

NUECES COUNTY NAVIGATION DISTRICT NO. 1

P. O. BOX 1541

CORPUS CHRISTI, TEXAS 78403

TELEPHONE: 512-882-5633

• TWX: 910-876-1446

November 7, 1977

Hector P. Garcia, M. D.
1315 Bright
Corpus Christi, Texas 78405

Dear Dr. Garcia,

I certainly appreciate and feel extremely honored to be invited to attend the Testimonial Dinner for Tony this Friday. Unfortunately, I am to be in College Station attending a Council Meeting of the Association of Former Students beginning that evening. Normally I would cancel my trip to the Council Meeting to attend such an event, however, I am president of the local affiliate and my attendance is mandatory.

If I may be of any assistance to you or the American G.I. Forum on this matter, or any other, please let me know.

With kindest personal regards, I remain

Sincerely yours,

Dennis R. Parrish
Director of Public Affairs

P.S. Your support of the Deep Water Port was invaluable. Your statement that you read into the record was outstanding and I have made several copies to mail to other key individuals involved in this project across the nation.

xc: Mr. Harry G. Plomarity
Mr. William E. Carl

DRP/kw

**NAVIGATION
COMMISSIONERS**

WILLIAM E. CARL
Chairman

JAMES C. STORM
Vice-Chairman

EDDIE GALVAN
Secretary

T. D. SEXTON
Member

MACK B. NORRIS
Member

R. E. SALLEE
Chairman Emeritus

•••

HARRY G. PLOMARITY
Port Director

DUANE ORR
Director of
Industrial Development
and Planning

PHILIP OETKING, PH. D.
Director of
Environmental Affairs

JAMES H. KELLOW
Director of
Finance and Administration

COL. NOLAN C. RHODES, RET., P.E.
Director of
Engineering Services

WAYNE C. PAGE
Traffic Manager

PERRY M. McGEE
Sales Manager

DENNIS R. PARRISH
Director of
Public Affairs

M. HARVEY WEIL
Counsel

FRED A. BINGHAM
Harbormaster

DEMOCRATIC
NATIONAL COMMITTEEMAN

6410 Laurelhill Dr., San Antonio, Texas 78229 (512) 684-8180

Joe J. Bernal
Texas

November 7, 1977

Mr. Benjamin Franklin Bailar
Postmaster General
U. S. Postal Service
L:Enfant Plaza
Washington, D. C.

Dear Mr. Bailar:

The Sectional Center Manager/Postmaster of San Antonio, Mr. John J. Saldaña, on October 6, 1977 gave Notice of Removal From the U. S. Postal Service to Mr. Rudolfo S. Ximenez, Sectional Center Director for Employee and Labor Relations. Mr. Saldaña charged Mr. Ximenez with 12 violations of rules, regulations and of Title 5, U. S. Code and Mr. Ximenez has responded with a 65-page answer which includes exhibits. The final decision under post office administrative authority is now pending with Mr. Manuel Subia, Manager of the West Texas District who is scheduled to render his decision this week.

The notice of removal, along with the charges, reeks with favoritism, cronyism, and status quo loyalties where the accepted practice is for postal employees to remain silent, above all.

I would like for you to consider intervening immediately, for the good of all concerned by: (1) Speaking to Mr. Moe from your national office (he knows about the case), (2) Consider dismissal of the charges against Mr. Ximenez and having him reinstated to his regular job, and (3) send a team from your office to objectively investigate, in-depth, how such a case as this one could have ever gotten so out-of-hand.

Specifically, on its face, the case seems to be based on alleged violation of regulations and instructions focused primarily on nepotism. Because Mr. Ximenez's sister-in-law (upon whom the nepotism charge is made) was never hired, the highly questionable charges would have to be based on intent--something Mr. Ximenez denies emphatically.

The ugliness of the case springs from an earlier allegation by some post office employees that Mr. Ximenez had been caught in the act of committing fornication with a female employee under his supervision. Information of the alleged sex scandal was carried by the highest rated San Antonio radio news commentator--on September 20, 1977 followed by a front-page columnist the next day. Three days later, a Mrs. Lucy Schilling's job was abolished, and she was subsequently hospitalized for over a month (October 4, 1977 to November 5, 1977).

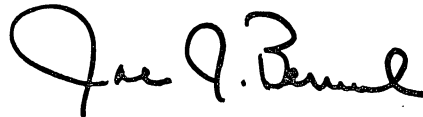
Page 2

As to Mr. Ximenez, he was removed from his job and was replaced temporarily by Mr. G. M. Torres, Jr., the same person who conducted the investigation supporting removal of Mr. Ximenez. Further, Mr. Ximenez, was not allowed to make copies from his files, which would have aided him in responding to the charges more adequately. Further still, Mr. Ximenez was never allowed to speak to the people investigating the case, nor to anyone else in his section or district. Denial of due process is obvious.

In short Mr. Bailar, you have a situation here many people feel can be corrected only by carrying the case to community groups and to the public in general. Reputations are already damaged because of the publicity the case has already received. I feel further violations of human rights can be avoided by your immediate intervention.

If there is any need for any further information please feel free to contact me at AC/512 684-8180 or through Mr. Ximenez at AC/512 494-1427.

Sincerely yours,



JOE J. BERNAL; CHAIRMAN
TEXAS MEXICAN AMERICAN DEMOCRATS;
NATIONAL DEMOCRATIC COMMITTEEMAN

cc: Mr. Joaquin Avila, MALDEF
Mexican-American Legal Defense & Educational Fund
Mr. Ruben Bonilla, State Director
League of United Latin American Citizens
✓ Dr. Hector Garcia, GI Forum Founder
Mr. R. S. Ximenez, 2615 Turkey Oak
San Antonio, TX 78232
Mr. J. Richard Avena
Director, S. W. Field Office
U. S. Commission on Civil Rights
Suite 249, New Moore Building
San Antonio, TX 78205

DEMOCRATIC
NATIONAL COMMITTEEMAN

6410 Laurelhill Dr., San Antonio, Texas 78229 (512) 684-8180

Joe J. Bernal
Texas

November 7, 1977

Mr. Benjamin Franklin Bailar
Postmaster General
U. S. Postal Service
L'Enfant Plaza
Washington, D. C.

Dear Mr. Bailar:

Enclosed is a copy of a letter I furnished Mr. Manuel Subia, West Texas District Manager.

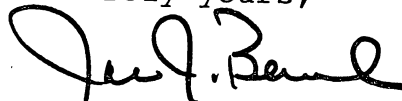
Like you, I am a very busy person however, the case of Mr. Ximenez is so important to our community I have taken a very special interest to see that justice prevails.

Mr. Ximenez submitted a 65-page reply to the Letter of Proposed Removal and was finally granted an opportunity to give his version of the entire matter at my request on November 3, 1977. I accompanied Mr. Ximenez to this meeting as his representative. Many serious deficiencies have occurred because Mr. Ximenez's version of facts were never explored by the U. S. Postal Service until the above cited meeting.

Mr. Ximenez is a pillar of our Hispanic community and I request that you intervene in his behalf. I am concerned that this matter will bring a lot of unfavorable publicity to the U. S. Postal Service.

Mr. Ximenez has been on Administrative Leave since October 4, 1977. Request that Mr. Ximenez be immediately returned to his position as Sectional Center Director for Employee and Labor Relations, San Antonio, TX, and all charges dropped.

Sincerely yours,



JOE J. BERNAL, CHAIRMAN
TEXAS MEXICAN AMERICAN DEMOCRATS,
NATIONAL DEMOCRATIC COMMITTEEMAN

cc: Mr. Joaquin Avila, MALDEF
Mexican-American Legal Defense & Educational Fund
Mr. Ruben Bonilla, State Director
League of United Latin American Citizens
Dr. Hector Garcia, GI Forum Founder
Mr. J. Richard Avena
Director, S. W. Field Office
U. S. Commission on Civil Rights
Suite 249, New Moore Building
San Antonio, TX 78205
Mr. R. S. Ximenez, 2615 Turkey Oak
San Antonio, TX 78232

DEMOCRATIC
NATIONAL COMMITTEEMAN

6410 Laurelhill Dr., San Antonio, Texas 78229 (512) 684-8180

Joe J. Bernal
Texas

November 7, 1977

Manuel Subia, Manager
West Texas District
United States Postal Service
San Antonio, TX 78293

Dear Mr. Subia:

Thank you for agreeing to meet with me and Mr. Rudolfo S. Ximenez, November 3, 1977. The reason for this request was so that you could obtain and explore Mr. Ximenez's version of facts which up to this time had not been sought. I also wanted you to see other documents and evidence not included in his reply to the Letter of Charges.

I discussed with you my serious concern in this matter because after reviewing Mr. Ximenez's documents and talking to him indepth I strongly feel that due process was grossly violated. To remove and charge an employee without requiring his version of facts promptly and prior to a charge and removal notice is a violation of due process.

HISPANIC

The fact that Mr. Ximenez is the only PES-22, SC Director Employee & Labor Relations in the U. S. Postal Service Southern Region (an 11-State area) is disturbing enough but most disturbing is the manner in which he has been punitively treated. His position is very important to him and to the Hispanic community. As you know, it is sad enough to have such few people of Mr. Ximenez's calibre in high positions. The State of Texas is five times greater in size than the average state, yet Hispanics in top positions are few in numbers.

I have become increasingly concerned with the method of operation whereby Mr. Ximenez has been so adversely treated by his superiors when Mr. Ximenez had an unblemished record, kept improving his skills by continually taking advanced management courses on his own time and by his expressed dedication to improving the U. S. Postal Service.

I would appreciate it, if you would allow Mr. Ximenez to see and copy any documentation that has been made part of your file on which the charges were based.

During our meeting--

(a) I observed that Mr. Ximenez requested (3 times) to see the documentation file on which the charges were based and requested to see the Postal Manual P-11. You denied all of his requests. As you know, Mr. Ximenez is privileged to your documents under the Freedom of Information Act Regulations, yet you alluded to the fact that he had not yet exercised that right. There are a number of civil rights and regulations which Mr. Ximenez has not yet exercised as he is hopeful you will prudently and objectively judge the facts as you now know them after having seen his circumstantial evidence not included in his response.

(b) I would appreciate it if you would provide us with a copy of the notes or minutes which your district representative was taking at the time. You stated you would.

(c) You stated that you were not concerned with the charges but that you did not like the way Mr. Ximenez had replied to the Letter of Charges. He told you he was making truthful statements as he knew them and asked if you wanted him to say anything less. You stated he did not have to indict himself but could have said he "didn't know" or something to that effect. Mr. Ximenez said he would only state the facts even if it meant losing his job for now. You also emphasized you did not wish to go to the arbitration table.

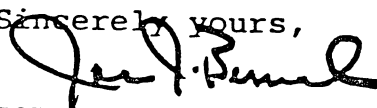
(d) We discussed that Mr. Ximenez's version of facts should have been immediately obtained. The immediate removal of Mr. Ximenez when (1) an investigation had not yet been made, (2) nor the facts obtained, and (3) nor Mr. Ximenez's version explored, precipitated a sex scandal. This sex scandal ran rampant throughout the U. S. Postal Service and was sensationalized by the news media in San Antonio. Because of this sex scandal two innocent people were hospitalized. One a postal employee, Mrs. Lucy Schilling and Mr. Ximenez's wife. (Mrs. Lucy Schilling hospitalized for over a month, October 4, 1977 to November 5, 1977 and Mrs. Ximenez hospitalized October 10, 1977 to October 22, 1977). Both of these people are still under medical care. Their physicians have given statements that their illnesses are directly attributable and developed because of the severe stress and problems within the U. S. Postal Service. You stated you were not concerned with the sex scandal. I reiterated that this was a very crucial issue because Mr. Saldaña had mentioned it in his affidavitt to you and it was made a part of the file against Mr. Ximenez.

We have reason to believe that the Inspection Service made an investigation into the sex scandal and because they found "nothing" the inferences of nepotisim became the focal point of the charges.

In closing let me say that I regret you have not allowed Mr. Ximenez and I the use of the file which we assume has additional information which would strengthen our version of the case. We view your denial of information as part of Mr. Ximenez's due process rights being violated.

We will await your decision soon. In the meanwhile we are at your disposal and will meet with you, at your convenience.

Sincerely yours,



JOE J. BERNAL, CHAIRMAN
TEXAS MEXICAN AMERICAN DEMOCRATS,
NATIONAL DEMOCRATIC COMMITTEEMAN

Page 3

cc: Mr. Joaquin Avila, MALDEF
Mexican-American Legal Defense & Educational Fund
Mr. Ruben Bonilla, State Director
League of United Latin American Citizens
Dr. Hector Garcia, GI Forum Founder
Mr. J. Richard Avena
Director, S. W. Field Office
U. S. Commission on Civil Rights
Suite 249, New Moore Building
San Antonio, TX 78205
Mr. R. S. Ximenez, 2615 Turkey Oak
San Antonio, TX 78232