
 16 I said, "You stay on this side and start asking for the kids,
 17 for the children, and I will go on the other side and I will
 18 ask over there."

19 MR. REINOSO: How many police officers were present?

20 MR. DOMINQUEZ: Approximately, I say between ten and
 21 fifteen, or more, more or less. And when I crossed over there
 22 I went to the car -- when she said I was go and I crossed and I
 23 started asking on the other side for my children and nobody
 24 knew them, finally a kid came along and all dressed up and
 25 tapped us on the shoulder and said, "Are you looking for Mario?"

1 And I said, "Yes."

2 COMMISSIONER HESBURGH: Who is Mario?

3 MR. DOMINGUEZ: My son.

4 COMMISSIONER HESBURGH: What is your daughter's
5 name?

6 MR. DOMINGUEZ: Rachel. Mario turned barely 18,
7 and Rachel was 15 then.

8 COMMISSIONER HESBURGH: What is your niece's name?

9 MR. DOMINGUEZ: Margot Vargas.

10 COMMISSIONER HESBURGH: How old is she?

11 MRS. DOMINGUEZ: Same age as my daughter, she is
12 now 16 in November.

13 COMMISSIONER HESBURGH: Okay.

14 MR. DOMINGUEZ: So I asked the fellow that tapped
15 me on the shoulder and says, "Do you know where they took him?"
16 And he said, "No, I don't know."

17 We don't know which police station. He said, "Why
18 don't you ask one of these policemen there." So there were
19 a lot of police but there was a car cruising by, squad car,
20 so I hollered at him and I said, "Hey." He stopped, he said
21 "Yes?" I said, "Can you tell me where they took my daughter
22 and son?" And he answered me, he said, "We don't have any
23 time for you Mexicans." So I said, "Wait a minute, all I'm
24 asking is where are my son and daughter. You should know what
25 police station they are in." And the other guy answered, said

"Get away from here you dirty Mexican."

So I got a little excited and said, "Why you dirty no-good cops," which I did answer that. And the policeman on the right-hand side, he immediately got out and opened the door and said, "Get in."

I said, "For what?" And he said, "Get in." And I said, "For what?" And he said, "You better get in or I'll crack your skull."

So I went toward the door and then I heard the other policeman, the driver say, "It is a good idea. Get him in and we will take him to Blyssan Park and give him a good going over and turn him loose."

When I heard that, I backed out real fast. And he told me again, he said, "You better get in, or I'll crack your skull." And I said, "No, sir, not after what I heard I won't get in."

And I asked him, "Now am I under arrest?" And he didn't answer. He just said, "Get in." He just said that he wanted to get in -- for me to get in, but I said, "No."

And he didn't say whether I was under arrest or not. So I backed out as far as I could away from the car and he followed me. Before I knew, he hit me on the head and I started bleeding right away, and I was all bloody and messy.

And the other guy came around and he started hitting me on the back and on my head. At that very instant I pulled

out a little bar, it is about nine inches long, approximately, and it is a square inch thick. This I knew for a fact, because I made those two bars myself.

So I pulled it out and I told him, "If you are going to hit me for nothing, I am going to protect myself."

MR. REYNOSO: What is the bar made out of?

MR. DOMINGUEZ: It is solid iron. And I put the bar over my head, because they were hitting me over the head. And the guy, one of the guys backed out right away, and he said, "You better drop it."

And at that moment I had my hand here, and I had the bar here, and both guys backed out, both cops, and they said "You better drop it," and I said, "No." And he said, "Drop it or I will kill you," and I said, "No."

He said it again, "Or I'll kill you," and I said, "no." I said, "You're going to have to shoot me, because I'm not going to drop it."

And he put his gun back again and before I knew it those two guys were on top of me hitting me. I seen a lot of cops running in towards me from all sides. So I ran from there to this little spot over to the middle of the street, and they circled me and they made a circle out of me, and they took turns hitting me.

And I was so bloody and messy I couldn't see. It was so thick I was completely puffed up and my clothes were

all soaking from blood. So I ran from that street towards the hamburger stand. And on my way over there I seen a Chicano police come towards me and I asked him, I said, "Get some of these guys off my back," in Spanish.

He answered in Spanish and he whacked me another one.

So I said, "Boy oh boy." So I was running towards the hamburger stand; there were three more cops waiting for me and they got ahold of me and I couldn't see where I was going, and I could see enough to run.

MR. REYNOSO: Did you at that time have blood flowing?

MR. DOMINGUEZ: Oh, yes, I was a bloody mess. I was all blood. And there the guys got ahold of me right away, and put my hands on the back and handcuffed me.

And soon as the other guys got me it didn't take them a minute, and they threw me on the floor like that. Like a sack of potatoes. And then they started kicking me and hitting me. And two guys were holding me, and this same two guys that was holding me, one held me and spread my legs and another guy came in with a baton and whacked me in the middle.

MR. REYNOSO: How many officers were there?

MR. DOMINGUEZ: About 15 or more; approximately.
And when --

MR. REYNOSO: The stroke was to hit your private parts?

MR. DOMINGUEZ: Right. On my private parts. And I

1 felt a real sharp pain go through my stomach and up my head
 2 and I thought I was going to faint, and I felt so sick in my
 3 stomach that I gave up. I wasn't struggling. I couldn't
 4 struggle. I felt like I was going to faint, because I felt
 5 very dizzy.

6 And they picked me up after they got through kicking
 7 me. And I heard some of the guys calling the ambulance. And
 8 the two cops that I talked to at first, the ones that I
 9 stopped, said, "No, let us take him."

10 And they said, "No, call an ambulance." And they
 11 said, "No, let us take him." And finally they let me loose
 12 with these two cops.

13 And then, when I was in the car they got in the car
 14 and instead of taking me to the hospital they drive me to the
 15 Elysan Park.

16 MR. GLICK: These officers were in the Hollenbeck
 17 station?

18 MR. DOMINGUEZ: Up to now I don't know.

19 COMMISSIONER FREEMAN: Do you know who they are?

20 MR. DOMINGUEZ: No.

21 COMMISSIONER FREEMAN: You don't have their names?

22 MR. DOMINGUEZ: I don't even know their names. For
 23 sure I don't know any of them.

24 COMMISSIONER GARCIA: When did that happen?

25 MR. DOMINGUEZ: September first.

COMMISSIONER HESBURGH: They took you to Elylsan Park. Then what?

MR. DOMINGUEZ: On the way there one was driving and one was on the back with me, on the back seat, and on the way up there he hit me with the baton, and he kicked me and he made a fist and hit me on the face, eye, nose, everything -- every place he could find a place, and got the baton and poked my ribs.

And finally we got to Elylsan Park and then they stopped the car, and one guy held me by the hair like this, and against the front seat, when the other guy got the baton and hit me on the back of the head here, and then he still -- I was still being held down by the hair, and he socked me, kicked me, and he asked the other guy when he got through, after he got tired of it I guess, he asked the driver, he said, "Do you want to take over," and he said, "Yes."

And they changed places and he did it, and did the same thing to me. And finally he said, "We don't want to kill this guy, we better take him to the hospital."

And they drove to the hospital. On the way, while they were driving over, one of the officers said, "Well, we have to bring up a charge." They expressed it in a different way -- they wanted to pin something on me -- and the guy said, the other officer said, "Well, we can say he was drunk." And the other officer answered, said, "No, because people seen him

and he wasn't drunk."

So then the other officer said, "How about a narc?"

And the other officer answered, "Yes," and he said, "It's a

good idea, we can pin it on him."

So this guy behind that was with me started jabbing something on my hand there. He made a hole there. And I felt the pain when he first opened the skin there, and he kept on jabbing and jabbing there. I didn't know what it was. I couldn't see, because I had my hands behind like this.

MR. HUNTER: Do you know why he was jabbing you?

MR. DOMINGUEZ: No, I don't.

COMMISSIONER GARCIA: Do you know why? What he was trying to do by jabbing you?

MR. DOMINGUEZ: No.

COMMISSIONER GARCIA: What do you think he was trying to do to you?

MR. DOMINGUEZ: Well, I imagine -- this is my imagination, of course -- and maybe he was doing something, injecting something, I don't know.

But anyway, blood was running over there. And they took me to the White Memorial Hospital. And there they got me out of the car and they laid me on the bed, table, and while the nurse was cleaning me up, these two cops got ahold of the doctor, took him to the room and talked to him approximately a good 10 or 15 minutes or more, something like that.

1 and when they came out I heard the doctor say, "Don't worry,
2 we will have it all fixed up."

3 So the doctor then came to me and said, "Mr.
4 Dominguez, this is going to hurt a little. I'm going to have
5 to sew you up a little. It's going to hurt." I didn't much
6 care if it hurt or not.

7 He went ahead and stiched me up again. Then he got
8 me back to the car and they drove me to the general hospital
9 which is a county hospital in Los Angeles, and on my way up
10 there when we got to the general hospital, I felt real numb,
11 and I felt my waist, from the waist on down, like I had
12 nothing. I was just like a rag. I couldn't sit upright or
13 stand up.

14 So when we got to the emergency exit of the general
15 hospital they told me to get off and I couldn't make it. And
16 I tried to get up and I couldn't. So I didn't make it, and I
17 fell down to the ground, to the floor, and they started kicking
18 me and said, "Get up out of there, you dirty Mexican," and I
19 couldn't get up, and they kept on kicking me until a colored
20 guy came out of the hospital and said, "Can I give you a hand?"
21 And they answered, "Yes, bring him a wheelchair."

22 So he brought in a wheelchair and these two cops
23 got me off the floor and set me on the wheelchair and drove
24 me in and drove me up the elevator to the 12th or 13th floor.
25 And there I was supposed to be seen by a doctor.

And this doctor came out and just opened my eyes like that, just looked in with the flashlight and he said, "He's okay. Go ahead and book him."

So they brought me down again, and they took me to I think central receiving, it's supposed to be a jail, and yet it's a hospital -- infirmary, I guess they call it, an infirmary.

And I was still in the wheelchair. When I got up there they opened the cell and locked it and on my way in I heard one of the officer say, "Oh, no, another Mexican." He said, "Look, whenever you hit another Mexican," he said, "go ahead and do what you do with him, kill him, but leave him out there, don't bring him here and add one more. Shoo him and kill him and leave him out there anywhere."

And they took me inside anyway. And I said to myself, "I will never forget this." And when they took me inside they took me to a doctor. A colored guy was a doctor and another one was a white one, and the colored guy insisted that I was sick, so he said, "This man is awfully sick. He has got to be watched every minute."

He said something about being kept watch on, anyway, and the other guy said, "No, hell no."

So anyway, they argued back and forth. Finally I was taken to some X-ray rooms and I was given an X-ray on my head and stomach and ribs. And from there they took me

downstairs. There they took some pictures of me, and I was brought up again.

MR. BEWOSO: That is while you were still in the wheelchair?

MR. DOMINGUEZ: Yes, and I was taken into a room by itself where I was locked in. And there I was strapped down on a bed. So I laid there strapped in the bed since Sunday 4 o'clock, approximately 4:45, something like that, and until Monday, I would say about 12:00 they came and gave me a plate of dinner.

And I was so swollen up that I couldn't chew. I couldn't do anything. And I told one of the guys, I said, "Listen, can you give me something to swallow instead of something to eat?" He said, "You eat it or you starve."

So I said, "Okay."

But there was another guy, an epileptic, had seizures, and he was given juice, and he said, "Listen there, Mr. Dominguez, you can have my drink." So he gave me his juice and he ate my food.

And I was -- I had terrific headaches and I was in pain all over. I couldn't hardly walk, and I told the nurse when she usually come there and give medicine if I could have a couple of aspirins. And she said, "No, if you do you have got to see the doctor, and it has got to be approved by them. I can't give you nothing."

1 So finally she consented and she gave me a couple
2 of pills, aspirins. And that Monday I was taken to another
3 room, I was released and taken to another room where I wasn't
4 strapped any more and given me a bed and I had no shoes --
5 just a gown.

6 And they told me that I had lost my shoes, and I
7 know that my shoes and my shirt and my pants were all taken
8 off right there, and I don't know what happened to them.

9 Anyway, after they had given me on that room, they
10 called me one night on a Monday, I called my wife and I told
11 her where I was and she went over and seen me and my brothers,
12 and then they said they would get a lawyer for me.

13 So that same night, Monday -- Tuesday, I believe I
14 was -- and the next day, that is Wednesday, I don't know the
15 name of this other guy's lawyer -- it was Tuesday. I forgot
16 his name --

17 MR. REYNOSO: Mr. Seymour Mantex.

18 MRS. DOMINGUEZ: I called and he said he would look
19 into it.

20 MR. DOMINGUEZ: He said he wanted me to talk and
21 tell him the story, and I told him the story how it happened.

22 MR. REYNOSO: Was that while you were still in jail?

23 MR. DOMINGUEZ: Yes, I was still in jail. And he
24 didn't say anything, he said, "Don't worry about it." So I
25 just went back and they took me back up there to the room.

1 And then now that same night, Tuesday, I was
2 called about 12:30 at night, that they had found my shoes,
3 Tuesday or Wednesday, I don't quite remember. Anyway, they
4 said that they had found my shoes. They wanted for me to go
5 downstairs and pick them up.

6 So I said "Okay."

7 COMMISSIONER GARCIA: Who called you?

8 MR. DOMINGUEZ: Sheriff comes up and gives you --
9 a person gets up there and he has got a badge and he goes up
10 there and tells you that "I want you, Mr. Dominguez," and
11 this person, and he calls who he wants.

12 He said, "Mr. Dominguez, I think they found your
13 shoes and they want you to go pick them up. I said, "Yes,
14 okay."

15 So I went downstairs and they told me sit down here
16 and wait here, and then they started fingerprinting me and
17 took my fingerprints and also they took all -- Oh, they asked
18 me questions and I asked the guy, "Wait a minute, you told me
19 I was going to get my shoes, and you brought me here under
20 false pretenses."

21 He said, "I don't know anything about it. They told
22 me to get you here," and another sheriff told him, "Why didn't
23 you tell him the truth?" And this sheriff said, "Don't
24 worry, Mr. Dominguez, the L.A. police want to talk to you.
25 This is why you were brought down here. We couldn't get you

down no other way."

So I said, "Okay." I was there anyway:

So I waited until the L.A.P.D. got there, and they were getting the camera ready, and then I said, "Who is that for?" And they said, "That is for you."

And I waited until the L.A.P.D. got there and they took face and different sides and they took twelve snaps, I counted them, and I said, "How come the pictures? You took pictures of me when I came."

And they said, "Yes, but they got lost."

So then the police, L.A.P.D. wanted me to take off my shirt and see all of my bruises. I said, "No, this is far enough. You took my picture, and, no, nothing else until I see a lawyer."

And so then they took me to a detective and he said, "Sit down there, Mr. Dominguez," which I did, and the police started asking me questions. I said, "I'm not going to answer nothing, absolutely nothing, until I see a lawyer. I don't know nothing."

And he asked me, "Do you know your rights?" I said, "No." So he read them to me in English. I said, "I don't understand English." I told him just like that. He said, "I will read them to you in Spanish," which he did.

And then he proceeds with asking me more questions. But I didn't answer any of them. He said, "Well, that's the

1 way it is."

2 So he wrote something in there and then he called
3 all the sheriffs, approximately, sheriffs, there were about
4 five or six sheriffs there and he said, "I want all of you
5 guys as witnesses." And he got everybody's name there, and
6 then they took off the film of the camera and handed it to
7 him, the L.A.P.D., and they asked the Sheriff, he said,
8 "Where can we get this developed right away?"

9 And the Sheriff said, "We have a place of our own,
10 or you can take it to a private place." And I was hearing
11 all of this, and I was right there with them.

12 And they said, "Well, we will see."

13 So, I don't know which place they went to. Anyway,
14 the next morning I got released, but before I got released
15 they called me and they said, "Mr. Dominguez, you're going to
16 be released this morning."

17 I had just gotten back to the bed and they called
18 me and told me I was going to be released before they took
19 me to the courthouse.

20 And there I was told of what I was charged with, and
21 what it would cost me to have my bail set up, how much it was.
22 They said I was charged with a felony on two counts, and my
23 bail was set up to \$3,250. So they took me back to the jail,
24 and then I was -- my wife, she was waiting for me outside, and
25 I was told that before I was released I was supposed to sign

1 a paper saying that I had authorized the sheriff's department
2 to do as they wish with my clothing, and shoes, and I said
3 this I will not sign because I didn't give you an authoriza-
4 tion from me to do away with my clothes.

5 I want my clothes and I want to find them now. And
6 they said, "Mr. Dominguez, if you want to get out, you better
7 sign it." I said, "I won't sign it."

8 So, by the time they told me, "Go sit way down on
9 the back" and there were guys going in and out and signing
10 those papers, they were going out, and everyone of them went
11 out.

12 -- Approximately -- I was called that morning about
13 five o'clock in the morning, and I stayed there until nine
14 o'clock in the morning before they released me.

15 Finally a guy there, he was a trusty, he said,
16 "Mr. Dominguez, don't believe anything they say, because they
17 have got your clothes in a plastic bag." He said, "I know
18 it." He said, "If you want to be released, ask them for a
19 claim paper," which I did.

20 The sheriff came back and -- he had asked me before,
21 he said, "Do you want to sign this?" and I said, "No." So
22 finally he said, "Well, if you want to put a claim in for
23 your clothes, you can do that."

24 He got a sheet of paper and he put -- he said, he
25 asked me what color the pants, size, pants and shirt, pants,

1 what color they were and he wrote it down and how much I
2 had paid for them.

3 ----- And then he said, "Now, Mr. Dominguez, you have to
4 sign this." And again it stated that if the sheriff's depart-
5 ment had not located my clothes within six months, that they
6 could do away with them. That I couldn't have anything
7 against them.

8 He said, "This you have to sign on your way out."
9 This was attached to the paper, so I signed it finally. And
10 my wife was waiting for me outside, Mr. Rodriguez and Mr. and
11 Mrs. Mound.

12 As soon as I got outside they took me to a private
13 doctor which is located on First Street. They call it Central-
14 no, First Street Medical Center. And there I was also X-rayed,
15 and the doctor seen me and the doctor also asked me for my
16 story, which I gave him the same story, how everything had
17 happened.

18 And then from there I went home. He told me to come
19 back the next day. I don't remember what day it was, Saturday
20 or Friday, and I guess I never did get to go back, because
21 the last I remember I was just sitting down watching T.V. and
22 when I woke up I woke up in the Veterans Hospital. My wife
23 knows that part, from there on. So she would be best to tell
24 you.

25 MR. REYOSO: Can I ask you a few questions? Had

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you ever been arrested before?

MR. DOMINGUEZ: Never.

MR. REYNOSO: Never in your life?

MR. DOMINGUEZ: Yes.

MR. REYNOSO: First time?

MR. DOMINGUEZ: First time. This was my first arrest.

MR. REYNOSO: When were you allowed your first phone call when you were in jail?

MR. DOMINGUEZ: I was there Sunday. Monday was a holiday.

MR. REYNOSO: Had you asked to make a phone call previous to this?

MR. DOMINGUEZ: Yes.

MR. REYNOSO: And had been denied?

MR. DOMINGUEZ: Yes. I had been denied.

MR. REYNOSO: Please explain why you had that small bar of steel you described, and where you had it, where you had it before you had it in your hand?

MR. DOMINGUEZ: Concerning this steel bar, I had been a mechanic for approximately 15 years, and I worked used to work pretty regular on automatic transmissions and in order to press in and out some bushings on your transmissions you have to use a hydraulic jack. It is a small jack, so I don't need a large bar, I made a nine inch bar which I grab

1 and pump it and press out the bushings of the transmission.

2 And then, with the same jack, I could press the
3 same, new busing, in. So this was the purpose of making those
4 two bars.

5 I made one bar for the jack, and they were all mashed
6 at nine inches, because I didn't need a longer bar. And the
7 other one I had made for myself, for this purpose, for I
8 usually close at night and open at eight o'clock in the morn-
9 ing, and sometimes I go into two, three o'clock in the morn-
10 ing to work on cars and by that time I had maybe \$60, \$70
11 or \$100 with me in my pocket and I walked home.

12 So I made this for the purpose in case anybody
13 assaulted me or gave me trouble, wanted to take my money
14 away.

15 MR. REYNOSO: Had there been assaults about that
16 time?

17 MR. DOMINGUEZ: Yes. Previously there was a lot
18 of people being -- quite a few I would say have been assaulted
19 and especially an old man that I do know, which they took
20 away from him, I think it was about \$150. And it usually
21 happens on the alley, and my garage was on an alley, close to
22 the alley, and I didn't want to take a chance of being robbed
23 after a hard day's work.

24 MR. REYNOSO: How long ago was that before this
25 incident?

1 MR. DOMINGUEZ: That was about five years ago. I
2 made the little bar five or six years ago.

3 MR. REYNOSO: And you made a habit of carrying that?

4 MR. DOMINGUEZ: Ever since, and I always carry it.

5 MR. REYNOSO: Do you carry it in your pocket?

6 MR. DOMINGUEZ: In my pocket on this right-hand
7 side, I always tear the top of the inside and I put the bar
8 in between on the right side, but under by belt.

9 MR. REYNOSO: You had carried that for your pro-
10 tection?

11 MR. DOMINGUEZ: Right, for my protection all the time.

12 COMMISSIONER GARCIA: Let me ask you one question.
13 You say when you left the Los Angeles -- was it the county
14 police station, the one tall building?

15 MR. DOMINGUEZ: The central jail.

16 COMMISSIONER GARCIA: They told you that you were
17 charged with two felonies and what else?

18 MR. DOMINGUEZ: Well, two counts on felony, and
19 resisting arrest, and what did they call this -- assault with
20 a deadly weapon.

21 COMMISSIONER GARCIA: Those are the two felonies?

22 MR. DOMINGUEZ: Yes.

23 COMMISSIONER GARCIA: Did they mention anything to
24 you about narcotics?

25 MR. DOMINGUEZ: Not at that point, but I think --

1 they never did mention it up to then, no.

2 COMMISSIONER GARCIA: All right.

3 COMMISSIONER HESBURGH: Mr. Dominguez, would you
4 like to continue now?

5 MRS. DOMINGUEZ: Shall I start with --

6 COMMISSIONER HESBURGH: With the television set.

7 MRS. DOMINGUEZ: Okay. My husband woke me at I
8 would say approximately one o'clock, something like that, and
9 he told me, "Hon, wake up, wake up."

10 MR. DOMINGUEZ: When I was watching T.V. He means
11 when I went to the hospital.

12 COMMISSIONER HESBURGH: You see, he came back after
13 seeing the private doctor. He went home. He said he was --

14 MRS. DOMINGUEZ: I see.

15 COMMISSIONER HESBURGH: -- he was watching T.V. and
16 woke up in the hospital.

17 MRS. DOMINGUEZ: I see. I didn't understand. It
18 was about, I would say it was -- he came out Thursday --

19 COMMISSIONER HESBURGH: What was the date on that?

20 MRS. DOMINGUEZ: He came out Thursday. It was the
21 seventh.

22 COMMISSIONER HESBURGH: Okay. All of this began
23 on the first?

24 MRS. DOMINGUEZ: Yes.

25 COMMISSIONER HESBURGH: Fine.

1 MRS. DOMINGUEZ: Well, previous, the day before he
2 had gone to a doctor, was on a Friday, the Thursday we took
3 him out and Friday again, he went back because he couldn't
4 keep nothing in the stomach, and throwing up, and he had
5 given him some pills for this.

6 But he was still feeling real dizzy, and bad from
7 the stomach and he kept throwing up. And I told him go back
8 to the doctor and ask him for something else, because this
9 is not helping you, this pills.

10 COMMISSIONER HESBURGH: Mrs. Dominguez, I think that
11 we are mixed up on the dates. This began on a Sunday night,
12 which was the first. So the first -- Thursday couldn't be
13 the 7th.

14 We want to get this from the time -- in other words,
15 he was picked up Sunday night, and he was in the hospital
16 Monday, Tuesday, Wednesday and Thursday, as I recall the story.

17 Now, Thursday he went to the private doctor and went
18 home.

19 MRS. DOMINGUEZ: Yes.

20 COMMISSIONER HESBURGH: So that Thursday would have
21 to be the fifth.

22 MRS. DOMINGUEZ: Yes. That is what I mean, the
23 Friday, the following day.

24 COMMISSIONER HESBURGH: That is the sixth.

25 MRS. DOMINGUEZ: I'm talking about what he gave him

1 and had to go, he had to go back. He went Thursday to the
2 doctor and Friday, and then Saturday night I went to fill a
3 prescription from the previous day.

4 ~~COMMISSIONER HESBURGH: Saturday would be the seventh.~~

5 MRS. DOMINGUEZ: Yes. Well, I went to fill his
6 prescription at the drugstore and when I returned, it must
7 have been maybe around two o'clock or so, in the afternoon,
8 and I found him; my sister came over and met me walking home
9 from the drugstore, so she picked me up and we went home.

10 And as we went home my sister told my husband,
11 "Hello, hi, compadre," and he didn't answer. He didn't
12 respond to her.

13 And so did her husband, which is my brother-in-law.
14 He said, "Hi, compe," and he still didn't respond.

15 So, well I didn't think nothing right away, because
16 he used to go to sleep and he was still sick and he was going
17 to sleep. She told me, "You know, Jesse is sick." He didn't
18 respond. She said, "We moved him and moved him, and we went
19 back to wake him up, because I think he is sick" and I went
20 back and tried to wake him up, and he wouldn't wake.

21 He said, "You know what? I think my compe is in
22 a coma," and she said, "Hurry up and call the doctor or call
23 the ambulance."

24 So what I did, I called the doctor. On First Street
25 there was a Dr. Harris which had seen him there, and I called

1 him and he wasn't there, so then Dr. Furth, she's there at
2 that clinic, and she answered, and I explained to her how my
3 husband was.

4 So she told me to take him right away over there.
5 And I said he was too sick to take him in a car. She said,
6 "Hurry up and just bring him over."

7 So we took him in the car and he was so heavy, but
8 we finally got him in the car and took him in my brother-in-
9 law's car and we took him over there.

10 And, well, the doctor was busy with another patient,
11 so finally she came up to him and kept waiting there, he was
12 still in a coma, just limp, and couldn't wake up.

13 So I kept walking back and forth, and finally the
14 doctor comes and saw him and she said, "This man is very sick."
15 She says, "My gosh, what happened?" and I told her that the
16 policemen had beat him up.

17 So I told the story and she asked how it had happened
18 and I told her the story, and she said -- then she called
19 another doctor, I don't remember his name, a man doctor, and
20 she called him and said, "Come here, I want you to see some-
21 thing."

22 And the other doctor, she asked me before that if
23 he had been normal in the head and what was wrong and what
24 sickness he had. And I said, "Yes, he is a pretty normal
25 man." I mean he is normal before that.

1 So she said, "Come here," and told the other
2 doctor, "Come here and see what they do to a normal person,
3 ~~the policemen.~~ And the other doctor comes and takes a look
4 and he didn't say anything.

5 So she order right away, she called a certain neuro-
6 surgeon doctor, because she wanted to -- so the neurosurgeon
7 doctor would come and see him.

8 And she couldn't get ahold of a neurosurgeon doctor.
9 So she told me she was going to send him to the general
10 hospital, and I said, "No." I didn't want him taken over there,
11 because they had abused him once before, and I was afraid.
12 So I told him to send him to another hospital and a private
13 one.

14 She said I could send him to this hospital, Commun-
15 ity Hospital. She said-- I said, "Well, yes, I would like
16 for, would prefer Community Hospital because it is a private
17 hospital."

18 So they took him over there. She ordered an
19 ambulance and took him over there in an ambulance, and right
20 away they took him in and put him in oxygen. They gave
21 medical treatment, I don't know, oxygen and intravenous, I
22 don't know what they put there, but they had needles and after
23 that he still wouldn't come to.

24 She kept trying to wake him up. Finally he did,
25 he came through, and he talked a little. And he told me of

1 what we had gone through in the previous morning, things
2 that he put the T.V. on, and all. So finally, he said we
3 waited there and waited, deciding where they were going to
4 send him. And I said why don't they send him to the Veterans
5 Hospital, he had been there before, and it would be easy for
6 him, that he had been a patient before.

7 So she did call an ambulance and because it is
8 outside of the Los Angeles area we had to pay for this ambu-
9 lance. I had to pay, I paid \$45 which I had a welfare check
10 which I had just received and just cashed it and I did have
11 the money then.

12 So I did call the ambulance and they took him to
13 the Veterans Hospital.

14 COMMISSIONER FREEMAN: The Veterans was a private
15 hospital?

16 MRS. DOMINGUEZ: Yes, Veterans at Chatworth.

17 COMMISSIONER FREEMAN: Is this public?

18 MR. DOMINGUEZ: Yes, they do have public --

19 MRS. DOMINGUEZ: That's right, they did pay for the
20 ambulance. No, I know I paid for it, that was the second
21 time --

22 MR. MONTEE: Within the city limits they will
23 carry people. Veterans Hospital is outside the city limits.

24 MRS. DOMINGUEZ: They do, because the following time
25 he did have another attack, I don't know, he started shaking

1 About a month after.

2 - COMMISSIONER HESBURGH: You got him to the Veterans
3 Hospital. How long were you in the Veterans Hospital?

4 MR. DOMINGUEZ: About two weeks.

5 MRS. DOMINGUEZ: He went in the 7th and when we
6 took him there they took -- Dr. Furth told me that she had
7 talked to Dr. Finbun, she said he would be waiting, because
8 she had already told him about Mr. Dominguez. He would be
9 waiting there at the hospital.

10 So, soon as we arrived there, he was there waiting.
11 And they took him in a room, and they said that they had to
12 take him for X-rays. So I stayed there to wait there and they
13 admitted him and would take him to X-rays.

14 I don't know what they did.

15 COMMISSIONER HESBURGH: He was there for two weeks?

16 MRS. DOMINGUEZ: And checking his blood, and then
17 from there, the doctor told me -- he met me again, this
18 doctor, and he said, "Mrs. Dominguez, you have to go upstairs
19 and we have to take your husband upstairs." They took him
20 up to -- I don't know what the floor number is, but they took
21 him upstairs and he was still in a coma up there.

22 So the doctor kept trying to wake him up and he
23 wouldn't wake up. So he said, "Well, I will see how he
24 responds in the morning. I think I will go home."

25 But he goes back to my husband and he says he

1 looks like he was snoring, he wouldn't wake up, he tried to
2 wake him up, and he said, "Mrs. Dominguez, your husband is
3 very serious, he is in a very bad coma, what I have to do is
4 make him four holes, make him four holes and put in some
5 to see in his -- what is that?"

6 COMMISSIONER HESBURGH: They wanted to check his
7 brain.

8 MRS. DOMINGUEZ: He said, "We could do it through
9 the throat, because it is late, and we have to drill four
10 holes in the top of his head because it is an emergency."
11 And then he said, "But you better sign some papers because
12 I think we are going to have to give Mr. Dominguez surgery
13 right away."

14 MR. GLICK: Mrs. Dominguez, have the officers who
15 are responsible, or people from the station, ever come to
16 the house and talked to you about this case?

17 MRS. DOMINGUEZ: No, never.

18 COMMISSIONER FREEMAN: Do you know who they are?

19 MRS. DOMINGUEZ: No, I don't.

20 COMMISSIONER FREEMAN: You don't have their names.
21 Do you have any way of identifying them at all?

22 MRS. DOMINGUEZ: Yes, I have the names of the ones
23 that are -- I don't know if they are the ones hit him or the
24 ones that are against, or witnesses against him. But I have
25 some names.

1 MR. GLICK: Are the L.A.P.D.?

2 MRS. DOMINGUEZ: L.A.P.D. Because the arresting
3 paper, they arrested him, they put L.A.P.D. arresting officer
4 so I don't know who they were.

5 MR. REYNOSO: They did say the arresting officer?

6 MRS. DOMINGUEZ: This I got from the lawyer. And
7 also one of the badge numbers that a witness got was 4735.

8 MR. REYNOSO: That was at the scene when your
9 husband was first arrested?

10 MRS. DOMINGUEZ: Yes.

11 COMMISSIONER FREEMAN: Have you checked that badge
12 number against a name?

13 MRS. DOMINGUEZ: No.

14 COMMISSIONER FREEMAN: Has anybody done it for you?

15 MRS. DOMINGUEZ: No. Not that I know of. I don't
16 know if the lawyer -- I gave it to the lawyer.

17 COMMISSIONER HESBURGH: I think that we have the
18 story substantially now, and what I would like to suggest is
19 that we get it written up, and our staff can send you a copy
20 so that you can sign and correct it in case it isn't correct.

21 MR. DOMINGUEZ: Also we received some telephone
22 calls, I have received personally a threatening phone call.

23 MR. REYNOSO: From whom?

24 MR. DOMINGUEZ: This I don't know.

25 COMMISSIONER HESBURGH: What do they threaten?

MR. DOMINGUEZ: They say Mr. Dominguez, well we will get you yet. And we have seen police cars going right through that street which they have never done before, two, three times a day.

And some guys, two white guys, I know this much, because I have seen them myself right in front of my door of my yard. It is still going on, and they have been molesting me.

I have been awake all night. We don't sleep, somebody guards the house.

MRS. DOMINGUEZ: We sleep certain nights.

MR. DOMINGUEZ: Four, five o'clock in the morning.

COMMISSIONER HESBURGH: Let me check in with my staff. It seems to me the proper procedure is to have this typed up as a record, to have you check it, and send it back registered mail, that you checked it, and that you say this is what you said. We want to make sure that we have it straight, and then I would guess the next thing we would do is take it up with the Justice Department.

MR. ULFELDER: I think they mentioned the lawyer had obtained the names and the badge numbers of the arresting officers. I don't think that you gave the names.

COMMISSIONER HESBURGH: Give the names that you have.

MRS. DOMINGUEZ: And the lawyer, Ernest V. Shockley,

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MR. DOMINGUEZ: He was the first lawyer that came to see me while I was in jail.

COMMISSIONER HESBURGH: What are the names of the arresting officers?

MR. ULFELDER: And the badge numbers that he said that he got from the arrest report.

COMMISSIONER HESBURGH: Give us the names of the officers and numbers.

MRS. DOMINGUEZ: First officer -- just the name?

COMMISSIONER HESBURGH: The name.

MRS. DOMINGUEZ: First officer, C.W. Carrington. The next one is Robert McGratton.

And the numbers, the first officer's badge number listed Mr. Carrington as 12729. And the next officer is Robert McGratton, on that is 132164.

MR. REYNOSO: You mentioned an attorney's name. Since that time you have seen another attorney, have you not?

MR. DOMINGUEZ: Yes.

MR. REYNOSO: That is Mr. Seymour Mandel you said. Also of Los Angeles?

MR. DOMINGUEZ: Yes.

COMMISSIONER HESBURGH: Now, the name of the woman that runs the stand.

MR. DOMINGUEZ: We have some more officers. Do you want them?

1 COMMISSIONER HESBURGH: Yes.

2 MRS. DOMINGUEZ: E. E. Rice, badge number 3141.

3 The next one is H.M. Breast. And the badge number is 11029.

4 And the next one is J. Martinez. His badge number is 13125.

5 And the next one is Legaday, and his badge number is 12763.

6 And Dr. Hult is also there. Dr. Hult is from the
7 Western Receiving Hospital.

8 COMMISSIONER HESBURGH: Now, the name of the lady
9 that doesn't want to testify and we'd better make that clear,
10 that she doesn't want to testify.

11 MRS. DOMINGUEZ: I don't.

12 COMMISSIONER FREEMAN: While you are looking for
13 that, have you made --- you said that you have had two lawyers
14 Have you given a statement to the lawyers, or to anybody,
15 before today?

16 MR. DOMINGUEZ: Before today?

17 COMMISSIONER FREEMAN: Yes. Have you signed any
18 statement?

19 MR. DOMINGUEZ: Signed a statement, no, we haven't
20 signed a statement for anybody.

21 MR. GLICK: Has a complaint been made to the Federal
22 Department of Justice?

23 MR. DOMINGUEZ: To Federal Department of Justice?

24 COMMISSIONER FREEMAN: Did you say sign it?

25 MR. DOMINGUEZ: No, we have not signed it yet.

1 MR. GLICK: You had one attorney at first?

2 MR. DOMINGUEZ: Yes.

3 MR. GLICK: Did you hire him?

4 MR. DOMINGUEZ: He was supposed to take my case. He
5 was one of my sister's lawyers, and according to my sister
6 I couldn't verify this, this is from her, what she said, that
7 that Mr. Lawyer, whatever his name is, Shockley, that he has
8 been intimidated by the police, that if he would take my case,
9 that he or his family would be hurt, so he dropped out of it.

10 COMMISSIONER HESBURGH: Now, can we have the name
11 of the lady?

12 COMMISSIONER GARCIA: Just one more question. What
13 hospital did you go to first?

14 MR. DOMINGUEZ: What?

15 COMMISSIONER GARCIA: What hospital did they take
16 you to after the beating in the park?

17 MR. DOMINGUEZ: White Memorial.

18 COMMISSIONER GARCIA: This White Memorial, I want
19 you to go there and get your attorney to go there. The
20 hospital has to make an entrance record when you come in. The
21 police have to give the information, it is right there in
22 there, that you can verify and check the officers who brought
23 you there. They have to sign in a register or make a record
24 of you.

25 The nurses have to make a record of you, and that is

where you can pick up the records, Mr. Dominguez.

COMMISSIONER HESBURGH: Do you have the name of the

lady?

MRS. DOMINGUEZ: Juanita Lozoya.

COMMISSIONER HESBURGH: What is her address?

MRS. DOMINGUEZ: I don't have her address. She didn't give me the address.

MR. GLICK: What street corner?

MRS. DOMINGUEZ: She works in the stand there between Avenue 22 and Broadway, and she works there from seven in the evening until four o'clock in the morning.

COMMISSIONER HESBURGH: One last thing that will help nail it down. What was the place where all of this took place, this original beating at the hamburger stand?

MR. DOMINGUEZ: This is on North Broadway and Avenue 22.

COMMISSIONER HESBURGH: 22nd and North Broadway. So the people in the hamburger stand --

MR. DOMINGUEZ: The lady who works that seen the whole thing.

COMMISSIONER HESBURGH: One last question. The Latino cop that you saw, would you recognize him?

MR. DOMINGUEZ: No.

MR. REYNOSO: Did you mention the address of 2209 North Broadway?

1 MRS. DOMINGUEZ: That's the number of the hall where
2 the policemen picked up my kids, and were also choked.

3 COMMISSIONER HESBURGH: What I suggest we do -- it
4 is getting late, and we want to wrap this up -- is, we will
5 get a record made of this as soon as we can get it typed up.
6 What is the booking number?

7 MRS. DOMINGUEZ: 762594(A). Date of booking is
8 9-1-68, 4:55 a.m., and he was charged with 245 Penal Code.
9 I put here charged with assault and battery.

10 COMMISSIONER HESBURGH: Then I assume, Larry, you
11 are in charge of this?

12 MR. GLICK: Yes.

13 COMMISSIONER HESBURGH: You can check the records
14 and see that they get a certified copy so they can sign and
15 say this is what they testified to us on this date in this
16 hotel in this city, and the fact that it was done before
17 myself, Commissioner Freeman and Commissioner Garcis, plus
18 the names of the staff people that were present to hear this
19 as witnesses.

20 You can get their names, and then this should be
21 sent to you and you should just read it to make sure it is
22 accurate and make any corrections that you want on it and
23 sign each page of it so that we know.

24 And at the end say "Received," and sign your name.
25 Then send it right back and we will send you an envelope so

1 that you can send it back registered mail.

2 And then we will, I assume, take it from here and
3 send it to the Justice Department.

4 MR. GLICK: We urgently request.

5 COMMISSIONER HESBURGH: And as far as I'm concerned,
6 and I assume I speak for the other Commissioners, they can
7 answer, we would like words on this, and if you want to use
8 my name as Acting Chairman or whatever, I'm acting as that at
9 the moment. You will get a copy of that letter for your
10 lawyer and that we would like words on this in a hurry.

11 And then the other thing is that if you need any
12 extra words from us, I will be very happy to call the Attorney
13 General or anyone else.

14 MR. REYNOSO: The folks had one more question. They
15 have pictures, the only copy of Mr. Dominguez, but they request
16 permission to submit a copy of this later for the record.

17 COMMISSIONER HESBURGH: That will be fine, and I
18 assume that I am speaking for both of you, that the other
19 Commissioners, that we would like to see some urgent action
20 on this.

21 COMMISSIONER FREEMAN: Yes.

22 COMMISSIONER HESBURGH: We make the same request
23 for the lady that was here before you.

24 COMMISSIONER GARCIA: Correct.

25 COMMISSIONER HESBURGH: For the record, that the

1 three of us, after meeting from early morning until late
 2 evening, heard this at great length, and that we are very
 3 personally concerned, and that we would like to hear what
 4 action is being taken.

5 MRS. DOMINGUEZ: Some other witnesses, young kids
 6 were witnesses. They are afraid to testify because they have

7 COMMISSIONER HESBURGH: In any event I think the
 8 Justice Department has ways of finding out. They will prob-
 9 ably call on you for local investigation, and I would like
 10 to tell you again, I want to ask the lawyers if I'm correct
 11 in saying this, that anyone who comes to us on a matter of
 12 Civil Rights and testifies to us, or anybody else that testi-
 13 fies, if anything happens to them by anybody, including the
 14 police, there is a matter of Federal indictment, and that is
 15 not confidential and you can pass that word around.

16 MR. DOMINGUEZ: When I went to court to hear the
 17 police side, and he brought up a different iron, a rusty iron,
 18 and it has sharp edges, and the one that I had made is only
 19 small, it is about nine inches long, and they had one about
 20 15 or 16 inches long, approximately, I would say. But it is
 21 a lot longer than the one I had made.

22 COMMISSIONER HESBURGH: If necessary you can
 23 duplicate the one that you made.

24 MR. DOMINGUEZ: No, because they are the only ones
 25 that I made.

1 COMMISSIONER HESBURGH: You could make something
2 else like it to show what it was like.

3 MR. DOMINGUEZ: Yes, besides I have proof that I
4 have made those two irons because at that time there were
5 two other fellows who worked in the same business and seen me
6 make them out of this piece of iron.

7 COMMISSIONER HESBURGH: Thank you Mr. and Mrs.
8 Dominguez.

9 (Whereupon, at 10:45 o'clock p.m., the hearing was
10 concluded.)

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Transcript of Proceedings

THE UNITED STATES COMMISSION ON CIVIL RIGHTS

SPECIAL MEETING

(Mrs. Socorro Barba)

San Antonio, Texas

Evening Session

11 December 1968

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NATION-WIDE COVERAGE

THE UNITED STATES COMMISSION ON CIVIL RIGHTS

SPECIAL MEETING

Juarez Room,
El Tropicano Motel,
San Antonio, Texas.

9:10 o'clock p.m.

Wednesday, 11 December 1968

PRESENT:

COMMISSIONER NESBURGH, Presiding.
COMMISSIONER GARCIA
COMMISSIONER FREEMAN

WITNESS:

Mrs. Secorro Barba

ALL SO PRESENT:

Lawrence Glick
Cruz Reynoso
Sam Simmons
Phil Montez
John Ulfelder
Dave Hunter
Richard Alletorre
Louis A. Lopez Diaz
Mrs. Rosaria Dominguez
Mr. Jesus Dominguez

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COMMISSIONER HESBURGH: Do you want to start off Larry?

MR. GLICK: Mr. Chairman, our purpose this evening is to consider some questions of police malpractice in California, particularly in the City of Los Angeles.

We have with us some people who have been victims of police malpractice, a householder and his wife, a lady whose child has been brutally beaten, I am told, by the members of the Los Angeles Police Department, and we wish to undertake to understand this problem.

COMMISSIONER HESBURGH: Could we get all the names. We have all met, but if I could get the names.

MRS. BARBA: Socorro Barba.

MRS. DOMINGUEZ: Rosaria Dominguez.

MR. DOMINGUEZ: Jesus Dominguez.

COMMISSIONER HESBURGH: Do you know all of these people?

I think the simplest thing to do is to let you tell your story as you want to tell it and we will certainly listen and then if we have any questions we will ask them.

MRS. BARBA: November 9, about 1:30 in the morning I received a call from an officer of the Hollenbeck station. He told me that my son was in custody. I asked him for what and he said burglary. I said, no, no, I can't believe when I told him what time did you pick him up? He said 10:20

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And I said, how come you let me know so late, because I only live about a block and a half from the police station.

So he told me, he said, Mrs. Barba your son had an accident, and then I started crying. And he said, don't worry about it it is a small cut, he fell down and he has a small cut on his head. Can you come and pick him up.

I said, I will come over right away, and I went to the police station and I picked up -- I went there and I told him who I was. They brought my son -- then they brought my son. He told me, Momma, the officer beat me up. I told him, shut up, I scolded him and took him home.

On the way home he told me, Momma you don't believe me, I don't do nothing wrong, I only ran because of surfers and they beat me up. So I kept scolding him, and I put him to bed.

COMMISSIONER NESBURGH: Could I break in? How old is he?

MRS. BARBA: Thirteen years.

COMMISSIONER GARCIA: What is his name?

MRS. BARBA: Salvador Barba.

I put him to bed and I called my mother and I told her what happened. And she came real early, about 6:30 in the morning, and when she came we went to my son's bedroom. When we went in there the sheets were all soaking red in blood. He had a band on over his head which was white in the station and

in the morning it was completely red.

So then I got him -- we put him in the car and took him to White Memorial Hospital. When I got to White Memorial, it wasn't a small cut, it was 40 stitches that he had in his head. So the doctor told me that he had to keep my son there, that they were going to have him in a room.

COMMISSIONER HESBURGH: Could I break in? Did he get these stitches in the police station or in the White Memorial Hospital?

MRS. BARBA: The police officers themselves took him to the station first, then I did.

COMMISSIONER HESBURGH: When you got him he already had the stitches?

MRS. BARBA: Yes. They didn't say it was 40 stitches they said it was a small cut and not to worry about it.

COMMISSIONER GARCIA: Your son was taken to the police station first after the police picked him up?

MRS. BARBA: Yes.

COMMISSIONER GARCIA: But the police took him to the hospital where they put the stitches on him?

MRS. BARBA: Yes.

COMMISSIONER GARCIA: And then they brought him back to the jail, that is when they called you?

MRS. BARBA: Yes.

COMMISSIONER GARCIA: Then you say you took your son

back to the hospital.

MRS. BARBA: Yes, in the morning, in the morning.

COMMISSIONER GARCIA: Because of the excessive bleeding?

MRS. BARBA: Yes, and the pain on his back and his neck.

MR. REYNOSO: Perhaps these can be introduced into the record and passed around.

COMMISSIONER HESBURGH: These will be accepted as evidence.

(Pictures received in evidence.)

MRS. BARBA: When the doctor told me it was 40 stitches -- that was the emergency doctor, you know -- then I began believing my son. So then I went to the house where Carlos Juarez -- he was one of the boys that was arrested with my boy. I went to ask him what happened and he said Mrs. Barba they caught Chuco -- they call him Chuco and nobody knows him by Salvador, and we live there 15 years, and he said Chuco didn't do nothing wrong, it was me and I was fooling around the car and I wouldn't mind him. When the officer said halt, Chuco started running. When they brought Chuco back I was in the police car but they were struggling and Chuco was just limp.

So I told him, where did it happen, and he said

light tower here 2528 Scudder.

MR. WITNESS: Carlos Suarez, age 34 or 35 years, O.C.

COMMISSIONER FREEMAN: 2528 Scudder is where it

happened?

MRS. BARBA: Yes.

Then I went and I talked to Mr. and Mrs. Guillen, they live in the rear. They were not there when the thing happened. But they told me that the garbage cans were not touched at all, and there was nothing -- my boy couldn't have fallen down because the door was not locked and the garbage cans were over. But if you want to talk to somebody who really heard and saw, Mrs. Navora Aguirre and Mr. and Mrs. Richard Salazar.

I talked to the witnesses and got what they heard and saw. Mrs. Navora Aguirre said that she heard fighting in the back. There was a lot of people fighting and she ran from her room to the other room and told Richard, he called the police they are killing that policeano(?). And so they came to the back, and Mr. Salazar says when they came to the back, and Mrs. Salazar, they saw Sgt. Burrell, Officer Burrell pick up the baton, and that he was pulling back his gun on place.

COMMISSIONER FREEMAN: Officer Burrell?

MRS. BARBA: From Hollenbeck. And the plain clothes man was dragging my son and that my son was bleeding a lot on

in the morning, I went to work
and he hit me, and he hit me, and he
I was for the first time in my life
From there they took him to the station
and they did you beat up Chaco. and
and told him shut up and hit him with the fist
a chest. And my son was weak and told him to shut up and
told him to shut up because they already beat him up.

So they took him to the station and they put him in
a little room. When they went to see him the room was full of
blood. So then they took him to the hospital and when
when they went the doctor said how did it happen and they said
the boy fell down trying to run away. And the boy told the
doctor, no, the officers beat me up.

So they sew him up and take him back to Hollenbeck
and I went to pick him up.

Then after I talked to the witnesses I was very mad
and very upset. I went to Hollenbeck station and I demanded
to make a report. So they let me talk to a Sargeant Beckman.
He told me that he was making the report for me. So I gave
him he said all the witnesses that you know, give them to
who can help me, because you better related with the neighborhood
and you can help me get all the witnesses.

So I give him all the names of the witnesses and
addresses and everything. And he said that he was going to help

and they went out there and took everything and they went to the police and they said they couldn't testify or nothing, but he told me that the boy must have fallen right near the house.

So the Italian man told him how many children he had and he said 40. He said, no, you know, because they aren't sharp enough, they are not sharp enough. So I told him that.

So that same night, that same day, I was feeling very depressed and lonely because I had never expected this from the police because I mean every time my kids were arrested I am the first one to take them to Hollenbeck because they know me already. Way before my other kids were boys, they are married, but when they were young and they used to do something wrong I would take them there and they would talk to them and they would talk to me and everything. So I couldn't believe they could do that to me, or to any human being.

COMMISSIONER HESBURGH: How many children do you have?

MRS. BARBA: Five.

So I called Mr. Felix Ontiveras, he is a deputy constable, and I told him what happened and I said I believe it because they are very --

COMMISSIONER HESBURGH: Who is this man?

MRS. BARBA: Felix Ontiveras.

COMMISSIONER HESBURGH: What is he?

MR. BARBA: So he told me that he

was a policeman, but that for some reason

he was following me.

MR. FLEISCHER HESBURGH: November

MR. BARBA: November 11.

They had given my son a little card to go to
Kleinbeck station, so I went there and I met

the detective and they told me Detective Shelburne was

looking for me and I got me -- the same time I met

Carlos, they were waiting to be seen. And

Carlos telling me in front of his mother what happened

and had nothing to do with it and that it was

the car.

So I talked to Detective Shelburne and

what Carlos had told me and he said that he was going to

interview Carlos after me. And that he said, Mrs. Barba,

from your point of view, but have sympathy on the officers,

they have a family. And I blew my stack. I told him,

I only work to support my kids, how come did you have any

sympathy on me.

MR. GLICK: Did you ever talk to the doctor

about your son?

Then after that Detective Shelburne came out in
the hall and called Carlos. I told Carlos that Detective
Shelburne in front of me what you told me because I have a
written statement, my lawyers have it from Carlos that he gave
me that same night, that Sunday night that I said I want you
to write it in writing and he put his address and phone number
and everything in it that my son had nothing to do with it.

So Carlos told Detective Shelburne that my son had
nothing to do with the burglary, that my son was walking
that they couldn't find a party and when they said that my
son ran, because he ran because of curfew.

You know he started sniffing glue and I
called Hollenbeck station at 3:30 in the morning because he
was higher than a kite and they came and took him. He
was sniffing glue for three times. I put him in Hollenbeck
station. Every time I took him I asked for help and they
don't you put him away because I have to work to support my
girl and boy. They said, we can't do that because he has not
committed a crime. A lot of times that is what they told me.

So, see, they provide a probation officer and this
is how my boy kept away from the glue
I have been talking to him and giving him a lot of advice and
Lucy from St. Mary's Catholic Church talked to him.

... relations, an officer by the name of Lavarde(?)
I found out it wasn't no Lavarde but he told me his name was Lavarde, an Anglo officer from
local police station and a colored man, they all got my
statement.

They told me they were going to help me and I said
okay. So the following day was Wednesday, I called
Beckman, and I told him please give me the names of the
officers that beat up my son because I am going to tell the
Governor if I have to go to Sacramento I am going to, because
these officers were still working. The people in the neighborhood
could have seen them working there and I am afraid they might
kill somebody else. I am not afraid for my boy they damaged
him, but what about some other kids.

So I called the Governor, I couldn't talk to him
and I talked to Mr. Bayer(?). And he told me that he would
relay my message to the Governor and that he thought the
Governor would call back. But I thought he wouldn't call but
he called me that afternoon and I told him what had happened
because I told Mr. Bayer that Governor Regan should call me
collect and I would pay for the call, but he paid for it, and
he talked to me. He was real nice and he told me that he was

ing to investigate the case and that I have heard
in a couple of days and I haven't heard

COMMISSIONER HUSBURG: This was November 1964

MRS. BARBA: Yes. So then I went to the
five. When I went there there was a colored
over there. He told me I would have to have a letter
send to the mayor. I was afraid. I wanted to talk to
somebody, I wanted help right away because I didn't want
those officers loose. So I kept in the hall and he walked
to the information desk and when he did that I ran in that
hall. The first thing I saw was a heavy set man, I said
please help me. The officer came back and got me from there
and said if you don't want to go to jail I should go home.

MR. GLICK: Have there been officers around your
house since this?

MRS. BARBA: Yes.

MR. GLICK: Were they in automobiles?

MRS. BARBA: The same officers that hit my son
Chavez and Richards, they have a green Valiant. I don't know
the year. They run around my house and laugh at us because
we started protesting -- all the people in the community
started protesting with me. So last Monday we were walking
from the picket line to a meeting and they were giving a
ticket to a young fellow that had been in the picket line.
I had my niece with me and she is about seven or eight years

... and I couldn't even breathe...
... in the car and...
... It had one of these little...
... left me there for about 45 minutes like...
... five to an hour. So finally the watch told me he...
... the window and I told him if he would loosen them, they...
... were too tight and I have back trouble, so he would please...
... unfasten them, I am not Al Capone, I am not going to run...
... away.

COMMISSIONER HESBURGH: Were these handcuffs...

MRS. BARBA: Yes, they were handcuffs like that.
So he came in and opened the door with a key. He took my...
handcuffs off and he said yes, Mrs. Barba, I will take them...
off because I want to talk to you. And I sat down and got...
a cigarette. See what if I was going out and I was...
tired and I just sat down to see what he had to say, and...
I look maybe this way I got arrested, I can get to talk to...
Captain Gincun, because previous to this I have been trying...
to get in touch with him and he ignores me. He doesn't...
want to talk to me.

I sat in that haul for an hour and forty-five minutes...
the day my son went to surgery, and I never got to talk to him.

didn't know him personally, only the name. I was there, I was in the area.

if they had a lot of publicity. That's all.

Mr. Glick had been in that station before, and he didn't

recognize him, that I seen him in the hall, and he was on

the street and he didn't want to talk to me. When we

we started protesting, we wanted justice, not because we

want violence. They know I am not a violent person. I never

had any trouble.

MR. GLICK: Are officers from Hollenbeck Station involved in cases like this very often?

MRS. BARBA: I am going to tell you what happened

years ago I saw them beat up the Contreras brothers because

it wasn't my business and I am that kind of a person.

didn't even know when Castro -- because I never put the

television on. I work too hard and I clean my house and I

go to bed. Now that he hit me in my backyard, I am seeing

all of this, because now I know what is happening and I

wanted to stop it because this is too much. Look, when the

walkouts came out, some officers from Rembert Station, they

beat up my son but my son had no business in that school.

MR. GLICK: In what school?

MRS. BARBA: In Belmont, that is why I didn't

go to bat for him. It wasn't his fault -- the police had

the right.

... had so ...

MRS. BARBA: No. They're charging him with ...

... has six counts.

MR. REYNOLDS: Of what?

MRS. BARBA: Glue sniffing and one ...

COMMISSIONER FREEMAN: When did you receive the first notice of the charge?

MRS. BARBA: About a week and a half ago. The probation officer gave me all of those charges up until the first time that I myself, I myself had him, you know, I called the police for help.

COMMISSIONER FREEMAN: Do you have lawyers who represent you in Los Angeles?

MRS. BARBA: Yes. Yes, I do.

COMMISSIONER HESBURGH: Who are your lawyers?

MRS. BARBA: A Mr. George Tega, I-re-g-u-a
Mr. Segura --

COMMISSIONER HESBURGH: The third one.

MRS. BARBA: I don't know how you spell it. I think it is K-i-b-i-t-t.

COMMISSIONER FREEMAN: Have they filed any complaints with the Justice Department on behalf of your son?

MRS. BARBA: They have charged him burglary and

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glue sniffing and when we go to court --

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MR. REYNOSO: Have your attorneys got in touch with the Justice Department in Washington?

MRS. BARBA: I think they have because I already signed some papers.

MR. REYNOSO: Is Mr. Segura working for the Western Center?

MRS. BARBA: I don't know.

MR. MONTEZ: He will be here on Friday.

MRS. BARBA: The only reason I come over here because I want to get out of my house. I want justice, I have to live in that neighborhood.

COMMISSIONER FREEMAN: How is your son now?

MRS. BARBA: He is not doing very good. I called this morning.

COMMISSIONER GARCIA: Did you say he went back for surgery first with the cuts?

MRS. BARBA: Because three years ago he had a hernia on the left side, so now he had it on the right side. They kicked him. I am not sure, the doctors said maybe they aggravated it, but he said that he couldn't say whether he had it before or maybe they aggravated with the jerks because my son said while Chavez was holding him like that Richards was hitting him with the baton about six or seven times in his private parts.

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COMMISSIONER GARCIA: Chavez and Richards.

MRS. BARBA: And Burrell. They hit him in the back with a baton. Officer Burrell. That was the first time he said he was running and they hit him with that thing and all of a sudden they hit me the head and my mind went blank and when I woke up that is when he started yelling don't hit me.

COMMISSIONER FREEMAN: Is this what they call the night stick?

MRS. BARBA: Yes.

MR. REYNOSO: Did you indicate to the Commissioners that you had some witnesses who had seen this?

COMMISSIONER HESBURGH: We have all of that.

MR. GLICK: How tall is your son?

MRS. BARBA: About her size.

COMMISSIONER GARCIA: About five four, five five.

MR. GLICK: He is not a big boy, he is an average size.

MRS. BARBA: Yes, average size.

COMMISSIONER FREEMAN: He is where in school?

MRS. BARBA: He is not, he is in the house.

COMMISSIONER FREEMAN: Does he go to school?

MRS. BARBA: Yes, Hollenbeck School.

COMMISSIONER FREEMAN: What grade is he in?

MRS. BARBA: Eighth grade.

MR. GLICK: Is he an school teacher?

MRS. BARBA: No, he has been in the army.

the doctor said, I don't remember his name, but I know a teacher that comes to the house twice a week.

MR. GLICK: The visiting teacher?

MRS. BARBA: Yes, because my son had a hard time to flunk so right away I started making procedure.

COMMISSIONER FREEMAN: Have you had any other physician to examine him?

MRS. BARBA: Yes.

COMMISSIONER FREEMAN: And he will give you a medical report?

MRS. BARBA: Yes, my lawyers was supposed to get the doctors for him, because Dr. Fritz when I took him there when I took him to emergency they applied Dr. Fritz to my son. He told me that my son was -- because I didn't want to put the police in something like this, I wanted to make sure for myself, I wanted to be sure, I didn't want to accuse somebody of something they didn't do, I asked him please tell me the truth. Dr. Fritz, I want to get to the bottom of it. He said your son was hit with a blunt instrument on the head. When the police went to him, he told him a different story and I told Dr. Fritz in front of one of the patients, Nunaz, I told him how come you told me that my son was hit

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1 with a blunt instrument and now it has been a week after
2 and you say my son had fallen down on a sharp instrument
3 when you told me that. He told me what do you want me to do,
4 put me in hot water, the police department brings all the
5 emergency cases to our hospital. Plus he said we don't
6 want any publicity of anything, we want to keep it as quiet
7 as possible.

8 MR. REYNOSO: Besides the injuries to the head
9 what other portions of your son's body was injured?

10 MRS. BARBA: Two fractures in the vertebrae.

11 MR. REYNOSO: Did the doctor indicate to you what
12 caused that, if you know?

13 MRS. BARBA: Yes, they even saw another doctor
14 but I don't remember his name. It is a bone doctor and that
15 doctor told me, he said well this is he has two fractures of
16 the vertebrae and they are fresh. He told me because I
17 asked him too and he said they are fresh.

18 COMMISSIONER FREEMAN: You say you have a private
19 physician. Would your physician submit a medical evaluation
20 to us?

21 MRS. BARBA: Well, I guess so. I don't see why
22 not.

23 MR. MONTEZ: I can contact him in Los Angeles.

24 COMMISSIONER HESBURGH: Dr. Garcia, do you have
25 any questions?

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COMMISSIONER GARCIA: Yes. This is not a county hospital, this is all in the City of Los Angeles?

MRS. BARBA: Yes.

COMMISSIONER GARCIA: This is not a county hospital?

MRS. BARBA: No.

COMMISSIONER GARCIA: The police took him there because they have a contract, the hospital has a contract with the police to have the emergencies brought there?

MRS. BARBA: Yes.

COMMISSIONER GARCIA: First he received the cuts in his head. All right. Who paid for the treatment, suturing in the emergency?

MRS. BARBA: Which one, the first one that they

COMMISSIONER GARCIA: Yes.

MRS. BARBA: I guess the first, the police because the second time the county, I got a medical card.

COMMISSIONER GARCIA: Did they try to bill you, charge you for this treatment at any time?

MRS. BARBA: No, they haven't.

COMMISSIONER GARCIA: Now, I gather from you, Mrs. Barba, it was about how many days after the original beating that they operated on him for a hernia?

MRS. BARBA: Two weeks in the hospital.

COMMISSIONER GARCIA: Before they operated on him for the hernia?

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MRS. BARBA: No, they operated on him -- he got in Sunday and took x-rays and went next day went to surgery.

COMMISSIONER GARCIA: Three or four days.

COMMISSIONER HESBURGH: Do you know the date on that?

MRS. BARBA: Four days.

COMMISSIONER HESBURGH: He was hurt on the first?

MRS. BARBA: On the ninth. The tenth I took him to the hospital, the thirteenth.

COMMISSIONER GARCIA: He had a previous operation on the other side before?

MRS. BARBA: Yes, about three years ago.

COMMISSIONER GARCIA: When did your son complain of the pain on the hernia?

MRS. BARBA: About three weeks previous he told me that his right side hurt.

COMMISSIONER GARCIA: This is the operation on the left side or the right side?

MRS. BARBA: Right side. He said his stomach was bothering him so I took him to the hospital doctor.

COMMISSIONER GARCIA: So what I am trying to determine from you did they operate on him because of that time he had a lot of pain, or because he just had a hernia from three or four weeks prior?

MRS. BARBA: No, because he was complaining. He was

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you know that it hurted him because he was shaken, chicken, he didn't want to have another operation.

COMMISSIONER GARCIA: He was complaining at that time?

MRS. BARBA: Yes.

COMMISSIONER GARCIA: Of course the doctor operated on him. How old is your son?

MRS. BARBA: Thirteen.

COMMISSIONER GARCIA: You signed a permit for operation?

MRS. BARBA: Yes.

COMMISSIONER GARCIA: Did the doctor tell you what he is operating for?

MRS. BARBA: Yes, for the hernia.

COMMISSIONER GARCIA: Did he say it was an emergency?

MRS. BARBA: No, he told me it probably got aggravated and that it could be strangulated.

COMMISSIONER GARCIA: Which means that there was a new, a new hernia?

MRS. BARBA: One of his testicles was very, very big.

COMMISSIONER GARCIA: The same side?

MRS. BARBA: Yes. Very, very big. You see and he was ashamed to tell me, he wouldn't tell me until he was in the hospital that he got scared and he was getting bigger and bigger and he called me at night and I talked to

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the doctor and told him what my son related to me and he
come in the office hospital and when I would come to
visit my son to sign a paper so they could have surgery the
following day.

COMMISSIONER GARCIA: They did not remove his
testicle as far as you know?

MRS. BARBA: No.

COMMISSIONER GARCIA: All right.

COMMISSIONER HESBURGH: I think that we have the
first case. Mr. Dominguez, will you give us

MRS. BARBA: After they picked him up Wednesday,
Tuesday; no, Wednesday I went to the meeting, the ABC meeting
because they -- somebody called on my house, I think it was
Mr. Dominguez -- no, Mr. Sanchez called down the house and
told my daughter I had to be there before ten o'clock. Previous
to that day I had called Mr. Powers in Washington and then I
talked to Mr. Sominski in Washington and he advised me to
send a letter or a telegram. So I sent them a telegram that
I wanted to have an audience with the President because I
had gone to every higher authority I could find and that I
had faith that the President would hear me and help me in my
predicament. I never got an answer from the telegram so I
went to that meeting. When I was coming from that meeting it
was about 11:30 and this green Valiant was right near my
driveway and when I had to go in there I put the lights.

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1 knew Chavez right away because I will never forget that
2 face. And I went into the house and my daughter was alone
3 with the boy and she had all the lights on in the house and
4 I said you put all the lights out and I told my daughter
5 help me move Chuco to the sofa so he could see outside the
6 window. By that time they had driven in my driveway, and
7 they stayed there till about 12:20 or 12:30, then they drove
8 away. So at 5:00 o'clock in the morning -- I didn't go to
9 sleep, I just sat there with my son in the sofa, I was
10 afraid they would take him away and kill him. I was just
11 nervous. So my daughter helped me and we drove him to
12 my daughter-in-law's house. And then I went to tell every-
13 body, I went to the lawyers office and I told them what had
14 happened. He said I had to have witnesses. Where am I
15 going to get witnesses at that hour of the night. Everybody
16 is asleep. So that same night --

17 COMMISSIONER HESBURGH: What was the date on this?

18 MRS. BARBA: That is Wednesday. The following
19 Thursday, that happened Wednesday night, the following
20 Thursday my daughter was coming from work, and she works
21 as a sales lady at Robinson Department Store, she got out
22 about nine, and it was about 9:30 and she saw that car there.
23 And of course she gave them a dirty look. Because they
24 started telling her things and I don't know what, because
25 she said mama, they made me so mad and she went in the house

14 ht 1 and told me about what happened and I said don't do
2 nothing, but be quiet because we are going to get in trouble
3 and wait, somebody is going to help us, somebody will hear
4 us.

5 So then the following day we made arrangements that
6 they were going to help me get over here and everything, and
7 I went. I went home, well that night my son -- I put his bed
8 right in my bedroom so I could take care of him at night.
9 He told me, mama, do you hear a noise? I said it is just a
10 dog, maybe he is getting the flu. He said no, mama, I can
11 hear footsteps. So I got up and the lights were all out
12 and I looked out the window and there is a big apartment house
13 and they have a big parking lot and they have lights, and
14 those lights can cover the backyard or my yard so I could
15 see Officer Richards and Chavez going around my house like
16 that. So that we waited, I told him who they were, and he
17 hadn't recognized Richards before but he remembered Chavez.
18 The first time he said mama that is the one that kicked me,
19 he told me, so we waited. After they left I went out, I
20 went down to -- we live in the rear and I looked both ways,
21 there were those cars and me and my daughter got him in the
22 car again and we took him to Pecorevia and that is where he
23 is. I have him hiding because I am afraid.

24 COMMISSIONER HESBURGH: What was the date of this
25 Thursday night that this was going on?

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MR. REYNOSO: Just last Thursday.

MRS. BARBA: Yes.

COMMISSIONER HESBURGH: You can figure out the date.

COMMISSIONER FREEMAN: The fifth of December.

MRS. BARBA: I took him to my daughter's and he is there since and Domingues and _____ helped me take his bed, because Mr. Richard Alletorre had somehow they rented me a bed because the doctor said I need a hospital bed and I didn't have the money for it. And he got me a bed. And everybody has been helping me. Where I really want help I can't get it.

COMMISSIONER HESBURGH: This is the whole story no

MRS. BARBA: Yes.

COMMISSIONER HESBURGH: We have it all here and we will get it typed up.

(Thereupon, the meeting was concluded.)