

# Human Rights

Albuquerque 's Community in Solidarity for Human Rights



## Arizona's War on Immigrants

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by: Dahr Jamail, t r u t h o u t | Report

(Image: Jared Rodriguez / t r u t h o u t; Adapted: miss karen, JohnnyWood)

"Most immigrants are economic refugees," Bob Kee explained as we drove across the rolling arid hills of south-central Arizona towards the border of Mexico. "US policy in the post-9/11 world states that the government knew there would be 'collateral damage,' meaning more dead migrants because of the increasing militarization of the borders. But when people are desperate, they'll do what they need

to do to feed their families. It's a survival situation, and that's where we're at."

Kee is a volunteer with the group the Samaritans, a migrant advocacy organization whose stated goals include "to save lives and relieve suffering of migrants in southern Arizona" and "to encourage elected leaders to humanize border policy."

The Samaritans have their hands full, and while they are, from what Truthout saw, doing a great job on the former, clearly every group or person sympathetic to the plight of immigrants in that state are shocked by the

recent legal machinations of Arizona Governor Jan Brewer.

Arizona's new anti-immigrant law (SB1070) granting law enforcement personnel the right to detain people based on the "reasonable suspicion" that they are undocumented immigrants recently elicited strong condemnation from six UN human rights experts, who on May 11 claimed that the law may violate international standards that are binding in the US.

"A disturbing pattern of legislative activity hostile to ethnic minorities and immigrants has been established with the adoption of an immigration law that may allow

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for police action targeting individuals on the basis of their perceived ethnic origin,” the experts said.

Isabel Garcia, an immigration advocate and federal public defender, told CNN on April 20 that the legislation “legalizes racial profiling” and added, “I think this bill represents the most dangerous precedent in this country, violating all of our due process rights. We have not seen this kind of legislation since the Jim Crow laws.”

Brewer also signed a controversial bill that bans ethnic studies in Arizona schools, just three weeks after signing SB1070. The more recent law banning ethnic studies affects specialized courses in African American and Native American studies, and will probably shut down a popular Mexican-American studies program in the Tucson school district.

These draconian measures come on the heels of reports of immigrant abuses, like migrant women in US custody being shackled during childbirth (as reported by Inter Press Service this March), and reports by the same agency a year ago that human and civil rights organizations charged that migrant women, while in Arizona’s Maricopa County Sheriff’s Office jails, suffered broken arms, dislocated jaws, intimidation and other vulgarities.

The mild-mannered Kee, who

has been doing this work for four years, took me to see the trails immigrants coming across the border into Arizona use on their long, dry march towards economic opportunity. (Even the US Border Patrol [BP] admits that more than 90 percent of immigrants come to the US due to economics.)

As we passed scrub brush, dry creek beds and various desert cactus while driving down the Altar Valley that most migrants use to enter Arizona, Kee told me how he comes out a few times each month to walk the trails with his first aid kit, extra water and food, looking for people in need - whether they be migrants from Mexico or Central and South America, or anyone else in this barren landscape in need of assistance.

### **People Are Dying in Our Backyard**

“The BP, as part of the Department of Homeland Security (DHS), has really stepped up their presence and policies here since 9/11,” Kee explained, “So their increasing militarization of our border has forced migrants into more remote and mountainous regions to avoid getting caught. That has caused a dramatic increase in the number of deaths, and we’re seeing it firsthand.”

Sealing traditional crossing areas and forcing migrants into more isolated, remote,

and deadly areas is known as the “Funnel Effect,” as documented by the Bi-National Migration Institute.

The “collateral damage” from the BP and overall DHS policy comes in the form of what are referred to as “recovered remains.” When people die from exposure in the desert, it is extremely difficult to determine when they died if the body is not found quickly. So county medical examiners in the area (Pima, Yuma and Cochise counties) tally the number of “recovered remains” brought to them each month.

This March, the Tucson-based human rights group Coalicion de Derechos Humanos announced that the number of recovered remains on the Arizona-Sonora border since October 1, 2009 had reached 85, a 60 percent increase from last year. And this does not accurately reflect the total extent of the crisis, as numbers of recovered remains in neighboring states are not available. But the increasing numbers are indicative of a failed policy.

Kat Rodriguez is the Coordinator of Derechos Humanos. “We also continue to see the tragic trend of the recovery of remains of unknown gender, which make up about 24.7 percent of the numbers this year,” she wrote in a March press release about the dramatic increase in the number of recovered remains. “This means that

approximately one in four individuals recovered are of unknown gender, making identification all the more difficult.”

Her group maintains a list of recovered remains in an effort to assist family members to identify their loved ones.

Kee drove us up a dirt road. We parked, and each put on a backpack filled with water, extra clothing, and snacks. He had a GPS and first aid pack, as well as extra water, in case we crossed paths with some migrants.

“Sometimes we come out and set jugs of water along their trails,” he explained. “Often when BP find them, they are confiscated or knifed. Not always, but this happens, along with the fact that we’ve had two Samaritans arrested and tried for putting out water.”

There are also numerous stories of the BP providing life-saving medical aid to stranded migrants, and their efforts to save the lives of groups that have been abandoned by their less-than-trustworthy guides (coyotes).

As we hike up a well-used trail, there are, periodically, empty water bottles and water jugs strewn along the way. It’s an ongoing cat and mouse game - as coyotes are paid large sums of money (by immigrant standards) to lead teams ranging from 3 to 30 migrants into the US

across treacherous terrain.

Immigrants must trek across 20 to 60 miles of open desert, depending on where they get picked up on the US side. Then, if they are lucky enough not to be abandoned by their coyote, they are often loaded into a truck or van that takes them to an apartment, from which they find a way to a job, or relative who may be awaiting their arrival.

But things often go wrong. Minutemen sometimes take shots at migrants. There are stories of BP pushing migrants into cactus before taking them into custody (BP tend to call migrants “tonks” because that is the sound their flashlights make when they strike the skull of a migrant), and coyotes sometimes rape their female clients, in addition to the aforementioned deaths.

“We find folks with blisters you would not believe, ankle injuries, extremely dehydrated and hungry,” Kee explained as we hiked along the rugged trail, “Nobody should die out here. We’re simply trying to prevent that from happening.”

We come upon an old adobe house that has long since been abandoned. It’s filled with burned mattresses, garbage, bullet casings, and empty beer cans. “I’ve never found a migrant carrying beer,” Kee said with a smirk.

## Formerly the ABQ TRIal Balloon

Further along the trail there are more empty water jugs, and old empty bottles of electrolyte drinks. Kee continued talking to me.

“If there was a poor family in Kentucky, and the father ventured to California to find a job to support them, he’d be a hero,” Kee explained, “What’s the difference here? Only that somebody drew a line in the sand.”

Any report on the immigration issue would be remiss if it failed to mention NAFTA as the root cause. Locals in Mexico and other countries in Central America struggle to earn a living due to neo-liberal economic policies that undercut their ability to do so - hence, turning them into economic refugees who then look north for salvation.

Our hike failed to produce an encounter with any migrants, so Kee took me to a camp maintained by the group No More Deaths near the small town of Ruby. The group, whose slogan is “Humanitarian aid is never a crime,” maintains an ongoing humanitarian presence in this desert migration corridor south of Tucson. They do so by keeping a fixed base camp and intermittent mobile camps, and concentrate on upholding “the most fundamental human right - life itself - by providing basic humanitarian assistance to those in need.”

No More Deaths also works  
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in Mexico by maintaining aid centers for deported immigrants in border towns of the Sonora, where they provide medical care, recovery of confiscated belongings, and work to document human rights violations. Their volunteers are “committed to bearing public witness to the injustices taking place on the border” and in 2008 published a detailed report, “Crossing the Line: Human Rights Abuses of Migrants in Short-Term Custody on the Arizona/Sonora Border.”

There are two large tents-comprised of tarps strapped to PVC pipes. Under one of these sit 13 students sharing lunch together. These, from University of Vermont, Notre Dame, Gilford College, and Northern Arizona University are part of a larger contingent of 42 students doing internships with No More Deaths. In total, 150 students volunteered their spring breaks with No More Deaths.

“I’d want to know someone cared if I was walking around out there, lost and hurting,” Christa Sadler, a student from Flagstaff, told Truthout. “If I can just work with one person, bandage one blister, at least I can do that.”

Gene Lefebure, a volunteer of six years who helped start No More Deaths, sat nearby eating a sandwich. When I asked him why he does this work, he looked me deep in my eyes and said, “People

are dying in our backyard.”

### **I Don’t Hate the Agents, I Hate Their Policies**

A few days later, in Tucson, Kat Rodriguez from Derechos Humanos agreed to drive me to see the border wall erected by the US National Guard near the Arizona town of Sasabe, 71 miles southwest of Tucson.

“Many people, even Mexican-American documented citizens of the United States, are too afraid to access medical services because of fear of deportation/harassment,” Rodriguez explained as she drove us south across the desert. The conversation then shifted back to her core work, documenting recovered remains and human rights abuses.

“We get calls from families asking about their loved ones who crossed if they haven’t heard from them,” she said. “We also get calls from workers who come here, then don’t get paid by their employer. They hire them, work them hard, then don’t pay them, and often get away with it since the workers are undocumented.”

According to Rodriguez, the level of anti-immigrant sentiment in Arizona is so high that these types of abuses and violations are rampant. “BP claims that 10 percent of the migrants are criminals, but they don’t have any data to back their claim,” she

added.

She explained how migrants are often robbed by their coyotes, or handed over to bandits to do the same. If a migrant sprains an ankle, they are often left behind to die.

Rodriguez, like Kee, told Truthout that there are plenty of instances where the BP has saved migrants lives, but her focus is on BP abuses.

“Most of these stories aren’t officially recorded because of fear,” she said as we approached the small border town of Sasabe. “But there are plenty of stories of men being caught and thrown into cactuses, not given medical attention, and one woman who was stuck with the butt of a gun by a BP agent. Then they just say she fell and hit a rock.”

“The militarization of the border is imposing this oppression,” Rodriguez continued passionately. “Half the BP agents are Chicano, and they are more heavy-handed with the migrants because they feel like they need to prove themselves. There is an economic draft with the BP, like that with the military.”

“I don’t hate the agents, I hate their policies,” she added.

We arrived at the tiny border town of Sasabe. After a few winds in the road, Rodriguez

guns the engine and we hop onto a dirt road and bump alongside the 14 foot high metal border fence erected by the Arizona National Guard.

“Once we get to the end, we’ll have about six or seven minutes before the BP show up,” Rodriguez said as we sped up and down steep ravines.

At the end of the 2.2-mile dirt road (the fence runs approximately two miles the other direction as well), we stopped and got out to look at the end of the wall, which ceased abruptly as it entered more hilly terrain. I laughed to find immediately at the end of the wall a bumper sticker attached to one of the wall bars that read ‘No Border Wall,’ and a large, well-worn path used by migrants. The path was akin to many I’ve hiked in large US National Parks, except that it was strewn with empty water bottles. The presence of the path less than five feet from the end of the wall underscores the futility of the wall.

“It makes them [politicians, BP, etc.] feel warm and fuzzy and safe,” mocked Rodriguez. “I wouldn’t say this increases BP’s chances of catching people. I bring people here because it’s so obvious what this is. It’s a joke.”

We climbed back into her truck and started driving back on the bumpy road, as

Rodriguez continued, “I don’t see things getting better. The Obama administration is listening to previous advisers on this. This policy has been a complete failure.”

A BP agent pulled us over when we were on our way back to Tucson and asked us where we were from. After hearing our accents and profiling us, he let us go without asking to see our IDs, and Rodriguez kept talking.

“I think there are some things you can’t un-witness and unlearn,” she said. “So for me not to do this work, I don’t think I could live with myself. And I also think about how much worse it would be if I did not do this.”

She admitted that sometimes rewards for her work only come in grim form. “Every so often we ID a body and give a family closure,” she said in a lowered voice as we neared Tucson. “I’ve had to be the one to tell somebody their loved one is dead. I have heard the hope literally be breathed out of their body when they heard that their person is dead.”

Rodriguez told Truthout that since the border policies were implemented in the 1990’s, there have been more than 5,000 recovered remains found, and “who knows how many more are out there?”

Rodriguez explained that 52 percent of all the migrants

Formerly the ABO TRIal Balloon from Mexico use this corridor in south-central Arizona. “So this is ground zero,” she said. “1,000-1,500 immigrants a day are processed through the Federal Court in Tucson.”

Operation “Streamline Taxpayer Money Into the Private Prison Industry”

The \$67 million edifice that is the Evo DeConcini (former Arizona Attorney General) Federal Courthouse in Tucson stands as a monument to corruption.

Every weekday at 1 p.m., around 75 undocumented immigrants, freshly caught by the BP, are paraded into a cavernous courtroom on the third floor. The clinking from their manacles and leg irons echoes around the room while they are led to their seats, all of them wearing the same dirty clothes they were wearing in the desert when they were picked up by BP. More clinking as each stands when their name was called, as they each answered “presente.” Then clinking again as they were taken, five at a time, to stand in front of the Judge Tom Ferraro to plead guilty, in a simultaneous “Si,” for entering the country illegally.

Thus is immigration criminalized by a vulgar display of inhumanity.

The maximum sentences, as explained by the judge, are six months in jail and

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a \$5,000 fine. After more information is imparted to them by the judge, five at a time, the migrants are asked if they signed their plea agreements, to which they all answer "Si" simultaneously. To this Judge Ferraro replies, "All plead guilty." Any who incurred legal infractions during previous stays are given more time in jail.

There is a short period after this when each of their lawyers (who are paid between \$6,000 and \$12,000 of US taxpayers' money per day), standing behind their immigrant "clients," make brief requests from the judge for their clients. A husband and wife asked to be sent to the same jail so that when they are released they will be together. Another asked if he could be held in Tucson so he can be near his three daughters who live there.

To these Judge Ferraro responded that he would make a recommendation towards this, but the final decision would be up to the prison. After this, he announced, "That's all gentlemen. Thank you and good luck to you."

As another group of five migrants shuffle their way out of the courtroom, I notice a shorter man wearing a dirty yellow and white shirt, with a particularly anguished look on his face. His eyes catch mine just as he exits the courtroom.

The total amount of time it

takes from when Judge Ferraro began calling their five names to his dismissal of them is five minutes and 17 seconds, roughly one minute and three seconds per migrant for their "trial."

Isabel Garcia, the aforementioned Federal public defender, is not amused by these ongoing show-trials at the US District Court of Arizona.

"All pretense of any justice is removed, aside from having a judge and lawyer present," she told Truthout before we entered the courtroom. "The entire criminal case happens before your eyes. My position is that DHS controls everything - these judges and courts are doing what the BP wants. This is just a show trial, but with real consequences for the immigrants and taxpayer."

Operation Streamline was created by George W. Bush's Department of Homeland Security in 2005, on the theory provided by BP that by recording migrants' illegal entries, they would be deterred from returning over the border. Since the program was launched in 2008, it has not functioned as a deterrent in any way. Instead, it has served as a generator of millions of taxpayer dollars into Arizona's economy. BP agents, federal marshals, criminal defense attorneys, judges and especially Arizona's private prison industry are all on the receiving end of these funds.

Garcia told Truthout that it costs taxpayers between \$20 and \$22 million per month "to run this courthouse, not including lawyers or the private prison complex that locks up the immigrants."

Many of the migrants do their time in nearby Eloy, Arizona, at the Eloy Detention Center that is operated by the private prison firm Corrections Corporation of America (CCA). In addition to the Eloy Detention Center, the CCA has brought three more detention facilities to the small town, adding 1,500 new jobs. David Gonzalez, Arizona's US marshal, said taxpayers shell out between \$9 and \$11 million every month to incarcerate migrants at Eloy alone.

CCA has pulled off this money-making scheme by the usual methods.

Former Arizona Democratic Senator Dennis DeConcini (whose father the courthouse is named after), is on the board of directors of CCA, and is also friends with former Arizona governor Janet Napolitano, who left that post to become DHS Director.

## In Mexico

The next day, Truthout visited the border town of Nogales, where immigrants are usually dumped by another profiteer of the movement to criminalize immigration

- Wackenhut transportation services. The port of entry here is also named “DeConcini.”

Through the port, a short walk down a hill brings one to the building of Grupo Beta, a Mexican group that provides first aid and assistance to returned migrants. Sitting outside I am surprised to see two men I recognized from inside the DeConcini courthouse from Operation Streamline the day before. One of them is the fellow with the dirty yellow and white shirt, still wearing the same anguished look on his face.

His name is Victor Rodriguez and he is 45 years old. He is an unemployed plumber who was caught by the BP while trying to make his way across the border en route to Chicago to see his three-year-old daughter. He’d lived and worked in the US for 13 years before he was caught by immigration authorities and sent back to Mexico.

He was one of a group of 15 who had paid their coyote \$2,800 for the trip over the border, and now he is broke, without even fare for a bus ride home.

When asked what he would do now, he took a deep breath, exhaled, and said, “Nada.” After a pause, he added, “Maybe in two months I will try again, because I have no money and

no work. It’s my only option.”

Sitting beside him was Royal Mendoza, 35 years old, who was also in Operation Streamline the day before. Like Rodriguez, Mendoza had lived in the US. He was in Philadelphia for four years, working as a mechanic, but was caught without papers and sent back to Mexico. He has made seven attempts to cross back into the US, and plans now to try again.

“My family is there and I need to be with my family,” he explained. “My wife is a waitress in Philadelphia, and I have a 1-month-old daughter there.”

Every person with whom Truthout spoke explained that they had tried to enter the US before, and will try again.

Javier Hernandez explained that he could “write a book” about his experiences while trying to cross the border to get back to his wife, who lives in Nashville and is studying at a community college. He, like many others, had lived in the States before. “I have had so many experiences and so many stories,” he explained. “But now I have no money, so I have troubles.”

Irena Bargas, 38 years old, lived and worked for seven years in Houston “at a plastic company,” and has a seven-year-old daughter there.

“I’ve been back in Mexico for one week now,” she said tiredly. “I will try again to go back. Who could live without being near their child? All of us will try again, because many of us have family in the United States, and none of us have jobs here. We stay here separated from our families and starve because there is no work, or we try again.”

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