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United States Senate

COMMITTEE ON APPROPRIATIONS

WASHINGTON, D.C. 20510

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May 8, 1970

Dr. Hector P. Garcia
Founder and National Chairman
American G I Forum of the U.S.
1315 Bright Street
Corpus Christi, Texas 78405

Dear Dr. Garcia:

Thank you very much for your thoughtful letter of April 11, 1970. I enclose a copy of my statement of May 5, 1970, on the Senate floor urging the removal of Judge Chargin from the bench of California. During the first week of April, I sent a telegram to the Chairman of the California Judiciary Qualifications Commission calling upon the Commission to promptly recommend removal of Judge Chargin in view of his demonstrated bias and inability to render impartial judgements in cases involving Mexican Americans. The Commission's subsequent recommendation that Judge Chargin be properly censured is clearly inadequate.

I intend to continue to strongly protest Judge Chargin's presence on the bench, and I appreciate your support of my position very much.

Sincerely,



Joseph M. Montoya
United States Senator

Enclosure
JMM:mc

STATEMENT BY U.S. SENATOR JOSEPH M. MONTOYA (D-N.M.) ON THE FLOOR
OF THE U.S. SENATE
May 5, 1970

EQUAL JUSTICE UNDER LAW: IN THEORY--IN PRACTICE

Mr. President: Some six months ago in this chamber, I described certain remarks officially recorded as having been made by Superior Court Judge Geràld S. Chargin of San Jose, California, at the sentencing of a 17 year old juvenile defendant. I again quote in part Judge Chargin's statement:

Mexican people, after thirteen years of age, this it is perfectly all right to go out and act like an animal We ought to send you out of the country--send you back to Mexico. You belong in prison for the rest of your life for doing things of this kind. You ought to commit suicide. That's what I think of people of this kind. You are lower than animals and haven't the right to live in organized society--just miserable, lousy, rotten people.

* * * * *

Maybe Hitler was right. The animals in our society probably ought to be destroyed because they have no right to live among human beings.

Mr. President, despite this clear evidence of Judge Chargin's personal attitude toward the Spanish-speaking community, he remains on the bench in California. This is an intolerable situation. Do the words "Equal Justice Under Law" no longer have any meaning for those Americans who do not happen to conform to Judge Chargin's ideal? Are we to permit an officer of the judiciary to determine to whom the Bill of Rights shall apply?

The California Commission on Judicial Qualifications recently concluded that Judge Chargin's action "constituted conduct prejudicial to the administration of justice that brings the judicial office into disrepute." The Commission recommended to the Supreme Court of California that Judge Chargin "be publicly censured."

The Judicial Qualifications Commission is guilty of understatement, to say the least, in characterizing Judge Chargin's remarks as "conduct prejudicial to the administration of justice." I do not believe that Judge Chargin should be permitted to remain on the bench. My opposition to his continued presence on the bench results not from a desire to personally attack Judge Chargin, but from my conviction that the less-privileged members of our society must be given adequate reason for respecting the judicial system in this country. I do not think it is realistic to anticipate their respect for a system that tolerates obvious disdain on the part of a judicial officer for an entire ethnic group. Despite Judge Chargin's personal beliefs, the words "Equal Justice Under Law" are not followed by the phrase "except in cases involving Spanish-speaking Americans." I call upon the Governor of California and the Supreme Court of California to remove Judge Chargin from the bench. We must live up to the promise of American justice; we must not tolerate in our judiciary those who refuse to abide by that promise.