

from now looking back to say that was a pretty stupid decision. He only has to be concerned with the individual complainant before him, and arrive at an equitable decision in that case which has—and does not set precedents.

Mr. KASS. There is no precedential significance.

Mr. HAMILTON. This is the unique feature.

Mr. KASS. This concept applies only in the State of Mexico and in the State of California which adopted the Mexican Constitution?

Mr. HAMILTON. It existed in California before 1849. We did some research to find out what happened when we wrote an English constitution. California, when it became part of the Union, had to have an English constitution, and we could find no reason why it dropped out. It just didn't get translated.

Mr. KASS. But this would have no application for other State levels?

Mr. HAMILTON. Yes; it has. It has an application in the minds of a good many people. I have talked to a good many Mexican-American people and they have an idea that amparo applies in the Anglo-Saxon or Romanic court.

What I am suggesting is this: In Mexico when a person pleads "guilty" he expects amparo process to be applicable, expecting that the judge will not only look at the law, but will look at the whole situation. He does not understand, members of the Mexican-American community in the West do not understand, when they plead "guilty" to a criminal violation in America that the judge does not do anything except look at the law rather than extenuating circumstances. That he does not have discretion as he has in Mexican procedure. It has been testified before the California Assembly by the president of the Mexican American Political Association, Mr. Bert Corona, who is a member of the U.S. Commission on Civil Rights, that in his opinion the Mexican American community in California does not understand that the ability of a judge in Mexico to temper justice with mercy is not applicable to a judge in a criminal procedure in California.

Mr. KASS. Thank you, Mr. Hamilton. No further questions.

Senator LONG. Mr. Waters?

Mr. WATERS. Mr. Hamilton, I believe you said that there is in San Diego an ombudsman who has been active for several months. I wonder if you are familiar with the work of that ombudsman.

Mr. HAMILTON. Yes; I am, sir.

Senator LONG. Is he generally accepted by the agencies with whom he works?

Mr. HAMILTON. Yes, he is. He is in the office of the city manager, and his title is "Citizens' Assistance Officer." He is accepted by the agencies, I suppose, because of the background muscle or the inherent clout of anybody from the city manager's office in council. But he happens to be a particularly soft-spoken and judiciously tempered individual, and so far as he advises me—and I am in fairly frequent contact with him—he is perfectly acceptable, most importantly by agencies outside of city hall. He finds his success equal with agencies over which he does not have legal jurisdiction as he does with agencies who would legally come under the purview of the city manager; for example, the county welfare agency, the health agency, and the highway department, and other agencies. When he explains to the adminis-