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UNITED STATES COMMISSION ON CIVIL RIGHTS
ARIZONA ADVISORY COMMITTEE

Comite De Bienestar Inc.
10455 B Street
San Luis, Arizona

Saturday, January 19, 1991
10:30 a.m.

CCR
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Meet.
343

1 APPEARANCES:

2 Board Members Present:

3 MANUEL PENA, JR., CHAIRMAN
3728 W. Willetta
4 Phoenix, Arizona 85009

5 ISABEL GARCIA, VICE-CHAIR
100 North Stone Avenue, Suite 1105
6 Tucson, Arizona 85701

7 ANGELA B. JULIEN
3465 Marshall Gulch Place, East
8 Tucson, Arizona 85718

9 RAMON M. PAZ
1130 North Linda Vista Drive
10 Nogales, Arizona 85621

11 DEBORAH ANN WATSON
P.O. Box 30062
12 Tucson, Arizona 85751

13 RICHARD ZAZUETA
5235 E. Cholla
14 Scottsdale, Arizona 85254

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1 SAN LUIS, ARIZONA SATURDAY, JANUARY 19, 1991

2 --oOo--

3 CHAIRMAN PENA: The meeting of the Arizona
4 Advisory Committee to the United States Commission on Civil
5 Rights will now come to order.

6 The purpose of the meeting is to obtain
7 information and views relating to voting rights in the city
8 of San Luis.

9 Participants have been invited and requested to
10 address the Advisory Committee on the issues under
11 consideration.

12 Based upon the information collected at this
13 meeting and by staff, a report will be prepared for the
14 United States Commission on Civil Rights.

15 I am Manuel Pena, Chairman of the Arizona Advisory
16 Committee, and the Advisory Committee receives information
17 and makes recommendations to the Commission in areas which
18 the Committee or any of its subcommittees is authorized to
19 study.

20 Other members of the Committee in attendance
21 during this meeting are, to my right, Ms. Deborah Ann Watson
22 from Tucson, and next to her is Richard Zazueta from
23 Phoenix, and next to -- between us is Isabel Garcia from
24 Tucson and to the left -- extreme left is Ramon Paz from
25 Nogales, and Mrs. Angela Julien from Tucson.

1 Also with us today are staff members, Philip
2 Montez, and he's the regional director, and Grace Hernandez.
3 Grace -- she's back there working, from the Commission's
4 Western Regional Division in Los Angeles.

5 I also want to introduce -- in the event it's
6 necessary that we need an interpreter, we have appointed
7 Enrique Morena as our interpreter.

8 This fact-finding meeting is being held pursuant
9 to Federal rules applicable to state advisory committees and
10 regulations promulgated by the United States Commission on
11 Civil Rights.

12 All inquiries regarding these provisions should be
13 directed to the Chair or to Mr. Montez, the Federal officer
14 for this meeting.

15 The Commission on Civil Rights is an independent
16 agency of the United States Government, established by
17 Congress in 1957, and directed to investigate complaints
18 alleging that citizens are being deprived of their right to
19 vote by reason of their race, color, religion, sex, age,
20 handicap or national origin, or by reason of fraudulent
21 practices.

22 It also studies and collects information
23 concerning legal developments constituting discrimination or
24 denial of equal protection of the laws under the
25 Constitution because of race, color, religion, sex, age,

1 handicap or national origin, or in the administration of
2 justice.

3 Appraise Federal laws and policies with respect to
4 discrimination or denial of equal protection of the laws.

5 Serve as a national clearing house for information
6 about discrimination, and submit reports, findings and
7 recommendations to the President and to the Congress.

8 I would like to emphasize that this is a fact-
9 finding forum and not an adversary proceeding. Individuals
10 have been invited to come and share with the Committee
11 information relative to the subject of today's inquiry.

12 Each person who will participate has voluntarily
13 agreed to meet with the Committee.

14 Since this is a public meeting, the press and
15 radio and television stations as well as individuals are
16 welcome.

17 Persons meeting with the Committee, however, may
18 specifically request that they not be televised. In the
19 event you do not wish to be televised, please let me know
20 immediately. In this case, we will comply with their
21 wishes.

22 We are concerned that no defamatory material be
23 presented at this meeting. In the unlikely event that this
24 situation should develop, it will be necessary for me to
25 call this to the attention of the person or persons making

1 these statements and request that they desist in their
2 actions. Such information will be stricken from the record,
3 if necessary.

4 Every effort has been made to invite persons who
5 are knowledgeable in the issues to be dealt with here today.

6 In addition, we have allocated time to hear from
7 anyone who wishes to share information with the Committee
8 about the specific issues under consideration today after
9 the invited individuals have completed their testimony.

10 At that time, each person or organization will be
11 afforded a brief opportunity to address the Committee and
12 may submit additional information in writing.

13 Those wishing to participate in the open session
14 must contact staff before 1:00 this afternoon.

15 In addition, the record of this meeting will
16 remain open for a period of 10 days following its
17 conclusion. The Committee welcomes additional written
18 statements and exhibits for inclusion in the record. These
19 should be submitted to the Western Regional Division, United
20 States Commission on Civil Rights, 3660 Wilshire Boulevard,
21 Suite 810, Los Angeles, California, the zip code 90010.

22 Now let us proceed, and our first witnesses are
23 citizens -- we'd like to hear from Senora Blanca Garcia. If
24 you'll step up to the microphone and identify yourself
25 and -- if you represent yourself.

1 BLANCA GARCIA

2 My name is Blanca Garcia. The first time, when we
3 elected Mayor Tony Reyes, they didn't tell me anything we
4 went to vote, you know, but after that, the elections and
5 all that, they told us to go to court and we went over
6 there, and the second time, right -- the 6th of November,
7 when I went over there to vote, one of the ladies
8 was -- they looked for my name under the list (sic), and
9 then they said, "This man is challenging you, that you don't
10 live over here in San Luis, Arizona," and then by that time,
11 you know, I was already upset because they did to me that
12 before, so I -- maybe I was a little bit rude because I turn
13 to him and I tell him, "You'd better be sure of what you're
14 saying. First investigate what you're telling, so you know
15 that you're telling the truth." And then he didn't say
16 anything.

17 CHAIRMAN PENA: Let me ask you. Had anybody sent
18 you a registered letter before to notify you of an election,
19 that you know of, by mail?

20 MS. B. GARCIA: No.

21 CHAIRMAN PENA: Nobody --

22 MS. B. GARCIA: Huh-uh.

23 CHAIRMAN PENA: Are there any questions from --

24 MS. GARCIA: Yes, Ms. Garcia, I'd like to know who
25 was the person that was actually challenging you?

1 MS. B. GARCIA: I sure don't know because they
2 just told me, "This man is challenging you." But I wouldn't
3 know what his name was or --

4 MS. GARCIA: They didn't tell you his name or --

5 MS. B. GARCIA: No, he was sitting by -- just in
6 front of the -- all the persons that were looking --

7 MS. GARCIA: Did they tell you he had authority to
8 challenge you?

9 MS. B. GARCIA: No, they just told me that he was
10 challenging me.

11 MS. GARCIA: So, as far as you knew, he was just a
12 regular resident here in San Luis.

13 MS. B. GARCIA: Maybe.

14 MS. GARCIA: You don't know if he was a staff
15 member with the voter -- the recorder office or --

16 MS. B. GARCIA: I wouldn't know.

17 MS. GARCIA: You don't know.

18 MS. B. GARCIA: No.

19 MS. GARCIA: Thank you.

20 MR. ZAZUETA: On that same question --

21 MR. PAZ: Was your challenge inside the building
22 or outside --

23 MS. B. GARCIA: Inside the building. When I
24 was -- you know, when I went over there and I told them my
25 name and they were looking for the name on the list, that

1 was the lady that told me that -- one of the ladies that
2 told me that.

3 CHAIRMAN PENA: Mr. Zazueta.

4 MR. ZAZUETA: Mr. Chairman, Isabel, they did not
5 tell you why they were challenging you?

6 MS. B. GARCIA: No. They just told me -- you
7 know, "This man is challenging you." You know, I said --

8 CHAIRMAN PENA: Mr. Paz?

9 MR. PAZ: Mr. Chairman. You said that they told
10 you you did not live in Arizona, right?

11 MS. B. GARCIA: In San Luis, Arizona.

12 MR. PAZ: In San Luis, Arizona.

13 MS. B. GARCIA: Uh-huh.

14 MR. PAZ: Now, when you registered to vote, did
15 they give you a little card? Do you remember --

16 MS. B. GARCIA: They send it to me.

17 MR. PAZ: They sent it to you.

18 MS. B. GARCIA: Uh-huh.

19 MR. PAZ: And do you remember what the card said
20 in terms of district or area that you lived?

21 MS. B. GARCIA: No.

22 MR. PAZ: How did you know where to go to vote?

23 MS. B. GARCIA: I knew that I belonged to the
24 county.

25 MR. PAZ: Okay. Did you ever see that in a car,

1 or you just knew because --

2 MS. B. GARCIA: I knew because it's -- you know,
3 the place that I lived -- belonged to Yuma County.

4 MR. PAZ: Did you ever think of showing that card
5 to that person --

6 MS. B. GARCIA: No.

7 MR. PAZ: Or take the card with you, if you don't
8 carry it?

9 MS. B. GARCIA: No, I don't.

10 MR. PAZ: Do you have that card still with you?

11 MS. B. GARCIA: Maybe I do, but I don't get
12 it -- you know, right on hand.

13 CHAIRMAN PENA: Any more questions -- any
14 questions from staff?

15 (No audible response.)

16 CHAIRMAN PENA: Mrs. Garcia, thank you very much.

17 MS. B. GARCIA: Thank you.

18 CHAIRMAN PENA: We would like to hear now from Ms.
19 Esperanza Cruz. Mrs. Cruz, would you identify yourself?

20 MS. CRUZ: (through interpreter) My name is
21 Esperanza Cruz.

22 CHAIRMAN PENA: What is it happened to you that
23 you were not -- were you allowed to vote?

24 ESPERANZA CRUZ

25 Well, they didn't want to let me vote because they

1 said that I did not live here in San Luis, Arizona.

2 So then I showed them -- I proved to them that I
3 was. I showed them my driver's license and the card that I
4 received from the court where I registered -- that I had
5 registered.

6 Anyway, the man still kept on saying that I did
7 not live here. Then, at that moment, _____ came in
8 and he said, "Mrs. Esperanza, you live here and you're going
9 to vote" because I was ready to go to my home and bring
10 receipts from the light -- from the electric company to
11 prove that I lived here, that I had my residence here.

12 CHAIRMAN PENA: Did you ever receive any mail from
13 a candidate or from a party -- political party urging you to
14 vote?

15 MS. CRUZ: In the mail I did receive the paper
16 that tells one about the elections and when and where to
17 vote.

18 CHAIRMAN PENA: The basis for challenging the
19 residence was returned mail.

20 MS. CRUZ: I did receive some papers but, when I
21 was going to go to court, I received a different kind of
22 paper that has to do with voting.

23 CHAIRMAN PENA: Any questions?

24 MS. GARCIA: Yes, there's a question from Isabel
25 Garcia. Ma'am, were you advised who this man was that was

1 challenging you?

2 MS. CRUZ: No, I do not know who it is.

3 MS. GARCIA: Did they tell you he was an official
4 with the County Recorder's Office or somebody in the voter
5 registration office in the county?

6 MS. CRUZ: Well, he was there -- yes, he was
7 there. He was there with all of the people that have to do
8 with voting registration, with the guards and with the
9 people there.

10 MS. GARCIA: But were you specifically advised
11 that he was there in an official capacity?

12 MS. CRUZ: Well, yes, there was a lady there who
13 spoke Spanish who said something to that effect, but I do
14 not recall the name of the man.

15 MS. GARCIA: Okay. Did they tell you that you
16 could go ahead and vote and that they would look into the
17 matter further, or did they just try to deny your vote?

18 MS. CRUZ: The lady who spoke Spanish informed me
19 that anyway -- in any case, I was going to vote.

20 MS. GARCIA: Well, so -- I thought you had stated
21 earlier that it was until _____ came in that you
22 were allowed to vote. Is that right?

23 MS. CRUZ: Yes, when he said that I was going to
24 get to vote -- that's when they give me the ballot.

25 MS. GARCIA: So before then, they were going to

1 deny your vote? Is that right?

2 MS. CRUZ: Yes.

3 MS. GARCIA: Okay. And you showed pieces of
4 identification with your address in San Luis; is that right?

5 MS. CRUZ: Yes.

6 MS. GARCIA: Thank you.

7 CHAIRMAN PENA: Any other questions?

8 MR. ZAZUETA: Mr. Chairman, my question is: Have
9 you voted before in past elections and have you had any
10 problems before?

11 MS. CRUZ: Yes.

12 MR. ZAZUETA: She's voted or she's had problems?

13 MS. CRUZ: Yes, I did vote but afterwards there
14 were some investigators who went to my house to see if I
15 lived there.

16 MR. ZAZUETA: When was that?

17 MS. CRUZ: I had to prove with my passport that I
18 am a citizen, a U.S. citizen, or an American citizen.

19 MR. ZAZUETA: When was that?

20 MS. CRUZ: It was the day that they indicated for
21 court for me when the elections for _____ took
22 place.

23 CHAIRMAN PENA: Any questions from any other
24 members?

25 (No audible response.)

1 CHAIRMAN PENA: Does the staff have any questions?

2 (No audible response.)

3 CHAIRMAN PENA: Thank you.

4 MR. PAZ: Mr. Chairman, just one. May we ask a
5 question with regards to the feeling?

6 CHAIRMAN PENA: Yes.

7 MR. PAZ: When you went to vote this last
8 election, did you feel like somebody was going to tell you
9 that you could not vote? Did you have an idea that somebody
10 was going to challenge your vote?

11 MS. CRUZ: Yes, when I was voting -- when I felt
12 and I noticed that they were trying to detain me from
13 voting, I was willing and ready to go to my home to get
14 documents to prove that I live here.

15 MR. PAZ: But based on the investigation that the
16 voting people did when they went to your house and they had
17 already checked you out to see if you were a legal resident,
18 did you feel that, by going to vote, you were going to be
19 challenged again?

20 MS. CRUZ: When they went to investigate me the
21 first time? Is that what you refer to?

22 MR. PAZ: Based on the first time. In other
23 words, she was investigated once before, so now she's going
24 to vote again. Did she feel like something might -- was
25 going to happen when she voted this last time?

1 MS. CRUZ: Well, for me it was a surprise. This
2 was a surprise.

3 MR. PAZ: Thank you.

4 CHAIRMAN PENA: Mrs. Cruz, thank you very much.
5 Now we'll hear from Mayor Tony Reyes.

6 TONY REYES

7 Mayor of San Luis, Arizona

8 First of all, I'd like to thank you all for being
9 here and we're finally getting some response to some of our
10 prior complaints.

11 I'm going to try to be as brief as possible but at
12 the same time try to give you some sort of an historical
13 perspective of what really has been happening.

14 I wanted to do this at the beginning of the
15 hearing so that, when they would be testifying, the people
16 that are affected, you would kind of understand basically
17 what you're trying to get at, at this time, why this has
18 been going on so long. The people again are sometimes
19 surprised and sometimes they're not, and that's what you
20 were trying to find out.

21 Let me just give you some -- a chronological
22 summary, as brief as I can, of what the city is and what's
23 been going on for the last 10 to 12 years, and maybe it'll
24 be easier to understand what's going on.

25 The city -- it's basically a new city. It's only

1 11 years old. It's going on its 12th year. And as you can
2 tell by coming down here, it's a low-income-type
3 environment. It's low and middle income. It's highly
4 Hispanic. It's 95, maybe 96 percent Hispanic. It's -- it's
5 basically a base for farm workers, and I guess that's one of
6 the reasons that you don't see many people come to public
7 hearings even on a Saturday. They're out there working
8 right now, and they cannot really simply miss a day.

9 I want to emphasize this because there were 15
10 people challenged this last time, and we've got three people
11 here right now testifying about the challenges but there
12 were 15 people challenged.

13 There was -- before I get into that thing, I want
14 to get into some of the reasons and how I feel about -- or
15 how we've gotten to this point.

16 As I stated before, it was a farming community in
17 the past, and obviously the influence of farmers here was
18 very strong before it became a city.

19 When it became a city, I think the first time we
20 had a voter roll, it was 52 voters, and the city was 2,000
21 people, so you must -- you know, I want to give you this
22 idea about how very few people actually control the
23 political -- the political structure of the city.

24 Right now we have more than 5,000 residents and
25 there's basically 350, maybe 400 voters.

1 So when we talk about challenging the number that
2 I'm going to mention, you're going to figure out that, if
3 you have a list of people and you challenge 30 people,
4 you're challenging 10, 15 percent of the registered voters
5 within the city.

6 So, you know, to us it's a major happening when
7 somebody gets up there and challenges that many people.

8 The first elections that we had, popular
9 elections -- the first city council that served here was
10 appointed -- was an appointed council. It was appointed by
11 the county board of supervisors, so there was
12 really -- there were no problems there. I mean, it was just
13 an appointment-type situation.

14 The first elected council of the city was elected,
15 I think, in either 1980 or '82. But basically there
16 was -- even from the beginning, we developed a sense that
17 there was something -- that there was sort of a
18 difference -- a situation between the, quote, "Anglo" last
19 names and the quote, "Mexican-Americans" that were from
20 here.

21 The first election, there was a gentleman -- his
22 name is _____ -- that got elected to the council.
23 He was taken to court and he was challenged -- his election
24 was challenged based on the fact that he couldn't speak
25 English well enough, according to some of the people that

1 lost the election.

2 I'm telling you this so you'll get a feeling of
3 what's been going on. He was challenged in court because he
4 wasn't proficient enough in English, and that was it. That
5 was the only reason.

6 He was a U.S. citizen. He was a resident of this
7 city. He met every other requirement, but he just didn't
8 speak English well enough. So he was challenged.

9 Well, the Court overturned that challenge and let
10 him stay in office.

11 In 1984, we had elections again and, really,
12 nothing major happened when those elections that can be of
13 importance right now -- we have the same thing. Local
14 elections are basically that way, political elections, but
15 one thing that was very important happened in 1984, that I
16 think has a bearing of what's going on right now.

17 The county board of supervisors in Yuma County
18 went from a three-member board to a five-member board.
19 That's important because we had a redistricting. We had the
20 boundaries changed on the districts -- the representative of
21 the supervisor was going to represent this area down here.

22 So that we ended up with a district that was,
23 again, highly Hispanic in nature.

24 But an old-time farmer won the election to
25 represent all of us here, all of us in the valley. For

1 whatever reason, he won the right to represent us, old-time
2 farmer that had a lot of -- that still has a lot of
3 influence over the whole area. He got elected to represent
4 us.

5 1986, we kept having local elections, and there
6 were -- between us locals here, we had problems. We had
7 people complaining, well, maybe somebody shouldn't have
8 voted and that kind of a thing, but never really any major
9 effort to challenge people in a massive scale. Just
10 somebody saying, "Look, I know so and so and he doesn't live
11 there," and between all of us local politicians and -- local
12 politician -- I've been a mayor now -- over six years now,
13 into the seventh, and I was a vice-member for two years
14 before that, so I guess if anybody has any historical
15 perspective in elections, I guess you had to come down to
16 me. I've been around here so long.

17 But really, most of the things that happen
18 locally, I guess we could deal with. I'll get to the point
19 pretty soon.

20 That election of the local board of supervisors
21 was kind of a setback for us Hispanics because we wanted to
22 get somebody Hispanic elected to represent the majority of
23 the voters in this district, but it happened, and that's
24 politics and we understand that, and it's no big -- and it's
25 not such a big deal, but there's a point to be made after

1 here.

2 In 1988, everything started to change a little
3 bit, and I -- again, it's a matter of perspective and, from
4 where I look at it, what happened in 1988, that really
5 changed the way most things -- what created the situation
6 that is starting to happen quite often in San Luis is that
7 there was a new election for the board of supervisors.

8 And this time, the candidate -- most of us out
9 here, most of us Hispanics supported -- won the election and
10 actually unseated the incumbent old-time farmer.

11 From the beginning, the day, the night that person
12 lost, he made it clear that he blamed all of us Mexicans out
13 there near the border and so forth, and that we were going
14 to, in a way, pay for it. He couldn't believe it. The
15 chairman of the board of supervisors, long-time person out
16 here, and he lost the election to somebody and -- look, it's
17 Tony's fault. It's somebody else's fault and he made it
18 clear that he was set on doing something about San Luis,
19 period. He made it clear it was San Luis.

20 The first thing that person did is he got the
21 county attorney's office to order an investigation on border
22 fraud in San Luis.

23 He got the county attorney's office to order the
24 sheriff to conduct a full-blown investigation into, quote,
25 "instances of Mexican-Americans living in Mexico or non-

1 citizen voting in San Luis."

2 Now, personally -- I'll tell you what I personally
3 felt about it. I felt about it good. In a way, that will
4 help us because, if there really is an investigation and it
5 proves nothing, then that means -- you know, he should be at
6 peace with himself and he will leave us alone.

7 Well, that investigation took 18 months. It
8 involved over 130 people. It involved the INS. It
9 involved -- well, obviously, the Border Patrol. It involved
10 the Motor Vehicle Division. It involved the county chair.
11 It involved everybody and anything they could think of. It
12 involved them coming over to my mom's house, to my office at
13 City Hall and asking me if I was a citizen and to prove it
14 to them. I had to bring out my passport.

15 You know, it involved them going to people's
16 places of work, "them" meaning the county sheriff's
17 department, the investigators, and asking them in front of
18 other people, "Is So and So here?" You know, "We're from
19 the county sheriff's department and we'd like to talk to
20 him."

21 Now, I guess all of us have certain amount of
22 respect for the law, but when ^{somebody} comes looking at my
23 place of work and tells me he's from the county sheriff's
24 and he wants to check on my citizenship, you know, that's a
25 little bit intimidating. It's even intimidating to me,

1 which I've been around a lot of this stuff.

2 But imagine how it feels to somebody who has never
3 had anything to do with the law, and he just -- all he did
4 was vote. That's all he did -- or she did. Vote. That was
5 the first investigation. It took 18 months.

6 The outcome of the investigation was that they
7 couldn't find -- they said they'd find -- out of 520-some
8 people, they found maybe -- I think it was a number like 12
9 or 10 or something questionable people, and they
10 emphasized -- just questionable people -- people who can't
11 really -- you know, find out really they should have or
12 shouldn't have voted. That was the result of that first
13 initial investigation.

14 It's important for me to mention it because some
15 of the same people ended up being challenged again, and I'll
16 tell you that, after that -- after that happened, in 1990,
17 we had a local election, okay? There's no doubt in my mind
18 because I saw it with my own eyes and everybody who's got
19 any knowledge here will know that that same person that I
20 talked about, who I won't mention names because of obvious
21 reasons, again injected himself into the local politics.

22 The day of the election, that gentleman, his wife
23 and the local candidate here had a list of people, 63 or 67
24 people they wanted to challenge that day, 95 percent of them
25 from San Luis, Arizona, 90 to 95 percent of them from San

1 Luis, Arizona, obviously most of them Hispanics, if not all
2 of them Hispanics, that they wanted to challenge based on
3 residency again and based on whether they were citizens or
4 not.

5 They did it. At the local -- they tried to do it
6 and they did the same thing that you heard these people
7 mention. Somebody was standing up there and say, "Look,
8 you -- we challenge your right to vote," and, you know, the
9 election board would say, "Why? What reasons do you have?"
10 "Well, we don't think you live here." Or, "We sent somebody
11 over to where you're supposed to live and you don't live
12 there anymore." So -- you know, we got into this situation
13 again.

14 Now, those challenges, the majority of them were
15 thrown out right at the moment. They were letting people
16 vote anyway. The election -- were letting people vote.

17 About -- I think it was 8 or 12 of them went all
18 the way to the end of the election day and that at night
19 they reviewed -- they left them as questioned ballots.

20 Then at the end of the election, they would go
21 over the questioned ballots and say, "Okay, this one, we'll
22 allow -- we know he lives here," and so on and so forth.
23 That was at the end of the election, the election day.

24 I think they disqualified three or four out of the
25 whole group.

1 I figured, well, again, it's one of those
2 instances where, you know, things happen in the democratic
3 process and I hope people out here don't get turned off by
4 that.

5 There had been one investigation. They've been
6 challenged now again. After the investigation, they've been
7 challenged -- a list of people.

8 I figured, well, just local politics again, and I
9 guess I can't really blame that on the person. I mean,
10 there's local people involved that should know better. I
11 mean, they should know better it is tough enough to get this
12 people. That is the first time they're going to vote and
13 they're old-time Mexican-Americans, and we're trying to tell
14 them to come over to the polls to vote, and now -- first
15 they get investigated and now they get challenged when they
16 go to vote.

17 But I figured, well -- I complained. I didn't
18 figure anything. I complained. I made a complaint to some
19 people, and I know some of you probably know what I'm
20 talking about, and as a matter of fact, I think
21 _____ came down to try to get some details of
22 that, but nothing happened, and you know how it is.

23 You know, the election is over, you know, you win
24 or whatever, and you start to try to mend fences and you
25 figure, well, maybe they'll learn this time but, really,

1 it's not that way. You win elections by going out there and
2 campaigning and getting the people out to vote for you, not
3 by challenging them.

4 There's no way -- sometimes I fail to understand
5 what the purpose is other than harassment that they have to
6 do this kind of thing because you don't know how people are
7 going to vote. And if you have local elections, then, you
8 know, even if I for one reason or another have a little more
9 of an influence over somebody, once that person
10 crosses -- it's just private choice. I just didn't really
11 understand then what I think I understand now.

12 The elections -- the local elections took place.
13 That night, that same person and the group that he was with
14 said, "This is not over." I mean, "We're going to something
15 about this."

16 Lo and behold, they did. They asked for another
17 investigation on voter -- allegations that there were
18 people, you know, voting illegally and so forth, and lo and
19 behold, I don't know what this person -- what hold this
20 person has with the county attorney in Yuma County, but then
21 he ordered another investigation, right -- you know, it'd
22 been, what, less than three months that the other one was
23 finished with, and he ordered another investigation, and
24 now -- I guess to shift the responsibility to one -- they
25 call somebody from La Paz County to come down and do an

1 investigation, maybe figuring, if he does it and he finds
2 something, then we don't have to take the heat, politically
3 or otherwise.

4 So somebody from La Paz County came down to do an
5 investigation right after the election, the next days after
6 the election.

7 Needless to say, that really ticked me off
8 because, you know, understand, they go to people's houses
9 and they identify themselves and they have this seal and
10 they tell them, "We're here, and we want to check your
11 passport; we want to check where you" -- you know, you find
12 them at their houses. You find them at their houses, it
13 should be -- you know, that should be reason enough to leave
14 them alone, to begin with, if they're living there. But no,
15 you have to ask for all the documentation. You're an
16 investigator; you have to do a thorough investigation.
17 Fine.

18 The first thing that the investigator did when he
19 came in was to go see the opposition, the people who had to
20 file the complaint.

21 Obviously -- I mean, maybe that's -- maybe that's
22 fine, but I questioned that -- the integrity of the
23 investigation when the investigator spent all his time going
24 around looking for these people with people that had a
25 certain interest on him not finding anybody, to begin with.

1 So we as the city complained that the investigator
2 should have gone to the police department and should have
3 gone to the fire department and should have gone to the
4 Social Services department and asked their help in finding
5 these people that supposedly didn't live in San Luis,
6 instead of going to those four people.

7 But regardless, he didn't pay attention to us. He
8 went ahead and conducted his investigation.

9 While he was conducting his investigation, this
10 group, this person and this group filed a challenge in
11 court, challenging the results of the election, contesting
12 the results of the local election.

13 Well, let me just make this point as brief as I
14 can. Twelve thousand dollars later -- that's basically what
15 it cost to fight this challenge, and about three days in
16 court -- I'll use _____ as an example.

17 _____ has to wait there three days because what
18 happened, the document that she was talking about, receiving
19 it from the court -- it's a subpoena to appear and testify
20 that she did live where she said she did and she was a U.S.
21 citizen.

22 There was over 22 people waiting in that courtroom
23 to be called in by the judge to testify about where they
24 lived. They spent three days waiting.

25 Over the -- Holy Week -- I don't know what it's

1 called here -- Easter week. You know, when all Mexican-
2 Americans take off with their families to the Gulf or
3 someplace nearby, they had to spend three days sitting there
4 waiting to be called in.

5 That's because we were going into this court
6 proceeding and obviously the opposition was presenting the
7 viewpoint and the judge was listening and -- they were the
8 first ones to present a case, so they were calling the
9 witnesses that they felt were the weaker, to make a case.

10 Well, the bottom line is, the judge said, "Look, I
11 find that maybe" -- and I've got a box of documents here
12 that I didn't really want to burden you with, give them to
13 you at the time, but the judge said, "Look, there's
14 five -- five -- I found that there might be five or there is
15 five illegal votes but that doesn't change the bearing of
16 the election. I mean, you know, there's many more people
17 that voted and the difference is not that great.

18 And those five were people that basically I
19 believe they sacrificed themselves and, in reality, there
20 were people they knew that they knew before they voted that
21 they -- you know, somebody's neighbor that they
22 knew -- well, he lives half of the time in San Luis and half
23 of the time here, which is not unusual. It doesn't
24 disqualify him.

25 If he calls this place his residence, that's it.

1 It doesn't make any difference that he has a home in San
2 Luis that he goes to on weekends. He's still a U.S.
3 citizen. He's still a resident of the city.

4 But, again, making a long story short -- trying to
5 anyway -- that's all the judge found, so he ruled in favor,
6 but remember, there had been one prior investigation, one
7 set of challenges, another investigation and now a court
8 that said that _____ was okay. They basically
9 said, look, you know, those people are okay. So I figure
10 that's where it's going to end.

11 Let me just -- a little -- in the middle of this
12 whole thing -- during this process that this is going on,
13 the court date and everything else, the person that lost the
14 election actually had the names of those persons published
15 in the Mexican newspaper saying, "These people shouldn't
16 have voted. They know better." If they voted, they voted
17 illegally. They're subject to a year in prison, and I don't
18 know how many thousand dollars of worth of fine and they
19 should come forward and they should testify that somebody
20 forced them to do it, period. The elected officials forced
21 them to do it so that now they'll get off free and the other
22 ones will have to pay for it. In this case, the other ones
23 would be the elected officials.

24 In the paper, in the newspaper, imagine what it
25 feels like to read your name in the paper telling you that

1 you committed an illegal act that you might go to jail for,
2 so come forth and testify that you voted because somebody
3 forced you to, type of thing. It just doesn't seem to
4 be -- is this America? You start thinking, is this really
5 what it's all about here? You're going to vote and you're
6 going to be investigated? You're going to be taken to
7 court? Your name's going to be in the paper? You're going
8 to be challenged?

9 You figure, well, there's something -- you know,
10 then is when I really -- I get a little emotional by
11 now -- then is when I really start thinking something has to
12 be done about this, but then time goes by and you start
13 thinking, well maybe it won't happen again -- you know, the
14 old thing, it won't happen again. How far can this go? I
15 mean, how much farther can it get?

16 Lo and behold, general election, November 1990.
17 Here we are, election starts 10:00 in the morning or 9:30 or
18 something. Somebody calls me up and tells me they're
19 challenging people at the polls, and I say, "You got to be
20 kidding me? Who is going to be challenging? Everybody's
21 been taken to court and investigated and all these things
22 have happened already."

23 So I said, "Okay, well, let me get in there."
24 That's when _____ was there and I walked in.
25 See, I walked in with a letter certifying me as the official

1 representative of the Democratic party and I wanted to find
2 out what was going on because I was going to be there to
3 make sure that, if anybody was challenged, they'd have the
4 right to respond and they would be harassed.

5 I was there. Nobody told me what happened there.
6 I was there.

7 Like _____ said, she was challenged
8 and so was _____ and so was 13 more other people
9 that day. They were challenged.

10 But the way the challenges were being conducted,
11 you know, on top of this whole problem that we talked about,
12 you know, it really makes me mad that I see the same stupid
13 list of 63 people, 60-some people that they had last time
14 before all this investigation, before all these things,
15 before all this -- they still have the same list.

16 I mean, tell me -- as a normal human being, you
17 think that it doesn't matter what you do. It doesn't matter
18 what you do because these people don't understand this. I
19 mean, they don't understand -- they think like Saddam, that
20 the judge is wrong, that you're wrong, the investigators are
21 wrong, the county attorneys -- everybody's wrong; they're
22 right. These people shouldn't vote.

23 And why shouldn't they vote? I mean, they've
24 proven themselves in court. They've done everything within
25 their means. They've signed the affidavit. The voter

1 registration card is an affidavit. It's an affidavit that
2 says that somebody is 18 years of age, not a felon, a
3 resident of this precinct, can vote, and they should be
4 allowed to vote just because they signed that affidavit.

5 We want these people to vote. We should give them
6 the benefit -- if there's a doubt, we should give them the
7 benefit of the doubt. We shouldn't be -- harassing is the
8 right word now. We shouldn't be harassing them this way.

9 The turnout of this general election was very low
10 compared in the past. I -- I identify the situation. I
11 relate the situation to all these things that have been
12 happening over the last few months.

13 Since 1988, I think there's been an orchestrated
14 campaign to make sure that, by 1992, the precinct in San
15 Luis won't be as important anymore to win an election for
16 some people, for some persons that I know.

17 And he's made it clear and he's made it public.
18 He's made it public. "I would run again. And I will win
19 because, hopefully, by then, I will be able to do a lot of
20 things. I'm going to make sure that I win."

21 Now, I don't have a problem when it comes to
22 the -- between, you know, people in the elections and so
23 forth. You have different tactics. You have different
24 campaigns. You know, you try to -- but you try to win the
25 good will of people. You don't try to make it hard for them

1 to vote. You know, I'd like to say that publicly. That's
2 not the way we're supposed to do it, but I'm getting off the
3 point.

4 The point is people were being challenged. The
5 way they were being challenged was not the correct way.

6 You know, somebody was out there. They were
7 telling them, "You can't vote." The person would say, "Why
8 can't I vote?" You know, starting to point out all kinds of
9 stuff, you know, the driver's license and -- "I'll go home
10 and get some" -- that wouldn't happen in Scottsdale. That
11 wouldn't even happen in the foothills out here in Yuma
12 County where all those old-time residents are.

13 Nobody's going to challenge a person because they
14 think he looks Canadian. You know, there's a lot of retired
15 people out there in the foothills, but they will challenge
16 somebody here just because he looks Mexican.

17 I hate to say this that bluntly, but it's just
18 because of a different color and there is a purpose to that
19 whole thing.

20 Now, the challenging again. They were challenging
21 the same people. _____ was challenged again.
22 She'd been investigated. I was there when the investigator
23 went down to her house. I was there. That's how I found
24 the investigator. I found him at _____ home.
25 He was there checking that she lived there, but she came out

1 of her home, she showed him, you know, the receipts and
2 stuff and so forth, and you'd think that that was enough.
3 You'd think that that was more than enough. But no, it
4 wasn't enough.

5 She was challenged again, and so was
6 _____, as a matter of fact. She also went to
7 court, _____. She went to court. She was
8 subpoenaed and she went to court. You'd think that that was
9 enough, wouldn't it? I mean, you'd think that that would be
10 enough.

11 There was a gentleman that was asked -- once he
12 said, "Look, I'm a resident; I want to vote," because,
13 fortunately, I was there to tell him, "If you're a resident,
14 you will vote. Just stand your ground. You will vote.
15 Even if somebody tells me that I'm" -- you know, the board
16 tried to tell me, "You can't say anything. I mean, you're
17 supposed to let us try to take care of the problem."

18 Well, I'm sorry to tell you they were not taking
19 care of the problem. Just the simple fact they were telling
20 them that this gentleman here that's challenging your vote,
21 and, you know, they should have -- before they even
22 challenged, they should have told the -- "What proof do you
23 have before we bar this voter -- what proof do you have?"
24 Bring me that registered letter that was never delivered.
25 Bring me that affidavit from somebody that said they went

1 there and didn't find him before you challenge that person.

2 That board should have made it clear -- should
3 have made it clear to the challenger, "We're not going to
4 challenge anyone just because you tell us you don't think he
5 lives here." It didn't happen that way.

6 Let me tell you something about the board itself.
7 Just a point here.

8 The head of the election board happens to be a
9 relative of this gentleman farmer that I'm talking about, so
10 two plus two usually makes four, to me, in politics. In
11 anything.

12 So I figured, well, there's really not that much
13 of an intention to protect these people actually -- I mean,
14 not as much as there should be.

15 This same election board has been trying to move
16 the polling place out of San Luis back into Gadsden, which
17 is, you know, a farming center here, about five miles away.

18 They tried this in front of the county board of
19 supervisors not too long ago. Documents -- I have to prove
20 it here.

21 They tried to move the polling place because my
22 influence was too big in the city. You know, it's city
23 hall. People kind of relate city hall to the mayor. It
24 doesn't make any difference. People are going to go vote
25 anyway. When they vote, they vote privately.

1 You know -- yeah, you can say I've developed a
2 certain amount of influence in politics. I should. I mean,
3 after eight years, I should develop some influence in
4 politics. But I don't think people follow me blindly or
5 anything. I mean, they vote. In a city hall, it doesn't
6 make any difference to them.

7 But these people again try to move it out
8 there -- at that meeting of the county board of supervisors
9 where I stood up, as I did today, and I explained some of
10 the things that I've explained to you today, the board of
11 supervisors decided not to move the polling place. They
12 decided that it was too much to mess around with diluting
13 the minorities' participation and so on by moving it away.

14 The -- the election officer for the county told
15 them, "You can't even move it -- even if you want to, even
16 if Mr. So and So can convince you to move it, you can't move
17 it. It takes a Federal -- you know, it takes a Federal
18 action to move a polling place out of a minority-type
19 district.

20 So they didn't do anything. Oh, you should have
21 heard the gentleman. He lambasted and told, "You gutless
22 bunch" and this and that and everything else. That's the
23 old way of doing things, and you can't get away from that.

24 He still wants to do it the same way, you know.
25 We're going to push this -- we're the good old boy and we're

1 going to get it done and, if we can't get it done by
2 harassment, we're going to harass the board and see if we
3 can do -- you know, minimize the influence.

4 Again, I get off the subject a little bit. The
5 fact is, some of the people were getting challenged at the
6 polling place in San Luis in a manner that I would consider
7 more than a challenge harassment. The gentleman there said,
8 "I'm going to vote." You know, "I live here" and so forth.

9 You know what the election board people told him?
10 "Do you realize, sir, that if you vote and you don't live
11 here, you commit a felony?" Oh, come on. Are you telling
12 somebody already, "Look, you might be found guilty of a
13 felony if you can prove fully to somebody else's standards
14 that you can vote.

15 I mean, that's too far. That's too far to me.
16 And, like I said, they wouldn't do it to just anybody, but
17 they did it to people here.

18 And to just summarize everything else, and that's
19 the kind of thing that has been happening here. You know,
20 you have people that have been investigated twice, that have
21 been to court once, that have been challenged two or three
22 times and proven their residency, that are being challenged
23 again.

24 If that doesn't make -- drive the point home, I
25 don't know what will, and I think that that should summarize

1 most of the things that will be said -- we've complained
2 about harassment before, ladies and gentlemen. We have
3 complained.

4 We're lucky. I don't want to say this -- we're
5 lucky that maybe _____ lost and he lost by such
6 a small margin so that he would pay a little more attention
7 to us and bring you guys in here. Maybe that was it. Maybe
8 not. Maybe so. But, look, we're lucky.

9 Now that we have you here, I feel responsible to
10 let you know that, again, facts, ladies and gentlemen,
11 facts -- the facts are, if somebody again that's
12 investigated twice goes to court, gets subpoenaed, produces
13 documentation, he shouldn't be bothered over and over and
14 over again.

15 We went to the county attorney's office and said,
16 "Why don't you investigate harassment charges instead of
17 questionable fraud charges that you've been investigating?
18 What kind of authority did this gentleman have over you that
19 he can call -- he can have you spend hundreds of man-hours
20 out there?"

21 And not only -- that's not the problem because the
22 first time I can give -- I mean, the first time -- the first
23 investigation I even felt -- well, it would help us clean
24 out the whole situation.

25 After awhile, you start gaining a reputation of

1 being a whiner and a complainer all the time because I was
2 complaining there was harassment in San Luis.

3 And then somebody else is always saying, "There's
4 fraud in San Luis."

5 So you start developing a reputation and say, "You
6 know, the guy's always crying wolf." You know, he's always
7 crying wolf. He's always saying there's harassment.

8 Well, this is the first time I've really had a
9 full-blown opportunity to talk to some people from outside
10 here and tell you the facts, ladies and gentlemen, indicate
11 that there's a serious problem out here, that there's
12 somebody bent on making sure that these people are not
13 allowed to vote freely.

14 It has had a chilling effect on the voting in San
15 Luis, Arizona, and it will keep on having it if somehow or
16 other we don't get a group -- a recommendation that the
17 Attorney General's Office -- the Federal Attorney General's
18 Office or somebody will pay attention and bring somebody
19 down here to monitor this situation.

20 These people are not -- they don't seem to
21 be -- what's the word? They don't seem to be -- they don't
22 seem to respect anything local anyway.

23 So maybe they'll respect somebody a little higher
24 up. Now, I'm referring to county officials themselves, so I
25 guess that should do it.

1 There's many other things that happen in San Luis,
2 but those are all the things that somebody else can get
3 into.

4 I want to thank you for the time, and I will
5 answer any questions you might have.

6 CHAIRMAN PENA: Tony, thank you. I want to assure
7 you that Osborn thing had nothing to do with us being here.
8 You and I first talked in 1988.

9 MR. REYES: I know. But this was faster. A
10 faster result.

11 (Discussion held off the record.)

12 CHAIRMAN PENA: Are there any questions from --

13 MS. GARCIA: Yes, I have some questions. First of
14 all, I want to know why the county attorney has lent itself
15 to become part of this campaign of harassment, and why the
16 Attorney General's Office hasn't been involved in
17 investigating these kinds of complaints, not only against
18 this gentleman who has conducted these -- this harassment,
19 but why the county attorney has become part of it.

20 MR. REYES: Well, I think that, you know, the
21 philosophy -- and I went out to the sheriff's office and
22 asked because, you know, I really don't get along that well
23 with the county attorney, to begin with, in terms of -- I
24 really don't have that much contact with them and I'd really
25 rather not, but the fact remains that for you to understand

1 a little bit more the political process in Yuma County, you
2 have to understand that this old-time farmer was the county
3 chairman of the board -- of the board of supervisors, and
4 regardless of whether Mr. County Attorney is elected, he
5 still works under the -- under the county board of
6 supervisors, and, you know, maybe they've become good
7 friends or maybe he just doesn't have the guts to stand up
8 and tell him, you know, "Hey, look, let these people alone."

9 What he'd rather do is just tell the sheriff,
10 "Look, go ahead and conduct an investigation."

11 You know, it's kind of simple to me, and I don't
12 even -- again, the first time I didn't find that out. I
13 mean, the gentleman complained. He was still the chairman
14 of the board of supervisors. Somebody big complains, you
15 know. Usually you get some action, so I didn't find that
16 too odd that the first investigation was conducted.

17 What I find odd is that the second time they got a
18 faster result also. That's what I find out, and that's what
19 makes me think like you do, what does he have -- you know,
20 what does this gentleman have or these people have that
21 makes a county attorney take such quick action on things
22 like this?

23 I mean, we're talking about elections happening
24 one day. Two days later, an investigation beginning. I
25 can't -- even as a mayor, I can't get that type of response.

1 MS. GARCIA: So -- but is there anybody in the
2 civil rights division of the Attorney General's Office aware
3 of this situation? They're supposed to ask not only in
4 regard to a specific complaint but in regard to how the
5 county attorney has participated in this because, as you
6 said, if they conducted one investigation and found nothing
7 after 18 months, why would they be allowed to continue a
8 second and a third?

9 MR. REYES: But I suppose that in a way it's
10 because obviously that gentleman we're referring to doesn't
11 always come up front with some of the things he does.

12 I mean, this time, I think -- the second time he
13 used somebody else to file the complaint. But we all know
14 where it came from.

15 And the second thing about this is
16 that -- remember how I tell you, once an election is over,
17 the first thing most elected officials and stuff think about
18 is to how mend fences and get to work on some of these
19 things, and you keep hoping as a person -- you know, I don't
20 think that all of us have this fighting spirit that every
21 time something happens we're going to go out there and try
22 to get it resolved right away.

23 You know, once things are over, your priorities
24 change a little bit. Maybe it's partly our fault that the
25 Attorney General's Office hasn't been here before. I mean,

1 the Federal -- in that we complained to the proper
2 authorities at the local level, and I don't think we're
3 getting any result, and I think that your question can be
4 answered by the fact that we're tired of complaining to the
5 local authorities and getting no help, and we're now
6 stepping a little higher and trying to get some attention
7 from somebody else.

8 MS. GARCIA: What about the civil rights division
9 of the Attorney General's Office? Have they been contacted
10 regarding this situation?

11 CHAIRMAN PENA: Let me make a point. When Tony
12 and I talked in 1988 about what was happening, I did call
13 _____ of the Attorney General's civil rights
14 office, and I was told by _____ that they had no
15 authority to come in and investigate.

16 I then talked to him in 1990 and told him about
17 things that were clearly done now. He also stated that it
18 was beyond their jurisdiction.

19 We as an arm of the United States Commission on
20 Civil Rights are here today.

21 MS. GARCIA: Have you had any contact with lawyers
22 in MALDEF? That's my other question because they have a
23 whole section devoted to voter rights.

24 MR. REYES: I did have some contacts with MALDEF.
25 Very -- you know, in Los Angeles -- very, very brief

1 contacts and, again, it's like this -- this kind of
2 situation -- sometimes you just have to get on a crusade to
3 get something done, and we really didn't get on a crusade,
4 first of all because we thought it was a local issue that
5 couldn't be take care of locally. People were going to
6 understand the changes that were happening politically and
7 socially and otherwise within the county, within this area,
8 and that somehow or other we could bring some sense into
9 some of these people that, look -- I want to emphasize
10 something for the record. It's not that I don't think that
11 there's one or two people that shouldn't vote or three
12 people or whatever, you know, that -- it's not that I don't
13 think there's nothing wrong with the system or with the San
14 Luis area -- nothing.

15 But, you know, I find that to be the case almost
16 anywhere. You know, if you have 600 people that are voting,
17 maybe three or four or five of them or even ten of them
18 maybe shouldn't vote. Maybe somebody told them to -- maybe
19 it's ignorance. Maybe it's not ignorance. Maybe somebody
20 told them "you can vote," I mean, you know, "you're living
21 here," whatever, and maybe they go ahead and do this.

22 It's not that I'm saying, "Look, we're so clean
23 that we don't need an investigation or we're so clean that
24 we never" -- as a whole scenario.

25 No, they did. I mean, remember what I said. The

1 investigators at the end always found that there was four or
2 five people that shouldn't have voted.

3 But the bottom line is why should you arrest 60 or
4 70 or 80 people? Why should you do it once and over and
5 twice because four or five people just abused the system, or
6 simply shouldn't have done something? That's the point.

7 The point is, once you do an investigation, once
8 you can't come up with anything solid, then you should drop
9 it. That's the normal thing, unless -- and that's the point
10 I'm making today -- unless there is a concerted effort to do
11 something so as to tire people, so as to intimidate people,
12 so as to make them think twice about voting.

13 Ladies and gentlemen, this is America. This is
14 not someplace down in the Philippines or in Mexico or other
15 places, where you think about things like this happening.
16 This isn't even Chicago. We haven't found anybody dead
17 voting yet. This isn't the type of situation.

18 We're trying to keep this place as clean as
19 possible in terms of the voting situation.

20 Yes, we have some marginal situations. We have
21 old people that may need -- may be either so much into age
22 that maybe, you know, you can convince him to vote for you
23 or something if you take him to vote, but that's not enough
24 to bring in this sort of pressure and not enough to harass
25 these people. That is not enough. You know, I emphasize,

1 we're not really white all the way through. I'm not going
2 to say that, you know. There's problems, too.

3 But I think that we can solve them locally. I was
4 hoping we could solve them locally. It seems not to work.

5 MR. ZAZUETA: Yes, Mr. Chairman. On the question
6 of the newspaper, the names being printed in the newspaper
7 for voter fraud, was there any grounds for a slander suit
8 there?

9 MR. REYES: I guess there would be but,
10 again -- you see, how -- it's really incredibly difficult to
11 get people to even come up and complain. Most of us -- most
12 of Mexican-Americans, most of these people are not simply
13 the kind of people that are going to stand up and go on a
14 crusade to get their names cleared and all this and take the
15 time to get into court and have the money. You know,
16 they're busy working and making a living. Work isn't that
17 good.

18 So they -- I felt there was reason. I felt there
19 was enough -- you know, I felt there was enough there to do
20 something about it, but -- the -- whenever they published
21 that, they said, you know -- they were inferring the
22 responsible person. I mean, we all know who they were
23 referring to, the elected official, but it's so difficult to
24 prove defamation of character, and it takes time and it
25 takes money and it takes knowing the court system and it

1 takes having the right connections.

2 We're not that sophisticated enough yet. We
3 certainly hope that this is a lesson for us and that we
4 address avenues we can take to effect some changes, or at
5 least to stop some abuses.

6 That article in the newspaper that came out a few
7 times with names and -- it was in Mexico, to begin with. So
8 you start jurisdictional problems. You know, it didn't
9 happen in the States. Even somebody who reads it here -- it
10 happened over there. This is not just a paper. It was the
11 radio station.

12 You know -- and then you get involved into this.
13 It's a campaign. Even it's a mud-throwing campaign. It's
14 still a campaign.

15 I don't have any problem with tough and nasty
16 campaigns, really. I don't.

17 I have a problem with getting all the people
18 involved in it that have nothing to do with it. I mean, if
19 you're going to call me something in the newspaper or call
20 me something on the station -- radio station, I could take
21 it. Maybe I could give it too. Why bring all these other
22 people into it? Why? Unless -- unless you have a purpose
23 and, if that purpose -- that purpose is what I'm trying to
24 get at right now -- at least I'm trying to make a point.

25 MS. WATSON: Mr. Chairman, Mr. Mayor, what is the

1 approximate cost of these two investigations?

2 MR. REYES: We asked the county that. They told
3 us they invested 100 man-hours in the first one. They had
4 somebody from La Paz, coming from La Paz and invest, I guess
5 maybe, 10, 15 days, solid days out here, looking for people.

6 You know -- look, the problem that you find here
7 because you must -- I must give you a little bit of their
8 perspective, in a way, you know, to try to be fair about
9 this thing.

10 You have a very difficult situation in San Luis
11 with people moving around a lot. You know, they're migrant
12 farm workers. The term "migrant" ought to tell you
13 something. You know, they're not here some of the time.
14 They move around. They go to California. You never know
15 when a job is going to come available in Salinas.

16 So finding people in San Luis is a tough
17 requisition.

18 We have a situation where housing is a problem and
19 people live in RVs. People live in places none of us would
20 live on, and that's the problem, see?

21 The problem is those people saying, "I live
22 there," and somebody -- some investigator comes looking
23 around and nobody can live in that little mobile home, in
24 that little trailer. Well, that's because the investigator
25 can't deal with it. But that doesn't mean nobody lives

1 there.

2 You know, people -- you know, we've got five
3 people in a little, you know, 12 by 6 or 7 or whatever it
4 is, and we've got people doing that here, not by choice.
5 They do it because they want to send their kids to school,
6 you know, and you have to live here to send your kids to
7 school. They do it because they're waiting for a lot down
8 there and they're living with a friend or something that
9 lends them, you know, a hose and you hook up to the sewer
10 down there.

11 You know, that doesn't mean that that U.S. citizen
12 doesn't have the right to vote, and that doesn't mean that
13 that U.S. citizen doesn't live there. It only means he
14 lives under the standards that you and I wouldn't live.

15 When somebody -- when those people -- those people
16 went out looking for -- they went out and looked at a house
17 half-built and they said, "Well, nobody could live here."
18 Maybe they didn't look behind and see that little trailer
19 that was there while they were building their home.

20 Or maybe they didn't ask the neighbor. Again,
21 see, there's a difference between somebody really, truly
22 trying to find someone and somebody really not having that
23 much of an incentive to find somebody.

24 And if I was going to be an investigator trying to
25 find people, I'd go to the people that have a vested

1 interest in finding them, not the people that have the
2 vested interest and you not finding them.

3 So I question even the impartiality of the second
4 investigation whereas these people came in, got in touch
5 with the, quote, "opposition" -- the people that complained,
6 obviously, were the opposition, and then went around the
7 city looking for people and didn't find anybody and we
8 subpoenaed most of them anyway and found them. Why? We
9 wanted to find them.

10 You know, we asked around and we found out, for
11 example, that they were looking for a Mr. _____
12 who ended up being a female, Mrs. _____. So you
13 can't find a man when you're looking for a woman. You know,
14 those types of things happen. You know, they might sound
15 funny but, you know, when this was happening in court, and
16 they were saying, "Well, Judge, we couldn't find Mr.
17 _____ because of this and we went down there
18 looking for him and couldn't find him -- you know, I told
19 the attorney, you know, "Look, first of all, you better let
20 them know they're looking for the wrong gender. It's not a
21 Mr. _____. It's a Mrs. _____.

22 Things like that happen. Again, it sounds funny
23 when you tell them this way. They're not funny when you're
24 out there sitting in court spending your time and their
25 time, sitting there, listening to somebody ramble on about

1 something where you can't just deal with the fact you just
2 lost. Why bring all these people in?

3 MS. WATSON: Thank you, Mr. Mayor, but could you
4 please be a little bit more specific on my cost question?

5 MR. REYES: Oh, the cost question. I rambled on
6 myself. The cost question. It costs -- the investigation,
7 again, they told us there were hundreds of man-hours from
8 the county the first time. I can't tell you what hundreds
9 of man-hours from the county means. I mean, you would have
10 to ask them that question. I asked them and they only told
11 me that it cost them hundreds of man-hours. They didn't
12 give me an actual cost, the first time. The second time, I
13 didn't even bother to ask.

14 MR. ZAZUETA: I have a question, Mr. Chairman.
15 Mr. Mayor, on the chilling effect that it's had on citizens
16 of San Luis voting rights, what do you think would turn this
17 around, gaining their confidence in voting and their voting
18 rights here in San Luis?

19 MR. REYES: First of all, we need to let people
20 know that there's somebody out there other than the mayor,
21 other than Tony -- they call me Tony; they don't call me the
22 mayor, obviously -- other than Tony trying to tell them,
23 "Look, you have a right to vote; go ahead and vote."

24 They need somebody -- I'd like to see some -- I'd
25 like to see somebody from the Federal -- you know, from the

1 Attorney General, from the Federal people, coming down and
2 monitoring a couple of elections on here so they'll know
3 that this will be somebody from the outside looking in.
4 That's one thing I think I'd like to see.

5 The second is, if the Commission finds that, after
6 listening to all these facts, you recommend that something
7 be done, then we must make sure that these people know that
8 there's somebody again other than even the attorney that is
9 going to come in anytime there's problems.

10 I mean, I understand your function as advisory,
11 but you also have a lot of -- I would say authority that
12 comes with the name, that comes with the fact that you
13 are -- you know -- a board that looks into this type of
14 situation. We need to let these people know they're not
15 alone and it's just -- it isn't just Tony or it isn't just
16 somebody local, that there's somebody paying attention to
17 their problem.

18 We have an obligation as political people to
19 entice them to come out and vote again, but we need to be
20 able to tell them this won't happen again. This won't
21 happen again. "You won't be harassed the same way. You
22 won't be challenged. And if you're challenged, somebody's
23 looking and, if they do this again, without proof, they'll
24 be charged with something."

25 There's got to be some sort of statute in the book

1 that will allow -- that will punish you if you interfere
2 with the civil rights of somebody voting because that's a
3 civil right, as far as I'm concerned. They have a right to
4 vote. They have a right to vote without undue interference.

5 And if you make that point, and if we make that
6 point to the other people that are doing this thing, maybe,
7 just maybe we'll be able to start back on the road to
8 getting this to be a fair and equal place.

9 MR. PAZ: Mr. Chairman, Mr. Mayor, I think I
10 empathize with your story. It sounds like Nogales 40 or 50
11 years ago, but I'm surprised it's the 1980s and 90s, okay?

12 Just three questions and just very specific.
13 Very, very specific. Who asked you to -- who asked these
14 people to prove citizenship? The sheriff's department,
15 police, county attorney's office or who?

16 MR. REYES: The sheriff's department.

17 MR. PAZ: Are you familiar with their powers of
18 jurisdiction as the chief law enforcement agency of the
19 county?

20 MR. REYES: Yeah, I'm familiar. There should be a
21 Border Patrol, an INS function.

22 MR. PAZ: Okay.

23 MR. REYES: Yes, I'm familiar.

24 MR. PAZ: When they declared five illegal votes,
25 what was the basis for declaring them illegal votes?

1 MR. REYES: That was the judge, and you can't ask
2 a judge why -- what criteria he used.

3 MR. PAZ: No reason was given.

4 MR. REYES: No reason was given.

5 MR. PAZ: Okay. I presume that we're going to get
6 that information that you've brought for us, and we might be
7 able to see the newsprint of the people that have been
8 constantly -- appear in paper.

9 MR. REYES: Yeah, I've got it here. I need to
10 make copies for everybody. I didn't have --

11 MR. PAZ: Okay. And one last one. When they
12 challenged the people, were they challenging residency, or
13 were they challenging citizenship?

14 MR. REYES: The first time, and I have to
15 emphasize, the first time they were challenging both.

16 This last November election, they were
17 mostly -- because I was present at all the
18 challenges -- challenging residency. They were not
19 challenging citizenship, as far as I can remember, but then
20 I wasn't present for all the challenges. I was only present
21 for five or six of them.

22 So I -- in answer to your question, they were
23 challenging mostly residency, not citizenship, as far as I
24 know. There would be some people later after me that were
25 there, so maybe they'll have -- maybe they'll remember an

1 answer to your question.

2 MR. PAZ: Thank you.

3 CHAIRMAN PENA: Tony, were the challenges -- were
4 they from -- within the San Luis precinct or from outside?

5 MR. REYES: That's another thing that I have a
6 beef with. These people weren't even from San Luis last
7 time. This was a dad of one of the candidates from the
8 Republican party, if I mention -- if I may mention.

9 You know, this wasn't even people that knew
10 anybody. They were just people with a list. They were
11 told, "Go out there and challenge these people." They
12 didn't have any knowledge to where they lived or if they
13 were from here or anything else. But people from outside
14 here, from Yuma, someplace. Both of them -- both of the
15 challenges.

16 May I add they were both elderly people -- you
17 know, elderly statesmen-type persons, you know, people that
18 command respect that, you know, you see people and you
19 think -- one of them a doctor, the other one a reporter that
20 writes articles for the paper for a local -- not local, but
21 a regional newsletter or something like that, people that
22 should know better, I think, but then again.

23 CHAIRMAN PENA: Thank you. Are there any
24 questions from the committee members? Staff questions?

25 MR. MONTEZ: There's just one question I wanted to

1 be clear for the record, Mr. Chairman. There are several
2 items that have been brought up, people's names have been
3 put in the paper. There were two investigations done by the
4 county attorney, people that have had to go to court, and I
5 believe at one time in my investigation I heard that there
6 had been an original court suit when you first elected a
7 councilman, that they questioned whether you could speak
8 English or something.

9 MR. REYES: Yeah, I mentioned that initially,
10 didn't I?

11 MR. MONTEZ: That's already on the record.

12 MR. REYES: It's already on the record.

13 MR. MONTEZ: The other thing, Mr. Chairman, we did
14 meet with the county attorney. He was invited to this
15 meeting today. He has refused, and I want that on the
16 record. He was invited here, and he told me he didn't see
17 any reason for coming, and I want that to be on the record.

18 I also inquired of him that why was he not
19 investigating harassment and intimidation, and he -- his
20 answer was that he didn't know or he wasn't aware of a
21 statute that would allow him to do that. And I just stated
22 to him that the investigation was obviously one-sided.

23 MS. GARCIA: Did you question if he was an
24 attorney?

25 CHAIRMAN PENA: Thank you, Tony, for your

1 testimony.

2 MR. REYES: Thank you.

3 CHAIRMAN PENA: We'll hear now from Martina Lopez.

4 MR. MONTEZ: She's not here.

5 CHAIRMAN PENA: Irma Rios.

6 IRMA RIOS

7 Irma Rios. Pleased to meet you. Thank you for
8 being here. I'd like to mention and go back to some of the
9 problems that we've had in the investigation. My brother
10 isn't here. Since he was one of the challenges -- the one
11 that was challenged -- he's not here due to the fact that he
12 is working night shift, which brought this to -- back to the
13 problem of what he was challenged for, because of residency.

14 I was arriving at the house where we live, and the
15 investigator was there and with one of our new council
16 members.

17 And as I got off, they were just, you know,
18 talking and I guess he was investigating. So I went there
19 and I said, "Hello, my name is Irma Rios," and then he said,
20 "Hello," and I don't remember his name now.

21 But he said, "I thought you'd remember me," the
22 investigator said, and I said, "I don't." And then he said,
23 "I was at one of your council meetings," and he said, "Well,
24 maybe if you would have, you know, come up to me and said
25 why you were here or what your purpose at the meeting was,

1 maybe I would have known that you were being investigated
2 and what you were -- what your purpose of being here at the
3 city was."

4 And then he said, "Well, maybe I thought you'd
5 recognize my shirt," Hawaiian shirt. "Well, I'm sorry, I
6 didn't," I said.

7 So I -- well, I let him go on with their
8 investigation. I went in, and later my brother came in and
9 said, "What's this all about?" I mean, you know. I said,
10 "Well, what did he ask you?" "Well, I don't know," he says.
11 My sister-in-law was the one that came out to the door
12 'cause they knocked, and she said, "This guy just comes in
13 and says, 'Is _____ here?' and she says, 'Yes,
14 what do you want him for?' He says, 'Well, does he live
15 here? Does he speak English?'" You know, just one-by-one
16 questions.

17 And my sister in law, "Yes," so my brother comes
18 out. That's when all the investigation started.

19 After that, they left and so
20 forth -- later -- sooner, I was -- turned in my complaint
21 that they put in court, and he was subpoenaed.

22 So he stood there in court -- now, the -- I'm
23 going into a lot of details, but this is what happened next.

24 Pretty soon, the fact that he was challenged was
25 because they stated that he was -- he did not live at that

1 house because they never saw -- this one person said they
2 never saw his truck parked at the house.

3 Then questions -- then -- I mean, "How do you know
4 his truck isn't there?" Or, "How do you know it's his
5 truck?" Or, you know, questions like that.

6 So -- "Because I worked two blocks from where he
7 lives and every morning that I pass by, I turn around and I
8 never see that truck parked there." That was why they
9 thought -- they said that my brother didn't live there.

10 And they asked why wasn't -- you know, what
11 time -- "What time do you pass by that house?" "Well,
12 several times a day," and then the question -- I had already
13 told and given information that my brother worked in Yuma
14 and, at that time, he did work in Yuma and he had different
15 shifts. Most of them were night shifts.

16 Pretty soon -- they never bothered -- to my
17 opinion, they never bothered to go see where he was working,
18 to go see what shifts he was working, and I mean, they never
19 even went up to my brother themselves, if that was the case,
20 that they were so worried that he wasn't living there. I
21 mean, I would just presume that they go to this person and
22 ask them themselves, you know, "Hey, what are you doing
23 right now? Why aren't you -- I pass by and I don't see your
24 truck." Maybe he wasn't even using that truck at that time.

25 But the reason was, and I want to make this clear,

1 he's working in Yuma and he's not sure what shifts he's
2 working. Sometimes it's night; sometimes it's day.

3 If he has to go drive 24 miles to his work, and
4 all of a sudden it's during night -- I mean, if he has a
5 place to stay in Yuma for that night and, you know, just go
6 to sleep and have a nice -- another day's rest so he can go
7 work the other night shift, he could -- that's his choice,
8 you know.

9 But his residence is here. It's where he lives.
10 And after he has a day off, then he comes back and stays at
11 home.

12 This morning, I asked my mom, "Mom, is
13 _____ here?" Because, you know, I don't see him
14 sometimes because I go in and out, too, and because -- he
15 says, "Your brother came in very late at night, around 3:00
16 o'clock in the morning," so, you know, he's dropped dead
17 right now.

18 And I was willing to get him up and just tell him,
19 "_____, get yourself down to this meeting
20 because I think it's important for you to go state what
21 you're doing and have this cleared on record."

22 But then I said, well, you know, I think I can go
23 speak for him.

24 So I just wanted to mention what the main -- I
25 don't know. I mean, they were just thinking, why doesn't

1 this person, as _____ mentioned back, that you
2 just assume without, you know, really being interested in
3 knowing what is going on with this person, if they live
4 there or if they don't, or what's happening.

5 If you're really interested in doing an
6 investigation, I mean you do it very internally and the
7 correct way and, in this case, I don't think it was done in
8 the respectful manner that it should have been done.

9 If you have any questions --

10 CHAIRMAN PENA: Any questions from the committee?

11 MR. PAZ: Mr. Chairman, Ms. Rios, just one, okay?
12 You're right. I'm going to take off on your last statement.
13 Who was -- did the investigator identify himself or herself
14 to you by either telling you, "I am here on behalf of this,
15 this, this, and I'm conducting an investigation"? Did they
16 come to you or to the household or to see your brother using
17 the proper identification methods as they were conducting an
18 investigation?

19 MS. RIOS: I was not there. They had arrived
20 before I arrived, so when I went, when I got there, they had
21 already been investigating him.

22 MR. PAZ: Did you find out, or did they tell you
23 how it was approached?

24 In other words, if I come to your house, I'm going
25 to say, "My name is...and I'm here to." Is that the process

1 that you recall somebody told you how it was done?

2 MS. RIOS: As my sister-in-law stated, she said
3 that they had just knocked on the door, asked for
4 _____ if he lived there, and if he spoke
5 English.

6 MS. REYES: I have something to add. The
7 investigator from La Paz County in this investigation -- he
8 was driving a truck with a seal, a Ram Charger -- when I met
9 him, he was driving that vehicle.

10 MS. RIOS: Well, that day, I don't think
11 he -- when I went into the house, I think he had parked
12 outside. His truck was in the inside parking, so I didn't
13 even see his truck. I just went in there.

14 MS. JULIEN: Mr. Chairman, this -- I gather that
15 this investigation was the second investigation; is that
16 right, that your brother was questioned?

17 MS. RIOS: No, this was the first one.

18 MS. JULIEN: The first one. Has your brother been
19 challenged at the polls? Has his voting right been
20 challenged at the polls, to your knowledge?

21 MS. RIOS: No. This was the first time it was
22 challenged at the polls. Never before it had.

23 MS. JULIEN: This is --

24 MS. RIOS: In this case. And the challenge -- the
25 one that challenged him was the person that also subpoenaed

1 him at the court.

2 MS. JULIEN: You said something about the reason
3 he was challenged was that someone was not seeing his truck
4 at the house. Was he informed of the -- who was doing that
5 challenging, who was saying that his truck is never at the
6 house? Was he ever informed where the question came from?

7 MS. RIOS: My brother?

8 MS. JULIEN: Yes.

9 MS. RIOS: No, he was not.

10 (Pause.)

11 MR. ZAZUETA: I just have one question, Mr.
12 Chairman. Why did the county attorney get La Paz County to
13 investigate the second -- the second investigation?

14 MS. RIOS: Why did the --

15 MR. ZAZUETA: The Yuma County attorney get La Paz
16 County to investigate --

17 MS. RIOS: I'm not even familiar with how that
18 worked. I don't know. I'm not sure. Are there any further
19 questions?

20 (No audible response.)

21 MR. REYES: What we were told was that the county
22 attorney ordered the sheriff's department to conduct an
23 investigation, and the sheriff's department said, "I don't
24 have any staff people to do it." He said, "What I can do is
25 call for some help from La Paz County. They might have an

1 investigator that is free at this time and bring him in from
2 outside."

3 So that's what they did, and that's what the
4 argument was, or that's what they told us they were doing.

5 They're saying, "Look, we don't have enough
6 people. We would like to investigate, so what we're doing
7 is bringing somebody from La Paz County to do it instead of
8 us." That's what they told us.

9 CHAIRMAN PENA: Thank you, Ms. Rios. We're going
10 to take a 10-minute recess. We'll be back in 10 minutes for
11 some further testimony.

12 (Whereupon, a brief recess was taken.)

13 CHAIRMAN PENA: Let's now hear from -- let's bring
14 the committee back to order. We want to hear now from
15 Arnold Hernandez.

16 ARNOLDO HERNANDEZ

17 My name is Arnolde Hernandez and I live on Kennedy
18 Lane in Peachtree.

19 On the 6th of November, when I went to vote, there
20 was a -- several ladies that decided to question me, asking
21 me for residence, and also they started -- started to say,
22 if I wanted to vote, they will send me to -- they will
23 investigate me, and then they -- they kept saying to me if I
24 still wanted to vote, and I told them, yes, I want to vote,
25 and they give me the ballot and I went to vote.

1 When I return, they started arguing again if I
2 want to vote, and then this --

3 CHAIRMAN PENA: Who is "they"?

4 MR. HERNANDEZ: The six persons -- the person who
5 was challenging me. I don't know the names of the persons.
6 The officers and the ladies that was -- on the challenge.

7 CHAIRMAN PENA: There were six persons and --

8 MR. HERNANDEZ: There were six persons on the
9 table that were the officers.

10 CHAIRMAN PENA: Are there any questions from the
11 committee members?

12 MS. GARCIA: They told you, then, that you could
13 just not vote and not be questioned and that, if you
14 insisted on voting, you would be investigated?

15 MR. HERNANDEZ: Yes.

16 MS. GARCIA: Okay.

17 CHAIRMAN PENA: Any other questions?

18 (No audible response.)

19 CHAIRMAN PENA: Does the staff have any questions?
20 If not, thank you.

21 That is all of the individuals that wanted to
22 speak with the -- that have been invited to speak. We'll
23 now have the open session, and I have a list of people who
24 have signed up -- to enter some remarks for the record.

25 We allocate five minutes per individual during

1 this open session, and if there is any repetitive testimony,
2 we would ask for different testimony, not the same
3 testimony.

4 The first person we want to hear from is Elias
5 Bermudes, so would you identify yourself and who you're
6 representing?

7 ELIAS BERMUDES

8 My name is Elias Bermudes and I'm a resident of
9 San Luis, Arizona, and I represent myself.

10 Mr. Chairman, honorable members of the Commission,
11 I do have my remarks written, so I will be brief, and I will
12 provide a copy of my remarks for the record.

13 I thank you for the opportunity to address the
14 Commission, and I welcome your presence in our city, hoping
15 that the result of your inquiries will have a positive
16 impact in our community.

17 I am aware of the fact that you have been called
18 to be here in San Luis because of the allegation that the
19 rights of voters have been violated. I will attest to such
20 a fact.

21 I have been involved in the majority of the
22 elections in San Luis either as a candidate and as an
23 observer. I have personally witnessed the abuses on the
24 part of individuals that take advantage of the ignorance of
25 newcomers to our city as well as new citizens that are not

1 well versed in the political process of the United States.

2 Yes, ladies and gentlemen, the rights of law-
3 abiding registered voters of San Luis have been violated by
4 the fact that persons unknowingly or unaware have been
5 coerced to vote without establishing the necessary
6 requirements to participate in the election process.

7 The vote of the legitimate resident registered
8 voter is violated when the vote of a nonresident annuls the
9 vote of the resident.

10 The charge that Anglos have come here to challenge
11 our voters is because of the irresponsibility of individuals
12 who have promoted systematically the participation of
13 nonregistered voters in our elections.

14 Also, there is a lack of responsibility on the
15 part of individuals in charge of elections for not making
16 sure that the elections are transparent and legal.

17 For the past three elections, there have been
18 charges of illegal voting. We have taken legal action and
19 have proven that illegal voting has taken place. We have
20 chosen not to confront the voters who have participated in
21 the election process in a court of law because we understand
22 that they have been instructed to do so, and we consider
23 them victims instead of violators.

24 This action in the court of law has carried the
25 message that the law has certain requirements that must be

1 met before an individual can participate in an election.

2 I cannot attest that this is a conflict between
3 Anglos and Hispanics because I have personally challenged
4 voters at the polls. I have pointed out to city officials
5 of many violations of the election law. My cries for relief
6 have been ignored.

7 In the last general election, the election board
8 was appointed by the county allowing a more impartial
9 participation from those of us that believe that many voters
10 were not residents of this precinct.

11 I will always be an advocate for more voter
12 participation. I will not be an advocate for the
13 participation of nonresidents of this country.

14 I will actively pursue the participation of all
15 voters of this city, but I will not allow that our votes be
16 annulled by illegal voters.

17 This country has given us the right to vote for
18 our government officials. I will not stand still while
19 lawbreakers promote election fraud by coercing individuals
20 to participate in the election process without the
21 legitimate right to do so.

22 I will continue to fight for the legitimate right
23 to have clean elections, and I do hope that the end result
24 of your inquires proves our case.

25 I will only add to this that I am very much

1 concerned that the inquiries that have been conducted prior
2 to you being here have only included one-sided participation
3 of people being questioned in town.

4 I am very concerned that a selection of sites of
5 you being here is not an impartial one.

6 I'm also concerned that -- even though we try to
7 get from city hall information as to when your investigator
8 was going to be around so we can speak with him, or met him,
9 and voice our concerns.

10 I'm also concerned with the fact that all of this
11 has been orchestrated by one single person.

12 I'm also concerned that the county attorney has
13 been accused here of taking sides because I personally
14 requested the county attorney to come in and investigate,
15 and I am a resident, and I think I have every right to
16 request my authorities to investigate. I am a citizen, and
17 I have a complaint and I made a complaint.

18 I'm also very much concerned that San Luis has
19 been portrayed as another town south of the border because
20 of our election process, and we are not 95 percent Hispanic.
21 We're 99.9. I think I can count all the Anglos on one of my
22 hands in this town, and we do have two strong leaders,
23 probably, in this town that have been through the mud and
24 have come up, and we have had factions in San Luis.

25 But one of the things that we need to take care of

1 that, as leaders, as Hispanics who came from Mexico myself
2 and _____, who have acquired and changed our
3 allegiance to another country and became U.S. citizens must
4 be prime examples of how this country operates. That's why
5 your presence is so welcome here because I do hope that, in
6 every election from now on, you have watches, you have
7 people that will come in and see how we conduct our
8 elections because then you will find out for yourself that
9 even elections are manipulated, and then maybe you will take
10 action, and if I am at fault and I have committed criminal
11 acts, that I will be dealt with through the criminal justice
12 of the United States because I strongly believe in it. I've
13 always had my day in court. I thank you for the
14 opportunity.

15 CHAIRMAN PENA: Thank you. Are there any
16 questions from --

17 MS. GARCIA: Yes, I have several questions. You
18 were present Mayor Reyes related a history of two
19 investigations and I guess at least two challenges. Were
20 you present?

21 MR. BERMUDEZ: Yes.

22 MS. GARCIA: Are you aware of those court
23 challenges and those investigations?

24 MR. BERMUDEZ: Yes, in one of those court
25 challenges, I was the one who asked for it.

1 MS. GARCIA: And are you in agreement with what
2 Mr. Reyes indicated were the outcome of both of those
3 investigations and both of those court challenges, sir?

4 MR. BERMUDEZ: No, ma'am. The results of those
5 investigations, I differ greatly with Mr. Reyes'
6 attestations.

7 In both cases, what has happened is that the
8 county attorney's office has neglected to carry out his duty
9 because -- okay? Because it is very important to know --

10 MS. GARCIA: So you're stating that the county
11 attorney neglected his duty. You're --

12 MR. BERMUDEZ: To carry out --

13 MS. GARCIA: -- stating that?

14 MR. BERMUDEZ: To carry out his duty as to go
15 ahead and enforce Arizona revised statutes as to who has to
16 vote in this town and who is not supposed to, and those who
17 do --

18 MS. GARCIA: Okay, so --

19 MR. BERMUDEZ: -- are in direct violation of law.

20 MS. GARCIA: So what were the results, in your
21 opinion -- you indicated you differ from what he said were
22 the outcome. You tell me what you believe were the outcome
23 of the court litigation and the -- both investigations.

24 MR. BERMUDEZ: That the county attorney found out
25 that there were some illegal voting, but not enough to go

1 ahead and carry out our -- finish up with the process.

2 MS. GARCIA: Okay, were any of the election
3 results changed as a result of their investigation, sir?

4 MR. BERMUDEZ: No, the election result would not
5 change. Nevertheless, it was proven that some people did
6 vote illegally.

7 MS. GARCIA: In other words, that some people were
8 not --

9 MR. BERMUDEZ: Some people --

10 MS. GARCIA: -- residents --

11 MR. BERMUDEZ: That's correct.

12 MS. GARCIA: And would you agree that it was
13 anywhere from three to five people, or do you indicate there
14 was more people?

15 MR. BERMUDEZ: I believe that --

16 MS. GARCIA: No, I'm not asking what the belief
17 is.

18 MR. BERMUDEZ: Okay, according --

19 MS. GARCIA: The outcome.

20 MR. BERMUDEZ: -- five people were illegal -- had
21 voted illegally --

22 MS. GARCIA: Not residents.

23 MR. BERMUDEZ: Not residents of the town.

24 MS. GARCIA: Okay. And that was not enough to
25 change election results --

1 MR. BERMUDEZ: No.

2 MS. GARCIA: Is that correct, sir?

3 MR. BERMUDEZ: That's correct.

4 MS. GARCIA: Are you aware of the costs involved,
5 sir, in both of these litigations and investigations?

6 MR. BERMUDEZ: I'm not aware of the cost involved
7 as far as the part of both the county attorneys or the part
8 that the city had to pay to defend itself from it.

9 I am aware of the -- I think Mr. Reyes mentioned
10 \$12,000 the city had to pay to defend the candidates. I'm
11 also aware of how much I have spent for the cost of this,
12 and that's close to \$6,000.

13 MS. GARCIA: So you have spent about \$6,000?

14 MR. BERMUDEZ: That's correct.

15 MS. GARCIA: And where did those monies come from,
16 sir?

17 MR. BERMUDEZ: From my pocket.

18 MS. GARCIA: From your own pocket.

19 MR. BERMUDEZ: Yeah, from my pocket and other
20 people who supported us.

21 MS. GARCIA: And that -- does that include the ex-
22 chairman of the board of supervisors, sir?

23 MR. BERMUDEZ: That includes the ex-chairman of
24 the board of supervisors.

25 MS. GARCIA: So his money has been utilized in

1 these challenges; is that right?

2 MR. BERMUDES: That's correct.

3 MS. GARCIA: What role did you have, sir, in the
4 publication of names of these individuals that you believed
5 were voting illegally? What role did you have in
6 publicating their names in the newspapers?

7 MR. BERMUDES: I submitted to the city officials a
8 list, okay, of people we had -- we were going to be
9 challenging in the elections. That list was taken by a
10 reporter from Mexico and that's why that list was reported
11 in the newspaper in Mexico.

12 MS. GARCIA: And were those names also stated on
13 the radio; is that right?

14 MR. BERMUDES: I did not state them on the radio,
15 no, ma'am.

16 MS. GARCIA: Okay. What relationship --

17 MR. BERMUDES: I don't know if they were
18 read -- usually the radio in Mexico reads in the newscast
19 articles from the newspapers.

20 MS. GARCIA: Now, who's in this little committee
21 or group that you represent or that you were representing
22 then, challenging? Who comprises this committee or this
23 group of challengers?

24 MR. BERMUDES: I have many supporters who are here
25 and who are also going to testify before you, so the names

1 of those people -- they will be providing you the names of
2 the supporters that we have here.

3 MS. GARCIA: Okay, and what is your relationship
4 with the ex-chairman of the board of supervisors, sir?

5 MR. BERMUDES: None whatsoever.

6 MS. GARCIA: You have no relationship whatsoever
7 with him?

8 MR. BERMUDES: Not as -- only --

9 MS. GARCIA: I don't mean --

10 MR. BERMUDES: -- as a supporter. That's about
11 it. No parental relationship --

12 MS. GARCIA: No, I don't mean family relationship.

13 MR. BERMUDES: Not even a friendly
14 relationship --

15 MS. GARCIA: What relationship do you have with
16 him?

17 MR. BERMUDES: Not even a friendly relationship
18 because we have only dealt with issues, and that's how we've
19 come out as an acquaintance, so --

20 MS. GARCIA: Okay, so that's your relationship.

21 MR. BERMUDES: That's right.

22 MS. GARCIA: You worked together to challenge
23 these elections?

24 MR. BERMUDES: No, ma'am. We worked together to
25 carry out an election.

1 MS. GARCIA: Okay. Have you worked together to
2 challenge the election results --

3 MR. BERMUDEZ: No.

4 MS. GARCIA: -- in court?

5 MR. BERMUDEZ: No. In court, yes.

6 MS. GARCIA: That's correct. Well, that's my
7 question.

8 MR. BERMUDEZ: He supported us with money. He
9 supported us with money with his presence in the
10 election -- in the court challenge.

11 MS. GARCIA: Okay. And one last question, sir.
12 You -- your first statement indicated that people were
13 taking advantage of ignorance of newcomers and new citizens.
14 Would you explain to this Commission what you mean about
15 ignorance and how you define what is ignorance, sir?

16 MR. BERMUDEZ: Ignorance is the lack of knowledge
17 as to how the election process is conducted and what the
18 requirements are here. We do have a problem of ignorance in
19 the town of San Luis.

20 Ignorance doesn't mean that the people are not
21 intelligent. Ignorance means that they do not know about
22 certain facts and about certain laws that control election
23 process.

24 MS. GARCIA: So you don't believe that people who
25 you believe are ignorant should have the right to vote if

1 they're U.S. citizens and if they're residents of this
2 county, sir?

3 MR. BERMUDEZ: I do believe that everyone who is a
4 resident of this town, if they're ignorant or not, can vote,
5 and we personally know actually every resident of this town,
6 ma'am, and we know who lives here and who doesn't live here
7 because we live together. We are here, and every one that
8 is a resident of this town, okay, has a right to vote.

9 And those who were challenged -- some of
10 them -- one of the other things that proves ignorance is the
11 fact that many people who are registered voters in San
12 Luis -- and I can provide for you, if I am allowed, through
13 the investigator, prove that people who have moved do not
14 change their residence, for instance.

15 So whenever you go to a place and you do not find
16 a person and you try to find them but they never change
17 their residence, every time you move from one place to
18 another you are supposed to submit a change-of-address form.

19 These people do not do it because of ignorance.
20 They do not know that they need to do that.

21 So what's happening is that we end up challenging
22 somebody like _____ who was here earlier on. I
23 know her personally. I've known her all my life and, when
24 we went to look for her address, she had moved, but she's
25 been here or she has moved for a year or so and she never

1 changed her address.

2 So logically, if a person who is challenged, we
3 submit to them that this person did not -- was not found on
4 the address, I think that everyone has that right to
5 challenge.

6 MS. GARCIA: And you understand that the Court
7 found that, in fact, she was entitled to vote, sir?

8 MR. BERMUDES: That's fine, and I personally told
9 her -- I personally told her, "Yes, I know who you are; I
10 know you live in town," and I will not subpoena you.

11 MS. GARCIA: And one last question. What is your
12 purpose, sir, in challenging these people on their right to
13 vote, sir?

14 MR. BERMUDES: The purpose is, ma'am, that, if we
15 do not challenge people, we will have people from other
16 cities and other countries in our cases that will be
17 electing our public officials.

18 MS. GARCIA: And other countries, sir?

19 MR. BERMUDES: Yes.

20 MS. GARCIA: Do you believe there's Mexican
21 citizens that are actually voting without being U.S.
22 citizens, sir?

23 MR. BERMUDES: I believe -- no, I believe that
24 there are American citizens who live in Mexico who are
25 coming here to vote. I believe -- and I have proof --

1 MS. GARCIA: But they're citizens of the United
2 States, okay.

3 MR. BERMUDES: They're citizens of the United
4 States.

5 MS. GARCIA: You had citizens of other countries.

6 MR. BERMUDES: But they do not live in -- within
7 the precinct, and that's another requirement.

8 MS. GARCIA: Okay, and you lost the last election,
9 sir; is that correct?

10 MR. BERMUDES: Yes.

11 MR. ZAZUETA: I have a question. Now, Mr.
12 Chairman, now, let me see if I have this correct.

13 You don't believe that there's been a pattern of
14 harassment and intimidation here in San Luis for their
15 voting rights after -- after all these challenges, two
16 investigations, two court hearings. You don't think that
17 there's any pattern.

18 MR. BERMUDES: Sir, if a person who lives in San
19 Luis, Arizona is not knowledgeable enough to know why these
20 investigations have come about --

21 MR. ZAZUETA: The question was "yes" or "no".

22 MR. BERMUDES: Okay.

23 MR. ZAZUETA: You don't think there's a pattern of
24 intimidation and harassment.

25 MR. BERMUDES: No, I don't think so, sir.

1 MR. ZAZUETA: No.

2 MR. BERMUDES: No.

3 MR. ZAZUETA: Okay. The next question is: You
4 mentioned that the Anglos were more responsible and less
5 ignorant than the Mexican-Americans. Do you believe that,
6 yes or no?

7 MR. BERMUDES: No.

8 MR. ZAZUETA: You said this.

9 MR. BERMUDES: When did I say that?

10 MR. ZAZUETA: In your statement.

11 MR. BERMUDES: No. I said I -- I said here -- let
12 me see. It's right in here. I said I charged that Anglos
13 have not come here to challenge -- the charge that Anglos
14 have not come here to challenge our voters is because of the
15 irresponsibility of the individuals. That's the only time I
16 mentioned Anglos, okay?

17 And the other place is that -- it says that, in
18 the last election -- in the last election -- let me
19 see -- in the last general election, the election board was
20 appointed by the county, allowing a more impartial
21 participation from those of us that believe that many voters
22 were not residents of the precinct and, if you allow me to
23 elaborate, I will tell you that, when we were challenging
24 these people, the city manager was telling the election
25 board to allow or not to allow people to vote, and it's the

1 election board's authority to say who was allowed or was not
2 allowed, and of those challenges, many were -- the election
3 board recognized them, personally recognized them, that they
4 do not live within the city limits, and they were not
5 allowed to vote.

6 MR. ZAZUETA: Okay. I just wanted a clarification
7 on that responsible or more or less
8 ignorant -- clarification.

9 MR. BERMUDEZ: I'm trying to clarify the ignorant
10 part because I know it can be misconstrued as being more
11 "tontos", in Spanish, than the other ones. That's not it.

12 They do not have the knowledge -- as a matter of
13 fact, I personally have talked to a lot of them now and I've
14 explained to them what the process is, and they recognize
15 the fact that they are not supposed to vote here.

16 They thought that, because they were U.S.
17 citizens, they should be allowed to vote, just because
18 they're U.S. citizens, but there are other requirements that
19 must be met.

20 MR. ZAZUETA: Okay, one more clarification. On
21 the county attorney, you mentioned that he did not do his
22 job, correct?

23 MR. BERMUDEZ: That's correct.

24 MR. ZAZUETA: And then, in another place, you
25 mentioned that the little contradictory -- that the county

1 attorney was very competent.

2 MR. BERMUDES: I did not say that the county
3 attorney was very competent. When did I say that?

4 MS. GARCIA: At the beginning of --

5 MR. ZAZUETA: At the beginning.

6 MS. GARCIA: You were upset that we were
7 criticizing the county attorney.

8 MR. BERMUDES: Oh, no.

9 MS. GARCIA: At the beginning --

10 MR. BERMUDES: I said that there has been charges
11 here that the county attorney, okay, was -- was not doing
12 his job. That was the charge being by the other one, okay?

13 MS. GARCIA: All right, and then you said that
14 that was true.

15 MR. BERMUDES: I will agree that he was not doing
16 his job, but as far as following through on the criminal
17 charges that we put before him, on criminal charges against
18 people who voted, illegally --

19 MR. ZAZUETA: It's still a little contradictory in
20 my mind. Was he doing his job or --

21 MR. BERMUDES: He was not doing my (sic) job, but
22 the issue here is totally different from them. They said
23 that he was doing too much of a job by listening to this
24 complaint that we had, and I'm saying that he did that but
25 he did not finish his work. He should have finished his

1 work.

2 As a matter of fact, the investigator found out
3 for himself. He went out to empty lots and found other
4 people did not -- the address that they had on the voter was
5 an empty lot.

6 And then those people -- he should have carried
7 out and present charges against those people who came in and
8 voted. That's Arizona revised statute.

9 MR. ZAZUETA: See, the problem I'm having is that
10 you were upset because the charge was made that the county
11 attorney was not doing his job, and then you came back and
12 said the county attorney was not doing his job --

13 MR. BERMUDES: On a totally different issue.
14 Okay? The county attorney was charged here for listening to
15 the complaints, and I'm following through and saying that he
16 did not finish his job, okay? So there's not a controversy
17 of -- did he do his job in the right manner. I'm saying
18 that what their complaint is one issue and I'm complaining
19 another one, and he's both -- he is guilty of not doing his
20 job.

21 MR. ZAZUETA: Thank you.

22 MR. BERMUDES: Okay. And I know he'll know about
23 this.

24 MS. JULIEN: Mr. Chairman. We were told that the
25 turnout in the November 1990 election was very low compared

1 to the past. Do you agree with that, that the turnout was
2 lower than in the past?

3 MR. BERMUDEZ: Ma'am, I will not be able to attest
4 to that because personally I was not here in the election,
5 and I still to this point do not know. I participated in
6 the election but I was not present, so I will not be able to
7 attest to it. I still do not know how many votes I got
8 because I participated.

9 MS. JULIEN: Okay, then let me just ask you your
10 opinion on something.

11 Do you feel like the events that have been
12 occurring in San Luis have, in fact, chilled the
13 voting -- people's willingness to vote in this area?

14 MR. BERMUDEZ: Yes, they have had a chilling
15 effect on those who are illegal voters of San Luis, but not
16 the legal voters of San Luis.

17 MR. PAZ: Mr. Chairman. For me myself to
18 understand what is happening, I do need a little bit of a
19 background as to the community, and we've been receiving
20 that information right now.

21 Would you be so kind as to just describe this
22 migrant town for me very briefly and the living styles of
23 the people and where they get their primary income?

24 MR. BERMUDEZ: I am going to concur with Mr. Reyes
25 as to the nature of this town and how people live here in

1 different times or seasons of the year.

2 We also know about these people who are out of
3 town, who do not live here, or who live here six months and
4 maybe they go and work up in Salinas the other months but,
5 when they go up and work in Salinas, most of the time, some
6 of the families stay back. Most of the time there is plenty
7 of reason to know they live at home or a mobile home, like
8 you said, or that they live in an RV park. There is a
9 residence there, okay?

10 But when you have people -- you have well-known
11 people like the mother of the mayor of San Luis, Mexico come
12 in to vote and the aunt of the mayor of San Luis, Mexico
13 come in to vote -- _____ aunt who came into
14 vote, and who -- when she was questioned as to where he
15 lived, he lived in a little tiny room behind a friend of
16 hers.

17 When we, like I said, went to -- found a lot of
18 people that weren't registered, I didn't know
19 _____. He's a newcomer to San Luis and he
20 participated, and probably somebody went out and looked for
21 his address and could not find it for some reason or they
22 questioned him. I don't know what the reason was for the
23 challenge -- I did not challenge _____, okay?

24 Those are some of the things that caused us to be
25 concerned, and I think we should also be concerned.

1 I am very much concerned if people are being
2 harassed at the polls. I don't think nobody has treated
3 anybody bad at the polls.

4 MR. PAZ: Describe it to me on the basis of the
5 lifestyle of the community, not your feelings, okay?

6 As we continue with what you're saying, do you
7 mean to say also that we have a lot of children in the town
8 of San Luis attending schools in this area that really live
9 across the line?

10 MR. BERMUDEZ: Well, that is also a very well-
11 known fact and you can see that on a daily basis because you
12 see them crossing the border in the morning and coming in to
13 school.

14 MR. PAZ: Is that -- this a natural thing, a
15 border community -- of all the border towns, from here to
16 Florida -- are you familiar with that?

17 MR. BERMUDEZ: I am very familiar with that.

18 MR. PAZ: So what makes this little town different
19 from any other border communities where the lifestyle of a
20 lot of people is an international relationship and
21 specifically in this town of San Luis -- it's a migrant town
22 which makes it a little bit different. What is the major
23 difference between this town and other towns in the United
24 States that are border communities?

25 MR. BERMUDEZ: I don't think that there is any

1 difference, and I'm not against the town being different.

2 MR. PAZ: Okay, thank you. You also described the
3 use of coerced voting tactics. Would you describe what is
4 "forced to vote" -- mean to you?

5 MR. BERMUDES: Forced or --

6 MR. PAZ: You said "coerced" and then you said
7 people "forced to vote". You used both.

8 MR. BERMUDES: No, I only used "coerced".

9 MR. PAZ: What does "coerced" to vote mean to you?

10 MR. BERMUDES: To impel someone to come in and to
11 vote. To tell someone, "I want you to go and vote," "vote
12 for me" or -- but I --

13 MR. PAZ: What is the difference between that and
14 either candidate for governor, _____ or
15 _____, telling you to go out to vote?

16 MR. BERMUDES: The difference is that, when you
17 personally know, have personal knowledge that that person is
18 not a resident of the town and then you impel that person to
19 vote. That's the big difference.

20 When you do not know -- when you have a speech
21 saying, "I want every one of you to come into vote," you
22 know, it's a difference between that and between having a
23 knowledge that a person is not a resident of the town.

24 MR. PAZ: Okay. These people that have the right
25 to vote all have an identity card that is given to them by

1 the county recorder's office. The people that you outlined
2 in the act that you were part of -- none of those people had
3 an identification card or in the rosters of the county
4 saying that they're legal voters?

5 MR. BERMUDES: The fact that they are registered
6 in the county roster does not attest to the fact that they
7 are residents of this town, and that's what we were
8 questioning.

9 MR. PAZ: Okay, but if I challenge that and say
10 that you are not a legal voter in some nature, does that
11 tend to intimidate you or feel awkward or breaking the law,
12 if you were doing that to everybody?

13 MR. BERMUDES: Only if and when I am not a
14 resident of this town, and let me give you an example.

15 The director of the radio stations in San
16 Luis -- in San Luis, Mexico, okay, was registered when he
17 applied for a license, for a driver's license in San Luis.
18 He is registered as a registered voter of San Luis, and he
19 does not live nor work in the United States, and if he comes
20 in to vote, I will have to just tell him, "Look, sir, you
21 are not supposed to vote, even though you are registered,"
22 and that is part of our job, too. We have to prevent those
23 people who do not know that, because they received a little
24 pamphlet in the mail, that they can -- the sample
25 ballot -- that doesn't give them the right to come in and

1 vote. Only if they live within the city limits or within
2 the precinct.

3 People from Yuma cannot come in and vote in San
4 Luis, or I cannot go and vote in Yuma, so basically I'm
5 trying just to explain to you the reasons why people are
6 being challenged at the polls.

7 MR. PAZ: Okay. Would you describe briefly your
8 political history here in this community?

9 MR. BERMUDES: As brief as I can, we started -- I
10 moved into San Luis, Arizona in '75. I became a citizen in
11 '78. I participated in the first election. I was the first
12 vice-mayor of this town. I was mayor in 1982. And I've
13 been in city council with the exception of the last three
14 years.

15 MR. PAZ: To the best of your knowledge, and I'm
16 sure that you can account for all the people that voted for
17 you once upon a time, was there an individual that should
18 have not voted at that time?

19 MR. BERMUDES: Sir --

20 MR. PAZ: For you?

21 MR. BERMUDES: Probably so.

22 MR. PAZ: Was that person coerced, in your
23 definition?

24 MR. BERMUDES: Probably so.

25 (Pause.)

1 MR. PAZ: When we challenged the voters of this
2 community by other La Paz or by people here, did you ever
3 witness somebody being challenged -- investigated for being
4 an illegal voter?

5 MR. BERMUDES: Investigated, yes.

6 MR. PAZ: Would you describe that
7 scene -- scenario, when you have an investigator coming in
8 to challenge people?

9 MR. BERMUDES: The person -- the investigator -- I
10 was with the investigator at one point in time when he went
11 to the residence of one or two people. When we got there,
12 we checked the address, and we checked the name.

13 When the person was found to be there, we thanked
14 him and we left.

15 MR. PAZ: Under what authority did you go with the
16 investigator?

17 MR. BERMUDES: None authority -- only pointing out
18 the people as a citizen who knew who that person was.

19 MR. PAZ: Did this person vote for you, or did not
20 vote for you?

21 MR. BERMUDES: I have no idea, sir.

22 MR. PAZ: Then why did you go to a person under no
23 authority with a person that has full authority to
24 investigate?

25 MR. BERMUDES: Sir, if I am a resident of this

1 town and a citizen of this country, I am a person who would
2 like to see that everybody is law abiding and, if I know a
3 person who is breaking the law, I will point that person out
4 to an authority, and I think I have that right to do so.

5 MR. PAZ: If you are familiar with government,
6 since you have been an official, you do know that some of
7 those rights we entrust other people to carry forth that
8 authority.

9 MR. BERMUDES: Uh-huh.

10 MR. PAZ: We have the power of citizen's arrest,
11 and that is also be debated on some issues, but the
12 authority that you have proclaimed that you have -- don't
13 you think that, if you went with an authorized person as an
14 investigator, that causes intimidation to somebody else?
15 Perhaps I can relate it this way. Me, being of Mexican
16 descent, and I come in to Yuma, immediately at the airport I
17 see five Border Patrolmen, and all my life I have seen
18 Border Patrolmen, do you think that I would have a feeling
19 about things called intimidation?

20 MR. BERMUDES: Yes, very much so.

21 MR. PAZ: Okay. Now, if you went to somebody that
22 you felt that perhaps could have broken the law with illegal
23 voting and you have an authority, do you think that that
24 would cause some intimidation?

25 MR. BERMUDES: I believe so, yes.

1 MR. PAZ: Can you describe intimidation and
2 harassment -- or just intimidation?

3 MR. BERMUDES: If a person feels threatened by
4 something and -- in this case, they might feel threatened by
5 a police officer, okay? Then they feel intimidated.

6 MR. PAZ: This morning, two people testified. I
7 understand you heard them.

8 MR. BERMUDES: Uh-huh.

9 MR. PAZ: Do you have any reason to believe that
10 they might have felt intimidation?

11 MR. BERMUDES: Yes.

12 MR. PAZ: Have you challenged individual right to
13 vote of some individual people in this community?

14 MR. BERMUDES: I have not been a challenger of the
15 votes. I have been a candidate --

16 MR. PAZ: No, no. Just from the street. Have you
17 gone to somebody and challenged somebody on an individual
18 basis?

19 MR. BERMUDES: No.

20 MR. PAZ: Just with the investigator present.

21 MR. BERMUDES: That's correct. I have talked to a
22 lot of people about -- as a matter of fact, I talked to a
23 lot of people before they even went to vote. I said, "You
24 and I know that you are not a legal resident of this town.
25 Please do not go and vote."

1 MR. PAZ: I'll come back to this.

2 MS. JULIEN: Mr. Chairman, excuse me. You just
3 said that you've never challenged voters but, in your
4 opening remarks, you said, "I have personally challenged
5 voters."

6 MR. BERMUDEZ: As a candidate, ma'am, I've
7 submitted a list to the person who has been placed at the
8 polls as challenger for us -- for the candidate.

9 MS. JULIEN: When you were -- there have been
10 times -- there have been elections when you were not a
11 candidate.

12 MR. BERMUDEZ: That's correct.

13 MS. JULIEN: At those times, did you challenge
14 voters at the polls?

15 MR. BERMUDEZ: No.

16 MS. JULIEN: Okay, so you have never been at --

17 MR. BERMUDEZ: A challenger, no.

18 MS. JULIEN: But you have submitted the name.

19 MR. BERMUDEZ: That's correct.

20 MS. JULIEN: Okay. Thank you.

21 CHAIRMAN PENA: What is your understanding of what
22 constitutes residency?

23 MR. BERMUDEZ: Residency is the place where
24 actually you hang your hat at night when you go to sleep.
25 Residency is the place where a person has the family

1 or -- or sleeps at night, and -- it's the place where he's
2 going to come back to whenever he goes out to work or
3 whenever he goes out visiting family. Residency is his
4 home.

5 CHAIRMAN PENA: For the purpose of being an
6 elector, what is it that you understand the residency means?
7 When you sign an affidavit for the voter registration and
8 you say you are a resident of this precinct, what is it that
9 you think it means?

10 MR. BERMUDEZ: It means it's a person -- is told
11 and an address, in many cases, given to him of a residency
12 in San Luis. I will cite the same case. One person who had
13 residences listed as her business which was also the person
14 who was renting from me, and that was her business.

15 When the election was coming, his residency
16 was -- she submitted a change of address to another place to
17 prove that she had moved because the other one was her
18 business.

19 A person that -- is told to do this in order to
20 comply or to say that, "I live in a different place,"
21 because she could not prove that she lived in a business.

22 Those are things that I -- serious violations of
23 law and, if you're not concerned about that --

24 CHAIRMAN PENA: The residency -- the state
25 law -- it means, depending on the statute you look at,

1 employment -- residence -- telephone number. State law
2 doesn't say that -- if there's been a challenge to an
3 elected official that has declared residency to
4 be -- because of a telephone number, but 60 days in a
5 location -- the question of United States citizenship is
6 also established in the affidavit of registration, so
7 residency does not mean only that you have a home, that you
8 have an address and that you have relatives, as you say.

9 There are different ways to establish residency in
10 the community.

11 MR. BERMUDEZ: So are we to believe at this point
12 in time -- or is it your opinion of the Commission that, if
13 a person has a business here or a telephone number, that we
14 can register him to vote?

15 MS. GARCIA: No, the Commission is not stating
16 that. We're asking you -- you're stating authoritatively
17 that you know certain people have not resided here. You've
18 stated that your definition of residency is where you go to
19 and you hang your hat every night.

20 Are you aware, sir, that that is not a correct
21 definition of the standard of residency? Are you aware that
22 you don't have to spend every night in your residence to be
23 a resident of that area? Are you aware of that?

24 MR. BERMUDEZ: Ma'am, I was not aware in the terms
25 that you are stating it, but I have to disagree with you

1 because I read the statute.

2 MS. GARCIA: Well, there's a lot of case law, sir,
3 in regard to these, and are you aware that the primary issue
4 in a court's mind is where the person believes his home is
5 and, from that, the court to looks to other factors, sir,
6 such as how many days they spend out of the year where they
7 work, where they maintain a mailing address, where they have
8 their phone numbers? Are you aware, however, that the
9 intent of where the residence is is the primary concern --

10 MR. BERMUDEZ: So --

11 MS. GARCIA: -- in challenges? Are you aware?

12 MR. BERMUDEZ: No, ma'am. I was not aware.

13 MS. GARCIA: Okay.

14 MR. BERMUDEZ: I have been enlightened today, but
15 I will question that also, and I will challenge that
16 assumption.

17 MS. GARCIA: Okay, and I have one last question.
18 You had indicated earlier that you were not -- you never
19 personally challenged in the polling place, but you sent a
20 challenger?

21 MR. BERMUDEZ: Yes.

22 MS. GARCIA: Okay.

23 MR. BERMUDEZ: Every candidate is allowed to put a
24 challenger in the polls.

25 MS. GARCIA: And is it correct that --

1 MR. BERMUDEZ: No?

2 MS. GARCIA: No. Is it correct, sir -- you have
3 an observer, but isn't it correct that you understand from
4 state law that the only person who can challenge another
5 person is a qualified voter in that area, and you heard
6 testimony earlier that there were people from outside the
7 area that were standing there challenging?

8 MR. BERMUDEZ: Ma'am, in the times that I've
9 appointed -- I have asked for a poll server or a challenger,
10 it's -- they've been residents of the town.

11 MS. GARCIA: And one last question just out of
12 curiosity, what ethnicity have your challengers been?

13 MR. BERMUDEZ: Mexican.

14 MS. GARCIA: In all your polling places.

15 MR. BERMUDEZ: That's correct.

16 MS. GARCIA: Okay. Thank you.

17 MR. ZAZUETA: Mr. Chairman. I think I would like
18 to answer one of your questions whether we care about these
19 violations or whether we care about voting rights of the
20 citizens here. We do. I think this committee is very
21 dedicated to agree with you, that we do care.

22 We came a long way -- some of us came a long way
23 here to try to look into these violations, especially these
24 intimidations that you mentioned.

25 CHAIRMAN PENA: Any other questions?

1 MR. PAZ: Just -- I wanted to come back to the
2 original thing. You stated that you were aware that some
3 people -- that you have witnessed harassment and
4 intimidation; is that correct?

5 MR. BERMUDEZ: Sir, I did not state that. I
6 stated that I went with the individual who was conducting
7 the investigator, and I was there when he was conducting the
8 investigator (sic), and I do not agree that a person was
9 harassed. He was asked if he lived or she lived there, and
10 when the person had stated so, the person was left alone.

11 MR. PAZ: If we have the same people being asked
12 or questioned about their legality of voting, once or twice
13 or three times, would you consider that to be harassment?

14 MR. BERMUDEZ: Sir, I will not answer that. I do
15 not know.

16 MR. PAZ: Would you consider that to be harassment
17 even if the court had ruled it as such, and would still be
18 told that they are not legally --

19 MR. BERMUDEZ: I will not answer also that
20 question because I do not know if a person feels that he's
21 been harassed. I don't think so.

22 If they've gone through a court of law and they've
23 been asked questions, I guess there has been a valid reason
24 why they were asked to be over there.

25 MR. PAZ: Based upon the latest finding, where the

1 court threw out the five -- threw out all the other cases
2 and just dealt with five, did you think that now the town of
3 San Luis came back -- got back into a situation where it
4 will no longer occur, where people will not feel like
5 they're constantly being bothered about their rights to
6 vote?

7 MR. BERMUDEZ: I will personally campaign to
8 promote voter participation, and I will tell them that those
9 who do live here do not have any fear -- should not have any
10 fear of being intimidated if there is a challenge at the
11 poll.

12 MR. PAZ: Do you consider the advertisement one of
13 the methods that you used to campaign?

14 MR. BERMUDEZ: The what?

15 MR. PAZ: The way that you advertise in the
16 newspaper -- is that one positive way to enhance the voting
17 rights of people?

18 MR. BERMUDEZ: Yes, you can advertise in the
19 paper --

20 MR. PAZ: By putting their names in the paper,
21 that they would face some degree of charges if they do
22 proceed?

23 MR. BERMUDEZ: That's not -- that's not what I
24 said. I do not put the names of the people in the paper.

25 MR. PAZ: Part of that campaign.

1 MR. BERMUDES: No, sir. I did not put the names
2 of the people in the newspaper, and I know you've been told
3 that, but the newspaper report picked up the list of the
4 people who were challenged and he himself put it in there.
5 We didn't ask him to put it in there.

6 (Pause.)

7 MR. PAZ: Were you at all part of that campaign,
8 talking about the funding to pay for the advertisement, the
9 propaganda, the publicity to make sure that the people know
10 that these people are voting legally and they face some
11 violations -- were you part of that campaign, period?

12 MR. BERMUDES: I did pay for some advertisement
13 and -- yes, you will have letters and you will have that on
14 there -- I put in the paper --

15 MR. PAZ: Isn't that a contradiction of the rights
16 to vote and the freedoms that we have in this country?

17 MR. BERMUDES: Sir --

18 MR. PAZ: How can we do one thing with one hand
19 and say we have the right to vote legally and yet do
20 something to defame other people?

21 MR. BERMUDES: Sir, the only thing that we're
22 asking them that those people who do not live here do not
23 have the right to vote. Is that wrong?

24 MR. PAZ: This approach that you use is right?

25 MR. BERMUDES: The approach of letting people

1 know, giving them knowledge as to who is eligible to vote
2 and who is not?

3 MS. JULIEN: Are you saying that those people
4 whose names were published in the paper all were
5 nonresidents of San Luis?

6 MR. BERMUDEZ: Ma'am, when we submitted the list
7 to the election board, we suspected that those
8 people -- that were challenged --

9 MS. JULIEN: Were they all nonresidents of San
10 Luis?

11 MR. BERMUDEZ: We believed so when we submitted
12 the list, and that's because we did not find them in the
13 address that were listed on the roster.

14 CHAIRMAN PENA: Thank you.

15 MS. WATSON: Briefly, were you aware of any
16 challenges to absentee ballots and what the outcome of that
17 was?

18 MR. BERMUDEZ: Yes.

19 MS. WATSON: Would you please elaborate?

20 MR. BERMUDEZ: There were people challenged as
21 absentees, and these people and I think -- I believe five of
22 them -- the election was set that they did not let them
23 because they had personal knowledge that they did not live
24 here.

25 The absentee process, by the way, was also

1 utilized. There were people who were there at the election
2 who had voted absentee.

3 MS. WATSON: Were any of these individuals
4 involved in military service or students?

5 MR. BERMUDEZ: I believe there was one claim that
6 the person was in the military service but, as far as I knew
7 personally, the family had never -- had moved away from San
8 Luis a long time ago. He did not even call residency here.

9 MS. WATSON: Thank you.

10 CHAIRMAN PENA: Thank you.

11 MR. BERMUDEZ: I will submit my --

12 CHAIRMAN PENA: Yes, please do. Is Josefina
13 Rodriguez still -- would you keep your remarks as close to
14 five minutes as possible?

15 MS. RODRIGUEZ: Sure.

16 CHAIRMAN PENA: Please identify yourself and who
17 you represent.

18 JOSEFINA RODRIGUEZ

19 Members of the Commission, ladies and gentlemen,
20 my name is Josefina Rodriguez, and before -- I've got mine
21 written and I'm going to be reading it, but if you -- I'll
22 get ahead of myself and define intimidation for you, in my
23 opinion.

24 Intimidation is what I feel right now as I have
25 heard the panel question this last presenter.

1 A public hearing to me is where you can come forth
2 and express your opinions without having to be grilled and
3 asked and asked and asked, which is what I intend to do.

4 I will be available for -- I don't mean to be
5 disrespectful but my heart is beating fast because I do feel
6 intimidated. I do feel harassed.

7 I do think that I have a right to express my
8 opinion, and I will be available for answers one I get done
9 with my short -- very short statement, but please do take
10 that into consideration.

11 CHAIRMAN PENA: Let me remind you that this is a
12 fact-finding hearing, an arm of the United States Commission
13 on Civil Rights.

14 MS. RODRIGUEZ: I accept that.

15 CHAIRMAN PENA: Not a PTA meeting or a social club
16 meeting, and we are entitled to look toward what is
17 necessary to complete our objective.

18 MS. RODRIGUEZ: I accept that, and I do not wish
19 to be disrespectful. I think I am just kind of -- I think
20 I'm just kind of apologizing because my voice is shaking,
21 and I guess that's it, okay?

22 I'm an elected official, that being a member of
23 the Catholic school board. I have been involved in local
24 politics since the incorporation of this town, serving as
25 the first mayor of the town and for two terms as council

1 member.

2 I am a postmaster and, being a Federal employee, I
3 have always been glad for rules -- for rules and law that
4 exist to help us do our job in a fair and just manner.

5 Likewise, it makes me angry and upset when rules
6 that exist to make a process fair and just are disobeyed.

7 That has been the case in the election process in
8 San Luis since 1982. People living in Mexico, those
9 citizens should not be allowed to register and vote, and
10 such has been the case.

11 In the 1990 town election, I called the attention
12 to what appeared to be and was an irregularity to the town
13 manager, who seemed to be overseeing the election, though I
14 also questioned that fairness.

15 That was the extreme number of absentee votes
16 cast, and the number of those same people voting absentee to
17 have the gall to be highly visible in the town hall on the
18 day of the election. One of those was even a poll watcher.

19 If I may, I would like to read a paragraph from a
20 letter sent to the Yuma County Board of Supervisors by the
21 1988 precinct number 22 election board in which they voice a
22 concern based on their observations at that election. It
23 reads:

24 "The post location amid city offices
25 fosters illegal electioneering. Elected

1 officials have a natural interest in
2 polling progress and particularly in the
3 relative turnout of the party members.
4 For example, San Luis Mayor Tony Reyes
5 shuttled between his office and the
6 polling place all day. Mayor Reyes
7 visited with the board and the voters as
8 he collected tear sheets and tracked
9 voter turnouts. He informed us that he
10 had been soliciting voters by phone all
11 day. Apparently he made the calls from
12 his office in the town hall."

13 And, again, this is based on the observations at the polling
14 place on that day.

15 We are aware that this Commission is not a law-
16 enforcing body; however, we appeal to you to make known our
17 concerns to those who may provide assistance in establishing
18 a system that is honest and just.

19 Civil rights are indeed being violated, the civil
20 rights of those who believe in fair play. Thank you.

21 CHAIRMAN PENA: Thank you. Questions?

22 MS. GARCIA: I have just a couple questions. Do
23 you believe that people who are subpoenaed into court two or
24 three times face the intimidation that you feel you say you
25 face?

1 MS. RODRIGUEZ: Yes, I'm sure they do.

2 MS. GARCIA: Secondly, you're aware of these court
3 litigations; is that right?

4 MS. RODRIGUEZ: Yes.

5 MS. GARCIA: And you're aware of their outcomes,
6 ma'am?

7 MS. RODRIGUEZ: Yes.

8 MS. GARCIA: You're aware that Mr.
9 _____ was involved in some of these challenges.

10 MS. RODRIGUEZ: Yes.

11 MS. GARCIA: And you're aware that the election
12 results were upheld.

13 MS. RODRIGUEZ: Yes.

14 MS. GARCIA: And that five people at most were
15 deemed to be improper voters?

16 MS. RODRIGUEZ: Yes. May I interject something,
17 though? At the same time -- I accept all of this that
18 you're saying -- that doesn't make me happy with the
19 results --

20 MS. GARCIA: Absolutely not.

21 MS. RODRIGUEZ: -- or thinking that it was even
22 fair.

23 MS. GARCIA: Okay. And you're aware of two
24 investigations being done by a multitude of agencies: INS,
25 sheriff, county attorneys, and you're aware of those results

1 as well?

2 MS. RODRIGUEZ: Yes.

3 MS. GARCIA: And are you telling us or insinuating
4 in any way that _____ or these 80 people that
5 were on this list control these high political offices and
6 so therefore the judge voted against you guys and voted in
7 their favor because they somehow controlled them? Are you
8 trying to tell us that?

9 MS. RODRIGUEZ: I won't answer that.

10 MS. GARCIA: Okay. But those results were there.
11 Is that right, ma'am?

12 MS. RODRIGUEZ: Yes.

13 MR. ZAZUETA: Mr. Chairman. Josefina Rodriguez, I
14 appreciate your statement and I share your concern, and
15 that's why we're here. Thank you.

16 MS. RODRIGUEZ: Thank you.

17 MR. PAZ: Just one. When we -- when I hear your
18 testimony, of course, you need to find out as much of the
19 person who's doing the testimony.

20 The gentleman before you made some -- alluded to
21 the fact that perhaps a school system has a lot of kids in
22 your district that are illegally here. You are a board
23 member. How do you deal with that problem legally -- keep
24 it in mind the civil rights that young people have?

25 MS. RODRIGUEZ: Okay, I was expecting that

1 question, and I'm prepared to answer it in that we were
2 involved in a highly publicized controversy about -- last
3 year, last school year, and it had to do with the fact that
4 we are hard-pressed -- and I mean hard-pressed, underlined a
5 hundred times, for funds to accommodate the student
6 population.

7 The city being that Gadsden is the school district
8 for the area, has to provide education for all the students
9 coming in, and there is really -- there is really no relief
10 in sight, and we knew for a fact that there was a lot of
11 young kids crossing the border every morning, and, as far as
12 their human rights, I can appreciate that we -- my heart
13 went out to the parents, my heart went out to the kids as a
14 board member.

15 As an elected official, I have to abide by the
16 laws of Arizona, and that was to do what the rule says, and
17 that is the education -- an illegal child living in the U.S.
18 is more entitled to public education than is an American
19 citizen living in Mexico. That is law.

20 And my heart went out to these kids, to the
21 parents, but as a board member, I was behind that action to
22 not let those kids attend school.

23 MR. PAZ: Thank you.

24 MS. JULIEN: Mr. Chairman. We do appreciate your
25 coming forward to speak. Just a couple of quick questions.

1 Have your voting rights ever been questioned?

2 MS. RODRIGUEZ: No.

3 (Pause.)

4 MS. JULIEN: Do you -- have you ever witnessed
5 people's voting rights being questioned?

6 MS. RODRIGUEZ: No. On one occasion, I did serve
7 as a poll watcher, and on that occasion I knew for personal
8 knowledge -- two persons that came forth to vote, and all we
9 did was present an affidavit, this person is not registered
10 to vote, and they very honestly and openly admitted so, and
11 they retired. That was it.

12 MS. JULIEN: And one last quick question. When
13 you say people living in Mexico wanted to vote, are you
14 talking about Mexican citizens or United States citizens,
15 for my own clarification?

16 MS. RODRIGUEZ: American citizens, mostly. I'm
17 not going to say Mexican citizens.

18 MS. JULIEN: Okay, and those are people who spend
19 a majority of their time in Mexico.

20 MS. RODRIGUEZ: Yes. Many times they have
21 purchased a lot and it is a vacant lot, no house there, so
22 they do live in Mexico.

23 MS. JULIEN: Thank you.

24 MR. PAZ: Just one observation that -- as I'm
25 listening to you talk, I'm trying to put myself in mid-

1 America and try to -- because San Luis is unique. It's
2 different. It's a different part of the United States.

3 Do you think, in mid-America, we would be
4 questioning or scrutinizing the vote of people as much as we
5 do it in a place like San Luis?

6 MS. RODRIGUEZ: I'm sure not.

7 MR. PAZ: Okay. So here, in order to become a
8 legal voting or voter, it's perhaps twice as difficult in
9 any other part of the country?

10 MS. RODRIGUEZ: Uh-huh.

11 MR. PAZ: Could a lot of the things that we do in
12 the process for voting get out of hand and get into the area
13 of intimidation because it's twice as hard?

14 MS. RODRIGUEZ: Yes, but by the same token, I
15 think part of the educational process of newly immigrated or
16 just recently naturalized citizens is for them to be aware
17 instead of just to have this conflict of voting and fall
18 into that here in the U.S.

19 MR. PAZ: But when we talked about voting rights,
20 a long time ago we did have processes or education about
21 learning how to speak English and all that kind of stuff.

22 MS. RODRIGUEZ: Uh-huh.

23 MR. PAZ: Now we have just the thing called
24 rights.

25 CHAIRMAN PENA: Ramon?

1 MR. PAZ: Yes.

2 CHAIRMAN PENA: For the record, would you please
3 say "yes" or "no"?

4 MS. RODRIGUEZ: Yes, I'm sorry.

5 MR. PAZ: Okay, I lost my train a little bit, but
6 the whole idea of voting rights is, no matter how you mark a
7 ballot, correct?

8 MS. RODRIGUEZ: That's correct.

9 MR. PAZ: The education, like everything else, is
10 the opportunity the country offers, right?

11 MS. RODRIGUEZ: That's correct.

12 MR. PAZ: To have a right to coerce the education,
13 to force the education.

14 MS. RODRIGUEZ: No, not at all.

15 MR. PAZ: As an educator in the education
16 business, can you force a child to learn?

17 MS. RODRIGUEZ: No.

18 (Pause.)

19 CHAIRMAN PENA: Thank you. Did you want to submit
20 the written statement for the record?

21 MS. RODRIGUEZ: No, I'm going to be submitting
22 other documents.

23 CHAIRMAN PENA: Thank you very much. Mr. Miguel
24 Lopez.

25 MR. MONTEZ: Could I say something?

1 CHAIRMAN PENA: Mr. Montez, yes.

2 MR. MONTEZ: In the -- there were some personal
3 names --

4 CHAIRMAN PENA: I understand. I will make an
5 inspection at the end of the --

6 MR. MONTEZ: Thank you, sir.

7 CHAIRMAN PENA: -- at the end of the meeting
8 because there may be others who would be doing the same
9 thing.

10 Mr. Miguel Lopez. Would you please identify
11 yourself and who you represent.

12 MIGUEL LOPEZ

13 Good afternoon. My name is Miguel Lopez, and I
14 represent myself. Like I said, my name is Miguel Lopez.
15 I'm a human services specialist 2 for the State of Arizona
16 as well as a city councilman for the City of San Luis,
17 Arizona.

18 As a member of the city council and as a local
19 citizen, I want to welcome every one of you to be present on
20 this hearing.

21 A lot of the issues that I had on my notes have
22 been pretty well discussed today.

23 One of the things that got me really involved in
24 this situation -- I see the point of harassment. I see also
25 the point of the -- of our respecting the right of the

1 people who really reside here and who are U.S. citizens,
2 obviously.

3 I was running for city councilman on the -- in
4 March, if I remember well, and it was real obvious,
5 especially -- not in my case -- fortunately, the people
6 supported me quite well, but in the mayor race, in which it
7 was very obvious that the absentee vote was abused, in my
8 opinion.

9 I don't know if -- there's records -- and all of
10 you have the opportunity to check those records of how many
11 people voted absentee and how many people voted for
12 _____ and how many people voted for
13 _____.

14 I think that -- it was pretty obvious, in my
15 opinion. I want to emphasize that. That, in my opinion, it
16 was real obvious, and probably that's -- that's what he
17 called -- or that was what he defined who was going to be a
18 mayor representing us in this town.

19 Issues have been discussed in regards to
20 intimidation and the civil rights of people -- of the
21 people.

22 But, in my opinion, it all boils down -- or the
23 results that I would like to see is clean elections.

24 One way or the other -- I'm not a judge. I'm not
25 going to say who's right or wrong, whatever. I want clean

1 elections. I would like to have clean elections.

2 As all of you know, I'm a young person. I am a
3 young politician. This is my first time around. And I want
4 to establish good basis for this city, okay?

5 We are -- we talk about San Luis, Arizona and many
6 people laugh of how things are being handled here. I think
7 that that needs to stop. Why? They start.

8 I think -- in my opinion, we need education -- I
9 need education. I am learning as a public official.

10 I'm seeing a lot of things right now. I'm
11 learning. And the bottom line -- doesn't that make me a
12 better politician?

13 Why -- I represent so many people, and many people
14 have seen me in the area of town. I don't only represent my
15 own family, myself. I represent people from this city which
16 I really love, and I represent the youngsters and teenagers,
17 and many of them really look up to me.

18 I also represent the city of San Luis, Arizona in
19 whole. I represent my county. I represent the state. And
20 I also represent my country.

21 And I'm also Hispanic, which I don't forget that,
22 and I have a lot of pride in that.

23 We're talking about a very serious issue, and this
24 is voting. And you know politics. And we're going to be
25 specific. Politics in Mexico, okay?

1 That really frustrates me a lot -- those
2 things -- it's a beautiful country but I'm not going to
3 agree to those political -- their political -- or how they
4 run their political -- it is a country, that's fine, but I
5 would not like to see that to happen in this country and not
6 in my town.

7 So, again, to me it is an issue of clean elections
8 because this is my right as a U.S. citizen to request that,
9 or to ask that, at least.

10 This is the reason why my parents immigrated into
11 the United States, so I would be acknowledged by my
12 accomplishments, and not only because of my last name and I
13 don't know if all of you know what I'm talking about.

14 This is what this country has taught me so far, I
15 mean. I've been through elementary -- here in the United
16 States -- and they have taught me the right to vote.
17 Equality. All those kinds of things. Those beautiful
18 things.

19 This is also -- we need honestly need an
20 election -- this is also showing respect. That's a big
21 word. That is showing respect. I come from other places
22 and -- whatever the situation is -- I mean, there's several
23 situations -- there are several situations because of the
24 locality, where we are. I don't know who said, this is a
25 special town. Yes, it is.

1 Because -- mainly -- because this is the United
2 States of America, and because I'm part of it, and I would
3 like to see clean elections. We need a lot of -- I need it.
4 I'm not an expert, like I said. I'm just beginning in my
5 political career. I don't know how much it will last, but
6 that's one of the things that I think I'm going to continue
7 to fight. Clean elections. And I really appreciate all of
8 you being here today because this gives me the opportunity
9 to express myself.

10 CHAIRMAN PENA: Thank you. You raised the
11 question of absentee voting. Arizona has the most liberal
12 standards for absentee voting in the country. That's
13 because of the influx of retired voters coming into the
14 state. Are you familiar with the six or seven reasons how
15 and why a person can vote absentee?

16 MR. LOPEZ: No, sir.

17 CHAIRMAN PENA: Did you intend to say that there
18 was something wrong going on with the absentee voting?

19 MR. LOPEZ: Absentee voting -- we -- we were aware
20 that people who voted absentee were present in this town,
21 like it was also mentioned that elderly people, okay? They
22 had already voted, who brought them over -- there was
23 information about the director of human services here in
24 town --

25 CHAIRMAN PENA: Is --

1 MR. LOPEZ: -- who were brought over for -- to
2 vote.

3 CHAIRMAN PENA: Is there something illegal going
4 on with absentee voting?

5 MR. LOPEZ: In my opinion, if they're going to be
6 here in town, I mean, that is why we have the election.

7 CHAIRMAN PENA: Are you saying that, because
8 people live here and have one of those six or seven reasons
9 for voting absentee, they ought not to vote absentee, but
10 vote in person?

11 MR. LOPEZ: The people that I was aware of that
12 voted absentee -- they were here in town.

13 MS. GARCIA: That's my question. Your statement
14 was that the absentee vote was abused "in my view". Given
15 that the statute provides a variety of reasons for you to
16 vote absentee, is that your only reason that you believe it
17 was abused was because the person who voted was actually
18 here?

19 MR. LOPEZ: What I'm saying is that -- and I just
20 mention that -- that, in my opinion, the people that I was
21 aware of that voted absentee -- they were here in town.

22 MS. GARCIA: But do you realize that, under the
23 statute, that's not per se illegal? Are you aware of that?

24 MR. LOPEZ: Well, in my opinion, I'm not going
25 to -- I'm not going to tolerate that. I mean, it's not

1 acceptable for me -- for me personally, and I don't
2 appreciate your laughing also.

3 MS. GARCIA: Do you think that, if you vote
4 absentee or a month before or if you vote on election day,
5 that somehow your election vote is going to be different,
6 or -- what is it that you find --

7 MR. LOPEZ: Oh, no. I'm aware of those cases.
8 People that are not going to be here -- that are in the
9 university -- that they're going to have to go out -- out of
10 the town. I'm aware of that. I mean, I agree to that.
11 That's a special -- yeah. I'm aware of that.

12 MS. GARCIA: No, what I'm asking you --

13 MR. LOPEZ: But when people are here in town and
14 they vote absentee, that to me is not --

15 MS. GARCIA: But are you aware that, under the
16 statute, that's not illegal, sir?

17 MR. LOPEZ: Okay.

18 MS. GARCIA: Okay. The other --

19 MR. LOPEZ: But it is not acceptable for me.

20 MS. GARCIA: Okay.

21 MR. LOPEZ: If I know that those people were here
22 and they were voting as absentee.

23 MS. GARCIA: Okay. And, sir, you're aware of the
24 two court cases challenging elections?

25 MR. LOPEZ: Yes.

1 MS. GARCIA: And you're aware of those outcomes as
2 well?

3 MR. LOPEZ: I'm aware of the last court case that
4 we had.

5 MS. GARCIA: And you're aware of the results.

6 MR. LOPEZ: Yes.

7 MS. GARCIA: That the judge found.

8 MR. LOPEZ: Yes.

9 MS. GARCIA: And you're aware of the two
10 investigations that have been conducted in this county?

11 MR. LOPEZ: I'm aware of the one where the
12 Maricopa County Sheriff was here in town.

13 MS. GARCIA: Okay, and you're aware of those
14 outcomes as well.

15 MR. LOPEZ: Yes.

16 MS. GARCIA: And you agree with those results as
17 the mayor had indicated earlier, that they found five, at
18 the most, people who were unauthorized to vote?

19 MR. LOPEZ: I don't agree to that, but if that's
20 the outcome, I'll respect that.

21 MS. GARCIA: No, I don't mean if you agree with
22 the judge or not. Do you agree that that was the
23 outcome -- the findings of the judge, sir?

24 MR. LOPEZ: If those were his findings, those were
25 his findings, but I don't agree to that.

1 MS. GARCIA: So you don't know what his findings
2 were, sir?

3 MR. LOPEZ: I'm aware of his findings --

4 MS. GARCIA: So what were his findings?

5 MR. LOPEZ: That only five people were found
6 that -- that were -- that they voted illegally and that that
7 was not sufficient to overrule.

8 MS. GARCIA: And you just indicated that, as a
9 newcomer to this country and all, that you believe in the
10 rule of law and you proceed to challenge in court --

11 MR. LOPEZ: Newcomer to this country? I'm not a
12 newcomer to this country.

13 MS. GARCIA: Okay, you'd indicated in '76 or
14 whatever.

15 MR. LOPEZ: No. I didn't indicate 1976.

16 MS. GARCIA: Okay. I thought that's what you had
17 stated, but you indicated earlier in your statement that you
18 believe in the system, that you believe in the rule of law
19 and, when you have a challenge, you take it to court.

20 Do you respect the findings here? You
21 challenged -- or there were some challenges made and there
22 were some court conclusions, and that was -- those were the
23 findings of the court.

24 MR. LOPEZ: I respect the outcome. I have to.

25 MR. ZAZUETA: Mr. Chairman. On the clean

1 politics, as you mentioned, and you mentioned a lot of wrong
2 political influence from the South, from Mexico, and so
3 forth, did you see any wrong political influence from the
4 North, from the county attorney's office, or from this
5 person that lost the election, the supervisor that lost the
6 election? Did you see any wrong political influence from
7 the North?

8 MR. LOPEZ: What do you mean by "the North"? Up
9 by the --

10 MR. ZAZUETA: The county attorney and the
11 supervisor that lost.

12 MR. LOPEZ: These are very touchy issues -- I
13 mean, for -- you're talking about for the North -- this is
14 what the impression that I get from the -- they even
15 said -- that's why they sent the sheriff from Maricopa
16 County and _____ also stated that.

17 It is -- I mean, there's controversy. That's the
18 way it is. I'm not going to say one is wrong, the other one
19 is right, or whatever. I just feel that we need clean
20 elections.

21 They know the procedures, like up north. They
22 knew what they have to do. That is their function, and I
23 cannot testify to that.

24 MR. ZAZUETA: You didn't see any.

25 MR. LOPEZ: No.

1 MR. ZAZUETA: Thank you.

2 (Pause.)

3 MR. PAZ: I want to stay away from the clean
4 election because that's another issue.

5 MR. LOPEZ: Yes, sir.

6 MR. PAZ: I want to get back to your absentee.
7 You did say that there is some improprieties with absentee
8 ballots.

9 MR. LOPEZ: Exactly.

10 MR. PAZ: Did you challenge any of those absentee
11 ballots?

12 MR. LOPEZ: No.

13 MR. PAZ: Are they just personal observations?

14 MR. LOPEZ: Personal observations.

15 MR. PAZ: Is San Luis a migrant town?

16 MR. LOPEZ: Yes. Mostly.

17 MR. PAZ: Mostly. What percentage?

18 MR. LOPEZ: I'm not aware.

19 MR. PAZ: Would you say that San Luis was made by
20 migrant people?

21 MR. LOPEZ: Yes.

22 MR. PAZ: So the right to vote is hard to obtain,
23 correct?

24 MR. LOPEZ: Not necessarily.

25 MR. PAZ: If it's a migrant town and many of these

1 people go and come, then the vote -- and they're not here
2 during a certain time -- is it hard to obtain the vote?

3 MR. LOPEZ: I don't understand your question.

4 MR. PAZ: Well, as a migrant community, it means
5 that people come and go, work, come back, go work all over
6 the place.

7 MR. LOPEZ: Uh-huh.

8 MR. PAZ: But they have a place that they call
9 home.

10 MR. LOPEZ: Uh-huh.

11 MR. PAZ: Is San Luis like that?

12 MR. LOPEZ: Yes.

13 MR. PAZ: So the voting -- getting the votes or
14 voting is difficult, right?

15 MR. LOPEZ: Yes, it is difficult.

16 MR. PAZ: Okay. So, again, is it twice as hard to
17 be an American citizen in San Luis?

18 MR. LOPEZ: Probably so.

19 MR. PAZ: Thank you.

20 CHAIRMAN PENA: Anymore questions?

21 (No audible response.)

22 CHAIRMAN PENA: If not, thank you very much.

23 MR. LOPEZ: Thank you.

24 CHAIRMAN PENA: We now have Mr. Bob Phillips.

25 (Pause.)

1 BOB PHILLIPS

2 Yuma County Supervisor

3 Mr. Chairman and board members, I'm Bob Phillips,
4 Yuma County Supervisor, and the only thing I'm up here to
5 say is that I do know there's some irregularities that went
6 on down here in this election. I did not witness them.

7 The county sheriff called me the morning of the
8 election, the last general election, and told me how I
9 should get down here to San Luis because of some problems
10 down here in the voting process, and then the newspapers
11 called me and some other person that I don't remember, and I
12 told every one of them that I did not have any business down
13 here trying to influence these people, and they should call
14 in the Justice Department or have the sheriff's office to
15 come down and look at it.

16 I don't think any politician has any right to be
17 down here trying to influence the voters' actions, and
18 that's the only thing I know, that I was -- I do know there
19 was trouble down here: harassment of voters -- because I
20 got it from three different sources. That's all I have,
21 sir.

22 CHAIRMAN PENA: Thank you very much. Any
23 questions?

24 MR. PAZ: Could you just be specific on the times
25 that you were told there was harassment here?

1 MR. PHILLIPS: I would say it was approximately
2 9:00 o'clock when I got the first call and probably 9:30 on
3 the second call on the day of the general election, the last
4 general election.

5 MR. PAZ: And what was the harassment about?

6 MR. PHILLIPS: They just said there was trouble at
7 the polls, and there were people being challenged,
8 and -- personally, I had a feeling I may be set up to
9 be -- somebody could charge me with coming down to influence
10 some voters. That's the reason I stayed away.

11 MR. PAZ: And you'd never seen
12 harassment -- you've never seen --

13 MR. PHILLIPS: I've never seen harassment. I was
14 just told this by phone.

15 MR. PAZ: Did you ever see an investigation of
16 people that were legally here?

17 MR. PHILLIPS: I know of the investigation because
18 I'm a county supervisor, but I tried to stay completely away
19 from it. I mean, this is my town. I represent it. I
20 represent the semblance -- and so forth -- but I try to stay
21 away from this whole situation because I have to represent
22 whoever is elected.

23 But I do know that there is harassment that is
24 going on -- I mean, by the phone call.

25 MR. PAZ: Okay. Harassment by whom? You know

1 that there is harassment going on by whom?

2 MR. PHILLIPS: It was one of the candidates'
3 father, they told me -- and that is something else. I
4 cannot testify for sure that it was his father because I
5 didn't see the man. It's just by phone call I received.
6 Two phone calls.

7 MR. PAZ: As the county supervisor, I'm sure
8 you're aware of the activity by the county attorney's
9 department in investigation --

10 MR. PHILLIPS: Yes, sir.

11 MR. PAZ: Can you tell us about that?

12 MR. PHILLIPS: No. He informed us that there was
13 an investigation -- the sheriff's office was investigating
14 it, and this had been an ongoing problem for a long time,
15 and I -- I feel like the town of San Luis is being used as a
16 whipping post for anybody that has any complaints.

17 MR. ZAZUETA: Mr. Chairman. As a supervisor, sir,
18 do you have any recommendations to make at this time how we
19 can resolve this problem?

20 MR. PHILLIPS: No, sir, I don't. I wish I did
21 have. I sincerely wish I had some answers for that.

22 MR. ZAZUETA: Thank you.

23 CHAIRMAN PENA: Thank you very much. We will now
24 hear from Frank Molina. Please identify yourself and tell
25 us who you represent.

FRANK MOLINA

1
2 Frank Molina -- I represent myself. I resided in
3 San Luis since 1981, and since '81 I've noticed a reputation
4 that we've gained in the political world, and I've heard
5 this word "intimidation" being used back and forth.

6 I was present at the November elections and
7 personally I wasn't intimidated, being politically
8 appointed -- I can't be intimidated.

9 But I did felt (sic) that I was discouraged. From
10 a personal knowledge, there's only nine Republicans,
11 including myself, registered in San Luis, Arizona.

12 I voted at 7:30 in the morning so that I could get
13 to work in Yuma in time, as I do every election. There were
14 six people working the precinct and one heard person and Mr.
15 _____ father was there also. I know I'm not
16 supposed to use him -- but they were there.

17 The people ahead of me were being challenged, and
18 I feel -- this is personal -- I feel that what they
19 had -- before they tell you -- Democrat, Republican -- so
20 they have beforehand information what your affiliation is.

21 They were being challenged. I wait five, ten,
22 fifteen minutes, and I told the lady -- I says, "Hey, I have
23 to go to work." And she said, "Sir, you just be calm there.
24 Be calm." "I have to go to work," I says. There's six
25 other people sitting here doing nothing, absolutely nothing.

1 I said, "If you must challenge that person or that
2 other person, there's three other tables over there. Remove
3 them from the line and challenge them over there." "Sir, if
4 you don't like the process, call my supervisor."

5 I happen to be the student -- governor
6 coordinator -- and I happen to have students from the three
7 high schools working within the county system, so I called
8 _____ from the county administrative services to
9 report this because first of all, the lady that was doing
10 all the challenging instructed me to do so. But I would
11 have done that on my own because I was pretty upset.

12 So intimidated, I wasn't. Discouraged, I was, and
13 I wasn't the only one. Just remember that I was there
14 approximately 25 minutes.

15 There was people disappearing from the line in the
16 back. I don't think it was because they were intimidated
17 because they were not registered voters. I think, like
18 everybody else, we have to go out and make a living, and
19 they had to get to work.

20 So we lost votes there, or whatever, you know. I
21 say I'm a Republican. That's my philosophy.

22 The point is this: that we have created the
23 situation on both sides.

24 To my knowledge, this started back with
25 _____ when he lost the election. At that time

1 he said the San Luis political machine had all the voters in
2 their pocket. They don't have me and maybe the other
3 Republicans are not enough, but they don't have us in their
4 pockets.

5 We're gaining a reputation here that anytime
6 something goes wrong we are the ones that are investigated.

7 I'm not saying that we're not to blame. We
8 created it because we'd let it gone this far, you know.

9 The people that were discouraged that morning,
10 including myself, were deprived of something that we've been
11 practicing -- I've been practicing all my life.

12 I did not come from the other side of the border.
13 I was born and raised in the United States.

14 I feel intimidated to this certain area only.

15 If somebody looks at that paper and says, "Oh,
16 he's a Republican; he's okay," you know, I'm an American
17 citizen. A political party just happens to be a part of
18 that, and that was discouraged -- discouraged to the point
19 where I don't even feel like, you know, is it worth it. Is
20 it worth voting anymore?

21 And if you want apathy to set into this town, this
22 thing continues and you guys don't do anything about it, you
23 know, intimidation is a hard word, and you guys are looking
24 for hard facts, but you know what -- what is the line
25 between intimidation and discouragement?

1 For intimidation, you can get somebody and put
2 them in jail, probably, or some civil offense or something.

3 But for discouragement, the political -- the
4 politicians on both sides of this issue and the ones in Yuma
5 County are well aware of -- they play hardball. They're
6 well aware -- aware -- well -- of the guidelines. They are
7 not going to intimidate you directly because they'll be held
8 responsible, but they will discourage you, completely
9 discourage you, like they did that morning.

10 I'm telling you the truth. I was there. I called
11 the county offices, let them know what was going on. 7:30
12 in the morning, I was there. The county opened at 8:00. I
13 let them know at 8:05.

14 Yet this thing continued the rest of the day. If
15 the county was aware of what was going on, why did the
16 county not send a monitor? Why send six precinct workers
17 and a head person if five of them -- six of them are going
18 to be sitting down?

19 Why -- I ask why. Why. Six people there doing
20 nothing and letting one person manipulate the whole election
21 process, holding up the line. Intimidating? No.
22 Discouraging. That's all I have to say.

23 CHAIRMAN PENA: Mr. Molina, so while you were
24 watching the challenging ahead of you, it also appeared that
25 several electors were discouraged.

1 MR. MOLINA: Correct. That is correct.

2 CHAIRMAN PENA: They left -- and, to your
3 knowledge, they never came back.

4 MR. MOLINA: Not at all. Not while I was there.
5 And I stayed there till 8:00 o'clock, like I say.

6 I had to go to Yuma. I called the county about 10
7 after 8:00.

8 CHAIRMAN PENA: When you say "several", can you
9 put a figure on that? Thirty?

10 MR. MOLINA: No, no -- when I say "several", I
11 wouldn't say more than 10.

12 CHAIRMAN PENA: Any questions?

13 MR. ZAZUETA: Mr. Chairman, Mr. Molina, I'll ask
14 you the same question I asked the supervisor. You want us
15 to do something. What's your recommendation, coming from
16 this area?

17 MR. MOLINA: First of all, I think your part
18 should be very small. I think our part should be bigger.
19 We need to clean up our act. We need to start playing the
20 game like it should be played. We have to police ourselves,
21 okay?

22 I'm looking at it from -- not from a partisan or
23 anything. I'm looking at it from myself. I've watched this
24 game being played since 1981. It's very hard for me
25 personally -- I enjoy living in San Luis, but it's very hard

1 for me not to sit back and laugh sometimes at the things
2 that go on politically.

3 And maybe I'd been laughing for too long. Maybe
4 it's time I spoke up and took a position and let it be
5 known.

6 So like I say, your part should be minimal, but
7 our part -- that's going to be the hard part.

8 CHAIRMAN PENA: Any other questions? Staff
9 questions?

10 (No audible response.)

11 CHAIRMAN PENA: If not, thank you very much. I'm
12 going to let Bob Phillips come up again for a brief
13 statement.

14 MR. PHILLIPS: I'm sorry to come up again, but you
15 asked me a question I think I may have an answer to. You
16 asked for some recommendations.

17 I would like to see a letter from this board
18 addressed to the county board of supervisors asking that we
19 completely change all of the poll workers in this county on
20 both sides, I mean Republicans and Democrats.

21 I think some of these people get entrenched, and
22 that would be my recommendation.

23 CHAIRMAN PENA: Thank you very much. We'd like to
24 hear now from Judy Pimberton. Please identify yourself and
25 who you represent.

1 JUDY PIMBERTON

2 I'm Judy Pimberton. I'm the newly elected county
3 chair of the Yuma County Democratic Party. I'm a native of
4 Yuma Valley, Yuma, Arizona, and a concerned citizen, and I
5 represent all three today.

6 Mr. Chairman, committee members, first of all I
7 want to thank you for coming to this -- to San Luis today to
8 take part in this hearing and to hold this hearing.

9 I have expressed to Mr. Montez my nervousness when
10 speaking before a group and that I try to place myself in
11 most times and positions where I don't have to speak in
12 front of a group.

13 However, I do serve as an officer on numerous
14 boards and commissions, not only on the county level, but I
15 serve on the state level.

16 Public speaking is not easy for me, especially
17 when I feel very upset or concerned about a personal matter
18 like this, and I'd like to say that I admire the older
19 ladies, the older ladies that spoke earlier today. It took
20 great courage, I'm sure, because it makes me nervous and I'm
21 sure they probably have less experience than I do, so I
22 admire them for coming today.

23 I did give my comments to Mr. Montez in
24 approximately a two-hour interview with him the other night,
25 so I think he pretty well has a comprehensive report of any

1 of my knowledge of any activities that have gone on in this
2 precinct.

3 I too am here today on a fact-finding mission.
4 I'm here to listen to the testimony. I serve a two-year
5 term in my capacity as chairman of this Yuma County
6 Democratic Party.

7 I hope to be able to deal with situations that may
8 arise similar to what has happened in this precinct in that
9 two-year period or if it should raise its head in any other
10 of the 31 precincts in this county.

11 If, from your testimony, you find cause that the
12 rights of the voters have been violated in Precinct 22, I
13 ask that you take whatever action is necessary to stop this
14 practice.

15 As one who lives -- again, I say, in Yuma
16 Valley -- I'm a native -- I've lived here all my life in the
17 lower valley and active in the county and community
18 activities, I'm very concerned with this -- just the
19 testimony that I've heard here today. I've heard rumors;
20 I've heard hearsay. I have not been down to Precinct 22
21 during the election day.

22 In the general election, I was at headquarters. I
23 became chairman of this party shortly before the primary,
24 and I can tell you what a challenge that's been, to become a
25 chairman of a major party approximately 30 days before an

1 election.

2 But I was busy at headquarters. I received a call
3 from _____ at approximately 9:30 -- I don't know
4 what time it was.

5 But he was very concerned about what was going on
6 down here.

7 I faxed what I thought was a legal paper that
8 would place him as our party observer and, to my knowledge,
9 he served in that capacity or the alternate did for that
10 day. I was not able to get down here myself that particular
11 election.

12 As the county chairman of the Democratic Party of
13 Yuma County, I will weigh the testimony that I've personally
14 heard here today and do what I believe is needed in my
15 capacity as chair to improve the voting process in Precinct
16 22.

17 If that involves replacing the Democratic
18 representatives on Precinct 22's polling team, I will do so.

19 The comment was made earlier about one-sided
20 participation here today. Frankly, I'm disappointed not to
21 see the chairman of the Republican Party here today or even
22 some of those that felt so strongly that they had to be
23 involved in the activities that we've heard took place the
24 day of the election. If it was so important then, why
25 aren't they here today?

1 Absentee voting has been addressed in the comments
2 today. I probably couldn't quote you the six reasons for
3 absentee voting, although I've seen them a hundred times,
4 and I am aware that weather has been added as another reason
5 that you can vote absentee.

6 I am in the process right now as a county chair,
7 trying -- what I can do to help the Summerton area, the San
8 Luis area, any other area that I feel has a valid cause to
9 make absentee balloting -- absentee voting available to
10 those precincts that need it and those individuals that need
11 it.

12 There is a great need in Precinct 22 for absentee
13 voting because of the employment -- they leave early, they
14 get home late. They have not had an opportunity to cast
15 their vote.

16 But employment's not the only reason. We have
17 people, because of their age or their physical
18 disabilities -- everyone that is a registered voter should
19 have a right to vote, and I will do what I can in my power
20 to ensure that they are able to practice that right.

21 So, therefore, we will be making request forms
22 available to people that would like to request an absentee
23 ballot in this upcoming election.

24 You've asked what do we people here today expect
25 you to do about this. You are more familiar with your

1 jurisdictions and what your responsibilities are than I am.
2 You have got and received more information than I've heard
3 here today because you've had people in town interviewing
4 people and I'm not privileged to all that information.

5 Personally, all I ask, as far as your part, that
6 you do whatever it takes to put a stop to what we've heard
7 here today. Thank you.

8 CHAIRMAN PENA: Thank you very much. Any
9 questions?

10 (No audible response.)

11 CHAIRMAN PENA: If not, thank you. We will hear
12 from Maria Luz Hollos.

13 MS. HOLLOS: Thank you. When I wrote my --

14 CHAIRMAN PENA: Would you identify yourself?

15 MARIA LUZ HOLLOS

16 Oh, I'm sorry. My name is Maria Luz Hollos, and
17 I'm an American citizen and a resident of San Luis, Arizona.

18 Before I had raised my hand -- because I felt I
19 was being alluded to when someone said -- talked about
20 absentee voting.

21 I was one of the persons who voted because, in my
22 work place, we were supposed to have a workshop on that day,
23 and of course I didn't want to miss out on voting because
24 it's something very special to me.

25 It so happened that the workshop did not take

1 place, and I was fortunate enough to be here.

2 Since I would not have been teaching that day
3 anyway, if the workshop had taken place, I asked for time
4 off to be present, and I was chosen as the poll -- and
5 that's the reason I was there.

6 I never felt that that was illegal, and I felt
7 very happy that I had covered bases just in case.

8 I do know of four cases -- two are my cousins and
9 two are my nephews -- that heard about what might happen if
10 they voted in absentee, or since -- it's not too clear what
11 is legal or not legal here, when you vote, or where
12 you -- if you sleep in San Luis one night and one night
13 here. You don't know -- there is not anything very clear
14 about residency.

15 They chose not to vote, so I know we lost four
16 votes there. I don't know to who -- or, you know, who they
17 would vote for, but I know that we lost them, and I was
18 sorry because I know what it represents.

19 And I wrote something here because I guess we all
20 get nervous, but I want to express this.

21 Although I am an American citizen, I had not lived
22 in the U.S. since I was nine years old until four years ago.
23 I was excited because I was finally going to -- among other
24 things -- going to be able to vote.

25 I, as many other Mexicans -- newcomers to the

1 state -- am very susceptible to any type of intimidation, be
2 it language, be it attitude, and the first time I voted I
3 was approached by someone. It was just a question, but even
4 if I knew I was legal all around, I became nervous anyway.

5 Later on, I've considered what other people feel,
6 those who have little knowledge of the English language, who
7 have recently become citizens and who may be voting for the
8 first time, who may not feel competent in some manner.

9 How easily we might be intimidated. We are hard-
10 working people. We want comfort and we want peace.

11 If exercising our right to vote gets us into a
12 full-blown county-wide political problem, we may not want to
13 vote again.

14 I'm sure that the people who have invested many
15 hours in using psychological methods of intimidation must
16 feel very happy of their success. They have undermined the
17 possibilities of making the voting process a simple act of
18 expressing their desires without retaliation.

19 It will take an immeasurable amount of time and
20 effort to win back people's confidence and participation.

21 Intimidation has become, according to many
22 parents' comments, a common practice by some people, even in
23 our schools.

24 I have been told that people want to do something
25 about it, talk to someone out of the county because they

1 find it difficult to go past certain points with their
2 complaints. I wish I knew how to help, where to go, because
3 my community's future is at stake.

4 San Luis has become the laughing stock in the
5 county politically and educationally, and that hurts. It
6 really hurts. Thank you very much.

7 CHAIRMAN PENA: Thank you. Any questions?

8 (No audible response.)

9 CHAIRMAN PENA: If not, then, thank you very much.
10 We'll hear from Joe Harper.

11 ALEX JOE HARPER

12 Good afternoon. My name is Joe Harper -- Alex Joe
13 Harper, and I'm a registered voter in the San Luis precinct.

14 I have lived here since '87 and when I came here,
15 I was -- I'd been coming here for quite awhile and was aware
16 of the community and whatnot.

17 And I do feel that there's a certain amount of
18 intimidation, and I think that the facts show this.

19 One of the things that I would like -- two things
20 that I would like to -- that I would like to say is right
21 after the election -- after the -- I guess the opposition
22 party decided to take the -- take the other party to court,
23 there was quite a bit of investigation going on by them, and
24 there was what I felt at that time was harassment going on.

25 There is three or four cases -- I don't remember

1 exactly how many, but there's some cases recorded at the
2 police department -- had I been aware of the fact that I was
3 going to do this, I would have probably asked if they could
4 have been brought to us.

5 These cases concern the other party, not anybody
6 with any authority whatsoever to go question somebody about
7 whether or not they were legal voters. They went to their
8 house. They told them explicitly that they could face up to
9 five years in prison if they did not tell the truth and come
10 forth and say that they were not actual people that were
11 voting illegally because they were not residents of this
12 area.

13 And like I say, you can probably get those
14 complaints, and I don't even remember the names of the
15 people at this time -- I also get nervous when I talk.

16 The other thing that happened, I happened to be a
17 poll watcher, as _____ was, and I heard Mr.
18 _____ say that he did not make any direct
19 challenges.

20 There were written challenges signed by Mr.
21 _____ saying that he had gone to this house and
22 investigated, that those people were not legal.

23 Luckily, we were able to let most of the people
24 vote at that time, and they were -- they just signed
25 affidavits and went on and voted.

1 There was a case that -- one of the -- I guess
2 that it hurt me deeply because this young man is a member of
3 the armed forces. He was in the Navy at the time, and he
4 was overseas. He voted absentee, and he was as -- to my
5 knowledge, he was probably the only one that I know -- his
6 vote was thrown out because supposedly this kid was
7 not -- was not a legal voter.

8 If we can't vote when we're in the service, what
9 else?

10 There was a lot of beautiful words said in these
11 statements, and I guess you people are aware of most of the
12 people that were either challenging in the courts or
13 challenging the people from their way of speaking.

14 I feel very strongly that we need to do something
15 about this intimidation. The type of people, talking about
16 migrant people, and the type of people that are citizens in
17 this area, are people that can very easily be intimidated
18 because they are not really used to our ways.

19 I feel that this is one of the things that we need
20 to -- that we need to address more than anything.

21 I do not remember the city manager as I was most
22 of the day there, for Mr. _____ being in the
23 building, during this -- the election process that was going
24 on.

25 I do remember tapping Mr. _____ in the

1 shoulder and taking him out of there because he was in the
2 voting table .

3 I guess, if I was to say something about what we
4 need in this area, I think that we need education more than
5 anything. I think that the people here need to be educated
6 in our ways and our methods of doing things.

7 As you can see, there was people in supposedly
8 high offices in this area that really don't understand the
9 process or the laws of this country. We need that more than
10 anything.

11 As far as my feelings, I was one of the ones that
12 was challenged in the -- in the last election in the
13 gubernatorial election. I was also one of the ones that was
14 challenged in the prior election. I went to court and I
15 felt that, because -- I'm 50 years old, I have voted ever
16 since I was 21 years old. I had never been challenged in my
17 life until I came to this town, and I've been challenged on
18 the last two elections, not necessarily because I was a
19 Mexican or -- I am a Mexican -- I'm a Mexican descent, but I
20 wasn't challenged necessarily because I was a Mexican. I
21 was challenged because I was on the opposition party, and
22 they were looking for a way or a method of doing things. I
23 don't think that that's right.

24 I think -- in the first place, I think the
25 challenging -- if you're going to challenge somebody,

1 especially in writing, I feel that you are stepping on
2 somebody's rights and that there should be something very
3 definite in their mind in order to do that.

4 My name not only came out in the Mexican paper; it
5 also came out in the Arizona Republic because I felt that I
6 should back somebody.

7 I'm a Republican but -- and _____ is a
8 Democrat. I backed the man because I think he's the better
9 man, and I think it's just the way our system should be.

10 When Mr. _____ -- I guess he didn't
11 know -- 'cause I came in. He said, "I want to challenge
12 your vote." So I turned around and I asked him, "Why are
13 you going to challenge my vote?" He said, "Because you're
14 not a resident of this city."

15 I said, "Well, I guess the only thing I could do
16 is take you home so you can see where I live," and I said,
17 "You know, it kind of bothers me that I'm probably" -- and I
18 didn't know that Mr. _____ was a
19 Republican -- I'm probably the only Republican here, and
20 "you're going to challenge my vote," but that's beside the
21 point.

22 That -- to me, that isn't -- it isn't as
23 demeaning, I guess -- it is not -- it isn't something that's
24 going to intimidate me, but I do understand because I know
25 my people, that they will get intimidated. Their background

1 is different than most of ours, and they will get
2 intimidated to this point.

3 I thank you very much for the opportunity to speak
4 to you.

5 CHAIRMAN PENA: Thank you. Any questions?

6 (No audible response.)

7 CHAIRMAN PENA: Thank you very much. That is all
8 the names that we have on the list.

9 There have been several names -- persons named by
10 people who have been testifying, and it is the policy of the
11 Civil Rights Commission that personal names are not included
12 in the record.

13 The reporter is instructed to delete all personal
14 names from the record, except ours. The names that have
15 been mentioned by the speakers.

16 (Discussion held off the record.)

17 CHAIRMAN PENA: My own personal opinion is I
18 believe that there is sufficient cause for this committee
19 to make some kind of recommendation as to the requirement to
20 the Civil Rights Commission -- so I will leave it up to you
21 to --

22 MR. ZAZUETA: Mr. Chairman, would you entertain a
23 motion?

24 CHAIRMAN PENA: I would.

25 MR. ZAZUETA: I'd like to make a motion because I

1 feel the same way you do, Mr. Chairman, that there is
2 sufficient cause for the Arizona Advisory Committee of the
3 U.S. Civil Rights Commission to request the U.S. Attorney to
4 monitor the next San Luis elections.

5 MS. WATSON: Second.

6 CHAIRMAN PENA: There is a second. I'd like
7 to -- would you clarify when the next election in San
8 Luis -- are you saying the 26th of February?

9 MR. ZAZUETA: To be specific, the 26th of
10 February, the governor's election.

11 CHAIRMAN PENA: And your specific request is just
12 San Luis not other parts of Yuma County?

13 The question before you is -- and has been
14 seconded. The motion -- is there any discussion?

15 (No audible response.)

16 CHAIRMAN PENA: All those in favor say "aye"?

17 MEMBERS: Aye.

18 CHAIRMAN PENA: Opposed, "no"?

19 (No audible response.)

20 CHAIRMAN PENA: The "ayes" have it. It is so
21 ordered. That concludes the business reports today. Thank
22 you very much.

23 Oh, excuse me just one second. I forgot we need
24 to recognize Mr. Montez.

25 MR. MONTEZ: I just want to make a statement



1 before the committee adjourns that the investigation is
2 still continuing, as I mentioned to you last night in our
3 meeting, and that we will be back in and out of San Luis and
4 Yuma County and, if there's any citizens that have comments
5 to want to make and we're not interested in winners or
6 losers -- we take comments from everybody -- I have been
7 accused of not talking to everybody. Well, I can't talk to
8 everybody in Arizona. I'm only one old man who tries to get
9 his job done.

10 The other thing I want to suggest, if I may, to
11 the committee, that -- well, I want to -- just to clear the
12 record, I have tried to establish communication with the
13 chairman of the Republican Party. We have had a difficult
14 time in trying to set up the time, but I will be talking to
15 him as part of the investigation.

16 The other thing I wanted to say that the sheriff's
17 department was extremely cooperative with our investigation.

18 We have all of their reports, that I mentioned to
19 you last night that I will be submitting to you as part of
20 our overall report, and I just wanted to make that comment
21 because it's very important that we not let people know that
22 we appreciate what they have done for us in this
23 investigation, and would it be possible in the motion that
24 was made, Mr. Chairman, that we get that letter out as soon
25 as possible to the U.S. Attorney? I guess the U.S.

1 Attorney's in Phoenix.

2 Because I would like to -- after the letter goes
3 out, I would like to come there and meet with the U.S.
4 Attorney, if possible.

5 CHAIRMAN PENA: As far as I understand, the action
6 should be immediate.

7 MS. GARCIA: And copies are sent to the Justice
8 Department in Washington, D.C.; is that correct, if we send
9 it directly to --

10 MR. MONTEZ: Well, I just wanted to see what kind
11 of response we get from the U.S. Attorney first and, if not,
12 then we can ask the Attorney General as to what they intend
13 to do about this. They may -- because I think they should
14 be put on notice --

15 MS. GARCIA: Yes.

16 MR. MONTEZ: -- that this thing is going on. They
17 may not be aware of it at all, the U.S. Attorney, and we've
18 got to give them an opportunity to respond.

19 MS. GARCIA: Am I correct in assuming that this
20 transcript, however, without motion, will proceed to the
21 Justice Department?

22 MR. MONTEZ: They will probably ask us for the
23 transcript, and I will send it.

24 MS. GARCIA: Because my concern is that the motion
25 only indicates that they monitor future elections, but I

1 think they should have a history of what's happened.

2 MR. MONTEZ: Right.

3 MS. GARCIA: Okay.

4 MR. MONTEZ: And we will try to get not only
5 the -- we'll try to get the report prepared for you soon
6 enough so that -- you know, I don't know if we can do it by
7 the 26th of February but, if we could get them in to
8 monitor, then we could ask for a full investigation from
9 them, on -- you know, which would be an outside
10 investigation -- it wouldn't have anything to do with people
11 in the county or anything else.

12 MR. PAZ: Okay, just my question -- maybe you
13 clarified it for me, but you said to monitor future
14 elections, and I think the motion specifies only to the one
15 on February 26th.

16 My contention is that the February 26th election
17 will not reveal too much primarily because it's a state
18 election involving two candidates.

19 I think that the motion ought to be amended to
20 include future elections so that we can really get a strong
21 grasp of the local scene.

22 So, Mr. Chairman, if you would entertain a motion,
23 I'll make an amendment.

24 CHAIRMAN PENA: We will consider a motion to
25 reconsider the previous motion.

1 MS. WATSON: So moved.

2 CHAIRMAN PENA: Motion's made by Ms. Watson.

3 MS. GARCIA: Seconded.

4 CHAIRMAN PENA: And seconded by Ms. Garcia. Those
5 in favor say "aye".

6 MEMBERS: Aye.

7 CHAIRMAN PENA: Those opposed.

8 (No audible response.)

9 CHAIRMAN PENA: The "ayes" have it. It is so
10 ordered, the new motion.

11 MR. MONTEZ: There were also some inconsistencies
12 in the testimony that do not -- are not verifiable by the
13 reports of the people who did the investigations. I have
14 those, and I want to, in the report, make those clear to
15 you, the inconsistencies.

16 Some of the testimony did not match what the
17 investigators said in the sheriff's report, so I want to be
18 able to keep that on the records so that you're aware
19 of -- you know, such as people say when they file complaints
20 and their names are not mentioned in the complaints. I want
21 to be able to make sure that you are aware of that. Thank
22 you, Mr. Chairman.

23 MR. PAZ: Mr. Chairman, I move that we request
24 that the -- that future elections also be monitored,
25 specifically local elections, the next local election.

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CHAIRMAN PENA: By the Attorney General?

MR. PAZ: By the Attorney General.

MR. ZAZUETA: Second -- accept the amendment.

CHAIRMAN PENA: You've heard the motion -- any discussion?

(No audible response.)

CHAIRMAN PENA: If not, those in favor say "aye".

MEMBERS: Aye.

CHAIRMAN PENA: Those opposed.

(No audible response.)

CHAIRMAN PENA: The "ayes" have it. So ordered.

Now, that concludes this hearing. I want to thank the committee members for being here today and all of those who took the time out to testify before us today. The meeting is adjourned.

(Whereupon, at 1:15 p.m., the above-entitled proceedings were concluded.)

CERTIFICATION

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This is to certify that the attached proceedings before
the Civil Rights Arizona Advisory Committee, in the matter of

(Name of Proceedings) Civil Rights Advisory Committee

(Date of Proceedings) January 19, 1991

(Place of Proceedings) San Luis, Arizona

were had as therein appears, and that this is the original
transcript thereof for the files of the Department of Commission.

[Handwritten Signature]
OFFICIAL REPORTER

Bermudes

HONORABLE MEMBERS OF THE COMMISSION:

I THANK YOU FOR THE OPPORTUNITY TO ADDRESS THE COMMISSION AND I WELCOME YOUR PRESENCE IN OUR CITY; HOPING THAT THE RESULT OF YOUR INQUIRES WILL HAVE A POSITIVE IMPACT IN OUR COMMUNITY.

I AM AWARE OF THE FACT THAT YOU HAVE BEEN CALLED TO BE HERE IN SAN LUIS BECAUSE OF THE ALLEGATION THAT THE RIGHTS OF VOTERS HAVE BEEN VIOLATED. I WILL ATTEST TO SUCH A FACT. I HAVE BEEN INVOLVED IN THE MAJORITY OF THE ELECTIONS IN SAN LUIS EITHER AS A CANDIDATE AND AS AN OBSERVER. I HAVE PERSONALLY WITNESS THE ABUSES ON THE PART OF INDIVIDUALS THAT TAKE ADVANTAGE OF THE IGNORANCE OF NEW COMER'S TO OUR CITY AS WELL AS NEW CITIZENS THAT ARE NOT WELL VERSED IN THE POLITICAL PROCESS OF THE UNITED STATES.

YES LADIES AND GENTLEMEN, THE RIGHTS OF THE LAW ABIDING REGISTER VOTERS OF SAN LUIS HAVE BEEN VIOLATED BY THE FACT THAT PERSONS, UNKNOWINGLY OR UNAWARE, HAVE BEEN COERCED TO VOTE WITHOUT ESTABLISHING THE NECESSARY REQUIREMENTS TO PARTICIPATE IN THE ELECTION PROCESS.

THE VOTE OF THE LEGITIMATE RESIDENT REGISTER VOTER IS VIOLATED WHEN THE VOTE OF AN NON-RESIDENT ANNULS THE VOTE OF THE RESIDENT.

THE CHARGE THAT ANGLOS HAVE COME HERE TO CHALLENGE OUR VOTERS IS BECAUSE OF THE IRRESPONSIBILITY OF THE INDIVIDUALS WHO HAVE PROMOTED SYSTEMATICALLY THE PARTICIPATION OF NON-RESIDENT REGISTER VOTERS IN OUR ELECTIONS. ALSO, THERE IS A LACK OF RESPONSIBILITY ON THE PART OF THE INDIVIDUALS IN CHARGE OF ELECTIONS, FOR NOT MAKING SURE THAT THE ELECTIONS ARE TRANSPARENT AND LEGAL. FOR THE PAST 3 ELECTIONS THERE HAVE BEEN CHARGES OF ILLEGAL VOTING. WE HAVE TAKEN LEGAL ACTION AND HAVE PROVEN THAT ILLEGAL VOTING HAS TAKEN PLACE. WE HAVE CHOSEN NOT TO CONFRONT THE VOTERS WHO HAVE PARTICIPATED IN THE ELECTION PROCESS, IN A COURT OF LAW, BECAUSE WE UNDERSTAND THAT THEY HAVE BEEN INSTRUCTED TO DO SO; AND WE CONSIDER THEM VICTIMS INSTEAD OF VIOLATORS. THIS ACTIONS IN THE COURT OF LAW HAVE CARRIED THE MESSAGE THAT THE LAW HAS CERTAIN REQUIREMENTS THAT MUST BE MET BEFORE AN INDIVIDUAL CAN PARTICIPATE IN AN ELECTION.

I CANNOT ATTEST THAT THIS IS A CONFLICT BETWEEN ANGLOS AND HISPANICS BECAUSE I HAVE CHALLENGED VOTERS AT THE POLLS. I HAVE POINTED OUT TO CITY OFFICIALS OF MANY VIOLATIONS OF ELECTION LAW. MY CRIES FOR RELIEF HAVE BEEN IGNORE. IN THE LAST GENERAL ELECTION, THE ELECTION BOARD WAS APPOINTED BY THE COUNTY ALLOWING A MORE IMPARTIAL PARTICIPATION FROM THOSE OF US THAT BELIEVED THAT MANY VOTERS WERE NOT RESIDENTS OF THE PRECINCT.

1.15

I WILL ALWAYS BE AN ADVOCATE FOR MORE VOTER PARTICIPATION. I WILL NOT BE AN ADVOCATE FOR THE PARTICIPATION OF NON-RESIDENTS OF THIS COUNTRY. I WILL ACTIVELY PURSUE THE PARTICIPATION ALL VOTERS OF THIS CITY BUT I WILL NOT ALLOW THAT OUR VOTES BE ANNUL BY ILLEGAL VOTERS. THIS COUNTRY HAS GIVEN US THE RIGHT TO VOTE FOR OUR GOVERNMENT OFFICIALS I WILL NOT STAND STILL WHILE LAWBREAKERS PROMOTE ELECTION FRAUD BY COERCING INDIVIDUALS TO PARTICIPATE IN THE ELECTION PROCESS WITHOUT THE LEGITIMATE RIGHT TO DO SO.

I WILL CONTINUE TO FIGHT FOR THE LEGITIMATE RIGHT TO HAVE CLEAN ELECTIONS. I DO HOPE THAT THE END RESULT OF YOUR INQUIRES PROVES OUR CASE.