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I N D E X
VOLUME III
November 20, 1975

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1 OPEN MEETING ON THE ADMINISTRATION OF JUSTICE
2 AS IT AFFECTS AMERICAN INDIANS
3 IN OFF RESERVATION AREAS OF ARIZONA
4 CONDUCTED BY THE ARIZONA ADVISORY COMMITTEE
5 TO THE
6 U.S. COMMISSION ON CIVIL RIGHTS
7 November 20-21, 1975
8 Tucson, Arizona
9

10 (The following persons were present during the hearing)
11

12 COMMITTEE:

13 Ms. Juana Lyon	Mr. Peterson Zah
14 Ms. Rita Madrid	Ms. Maria Molina
15 Ms. Grace McCullah	Ms. Catherine Palmquist
16 Mr. Theodore Williams	Dr. Rudolph Gerber

17 STAFF:

18 Dr. Shirley Hill Witt, Regional Director	
19 Dr. Maria Pares	Mr. William Levis
20 Ms. Phyllis Santangelo	Ms. Esther Johnson

21
22 THE ABOVE ENTITLED hearing was held in the Federal
23 Building, Tucson, Arizona, on November 20 and 21, 1975,
24 and the following proceedings were had, to wit:
25

1 (The following session was chaired by Ms. Juana Lyon)

2
3 PROCEEDINGS

4
5 THE CHAIR: Ladies and Gentlemen, this open meeting
6 of the Arizona Advisory Committee to the U.S. Commission
7 on Civil Rights will please come to order.

8 I am Juana Lyon, a member of the advisory committee.
9 The other members of this committee are, on my right, Maria
10 Molina, Rita Madrid. On the far left, State Representative
11 Edward Guerrero and other members of the committee not
12 present today, are Dr. Morrison Warren, Chairperson of the
13 Committee; Dr. Rudolph Gerber; Dr. John Glass; Grace
14 McCullah; Theodore Williams; and State Senator Manuelito
15 Pena, all of Phoenix. Peterson Zah and Peter McDonald of
16 Window Rock. Catherine Palmquist of Yuma. State Repre-
17 sentative Diane McCarthy of Glendale.

18 And we have with us from the staff of the Mountain
19 States Regional Office, Dr. Shirley Hill Witt, the Director;
20 Maria Pares; Bill Levis, the staff counsel; Becky Marujo,
21 Esther Johnson; and Phyllis Santangelo, from the Denver
22 office as well.

23 This committee is being held pursuant to rules
24 applicable to state advisory committees and other requirements
25 promulgated by the U.S. Commission on Civil Rights. The

1 Commission on Civil Rights is an independent, bipartisan
2 agency of the U.S. Government, established by Congress in
3 1957, and authorized by Civil Rights Acts, number one, to
4 investigate complaints alleging that citizens are being
5 deprived of their right to vote because of their race,
6 color, sex, religion or national origin. Second, to
7 collect and study information concerning legal developments
8 which constitute a denial of equal protection of the laws
9 under the Constitution. Third, to appraise federal laws
10 and policies with respect to denials of equal protection
11 of the laws. Fourth, to serve as a national clearing house
12 for civil rights information, and fifth, to investigate
13 allegations of voter fraud in elections.

14 The commission has established 51 state advisory
15 committees like ours in Arizona, to advise the commission
16 of relevant information concerning matters within the
17 jurisdiction of the commission, and matters of mutual con-
18 cern in the preparation of reports of the commission to
19 the President and Congress.

20 The advisory committee may receive reports, sugges-
21 tions and recommendations from individuals, public and
22 private organizations, and public officials on matters
23 pertinent to inquiries conducted by the state committees,
24 and attend as observers any open hearings or conferences
25 which may hold within this state.

1 This session today is an informal hearing, and not
2 an adversary proceeding or court of law. Individuals have
3 been invited to share with the committee information
4 relating to the administration of justice as it affects
5 American Indians in off-reservation areas.

6 Each person who will participate has voluntarily
7 agreed to meet with the committee.

8 During the meeting today, the advisory committee
9 will explore the issues regarding the treatment American
10 Indians receive during the administration of justice
11 process in off-reservation areas.

12 We will hear testimony regarding the jury selection
13 process, arraignments, arrests, bail bond procedures, the
14 legal rights of American Indian defendants, local jail
15 conditions and jurisdictional problems.

16 Related issues, such as the availability of local
17 alcoholic reception centers and other rehabilitative
18 facilities will also be discussed.

19 Since this is an open meeting, the press, radio and
20 television stations, as well as individuals, are welcome.
21 However, no witness shall be televised, filmed or photo-
22 graphed during the informal hearing, nor shall testimony
23 be recorded for broadcasting, if a witness objects.

24 We are very concerned that we bring out all of the
25 information relating to the matter under inquiry. We are

1 also concerned, however, that no individual be the victim
2 of slander or libelous statements. As a precaution against
3 this happening, each person making a statement here today
4 or answering questions, has been interviewed prior to this
5 meeting.

6 However, in the unlikely event that such a situation
7 should develop, it will be necessary for me to call this
8 to the attention of the person making the statement and
9 request that he or she desist in such action.

10 If any persons in the audience today have statements
11 or information they would like to share with the advisory
12 committee, both staff and committee members are available
13 to meet with you individually.

14 And at this point I would like to again point out
15 to you, Ms. Maria Pares, Maria, if you would identify
16 yourself, if anyone wishing to testify tomorrow during the
17 open period would please contact Ms. Pares, she will
18 discuss your testimony with you.

19 Also, any persons wishing to submit documents
20 into the record of this open meeting may do so either
21 today or tomorrow or within the 30-day period following
22 the hearing.

23 Every effort has been made to invite persons who
24 are knowledgeable about the problems and progress in this
25 area. In an effort to present a well-balanced picture of

1 the problems encountered by American Indians in the adminis-
2 tration of justice in off-reservation areas, we have in-
3 vited panels of law enforcement officials, members of
4 Indian tribes, city, county and state judges, and other
5 interested persons.

6 This meeting will provide the basis for a written
7 report by the advisory committee containing findings and
8 recommendations about the issues raised today. As you see,
9 we have a Court Reporter who records the proceedings to
10 assure that we receive accurately, all statements made by
11 panel participants and witnesses.

12 On behalf of the advisory committee, let me welcome
13 all of you here today. I will now call on Representative
14 Guerrero to give you a summary of the legal background for
15 this hearing.

16 Mr. Guerrero?

17
18
19 REP. EDWARD GUERRERO

20
21 A (By Rep. Guerrero) The Civil Rights of American
22 Indians in the southwest has been a matter of great con-
23 cern to the U.S. Commission on Civil Rights in recent
24 years. The commission held hearings in 1972 and 1973 on
25 issues of concern to Indians in Albuquerque, New Mexico,

1 and in Phoenix, and in Window Rock, Arizona. The southwest
2 Indian report based on the 1972 hearings dealt with the
3 issues of employment, education, health, water rights,
4 and the administration of justice.

5 In 1974, the commission's Arizona Advisory Committee
6 conducted a followup investigation of Indian employment
7 problems and the New Mexico Advisory Committee held followup
8 hearings in Farmington, New Mexico, on civil rights issues
9 affecting Navajos.

10 The Arizona Advisory Committee has found that the
11 administration of justice in areas near reservations con-
12 tinues to be an issue of grave and widespread concern among
13 American Indians in the state. Statistics from the 1970
14 census demonstrate that American Indians continue to be
15 excluded from participation in the sharing of the economic
16 wealth of this nation.

17 For instance, in 1970, national statistics indicate
18 that the median income was \$3,509.00 for American Indian
19 men and \$1,600.00 for American Indian women, compared to
20 a median income of \$6,446.00 for White men and \$2,330.00
21 for White women. You have almost twice the amount for those
22 who are not American Indians.

23 Comparable figures for Arizona show the same income
24 disparity. The 1970 statistics for Arizona record a median
25 income, now this is in the State of Arizona, of \$2,247.00 for

1 American Indian men and \$1,283.00 for American Indian
2 women, compared to a median income of \$9,484.00 for the
3 White population.

4 Here you have a triple disparity.

5 Further comparisons show that in 1970, approximately
6 61% of the American Indian population in the nation earned
7 less than \$5,000.00 per year, compared to 18% of the White
8 population. Comparable figures for Arizona reveal that
9 43% of the American Indian population earn less than
10 \$5,000.00, compared to 19% of the White population.

11 The rights of non-reservation American Indians
12 are protected by the United States Constitution and those
13 of reservation American Indians are guaranteed by the
14 1968 Indian Bill of Rights.

15 Since 1924, American Indians have been citizens of
16 the United States, recognized as citizens, in which they
17 reside. This entitles them to the same federal and state
18 protections as other citizens.

19 The Fifth and 14th Amendments to the U.S. Consti-
20 tution, guarantee that neither the federal nor the state
21 government will deprive a person of, quote, life, liberty
22 or property without due process of law, unquote.

23 The due process clause requires that the government
24 act fairly and justly when it directly affects persons or
25 their properties. The Constitution also guarantees that

1 defendants have the right to an attorney in state and
2 federal criminal proceedings and the right to free counsel
3 if they can not afford one. The police may not question
4 any suspects until the suspect or suspects have been
5 advised of their right to remain silent and to have an
6 attorney present. Once arrested for serious offenses, the
7 accused must be brought before a judge for arraignment.
8 Where they are informed of the charges and given an oppor-
9 tunity to plead guilty or not guilty. The judge must in-
10 form the defendants of their constitutional rights. In-
11 cluding the right to counsel at this time.

12 The Eighth Amendment to the Constitution guarantees
13 the right to reasonable bail, except when a defendant is
14 charged with a crime punishable by death or life imprison-
15 ment. Most important, in cases affecting minorities, the
16 14th Amendment to the U.S. Constitution prohibits both
17 state and federal governments from denying any person equal
18 protection of the laws. Even where a law appears impartial
19 and nondiscriminatory, it violates the Constitution if it
20 is applied in a discriminatory manner, that is only against
21 American Indians.

22 Arizona courts are bound by all previously-discussed
23 U.S. Constitutional requirements in addition to state-
24 approved procedural and substantive guarantees within its
25 constitution, statutes and rules of criminal procedure.

1 Once arrested, a suspect must be granted a hearing, that's
2 the initial appearance, before a magistrate within 24
3 hours or be released. At the initial appearance the magis-
4 trate must identify defendants, advise them of the charges,
5 their right to counsel and to remain silent. And to appoint
6 free counsel if necessary.

7 If a complaint is not filed with 48 hours of the
8 initial appearance, the person also must be released.
9 At the initial appearance, the magistrate must also de-
10 termine whether to release defendants charged with bailable
11 offenses on their own recognizance or to make them post a
12 bond.

13 In Arizona, defendants have the fundamental right
14 to counsel unless there is no prospect of confinement after
15 judgment. In addition, counsel must be appointed for
16 those who can not afford an attorney, if punishment may
17 result in a loss of liberty or if the interests of justice
18 require it. Except in minor traffic cases, a judge will
19 accept guilty pleas only if voluntarily and intelligently
20 made, in open court.

21 Before accepting such a plea, the judge must per-
22 sonally address the defendants in open court, inform them
23 of their rights, and determine if they understand the
24 nature of the charge, the nature and range of possible
25 sentence and the constitutional rights they are waiving, in-

1 cluding the right to counsel and the right to plead not
2 guilty.

3 Two other areas or issues of concern include the
4 public drunkenness and jury selection sectors. In 1972,
5 Arizona decriminalized public drunkenness. According to
6 the attorney general, the state legislature intended,
7 after much research and deliberation, to provide a means
8 for treatment of alcoholism and alcohol-related problems
9 outside the criminal justice system.

10 The act called for the creation of local alcoholism
11 reception centers for the evaluation, treatment and pre-
12 vention of alcoholism and intoxicated persons.

13 One area of concern that especially affects American
14 Indians is jury selection. Once placed on the jury list
15 and drawn, a reservation Indian must be subpoenaed to
16 serve as a juror. To do otherwise would violate the due
17 process clause of the 14th Amendment to the Constitution
18 and the federal statute which makes it illegal to dis-
19 qualify a citizen as a juror because of his race.

20 THE CHAIR: Thank you, Mr. Guerrero.

21 At this time, on behalf of the advisory committee,
22 I would like to welcome to the hearing, one of the Arizona
23 tribal leaders, who found time in his busy schedule to
24 express his interest in the problems of his Indian people
25 by being with us today, Mr. Wilbert Carlisle, the Chairman

1 of the Okachin Tribal Community. Thank you for coming,
2 Mr. Carlisle.

3 MR. CARLISLE: Glad to be here, gives me a break
4 from home.

5 THE CHAIR: At this time I would like to ask Ms.
6 Flora Evans and Mr. Luther Hughes if they would please take
7 a seat over there where we have set up the table with the
8 microphone?

9 Mr. Luther Hughes and Ms. Evans?

10 Is Ms. Gloria Kupsick in the audience?

11 Would you please be seated, Mr. Hughes and Ms.
12 Evans?

13 Q (By Ms. Molina) Mr. Hughes, please state your name,
14 occupation and address?

15
16
17 MR. LUTHER HUGHES

18
19 A (By Mr. Hughes) Name is Luther Hughes, I'm the
20 Director of the American Indian Association here in Tucson,
21 2512 South Sixth Avenue.

22 Q Very good.

23 Could you please describe for us the incident that
24 was related to you by Mr. Garfield Ironstar, which involves
25 a Pima County officer or officers?

1 A August the 9th, Mr. Garfield Ironstar came into my
2 office and talked to me, it was about 10:45 in the morning
3 and told me that he had been arrested by some -- by some
4 police officers. He seemed pretty confused about, you
5 know, some things. So you know, I asked him, you know, I
6 why was he arrested? And he said he didn't know. And I
7 said, well, you know, they had for some -- what actually
8 happened and the kid didn't seem to know what actually
9 happened, just that he was arrested and at that particular
10 time he was really upset that when he was arrested by the
11 police officers, at that particular time I think it was
12 about around 105 degrees that day, and when he was arrested
13 he was laid across the police hood of the car, the hood of
14 the police car and the officers held him down over the hood
15 and both sides of his face was burned real bad, and also
16 different parts of his body.

17 Q What is Mr. Ironstar's age, do you have any idea?

18 A I -- I had about 24 years old.

19 Q Does he speak English?

20 A A little bit.

21 Q Do you think this was probably the problem that he
22 did not understand why he was arrested or did he fail to
23 understand what the terms of the arrest were?

24 A He just didn't understand, he couldn't even explain
25 to me why he was arrested or what actually had happened.

1 Q Is Mr. Ironstar an American Indian?

2 A Yes.

3 Q Could you describe Mr. Ironstar's physical condition
4 when you did see him? Like on the morning that you say
5 he came to you?

6
7 A Okay, when he came in to see me, at that time his
8 face, his face on both sides was just burned. It had been
9 a couple of days and it was still red, you still could
10 see the scars or the -- what do you -- the, you know, when
11 something burns and you get that hard crust over his face,
12 he still had it.

13 And then he showed me different parts of his body,
14 on his shoulder here he had a big burn spot and on his
15 chest here, down here and farther down his waist he had
16 some more burn spots.

17 Q Was he wearing a shirt at the time that he was
18 arrested?

19 A Yes, he was, but during that time, he was -- he
20 was, when they laid him on the hood of the car he started
21 struggling because, you know, just like laying a guy on
22 a stove, and this just -- then, when the two officers just
23 held him down more, then --

24 Q Than the normal time --

25 A Ma'am?

1 Q I said they held him down more than the normal time?

2 A Yes.

3 Q What action did you take, if any, in an attempt to
4 assist Ironstar?

5 A Well, after he came in and talked to me, I right
6 away went to the county hospital to try and get some in-
7 formation about who the officers were because he had no
8 idea. You know, what the -- who the officers were, so he
9 was taken to the county, and I went over there trying to
10 find out and right away they, you know, they wouldn't say
11 too much to me about what had happened. And it just so
12 happened that a few days later I was talking to Maria Pares
13 and I told her about it and she -- and I called Mr. Ironstar
14 in and she saw him and this was maybe about four or five,
15 maybe about a week after, but the scars were still bad,
16 in fact right now to this day, when I last saw him his
17 face was -- was real red from, you know, from the burns.
18 His outer skin was gone.

19 Q Did you, at that time, when you went to the hospital,
20 did you try to see the physician, perhaps, that attended
21 him or try to get any information just from the nurse or
22 how did you go about that?

23 A Well, I tried to go -- I just tried to find who the
24 doctor was, nobody seemed to know anything. I tried to
25 find who the nurse was, the nurses didn't know anything and

1 what had happened was that I had talked to a couple of
2 people that were passersby that did see him that did work
3 there, and these were a couple of people that I did talk
4 to. But then they wouldn't say too much, because they
5 were scared of losing their job and, you know, and so forth
6 and trying to get information from the hospital on a lot
7 of those things, you know, they hide it, they cover it up.

8 Q Through the Tucson Indian Center, did you -- is one
9 of your functions one of finding out about things such as
10 this or --

11 A Yes. To try and help the people understand, now
12 like if he was arrested, why he was arrested and this is
13 something we never did find out. You know, just the -- just
14 like if he has to be in court and I tell him, you know,
15 you got to be in court and I make sure you get to court
16 because I don't want you to get no more trouble.

17 Q What means did you go by to secure that this gentle-
18 man had been actually arrested and put in jail as he said,
19 did you go to the police station and try to find out?

20 A No, I didn't, I had talked to the people at the
21 hospital, I did find out that he was arrested and that it
22 was officer badge 405, and by this time I started talking
23 to Maria Pares and then she took over from there because I
24 felt we had discussed it and probably be a lot easier
25 for her to get that information because I know from the past

1 experience that it's hard to get any kind of information
2 from anybody, and then that's when she ran into the --
3 into problems herself.

4 Q What actual role does the Tucson Indian Center play
5 in dealing with the police, the local police?

6 A Well, in the past, through my personal experience
7 and from some of the people, the South Tucson and I have
8 worked close together in trying to resolve some of the
9 problems. There is a few officers that, you have, have
10 chip on their shoulders and do harass some of the drunks
11 and so forth. But we have worked with them.

12 As far as the city goes, I -- they -- they, I've
13 never had any kind of -- anything to do with them and they
14 never have anything to do with me and as far as the county,
15 I've never -- we've never had any working relations other
16 than I've had complaints and I have prisoners in the county
17 jail that I go visit and so forth.

18 Q But you don't have maybe a specific person that you
19 would go to when you have a problem such as this, that you
20 would say would be helpful when you have problems?

21 A No, because every time I do I get the runaround
22 and I just figure, well, I'd be better off just do it my-
23 self the best way I can and work with the people the best
24 way I can.

25 Q What do you feel is your specific role, I'm not being

1 redundant in regard to the Tucson Indian Center, is it ---
2 how do you describe your function?

3 A Big brother that's concerned. Because I get, I
4 have people coming in my office at all times, you know,
5 during the day, and lot of times, like for instance the
6 South Tucson, you know, calls me even at my home and I
7 assist them with some problems they are having with,
8 you know, some of the prisoners, so I'm -- I'm just
9 a concerned member of the community and I'm trying whatever
10 I can to help the, you know, my fellow brothers and sisters.

11 Q What do you think should be done in order to improve
12 the relations between the police and the non-reservation
13 Indians? Do you have any thoughts in that regard?

14 A That -- that's -- it's pretty hard to answer, be-
15 cause I've really been able to see the problems between
16 the reservation Indians and the urban Indians and in
17 between, one, I was going to say that maybe one thing we had
18 if we had more Indian police but I think this happens with
19 all nationalities, that they're the worst ones to, you
20 know, to have.

21 But the answer to that it just was, right now it's
22 very difficult to answer.

23 Q How are you funded by the Tucson Indian Center?
24 Not you personally, but how is the Tucson Indian Center
25 funded?

1 A The Tucson Indian Center is funded federally from
2 the government, from HEW, departments of -- and department
3 of labor. And ONAP. We don't get anything from the city
4 or South Tucson as trying to run our program. Any kind
5 of assistance from them, we don't, nothing from them.

6 Q No local program that way?

7 A No.

8 Q Going back just a little bit to Garfield Ironstar,
9 what is his status now, is he employed, is he all right,
10 or does he -- does he continue with this arrest anymore or
11 has this been concluded?

12 A Ironstar has gone back to, I believe South Dakota,
13 and we've tried to get him to come back but he -- he's
14 scared to come back. And there's any kind of communication
15 right now I haven't, he just, I can't find him.

16 Q Does he have any relatives in town or anything?

17 A Yes, he has a sister.

18 Q Is he a married man?

19 A No. No. Young boy. I don't believe he's -- well,
20 he could be working but -- but -- my talking to him, he's
21 quite disturbed about a lot of things, and he's really
22 confused about a lot. He doesn't speak English very well,
23 so --

24 Q Do you believe the day that he was arrested that he
25 could have been intoxicated even at that hour of the morning?

1 A I -- it's hard to say because a number of people I've
2 talked to, they felt that he wasn't. But for -- in my
3 talking to him, to his -- it just -- it's quite confusing
4 what -- had he been drinking or not. I really couldn't
5 answer that.

6 Q Very good, I'm finished, does anybody else have any
7 questions?

8 Q (By the Chair) Yes.

9 Mr. Hughes, I have a question. You mentioned that,
10 something to the effect that the police harass some of the
11 drunks. Could you give us an example of the shape that
12 this harassment might take?

13 A Lot of times the police will come along and, like
14 for instance the park downtown here, they'll tell the
15 men to keep on moving, you know, and the men have really
16 no place to go so they might walk around the corner and
17 then come back and sit down the same place, I'm saying
18 the same thing for city and South Tucson.

19 Then they don't, you know, they don't move away or
20 something and then the police slams them upside the car,
21 puts them into the car and -- drunk, you know, when a man
22 is intoxicated he's going to say something or talk back,
23 and on a number of occasions I've talked to people, one
24 kid for instance had a black eye, one of the officers had
25 hit him in the face. In fact, in fact he's one of my

1 relatives. And the other kid, he -- he was talking back
2 like he didn't want to go, you know, he was telling them
3 he didn't want to go and he was going to move on and they
4 still hit him in the mouth.

5 The thing about these people that I've tried to
6 get information from who these officers were, and they
7 just, they say they're scared because if the officers get
8 involved then they'll get even with them later on.

9 For instance, a week ago, a man came into our
10 office and told us that he had been arrested and left off
11 in the desert. They didn't do anything to him, they just
12 left him out there.

13 Q To your knowledge, has any Indian person ever
14 taken any official steps to protest such treatment?

15 A About a couple of years ago there was a kid that
16 did, with the South police.

17 Q And what was the result of that?

18 A They just let him go. Didn't bother anymore.

19 Now, at this time in particular, they've -- they
20 arrest him off once in a while for loitering or drunk.
21 And I personally know that the guy didn't drink.

22 Q Do you have any general observations regarding the
23 relationship between the Tucson Indian population and law
24 enforcement personnel? Would you say that the treatment
25 accorded Indian persons was the same as that given members

1 of all other ethnic groups?

2 A Well, through my observation a number of times,
3 it's kind of sickening, they harass the -- they harass,
4 the police harass the Indians as much as they do the
5 hippies. And the Blacks. Every once in a while I'll see,
6 what really hurts me, though, is I'll see, you know,
7 these people being harassed, what I've personally seen
8 at the county hospital when I worked there for two years
9 and then I'll turn around and see a police car pushing
10 some White people down the road to their car to the nearest
11 gas station, but if a Black or an Indian or a Mexican, they
12 let him walk 50 miles before they'd lift a finger.

13 I couldn't say that about the highway patrol, I've
14 seen them, lot of times, you know, bring alcoholics into
15 the hospital. And try and help them. These have been
16 Indians and Blacks and so forth. But for some of the
17 attitude of the city police around here, it's just --
18 it's really sickening.

19 THE CHAIR: Mr. Guerrero?

20 Q (By Mr. Guerrero) Yes, Madame Chairman, Mr. Hughes,
21 I wanted to ask you one question. To your knowledge, have
22 you followed any of these arrests up, if a person is
23 drunk, supposedly, and the police come along and arrest
24 them or put them in the vehicle, have you learned what
25 they're arresting that person for?

1 As you know, the -- there's no -- being drunk is
2 no longer a crime. Drunk driving is, or disorderly con-
3 duct, but to your knowledge, if you can recall anything
4 of this nature, have you ever followed up one of these
5 instances to see what that person was finally charged
6 with, even though he was probably just under the influence
7 or drunk on the sidewalk or a street somewhere?

8 A Right now I have, there's a couple of men in jail
9 now that have been arrested for loitering and come to find
10 out they get them into jail, then they find out they've
11 warrants for their arrest that ranges from back to two,
12 three years ago, what I don't really understand a lot of
13 times, and I haven't been able to really follow up, because
14 of the -- I always run into blank walls, as the kids say,
15 I said, well, you were arrested, do you have a receipt of
16 that and they say no and by the time you ever talk to the,
17 you know, to the police department, they always, you know,
18 they never have the answer, they never even come up with
19 anything.

20 And I -- you never can get the answer, you get the
21 runaround so much, then lot of times Indian people,
22 especially here, they get so discouraged that they say
23 hell, I'd rather pay it and get away, I'd rather do my
24 time, my 30 days, and the only concern they have is that
25 somebody can help their family while they're in jail, and

1 then I said, well, you know, you said you were in jail a
2 couple of months ago for something, you know, and they
3 arrest you again for the same thing? And they -- they
4 just don't discuss it because they're totally confused
5 about the thing too.

6 Q (By the Chair) Mr. Hughes, to your knowledge, has
7 the Indican center staff or the American Indian Association
8 or any other Indian organization, ever attempted to
9 establish cooperative relations with the law enforcement
10 departments in the City of Tucson?

11 A Not that I know of. There is just our organization
12 and there's another group, a traditional Indian alliance,
13 the other night I was called to the South Tucson Police
14 station to pick up a gentleman and take him to the county
15 because it was possible that he had hepatitis. And this
16 was a client of theirs. And they had made some kind of
17 agreement to get him out of jail. And -- but he wasn't a
18 client of mine but I did go pick him up and take him to
19 the hospital because I wanted to get him into the hospital.

20 Q Would you consider that it might be beneficial to
21 open some discussions with the police and the sheriff's
22 department to see whether something could be done to im-
23 prove the relationship?

24 A I'd like to see that. It's been done with the
25 South Tucson, I don't see why it couldn't be done with them.

1 THE CHAIR: I have no further questions. Do you --

2 Q (By Mr. Levis) I just have a few questions.

3 Mr. Hughes, you were not present when Mr. Ironstar
4 was arrested, were you?

5 A No.

6 Q And the other incidents that you talked about,
7 were you present during some of those incidents?

8 A No.

9 Q So these are based on reports to your organization?

10 A Yes, through the individual themselves.

11 Q You also mentioned that you were concerned about
12 improving relationships but you were not sure what could
13 be done because of some relationships with officers and
14 I was unclear as to what you were talking about. Are
15 there American Indian officers that you're concerned
16 about or -- I was not clear about your answer.

17 A I'm not clear about your question now. If you
18 could rephrase it or something. I don't understand you.

19 Q You indicated when asked originally what could be
20 done to improve relationships with the police, that you
21 were not sure what could be done. And I was really not
22 sure as to your answer. If you could repeat it I'd
23 appreciate it because -- I did not hear it fully.

24 A I don't recall now what my -- what it was.

25 THE CHAIR: I believe, Mr. Hughes, the question came

1 up of whether there were Indian police officers on the
2 police force? That was one of, and you reacted to that.
3 I believe you said that that would not always insure that --

4 A Oh, yes. Well, yes. Come to think about it there
5 is -- there is a -- in the city there is a -- there's an
6 Indian police, I don't know if he ever gets involved in
7 some of these activities that happen with the Indian
8 people.

9 What I was saying, maybe -- one of the things was
10 maybe having more Indian police on the force, but then,
11 come to think about it, through some of the activities
12 that's happened in Sells, I don't think I want any Indian
13 police on the force.

14 Q (By Mr. Levis) That was a concern that I had was
15 just --

16 A Yes.

17 Q -- should there be a liaison officer --

18 A I'd like to see that.

19 Q -- in the police department?

20 A The, what do you call them, Mexicans or Chicanos,
21 did that over here on the west side of town or was that
22 south, east, Hollywood area over here? They did it, how
23 come we can't have it, somebody that can get out, you
24 know, and talk to our people and talk to the police and
25 try and settle these things before they get to where we're

1 at now.

2 Q Now, is this with the city police department? Or
3 is this with the county?

4 A This is with the city and the sheriff. I don't
5 know that much about the city, even though I'm right here.
6 But my concern is mainly with the sheriff's department.
7 Because the thing is I've worked at the county hospital
8 for two years, I was there as an orderly and I got to
9 see a lot of things happen and being an orderly you can't
10 say nothing to the doctors or nurses you just got to
11 shut up and stand back and watch and this is where I --
12 my concern is. Lot of times I saw this, it's -- it's a
13 thing where the city lot of times helped and lot of times
14 they didn't but it was mainly with the sheriff's department.

15 Q So there is not one individual that you can go to
16 right now if you have a problem or some of your clients
17 have a problem?

18 A Yes. Maria Pares, that's the only person I can turn
19 to right now.

20 Q But there's no one in the city police department
21 or the county police department?

22 A No.

23 Q One final question. What did you advise Mr. Ironstar
24 to do as far as the police department was concerned, or
25 did you advise him to do anything?

1 A Well, I didn't, I advised him that, you know, I
2 wanted him to stay around, I told him, you know, I want you
3 to stay around because if we're going to press charges
4 against these officers, you know, I would like for you
5 to stay here and we can do this.

6 And at that particular time I tried to call legal
7 aid and the phone was busy and so forth, and then just so
8 happened that Maria Pares was there just like everything
9 fell in, fell in just beautiful and then from there I started
10 talking, working with her about it and then she started
11 trying to go out and get some information where she ran
12 into closed doors.

13 I just couldn't imagine what it would have been like
14 if I would have stuck with it all the way, we'd really have
15 some problems.

16 Q To the best of your knowledge, has the arrest been
17 resolved in any way? Is it --

18 A Well, they dismissed the charges against him. We
19 don't know why, why he was arrested, why they dismissed the
20 charges, unless they had something they thought they could
21 just cover up by just telling him it's okay, kid, go home.

22 MR. LEVIS: Thank you.

23 Q (By the Chair) Mr. Hughes, you mentioned that Mr.
24 Ironstar had only limited knowledge of the Indian (sic)
25 language. To your knowledge, are there interpreters available

1 whenever an Indian person is arrested and -- or is in
2 court, are interpreters made available to Indian people?

3 A I have not been in court myself, but one of my --
4 one of the people that works with me, Mr. Ted Lewis, right
5 now on his own he is doing this, he is attending courts
6 and trying to speak on behalf of the Papagos and Pimas
7 that are arrested.

8 As far as, like I believe Mr. Ironstar, he was Sioux,
9 there was people around that I know that if they would have
10 ever needed somebody, you know, to speak for him we could
11 have found somebody.

12 Q I'm not sure whether I said limited knowledge of
13 English or Indian, but I had intended to indicate or ask
14 you what happens in the case of a person that has a limited
15 knowledge of English. And to your knowledge, there are no
16 regularly-appointed interpreters available, either in the
17 court system or the police department or the sheriff's
18 department?

19 A Not that I know of.

20 Q Whatever interpreters are available have to come
21 from the Indian community, from Indian organizations --

22 A Yes.

23 Q -- such as Mr. Lewis. And perhaps we can question
24 Mr. Lewis on that further when we talk to him.

25 Mr. Hughes, just as a final question, do you have any

1 general observation or statement you would like to make,
2 knowing the type of information that we are interested in?
3 Are there any recommendations you would like to make?

4 A Not at this point. I -- it's very hard for me
5 right now.

6 THE CHAIR: Well, we want to thank you very much
7 for coming and remind you that if you should obtain any
8 additional information, you may still submit this into the
9 record within 30 days from the date of this hearing.

10 Thank you very much.

11 Oh, Mr. Guerrero.

12 Q (By Mr. Guerrero) Madame Chairman, it wasn't clear
13 in my mind of, Mr. Hughes, maybe you can make it more clear
14 for me, in your activities with your organization or your
15 group, do you come across many American Indians who possibly
16 could end up in a court and -- or have been there and when
17 the magistrate or the judge, whoever it is, reads their
18 rights to them and explains what they're entitled to that
19 maybe they wouldn't have enough command of English to
20 understand this and yet there's nobody available that speaks
21 this language? Is that correct? Does that happen --

22 A Yes, sir.

23 Q -- to your information?

24 A Yes.

25 Q To your knowledge?

1 A Because this is what I said, lot of times my clients
2 come back to me and I have to read to them, you know,
3 what -- what actually took place and so forth. Like just
4 recently a family was subpoenaed in Sells, and I had to
5 explain to them, you know, what the subpoena was about
6 and I just -- the people go into court and yet they
7 didn't even know what the subpoena was, their lawyer never
8 even explained half of these things to them.

9 A lot of times the people go to court, the majority
10 of times because they don't understand what they're in
11 there for, they just know that they have \$50.00 to pay,
12 they go sell a couple of cows and pay it. Then, when you
13 ask them what was it about, you know, they never know,
14 they never really have the answer.

15 I say where's the receipt, oh, they kept the receipt,
16 we don't have it.

17 Q Madame Chairman, Mr. Hughes, you, in other words,
18 you know of cases where a person may have been arraigned
19 or brought before a magistrate and these charges read to
20 him and his rights read to him and he didn't really under-
21 stand the things to know what was going on or nothing was
22 explained to him? Do you know of cases of that nature?

23 A Yes, I do.

24 MR. GUERRERO: Thank you. That's all.

25 THE CHAIR: Thank you very much, Mr. Hughes.

1 Our next witness is Ms. Flora Evans. Ms. Evans,
2 would you, for the record, tell us your name, address and
3 your occupation?

4 If you'd like to speak into the microphone?

5 Just tell us your name and where you live and if
6 you have a job, what that job is?

7
8
9 MS. FLORA EVANS

10
11 A (By Ms. Evans) My name is Flora Evans, I live on
12 Hackney Avenue in Globe, Arizona, Box 13.

13 Q (By the Chair) And do you work?

14 A I'm a housewife.

15 Q Well, that's a lot of work as it is.

16 Ms. Evans, how long have you lived in Globe?

17 A Twenty-seven years.

18 Q Twenty-seven years, and what tribe are you a member of?

19 A I'm a Yavapai.

20 Q Yavapai. I believe something happened to you in
21 November of 1973 that happened between you and a policeman
22 of the Globe City Police. Would you like to tell us just
23 what happened at that time?

24 A Yes, I'd like to. November, November the 3rd, 1973,
25 we had -- we had only one son and our son got into problems

1 in jail, I guess, I didn't know, I missed him for three
2 straight days. And I called the city almost every day,
3 and then the -- on the third day I was getting worried so
4 I went and called all over, like White River, San Carlos,
5 first thing I did, because he went out with an Indian
6 boy too, so I did that.

7 And then, afterward, I checked with the sheriff
8 and then the city, then into Phoenix, Tempe, Mesa, and
9 never hear nothing. And then, 12:00 o'clock I start calling
10 the city again to find out, you know, if my boy was, you
11 know, in jail. Finally, one of the police answer me and
12 said yes, your son in jail. Said he's got three charges.
13 Said. And it shocked me. So I was start shaking, I
14 was by myself, and my little grandchild was only six years
15 old, she was with me. And my youngest daughter was here
16 in the community college here, but anyway, I thought I
17 better not bother her so I was staying for 12:00 o'clock
18 when I -- when they answer me your son was in jail.

19 So I just don't know what to do, I just walk back
20 and forth. My husband was working open pit Inspiration and
21 I don't want to bother him too, so I was just going back
22 and forth, I was so damned nervous and just don't know what
23 to do.

24 So I just keep walking, then finally, I just give
25 up so I just called the police, I told my little girl, I

1 said call the police, maybe they'll take me to help me
2 some way. I was thinking that way, so I laid down on the
3 couch.

4 An Indian, when they're -- an Indian when they
5 still love their son, they have to have a tear, you have
6 to have lot of tears to calm yourself, that's an Indian
7 way. So I -- I laid down to try to calm myself but I just
8 kept crying. Then, when the police arrived, he just walk
9 right in, my little girl was standing beside me and he --
10 and I look at the policeman, he was come right straight
11 to him, I was laying in the living room, and he -- he just
12 came in and then he just stood, what you crying about?
13 That crying wouldn't help your son, and then I told him,
14 I didn't say nothing, I just look at him, laying on the
15 couch, and then he went and slapped me right, just slapped
16 me about three times that I know, he slapped me around.

17 He didn't ask me if he could take me to a hospital
18 or anything, your son that wouldn't -- wouldn't get him
19 out with your crying, he said. So I went, I just laid
20 down, I didn't say nothing, I was just laid, keep crying,
21 and then he -- then I told my little girl to call Emma,
22 I said, that's another White lady, so she went and called
23 Emma. That's when the police left -- walk out. That was
24 -- and then at the same time, we call my girl over here
25 at the community college and she came, rushed back to that

1 White lady arrive and then she make a call over here so
2 my girl drove an hour and a half back to Globe.

3 When she came in, she was -- saw me, my face was
4 swollen, what happened? I said the police slapped me and
5 that White lady said the same thing too. I met the police-
6 man by the driveway, I know who he is. It's Breedlove.
7 And so my daughter took me to the hospital, Inspiration
8 Hospital, and when they gave me x-ray, they told her that
9 I had fractured cheekbone, and my doctor was Dr. Gilmore,
10 and I was under him, he had to go back the next few days
11 and I missed him.

12 I don't know what happened, today he's not there
13 either.

14 So, after that, I never want to face another White
15 man no more.

16 Q And after the policeman slapped you, Ms. Evans,
17 he just walked out?

18 A Uh-huh.

19 Q And he didn't offer you any assistance or offer to
20 take you to the doctor or anything?

21 A No. He never did. He just walked in and told me
22 your crying won't help your son, he said. That's all he
23 said. He turned around. He was working for the city that
24 time.

25 Q Well, then, did you, after you had been to the hospital,

1 did you file any complaint with the city about the treatment
2 you had received?

3 A No, I didn't, because when I think about it, like
4 the past time way back, my daughter used to tell me that
5 a White man, you can't go through, he said, unless you
6 have -- if you have the money you will, but if you don't
7 have the money, you can't, you can't work it by yourself.
8 So there's nobody to turn in Globe area, because the --
9 we don't have no Indian -- Indian community or what you
10 call it.

11 Q No Indian center?

12 A Indian center or nobody to turn to, we don't have
13 Indian cop, Indian sheriff or nobody. We're urban Indians
14 there are just, just there. If we have trouble we got
15 nobody to face to it, that's all.

16 And so I just let it go. I let it go. We could
17 go ahead and do it but I don't want to spend money because
18 my -- my girl was in college and then -- so I don't want
19 to bother, you know, mess up for the whole family too. So
20 I just let it go. Everything.

21 Q So far as you know, is this officer still a police-
22 man?

23 A Yes, he is working at the deputy sheriff.

24 Q I see.

25 A He work for Lyman Peace..... now. But the

1 time when he slapped me, I want to go see him in person,
2 just to look at him, what he looked like, but I missed him,
3 they told me, the city police told me that he left, he
4 was -- got scared. I said I'd like to see him, I said,
5 after I -- after about a month later I went to the city
6 to find out, you know, why he did that to me. I want to
7 ask him. And after that, I went to renew my glasses too,
8 my glasses went, on this side he slapped me so my face
9 was swollen, on this side is 48 vision now, they said I
10 couldn't see good, maybe something broke, but an Indian
11 never paid no attention when they get hurt, you know,
12 they just forget it because they're kindhearted. They're
13 not -- they're not like the Anglos.

14 Anglos always turn around and sue people but my
15 people don't want to do that, because my people understand
16 from the way back, so we're still like that today. Lot
17 of people are in -- in Anglos' hands just like -- treated
18 like a dog or something, I don't know.

19 But we still don't open our mouth yet. Because
20 today, we're still suffering on Globe area. We don't have
21 nobody to defend us, that's the problem right there. We
22 need somebody to defend us.

23 I go down to San Carlos to tell the -- the council
24 when Marvin Mohl was the councilman, I said why don't we
25 have somebody to representing the Globe area because you

1 people come down more lot, you supporting our -- you
2 supporting the Globe areas, so far I found out when my
3 husband went on strike, the Globe -- that Globe wasn't
4 running good, you know. I -- that time I used to work in
5 Globe -- just west in a cafe, and they lay a lot of people
6 off, you know, we go on 24-hour shift but the business
7 was slow, because the mine was going to ten months strike
8 and the business wasn't no more, and -- but I see the
9 Indians come from the reservation and supporting Globe
10 area, the town was quiet, and that's how come I went down
11 to the reservation to ask for somebody to come to be a
12 police, Indian police or a sheriff or open a little office
13 so we could turn around when something happened to us.
14 You know.

15 But they never think about us yet, today it's the
16 same way.

17 Q Ms. Evans, was that the only time that you had any
18 experience with the police department in Globe?

19 A No. There's another -- another time too, another
20 time too I had -- I was working that time, 1969, I was
21 working, in July 15th, and city police came to my door,
22 two of them, two young ones, 8:30 in the morning and I
23 came back graveyard, I was working graveyard, I came back
24 and went back to sleep right away, and here some police
25 came to my door and knocked the door an I went and answer,

1 and said, Ms. Evans, I came to pick you up because last
2 night you had a big fight in Pinkette's Bar in Arc,
3 or some kind of -- it's on Highway 70. It's two bars that
4 Indians are always around. And I couldn't believe myself,
5 I said me? I said, and then he said yes, we come --
6 are you coming? They said, so I -- I was half asleep, I
7 was working graveyard so I -- I said well, we'll take you
8 to this office, he said, where you going to take me? I
9 asked him, you know, and then he said to this, the city,
10 I said, and then he said yup.

11 So I forgot my -- I got shocked so I forgot to
12 change my slipper, I forgot to change my nightgown, so I
13 just went and climb in that car. And the kids saw me there,
14 my kids were small too that time, so they saw me, I just
15 climbed in the car, I sit in the back and we pass the city
16 and we straight right out, right straight there Broad
17 Street there was a stop sign so we stop at the stop sign
18 and here, and then we passed again and then when we turned
19 to the post office, I -- I asked, I said where are you
20 guys taking me?

21 And then one of the city police told me, they were
22 two young ones, you shut up back there. And I was sitting
23 in the back, they kept driving until on Highway 70, they
24 keep driving, driving me until we come to a boundary line,
25 that reservation line and we passed that, when we come to

1 airport, and here they -- they dropped me, said there's
2 your car. There's a policeman from San Carlos, get in
3 there and they told me. They kidnapped me.

4 So from there I went into San Carlos and they locked
5 me up. And I didn't fight that night too. So they done
6 me dirty, and then anyway, that time my husband went and
7 got a lawyer in the city, in the Globe City and that was
8 Amos Culbert, he and they told my husband, my husband
9 told the story, good thing he didn't work that day, so
10 he was home, he didn't have a chance to talk with nobody
11 that time. They kidnapped me.

12 So -- and then when Amos called down there what
13 was the problem and then nobody didn't know, Mr. Smith
14 his name, he was a sheriff down there, I don't know if he's
15 still there yet. And then they -- my lawyer talked with
16 him and then they got me out about 4:30, I came home again.

17 So, ever since then they never bothered me, but --
18 but in 1973, this Breedlove came and slapped me around --

19 Q (By the Chair) Well, Ms. Evans, what do you think
20 could be done so that there would be better relations be-
21 tween the Indian people in the Globe area and the police
22 and the sheriff's department?

23 A What I would like to -- for them to do is the
24 reservation should be alert and should make somebody to
25 stay and watch us, we need interpreters and we need lot of

1 things, you know. If we get in trouble nobody to face
2 to it. Specially, you know, specially for the out -- the
3 one that live in the reservation, when they come out,
4 they get in trouble and they come to me, but I'm not a --
5 nothing. And my word don't mean nothing, because lot of
6 times I interpreter for little things, but not really,
7 you know, the big ones. I couldn't handle it because I'm
8 not a lawyer, so I couldn't handle it.

9 But I could interpreter for them. That's the way
10 I like to see. We could open -- the Indians, I know the
11 government has enough money to help us urban Indians out
12 there, and another thing, I'd like to see an Indian sitting
13 with two languages, but I don't see. But the Apaches need
14 more than I am.

15 I talk Apache, myself, that's how come I interpreter
16 and I talk Spanish too. And then -- but I don't interpret
17 the Spanish people do but just specially the Apaches I do,
18 because I talk three language with English four, so that's
19 why they depend on me.

20 But I couldn't go any farther because I'm not like
21 Bunchy right there, Mr. Guerrero. So if I was in his hands
22 I'd be willing to open myself something, if I have the
23 money, you know, I could have -- rent a place.

24 Like I talked to White River people too, like Maria
25 Valazquez, I talk to her. We need somebody here, so that

1 two reservations should open a little office there. That's
2 the way I see one of the White River men, I think, so I'm
3 not too sure, sitting there. So they should be -- wake
4 up and do it before the White men run all over us. And
5 they laugh at our backs. It's not right, you know, that's
6 how come I don't want to work no more to, around Globe
7 area because they done me dirty.

8 That's the way I feel. I just humble, I don't want
9 to fight because if I fight, if I sue them, they gonna
10 really look after me. That's what they told me too, you
11 know, some White ladies that said if -- if you -- unless
12 you going to move out of this county or the state, you
13 will be welcome to do it, but if you going to stay here,
14 all your life, you can't do it because they're really
15 going to watch you, every step you make. Your children.

16 Q You mean they threatened you?

17 A Yes, they threatened me so I never had a chance,
18 so I thought I better just stay home and behave myself,
19 so I tried to behave but it still didn't work.

20 You know, the more you behave the more you get in
21 trouble, the way it seems. If I was just like another
22 drunkard maybe it would be good for me but I'm not the
23 kind that's drinking, staggering around in town or standing
24 in corners or run away from the house and sit and drink
25 coffee and gossip or nothing. I go by his house to go to

1 church almost every Sunday, he saw me, but I never
2 stopped by and say nothing to him yet. But I just see
3 him anywhere around town, I said hi, Bunchy, that's all.

4 That's why, another thing I put this Philip Casador
5 (Phonetic) way back, about seven years ago, I said,
6 Philip, I said, let's try this, I said when you go on the
7 air some Sunday, like Apaches, we need Apache, just think,
8 like in Navajo country, they have somebody on the radio,
9 you hear them. But like us, this Apaches, why aren't
10 they alert and do something? So we put -- I put Philip
11 on it, when I went down the reservation he gave me petition
12 so, about 300-something women signed for him to be on the
13 air every Sunday. So that's just me and Philip, we -- we
14 opened that radio station for him. When he is not there,
15 nothing going on. So that's the way it run by me and
16 Philip for just -- just the best we can.

17 THE CHAIR: Thank you, Ms. Evans.

18 A So what I -- what we really need is the Apache have
19 to wake up and do -- do their rights, the civil rights,
20 and I don't like to see the Anglos run all over us, all the
21 time. It's not right.

22 THE CHAIR: Thank you, Ms. Evans, does any com-
23 mittee member have any questions?

24 Mr. Guerrero?

25 MR. GUERRERO: No, not at this time. I think she --

1 that's the first time -- I live in Globe, and that was
2 the first time, Flora, that I learned of some of these
3 things, because I've been --

4 A And another thing I want to tell you, I don't like
5 policemen, the city policemen always park by the Pinky
6 Bar and Arc Bar and waiting for the Indians to leave on
7 Highway 70 or 60 that goes to White River and San Carlos,
8 and they chase them, they grab them half-way, maybe they
9 go about three miles or four miles, they get them and they
10 throw them in jail. And the same way too, on that Highway
11 60, too. But on the west side, I used to work Phil Sawalla's,
12 everybody's drinking, all kinds of Anglos, Mexicans, Coloreds,
13 but then you never see no city police down there or sheriff,
14 you know.

15 The sheriff handle that side on the west side,
16 but in Miami hardly nobody touch you, you go through there.
17 But at night, you can't go through, on 60 and 70, on that
18 road. They have to stop. Like a lot of times Indians --
19 they come on a bus and they want me to take them down
20 there, and the police have to chase me because they don't
21 want to take the taxi so they come to me and then I
22 always help all the Indians, you know.

23 Then they chase me half of the time but they never
24 stop me because they know my car, I live in the city, you
25 know. So they don't bother me. But I know they chase me

1 a lot of times. I don't like that too.

2 So I want somebody to stop that too. And I like
3 to go to a lot of meetings too, but I just couldn't do it
4 because they -- if you're poor, they won't accept you.
5 If you're dressed like a real, real, real expensive clothes
6 like a \$100.00, \$300.00 clothes you wear, you'll be --
7 let you come to their committee, you know, council meetings.
8 In Globe area.

9 THE CHAIR: If there are no further questions, then,
10 we thank you, Ms. Evans.

11 Ms. Kupsick?

12 Ms. Kupsick, I have asked our staff attorney to
13 talk with you. And so at this time, this is Mr. Bill Levis.

14
15
16 MS. KUPSICK

17
18 A (By Ms. Kupsick) Hello.

19 Q (By Mr. Levis) Mrs. Kupsick, for the record, could
20 you state your name, your address and your occupation?

21 A My name is Gloria Kupsick and I would prefer not to
22 be called Mrs. Kupsick.

23 Q Ms. Kupsick?

24 A Gloria will do.

25 Q Gloria. Could you please describe the initial

1 incident that you were involved in with the Phoenix
2 Police Department?

3 A Yes. On March 30th of 1973, at approximately
4 3:00 o'clock in the morning, I had reason to call the
5 police department from my neighbor's. I had fled from my
6 home, I felt that my life had been threatened and I was
7 in danger. I ran to a nextdoor neighbor and asked her
8 to call the police for me. When they came, two of them
9 came, I asked that they wait while I got my children and
10 got some things and I left the apartment. When I reached
11 to get one of my -- I have three children. One was in the
12 hospital at the time and two were at home.

13 When I went to pick up the baby, my husband then,
14 who is now my exhusband, said you're not going to take the
15 children and I said yes, I am. The police officer said no,
16 you're not. And I said why not? He said you're just not.
17 If you take the children and you step out this door, we'll
18 arrest you. And I said, on the same hand then, you'll
19 arrest my husband if he tries to take the children? Be-
20 cause if he takes the children, he's going to take them
21 to Oklahoma. They said no. He's free to come and go as
22 he pleases. And I said, are you telling me, then, that if
23 I take my children you'll arrest me but if my husband takes
24 the children, you won't arrest him?

25 And they said that's correct. You better hurry up and

1 make your decision because we're not going to stand around
2 here all night.

3 I got very hysterical, I said that's not even logical,
4 that's not -- doesn't even make sense, I said I'm an
5 educated woman that doesn't make sense to me. They said
6 if you're so damned educated, you better get your things
7 and leave. I said let me make one phone call. Said sure.
8 I couldn't think of an attorney's name. I could but he
9 didn't -- he had an unlisted number.

10 So I thought who am I going to call who's going to
11 believe this? And I called, I called someone who is a
12 psychiatrist, and I was hysterical. I was telling him,
13 trying to tell him what they had threatened me with. He
14 said that's -- that's preposterous, that's unbelievable.
15 I said would you like to speak to one of them?

16 By that time there were three, there was a police
17 sergeant there. He said yes, I would. One of the police
18 officers talked to him, and he asked him the same questions
19 and they told him the same things. He said, can she
20 leave with the children? They said no. They said can he
21 leave with the children, they said yes. They said will
22 you arrest her? They said yes we'll arrest her if she
23 leaves. And they repeated everything to him on the phone
24 that they did to me so I have a witness to it. A very
25 reliable witness.

1 I then, while I was talking to him on the phone, the
2 police sergeant said you have just three minutes, and the
3 individual I was talking to said, did I hear him correctly?
4 That they've just given you three minutes to get out of
5 there? And I said yes, you did. He said in that case,
6 maybe you'd better get out of there. And I said I
7 think you're right. I left.

8 Fifteen minutes later, I went to my neighbor's house.
9 15 minutes later I received a telephone call and I had an
10 attorney. The attorney's advice to me was to go outside
11 and if my husband should happen to try to leave with the
12 children, I should get into an argument with him and have
13 my friend call the police back and have us both arrested
14 for disturbing the peace. He said at least that way you'll
15 both be in jail but your children will be safe, they will
16 be here and in the morning we can get you out.

17 I went out to do that, and the back door was open,
18 my husband was gone, my children were gone. It cost me
19 two attorneys in two different states to get them back, I
20 was legally separated that day, and I'm now legally divorced,
21 but it cost a lot of money and it took three weeks to get
22 two children back.

23 Q (By Mr. Levis) What's the ethnicity of your hus-
24 band and also what is your ethnicity?

25 A I'm Indian, I'm Shoshoni and Washo, my husband is

1 White, he has blond hair and green eyes. I do not.

2 Q What was the ethnicity of the police, to the best
3 of your knowledge?

4 A White.

5 Q As a result of the incident that you described,
6 did you go down and file a complaint with the police or
7 talk with the police, the Phoenix Police about this?

8 A At that time, and even yet, I don't have very much
9 money. It takes money to do things like that. I was just
10 lucky I had someone I could borrow the money from to pay
11 an attorney, two attorneys to get the kids back and to get
12 a separation.

13 Q Is there any organization in Phoenix that Indian
14 people can turn to?

15 A There wasn't at that time. I think -- there really
16 isn't an identifiable organization to go to even now.
17 There are some sources that are just beginning. Some
18 places where you can go but they're not, I don't feel
19 they're quite strong enough.

20 Q Now, I understand there was a second incident in-
21 volving restraining, involving a restraining order and a
22 request of the police also to assist you if -- there was
23 a problem also with that incident?

24 A Yes. I really had some experiences with the legal
25 system in Phoenix. Yes. After I was divorced, I had

1 reason to ask for a peace bond on my then-exhusband. And
2 the peace bond, you know, is if somebody has threatened
3 or has actually done physical harm to you, and he had.
4 And I requested a peace bond. That peace bond was --
5 was granted, but at one point I felt necessary to go back,
6 it was for six months and it was going to lapse. I found
7 it necessary to go back and ask that the peace bond be
8 reinstated or something be done, because he wasn't
9 following it. I wasn't given the opportunity to fully
10 explain what it was he was doing to me, there was no
11 privacy, it was at the counter, the judge simply said bring
12 him in. They brought him in. Peace bond was not reinstated.

13 After that, he told me, he, my exhusband, said, you
14 know, even that judge thinks you're crazy. Because he
15 said to me when I went in, he said, are you still bothering
16 her? And I said yes, as long as she has my children I'll
17 always be around. And he said, why don't you stay away
18 from that damned woman?

19 Q What, in your opinion, should be done by the police
20 and by the criminal justice system to avoid the incidents
21 that you had to experience? Specially the initial one?

22 A I think, one, you know, the police department, I
23 think members of the police force become very callous.
24 That's one. That's kind of like a hazard of their job,
25 I guess. But I also understand from them that there are

1 many times when they're called to settle a domestic quarrel
2 and they'll help out and either one of the parties, it's
3 usually the wife will not press charges. Or they'll press
4 charges and then they'll drop them. So that they think,
5 you know, what's the use?

6 One possible recommendation for that is that when
7 they're called for family squabbles, and quarrels, if they
8 had a second corps to go along with them. If they had a
9 counseling corps to go with them, possibly made up of
10 citizens, possibly made up of professional counselors,
11 who would go with the policeman to give some, on the spot,
12 counseling, to help take away the hystericalness of it,
13 that might help.

14 I think it would help at least people who are in-
15 volved in it.

16 Another thing, of course, is more PR work, somebody
17 who the Indian people can really turn to. Somebody who
18 actively goes out and seeks that.

19 I can see them even leaving a sheet with you after
20 the police have been there, say in my case, had they left
21 a comment sheet for me and said, please give us your views
22 on how we handled this, if you want to, and send it to the
23 police office, from there I can see that going into a peer-
24 type review. Doctors do it, they review each other's care.
25 Why can't policemen? If you had all of the cases written up,

1 and you went before a review board, and they said, okay,
2 let's see how you handled it, and not to take necessarily
3 a punitive approach to it for the policeman but to take
4 constructive approach, to say okay, this is what you could
5 have done, these are the ways that you can improve.

6 But to have that review board made up of both pro-
7 fessionals and lay citizens.

8 Q Is there any human rights group on the police
9 department right now, to the best of your knowledge, where
10 you can file such a complaint?

11 A I think there is. I don't have a lot of faith in
12 the Phoenix Police Department at the time.

13 Q Are there any Indian police officers or women police
14 officers, to the best of your knowledge?

15 A To my knowledge, there are no Indian women police
16 officers. I believe there are three -- three, I -- I know
17 of at least one Indian policeman.

18 Q How about women police officers?

19 A There are women police officers.

20 Q Do you have any other suggestions on how relation-
21 ships with Indian police -- Indian people, especially
22 Indian women, and the police could be made better than they
23 are presently?

24 A There are groups of Indian women throughout Phoenix,
25 there's one in particular that's beginning to become more

1 cohesive, I think if the police made a real effort in
2 talking to Indian women, they might be able to achieve
3 some better relationships. I think it has to be more than
4 just talking.

5 It's not going to work if you just go out and talk
6 to groups.

7 Q Is the city council aware of the incident that
8 happened to you?

9 A No. I must tell you that -- that the other day
10 I got a phone call from a friend who said -- I have a
11 friend in the police department who just called me and
12 they want to know what you're going to go to Tucson for,
13 they want to know who you are and what you're going to
14 talk about.

15 Q (By the Chair) Gloria, do you interpret that as
16 being a threat?

17 A Yes, I do. I don't interpret it as being a threat
18 to me but I don't feel really comfortable with it either.
19 I don't feel good about that at all.

20 The other thing is evidently there's been some
21 difficulty in getting the names of the officers on that
22 incident.

23 Q (By Mr. Levis) Did you ever receive any kind of
24 explanation as to why the first incident occurred, that is
25 that you were ordered to leave without your children, yet

1 your husband could leave with the children?

2 A. No. Oh, no.

3 Q. That's never been made clear to you?

4 A. No. It doesn't make sense to me even now and I'm
5 not hysterical.

6 MR. LEVIS: I have no further questions.

7 THE CHAIR: Thank you very much, Gloria.

8 Is Capt. Nelson of the Phoenix Police Department
9 in the audience?

10 CAPT. NELSON: Yes, I am.

11 THE CHAIR: Would you please take a seat over there,
12 Capt. Nelson?

13 Also Officer Breedlove of the Gila County Sheriff's
14 Office?

15 Is any representative of the Gila County Sheriff's
16 Office in the audience?

17 Also Deputy Mohl of the Pima County Sheriff's
18 Department and Deputy Martin of the Pima County Sheriff's
19 Department?

20 VOICE: Yes, Ma'am.

21 THE CHAIR: Would you please come forward?

22 What is your name, sir?

23 VOICE: Deputy Mohl.

24 THE CHAIR: Would you please come forward? And
25 take a seat at the table?

1 Deputy Mohl, would you tell us whom you have with
2 you? Would the gentleman with you identify himself?

3 MR. MARTIN: Deputy Martin, Pima County Sheriff's
4 Department.

5 THE CHAIR: Oh, you're Deputy Martin, thank you.

6 May I repeat the question whether there is a
7 representative of the Gila County Sheriff's Office present?
8

9 (No response)

10
11 THE CHAIR: If not, then I will ask Mr. Levis
12 to proceed his discussion with Captain -- with his dis-
13 cussion with Capt. Nelson?

14 Q (By Mr. Levis) Capt. Nelson, could you please
15 state your full name, your address and your occupation?
16

17
18 CCAPT. DOEG NELSON.

19
20 A (By Capt. Nelson) Yes, my name is Doeg Nelson,
21 I'm Assistant Police Chief of the City of Phoenix,
22 Arizona, the address is 620 West Washington.

23 Q Could you describe the role of the Phoenix Police
24 Department in enforcing peace bonds or restraining orders
25 against persons?

1 A Yes, where a peace bond is issued, the police
2 officer, after an action is taken by the judge, may then
3 enforce the second order. The peace bond is merely an
4 order of the court telling them not to do something.

5 Q And were you ordered by the court to enforce the
6 peace bonds in the case involving Gloria Kupsick?

7 A To my knowledge, no. I was able to find that a
8 peace bond was issued but we did not have any information
9 of it being filed.

10 Q Do you have any specific information that you're
11 referring to concerning that peace bond?

12 A No, sir, I do not. As a matter of fact, the incident
13 that Mrs. -- Miss -- well, Kupsick is it? Related, I'm
14 not at all familiar with it as a matter of fact, I'm as
15 surprised as I'm sure everybody else here is because that
16 certainly is not the way it should have been handled.

17 Q How should it have been handled?

18 A Well, I'm not saying who should get the children,
19 but certainly if the husband could take them, then she
20 should be able to take them.

21 Q Do you have any information at all as to how the
22 initial incident concerning the children was handled?

23 A No, I have information on another date where the
24 children were involved, but on the one that she referred to
25 I have no information on it.

1 Q Is it common practice not to have information on
2 incidents where the police were involved?

3 A Well, first of all, we made some inquiries trying
4 to learn what the discussion was going to be here, no one
5 told us what it was going to be about other than an incident
6 that occurred on March 3rd.

7 MS. KUPSICK: Thirtieth.

8 A Pardon me?

9 MS. KUPSICK: Thirtieth.

10 A I believe this is a letter from the United States
11 Commission on Civil Rights and it says here March 3rd.

12 MS. KUPSICK: March 30th.

13 A Well, that's an error so I don't have --

14 Q (By Mr. Levis) Do you have any information at all
15 concerning an incident on March 30th?

16 A On March 30th, no, sir, I do not.

17 Q Would you be able to supply that information to the
18 committee at a future date?

19 A Most definitely and I would like very much if Ms.
20 Kupsick could -- if she has the name of any of those
21 officers, I'd like to know about those, about them also.

22 MS. KUPSICK: That should be in the record, shouldn't
23 it?

24 Q Yes, it should be.

25 MS. KUPSICK: I have the case number.

1 A May I have it before I leave, please?

2 MS. KUPSICK: Yes, I have it.

3 A Thank you.

4 Q (By Mr. Levis) That was 30, 1973, was the original --

5 MS. KUPSICK: Yes.

6 A This was '73?

7 MS. KUPSICK: Yes.

8 A Well, they gave me March 3, 1975, I'm sorry.

9 That's from the commission and you may see it if
10 you like.

11 Q Could you tell us what standard procedure should be
12 when a call is made, similar to the one that Gloria Kupsick
13 made on March 30, 1973, what should be the common pro-
14 cedure that the police use?

15 A I believe at the time the lady mentioned that she
16 and her husband were still married at that time, is that
17 not true? Under those conditions the police really can
18 only try to preserve the peace, they can't take a position
19 either way or against the husband or the wife because the
20 children are children of both. So really, there's nothing
21 more the police can do except try to maintain the peace.

22 Q So either party would have the right to take the
23 children?

24 A Most definitely, yes.

25 Q To the best of your knowledge, how many persons work

1 for the Phoenix Police Department, how many are minority
2 males and minority females, if you have that information?

3 A There are approximately 1,500 officers, and I don't
4 know the exact number, I believe there are about 44 sworn
5 Black officers, that's male and female, and about 125, I
6 believe, Mexican-American, there are three that I can think
7 of, Indian officers, American Indian. I think the total
8 number of female officers would -- this fluctuates quite a
9 bit, may approach 35 or 40 now. I'm not sure because --
10 there are a lot of people in the academies and so forth
11 and I can't be certain on that.

12 Q Do you know how many women officers are American
13 Indians?

14 A I don't believe there are any.

15 Q And you said there are three Indian males?

16 A Yes.

17 Q Does the police department have a human rights
18 officer or someone you can report such complaints to?

19 A That's why I'm surprised, because I'm that officer.

20 Q How long has this position been --

21 A Since 1967.

22 Q And what is your duties and your obligations once
23 a complaint is filed?

24 A We will dispatch someone out to investigate the
25 complaint and where necessary we will see that an investi-

1 gation is conducted. The individual may want to take the
2 complaint to the human relations department, which is not
3 a part of the police department, it's a department set up
4 by the city to investigate complaints of racial discrimina-
5 tion or whatever.

6 In addition, there is a human relation commission
7 that does function also in Phoenix.

8 Q And what power do you have as far as correcting the
9 situation?

10 A The power, as far as correcting, of course rests
11 with the police chief himself and the council. The only
12 power that I have is that of recommending to the police
13 chief and what I think ought to be done.

14 Q So the final decision rests with the police chief?

15 A Yes.

16 Q How, if you file a complaint to the human --

17 A That's not quite true. The final decision of course
18 would rest with the council. I'm sorry.

19 Q If you file a complaint with the human relations
20 agency, how would that be handled to the best of your know-
21 ledge?

22 A They would in all probability contact the community
23 relations division which I'm a part of and we would
24 initiate the investigation, the initial investigation, and
25 if need be, we'll call in special services to do a more

1 thorough investigation if it be necessary.

2 Q So you're both part of the police department and
3 the human relations division of the city, is that --

4 A No. The police department also has what we call
5 a police community relations division, which is a part of
6 the police department. Our job is to work with various
7 individuals in the community and if there are some com-
8 plaints, we will seek these complaints out and bring them
9 to the attention of the department.

10 As a matter of fact, we do have a program going
11 presently with the Indian center, I think is GAROE (Phonetic),
12 on Third and Third Street.

13 Q But there also is a human rights division of the
14 city?

15 A There's a human relations department of the city.

16 Q So a complaint could also be handled with them?

17 A Yes.

18 Q How would that work, to the best of your knowledge?

19 A You call the human relations department and they
20 would, themselves, make the initial investigation.

21 Generally speaking, would contact my office, if
22 they can't reach anyone at my office, they would contact
23 either the police chief's office or usually the police
24 chief's office and either one would see that the investi-
25 gation was conducted by the -- within the department.

1 Q And what power do they have?

2 A By they you mean who?

3 Q The human --

4 A Relation --

5 Q -- relations division of the city or department of
6 the city?

7 A That's a department.

8 The human relation department has, by ordinance,
9 the power to, if they find an act of discrimination based
10 on race and whatever, to file charges or the recommenda-
11 tions to the council, to whomever the change will be made.

12 Q Then the final decision again is that of the council?

13 A Council or the courts, yes.

14 Q How many people do you have in your department or
15 your division?

16 A Just now, 51.

17 Q And how many Indian persons do you have in your
18 department?

19 A Right now -- I don't have any Indians assigned to me
20 permanently at all right now.

21 Q And to the best of your knowledge, how many women
22 do you have in administrative capacities?

23 A There are, I believe, three.

24 Q Are there any Indian persons, to the best of your
25 knowledge, working for the human relations department?

1 A I'm not absolutely certain, at one time Mr. Cabaroilt (P)
2 was trying to get an Indian person working out of his
3 department but I'm not sure if he has or not.

4 Q (By the Chair) Capt. Nelson, what efforts do you
5 or the department make to reach out into the Indian
6 community to let Indian people in the Phoenix area know
7 what avenues are available to them to register complaints
8 or obtain assistance?

9 A Yes, we have been, in my division I have a group
10 that we call the Human Relations Bureau. And they have
11 been working with Mr. Sid Beam and various other Indian
12 leaders in Phoenix and with the Indian school itself, and
13 we have passed out information and flyers that, you know,
14 advising that these things can be done and so forth.

15 Q To your knowledge, have any Indian people ever made
16 use of this avenue?

17 A Oh, yes. And we also, there is a -- a -- in recent
18 times Mr. Glenwood Wilson, who is an administrative assis-
19 tant in the city manager's office, he has also been in-
20 volved in getting complaints and so forth.

21 Mr. Wilson happens to be an American Indian, also.

22 THE CHAIR: I have no further questions.

23 Do any members of the committee have any questions?

24 Then we want to thank you, Capt. Nelson, very much
25 for being with us.

1 And at this time, then, I will ask Ms. Molina if
2 she would like to speak to Deputies Martin and Mohl.

3 VOICE: Madame Chairperson, may I be heard for just
4 a moment, please?

5 I'm Howard Baldwin and I'm a Pima Deputy County
6 Attorney, we're here in good faith to give information
7 that we have to this commission. And the only problem
8 that we've had so far is that we can't really, and haven't
9 been able to determine exactly why we're here.

10 We know that it's an incident involving a person
11 by the name of Garfield Ironstar, but we have not had
12 any communication from this commission stating exactly
13 what it was that Mr. Ironstar was alleging, and it was
14 my understanding that someone would present just what these
15 allegations were here today so that the deputies then could
16 respond to them.

17 THE CHAIR: Yes, well, this was -- this took place
18 this morning, were you present at that time?

19 MR. BALDWIN: No, we weren't, we were invited here --

20 THE CHAIR: This afternoon, I mean. This presen-
21 tation was made by the previous panel, and you were not
22 present at that time?

23 MR. BALDWIN: No, we were not.

24 MR. LEVIS: Can I ask the Court Reporter a question?
25 Is it possible to, briefly?

1 MR. BALDWIN: If it wouldn't be too much of an
2 inconvenience, I think it would enable us to respond
3 a little more fully.
4

5 (Short recess)
6

7 THE CHAIR: Will the hearing please come to order
8 at this time?

9 Q (By Ms. Molina) Gentlemen, first of all if all of
10 you would please state your name, address and occupation?
11

12
13 MR. JAMES D. MOHL
14

15 A (By Mr. Mohl) James D. Mohl, M-o-h-l, Deputy, Pima
16 County Sheriff's Department, Mission Road, Tucson, Arizona.
17

18
19 MR. HOWARD BALDWIN
20

21 A (By Mr. Baldwin) My name is Howard Baldwin, I'm a
22 deputy Pima County Attorney.
23
24
25

1 MR. TED MARTIN

2
3 A (By Mr. Martin) I'm Ted Martin, with the Pima
4 County Sheriff's Department. I work out of the east side
5 station.
6

7
8 SGT. RALPH TAYLOR

9
10 A (By Sgt. Taylor) And I'm Sgt. Ralph Taylor, with
11 the Pima County Sheriff's Department.
12

13 Q Thank you.

14 Deputy Martin, could you describe your role in
15 the incident involving Garfield Ironstar?

16 A (By Mr. Martin) Well, I was dispatched or -- more
17 correctly, Deputy Mohl had broadcast over the radio that
18 he found what he believed to be a body at the intersection
19 of Tanque Verde and Sabino Canyon and he said that he
20 believed that it, the person he found had recently died,
21 he requested assistance and I responded upon his request.

22 I got there about ten minutes of 10:00 in the
23 morning, at that time I saw a row of firemen, two Kords
24 ambulance attendants, Deputy Mohl and a White male sitting
25 on the ground.

The ambulance attendants, firemen and Deputy Mohl,

1 were attempting to talk to the man on the ground, and he
2 appeared to be incoherent or intoxicated or on some sort of
3 narcotic or something.

4 At that point I asked Deputy Mohl if the man sitting
5 there was in fact the person he thought was dead and he
6 said it was. So I went to the radio to advise the person
7 wasn't dead.

8 The next thing I had to do with Mr. Ironstar was
9 Deputy Mohl was taking him over to the police car to the
10 driver's door. And in the, I believe he was conducting a
11 patdown search for weapons. I heard some scuffling and Mr.
12 Ironstar was attempting to kick Deputy Mohl in the shins.
13 Deputy Mohl had his hands around Ironstar's wrists. I
14 went to the assistance of Deputy Mohl as did one other
15 deputy.

16 Q You say the -- Mr. Ironstar was standing at the
17 driver's door?

18 A Facing the car.

19 Q Facing the car.

20 Deputy Mohl, do you concur with what Deputy Martin
21 has just stated?

22 A (By Mr. Mohl) Yes, I do.

23 Q When you proceeded -- when you found -- Deputy
24 Martin, when you found, supposedly, the body, your first
25 reaction was that he was dead, is that correct?

1 A It's Deputy Mohl, yes, it was.

2 Q I'm sorry, Deputy Mohl.

3 When did you discover that the gentleman or the
4 body was not actually a body?

5 A Mr. Ironstar apparently woke up upon the approach
6 of a fire engine who had to turn on his siren to get into
7 the intersection that we were in.

8 Q The sound of the siren apparently woke him up.

9 So you would say, then, Mr. Ironstar was intoxicated?

10 A At the time I didn't know what was wrong with Mr.
11 Ironstar.

12 Q When he did become aware of the circumstances, you
13 had to lead him to the -- to your car, is that it? Or
14 persuaded him to go to your car to be searched or --

15 A Right. My -- when Mr. Ironstar regained consciousness
16 and was checked out by the ambulance personnel and the
17 fire department, I was going to take Mr. Ironstar home.
18 Put him in my patrol car and take him home. But before I
19 would put him in the patrol car I was going to pat him down.
20 So Mr. Ironstar and myself walked to the side of my patrol
21 car.

22 Q He was able to walk, in other words?

23 A He was walking, yes.

24 Q And you took him to the side of your car, of the
25 door you said, the driver's door to search him?

1 A That's correct.

2 Q At that time, is when he became upset with you?

3 A Well, about two steps away from the side of the
4 patrol car I asked Mr. Ironstar to place his hands on the
5 side of the patrol car, gesturing to the area between the
6 two doors, the four-door sedan. And he took another step,
7 turned and started to swing at me, he swung around like
8 this and started to step back. That's when -- first
9 problem arose with Mr. Ironstar.

10 Q You had a scuffle with him, in other words?

11 A Yes, Ma'am, after he attempted to swing at me I
12 knocked him off balance and a fight ensued. More of a
13 wrestling match than a blow by blow fight.

14 Q Did you read -- did you indicate to Mr. Ironstar
15 at that time that he was being arrested or did you read
16 his rights or did you indicate --

17 A He wasn't arrested.

18 Q He was not arrested?

19 A No, I had told him that I would take him home. And
20 that's what we were going to do.

21 Q Were you under the impression that perhaps Mr.
22 Ironstar did not understand what you were saying to him?

23 A I wouldn't say that. He apparently knew what I was
24 saying, he did go along with me to the police car.

25 Q You would say that Mr. Ironstar has a full command

1 of the English language, he would understand you?

2 A I believe so, he did converse with me later on.

3 Q In English?

4 A Yes.

5 Q I understand from Deputy Martin that he believed
6 Mr. Ironstar to be intoxicated or on drugs or something,
7 would you concur with this?

8 A When I originally found Mr. Ironstar, if I can
9 explain, his general appearance, it might help to explain
10 this.

11 Mr. Ironstar was approximately six-foot -- feet,
12 rather, from the edge of the roadway, laying on his back
13 with his neck fully extended to the rear. His mouth was
14 open, his mouth was filled with flies and there were flies
15 all over his lips. His eyes were closed, and his shirt
16 was ripped down the front and bloody, his chest was bruised,
17 I made a quick check of his pulse, I had nothing on the
18 wrist, his arm was totally limp.

19 He was still warm but moist. I checked his carotid
20 pulse, there was no pulse. He had one boot torn off. I
21 pulled his sock down, checked his ankle for a pulse, there
22 was no pulse. I took my eye glasses off and placed them
23 under his nostril, to try to see if there was any sort of
24 an air exchange, there was no air exchange, there was no
25 fogging on the lense of my glasses.

1 Basically, that's how I found Mr. Ironstar, he was
2 in that sort of a condition. He was dirty, his clothes
3 were disheveled, apparently, to me I thought I had a
4 homicide. He had the appearance of somebody who had been
5 thrown from a car.

6 Q But you didn't see that he was beaten up or he had
7 a wound or anything like this, right? He --

8 A He did have bruises all over him.

9 Q Just bruises?

10 A On his chest, yes.

11 Q What -- could you describe the medical treatment
12 that you sought for Ironstar?

13 A Okay, upon finding him and in my mind determining
14 that this was a possible homicide, I called for an ambulance,
15 I called for a fire department rescue unit, and at that
16 time I backed off to protect the scene. The fire department
17 unit was close by to the scene, responded from the firehouse
18 which is just about in eyesight of where we were, was there
19 in a very short time. And at that time I approached the
20 fireman when he arrived, began to take the equipment off
21 to start to work on Mr. Ironstar, and that's when he
22 apparently woke up.

23 I imagine it was the sound of the siren that woke
24 him up.

25 Q Did you ask him what had happened, if he had suffered

1 an accident or if somebody had mistreated him in some way?

2 A No. The firemen and I first of all we went right
3 over to Mr. Ironstar with the oxygen and the first aid
4 equipment, and immediately thereafter or short time there-
5 after, the ambulance showed up.

6 We were more concerned with his -- his health whether
7 he had been seriously hurt or anything else than to find
8 out what had really happened to him. At that point.

9 Once he was checked out by the ambulance personnel,
10 and the fire department rescue unit, that's when I did
11 start to question him and at that point he offered no
12 answers except to throw his wallet at me, that was it.

13 Q What happened after that?

14 A At that time I told Mr. Ironstar that I would take
15 him home, I opened his wallet and he had a Social Security
16 card inside. I asked him if his name was Ironstar and he
17 just, he nodded his head. I said, come on, I'll take you
18 home and that's when we stood up, the ambulance personnel
19 helped him to his feet, asked him if he was okay, and I
20 believe he muttered yes or he nodded, that's when we began
21 to walk to the patrol car which is about ten or 12 feet
22 away.

23 Q Continue.

24 A Okay. At that point, like I said, I asked Mr.
25 Ironstar to place his hands on the side of the patrol car.

1 That area would be right in the area of the light bar
2 which sits right between the two doors on the sides.

3 As I stated earlier, Mr. Ironstar got within a step
4 of the patrol car and started to swing around like this at
5 me. I was on this corner of the -- to the rear. I knocked
6 Mr. Ironstar off balance, he started kicking, I knocked Mr.
7 Ironstar to the ground. Actually, forced him to the ground.
8 I grabbed his belt and his hand and forced him to the
9 ground. He continued to fight, started to stand up and
10 I pushed him forward.

11 At this point we were by the windshield in front
12 of the windshield on the hood of the car. He continued
13 to kick and swinging his hands, I guess the next thing
14 would be Deputy Martin and an ID technician coming to my
15 assistance.

16 Q Then Ironstar was on the hood of the car for a
17 length of time?

18 A He was on the hood of the car long enough to handcuff
19 him. Both deputies, as soon as we had reached the hood
20 of the car, both deputies came in from either side of me,
21 and we forced Mr. Ironstar's hands behind him and handcuffed
22 him.

23 At that point I took him by his shirt and his belt,
24 picked him up and put him face down on the ground.

25 Q How tall would you say Mr. Ironstar is?

1 A. I can give you his height according to the police
2 report as five-eleven.

3 Q What?

4 A Five feet, eleven inches.

5 Q How much does he weigh?

6 A He weighs approximately 140 pounds.

7 Q And how tall are you, sir?

8 A Six-two.

9 Q And you weigh how much?

10 A Two-twenty.

11 Q Okay, could you continue after that, what did
12 happen?

13 A Mr. Ironstar was, as I stated, placed on the ground
14 face down. I told Mr. Ironstar if he would quiet down,
15 I told him to quiet down, correction, and he did. He
16 quieted down within a matter of seconds. At that point I
17 picked him up, walked him around to the passenger's side
18 of the car, placed him in the car, put the seatbelt on him
19 and locked the door.

20 I went around to the other side of the car and got
21 in with him and gave him his Miranda rights, advised him
22 that he was under arrest.

23 Q What were the charges at that time?

24 A At that time, aggravated assault and disorderly
25 conduct.

1 Q And then you proceeded to take him to jail?

2 A No, Ma'am, I took him to the hospital.

3 Q What hospital did you take him to?

4 A I took him to Pima County Hospital.

5 Q I see. And what was he treated for?

6 A I took him into the emergency room and the doctors
7 took him into an operatory, and began to treat him. What
8 they did to him in the operatory I don't know, it would be
9 on the medical report. But he was, apparently he did
10 receive some scrapes in the incident, he was also beaten
11 up in the incident prior. Whatever incident that was.

12 Q You never did learn what that incident was?

13 A I'm not sure if -- what incident that was prior
14 to that, no. Obviously he was in some sort of an alter-
15 cation with someone.

16 Q And after he was released from the hospital, or
17 was he released from the hospital?

18 A Well, he was treated for approximately an hour, at
19 which time he refused further medical attention, and undid
20 any dressings they had put on him, they had dressed a
21 laceration on his face or a scrape, I don't know which one
22 it was, and because of the bruises on his chest the doctor
23 told me that they were going to x-ray him but he refused,
24 and took the dressings off and wiped whatever ointment
25 they had put on off with his shirt, and just totally refused

1 any sort of help after that.

2 He, I believe he did sign the waiver to further
3 aid from the hospital at that time. He was released to my
4 custody then.

5 Q How coherent was he at that time?

6 A He was coherent from the time that he was in the
7 squad car.

8 Q And you were speaking to him?

9 A Yes, Ma'am, in English.

10 Q In English?

11 A Yes.

12 Q And from that point on what did happen?

13 A After he was turned over to me we continued on to
14 the jail. Pima County Jail, on Silver Lake and I booked
15 him into the jail at that point.

16 I then transported him to the arraignment court and
17 at that time he was turned over to those personnel that man
18 that court.

19 Q And that was your complete contact with him, is that
20 right?

21 A Yes, Ma'am.

22 Q Do you know what period of time he did spend in jail?

23 A No, Ma'am.

24 MS. MOLINA: Okay, thank you very much.

25 Q (By Mr. Guerrero) Madame Chairman, Deputy Mohl, did

1 you state that he was put in jail after he left the hospital?

2 A. Yes, sir.

3 Q. And how long was he retained in the jail?

4 A. I don't know.

5 Q. What was the final disposition of that case, do
6 you have any idea?

7 A. I just took him to the arraignment court, after
8 that it would all be in his records at the jail.

9 Q. You didn't follow it up after, you don't know what
10 happened with that case? You don't know what the final --
11 result was?

12 A. No, the followup comes when we're summoned into
13 court.

14 Q. Madame Chairman, Deputy Mohl, is that what you
15 usually do when you see a person intoxicated, who appears
16 to be intoxicated to you, what do you usually do when you
17 see a person in this condition? Is that your usual pro-
18 cedure?

19 A. I didn't have an intoxicated person when I found him.

20 Q. Pardon me?

21 A. I didn't have an intoxicated person when I found him.

22 Q. Madame Chairman, Deputy Mohl, I understood that you
23 persons felt that he was either intoxicated or under the
24 influence of drugs when you saw him laying on the ground,
25 is that correct?

1 A When I found him initially, I thought he was a
2 victim of a homicide.

3 Q Well then, I'll address it to Deputy Martin, Madame
4 Chairman.

5 Deputy Martin, I think you made that statement a
6 while ago that you felt he was under the influence of
7 alcohol or narcotics?

8 A (By Mr. Martin) That's correct, I arrived about 20
9 minutes after Deputy Mohl did.

10 Q What do you usually do when you see a person in that
11 condition?

12 A That is intoxicated?

13 Q Yes.

14 A If they're merely intoxicated, nothing, it's not
15 against the law to be intoxicated in Arizona.

16 Q Well then, Madame Chairman, Deputy Martin, in other
17 words, you see somebody intoxicated in that condition, you
18 don't do anything?

19 A Well, that depends on the situation.

20 Q What would be the situations, if you could tell this
21 panel, that you would react to in different instances,
22 different --

23 A Well, there are provisions in Arizona if the person's
24 willing and cooperative we can take them to a LARC in
25 South Tucson, they can be treated for alcoholism. If they

1 don't want to go there and the only thing they are is drunk
2 in public, they're in violation of no law. And we -- we
3 possibly could take them home under certain conditions
4 if it would be hazardous to their health staying out.

5 Q Deputy Mohl, is that -- is that the same procedure
6 you use?

7 A (By Mr. Mohl) Yes, it is, they have the option to
8 go to LARC but it is an option. It's their determination.
9 If they don't want to go we can't force them into it. If
10 they're in a position which might be detrimental to them-
11 selves or somebody else, personally I would elect to take
12 them home.

13 In this case, we're talking about one of the heavier
14 traveled intersections in this town with rush hour traffic.

15 Q Did you ask him, sir, that if he wished to go to a
16 LARC center?

17 A No, I did tell him I was taking him home. He
18 offered no --

19 Q Do you do this with all persons in this condition
20 that you find, do you offer to take them home?

21 A That's correct.

22 Q There's no --

23 A If they don't want to go to LARC, I will ask them
24 if they want to go to LARC if they don't appear to have a
25 home, I'd rather see a man go to his home.

1 Q And what was the person finally charged with, you
2 said disorderly conduct?

3 A That's correct, and aggravated assault.

4 Q Aggravated assault?

5 A That's correct.

6 Q Upon whom?

7 A A police officer.

8 Q Would it be more or less resisting arrest that you
9 think he should have been charged with?

10 A No, I charged him with aggravated assault and dis-
11 orderly conduct.

12 Q I'm just curious, you know, because I don't know
13 too much about the procedures other than it would seem if
14 you arrested him for disorderly conduct and then he would
15 be resisting arrest, didn't he? He didn't assault you
16 until you touched him, did he?

17 A I hadn't touched him. He's the one that --

18 Q I understood that he made the statement that you had
19 taken him over to the --

20 A We had walked to the car.

21 Q Did you take him by the hand over there?

22 A He was helped to his feet by the ambulance personnel.

23 Q Did you help raise him up from the --

24 A No.

25 Q Madame Chairman, I'd like to have some information,

1 if it's all right, if it's permissive, Madame Chairman,
2 have you been a deputy long?

3 A Yes, sir.

4 Q How long have you been --

5 A Approximately two years.

6 Q Two years with the sheriff's office?

7 A With the sheriff's department, yes, sir.

8 Q How long have you been in the law enforcement
9 sector?

10 A Two years in this state and approximately a year,
11 year and a half in New York.

12 Q That was the next question I was going to ask you,
13 if all of your enforcement experience has been in Arizona
14 or if there are other states maybe you have been in the
15 enforcement.

16 You just worked one year in the law enforcement
17 sector in the State of New York?

18 A Approximately a year to a year and a half. It all
19 depends on whether or not you count the academy time.

20 Q And would you state the reason why you left or why
21 you quit or -- did you resign to come out here or were
22 you laid off or --

23 A Yes, I did come out here for this job.

24 Q Was this job offered to you before -- while you were
25 still on the force there?

1 A. Yes, sir, I received written notification that there
2 was going to be a test given.

3 Q. In other words, you quit your job there to come
4 over here and take a test, were you assured of a position
5 here?

6 A. I wasn't assured of a position.

7 Q. I was wondering, what type of training have you
8 received for your position with the sheriff's office? What
9 kind of training have you had?

10 A. We have an 18-week academy class which is eight
11 hours a day.

12 Q. And that's with the City of Tucson, I mean with
13 the county?

14 A. Pima County Sheriff's Department.

15 Q. And you take this training with the department of
16 public safety?

17 A. No, it's the sheriff's department academy.

18 Q. Do you have your own academy here?

19 A. Yes.

20 Q. Have you had any other instruction within your
21 department, say in the area of human relations or how
22 to approach the public, maybe, or -- or do you just have
23 law enforcement training? What kind of human relations
24 or public relations training do you have extended to you?

25 A. Over an 18-week period of time, our academy covers

1 just about every aspect of the enforcement end of it that
2 we would need, included in that is a comprehensive public
3 relations course. It's given by an outside agency.

4 MR. GUERRERO: Can I ask Deputy Martin a couple of
5 questions?

6 Q (By Mr. Guerrero) Deputy Martin, can you tell us
7 how long you've been with the sheriff's office?

8 A (By Mr. Martin) I've been with the sheriff's
9 department for two years, and in the criminal justice
10 system for seven and a half years.

11 Q What part of the criminal justice system?

12 A I've worked for the courts and in enforcement.

13 Q Is that two and a half -- two years with the
14 sheriff's office in enforcement and then an additional
15 seven and a half?

16 A No, total of seven and a half.

17 Q Total seven and a half? That would be five and a
18 half years with the, with which department?

19 A I worked for the Pima County Juvenile Court for four
20 and a half years, I've worked for the Motor Vehicle
21 Division of the State of Arizona for a while, I've worked
22 for Pima County Sheriff's Department in the jail for about
23 four months.

24 Q Are you a native Arizonan?

25 A No.

1 Q How long have you been in the State of Arizona?

2 A Twelve years.

3 THE CHAIR: If I might at this point, Mr. Guerrero,
4 ask whether the public relations training, and I'll direct
5 this to Sgt. Taylor, if he can answer the question, whether
6 the public relations training received by officers of the
7 department includes any sensitivity training to the charac-
8 teristics and attitudes of Indian people?

9 A (By Sgt. Taylor) I haven't reviewed the training
10 curriculum with either Deputy Mohl or Martin. However, at
11 the time I went through the academy, which was in July
12 of 1969, there was a 24-hour block, three days of training,
13 on minority relations and a specific eight-hour block on
14 the Indians. Local Indian population, that was delivered
15 by Sgt. Frank Teachout, from the department of public
16 safety, and there was one other sergeant from the depart-
17 ment of public safety along with the academy staff.

18 At the time I went through the academy it was a
19 combined Tucson Police, Pima Sheriff's Academy, and I re-
20 ceived that training through them. It is a standard course
21 that's required by the Arizona Law Enforcement Officers
22 Advisory Council in their directives and in their training
23 standards for all police officers who are commissioned in
24 this state.

25 Q (By the Chair) Is the staff providing the sensitivity

1 on Indian people, Indian?

2 A I don't know the -- Mr. Teachout's background nor
3 the other sergeant. The academy staff, one members if --
4 one member of the academy and I distinctly remember
5 delivering the training to me was then-Sergeant -- I guess
6 he's now a Captain Peter Ronstadt with the Tucson Police
7 Department, and I believe he is Mexican-American.

8 Q You have no Indian staff teaching that subject,
9 as far as you know?

10 A No. We did have, I believe it was Mr. Davis with
11 the Human Relations Commission of the City of Tucson come
12 out and teach a block.

13 THE CHAIR: Thank you.

14 To get back to the case that we are discussing,
15 Deputy Mohl, you described, I believe, the nature of the
16 wounds as being lacerations and bruises?

17 A (By Mr. Mohl) Yes, Ma'am, there were bruises on
18 his chest.

19 Q (By the Chair) Did Mr. Ironstar have any burn
20 wounds?

21 A To the best of my knowledge he didn't. He could
22 have but I didn't see any.

23 Q What was the nature of the wound on Mr. Ironstar's
24 face, was that a burn wound or a cut or how would you
25 describe that?

1 A. I believe he had a wound in the -- someplace on
2 the mouth area or the chin that appeared to be clotted
3 with dried blood. Aside from the splotches and the
4 bruises on his chest --

5 Q. Now, you mentioned that in order to handcuff Mr.
6 Ironstar you had to force him over the hood of the car,
7 is that correct?

8 A. That's where the fight ended up is on the hood of
9 the car.

10 Q. And I take it that he was facing the hood of the
11 car and you forced him forward over the hood?

12 A. He wasn't forced forward over the hood, he was forced
13 into the side of the car.

14 Q. We've heard testimony that Mr. Ironstar allegedly
15 suffered burn wounds as a result of contact with the body
16 of the police car which was hot. Do you have any knowledge
17 of that?

18 A. He could have received burn wounds from the hood
19 of the police car. Like I said, that is where the fight
20 ended up rather than on the ground.

21 THE CHAIR: I see.

22 I believe Mr. Levis has some questions?

23 Q. (By Mr. Levis) Deputy Mohl, what kind of training
24 do police officers receive in first aid? And did you try
25 to revive Mr. Ironstar? When he was initially found?

1 A. We do receive first aid training within the academy
2 class. Due to the proximity of the fire engine, which was
3 right there, I waited for the fire department personnel
4 to come in.

5 Q. How long did that take?

6 A. Very short time, I couldn't give you an exact answer,
7 it was a short time. It is within eyesight of where we
8 were.

9 Q. Is it more than two minutes?

10 A. I don't think it took longer than two minutes.

11 Q. Another question is, why did you have to pat Mr.
12 Ironstar down when you were initially trying to get him
13 to get into the police car?

14 A. That is standard procedure, we do search all
15 persons on a patdown basis for any sort of weapons. Before
16 we put them in our unit.

17 Q. Even when you're taking someone home?

18 A. If we -- that's correct. If we were to meet some-
19 body under, let's say friendly circumstances, whereby
20 there was no question about the person in general, as a
21 woman who had broken down on the road, run out of gas, some-
22 one with a child and just needed a ride because someone was
23 sick, something like that, we didn't pat down on unless
24 there was any sort of a suspicion that there was something
25 wrong. But due to the way we found Mr. Ironstar, I know my

1 impression was to pat him down.

2 Q Why was there a suspicion that there was something
3 wrong after you had, in a sense, searched him when he was
4 down on the ground?

5 A When I found him he was bruised, clothes disheveled,
6 boot torn off and blood all over his shirt. He hadn't
7 offered too much in the way of any sort of a conversation
8 as to what had happened to him. I didn't know whether I
9 had a victim or a suspect.

10 Q A suspect for what?

11 A Suspect for almost anything. Somebody in that
12 condition.

13 Q I'm just confused as to, this is common procedure,
14 then, you say, in most cases?

15 A Yes, it is.

16 Q Except if a woman's found on the side of the road.
17 How about if a man is found on the side of the road in the
18 same condition as the woman you were talking about pre-
19 viously, would you have patted that man down?

20 A A woman --

21 Q You indicated that if you found -- if a woman was
22 waiting for a ride you wouldn't pat her down but --

23 A No, I said a woman with a child or someone like
24 that, something that did not appear to be any sort of a,
25 you know, something abnormal aside from somebody broken

1 down on the side of the road, no, we wouldn't pat them down
2 unless there was some sort of suspicion, a bulge, from
3 tight clothing.

4 Q But you were suspicious of Mr. Ironstar because
5 of the physical condition that you found him in?

6 A That's correct. His physical condition is what
7 made me want to pat him down. Mr. Ironstar also had
8 numerous scar marks, appeared to come from knife wounds.

9 Q What was the temperature that day?

10 A I would say it was in the low to mid-90's. It
11 was approximately --

12 A (By Mr. Baldwin) We've checked with the weather
13 bureau and it was 96 degrees at or near the time.

14 Q And how long after you stopped your car was he
15 placed on the car in any way?

16 A (By Mr. Mohl) Approximately, well, it would have
17 to be a minimum of 20 minutes. But in the area of 20
18 minutes.

19 Q So the car could still be hot from the engine in
20 addition to the temperature?

21 A I suppose so.

22 Q We heard testimony earlier from Mr. Hughes, that
23 Mr. Ironstar did not speak English very well. Did he
24 give you more than yes or no answers? When you asked him
25 questions?

1 A I held a conversation with Mr. Ironstar on the way
2 to the sheriff's department -- correction, on the way to
3 the hospital, if I may, I'll read you an excerpt from my
4 report.

5 Q That was my next question, if you could submit that
6 into the record either now or at a future date?

7 A (By Mr. Baldwin) That's already been given, I think,
8 to the commission at an earlier date.

9 A (By Mr. Mohl) - They have a full copy of it.

10 Q Okay, that's fine, if it's less than a minute if
11 you could read the excerpt?

12 A Yes, it's just short.

13 I'll start here. During the ride to the hospital
14 the subject stated that he had been in a fight with his
15 brother this morning. That was on 8/6/75 at approximately
16 0800 hours, that would be 8:00 o'clock in the morning,
17 and left the area of the fight. He didn't remember where
18 that was.

19 The next thing he remembered was being awakened by
20 rural fire department and ambulance personnel. When asked
21 if he received some of the bruises and cuts in the fight
22 with his brother he stated maybe, and then stated no, the
23 Tucson Police did it to me just like you did when you
24 threw me on the hood of the police car.

25 Q So he gave you a full sentence or two?

1 A Yes, sir, I did hold a conversation with Mr.
2 Ironstar.

3 Q Do you know or does the report indicate what was
4 the result of the charges against Mr. Ironstar? We heard
5 earlier that they were dismissed, I just wondered if you
6 or the deputy county attorney knows the disposition of
7 this case?

8 A (By Mr. Baldwin) The disposition was that the ag.
9 assault charge was dismissed, the disorderly conduct
10 charge was not dismissed, Mr. Ironstar failed to appear
11 and it's my understanding that he's out of the state now.
12 There is a warrant out for his arrest.

13 Q (By Mr. Guerrero) Misdemeanor?

14 A Yes.

15 Q (By Mr. Levis) Deputy Martin, if I could ask you
16 just two questions, you indicated initially that you saw
17 a White male lying on the side of the road or you were
18 referring to Mr. Ironstar?

19 A (By Mr. Martin) That's correct.

20 He wasn't laying on the road, at the time I got
21 there he was sitting with the other people around him.

22 Q The other question refers to the LARC and your
23 statement that you may take a person to the LARC and I
24 just wonder if you are aware of the attorney general's
25 opinion of December 31, 1973, and if I could I'd just like

1 to quote from it where it says, in conclusion, referring
2 to the public drunkenness law and the LARC center that the
3 greatest danger for liability, both moral and financial,
4 exists in the potential failure to transport the intoxicated
5 persons to the local alcoholic reception centers.

6 And I just wondered if you had received any training
7 in relation to this attorney general's opinion?

8 A We've gotten the opinion, we had that in the academy,
9 however in Pima County, if a person is combative, in poor
10 health or obviously ill, or if they refuse to go, we can't
11 take them to the LARC, they wouldn't be accepted.

12 Q Is that by the LARC center?

13 A That's by the LARC center.

14 Q If I could just ask Sgt. Taylor three questions.

15 Could you describe briefly, the duties of the human
16 rights department within the Pima County Sheriff's Depart-
17 ment and also the number of employees you have and how
18 many are minority and/or women?

19 A (By Sgt. Taylor) As far as the human relations
20 I'm the sole officer in that area. And my duties, as far
21 as human relations officer, consist of writing, formulating
22 and advising the commanders and the administration on the
23 affirmative action program, rules and regulations of the
24 EEOC and the Civil Rights Commission, and also conducting
25 investigations into allegations of violation of civil rights.

1 either by the employees or by outside persons, out of the
2 investigations, concerning violence done to or possible
3 illegal acts by deputies or other members of the department
4 are conducted by the office of special investigations.

5 Now, as far as the number of personnel for the
6 sheriff's department, we currently have 506 civilian and
7 commissioned personnel. We are authorized 617, we're
8 undermanned by a considerable amount.

9 Off the top of my head I would -- there are roughly
10 48 Mexican-American members of the department, six Indian,
11 American Indian members. I believe there are 12 Blacks.

12 Q Are these officers or is this --

13 A No, this is throughout the ranks, it's total
14 department.

15 Q Do you know how many women there are and how many
16 minority women?

17 A We have one Indian female, she's non-commissioned,
18 she's a clerk. Black females, I'm not sure, I think the
19 number is six. That's what we reported on our last EEOC
20 report.

21 And as far as commissioned deputies, we have four
22 female commissioned deputies, none are minority.

23 Q Could we get this information from you as to posi-
24 tions by rank and by ethnicity and sex?

25 A That's been filed with the county and I have a copy

1 of the report at the office, I can forward to the commission.

2 Q Okay, one other question.

3 If you do find that a complaint is valid, what
4 authority do you have to do anything about it or does it
5 go through the county sheriff or through county board of
6 supervisors?

7 A Normally, there's a joint investigation conducted
8 by myself, if it's a means -- if it's a complaint of dis-
9 crimination in employment, generally it's co-investigated
10 by myself and Mr. Woody Lewis from the human relations
11 office in the county.

12 And we co-investigate, file our report, he files
13 his to the board of supervisors with an advisory copy to
14 me and the sheriff and when I conduct my investigation, I
15 report to him, also I report to the sheriff.

16 Q Do you have any communication with the Tucson Indian
17 Center and other Indian groups in the Tucson area?

18 A No, I have had no contact nor have they attempted
19 to contact me.

20 Q You have not contacted them either?

21 A No, nor have they contacted me.

22 THE CHAIR: Mr. Guerrero?

23 Q (By Mr. Guerrero) Just one question.

24 Madame Chairman, Sgt. Taylor, are you a native of
25 the state of Arizona?

1 A No, I'm not.

2 Q What state are you from?

3 A I was born in New York and raised in Indiana and
4 Michigan.

5 Q How long have you been in the State of Arizona?

6 A Continually now, since 1971, but I had been here
7 twice previously for a total of nine years.

8 Q And Sgt. Martin, you've been here how many years?

9 A (By Mr. Martin) Twelve.

10 Q And from what state?

11 A I was born in Illinois and lived in Wisconsin for
12 a while.

13 Q And you've been here two years?

14 A Approximately two years.

15 Q And you're from New York State?

16 A That's correct.

17 Q (By the Chair) Sgt. Taylor, at what period in time
18 did you first become aware that there might be some questions
19 asked in connection with the arrest of Mr. Ironstar?

20 A (By Sgt. Taylor) I've got my notes here, it was
21 at 10:20 a.m. on the morning of the 10th of November.

22 Q Deputy Martin or Deputy Mohl, were you aware that
23 there might be some complaints in connection with the case
24 of Mr. Ironstar?

25 A (By Mr. Martin) Not at the time.

1 Q When were you first aware that there might be some
2 complaints raised by Mr. Ironstar?

3 A (By Mr. Mohl) I believe when we received communi-
4 cations from this commission.

5 Q Do any of you have any comments or observations you
6 would like to make at this time?

7 Mr. Baldwin?

8 A (By Mr. Baldwin) Yes, Madame Chairperson, I would
9 like to just supplement a few of the answers concerning
10 the incident itself. Through the deputy here. And
11 point out one further thing.

12 Q (By Mr. Baldwin) I think there was testimony that Mr. Ironstar
13 received treatment at the Pima County Hospital. And then
14 sort of undid the treatment, tore off the dressings and
15 then left against medical advice.

16 But I did check with the hospital and he went back
17 on, oh, about three or four, maybe five subsequent
18 occasions for final treatment until the condition I guess
19 was cured.

20 The other thing I'd like to do is just sort of
21 supplement a few of the deputy's responses here by asking
22 him a few brief questions.

23 I think you've pointed out that it was early in
24 the morning, what time did you actually get there?

25 A (By Mr. Mohl) Going to the report, I arrived, I

1 found Mr. Ironstar at 0934 hours, that would be 9:34
2 in the morning.

3 Q Now, how many people, including yourself, were
4 ultimately there? How many deputies were there, actually
5 there on the scene?

6 A Including myself, there were three deputies, one
7 sergeant, and one member of the rural fire department
8 rescue, and one member of the news media.

9 Q Was that the Channel 9 TV crew?

10 A Yes, that was the TV crew. And --

11 Q Did they have a camera there with them?

12 A Yes, he had a camera.

13 Two ambulance personnel?

14 Q Two ambulance personnel. So we add that up we've
15 got what, two, three, four, five, about eight people there,
16 then, at the time of this incident, including yourself?

17 A That's correct.

18 Q Now, when you first found Mr. Ironstar, from what
19 I read in your report, you thought he was dead?

20 A That's correct.

21 Q Is that not true? So what was your purpose in
22 calling, you went back to the patrol car and put in a call,
23 what was your purpose in calling them?

24 A In a situation where we find somebody like this we
25 go ahead and summon rescue medical aid. Try to get a

1 determination on the person.

2 Q And you also summoned, I believe, an ID technician?

3 A Yes, I did.

4 Q For the purpose of identifying the body, I take it?

5 A That's correct.

6 Q Now, there is a little bit of confusion about the
7 splotches on the chest. You, I believe, testified and
8 it's also in your report, that's before the commission, that
9 Mr. Ironstar, when you first saw him and presumed that he
10 was dead, his shirt was torn open and you saw splotches
11 on his chest?

12 A That's correct.

13 Q Could those splotches just as well have been from
14 burns and from anything else?

15 A They may have been, they were dark red in color,
16 A maroon color.

17 Q I believe also, I don't know if you testified to
18 this or not, but were there not abrasions on Mr. Ironstar's
19 face?

20 A There was -- there were, was an area and I don't
21 remember exactly where on the lower part of his face, that
22 was caked over with dried blood.

23 MR. BALDWIN: Madame Chairperson, I would just like
24 to make a brief statement, if I might, unless someone else
25 would like to ask more questions here.

1 THE CHAIR: I believe Mr. Guerrero had another
2 question.

3 Q (By Mr. Guerrero) I've a question of you, Mr.
4 Baldwin, you're with the county attorney's office?

5 A (By Mr. Baldwin) Yes, I am.

6 Q Mr. Baldwin, you're aware of the circumstances
7 now leading up to this case and the final charges and I
8 imagine were drafted in your office, drew up the aggravated
9 assault and the disorderly conduct charges?

10 A Yes, that's correct.

11 Q Mr. Baldwin, what was the bond that this Mr. Ironstar
12 had to post or was he released on his own recognizance?

13 A I -- if my memory serves me correctly, I think
14 there was a \$2,200.00 bond set, and I believe he was unable
15 to post, is that correct?

16 Q He was unable to post the \$2,200.00 bond?

17 A Yes.

18 Q Well then, when the charges were dismissed on the
19 aggravated assault, your office still held the disorderly
20 conduct charges on him?

21 A That's correct.

22 Q And then how did he -- how was he released, under
23 which conditions?

24 A He -- I have to correct that. He was released on his
25 own recognizance on the same day, about 1:30 in the afternoon.

1 He was out on the disorderly conduct charge and we're
2 looking in the record here to see what the disposition was
3 on the aggravated assault.

4 Q I understood they were dismissed.

5 A They were dismissed but he was held temporarily
6 and we're just looking to see how long he was held.

7 He was released on the 8th of August on the ag.
8 assault, which is the time that it was dismissed.

9 THE CHAIR: Before you make your statement, Mr.
10 Baldwin, I would have one more question to whomever can
11 answer it.

12 Who notified the TV station to come to the scene
13 and what was so newsworthy about this incident that the
14 TV station thought it worth sending a crew over there?

15 A (By Sgt. Taylor) The cameraman at the scene was
16 from Channel 9, it's Mr. Ramon Nunez. I talked to Mr.
17 Nunez yesterday. They monitor the police and fire fre-
18 quencies in this area. And upon hearing the call to rural
19 fire that there was a dead body at the intersection of
20 Tanque Verde and Sabino Canyon Road, they then took the
21 initiative and responded by themselves.

22 THE CHAIR: Thank you.

23 Mr. Baldwin, you may go ahead with your statement,
24 if you keep it brief?

25 A (By Mr. Baldwin) Very brief. Although I'm going

1. to take the opportunity to point out, since it seems to
2. be of some relevance here, that I am a native Arizonan,
3. born in Phoenix, Arizona, in 1937, so it's not often you
4. get to say that, so I take this opportunity to do so.

5. The only thing I would really like to point out is
6. to just sort of go over the situation here a little bit.
7. And what led up to the deputies and myself appearing
8. here before this commission.

9. I think we've got a couple of conflicting con-
10. siderations here. First of all, this commission, of
11. course, has a need to gather information, and in order that
12. it can make its determinations and do its job. Yet, on
13. the other hand, when charges like this are brought,
14. immediately it puts the deputies involved or the police
15. or whoever they are, under suspicion, and under possible --
16. under the possibility of someone bringing a lawsuit
17. against them and so on.

18. So therefore I have to criticize a little bit what
19. this commission is basing its information on, without
20. having gone a bit further.

21. Now, the reason I say this is we're here today
22. on pure hearsay, on something that somebody told Mr. Hughes.
23. Now, Mr. Hughes granted, from the testimony that we re-
24. viewed in there, did make some attempt at an investi-
25. gation of this matter. But an investigation of this matter

1 would have been so easy, because of the uniqueness of the
2 incident here. How many times do we have an incident like
3 this occur on a busy intersection, at 9:30 in the morning,
4 with TV cameras, ambulance drivers, rural fire people, and
5 three policemen? Now, these kind of incidents generally
6 occur in the dark of the night between two people. So
7 I think it's a bit unfair to the officers in this case
8 to subject them to questioning and interrogation on this
9 without in advance informing them exactly what the charges
10 are, based on a little bit of information that you did have.

11 Q (By Mr. Levis) Mr. Baldwin, if I could interrupt,
12 the one thing I did say is that we did attempt to get the
13 information and this is the first time that we have re-
14 ceived the information in this great detail.

15 This incident has been known for three or four
16 months, yet when we did attempt to get the information,
17 we were shuttled from person to person, and one of the
18 major reasons for this informal hearing is to establish
19 communications so that in the future this will not happen
20 and that's the reason I'm glad that Sgt. Taylor came,
21 I'm glad you came and glad that both officers came, be-
22 cause from the testimony received earlier, not only in --
23 about Tucson, not only about Globe, but on Monday and
24 Tuesday about Flagstaff, Winslow, Holbrook and other towns
25 in the north, the biggest concern was the lack of communi-

1 cation between the individuals involved and the police
2 department.

3 And we do appreciate that you're here because
4 in other incidents, we've had no cooperation at all. Even
5 when requested to come at the hearing.

6 A True. I can appreciate that and I'm merely pointing
7 these things out to show you that there is another side
8 of the story. I realize you folks have your job to do
9 and it's a hard job to do.

10 I would like to respond, though, that you did have
11 a copy of the report, sometime earlier, because there were
12 a couple of investigators who came from your office, and
13 met with the deputies involved and a deputy county
14 attorney and they were given a full copy of the report
15 and an opportunity to examine them there at that time.

16 Q But again this is the first time I think that we've
17 received all the information from you in this great detail,
18 and we appreciate it at this time.

19 A True. Well, and that's what we're here for, it is
20 in the spirit of cooperation and I think the good part
21 of this thing is that we have a situation now where maybe
22 some avenues of communication, not -- that the parties
23 weren't aware of before, are now open to us.

24 I would like to point out, too, that the testimony
25 and the reports do indicate that certainly there is a

1 possibility that Mr. Ironstar could have received some
2 burns from this scuffle, but they also indicate that he
3 was only up on that car long enough to get the handcuffs
4 on him and to get him restrained. I think, too, you're
5 going to have to keep in mind that Mr. Ironstar had a
6 history of former arrests.

7 Q Well, again, I don't think that is relevant to
8 the issue at hand, I think we were talking about the par-
9 ticular incident.

10 A Yes, that's right.

11 Q Because again Deputy Mohl indicated that the
12 reason he was patted down is because of his physical con-
13 dition.

14 A Well, all I'm pointing out is that you have to have
15 some idea about the kind of person that the deputies were
16 dealing with here.

17 Q That was based on his physical condition only --

18 A And his prior -- his prior performance, his prior
19 arrest would indicate --

20 THE CHAIR: Mr. Baldwin --

21 A -- that he is prone to violent acts.

22 THE CHAIR: -- at that time, Deputy Mohl did not
23 know the person's name and therefore could not have re-
24 searched his record.

25 A No, no, I understand the relevancy of that and I'm

1 not trying to say that at that time he had that knowledge.

2 But what we're talking about is unsubstantiated
3 charges before this commission based on hearsay, of a man
4 with a criminal record and that's what I'm pointing out.

5 THE CHAIR: Might I remind you, Mr. Baldwin, that
6 we stated at the beginning of this hearing that this is
7 neither a court of law nor an adversary proceeding, that
8 we are merely asking for information and we have received
9 that from you. And we do appreciate that very much.

10 There is no intent either in fact or implied, of
11 any accusations against anyone.

12 A No, I understand that, and that's why we're here.
13 And I did want the opportunity to make the comments
14 because I do feel that the deputies are owed a little
15 vindication in this particular incident.

16 Thank you very much.

17 THE CHAIR: We appreciate your cooperation.

18 At this time, may I ask if David Breedlove is in
19 the audience or any representative of the Gila County
20 Sheriff's Office or the Globe Police Department?

21 If not, I would, at this time, call on the represen-
22 tative of the attorney general's office, Mr. Steve Silver,
23 if you would give us a brief statement in behalf of the
24 attorney general?
25

1 MR. STEVEN J. SILVER

2
3 A (By Mr. Silver) Ms. Lyon, thank you.

4 I'm going to be very brief.

5 My name is Steven J. Silver, I'm the Assistant
6 Attorney General for the State of Arizona, assigned to the
7 Arizona Civil Rights Division.

8 I would like to extend to the members of this
9 commission the greetings of the attorney general, however
10 Mr. Babbitt is unable to be here in person.

11 To the best of my knowledge, the questions that are
12 the subject matter of this hearing are not often involved
13 in the attorney general's office. The function that the
14 attorney general plays is primarily one of handling criminal
15 cases in the area where there is a conflict of interest
16 with the -- within the county attorney's office, and as the
17 state's appellate attorney handling all those criminal
18 cases that go to the various courts of appeals.

19 Therefore, my function here at this meeting is one
20 merely of -- to be educated. I'll be observing, to listen,
21 to learn the scope and density of the problems that have
22 given rise to these hearings, and upon the completion of
23 the hearings I'll be reporting to the attorney general
24 and we will be awaiting the published findings which I'm
25 sure he will review.

1 And that's -- if you have any questions, that's
2 really all I have to add.

3 THE CHAIR: Thank you very much, Mr. Silver, we
4 appreciate the interest of the attorney general in making
5 it possible for you to be with us, we do have one question
6 from our staff attorney.

7 Q (By Mr. Levis) Mr. Silver, during our two days
8 in Flagstaff and already today we've heard some discussion
9 of the public drunkenness law and the LARC centers. And
10 in front of me I have an attorney general's opinion
11 drafted and signed by former Attorney General, Gary Nelson,
12 concerning the liability of police departments and per-
13 sons in transporting people to LARC centers.

14 I just wanted to check to see if this attorney
15 general's opinion of December 31, 1973, is still in effect?

16 A Mr. Levis, I have no contact in the criminal area
17 with the office, I'm specifically assigned to the civil
18 rights division. I can check on that with -- check on that
19 sometime tomorrow and hopefully respond to you if it had
20 been overturned or another, a different opinion has been
21 reissued, we'll let the -- let your commission know.

22 MR. LEVIS: Thank you.

23 THE CHAIR: Thank you very much for coming.

24 Is Mr. Lindsay Brew in the audience?

25 MR. BREW: Yes, Ma'am.

1 THE CHAIR: Would you please have a seat?

2 MR. BREW: Thank you.

3 Q (By Mr. Guerrero) Mr. Brew, would you please
4 state your name, occupation and address for the committee?

5

6

7

MR. LINDSAY BREW

8

9

10 A (By Mr. Brew) Yes, my name is Lindsay Brew, I'm
11 an attorney. I work for the Pima County Public Defenders
12 Office, I live in Tucson, Arizona.

13

14

Q Can you tell us how your office is assigned its
15 clients?

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A Cases are assigned to the public defenders office
ordinarily at the initial appearance of an individual in
the criminal justice system. This takes place under law
within 24 hours of the arrest, it usually takes place at
1:30 in the afternoon except on week ends, when it takes
place at 2:00 o'clock in the afternoon, when every indi-
vidual who's been arrested within the preceding 24 hours
is brought in for a hearing at which a decision is made
by the magistrate as to whether or not they are indigent
and if it is determined that they are indigent our office
is appointed to represent them.

Q

Can you give us an estimate, Mr. Brew, on how many

1 cases you might handle, your office might handle, involving
2 American Indians?

3 A I could not give such an estimate. I have no
4 figures available, I was asked to come here today to
5 substitute for Mr. Niece, because he's in court. I don't
6 even know if the office keeps those statistics.

7 The number is not that large, but there is a --
8 there are numerous cases in which we are appointed to
9 represent American Indians.

10 Q Well, then, Mr. Brew, would you know maybe what --
11 or have an opinion what might be the major problems en-
12 countered by your office in representing American Indian
13 defendants?

14 A Well, in terms of our function in representing
15 clients, one obvious problem is communication. Although
16 it is not very prevalent anymore in Tucson, there are still
17 numerous individuals who are not able to speak the English
18 language fluently enough to communicate with a lawyer
19 without assistance. In the case of Spanish-American
20 individuals, there are ample supplies of interpreters and
21 Spanish-speaking attorneys.

22 In the case of Indian individuals who do not speak
23 English sufficiently to communicate, it is a problem, it
24 can be a serious problem to obtain a good, reliable inter-
25 pretation.

1 As an example, it was common, until recently, to
2 rely on court personnel for translation purposes. And
3 in doing so, you are obviously running certain risks in
4 regard to the loyalties of the individuals who are com-
5 municating, involved in the communication process where
6 the communications are supposed to be confidential.

7 Q Well, Madame Chairman, Mr. Brew, then has your
8 agency made any approach to solving these communication
9 problems at all?

10 A As far as I know, none.

11 I personally, in the conduct of cases I have
12 handled, have made efforts to obtain people with inter-
13 prative abilities from outside of the criminal justice
14 system, or outside of the court system, either from, by
15 using, and we have extensively used in the incidents
16 involving Papagos, the Papago Legal Services Program.

17 We have some individuals who were formerly associated
18 with the Papago Legal Services Program who are now working
19 at the university or are available through the university.
20 Mr. Ted Lewis, who I -- is with the Tucson Indian Center,
21 has made himself available for that kind of service in
22 the past.

23 But in terms of hiring someone or anything like that,
24 as far as I know, no efforts have been made.

25 Q I understand you are the director of the Pima County

1 Public Defenders Office?

2 A No, I'm not. Mr. John Niece is the director.

3 Q You, you are the assistant director?

4 A No, I am an attorney in the office.

5 Q You are an attorney in the office?

6 A Right.

7 Q Do you know of any efforts that Mr. Niece has made
8 or his assistants in maybe solving this communications
9 problem?

10 A In terms of a permanent solution that is part of
11 our regular program there have been none that I know of.

12 This may be because the problem doesn't come up that
13 much. I don't know how often it has come up, it is, in
14 my experience, in the last two and a half years, roughly,
15 there have been three occasions in which I either needed
16 or wanted to have interpreters to deal with clients, two
17 Papago speakers and one Navajo speaker.

18 Q (By the Chair) Mr. Brew, what is the funding base
19 for the public defenders office, do you know?

20 A County funds.

21 Q They are all county funds? Do you have any funding
22 from the Law Enforcement Assistance Administration?

23 A At this time, I don't know if we have any at all.
24 If we do it's a very small amount.

25 Q I see. Do you consider that the interpreters you

1 are able to obtain from either the Indian center or the
2 Papago Legal Aid are sufficiently trained in legal ter-
3 minology to accurately translate legal concepts?

4 A Yes, I do.

5 Q On what do you base that opinion?

6 A Well, I was director of the Papago Legal Services
7 Program for three and a half years, and I worked with the
8 individuals there, and I know the experience that they
9 get, lay counselors in particular, in handling legal
10 problems and in translating those into Papago, into the
11 Papago language.

12 Q In your opinion, is there a large enough caseload
13 of Papago people which would call on the services of the
14 public defenders office to justify a full time interpreter
15 on the staff?

16 A I wouldn't think so. I would like to see the sta-
17 tistics before making a definite statement, but I don't
18 believe that the number of individuals who are, you know,
19 have a real problem in terms of speaking English is great
20 enough to justify it.

21 But, you know, I -- of course that is a value
22 judgment which involves your evaluation of whether the
23 outsiders are adequate or not.

24 Q I see.

25 I believe Mr. Levis has a question?

1 Q (By Mr. Levis) Mr. Brew, do you have any Indian
2 attorneys or paralegals working for Pima County Public
3 Defenders Office?

4 A No.

5 Q Do you have any funds for interpreters or do you
6 have to hire people through other means?

7 A We have a budget which is stretched, as everybody
8 else's is, there is an item in the budget which includes
9 such persons as interpreters, and witnesses of a various
10 assortment of specialties. That fund is almost always
11 exhausted fairly early on in the year, we are encouraged
12 to use whatever means are available to get services without
13 charge through the courts or otherwise, or to get some
14 other county department to pay for them.

15 In using Papago Legal Services' interpreters, we
16 normally pay them mileage.

17 Q Do you receive any state funding?

18 A None. None that I know of.

19 Q Even though by state law Pima County must have a
20 public defenders office?

21 A As far as I know, and I have to preface that by
22 saying I have no specific administrative responsibilities
23 in the Pima County Public Defenders program, but as far
24 as I know, it's entirely county funds.

25 Q Does your office have a working relationship with the

1 Tucson Indian Center or Halfway House?

2 A There is, as far as I know, no formal relationship
3 between our office and any such organization. I, as an
4 individual, have contacts with most of those programs,
5 or individuals in most of those programs and I believe
6 that other attorneys who handle cases where they make
7 those contacts generally keep them up.

8 Q But there's no direct, formal relationship?

9 A No, there is no direct, formal relationship at all.

10 Q Have you received any complaints from Indian people
11 concerning jury selection or been involved in any cases
12 relating to jury selection where Indian persons are de-
13 fendants?

14 A Well, I have had a problem, not in Pima County,
15 my first jury trial involved an Indian defendant in Gila
16 Bend, a DWI trial, it was the first Indian who had ever
17 requested a jury trial in Gila Bend and also the first
18 individual ever to be convicted by a jury trial, a DWI
19 trial.

20 At one time I thought that might have been because
21 of my failings, but I think there was something else behind
22 it perhaps.

23 But that's that kind of complaint, yes, I would
24 agree with --

25 Q But have you received any or did you see any

1 exclusion of Indian persons from the jury rolls during
2 that trial?

3 A No. There was not as far as I know. It's just a
4 matter of exclusion of people of Indian ancestry, in
5 fact, there was one Indian individual on the jury of eight
6 that sat on the case, or six, rather.

7 Q Do you know what the percentages of Indian persons
8 in the county that Gila Bend is in?

9 A In the county?

10 Q Right.

11 A Well, Gila Bend's in Maricopa County, so it would
12 be fairly small, percentage-wise. But the jury was not
13 selected on a county-wide basis, and the population of
14 the town of Gila Bend, I would say was probably, oh, 25%
15 Indian. There's a substantial Papago settlement just
16 outside the community.

17 MR. LEVIS: I have no further questions.

18 THE CHAIR: Do any other committee members have any
19 questions?

20 If not, Mr. Brew, we want to thank you very much
21 for being with us today. Thank you.

22 Is Mr. Robert Bean in the audience?

23 MR. BEAN: Yes, right here.

24 THE CHAIR: Would you please take a seat, Mr. Bean?

25 Is Mr. Phil Shea in the audience?

1 MR. SHEA: Yes.

2 THE CHAIR: Mr. Bean, for the record, would you
3 please give us your name, address and occupation?
4

5
6 MR. ROBERT R. BEAN

7
8 A (By Mr. Bean) My name is Robert R. Bean, I'm the
9 Superintendent of the Department of Liquor Licenses
10 and Control for the State of Arizona.

11 My office is located at 1645 West Jefferson in
12 Phoenix, Arizona.

13 Q (By the Chair) Thank you very much. And thank
14 you for being with us today.

15 Would you describe for our information, the pro-
16 cedures a person must follow when applying for a liquor
17 license?

18 A I'd be most happy to.

19 Q Thank you.

20 A The State of Arizona allows qualified applicants to
21 apply for various types of liquor licenses which give to
22 them privileges for selling various types of spiritous
23 liquor under that license. There are 11 types of retail
24 licenses. If an applicant applies for a license to be issued
25 by the State of Arizona, then he must file what we call an

1 application for an original license.

2 In order to qualify the individual must be a
3 citizen of the United States; a resident of the State of
4 Arizona, must not have been convicted of a felony in-
5 volving moral turpitude within the past five years and
6 must not have violated any provision of the spiritous
7 liquor license or had a license revoked within one year
8 prior to his making application.

9 In addition, he must come before the Arizona
10 State Liquor Board, which is the only entity that can
11 issue a new license from the state, and he must show to
12 that board that he is capable, qualified and reliable
13 to hold the license. That's the general wording of the
14 statute.

15 In addition, he must also show to the Arizona State
16 Liquor Board that the location to which he applied for the
17 license will meet the requirements of serving the public
18 convenience and that the best interest of the community
19 will be substantially served by the issuance of the
20 license at that location.

21 In some cases, a license, in many cases a license
22 can be obtained by a person, by making application for
23 a transfer of a license presently in the name of another
24 person. This is allowed by statute and can be done either
25 by judicial decree of bonafide bulk sale of the present

1 stock of a person presently operating on a spiritous liquor
2 license and other such types of bonafide transfers under the
3 law.

4 In each one of these situations, the person must
5 show his qualifications as I have previously stated. In
6 addition, in the actual procedural aspects, the application
7 for the license must be posted on the premises by the
8 local authorities, either at the city, town or county,
9 must be posted there for a period of 20 days, giving all
10 those who are residents within a one-half mile an oppor-
11 tunity to file petitions with the local government to
12 object or to concur with the issuance of the license.

13 The local governmental entity then makes a recom-
14 mendation to the Arizona State Liquor Board, either to
15 disapprove or to approve the license. After this pro-
16 cedure has been gone through, the Arizona State Liquor
17 Board then hears the application. If it is an original,
18 if it is a transfer it's generally heard by myself as
19 the designated representative of the liquor board, and if
20 there is no objection and the person meets the quali-
21 fications, he is issued the liquor license or the transfer
22 is ordered.

23 In the case, and I know you will have particular
24 interest in those licenses on or near the tribal lands
25 within the State of Arizona, if the location is within the

1 boundaries of an Arizona -- an Indian reservation situated
2 in the State of Arizona, it is also required that the
3 tribal council give their approval.

4 Of course, the federal law does require it, in the
5 cases where reservations or where tribes allow the intro-
6 duction of alcoholic beverages to within the boundaries
7 of their -- of their lands that they have an ordinance
8 which has been duly approved by the Secretary of the
9 Interior and on their books before it can even come within
10 the boundaries.

11 If it's on the borders of the reservation and they
12 have some objection it's generally made known, first of all
13 to the local authorities, at the local hearing and then
14 forwarded to us by the local government and sometimes
15 directly by the people involved.

16 Q May I ask a question at this point?

17 A Yes.

18 Q With regard to those establishments near the borders
19 of the reservation but outside the reservation, when you
20 refer to local authorities, then, are you talking about
21 county authorities or about tribal authorities?

22 A We're talking about city, town or county, whichever
23 the location is situated in.

24 Q In other words, the tribal government has no input
25 whatsoever into the granting of that license?

1 A On the off-the-reservation boundaries they have the
2 same input as any other citizen would have, who might
3 live in the local area, and they do quite often give us that
4 input.

5 Q Now, you mentioned that the intention is announced
6 through posted announcements and that any citizen may
7 raise objections. What would it take for such objections
8 to be seriously considered? In other words, would you
9 have to have a petition signed by a certain percentage
10 of county residents or how would you determine whether
11 the objections should be heeded or not?

12 A The -- this is a fact situation, that the final
13 determination is left totally in the hands of the Arizona
14 State Liquor Board, which is the three-member board appointed
15 by the governor and approved by the senate, and it is their
16 function to make this determination based upon whatever
17 objections they hear.

18 And there are -- there is quite a large gamut of
19 objections that come into liquor licenses, and almost
20 every situation where there's an objection, there's always
21 a new approach to an objection to a license.

22 Q I see. In other words, the number of objections
23 or the number of persons objecting would not influence the
24 decision?

25 A Oh, certainly the numbers of objectors would be

1 very persuasive on the liquor board, I am sure of that,
2 the numbers and the proximity of the people who are
3 objecting and their basis for objection.

4 Q I see. I wanted to ask these questions before
5 we went on with your statement.

6 A Fine.

7 Q And please proceed.

8 A Okay. I think I have at this point, then, covered
9 the procedures. Except for one additional fact and that
10 is if I make the decision on the transfer of a liquor
11 license from one person to another or from a location,
12 involving a location change, and a person wishes to appeal
13 my decision, they may appeal that decision to the Arizona
14 State Liquor Board. And if they're unhappy with the de-
15 cision of the Arizona State Liquor Board, they have recourse
16 through the courts by appealing to the courts in the county
17 where the location is located, within 30 days of the de-
18 cision. And then, of course, once it's in the courts,
19 they can go all the way to the supreme court, for that
20 matter.

21 Q I see. What investigation does your office under-
22 take, if any, to determine whether or not an applicant
23 should be granted a license?

24 A Well, if I said that we made an investigation, that
25 would be technically incorrect because we do not have any

1 investigative agencies within my department. However,
2 the department of public safety has a division of liquor
3 control and they do the background investigations on the
4 applicants for us.

5 Q I see. In other words, to insure that the appli-
6 cant meets the criteria that you have given us earlier,
7 DPS does in fact investigate the applicant?

8 A That is correct.

9 Q And then make a report to you?

10 A That is correct.

11 Q I see. Do you still have the option to grant that
12 license or not, regardless of the type of report you get
13 on the applicant?

14 A If the applicant fails to meet a legal qualifica-
15 tion, then the board would not have jurisdiction to issue
16 the license to a person. For instance, if the person had
17 been convicted of a liquor or a violation involving a
18 license within the past year, or had been convicted of
19 a felony within five years, or was not a resident of the
20 State of Arizona, these types of things are jurisdictional
21 to the issuance of a license.

22 Q I see.

23 A And if a mistake were made and it was issued to
24 that person, it could certainly be set aside.

25 Q Would you tell us what measures are taken by your

1 office to insure that the bars are operated in compliance
2 with your regulations?

3 A Well, as I say, our department does not have the
4 agents, the liquor control agents.

5 Q Oh, this is also handled by DPS?

6 A This is the department of public safety who has
7 the -- now, our part in this process is administrative,
8 so far as, at the point in time when we receive reports
9 from investigative agencies.

10 Q I see. Does, to your knowledge, the department of
11 public safety regularly investigate individual bars to
12 see if they are in compliance?

13 A Yes, I know that for a fact, they do.

14 Q Could you give us an estimate of how often an
15 individual bar might be investigated?

16 A No, I couldn't, and I'll tell you the reason why.
17 There are approximately 5,900 retail-licensed establish-
18 ments in the State of Arizona, how many men who are
19 assigned to liquor control, I do not know because that is
20 the department of public safety. But I do know that there
21 are not sufficient numbers of these agents to visit every
22 bar in the State of Arizona, even once during the year.

23 Q I see. What sort of action would have to take place
24 in a bar or by the owner of a bar in order for you to take
25 remedial action?

1 A The Arizona Statutes which provide for action
2 against a licensee of our department involve the following:
3 That is if there is a violation or noncompliance with any
4 of the liquor laws or if there's a violation of a rule
5 or regulation of the department, or of the -- of the
6 department, which I didn't explain this initially, but
7 the department includes the liquor board and myself, by
8 the way.

9 And the -- or a violation of any condition imposed
10 upon the licensee by the license and those are the cate-
11 gories where we can take remedial action against a license.

12 Q If an individual files a complaint against a bar,
13 how is that handled and by whom?

14 A The complaint, a verified complaint is filed with
15 myself, as superintendent of the department, at that
16 particular point. I make a determination in accordance
17 with the statute whether or not to issue a citation.

18 The citation is a notice to the person that the
19 charges have been brought against him on the misuse of
20 his license, and then he is given a period of ten days
21 in which to respond to the complaint. If he does not re-
22 spond to the complaint, then the matters, as set out in
23 the complaint, are deemed to be admitted and the matter's
24 referred directly to the Arizona State Liquor Board for
25 either suspension or revocation.

1 They being the only body that can revoke a license.

2 If a verified answer is filed by the licensee
3 with myself, then the matter is set for a hearing before
4 me to determine the facts of the matter.

5 This is similar to a preliminary hearing process
6 that you might run into in the criminal law, it's not the
7 same, it's administrative, but it's very similar.

8 I then set and hear the allegations of the com-
9 plaints and then I make the determination if I find that
10 the allegations are correct.

11 If I find that they are correct, then I can do
12 one of three things, I can refer the matter to the Arizona
13 State Liquor Board for revocation or suspension, I can
14 invoke summary powers of suspension which allow me to
15 suspend a license for a period of up to ten days or in-
16 voke a fine of from \$100.00 to \$300.00, or I can dismiss
17 the -- have the complaint dismissed. Those are my three
18 alternatives.

19 Q To clarify this in my own mind, Mr. Bean, I believe
20 there are two points in time after the -- a complaint has
21 been filed, at which you have to make a determination
22 whether or not to pursue the complaint or to dismiss
23 the complaint?

24 A That's correct.

25 Q At any point during this process, is any investigation

1 *undertaken on the scene?*

2 A If there's any investigation done, we have numerous
3 complaints filed, 99% of the complaints filed are filed
4 by police departments or the department of public safety.
5 And if there's any further investigation involved after
6 the filing of the complaint, it is generally done by any one
7 of these enforcement agencies.

8 Q And then would you base your determination solely
9 on the origin of the complaint or how would you -- on what
10 would you base your --

11 A I'd base it on the testimony, if you're talking
12 about at the hearing process.

13 Q No, I'm talking about the first stage at which
14 you decide whether or not to pursue the matter any
15 further?

16 A I would look at the specific allegations of the
17 complaint and see if they -- see if they allege violations
18 which can be acted upon by the department, first of all.
19 In other words, for the purpose of setting a hearing, and
20 I would check whatever record we might have in our
21 department.

22 And in some cases, Ma'am, I'm sorry, I might have
23 misunderstood you initially, in some cases we would request
24 additional investigation by generally the department of
25 safety.

1 Q I see. Would you give us an estimate of the number
2 of licenses revoked by your department during the last two
3 years?

4 A No, I can not. And I would like to explain why.

5 The reason is because I have only been in the
6 office for seven months. Now, I -- that information is
7 available in the records of my department.

8 Q If you could make it available to us, we would
9 appreciate it.

10 A I certainly would.

11 Q Thank you.

12 A If I don't forget.

13 Q Within the next 30 days we would appreciate having
14 that.

15 A Well, that information is definitely available.
16 Now, when you look at the figures that are in the depart-
17 ment, there are various reasons for either revocation
18 or reversion of a license, and I can tell you in advance
19 that the majority of the licenses which have been either
20 revoked or reverted were on the basis of nonpayment of fees.

21 Q I see. In other words, they were not on the basis
22 of violations of your regulations?

23 A That is correct.

24 Q I see.

25 Mr. Guerrero, did you have a question?

1 Q (By Mr. Guerrero) Just one, Madame Chairman.

2 Say, Mr. Bean, when did you assume the position
3 of director of the department of liquor licenses?

4 A On April 14th of this year.

5 THE CHAIR: Was that your only question, Mr.
6 Guerrero?

7 MR. GUERRERO: Yes, because I don't think that,
8 Madame Chairman, I had some information here but I don't
9 think that, seeing as that he's just been in a few weeks
10 there, that maybe there was a -- some information which
11 maybe he hadn't had enough time to really get adjusted to
12 that office.

13 THE CHAIR: Well, could we suggest that you might
14 request the information and perhaps Mr. Bean could obtain
15 it from his department for our records?

16 Q (By Mr. Guerrero) Well, all right.

17 Madame Chairman, I wonder if, Mr. Bean, could you
18 answer this. Did you receive some complaints from the
19 Wesleys down in -- from Bylas, complaining about --

20 A Yes, Rep. Guerrero, I received a complaint and I'm
21 not positive of the date, because I was told by the staff
22 member, Ms. Pares, we weren't going to get into detail
23 on any particular incident. But I did receive a complaint
24 the latter part of May and I believe it was the 22nd or
25 23rd of May, which was filed by Mr. Shea, sitting over here

1 on my left, and signed by Mr. Clarence Wesley and it
2 alleged 22 counts of various types of violations.

3 MR. GUERRERO: That's all.

4 Q (By Mr. Levis) Mr. Bean, if I could, "during the
5 last seven months --

6 A I'm sorry, sir, I didn't finish. There was an
7 additional complaint filed subsequent to that, alleging
8 three paragraphs, two of which alleged specific violations
9 and which is still pending in the department to be heard
10 by the state liquor board, I believe the new -- it
11 was set for tomorrow --

12 A (By Mr. Shea) December 9th.

13 A (By Mr. Bean) And now it's set on December 9th,
14 yes, sir.

15 Q You indicated that you didn't know the number of
16 licenses revoked during the last two years, I wonder if
17 you know, during the last seven months that you've been
18 in office?

19 A No, once again I don't know the specific numbers,
20 and if I had been advised in advance I could have fur-
21 nished them to you. But once again, revocation goes to
22 the nonpayment of fees and those are the majority of
23 licenses that are revoked. If you were talking about
24 for cause, for violation of liquor laws there have been none.

25 Q There have been none for cause?

1 A That's correct.

2 Q What is the statute of limitations, if there is,
3 for filing such complaints, does it have to be done within
4 six months of an act or what?

5 A No specific statutory limitations.

6 Q Now, if you can just clarify these for me, you said
7 there was three types of penalties, there's the suspension
8 which is ten days?

9 A No, that is the limit of my ability to suspend, my
10 statutory ability to suspend is up to ten days.

11 The liquor board can suspend, period, and there's
12 no limit on the number of days they can suspend.

13 Q And does a revocation mean that that person can
14 no longer have any type of liquor license in Arizona or
15 the type of liquor license that he or she had previously?

16 A Revocation, statutorily would only prevent a person
17 from holding a license for a period of one year. It would,
18 however, have an effect upon their qualifying for a new
19 license, but statutorily it would only disqualify them for
20 a period of one year.

21 Q But the effect would be at your discretion and at
22 the board's discretion?

23 A At the board's discretion.

24 Q And is there a difference in the fines that you
25 can levy and the board can levy?

1 A The board can not levy fines.

2 Q Only you can levy fines?

3 A That is correct. And my fines are limited, \$100.00
4 minimum, \$300.00 maximum for each violation.

5 Q And there could be an indefinite number of
6 violations?

7 A That's correct.

8 Q And then, after your decision there is an appeal
9 to the board and then is it to the superior court?

10 A In the county where the license is located.

11 Q Okay. We have heard testimony both in Flagstaff
12 and in Tucson, concerning the public drunkenness law of
13 1972, and the LARC's. Do you have any jurisdiction at
14 all over this law or any responsibilities concerning
15 local alcoholism reception centers?

16 A None whatsoever.

17 Q In your interview, I think you indicated that you
18 were thinking about establishing provisional licenses?

19 A That's correct.

20 Q I wonder if you could explain that and the pro-
21 cedure the way it is? Now, as I understand the licenses
22 are for a three-year period or seven-year period?

23 A No, licenses are actually issued for a one-year
24 period but it's on a continuing basis.

25 Q So, unless there is objections, it's automatically

1 renewable?

2 A No, unless they're revoked by the liquor board --

3 Q Then they're automatically renewable?

4 A They're automatically renewable by paying the fee
5 and that's where we get into the largest number of revo-
6 cations, is for nonpayment of fees.

7 The provisional license, I feel, would be an excellent
8 way of controlling establishments where a sale is made of
9 the business and a new person comes in. Now there's a
10 period of time of up to, well statutorily, up to 105
11 days whereby an application is processed, as I've de-
12 scribed before, of being filed and posted locally and so
13 forth, through the local procedures.

14 Most of our problems with liquor licenses relate
15 to the interim operation of these establishments. After
16 the old licensee has sold his business and before the
17 new license -- before the new operator is actually formally
18 approved.

19 Q Excuse me, this is during an assignment-type period?

20 A In a sale of usually a sale of a license premises,
21 somebody comes along and wants to go into the bar business
22 and so they buy out a bar.

23 Q So the license for that 100-day period is in a
24 sense assigned to the new licensee?

25 A Is it usually operate-- well, it is operated on

1 the old license with an informal or not informal, with
2 a management agreement, temporary management agreement
3 that allows the new operator to come in and operate the
4 business pending the approval of himself as the licensee.

5 Q This is a three and a half-month period?

6 A It can be. Our -- since I've come into office, I'd
7 like to say, anybody from the press here? Okay, I've
8 cut it down in most cases to around 45 days. 45 to 60
9 days is our average.

10 Q When you were talking about a provisional license
11 would that be different from this --

12 A Provisional license in the way I would envision it,
13 which I will propose to the legislature, would be a
14 license issued to a person who buys a licensed establish-
15 ment which could be subject to summary revocation and
16 would be good only for a period of up to, say for instance,
17 105 days.

18 Q When you talk about summary revocation, does that
19 mean again that would revoke that license and then if the
20 person applied for a license in the future that would
21 reflect negatively on his chances?

22 A That is correct. That is correct. In other words,
23 -- I want to repeat this, most of our difficulties with
24 licensed establishments, most of our biggest difficulties
25 with licensed establishments are during this interim period

1 of time. And if the new -- if the old licensee were made
2 by law to turn in his license and the new owner of the
3 establishment who makes application for the transfer of that
4 old license were required to get an interim license that
5 could be summarily taken from him, which we have no power
6 to do it now, then that would insure to us, at least we
7 feel that that would insure that that person is going to
8 operate his license in total compliance with the laws.

9 Q Is there any distinction made between an urban
10 and a rural liquor establishment?

11 A None whatsoever. Other than the fact one may be
12 out in the country and one may be out in the city. .
13 There's no difference in the licenses if that's what
14 you mean.

15 Q But as far as individuals filing complaints with
16 your office, they would have to go to Phoenix, is that
17 correct?

18 A That's the only office I have, that's where it
19 would have to be filed.

20 Q And all of the hearings would take place in Phoenix?

21 A No, that's not necessarily true.

22 Q Where, do they take place at the location of the
23 liquor establishment?

24 A Well, to accomodate my appearance here before the
25 board, I held a hearing this morning, in Tucson, on a

1 Douglas license.

2 Q But generally, are they in the larger cities in
3 the state?

4 A Generally, because of our facilities and funds,
5 we are short on funds, Rep. Guerrero, and we can not
6 travel too often so our hearings are held in our hearing
7 room at Phoenix.

8 Q And if you could tell us how many employees do
9 you have?

10 A I have 12 permanent employees and one half, assigned
11 on a seasonal basis during renewals.

12 Q Do you have any Indian employees?

13 A I never asked, there's a possibility of one person
14 might be, but I -- I don't think so, no.

15 Q Of course the state is required to file EEO reports
16 with EEOC.

17 A But I don't believe so. I don't believe so.

18 Q Based on your seven months and again this is some-
19 thing you may have to look at as far as records are con-
20 cerned, are most of your complaints against urban facilities
21 or rural facilities, near Indian reservations, or don't
22 you know?

23 A Well, are you talking about formal complaints filed
24 with us?

25 Q You have two types, then, informal and formal com-

1 complaints or --

2 A. Well, are you talking about the types of complaints
3 that are filed by public -- by police officers or indi-
4 viduals? The types of which I have mentioned in here on
5 which I take action?

6 Q Right, right. Those type --

7 A Oh, the vast majority of them are filed by licensed
8 establishments in -- actually Maricopa County.

9 Q You said the vast majority are filed by police
10 officials too?

11 A That's correct.

12 Q How about individuals?

13 A Matter of fact, in seven months there's only been
14 two filed by -- I'm sorry, three filed by individuals.

15 Q And the ones filed by individuals, where have they
16 been, in rural areas?

17 A It's been Mr. Shea's client, Mr. Wesley has filed
18 two against one establishment at Fort Thomas, and one was
19 filed by an attorney in Phoenix against an establishment
20 in the City of Phoenix and I don't even recall what part.

21 Q But the vast majority, I think you said over 95%
22 or something, are filed by police officials?

23 A In excess of 95%.

24 Q Are these for disturbing the peace or what are these
25 for?

1 A No, because we can not take action against a
2 licensee unless it involves a violation of the spiritous
3 liquor laws. So we wouldn't have a complaint with -- a
4 complaint would not allege something we could take an
5 action on unless it actually specified a violation of
6 either the laws or regulations of the department.

7 Q And could you briefly summarize what those are?
8 Their categories?

9 A Well, there's quite a number of them, I can give you
10 some typical ones. Selling after hours, selling to minors,
11 unreported acts of violence which is a violation of regu-
12 lations, purchasing from other than a -- from a licensed
13 wholesaler by retailer. In Title 44 there's quite a
14 number and I can furnish you a copy of that right here if
15 you --

16 Q I would appreciate that.

17 THE CHAIR: Thank you.

18 I have a number of questions here. To get back to your
19 most recent statement, that one of the violations would be
20 an unreported act of violence. Does this mean unreported
21 by the owner or the operator of the bar or --

22 A That's correct. In the regulations, superintendent's
23 regulation number R415-32, it states a licensee upon whose
24 licensed premises an act of violence occurs shall make a
25 detailed written report within 24 hours of such act of

1 violence to the department of liquor licenses and control,
2 etcetera, etcetera, so it's the responsibility of the
3 licensee to make that report.

4 Q What is the composition of your board and how is it
5 appointed?

6 A The board is a three-member board appointed by the
7 governor, for a three-year term. And they are staggered,
8 one each year. The legal requirements are that there not
9 be any more than two members from the same political
10 party and each must be from a different county.

11 Q Are there any particular criteria as to experience
12 or knowledge of the members?

13 A Not as to experience or knowledge, there's a resi-
14 dency requirement, I believe it's five years but I'm not
15 positive.

16 Q You mentioned that hearings are held on whether a
17 license should be granted. These are public hearings?

18 A Yes, Ma'am.

19 Q And how are they announced to the public?

20 A We have a -- we have a system of complying with the
21 open meetings law which is a part of the statutes of the
22 State of Arizona that gives general notice of the board's
23 hearing dates. Now, on a specific license where persons
24 have made objections, which have been placed of record, then
25 unless it is an extraordinarily large number of objectors,

1 we attempt to contact every objector by mail or telephone.

2 Q I see. You mentioned that you had so far not been
3 able to implement your idea of having a probationary liquor
4 permit. Would this require legislative action?

5 A Yes, Ma'am.

6 Q In other words, a change in the statutes?

7 A Yes, Ma'am.

8 Q Is your department considered a state agency?

9 A Oh, yes, very definitely.

10 Q Then I am puzzled and perhaps I could consult Mr.
11 Silver at this point, whether as a state agency, you would
12 not be subject to affirmative action.

13 A (By Mr. Silver) Under EEO4 all agencies of state
14 government are required to be reported on, I don't -- I
15 do not believe the task is assigned to each particular
16 agency, board or commission, I believe that the department
17 of liquor licenses and control would appear in the state
18 EEO4 report. And I'm not sure on our own policy because
19 the state civil rights division does keep track of or
20 publish every year by, mandated by statute, a minority
21 employment in state government profile, and whether or not
22 Mr. Bean's department is included in that profile I'm not
23 sure. I haven't looked at one as of late, I think if it's
24 large enough it probably will be included.

25 I'm not sure exactly what you're talking about but

1 I do know that we do fill out various report forms to go
2 to the state personnel commission.

3 THE CHAIR: I see.

4 Mr. Guerrero?

5 Q (By Mr. Guerrero) Madame Chairman, Mr. Silver,
6 didn't in fact the governor just recently issue an executive
7 order on affirmative action in state agencies?

8 A Rep. Guerrero, that was issued, I believe, sometime
9 in May, the executive order was both the creation of a
10 governor's task force which Ms. Lyon was on also, and as
11 well as a prohibition of discrimination in state contracts,
12 I believe, and I think your chairperson could confirm
13 that, that the task force has been disbanded by the governor's
14 office and that the functions of the task force were
15 essentially delegated to Mr. Pastore, who is the new state
16 affirmative action officer.

17 THE CHAIR: This is correct, but it in no manner
18 changes the affirmative action requirement that any state
19 agency would have.

20 A No, that's correct, the state is subject to the
21 provisions of Title VII of the 1964 Civil Rights Act as
22 well as the state is subject to similar provisions under
23 the Arizona Civil Rights Act, which deals with employment,
24 voting rights and public accommodations.

25 THE CHAIR: Mr. Guerrero?

1 Q (By Mr. Guerrero) Madame Chairman, can you foresee,
2 Mr. Silver, as an attorney, you're from the attorney
3 general's office? That possibly there could be, taken by
4 those persons affected in respect to, say minorities who
5 feel that they are not adequately represented in some
6 of these agencies, do you feel they could take legal
7 action to make an effort that those federal funds coming
8 into the state should be withheld pending the improvement
9 of the situation? Is that legally --

10 A Well, the City of Chicago, for example, indeed
11 experienced that problem when one Black plaintiff who
12 was in the police department instituted some actions that
13 -- under the revenue sharing act, that resulted in the
14 federal district court withholding a 19 million dollar
15 revenue sharing check to the city and the potential back
16 pay liability, when I say back pay, what the city would
17 have to pay back the federal government under the revenue
18 sharing act was computed by the court at 139 million dollars.

19 There are various remedies that an astute plaintiff's
20 attorney has as a weapon against a state or state agency,
21 in terms of forcing it to comply with the concept of being
22 an equal opportunity employer, and that does include
23 potential cutoffs of federal funds.

24 THE CHAIR: Does any committee member have any
25 further questions?

1 If not, I do want to thank Mr. Bean for accomodating
2 us and especially going as far as holding his public
3 hearing here to be with us. We appreciate your cooperation,
4 sir, thank you very much.

5 A You're welcome.

6 THE CHAIR: You are free to stay if you wish.

7 A Mr. Shea might possibly have something that -- to
8 say that I might want to specifically refute.

9 THE CHAIR: Well, feel free to stay, you're per-
10 fectly welcome.

11 Mr. Shea, for the record, would you state your name,
12 address and occupation?

13
14
15 MR. PHILIP J. SHEA

16
17 A (By Mr. Shea) Yes, my name is Philip J. Shea,
18 I live in Phoenix, Arizona, and I practice law there.

19 Q (By the Chair) Could you describe for the committee
20 the efforts made by your clients to correct conditions
21 at the Geronimo Bar as well as the underlying reasons for
22 these efforts?

23 A That's a large question. Especially the underlying
24 reasons.

25 Q Well, we felt that it was necessary to get a broad

1 overview of the underlying reasons so that our committee
2 might understand the actions that were taken by your
3 client.

4 A Allright. My connection with this is that I
5 represent Clarence Wesley. And he is a resident of the
6 Bylas area of the San Carlos Apache Indian Reservation.
7 As a matter of fact, his residence is just within a few
8 feet of the eastern boundary on the highway that runs
9 through the reservation. At short distances, say one
10 mile and two miles, they have operated in the past, two
11 bars, licensed by the state department, the state liquor
12 department. These bars are certainly among the state's
13 sleeziest, and have been, I will say flatly, out and out
14 without any control at all. And have, over a period of
15 years, operated in a crass, brazen manner so as to exploit
16 Indians.

17 Mr. Wesley's interest in this is a general one,
18 he was a member of the San Carlos Apache Tribal Council
19 for 20 years and its chairman for ten, and is a prominent
20 public citizen, both on the reservation and in the Anglo
21 community to the east of it.

22 His most particular interest is the fact that his
23 grandson, Vernon Wesley, was shot and killed on the evening
24 of March 16, 1974, by one Donald Eugene Mayfield, who was,
25 at that time, operating both of the bars as owner under

1 contracts of sale from the -- from the licensees, illegally,
2 with the full knowledge of the state liquor department.

3 The state liquor department had reports from the
4 department of public safety going back for a period of a
5 year before Vernon Wesley was shot and killed by Mayfield.
6 These showed numerous acts -- there were numerous reports
7 by the department of public safety of stabbings, shootings,
8 of the illegal sale of the bars by the licensees to -- to
9 this Donald Eugene Mayfield.

10 The department of public safety reports on Mayfield,
11 and let me say that the reports in the files of the liquor
12 department show that the department of public safety
13 was doing its job, show without any question that Donald
14 Eugene Mayfield was a madman, an insane, violent man,
15 who constantly carried a gun under his shirt.

16 Nothing was done about this by the liquor department.
17 It wasn't only the department of public safety that com-
18 plained, the Anglo neighbors complained, Indians complained.
19 Four or five months before Vernon -- the night that
20 Vernon Wesley was shot he was with his aunt, Cathy Wesley.
21 One of the ironies is that about five months before Vernon
22 was shot, Cathy Wesley wrote a letter to the state depart-
23 ment of liquor control complaining about one of these
24 bars. The letter went unanswered.

25 Sometime after that, I was with Clarence Wesley at

1 the state -- at a hearing of the state liquor board re-
2 garding one of these licenses and it had to do with the --
3 an application, a hearing on an application for the
4 transfer of a license for the roadside bar where Vernon
5 Wesley was shot. And the licensee, Mark Williams, who
6 still was the licensee in good faith, incidentally, was
7 applying to transfer it to someone else so that someone
8 else could operate the bar, it was then closed down.

9 And we, Clarence Wesley and I both told the board
10 what we thought of the past performance of the liquor
11 department, much as I am telling this commission. And I
12 recall what Mr. Bean said at that time because he's made
13 allusions to it in his presentation here, that was some-
14 thing about a verified complaint.

15 You see, with all the stacks and stacks of complaints
16 by way of departmental reports, letters from citizens,
17 the letter of Cathy Wesley, they weren't verified. There
18 was no verified complaint and the statute does say a veri-
19 fied complaint.

20 Q Could you explain, Mr. Shea, what the legal inter-
21 pretation is of a verified complaint?

22 A Well, it's someone that says I swear that this --
23 the allegations made in this complaint are true and it's
24 signed before a notary public.

25 Q I see.

1 A And it was as a result of that, let me tell you what
2 day it was, it was on May 22nd of this year. So now that
3 we found what the real problem was, you see, that nobody
4 -- that DPS reports were not, or investigation reports
5 were not verified, we went down to my office that day and
6 prepared the 22-charge complaint, against one of the two
7 licensees. Complaining that he broke the arm of Arthur
8 Longstreet, an Indian, on October 25, 1973, and I failed
9 to report this act of violence; that he broke the arm of
10 Don Cosian (Phonetic) ten days later on November 5, 1972,
11 this licensee failed to report this act of violence; that
12 a month later, less than a month later, two weeks after
13 the second broken arm the licensee broke the arm of a
14 third person, a Brosian (Phonetic) Stanley, the licensee
15 failed to report this act of violence.

16 The licensee failed to report that on November 3,
17 1972, two women assaulted a third woman, one was cut
18 with a knife. The licensee failed to report that he shot
19 one Delbert Key (Phonetic), an Apache Indian in the head
20 with a 38 caliber weapon, and on and on and on. And on.
21 So that was the first verified complaint, you see, that
22 was filed by anybody against one of the licensees.

23 Q I see. I take it, then, that a report by the depart-
24 ment of public safety is not considered a complaint, is
25 that correct, Mr. Bean?

1 A (By Mr. Bean) NOT considered a verified complaint
2 under the statute, that is correct.

3 Q I see.

4 A Now, it is considered an informal complaint and
5 action is sometimes taken on them. By the department. And
6 it is my policy that in some cases if a report of a minor
7 violation is received by the department, that we send, first
8 of all a warning letter to the licensee, advising them
9 that this has been reported to us, and warning them
10 that if it occurs in the future that stronger action will
11 be taken. Then, of course, each one is a judgment matter
12 related to what incident is reported.

13 And it goes up to the fact that if it goes into an
14 extremely serious situation then I generally, myself,
15 advise the officers to file a verified complaint.

16 Q I see. Thank you.

17 Mr. Shea, would you continue, please?

18 A (By Mr. Shea) Well, I think that the -- you asked
19 me if, the original question was did I represent a complain-
20 ant Clarence Wesley, did we file a complaint or that was
21 -- and what were the underlying reasons.

22 Q Right.

23 A And the underlying reasons, believe me I've skimmed
24 over them, that is -- that is a small percentage of the acts
25 of atrocities and obscene violence that was occurring, were

1 occurring regularly in that place and after the shooting
2 of Vernon Wesley a more complete investigation was under-
3 taken by the department of public safety and they did
4 such things as get the logs from the local sheriff's
5 office up there in Graham County and the Safford Police
6 Department and the tribal police, they found that there
7 were -- there were reports of violence from these two
8 bars on at least a daily basis. And reports of drunkenness
9 and -- and numerous, the number of people, I mean probably
10 six or eight people within a period of a couple of years
11 were killed on the highway outside those bars.

12 I mean the carnage was fantastic. And

13 And now to continue on, chronologically, on May
14 22nd we filed the complaint and the action by Mr. Bean,
15 since he, you know, processes it in the preliminary at
16 least, was that the -- that these complaints were either
17 acts that occurred too long ago, or they had been subject
18 of administrative action in the past.

19 And we appealed that to the board, his decision that
20 no action should be taken. And the board upheld him, and
21 may I say on the advice, quote, unquote, legal advice of
22 the representative from the attorney general's office.
23 Who said to the board that I am here as the legal adviser
24 of Mr. Bean and of the board, and I advise you to uphold
25 Mr. Bean and not to order him to hold hearings on these

1 complaints. All right?

2 Now, because these were -- these complaints were
3 determined to be stale, and since it -- there's no big
4 deal to get fresh complaints from this licensee, and this
5 is only one of the two licenses there, no action has been
6 taken against the other one. Mr. Wesley made a -- two
7 allegations of sales of whiskey which were not permitted
8 under the licenses held by Mr. Roberts. And a third general
9 complaint, which was tossed out, about which we have no
10 argument, and Mr. Bean has -- had the hearing on these
11 three complaints of the two illegal sales to the board for
12 hearing on December 9th.

13 Q I see. So that case is undetermined or unresolved
14 at this time?

15 A Yes.

16 Q I see. You mentioned at one point during your
17 testimony, Mr. Shea, that the bar was closed down at one
18 time, what occasioned this closing of the bar?

19 A The superintendent has, under his regulations,
20 powers to close down the -- a bar within ten days, and I
21 believe it is -- if he feels that there's a threat of im-
22 minent violence or something to that effect. And on
23 the day after the shooting of Vernon Wesley, then-Superin-
24 tendent Col. Moore went up there and closed down the two bars.
25 And I believe he had the correspondence in the files that

1 he asked them not to reopen until Eugene Mayfield's homi-
2 cide trial was completed. Because feelings were running
3 pretty tight in that neighborhood.

4 Now, they have been opened and closed at various
5 times since then. But let me point out that except for
6 the ten-day closure by Col. Moore, on action taken on March
7 17, 1974, neither of them has been closed by action of the
8 state liquor department.

9 Now, I should point out, no action has been taken
10 against them by the state liquor department at any time
11 since the shooting. I shouldn't say that no action was
12 taken against this licensee before the shooting because
13 Mr. Roberts, who's the licensee of the Geronimo, was
14 cited in by -- by the then-Superintendent Col. Moore, on
15 about the 15th of December, 1973, and for some strange
16 reason, he was cited in for two, for failing to report
17 two of the acts of violence.

18 I mean he had reports of about 20 of them but he
19 selected two. Both of which involved the use of guns by
20 Mayfield. And one of the charges for which he cited him
21 was that the business had been sold by Roberts to Mayfield
22 without even as much as an application for a transfer.

23 Well, after the citation was issued an application
24 for the transfer was made, I have heard that, I haven't seen
25 it, that there was a -- one of these managers agreement or

1 an operator's agreement for -- the law says that the
2 manager under a manager's agreement pending the sale has
3 got to have the same qualifications as a licensee. And
4 if in the opinion of the state liquor department, Eugene
5 Mayfield had the qualifications of a licensee, then God
6 help us.

7 But the hearing was held, then, by Col. Moore in
8 January of 1974, and you know what action he took, he
9 fined Roberts \$200.00, but allowed the maniac to stay in
10 operation of that bar. And somebody had to be killed.
11 It was just as certain that somebody had to be killed
12 in one of those bars as it is that someone's going to be
13 killed in a Greek tragedy. It's absolutely inevitable.

14 And it happened two and a half months after Roberts
15 was fined \$200.00 and told to go on his way.

16 Q Mr. Shea, is this the circumstances you -- circum-
17 stances you referred to when you stated that the bar was
18 operated illegally by Mr. Mayfield?

19 A The circumstances I'm referring to, yes, are that he
20 purchased the two bars, the first one from Mr. Roberts and
21 the second one from a Mr. Mark Williams.

22 Q Could you identify the two bars?

23 A Yes, the Geronimo, which is about, approximately now
24 about a mile east of the Apache Indian Reservation on the
25 highway, and the Roadside Bar, which is about a mile east

1 of the Geronimo. And on July 11, 1973, Mr. Mayfield
2 purchased the Geronimo from Mr. Roberts, as was reported
3 in the following September of the DPS, department of public
4 safety, and at about, sometime earlier than that, a short
5 time earlier than that he had purchased the Roadside from
6 Mr. Williams. Now, I'm not aware of there ever having been
7 an application for the transfer of the license from
8 Williams to Mayfield, but after, as I said, after Mayfield
9 was cited by Col. Moore in about the middle of December, '73,
10 six months after he sold his business, there was an appli-
11 cation. Let me tell you that there was fraud on the appli-
12 cation because the application lied.

13 The application was acted upon by the state depart-
14 ment -- by the liquor department after Vernon Wesley
15 was shot and was then denied.

16 Q I see. When you appealed the decision by the board
17 following your earlier complaint of, I believe May of
18 1973, and that was again denied, is there any higher
19 level of appeal?

20 A Yes, as Mr. Bean explained, the -- the action of
21 the board can be appealed to the superior court. We did
22 not do so.

23 THE CHAIR: I see.

24 Mr. Levis has some questions at this point?

25 Q (By Mr. Levis) Mr. Shea, these are, in a sense, general

1 questions. What do you think, or what suggestions do
2 you have as a way to solve the problems that you have
3 pointed out, should liquor be legalized on the reservation?
4 Should there be an upgrading of the staff of the liquor
5 control commission? Just generally, what has to be done
6 in the future to prevent this Greek tragedy reoccurring?

7 A. Very good. The problem of which I am speaking has
8 nothing to do, I don't believe, with the sale or non-sale
9 of liquor on the reservation. I would like to point out
10 that -- that these atrocious bars that are off the
11 boundaries of the reservations in Arizona are not a necessary
12 evil because, you know, Indians will be that way, the two
13 bars that we're talking about are not the closest bars
14 to the eastern boundary of the San Carlos Apache Reservation,
15 there's a closer one. And you go -- or go there any time
16 of the day or night and it's perfectly clean. Why?

17 They don't sell to drunks. They don't pawn rifles.
18 They don't -- they don't have striptease dancing. They
19 don't sell to minors. They obey the law. And it's a
20 perfectly clean bar.

21 Now, what has to be done, very simply, is that the
22 same rule of law must be applied to off-reservation bars
23 as is applied to bars that operate in White, nice, middle
24 class communities. You know, nothing goes wrong down the
25 bar at the corner of my street, nothing goes wrong at all.

1 And if the slightest, if that bar licensee got out
2 of -- stepped out of line, he would be shut down. Now,
3 this -- this double standard, you see, in the application
4 of the liquor laws of this state, has a very nasty racial
5 overtone, because it's somehow that, those off-reservation
6 bars may have to be that way because that's how those
7 people are, and that is not true.

8 We're talking about these two bars and there are
9 other bars, there are a number of other bars like them.

10 I had an informal conversation about this subject
11 with Bruce Babbitt, the Attorney General of Arizona, some
12 months ago, I said, you know the two worst bars in the
13 State of Arizona are east of the Apache Indian Reservation
14 and he says, you're wrong, the worst bars in Arizona are
15 off the Navajo Reservation.

16 So these bars are not unusual. And I would stake
17 my life on it, that the failure of the state agencies to
18 apply the law equally to bars off the Navajo -- Apache
19 Indian Reservation applies to bars similarly situated with
20 respect to other reservations, so what you have to have,
21 very simply, is an even-handed application and enforcement
22 of the law.

23 THE CHAIR: Mr. Guerrero?

24 A. (By Mr. Bean) Could I respond from my standpoint
25 on this particular point?

1 THE CHAIR: All right.

2 A Well, I don't, like I informed the committee
3 earlier, I have been in this office since the 14th day of
4 April of this year and I have no idea as to what the
5 approach to the situation was prior to that time because
6 I had no association whatsoever with the liquor industry.
7 Or with the enforcement of the liquor laws except in a
8 very minor category as a prosecutor.

9 But I can assure you, and I categorically deny Mr.
10 Shea's contention that this double standard is in exis-
11 tence. As far as our department is concerned. Now, we
12 take each complaint, whether it be a formal, verified
13 complaint such as what was filed on behalf of Mr. Wesley,
14 or the complaints filed by the department of public
15 safety or any other law enforcement agency for that matter,
16 from any part of the State of Arizona, and we scrutinize
17 them as to what the specific liquor violation is, which is
18 our administrative right.

19 Now, there's a -- there's one thing that Mr. Shea
20 forgot to mention, that is that any individual situation
21 where an offense occurs these violations are also chargeable
22 in the local court, and this is another remedy that anybody
23 can follow. The problem that we oftentimes run into with
24 establishments outside the metropolitan areas is that we
25 don't hear about these things. Now, I don't know anything

1 about this particular thing as to the series of events
2 other than what I have read in the record and reviewed
3 in looking at the complaint. But it's as a normal course
4 of events if something happens we don't hear about it.
5 If there is a complaint either filed up on --

6 A (By Mr. Shea) Could I follow up on that?

7 THE CHAIR: If I might just interject again, Mr.
8 Shea, and Mr. Bean, that this is not an adversary procedure
9 and we're not in a court of law, the information you give
10 us is for informational purposes only.

11 A (By Mr. Bean) Well, I thought that point was
12 significant that I should deny it, because I don't know,
13 you know, this is Mr. Shea's conclusion, my conclusion
14 is that he is totally wrong in that respect.

15 A (By Mr. Shea) All right.

16 THE CHAIR: It is so noted.

17 A Let me address myself to that particular point.

18 There was a letter in this Roberts, this John Lee
19 Roberts' license file which includes a copy of a letter
20 sent by Mr. Bean to Mr. Roberts, dated May 23, 1973, was
21 sent by certified mail, and it says, and I quote, the
22 beginning of it, it says, it has been brought to my atten-
23 tion that you have been in fact operating by virtue of the
24 Series 9 license and you are herewith notified to cease
25 and desist. It seems that Mr. Roberts' Series 9 license,

1 which permits -- which would permit a licensee to sell
2 whiskey had been revoked by order of the board a year
3 before or so.

4 Now, I realize that if somebody commits a violation,
5 you know it's a first time thing, maybe a stern letter by
6 registered mail is appropriate. But by God, this John
7 Lee Roberts is a violent maniac. And so what he did when
8 he got -- when there was notification, you see, that he
9 was -- he was operating, he was flaunting the liquor laws
10 in May of this year, only to get a letter?

11 I think -- I think that that should have been used
12 as the basis by Mr. Bean of putting Roberts out of the
13 liquor business in this state for good.

14 A. (By Mr. Bean) May I respond?

15 A. (By Mr. Shea) Canning him.

16 A. (By Mr. Bean) May I respond to that?

17 THE CHAIR: Yes, Mr. Bean.

18 A. I probably should not respond to this because this
19 matter is the matter that is still in progress, first of
20 all, to go before the liquor board on December the 9th,
21 it revolves around a license that has previously -- has
22 previously been revoked and is on appeal in the superior
23 court of Graham County. And actually the only thing I would
24 like to say at this point, is this was the letter I sent
25 was to clarify an error that my department had made at the

1 beginning of the year when they had inadvertently sent Mr.
2 Roberts a little license to hang on his wall, even though
3 it was legally revoked.

4 THE CHAIR: Thank you.

5 May I suggest at this point, Mr. Shea and Mr. Bean,
6 that any additional information you would want to supply
7 to the committee, you submit to us in writing and we
8 will include it in the record of this hearing.

9 A (By Mr. Shea) I want to say finally that I have
10 no right to be as harsh as I might have been toward Mr.
11 Bean. And that I have no right to make any suggestion that
12 he is not running the department in a perfectly even-
13 handed way. The atrocities that have been committed in
14 the past, and I could come right out and say, mention the
15 other guy's name were committed by Col. Harold Moore, and
16 I don't -- should I fling some mud on Col. Moore, it --
17 I don't wish to stain the name of Mr. Bean.

18 THE CHAIR: Thank you, Mr. Shea.

19 Mr. Guerrero, you have a question?

20 Q (By Mr. Guerrero) Yes, Madame Chairman. I think
21 Mr. Shea beat me to the punch because I'm sure that Mr.
22 Bean was not speaking for the past administration.

23 A (By Mr. Bean) Right.

24 Q He's just been there about six, seven months, but
25 anyway, Madame Chairman, what I wanted to ask Mr. Bean, I

1 don't know whether or not we're addressing ourselves
2 actually to the cause of this thing or -- because we do
3 know that there are, I wanted to ask the question of Mr.
4 Shea, there are other things involved in this thing other
5 than the issuance of the license and the rest, but can
6 you tell me, Mr. Shea, I notice that in some of these calls
7 to the office of the sheriff on the numerous occasions,
8 some five and six different times in one night, what should
9 be the role of the sheriff's office in a case of this
10 nature where the laws are continuously being violated and
11 circumvented, what should be the role of the sheriff's
12 office? In a case like this?

13 A (By Mr. Shea) I can't give you a good quick answer
14 on that. Now, I've heard -- what these bars, you see, con-
15 stitute, are public nuisances. I have heard that there
16 was a bar in south Phoenix, that there was -- that there
17 was just a hideous place, that through the instigation
18 of the police department, an action was brought to close
19 it down as a public nuisance. And so that the responsi-
20 bility of keeping these places cleaner than they have
21 been, can be shared by city prosecutors, the county
22 attorneys, as well as by the state government.

23 Q (By Mr. Guerrero) Well, Madame Chairman, Mr. Shea,
24 I notice here that on October 9, 1972, Mr. Wesley called
25 in to the sheriff's office in Graham County and reported

1 that the bar was open at 2:00 o'clock in the morning. Now
2 do you believe that if -- if it would have been someone
3 other than Mr. Wesley called in from Bylas, if it would
4 have been a citizen up the street where maybe from Safford,
5 that then the sheriff's office might have went to investi-
6 gate that complaint? This is what I'm getting at, a double
7 standard of enforcement, sir.

8 A Yes, I don't know. I don't know. But I do know
9 this, that if it was downtown Safford, they would have
10 closed it down.

11 Q It's documented right here in these files from the
12 sheriff's office, that they had received a complaint from
13 Clarence Wesley prior to the incident of the Geronimo, the
14 bar there at Geronimo being open up until 2:00 o'clock
15 in the morning, two and three years before the incident
16 occurred.

17 I say this, that if the enforcement agencies would
18 have been on their toes there and I believe the sheriff's
19 office is an enforcement agency, why couldn't they, as an
20 agency, go ahead and pursue that violation themselves by
21 reporting that violation to the liquor board or the
22 department of liquor or the DPS, whoever has the enforce-
23 ment.

24 A (By Mr. Bean) Representative Guerrero, the Arizona
25 Spiritous Liquor Laws specifically provide that local peace

1 officers do have that authority and once again I want to
2 reiterate they can file that complaint with the local --
3 with the local justice of the peace or magistrate, whoever
4 it may be.

5 And in addition, I have, myself, furnished copies
6 of all the liquor licenses within the counties, particularly
7 the rural counties to the sheriff's of each county, so
8 they would, in turn, know who was the responsible person
9 on each license.

10 THE CHAIR: I believe, Mr. Guerrero, this is a
11 question that the sheriff's department would have to
12 answer. Since you did mention the sheriff's department
13 being in a position to take action.

14 Q (By Mr. Guerrero) Well, I was just wondering,
15 Madame Chairman, that if in the future if the new director
16 of licenses, I mean the department would maybe consider
17 that that has happened in the past and I would imagine it's
18 happening in other counties and not just in Graham County.

19 A Rep. Guerrero, I have found in the enforcement
20 circles that enforcement of the spiritous liquor laws
21 almost everywhere is not the most popular job for the law
22 enforcement officers and on a -- a priority list, it is
23 right at the bottom of the priority of enforcement.

24 THE CHAIR: At this point, may I again invite Mr.
25 Shea and Mr. Bean to submit into the record any additional

1 statement or recommendations they would wish to make, and
2 we thank you for being here. And for your participation.

3 And I believe, Mr. Shea, we'll see you tomorrow?

4 MR. SHEA: Yes.

5
6 (Short recess)

7
8 THE CHAIR: The meeting will come to order, please.
9 And may we ask Mr. Ted Lewis to come forward at this time?

10 Q (By Ms. Madrid) Mr. Lewis, for the record, would
11 you state your name, address and occupation?
12
13

14 MR. TED LEWIS

15
16 A (By Mr. Lewis) My name is Ted Lewis, I'm Rector
17 of the Tucson Halfway House and the address is 120 West
18 29th, here in Tucson.

19 Q And what is the Tucson Halfway House?

20 A It is an establishment to -- it's a residential kind
21 of program for Indian Alcoholics and also drug addicts.

22 Q What type of treatment does it provide for American
23 Indians?

24 A It provides counseling, group counseling, more in a
25 cultural and traditional kind of program. You'd say it's

1 more oriented towards a home lifestyle.

2 Q And what problems does your agency encounter in
3 attempting to provide this type of treatment, if any?

4 A Would you repeat that?

5 Q What problems does your agency or the Halfway House
6 encounter or have in attempting to provide this type of
7 treatment?

8 A Money.

9 Q Is that the only --

10 A Primarily we are -- we're originally contracted
11 through the state health department, and for the amount of
12 \$17,000.00 and part of that is my salary. And the re-
13 mainder of that \$17,000.00 is applied to utilities and food.

14 Q So money would be the biggest problem, then, that
15 you have?

16 A Right. Well, that's one area. But the other --
17 the other areas are, like for example, I think what they
18 were discussing or you guys were discussing just a few
19 minutes ago, has a lot to do with some of the clients that
20 we have.

21 For example, some of these people in South Tucson
22 areas where they go buy liquor, their drinks, some of these
23 people really drunk when they go buy it and yet it's against
24 a state law to sell liquor to a person that's intoxicated,
25 and they -- even then when these people are still really

1 drunk they still sell it to them.

2 There are also other places like not only liquor
3 stores but we can go farther than that and point out places
4 like little two-bit grocery stores, Chinese and the Mexican
5 stores where they do the same thing.

6 One, in particular, is right there just about two
7 blocks away, it's a Chinese store where they go in and out
8 of that place till they pass out and they pass out right
9 on the porch. And this is against the law, state law, to
10 sell liquor to these people that are really, really drunk.

11 Q And how does your project relate to the adminis-
12 tration of justice for American Indians?

13 A Right now, at the present time, we are working with
14 people that are on the probation program through DWI,
15 which we have something like nine cases who are outpatient
16 who live in the South Tucson area but they still come to the
17 Halfway House for their meetings, for their counseling and
18 for other kinds of things that they -- that they need and
19 we try to meet those needs through referral services like
20 maybe perhaps they're looking for a training program or a
21 job development, well, we send them to the Tucson Indian
22 Center where they have to see the program and we're tied
23 in with them.

24 We also send some to the Sayre Program where some of
25 these people need to get their GED and one of the reasons

1 they go there is because they have a stipend where they
2 pay \$70.00 a week. Well, you don't get that kind of a
3 stipend at the Tucson Indian Center.

4 Q Do you have any assistance from state and local
5 agencies, assisting your --

6 A Well, you're under the umbrella agency known as
7 the Pima County Alcoholism Consortium and what happened
8 is that this year -- last year we were funded directly
9 from the state, but this year the state contracted the
10 consortium and put a lump sum of so many, X number of
11 dollars and they were the ones to monitor some degree of
12 programs to the ones that we selected. I think that there's
13 13 agencies and we're one of the 13 agencies that are
14 under the consortium.

15 Q Do you get any cooperation with other state, local
16 or federal agencies?

17 A Yes, right now, I guess we're more or less kind of
18 providing or facilitating their needs, because, for
19 example, we have a person who we got out of jail here
20 not too long ago and he was sentenced to one year in jail
21 for DWI. He served 90 days and we got him out, and he's
22 now staying at the Halfway House and he will have to serve
23 that 90 days at the Halfway House.

24 But the thing is this, where the services in terms
25 of money, they don't pay us for it, and yet my understanding

1 is they spend something like \$20.00 a day on a -- shall
2 we say prisoner, the county does, but there's legislation
3 that says that you can bill the county for this kind of
4 services that you provide. But we're still pursuing,
5 because there are -- some of these things because there
6 are some technicalities involved with these kind of cases.

7 We've also had -- see, most of our people are from
8 the reservation, Papagos primarily. Right at the present
9 time we have four Navajos. Which one of them's from
10 New Mexico and the other three from Arizona. One of the
11 things that we do there for them is that one night a
12 week we have an all-Navajo AA meeting, the other one, at
13 the same time, we have an all-Papago AA meeting and these
14 are some of the things that are provided for these people.

15 By the same token, like some of these people that
16 drift in from out of state, it's very hard to facilitate
17 their needs because they're more or less like transients,
18 they stay one day, one week and they leave. And one of
19 the things that we found from the beginning is that lot of
20 these Indians can't find identity in other Halfway Houses,
21 they'll stay there and maybe at the most up to a month
22 and that's it, and most of them leave within three days.

23 And I found the same thing, we turned the table
24 around when we have non-Indian referrals to us, they usually
25 last about three days and they leave, because they're not

1 used to Indian food that we eat, they're not used to Indian
2 language being spoken so therefore it only takes about
3 three days and they leave.

4 You know, it kind of -- this kind of situation takes
5 care of itself. Where, you know, Indian people go to these
6 other agencies or Halfway Houses, they don't stay there
7 long. And the other thing that I find in the South
8 Tucson area is there's a number of people have been run
9 over, there's one particular case that was really mangled
10 up to the point where you couldn't identify him, so they
11 had to send his fingerprints to Washington and it came
12 back and it happened to be first cousin of one of the
13 clients who we had, so right after Easter he finally passed
14 away in St. Mary's Hospital. And we went with the body
15 to, on the other side of the border because that's where he
16 lived, he lived in, I don't know where but there's a
17 portion of the Papago Reservation is on the other side
18 of the -- the Mexico side. In other words, and we buried
19 that guy over there.

20 And I know about three other people since that time
21 that have been run over. Because in Tucson, South Tucson
22 I find that the Mexican people are prejudiced against
23 the Indians, you know. And it's sad but that's the way
24 it is. You go to some of these restaurants and they treat
25 you like -- well, my own interpretation, shit, you know, and

1 I don't care for that kind of a situation.

2 Q You're talking about Mexican restaurants?

3 A That's right. See, with the South Tucson Police, we
4 work real closely with them, and most of the White people
5 have been really good to us, like some of these people
6 that we're talking about LARC, the LARC in the Tucson,
7 City of Tucson is a nonmedical LARC, you got two kinds of
8 LARC's. Local alcoholism reception centers. Like in
9 Phoenix, you have a medical LARC, you have a psychiatrist,
10 a psychologist, an M.D. and registered nurses, counselors
11 and bouncers.

12 And you have that kind of a program in Phoenix
13 where in Tucson you don't, you're cold turkey in Tucson.
14 That or if you go into DT's and you prefer you go to the
15 county hospital or they'll take you to the county hospital.
16 But this particular case used to stay with us and he went
17 on a big drunk and we -- the Tucson Police took him four
18 times to the LARC. See, on that legislation, 1107, Senate
19 Bill 1107, there's no provisions in there where you could
20 hold a person in a LARC facility. Because if you do, you're
21 dealing with his constitutional rights and that's why
22 LARC people will not hold these people against their will.
23 They'll just let them go.

24 And most of these people that go to LARC they usually
25 stay there five minutes or maybe three days. Because of

1 that law. But I understand they are trying to make some
2 revisions in that law where you can hold them for so
3 many, you know, for so many hours and then where they put
4 into law that the -- if you don't stay there you go to
5 jail, you know.

6 And that's one of the problem areas that we are
7 confronted with.

8 Because, you know, we can't keep these people in
9 LARC, we just, they just walk right out. And you can take
10 them 15 times in one day and there's nothing you can do
11 about it if they walk out. Like this particular case we took
12 him there four times and I've known of other instances
13 where they stayed with us for a month, two months and they
14 went and got drunk and I said, well, you have to go to
15 LARK. Well, with my word they'll go ahead and take them
16 providing if I promise to take them back in the Halfway
17 House again, but if I say well, I don't know, then they'll
18 usually just wash their hands of them, unless the police
19 brings them in.

20 But then again, we face up with the same situation
21 again, they don't stay there. And that's one of the biggest
22 problems, because we have, I think last year in six months
23 time they ran -- they ran something a little better than --
24 maybe four months I don't remember now exactly, but I got
25 some data from them and it numbered out about 600 people

1 in maybe four to six months, Indians that went through
2 LARC.

3 The other areas that we do is, we go to court or
4 rather I go to court, I work with Lacy very closely,
5 I work with what they call the volunteer services, correc-
6 tional volunteer services, they're people working out of
7 those offices that go into court, superior court, and the
8 lower courts which is the city, and this is where most of
9 your -- the city usually handles most of your, like open
10 bottle, shoplifting, petty theft, or drunk in public,
11 those are the four areas that they cover with Indian people
12 here.

13 Your other superior court usually handles DWI's like
14 maybe sometimes this person's got a ticket four times in
15 one year, and they usually handle that, which they can
16 send -- well, the court has to make a determination whether
17 this person will be given a misdemeanor which can add up
18 to one year and one day in the county jail or if it's a
19 felony, then they can serve up to five years in the state
20 penitentiary. And we've had several cases that doggone
21 near went to the penitentiary and these are some of the
22 cases that are outpatient cases for us now.

23 And we -- I mean I do go into court system advocate
24 for these people. And most of them are Papago people.
25 That's -- that have these kind of problems because they're

1 residents of either the reservation or the urban area and
2 naturally they have cars, because the transients usually
3 come in on freight trains, so naturally it's -- it's
4 almost like zero for the people now. I mean the non-
5 Papagos coming in to get a DWI unless they move in with
6 someone and then get drunk and get caught for drunk driving,
7 which is very, you know, not too often at all.

8 But the other thing is that we do, is work with --
9 we also have women clients and some of these women clients
10 have legal matters, like paternity cases, divorce cases,
11 things in that nature. That is -- the reason for some of
12 these people to drink or feel that this is the reason why,
13 because they feel that alcohol will make them forget or
14 alcohol will give them courage to cope with that emotional
15 disturbances that they go through.

16 And -- but continually, one of the things that I
17 see as a problem is that we're getting too many overnight
18 experts in the field of alcoholism. They know nothing about
19 alcoholism, the only thing that they, maybe they know a
20 lot of book learning but they really don't deal with the
21 feeling of the person.

22 Some of these people are the people that destroy
23 these programs, because I find this all over the United
24 States, in all the alcoholism programs that have been
25 evaluated through OEO, I used to be consultant for OEO and

1 I did the evaluations on these Indian alcoholism programs.
2 But the other part is most of these programs are now
3 faced up with two problems, one of the things is that they
4 have to be accredited establishment.

5 The other thing is the counselors have to be cer-
6 tified and lot of these programs are not prepared to be
7 certified. They do well at the level that they're in
8 right now and working with their own people on the reser-
9 vation level, because some of these people, like some of
10 the reservations, the percentage of illiterates is very
11 high and you probably, some of you know some of these
12 reservations that have that. Because some of the reserva-
13 tions are surrounded by rural areas, and some of these
14 reservations, I know one 70 miles away from here where you
15 go to the fourth grade and then, after you finish fourth
16 grade, you automatically go into the public schools, and
17 the last five, eight years, most of these people from that
18 reservation don't speak their own language, they speak
19 English language because of that transition into the rural
20 areas from the reservation, and this is -- this is one of
21 the areas that's becoming a problem.

22 The other area is that we -- you spoke about legalizing
23 liquor on the reservation, and I'm totally against that,
24 because it increases alcoholism. Simple reason that the
25 alcohol is available, when you have available alcohol right

1 there you don't have any problem getting it, but if you
2 was to go 17 miles or ten miles to get it, if you don't
3 get the transportation, you might forget about getting
4 drunk that day, and you may be sober for another two weeks,
5 maybe a month.

6 But if the liquor's right there, naturally you're
7 going to get it right now. So the other thing is that,
8 like for example, they had this accident here at Papago
9 Reservation just a few weeks ago, where two people died,
10 and other people got hurt seriously. And I think they
11 counted something like 80 accidents between Sells and
12 Tucson that is contributed by alcohol.

13 Well, and some people are saying it's pro and con,
14 they say legalize alcoholism, I mean legalize alcohol, in
15 the reservation, and take the deaths off the roads. But
16 this may be true, but what you really do is you take the
17 deaths right into their homes too, so which is right, take
18 the deaths into the homes or keep them on the highway,
19 which is the right thing to do?

20 You know, because even then if you legalize it and
21 take the deaths into the homes, you're going to still have
22 certain number of people wanting to drive on the roads.
23 You're not going to take everybody off the road by just
24 legalizing liquor, there's no way you can do it.

25 I think that this is something that has to be really

1 looked at, and the other part is that you have to really
2 look at the liquor license and agencies with these kind
3 of -- because I know Phoenix has the same kind of problem,
4 I know the bars that have these problems, they serve
5 liquor to these people where some of them are really stoned
6 out and you still sell it to them.

7 And they do the same thing with the country stores
8 and I can name you stores all around that reservation and
9 lot of other reservations that I know of, that have these
10 kind of problems. And they mentioned this Pinky's in
11 Globe. I know that place. I've been there before. I
12 know the kind of problems that they have.

13 So I think it all goes back to that liquor licensing
14 department to do something about these situations, because
15 we continually finding our people more involved and
16 getting, like right now in Tucson area, I think Luther
17 can verify this, that it's a high rate of dropouts in the
18 public schools and some of these kids are, like ten years
19 old dropping out, be dropped out.

20 And you find the same thing on the reservation.

21 Three years ago I was doing some research for U.S.
22 Office of Education, and we found that in talking to the
23 education department, Bureau of Indian Affairs, they sent
24 out a 100 kids of Sells, Papagos, to Stewart, Nevada,
25 one of the boarding schools, the other one was Riverside

1 Boarding School in California. 1100 kids. And by December,
2 about like maybe 10th of December, somewhere, the first
3 week of December anyway, they had 50, over 50 of those
4 kids were back on the reservation. There was no programs
5 for them, they couldn't do anything.

6 Why not? They get drunk, I mean they go that route.
7 And the other thing is that one of our major problems right
8 now is narcotics.

9 From Ajo to Tucson, right along that border. Things
10 like, for example, they have an airport over here just
11 west of, southwest of the Marana Air Force Base, it's on
12 the reservation, they land those planes there and pick
13 up marijuana.

14 Last week they found -- they stopped a semi truck
15 and it was loaded with 13 tons of marijuana. There was
16 three weeks ago or maybe a month ago, they caught another
17 truck that had bales of hay along the sides, it looked
18 like a load of baled hay and inside they had nothing but
19 marijuana that came across the border.

20 And continually, we're having more and more young
21 Papagos that are getting involved with dope, not taking it
22 but they're pushing it. I've had so far three people came
23 through our Halfway House that came through the court
24 systems that were caught for a pound of heroin. They
25 didn't use it but they were selling it. So continually

1 we're having an increase of young Indian people that are
2 involved with dope. And we don't have any services for
3 those kind of situations, because right now the only thing
4 we have is alcohol money, but continually people say, you
5 know, let's do this, let's do that, and do what, you know?
6 Ain't doing nothing. Nothing's happening.

7 It's -- it kind of falls back on that San Carlos
8 situation. You know.

9 I'm not saying, you know, this is not a derogatory
10 remark towards San Carlos but it's a situation that exists
11 anywhere that you go that has Indian people. And one of
12 the things that my feelings are that it's our tribal
13 leaders that cause these things. Because anywhere you go,
14 NCIA conference, you find nothing but your tribal leaders
15 drunker than hell, passed out on the lobbies and still
16 nobody does anything about that.

17 THE CHAIR: Mr. Lewis, we're getting a little way
18 from the purpose of our hearing here. We're talking
19 about the administration of justice and you mentioned that
20 you do assist Indian people who are in court, and that you
21 mentioned the correctional volunteer services. Do you
22 have an opinion on the subject of the need for interpreters
23 in Indian languages?

24 A Well, let me say this, you're probably one of the
25 people that are very, you know, one of the people that are

1 not oriented in that area. The reason I say this, because
2 these people I just got through mentioning are the cause of the
3 people that causes these people to be in jail and this is
4 where we need legal help. They aren't born that way. You
5 tell me if they're born this way, no. Because it's their
6 tribal leaders that get this way and this is how they
7 get involved.

8 And that's where we need these people. Where we
9 can help the Papagos or the Pimas or whatever tribes we
10 have here.

11 The impact of the tribe in Tucson is Papagos and
12 the next one would fall maybe like Apaches or maybe Pimas.
13 Is the second impact of the tribe. Then it falls down to
14 Navajos, I guess we would say, and then we have very few
15 Sioux, not that many.

16 So yes, we need people to work in this field. To
17 help the people that, you know, because -- here's -- here's
18 one example. Like I say, we work with DWI's. When they
19 pick up a client, the public defender he will bring him
20 to our place and there is three of us that sit down with
21 the public defender and the client and when he explains what's
22 happening and he reads off what his charges are and we
23 each one say it in our way, you know, how we understand
24 what he's saying, because when you begin to deal with Pima
25 and Papago language in terms of legal terminology, it becomes

1 very complicated. So we've chose to take three people,
2 so where this client can be able to pick one of the three
3 that he understands. And it's been working and that's why
4 I said, you know, we do need these kind of people.

5 Q But what you are doing is a voluntary service on
6 your part, this is not what you're funded to do, right,
7 when you're --

8 A It's all volunteer services but the thing is that
9 they're drunk when this happened and they have a problem
10 and they have families.

11 Q But would you feel that the courts and the law
12 enforcement authorities should have full time interpreters
13 at their disposal and on their payroll that can provide
14 these services?

15 A Probably on the lower courts but not in the superior
16 courts.

17 Q I see. You mentioned sentences of one year for
18 a DWI offense, isn't that rather high?

19 A That, again, is your state law. We have another --
20 we have another guy who's got three tickets and he's
21 serving, he's at our place also, and he's serving six
22 months. He's to serve six months in jail and six months
23 probation but we got him out in two months, so all he has
24 to do is the six, the remainder of the four months at
25 our place.

1 Q During your presence in court, do you ever observe
2 whether sentencing occurs in an equal manner regardless
3 of the racial group that the defendant belongs to?

4 A I think this is -- this is true, because -- be-
5 cause some of these, like these people that I mentioned
6 who were already -- had gone to court and sentence and
7 I didn't work with them, now the ones that I've worked
8 with and we've worked them out real good, like for
9 example there was an addict who was going to go to the
10 penitentiary for the second offense of being caught with
11 heroin, we went there and we counseled him and then we
12 went back with the public defender to the judge and plea
13 bargained with him and we got him five years probation and
14 we -- and one of the -- the way we did this is we located
15 program that was Indian oriented culturally and tradi-
16 tionally, have medicine men, Uwifi (Phonetic), sweat
17 lodge, all this kind of stuff was in there in Montana,
18 so we had the Bureau of Indian Affairs finance his trans-
19 portation but unfortunately this person's really, really
20 got it bad, so like two months later, somehow he got
21 connected with an underground agent, I mean undercover
22 agents and he came back with, he promised that he'd get
23 a load of marijuana here so when they went to this person's
24 place and he -- he skipped, you know. So, But Lindsay was
25 just telling me they've got him in jail now so naturally

1 he's going to do five years in the pen.

2 THE CHAIR: Mr. Guerrero?

3 Q (By Mr. Guerrero) Mr. Lewis, have you seen maybe
4 the LARC facilities, discouragé, maybe American Indians
5 using the LARC facilities or being brought there? Do
6 they treat them differently than they would other persons
7 brought to that facility who are not American Indians?

8 A I really can't answer that because, you know, I
9 don't spend that much time there. We just go to meetings
10 there and then, when they call us and say hey, we have a
11 client for you, would you be able to take him and say
12 yes, so sometimes we pick him up or sometimes they bring
13 him over.

14 But as far as, you know, I have heard some things
15 from other people but, you know, I couldn't say that's
16 true. That there has been -- they have been discriminated.

17 Q Are there any LARC facilities, I got here a little
18 late, I hope I'm not repeating something he said earlier,
19 but are there any LARC facilities on the -- in Sells or on
20 the Papago Reservation or the other --

21 A The Papago Reservation I think they have an agree-
22 ment with public health hospital there for two beds for
23 detoxification but the Halfway House only houses like
24 seven people. And that's for something like 9,000 people
25 on the reservation.

1 Q And in the area of drug abuse, has your agency
2 or your people there that you're working with, have they
3 tried to contact the state agencies for some money to be
4 allocated to your facility to bring the drug abuse program
5 into the alcohol abuse?

6 A Well, not until just yesterday I got a call from
7 the state department in Phoenix and there was \$8,000.00
8 was available, and it was directly towards heroin addicts
9 for Native American heroin addicts in Pima County, so --
10 and I asked him what the deadline is and they said today,
11 but they did give some special permission, whatever that
12 is, and gave me two days to finish this proposal which is
13 my deadline is tomorrow night to finish this proposal
14 for heroin addicts.

15 Q Mr. Lewis, you stated that there are -- there's
16 just a contract for two beds for American Indians, is that
17 in the Halfway House?

18 A No, that's up there at the Sells Hospital. At the
19 Papago Reservation.

20 Q Oh, at the hospital --

21 THE CHAIR: On the reservation.

22 Q (By Mr. Guerrero) On, then the hospital is the
23 agency that more or less, the persons go to for the de-
24 toxification?

25 A They -- when those beds are specifically for that

1 reason to detoxify these people. Because sometimes, like
2 for example a lot of our people come through or some of
3 the people have come through, we have to still send them
4 to the hospital for examinations because most of these
5 people can come -- come in with a nutritional deficiencies
6 and vitamin deficiencies and sometimes there are other
7 kinds of illnesses that they have, that they don't realize
8 that they have had.

9 Lot of these people sober up for a month or two
10 months and then begin to feel the aches and pains, you know,
11 but all that time when they're really stoned, they don't
12 feel the pain. Like they say, you have this antifreeze,
13 you know.

14 Q Do you see a need for additional beds at this
15 facility?

16 A You mean here in Tucson? Here in Tucson?

17 Q Yes.

18 A I would say so, yes. See here, there's another
19 thing, I have a proposal in Washington right now, it's
20 been approved for something like \$700,000.00 for three
21 years. But the thing is that these funding agencies do
22 not have the money for new programs so therefore the pro-
23 posal is laying there and there has been something like
24 317 million dollars that's impounded by Nixon, if they
25 ever release that money we can get that money. Or if they

1 change the priorities, because right now the priority
2 list is number three is new programs.

3 If they put number one as new programs, we can get
4 funded in January. But in that proposal, we have, or
5 rather I have written it up for 15 beds for women and 25
6 for men. Because right now we're something like, we can,
7 we can be able to handle 17.

8 Q (By Mr. Levis) Mr. Lewis, that was the question I
9 was going to ask you, you have 17 beds at the moment at
10 the Halfway House?

11 A Yes, six for women.

12 Q Are they full at all times?

13 A We're full all the time, yes.

14 Q Could you just explain for the committee what the
15 Pima County Alcoholism Consortium is?

16 A It's an agency that, like I said, the state con-
17 tracted this money to that agency. And I'm not too sure
18 exactly, really, you know, how to explain this because
19 I'm -- I'm not, you know, the only thing I know is this, that
20 that they contracted the Tucson Indian Halfway House for
21 \$17,000.00, and what they do is we have to do data pro-
22 cessing, we have to do record keeping, we have to do all
23 of these kind of, like a research kind of thing, you know.
24 We have to account for a number of counseling hours that
25 we do a day for so many people. And this goes into a month

1 period, 30 days. We have to do the number of days that we
2 serviced people, like in terms of bed time or beds, like
3 some people may stay there 30 days, 90 days, whatever, all
4 of these are, you know, are things that we have to do but
5 we have to report to them.

6 Now, if we don't turn the report in we don't get
7 the money, see, it is given to us a month at a time.

8 Q So your money has to go through the consortium
9 which gets its money from the state?

10 A No, they got it, the consortium has the money but
11 we have to turn that paper in, in other words, when we
12 turn that paper in they give us the check, when there's no
13 paper, there's no check.

14 Q But you don't get any money directly from the
15 state, then, you get it through the consortium?

16 A Yes, but it is state health department money.

17 Q Now, it's my understanding that there's no state
18 funding for the LARC's, Would this assist you if there
19 was a change in the law, if there was --

20 A No, I don't know who LARC is funded by, I know they
21 did not sign the contract for the tune to \$25,000.00 is
22 laying up there in the consortium, they didn't sign the
23 contract. Now, I don't know if that's state money or anti
24 AAA money, see, there's two categories of monies
25 with a consortium. They have the anti AAA.....

1 and they have the state health department monies, so what
2 monies the LARC goes under, I don't know, but I know they
3 did not sign the contract.

4 Q Because we heard testimony in Flagstaff concerning
5 the LARC's and the difficulty they have up there funding
6 them, and the fact is I think the LARC has been out of
7 existence up there since, at the latest, July, and won't
8 be refunded until at least January.

9 MR. GUERRERO: Madame Chairman, did they give a
10 reason for that? I don't know. In Flagstaff, did they
11 give a reason for them not being funded? This year?

12 MS. PARES: There was a problem with the county
13 and the city.

14 MR. GUERRERO: They were the contracting agency?

15 MS. MADRID: They certainly are, and we had testi-
16 mony from Mr. Nuvamsa concerning how LEAA and the state
17 planning agency fund the various councils of government.

18 THE CHAIR: Mr. Lewis, do you have any final recom-
19 mendations or observations you would like to leave with
20 the committee?

21 A I think in -- my feeling is that the reservation
22 and urban areas should improve their communications, be-
23 cause there are resources available on the reservation
24 level that we don't have in the urban areas, and the same
25 token we have resources in the cities that the reservations

1 don't have. I'm planning on a -- I'm planning on a work-
2 shop to be done with Sacaton and Sells and San Carlos
3 and the city, because we are running into problems in
4 terms of jurisdictional issues.

5 When they put a person on probation there and he
6 skips into the reservation there's no way we can touch him.
7 When they put a person on probation and send him up to the
8 city, they can't touch him either. And some of these
9 people like they'll put them on six months probation to
10 spend at the Halfway House, and that's -- that's a tribal
11 court decision, and when he comes to the city he can leave
12 and there isn't a doggoned thing we can do about it so
13 we're trying to set up a workshop sometime in January
14 to deal with the issue, because it is a problem.

15 The other thing is that if these cities, like for
16 example Tucson and all its council and all its, whatever
17 kind of programs like its model city program, get together
18 and submit a proposal to LEAA through justice planning,
19 which you can't get for a year, but anyway, when that time
20 comes it's there, you know, so the money's there.

21 So I'm hoping that some of these can be resolved,
22 like we have a lot of -- we have a lot of young people
23 that are coming from out of state and out from other
24 cities, coming into the City of Tucson, that are young
25 people, 17-year olds that have run away.

1 And you know, they have no place to go, they've
2 no relatives here because they are of other tribes, but
3 you know, just like we do, you're confronted with the same
4 kind of problem in Phoenix or any other urban area with
5 these young people and hopefully, if they can set up some
6 kind of an affiliation with all these agencies to set up
7 the Halfway Houses for the youth, because it is a needed
8 thing.

9 It will facilitate the people coming from out of
10 the city and also the people that we have here in this
11 city. We have a lot of kids that are coming from the
12 reservation, but fortunately some of those have relations,
13 you know, that live here. So it's really not -- well, it's
14 bad but it's not that bad either, you know. On the one
15 hand.

16 So that's what I'm hoping that what would happen
17 or this would be my recommendation, that the urban areas
18 and the tribes get together and begin to, like maybe
19 sign an affiliation of -- letters of affiliation to make
20 some agreements what they can do for each other, you know,
21 scratch my back and I'll scratch yours, concept.

22 And this way they'll be able to help these young
23 people that are coming off the reservation or the kids
24 that are running away from this city into the reservation,
25 because some of these kids run away from juvenile homes and

1 naturally they'll be picked up if they stay around and
2 they go right back in there again, but if they go back
3 to the reservation they're not picked up.

4 So this would be one of the things I would like to
5 see happen. Not just with Tucson but a statewide basis,
6 you know, like a consortium of all the agencies that
7 deal with these kinds of situations.

8 THE CHAIR: We want to thank you very much, Mr.
9 Lewis, for your patience and for sharing your recommenda-
10 tions with us and -- did you have another question, Mr.
11 Guerrero?

12 MR. GUERRERO: No, I just wanted to tell Mr. Lewis,
13 I can wait until after we get through here.

14 THE CHAIR: So the hearing will recess until 8:00
15 o'clock tomorrow morning.

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17 (Hearing adjourned at 6:05 p.m., to reconvene at
18 8:00 a.m. on Friday, November 21, 1975)
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