

Submitted
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**SUPPLEMENTAL SUBMISSION OF BORDER ACTION NETWORK ON ITS
PETITION REGARDING VICTIMS OF ANTI-IMMIGRANT ACTIVITIES AND
VIGILANTE VIOLENCE IN SOUTHERN ARIZONA**

Petition No. P-478-05

I. INTRODUCTION

1. The Border Action Network (“Border Action”), the petitioner in the above-referenced case, hereby supplements the information previously provided to the Inter-American Commission on Human Rights (“Commission”) in its petition of April 28, 2005 and subsequent submissions.¹ Border Action is a nongovernmental organization based in southern Arizona that works to protect the rights of members of immigrant and border communities. Border Action’s petition alleges that the United States has violated human rights in southern Arizona by failing to take action to prevent vigilante violence and anti-immigrant activities. This failure violates the rights of immigrants, Mexican Americans² and Hispanics overall, to physical integrity and security of the person, judicial protection, and equal protection under the law, all rights affirmed by the American Declaration of the Rights and Duties of Man.³ The petition also describes how anti-immigrant activities and vigilantism, combined with government inaction, has created a widespread sense of insecurity amongst undocumented migrants and Mexican-American citizens.⁴ Border Action has sent the Commission undisputed evidence of human rights violations against immigrants in southern Arizona⁵ and of the complete and total failure of domestic remedies to redress the human rights violations at issue in this petition.⁶

¹See Petition to the Inter-American Commission, submitted by the Border Action Network in relation to Victims of Anti-Immigrant Activities and Vigilante Violence in Southern Arizona, against the United States of America, April 28, 2005 (“Petition”); Response to the Request of the Inter-American Commission on Human Rights for Supplemental Information on the Petition by Border Action Network in Relation to Victims of Anti-Immigrant Activity and Vigilante Violence in Southern Arizona, Aug. 19, 2005 (“Petitioner’s Response”); Observations of The Border Action Network on the Response of the Government of The United States of America to The Petition Regarding Victims of Anti-Immigrant Activities and Vigilante Violence in Southern Arizona, June 16, 2006 (“Petitioner’s Observations”).

² The human rights violations alleged impact the entire Hispanic community of southern Arizona. Many of the individuals affected originated from countries other than Mexico. For the purposes of this document, the term Mexican-American incorporates all affected individuals regardless of their country of origin.

³ Petition, *supra* note 1 at ¶¶ 72-94; Petitioner’s Observations *supra* note 1 at 16-18.

⁴ *Id.* at ¶ 8

⁵ *Id.* at ¶¶ 28-39 and appendices; Petitioner’s Response *supra* note 1.

⁶ See Petitioner’s Observations, *supra* note 1 at 2-16.

2. On April 28, 2006, the United States responded to Border Action's petition.⁷ The United States argued that the petition was inadmissible on the following grounds: the petitioner had failed to exhaust domestic remedies, government prosecutors had properly exercised their discretion in declining to pursue perpetrators of vigilante violence, civil suits provided an adequate remedy for victims of vigilante violence and the United States had not violated international law.⁸ Border Action submitted its observations to the United States response on June 16, 2006⁹. The petitioners' observations document the failure of the United States justice system to prosecute vigilante violence and provide adequate remedies for victims of such violence.¹⁰ The petitioners' observations note that the United States has an "obligation to affirmatively protect the human rights of *all individuals* within its national territory" and failure to do so constitutes a further violation of these rights.¹¹

3. On September 18, 2006 the United States responded to the petitioners' observations by referring back to its initial response and once again proclaiming the petition inadmissible. The United States did not dispute the facts alleged and documented by the petitioner and stated that it has nothing more to add. Border Action responded on October 25, 2006 with a letter to the Commission noting that violations of the American Declaration have occurred and that no effective and available domestic remedies for those violations have been shown to exist. Over a year has passed since this communication with the Inter-American Commission and no action has been taken with regards to Border Action's petition.

4. This submission restates Border Action's claims against the United States and draws attention to the urgency of the situation by describing recent vigilante and anti-immigrant activity in southern Arizona and other areas of the United States. The ongoing occurrence of these human rights violations is evidence in itself of the inadequacy of domestic remedies to prevent vigilante violence. Vigilante violence and anti-immigrant actions must be addressed quickly and authoritatively in order to prevent further violations. Recent anti-immigrant vigilante activities, the proliferation of vigilante groups and extremist groups in the United States, law enforcement complicity with the anti-immigrant agenda, the connections between vigilantes, hate groups and legislators, and increases in local and national anti-immigrant legislation, as documented by this submission, all point to the need for the Commission's intervention and assistance. Border Action urges the Commission to declare its petition of April 28, 2005 admissible, to proceed to find the United States in violation of its human rights obligations, and to make appropriate recommendations.

⁷ See Response of the Government of the United States of America to the Inter-American Commission on Human Rights Regarding the Border Action Network "In Relation to Victims of Anti-Immigrant Activities and Vigilante Violence in Southern Arizona." April 26, 2006 ("United States' Response").

⁸ *Id.*

⁹ Petitioner's Observations, *supra* note 1.

¹⁰ *Id.*

¹¹ *Id.* at 17.

II. IN THE ABSENCE OF PROPER CONTROLS VIGILANTE AND ANTI-IMMIGRANT GROUPS CONTINUE TO PROLIFERATE, GATHER RESOURCES AND INTIMIDATE UNDOCUMENTED MIGRANTS AND MEXICAN-AMERICAN CITIZENS

5. Border Action received reports of four vigilante detentions of presumed undocumented migrants in 2006.¹² These detentions violate individual rights to physical integrity and security of the person.¹³ They frequently involve crimes of assault, false imprisonment and harassment. On March 12, 2006, Arizona rancher Gene Wallace detained a group of 13 Mexican migrants on his property in the vicinity of Naco, Arizona. On April 21, 2006, Roger Barnett detained 4 Mexican migrants in the vicinity of Highway 80 east of Douglas. On June 8, 2006, an unknown individual detained approximately 11 migrants by the Double Adobe Road and Highway 80 east of Bisbee. When several of the migrants fled he fired his gun into the air three times and held the remaining migrants at gunpoint until Border Patrol arrived at which point he fled. On July 6, 2006, Roger Barnett released three large dogs on a migrant that was fleeing from a Border Patrol agent.

6. According to a report recently filed with Border Action, Roger Barnett continued to illegally threaten and harass immigrants and suspected immigrants in 2007.¹⁴ On August 12, 2007, Barnett chased to two U.S. citizens stopped on the side of the road looking for snakes. Barnett threatened to shoot the men while pointing an M-16 in their face and then chased them down the highway at high speeds. One of the victims called the police to press charges but his calls have not been returned. These documented incidents reflect only the tip of the iceberg. Many crimes at the border go unsolved or cannot accurately be attributed to individual groups.¹⁵ Others may never be reported because immigrants fear deportation or law enforcement does not return their calls.

7. Illegal vigilante detentions of immigrants and suspected immigrants will continue as long as the government fails to take action against vigilantes. In fact, the problem will most likely worsen as anti-immigrant groups continue to multiply. Chris Simcox founded the Minuteman Project in October of 2004. Since that time, the Minuteman Project has split into three separate groups: the Minuteman Project, the Minuteman Civil Defense Corps and the Patriots Border Alliance. Other vigilante groups include Border Guardians, Ranch Rescue, Arizona Guard, American Border Patrol, American Freedom Riders, Mothers Against Illegal Aliens, Arizonans for Immigration Control, Concerned Citizens of Cochise County and Arizona Border Watch. These organizations are becoming

¹² See attached Appendix 1.

¹³ See Petition *supra* note 1 at ¶¶ 75-78.

¹⁴ See Border Action Abuse Documentation Forms (Al Signore) attached as Appendix 2.

¹⁵ See e.g. Daniel Gonzalez, *Attacks on Smugglers Puzzle Feds*, ARIZONA REPUBLIC, Mar. 1, 2007 <http://www.azcentral.com/arizonarepublic/news/articles/0301attacks.html>, (last visited Nov. 14, 2007) (documenting five attacks in one month by armed men on vehicles transporting immigrants and noting that at least one incident involving 4 English-speaking men was being investigated as an anti-immigrant action).

increasingly sophisticated in their tactics,¹⁶ raising large quantities of money, garnering extensive media coverage on television¹⁷ and increasingly influencing the public debate on immigration.¹⁸

8. Anti-immigrant groups are also employing military tactics in their methods of operation, an approach used by other groups in the past.¹⁹ Cochise Borders Civil Defense Corps recently changed its name to Cochise County Militia, and authorized its members to carry rifles and shotguns and to dress in camouflage and face paint.²⁰ Rather than sit and wait along the border for people to cross, they are taking to the woods and monitoring active smuggling trails.²¹ The director of the group explains: “Naturally, you try to avoid any firefight, but sometimes you can’t because you surprise them.”²²

9. This year, a civil rights nongovernmental organization identified 144 nativist extremist groups in 39 states.²³ Nativist extremist groups, like the Minutemen, actively seek to prevent the movement of undocumented migrants into their communities. Of these organizations, nearly 100 of them were created after April 2006.²⁴ Many of these organizations have been experiencing rapid growth recently. The American Freedom Riders held their first meeting in the summer of 2006 and had grown to 12 chapters in 8 states by the spring of 2007.²⁵ The Minuteman Civil Defense Corps, one of the original border vigilante groups, continues to enjoy steady growth and now has over 9,000 members and a chapter in nearly every state.²⁶ In January, the Minuteman Civil Defense Corps intends to create a new branch called Operation Generation that is targeted specifically at college students and young professionals.²⁷ The Operation Generation

¹⁶ For example, the American Border Patrol has an airplane called the BorderHawk that they have outfitted with cameras and use to aerially survey the border. See http://www.americanpatrol.com/07-FEATURES/070920-ABP-PBA/070920_Feature.html Sept. 20, 2007 (last visited Nov. 14, 2007).

¹⁷ See e.g. Heidi Beirich and Mark Potok, *Broken Record: Lou Dobbs' Daily 'Broken Borders' CNN Segment Has Focused on Immigration for Years. But There's One Issue Dobbs Just Won't Take On*, SOUTHERN POVERTY LAW CENTER INTELLIGENCE REPORT, Winter 2005, <http://www.splcenter.org/intel/intelreport/article.jsp?aid=589> (last visited Nov. 15, 2007) (describing the extensive coverage granted to anti-immigrant activists by Lou Dobbs on CNN and the racist backgrounds of some of Lou Dobbs's guests).

¹⁸ See Carey Gillam, *Minuteman Group Grows Amid Illegal Immigration Fight*, REUTERS, Nov. 1, 2007 <https://www.email.arizona.edu/horde/imp/message.php?index=6774> (last visited Nov. 14, 2007) (noting that minuteman membership is growing rapidly and that anti-immigrant sentiments have gone mainstream as states have passed an unprecedented amount of immigration laws in 2007).

¹⁹ See Petition *supra* note 1, para. 17 and FN 56.

²⁰ Jonathon Shacat, *Border watch group changes name to Cochise County Militia* SIERRA VISTA HERALD/REVIEW, Jan. 17, 2008 <http://www.svherald.com/articles/2008/01/17/news/doc478eec23322ae073589156.txt> (last visited Jan. 21, 2008). The director of the Cochise County Militia explained the decision to change the name as having “more integrity in a court of law”.

²¹ *Id.*

²² *Id.*

²³ Susy Buchanan & David Holthouse, *'Shoot, Shovel, Shut Up: 144 'Nativist Extremist' Groups Identified*, SOUTHERN POVERTY LAW CENTER INTELLIGENCE REPORT, Spring 2007 <http://www.splcenter.org/intel/intelreport/article.jsp?aid=763> (last visited Nov. 14, 2007).

²⁴ *Id.*

²⁵ *Id.*

²⁶ Gillam, *supra* note 18.

²⁷ See Operation Generation web-site at <http://www.operationgeneration.org/> (last visited Nov. 14, 2007).

branch employs tactics specifically designed to appeal to a younger demographic including the use of internet social networking sites.²⁸

10. There has also been a recent increase in the number of white nationalist groups operating in the United States.²⁹ These groups openly subscribe to theories of white supremacy, condemn the influx of non-white immigrants, and exploit fears about immigration as a recruiting tool and rallying cry.³⁰ One of these groups, the Arizona National Vanguard describes itself as:

an organization of racially-conscious Whites who seek to maintain the cultural and biological qualities of our race, and ensure that they exist forever to be handed down to future generations. National Vanguard members and supporters view the White race as a distinct nation, worthy of preservation, and we unabashedly reject the absurd notion that "diversity", i.e., the mixing of the races, is a beneficial trend for White societies to follow.³¹

11. On one networking website for white nationalist organizations, discussion participants have recommended using fliers from mainstream anti-immigration organizations like Americans for Legal Immigration Political Action Committee to propagate an anti-immigrant message without condemnation from the "jew media."³² The website, www.stormfront.org, contains dozens of forums with thousands of postings by participants with names like "Proud American Whiteboy," "Spartan WhiteKnight," "Grand Inquisitor," "Brookkklyn Skinhead" and "World Wide White" on subjects ranging from "Pro-White Racial Science Websites" to "More proof america is being Mexified!!!"

12. Alarminglly, the increase in vigilante groups and the use of anti-immigration propaganda by white nationalists has been mirrored by rapidly increasing rates of anti-Hispanic hate crimes. According to annually published reports by the FBI, anti-Hispanic hate crimes rose by 35% from 2003-2006.³³ The increase in anti-Hispanic hate crimes nearly doubled in California, the state with the largest immigrant population.³⁴

²⁸ The Operation Generation profile on the popular social networking web-site MySpace had 437 friends as of November 14, 2007 a full month and a half before the official launch of Operation Generation. See <http://www.myspace.com/operationgeneration> (last visited Nov. 14, 2007). The web-site also features multiple advertisements for Ron Paul's presidential campaign, links to assorted anti-immigrant groups and assorted videos, slogans and photographs. See also Brentin Mock, *Sharing the Hate: Video-Sharing Websites Become Extremist Venue*, SOUTHERN POVERTY LAW CENTER INTELLIGENCE REPORT, Spring 2007, <http://www.splcenter.org/intel/intelreport/article.jsp?aid=756> (last visited Nov. 15, 2007) (describing the growing use of video-sharing web-sites to spread racist extremism).

²⁹ Jeffrey Ressler, *How Immigration is Rousing the Zealots*, TIME MAGAZINE, May 29, 2006, <http://www.time.com/time/magazine/article/0,9171,1198895,00.html> (last visited Nov. 14, 2007).

³⁰ *Id.*

³¹ Arizona National Vanguard website, <http://www.natvanaz.com/> (last visited Dec. 24, 2007).

³² See *id.* (referring to a chat forum on the web-site www.stormfront.org).

³³ Brentin Mock, *Immigration Backlash: Hate Crimes Against Latinos Flourish*, SOUTHERN POVERTY LAW CENTER INTELLIGENCE REPORT, Winter 2007, <http://www.splcenter.org/intel/intelreport/article.jsp?aid=845> (last visited Dec. 24, 2007).

³⁴ *Id.*

13. The lack of accountability for vigilante groups emboldens individuals to continue to express anti-immigrant sentiment by offensive and destructive means, thereby contributing to a pervasive anti-immigrant climate that threatens the basic rights and peace of mind of all United States residents of Hispanic descent. The United States has a responsibility to take prophylactic action to protect the human rights of all people under its control. Failure to do so facilitates continuing erosion of human rights.

III. THE STATE OF ARIZONA OFFERS PASSIVE AND DIRECT SUPPORT TO UNLAWFUL VIGILANTE ACTIONS

14. The United States government and the state of Arizona have failed to take action to prevent continued human rights violations along the border. The governments' failure to prosecute vigilantes and denounce their activities enables white nationalist and vigilante groups, endangers lives and spreads fear throughout the Hispanic population of the United States. The government's total lack of prosecutions against border vigilantes contrasts sharply with its decision to prosecute humanitarian volunteers for transporting deathly ill border crossers to the hospital³⁵ thereby devaluing and dehumanizing undocumented migrants.

15. Indeed, governmental action in Arizona has exceeded mere acquiescence to border vigilantes and extends to the outright endorsement and normalization of certain activities. Sheriff Joe Arpaio of Maricopa County who has organized citizen posses to arrest undocumented workers³⁶ has now created a hotline for reporting suspected undocumented migrants.³⁷ The number is advertised on large trucks with a red and white "Do Not Illegally Enter" sign.³⁸ The Sheriff's office has also banned undocumented migrants from visiting their family members in jail,³⁹ rounded up undocumented migrants at day labor sites⁴⁰ and questioned crime victims and witnesses about their immigration status.⁴¹

16. This law enforcement activity legitimizes citizen vigilante patrols ("sheriff's posses") and raises concerns of racial profiling, fostering widespread distrust of law

³⁵ No More Deaths, *Charges Dismissed Against Tucson Humanitarians*, Sept. 1, 2006, http://nomoredeaths.org/index.php?option=com_content&task=view&id=38&Itemid=35 (last visited Nov. 15, 2007).

³⁶ Petitioners Observations, *supra* note 1 at 7.

³⁷ Kerry Fehr-Snyder, *Hotline Advertising Rolls on County Roads*, ARIZONA REPUBLIC, Sept. 17, 2007, <http://www.azcentral.com/arizonarepublic/local/articles/0916hotline0916-sideON.html> (last visited Nov. 15, 2007).

³⁸ *Id.*

³⁹ Bob McClay, *Sheriff to Bar Illegals from Visiting County Jail Inmates*, KTAR, July 27, 2007, <http://news.ktar.com/?nid=6&sid=552520> (last visited Nov. 16, 2007).

⁴⁰ Daniel Gonzalez, *Arpaio Keeps Heat on Migrants: Sheriff Lauds Success of Crackdown: Critics Fear Profiling, Intimidation*, ARIZONA REPUBLIC, Oct. 17, 2007, <http://www.azcentral.com/arizonarepublic/news/articles/1017arpaioimmigration1017.html> (last visited Nov. 16, 2007).

⁴¹ Mike Sunnucks, *Arpaio's Office Questions Crime Victims About Immigration Status*, BUSINESS JOURNAL OF PHOENIX, Sept. 28, 2007, <http://www.bizjournals.com/phoenix/stories/2007/09/24/daily52.html> (last visited Nov. 16, 2007).

enforcement by undocumented migrants and Mexican-American citizens. It is difficult to imagine how the sheriff's anti-immigration measures could be implemented without encouraging racial profiling and placing large portions of Arizona's population at the mercy of deputized citizens that lack proper training.

17. Not only is the United States government acquiescing to these human rights violations but they are also the perpetrators of the abuse. In 2006 Border Action conducted a month-long volunteer effort to document rights abuses committed by law enforcement and private citizens against undocumented migrants and Mexican-American citizens.⁴² During this effort Border Action documented 90 reports of abuse involving 180 people.⁴³ Many of the victims were legal residents and citizens of the United States, only 35% of them were undocumented and 75% of the reported abuses were perpetrated by state and government actors.⁴⁴ Among these rights violations, law enforcement were involved in 128 incidents including 21 incidences of physical abuse, 3 of torture, and 21 of psychological and verbal abuse.⁴⁵ These violations include Border Patrol agents beating undocumented migrants, Border Patrol running a man over with a car and police breaking the arm of a 76-year-old man.⁴⁶ In several documented incidents, law enforcement authorities allegedly challenged the authenticity of legitimate identifications or took them from their owners.⁴⁷

18. Border Action has continued its effort to document rights violations on the border in 2007 and received reports of continuing abuses of power by law enforcement.⁴⁸ Border Action's 2007 report documented and summarized 64 additional incidences of human rights violations in southern Arizona.⁴⁹ Of these incidents, 76% were perpetrated by government actors⁵⁰ including the illegal transfer of patients from University Medical Center in Tucson to hospitals in Mexico,⁵¹ illegal detentions and stops,⁵² and physical abuse.⁵³ Overt and unpunished acts of illegal discrimination by government officials combined with unchecked vigilante activity contribute to an overall climate of fear amongst United States residents of Hispanic descent. This climate of fear is magnified by increased popular sentiment against immigrants demonstrated by recent legislation.

⁴² See Border Action Network Human and Civil Rights Violations Uncovered: A Report from the Arizona/Sonora Border, 2006, available at http://www.borderaction.org/PDFs/abuse_doc_2006.pdf (last visited Nov. 16, 2007) (hereinafter "2006 Border Action Report").

⁴³ *Id.*

⁴⁴ *Id.* at 8-9.

⁴⁵ *Id.* at 10.

⁴⁶ *Id.* at 11, 15.

⁴⁷ *Id.* at 12.

⁴⁸ Border Action Network Human and Civil Rights Violations Uncovered: A Report from the Arizona/Sonora Border, 9 (2007), available at http://www.borderaction.org/PDFs/abuse_documentation_2007.pdf (last visited Dec. 24, 2007) (hereinafter "2007 Border Action Report").

⁴⁹ *Id.*

⁵⁰ *Id.* at 9.

⁵¹ *Id.* at 17-18.

⁵² *Id.* at 19-20.

⁵³ *Id.* at 23.

IV. IN THE ABSENCE OF NATIONAL IMMIGRATION LAWS, ANTI-IMMIGRANT LEGISLATION HAS COME TO DOMINATE STATE LEGISLATURES

19. The rising tide of anti-immigrant sentiment in the United States has manifested itself in an unprecedented wave of legislation that endangers immigrant rights and legitimizes hate organizations. According to the National Conference of State Legislatures 1,404 pieces of immigrant related legislation were introduced in the 50 state legislatures between January and July 2, 2007.⁵⁴ This figure represents two and a half times the number of immigrant-related bills introduced in all of 2006.⁵⁵

20. In border states, such as Arizona, immigrant-related legislation is more prevalent and has become increasingly anti-immigrant in character and tone. Examples of this include Arizona HB 2779 (2007) which imposes harsh sanctions on businesses that employ undocumented migrants including temporary and permanent revocation of business licenses. Also, Arizona HCM 2012 (2007) calls upon the United States to change the rules of engagement for the National Guard deployed at the border so they can actively patrol the border and engage undocumented migrants. Presently, national guardsmen are not authorized to detain suspected undocumented migrants or to perform other immigration control activities within the exclusive jurisdiction of Border Patrol.

21. The amount of legislation passed in Arizona is dwarfed by the number of bills proposed.⁵⁶ In 2007, members of Arizona's Congress proposed a bill that would eliminate workmen's compensation eligibility for undocumented migrants;⁵⁷ a bill that would classify undocumented migrants who break the law as domestic terrorists;⁵⁸ a bill that would criminalize illegal entry into the United States under state law;⁵⁹ a bill that would criminalize day laborers standing on street corners;⁶⁰ a bill proposing the United States Congress eliminate birthright citizenship;⁶¹ and multiple bills to increase security at the border.⁶² These are just a few examples of pending state legislation. Border Action is currently monitoring 21 anti-immigrant bills.⁶³

⁵⁴ Dirk Hegen, *2007 Enacted Legislation Related to Immigrants and Immigration*, NATIONAL CONFERENCE OF STATE LEGISLATURES IMMIGRANT POLICY PROJECT, Aug. 6, 2007, <http://www.ncsl.org/programs/immig/2007immigrationupdate.htm> (last visited Nov. 14, 2007).

⁵⁵ *Id.*

⁵⁶ The full text and legislative history of each of the 2007 Arizona State House Bills, Resolutions and Memorials discussed in this section is available on the Arizona State Legislature web-site. See <http://www.azleg.gov/Bills.asp?view=allhouse> (last visited Nov. 14, 2007).

⁵⁷ Arizona HB 2470 (2007).

⁵⁸ Arizona HB 2752 (2007).

⁵⁹ Arizona HCR 2022 (2007) would make it a criminal trespass under state law for an undocumented migrant immigrant to be in this state and imposing mandatory fingerprinting and a mandatory sentence on all individuals successfully prosecuted under it.

⁶⁰ Arizona HB 2589 (2007).

⁶¹ Arizona HCM 2005 (2007).

⁶² These proposed security bills include: Arizona HB 2751 (2007) which would create an Arizona border enforcement security team and appropriate 25 million dollars to combat illegal immigration; Arizona HB 2766 (2007) which would empower the governor to declare a state of emergency because of unauthorized border crossings, deploy the national guard to seal the border and appropriate 10 million dollars to combat illegal immigration; Arizona HB 2461 (2007) which would deputize state law enforcement officials with

22. The past two election cycles in Arizona have witnessed the passage of a number of anti-immigrant ballot initiatives. In 2004, 56% of the Arizona electorate voted in favor of Proposition 200, Protect Arizona NOW.⁶⁴ The bill requires proof of citizenship for voter registration, photo identification at the polls and proof of citizenship for state public benefits.⁶⁵ Additionally, it criminalizes state employees that fail to report violations of federal immigration law.⁶⁶ On one white nationalist web-site, the Protect Arizona NOW initiative, is described as a small step toward democracy.⁶⁷

23. In 2006, the Arizona electorate passed four anti-immigrant ballot initiatives with overwhelming support. Proposition 100, a ballot initiative that denies bail to undocumented migrants charged with a felony, passed with 78% of the vote. Proposition 102, a ballot initiative that denies punitive damages to undocumented migrants bringing claims in Arizona courts, passed with 74% of the vote. Proposition 103, a ballot initiative that named English as the official language of Arizona, passed with 74% of the vote. Proposition 300, a ballot initiative that denied in-state tuition, financial assistance, child-care assistance and adult education classes to undocumented migrants passed with 71% of the vote. Each of these bills is specifically targeted at the immigrant population and serves to further marginalize immigrants.

24. In 2008, anti-immigrant activists hope to pass additional ballot initiatives, Legal Arizona Workers ("LAW")⁶⁸ and Support Our Law Enforcement ("SOLE").⁶⁹ SOLE

federal immigration law enforcement power, call for an inquiry into the immigration status of all persons detained by law enforcement for any violation of the law, and empower the withholding of state funds from state and local law enforcement agencies that do not comply with it; Arizona HB 2699 (2007) which would penalize the employment of undocumented migrants and call for an improvement of the relationship between state and local law enforcement and homeland security via memorandums of understanding that would give designated personnel immigration enforcement capacity; and Arizona HCR 2049 (2007) which would expand the role of state law enforcement and state officials in detecting undocumented migrants.

⁶³ These bills include: HB2461 allows the "Arizona rangers" to engage in patrols and investigative activities; HB2631 denies a marriage certificate unless both parties can demonstrate lawful presence in the country and a social security number; HCR2025 makes it easier to form new militias in the state of Arizona; HCR2039 provides that anyone unlawfully present in the state is guilty of trespass and will be transferred to federal authorities; SCM1003 asks the US congress to clarify the 14th amendment to state that the children of undocumented immigrants are not US citizens; SCR1007 creates a new homeland security force that would be similar to the national guard, but solely based in Arizona; SCR1016 states that unless at least one parent of a child born in this state is able to prove US citizenship, the child will be issued a certificate that states it was born to parents who were not in this country legally and that the child is not eligible for benefits that require US citizenship.

⁶⁴ Margot Veranes & Adriana Navarro, *Racist Fervor Becomes Law in Arizona: Calls for State Boycott Gain Momentum*, INTERNATIONAL RELATIONS CENTER, June 5, 2005, <http://www.commondreams.org/views05/0605-25.htm> (last visited Nov. 14, 2007).

⁶⁵ See http://www.pan2004.com/docs/initiative_petition.pdf (last visited Nov. 14, 2007) for the full text of Protect Arizona NOW 2004.

⁶⁶ *Id.*

⁶⁷ San Francis, *Arizona's Prop. 200 Could Signal Shift in Political Winds*, VDARE.COM, Oct. 11, 2004, http://www.vdare.com/francis/why_arizona.htm (last visited Nov. 15, 2004).

⁶⁸ See Legal Arizona Workers Web-Site at <http://www.legalarizonaworkers.com/Home/tabid/36/Default.aspx> (last visited Nov. 14, 2007).

would make it a criminal trespass under state law for individuals to enter Arizona illegally and empower any law enforcement official to inquire into the citizenship status of any person.⁷⁰ LAW strictly prohibits businesses from knowingly employing undocumented migrants and has a no tolerance enforcement policy.⁷¹ The sponsors of these propositions describe illegal immigration as “a crime wave that has reached critical mass” and an invasion “by foreign nationals who have no right to be in our country.”⁷² They claim that “[i]llegal alien gangs run rampant; [and] our schools and healthcare systems, jails, state prisons and criminal justice system are over-populated and over-burdened with foreign nationals who contribute nothing to the economy.”⁷³

25. This strong rhetoric combined with the real-world impact of anti-immigrant legislation creates an oppressive atmosphere for immigrants and empowers and legitimizes nativists and white nationalists. The United States’ failure to pass comprehensive immigration reform leaves a void in the law to be filled by state governments that are more susceptible to seizure by extremists and less accountable to the international community. Furthermore, it provides a legitimate, political vehicle for the public expression of virulent anti-immigrant sentiments further contributing to the anti-immigrant environment.

V. ANTI-IMMIGRANT ACTIVITIES AND TIES BETWEEN ANTI-IMMIGRANT GROUPS, WHITE NATIONALISTS AND LEGISLATORS ARE FACILITATED BY AND CONTRIBUTE TO A CLIMATE OF FEAR THAT AFFECTS ALL UNITED STATES RESIDENTS OF HISPANIC DESCENT

A) Ongoing anti-immigrant activities in southern Arizona are emblematic of the anti-immigrant environment created by the United States’ failure to combat vigilante activity and perpetrate meaningful immigration reform.

26. One of the most dangerous anti-immigrant activities is the destruction of water stations set up to prevent deaths in the Arizona desert. Vandals remove signal flags and faucets and drain water barrels.⁷⁴ The organization Humane Borders has built and maintained over 70 water stations on public and private lands throughout the Arizona desert.⁷⁵ Because of his efforts, Humane Borders founder Robin Hoover has faced death threats, received hate mail and even a threat to blow up his church.⁷⁶ Since 2005, there

⁶⁹ See Support Our Law Enforcement Web-Site at <http://www.supportourlawenforcement.com/> (last visited Nov. 14, 2007).

⁷⁰ *Id.*

⁷¹ Legal Arizona Workers Web-Site, *supra* note 67.

⁷² *Id.*

⁷³ *Id.*

⁷⁴ Amber Lyon, *Vandals Drain Desert Water Tanks Intended for Illegal Immigrants*, KVOA NEWS <http://www.kvoa.com/Global/story.asp?S=5030576> (last visited Nov. 15, 2007).

⁷⁵ See Humane Borders Web-Site, <http://www.humaneborders.org/index.html> (last visited Nov. 15, 2007).

⁷⁶ Gail Russell Chaddock, *The Canteen Man of the US-Mexico Border*, CHRISTIAN SCIENCE MONITOR, Jan. 22, 2007, <http://www.csmonitor.com/2007/0122/p20s01-ussc.htm> (last visited Nov. 15, 2007).

have been 85 apparent acts of vandalism along just one four station maintenance route.⁷⁷ These acts of vandalism can kill, as dehydration is one of the primary causes of death in the desert. The Arizona Daily Star recorded over two hundred immigrant deaths along this stretch of the border for each of the last three years.⁷⁸

27. Robin Hoover is not the only Arizonan to face death threats for taking a stand unpopular with anti-immigrant activists. Democratic State Representative Kyrsten Sinema received threats of death and rape after introducing a bill, HB 2286 (2007), in the Arizona House of Representatives that would criminalize citizen border patrols.⁷⁹ Republican State Representative Bill Konopnicki was also threatened with death when he voted against legislation to prohibit undocumented migrants from receiving workers compensation.⁸⁰ Anti-immigrant activists even threatened to kill the animals at the Sonoran Desert Museum if the museum did not take down the Mexican flag it had flown for over 50 years.⁸¹

28. Members of anti-immigrant groups have recently taken to burning the Mexican flag. Laine Lawless of the Border Guardians burned a Mexican flag in front of the Mexican Consulate in Phoenix in December of 2006 before attending a white supremacist event called Winterfest later that same day.⁸² Another member of the Border Guardians, Roy Warden, has an entire web-site that glorifies his flag-burning escapades.⁸³ He has burned Mexican flags in front of the Mexican Consulate in Tucson and at a 2006 immigration rights rally in Tucson.⁸⁴ Describing an upcoming flag-burning, Roy boasted that he had “a warm and cordial relationship” with the police who would provide him with security while he engaged in constitutionally protected speech.⁸⁵ Mr. Warden has

⁷⁷ See attached Appendix 3.

⁷⁸ Border Death Database, ARIZONA DAILY STAR, *updated through Aug. 31, 2007*, <http://regulus.azstarnet.com/borderdeaths/search.php> (last visited Nov. 15, 2007); Some experts believe that the actual number of immigrant deaths is much higher. See UA Communications, *UA Binational Migration Institute Releases Study on Unauthorized Border-Crosser Deaths*, UA NEWS, Feb. 13, 2007, <http://uanews.org/node/13076> (last visited Nov. 15, 2007) (documenting an exponential increase in the number of deaths in Southern Arizona and noting that the Border Patrol criteria for counting deaths leads to inaccurate counts and the real number of deaths is indeterminable).

⁷⁹ *Border Vigilantes Threaten Arizona Legislator*, BUILDING DEMOCRACY, April 1, 2007, http://www.buildingdemocracy.org/index2.php?option=com_content&do_pdf=1&id=1074 (last visited Nov. 15, 2007).

⁸⁰ Mary Jo Pitzl, *Legislators See Twist on Threats*, ARIZONA REPUBLIC, Feb. 25, 2007, <http://www.azcentral.com/arizonarepublic/local/articles/0225threats0225.html> (last visited Nov. 15, 2007).

⁸¹ Brady McCombs & Stephanie Innes, *Desert Museum Strikes Colors: Complaints, Threats Over Mexican Flag Prompted Removal*, ARIZONA DAILY STAR, Oct. 10, 2007, <http://www.azstarnet.com/allheadlines/205543> (last visited Nov. 15, 2007).

⁸² Susy Buchanan & David Holthouse, *The Last Word: Questions Surround a Nativist Crusader*, SOUTHERN POVERTY LAW CENTER INTELLIGENCE REPORT, Spring 2007, <http://www.splcenter.org/intel/intelreport/article.jsp?aid=761> (last visited Nov. 16, 2007).

⁸³ See www.wardenburnsmexicanflags.com (last visited Nov. 15, 2007).

⁸⁴ *Mexican Flag Burning on Cinco de Mayo: Man Arrested Last Month to Repeat Act in Protest of Illegal-Alien Flow*, WORLDNETDAILY.COM, May 2, 2006, http://www.wnd.com/news/article.asp?ARTICLE_ID=50004, (last visited Nov. 16, 2007).

⁸⁵ *Id.*

been arrested for hateful public speech and threatening violence against immigrants.⁸⁶ Fellow Border Guardian Russ Dove has referred to undocumented migrants as “robbers, rapists, [and] murderers.”⁸⁷ He started an organization called United States Constitution Enforcement (“USCE”) to prevent undocumented migrants and non-English speakers from voting in Tucson elections ostensibly by promoting an English only petition.⁸⁸ USCE’s interactions with voters in the 2006 election have been described as classic voter intimidation.⁸⁹

B) Growing ties between legislators, white nationalists and anti-immigrant groups contribute to the climate of fear created by unchecked vigilante activity in southern Arizona.

29. As noted above, anti-immigrant legislation, anti-immigrant groups and white nationalist groups have sharply increased in number in recent years. This is no coincidence. All three are connected. White nationalist organizations use immigration as a recruiting tool.⁹⁰ Anti-immigrant organizations provide cover for individuals to promote white nationalism while remaining within the contours of mainstream society. Legislation reflects a growing public frustration with current immigration policy that is partially the result of successful media outreach campaigns by anti-immigrant organizations.⁹¹ The following discussion includes several examples of documented links between border vigilantes, white nationalist organizations and government officials. It is intended for illustrative purposes and by no means comprehensive.

30. In Arizona, politicians and anti-immigrant organizations are frequently seen working hand-in-hand. Congressmen J.D. Hayworth, Don Goldwater, Russel Pearce and Colonel Al Rodriguez attended the American Freedom Riders August 26, 2007 “Ride for Secure Borders”.⁹² Former congressional candidate and state representative Randy Graf, Glenn Spencer of American Border Patrol and Al Garza of the Minutemen Civilian Defense Corps all attended the American Freedom Riders October 21, 2007 “Brotherhood of the Border Ride”.⁹³ The widespread political support and rapid growth

⁸⁶ *Tucson Officials Crush Free Speech*, Roy Warden’s Blog Entry April 7, 2007, available at http://wardenburnsmexicanflags.com/index.php?option=com_content&task=view&id=35&Itemid=9 (last visited Nov. 15, 2007).

⁸⁷ Lyon, *supra* note 73.

⁸⁸ See Russ Dove’s United State Constitution Enforcement Web-Site, <http://tianews.com/USCE/> (last visited Nov. 15, 2007)

⁸⁹ See Alex Koppelman & Lauren Shell, *The GOP’s Dirty Deeds of 2006*, SALON.COM, Nov. 21, 2006, http://www.salon.com/news/feature/2006/11/21/cheat_sheet/index2.html (last visited Nov. 15, 2006) (describing how three men from US Constitution Enforcement, one holding a video-camera, one holding a clipboard with an English-only petition and a third with his hand on a harnessed gun would approach voters in predominantly Latino districts).

⁹⁰ Ressler, *supra* note 29.

⁹¹ Nearly every anti-immigrant web-site provides links to Lou Dobbs and Bill O’Reilly stories on immigration. See e.g.

⁹² See American Freedom Riders Web-Site Rally Report at <http://americanfreedomriders.com/rallyreports.html> (last visited Nov. 15, 2007).

⁹³ See American Freedom Riders Web-Site at <http://americanfreedomriders.com/index.html> (last visited Nov. 15, 2007).

of American Freedom Riders is especially troubling considering that the American Freedom Riders holds fundraisers for the legal defense of Border Patrol agents who have shot unarmed border crossers.⁹⁴

31. Chris Simcox's organization, the Minutemen Civil Defense Corps, is also politically connected. Twenty Congressmen attended a rally for the Minuteman Project (the name of Jim Gilchrist and Chris Simcox's combined Minutemen effort)⁹⁵ and at least 6 Congressmen have actually gone on patrol with the Minutemen.⁹⁶ California governor Arnold Schwarzenegger and Texas governor Rick Perry have endorsed Minutemen patrols in their states.⁹⁷ Simcox claims that the Minutemen are not racist but there are tones of racism throughout his rhetoric and threats of violence against immigrants. He has threatened to defend the border from undocumented migrants that are "trashing their neighborhoods, refusing to assimilate, standing on street corners, [and] jeering at little girls walking on their way to school" using "any means necessary."⁹⁸ The Minutemen Civil Defense Corps named their September muster "Silent Knights."⁹⁹ The use of the word Knight for an operation that encourages armed civilians to patrol the border to prevent illegal crossings presents serious questions about the motivations of the Civil Defense Corps. The word brings to mind the Knights of the Ku Klux Klan and represents either a glaring error in judgment or a veiled appeal for white nationalist support. Given that several original members of the Minutemen were also members of notorious white nationalist organizations like the Aryan Nation and the National Alliance, the latter explanation seems more likely.¹⁰⁰

32. Many anti-immigrant organizations have overt connections to white supremacists. Laine Lawless, the current leader of the Border Guardians and a former member of the Minuteman Civil Defense Corps, has called for harassment, robbery and violent attacks against undocumented migrants.¹⁰¹ She even encourages the harassment of Spanish-speaking children on their way to school.¹⁰² Kalen Riddle, a lead recruiter for the Arizona Guard and a member of Ranch Rescue, has declared that two of his favorite things are

⁹⁴ *Id.* Their recent "Brotherhood of the Border Ride" was dedicated to the legal defense of Nick Corbett, a Border Patrol agent charged with second-degree murder for shooting an unarmed Mexican national at point-blank range. See *Federal Courts Take Agent's Murder Trial*, LAS VEGAS SUN, Sept. 24, 2007, <http://www.lasvegassun.com/sunbin/stories/nat-gen/2007/sep/24/092407078.html> (last visited Nov. 15, 2007).

⁹⁵ Susy Buchanan & David Holthouse, *Minuteman Leader Has Troubled Past*, SOUTHERN POVERTY LAW CENTER INTELLIGENCE REPORT, Winter 2005, http://www.splcenter.org/intel/news/item.jsp?site_area=1&aid=149 (last visited Nov. 15, 2007).

⁹⁶ *Id.*

⁹⁷ *Id.*; see also James Sterngold & Mark Martin, *Governor Signals He'd Welcome Minutemen on California Border*, SAN FRANCISCO CHRONICLE, April 30, 2005, available at <http://www.sfgate.com/cgi-bin/article.cgi?file=/c/a/2005/04/30/GOVERNOR.TMP> (last visited Dec. 24, 2005).

⁹⁸ Buchanan & Holthouse, *supra* note 118.

⁹⁹ See Minuteman Announcement of the September 2007 Muster in Arizona at <http://www.minutemanhq.com/state/read.php?chapter=AZ&sid=612>, (last visited Nov. 15, 2007).

¹⁰⁰ Brenda Norrell, *Hate Groups Target Undocumented Workers? Anti-Immigrant Group Border Guardians Urge Violent Attacks Says Report*, INDIAN COUNTRY TODAY, May 4, 2006, <http://www.msnbc.msn.com/id/12599386/> (last visited Nov. 15, 2007).

¹⁰¹ *Id.*

¹⁰² *Id.*

“ethnic cleansing” and “weapons making.”¹⁰³ Glenn Spencer, founder and leader of the American Border Patrol, spoke at the 2002 conference of the white supremacist organization American Renaissance about the threat of a Mexican re-conquest of the American Southwest.¹⁰⁴ Spencer has described immigration as a “clash of civilizations: the pilgrims vs. the conquistadors.”¹⁰⁵ His web-site has been visited over 2 million times and former Border Patrol agents like ex Tucson Sector Border Patrol Chief Ron Sanders attend American Patrol meetings.¹⁰⁶ Virginia Abernathy is a member of the Council of Conservative Citizens (“CCC”) and a national chair of the Protect Arizona NOW campaign.¹⁰⁷ The CCC, an organization with roots in the overtly racist citizen’s councils of the 1950’s, has warned that immigration is turning America into a “slimy brown mess of glop” and threatens American culture and values if it is not stopped.¹⁰⁸ Not surprisingly, the CCC web-site links directly to American Border Patrol and VDARE, a white supremacist blog.¹⁰⁹ Equally predictable is the fact that members of the organization, Arizonans for Immigration Control are posting on the VDARE web-site.¹¹⁰

33. Connections between anti-immigrant groups, white nationalist groups and legislators are rampant, contribute to a climate of fear in the Hispanic community and foreclose any real possibility of a domestic political solution to human rights violations at the southern Arizona border.

VI. CONCLUSION

34. The US-Mexico border is becoming an increasingly dangerous place as vigilante groups, law enforcement, legislators and white nationalists create a climate of fear and intimidation that victimizes undocumented migrants, Mexican-Americans and others of Hispanic descent. This climate empowers vigilante groups, white nationalist groups and individual actors in a manner that inevitably explodes into violent incidents like those described in Border Action’s submissions. Throughout all levels of the United States government, there has been no action to address the serious situation at the southern Arizona border in spite of repeated pleas for help. This inaction constitutes a violation of the American Declaration on the Rights and Duties of Man. The United States is obligated to affirmatively protect *all individuals* within its borders from human rights

¹⁰³ Press Release, *Neo-Nazi Leads Recruitment Drive for New Border Militia*, ANTI-DEFAMATION LEAGUE, Sep. 10, 2004, http://www.adl.org/PresRele/Militi_71/4563_71.htm (last visited Nov. 15, 2007).

¹⁰⁴ See Stephen Webster, *In Defense of Western Man*, AMERICAN RENAISSANCE, April 2002, <http://www.amren.com/ar/2002/04/> (last visited Nov. 15, 2007).

¹⁰⁵ James Reel, *Men with Guns: Churches, Human Rights Groups, Border Crossers and Civilian Militias are Mixing it Up on the US-Mexico Border*, SOJOURNERS, July-August 2003, <http://www.sajo.net/index.cfm?action=magazine.article&issue=soj0307&article=030720> (last visited Nov. 15, 2007).

¹⁰⁶ *Id.*

¹⁰⁷ *Council of Conservative Citizens*, RIGHT WEB PROFILES, Sept. 2004, <http://rightweb.irc-online.org/profile/1461> (last visited Nov. 15, 2007).

¹⁰⁸ *Id.*

¹⁰⁹ See www.vdare.com (last visited Nov. 15, 2007).

¹¹⁰ See Jim Nixon & Laura Leighton, *Two Arizona Readers Compile a List of Sanctuary Cities you’re your Home Town One of Them?*, posted on Aug. 18, 2007, http://www.vdare.com/letters/tl_081807.htm (last visited Nov. 15, 2007).

violations. Border Action urges the Commission to declare its petition of April 28, 2005 admissible, to proceed to find the United States in violation of its human rights obligations, and to make appropriate recommendations including those proposed by Border Action in its petition.

APPENDIX 1

**2006 Reports to Border Action Network Regarding Vigilante Activities at the
Southern Arizona Border**

INCIDENTS IN WHICH ARMED PRIVATE CITIZENS THREATENED AND APPREHENDED INDIVIDUALS PRESUMED TO BE UNDOCUMENTED MIGRANTS:

1. March 12th, 2006. 13 Mexican migrantes were detained in the early morning in the vicinity of Naco, Arizona, by rancher Gene Wallace, inside of his property. At the moment of the detention seven migrants fled, in response to which Mr. Wallace pulled out his gun. The six remaining migrants, all of them from the state of Michoacan, declared Mr. Wallace had at no point in time threatened or pointed the gun at them.
2. April 21, 2006. 4 Mexican migrants were detained by rancher Roger Barnett, in the vicinity of Highway 80, east of Douglas, around 9 p.m. Barnett asked in Spanish if the migrants were armed and if they wanted to fight. The migrants answered no to both questions and Mr. Barnett proceeded to manually signal them to walk forwards. He contacted the Border Patrol Douglas Station via radio, and the migrants were picked up 15 minutes later. The migrants reported that Mr. Barnett had a gun strapped to his belt, but at no point did he remove it. They did not have any complaints with regards to the way they were treated stating that at no point were they threatened verbally or fiscally.
3. June 8th, 2006. An unknown individual a group of around 11 Mexican migrants by the Double Adobe Road and Highway 80, east of Bisbee, as he was driving by in a yellow 50s model pick-up truck. He proceeded to get out of his truck, in response to which some of the migrants decided to flee. In response, the unidentified individual took out his gun and shot three times up in the air. He detained the five migrants who decided not to run at gunpoint until the Border Patrol arrived, at which point he fled before they were able to question him.
4. July 6th, 2006. 10 Mexican migrants reported hearing a gunshot moments before they boarded a pick up truck which was later stopped by the Border Patrol, Naco Station at milepost 331 on highway 90, that connects Bisbee with Sierra Vista. The migrants report not seeing the shooter or of being certain the shots were fired at them. There is a shooting range a couple of miles from the place of the reported incident, making it highly probable that this was the source of the gunshots.
5. December 30th, 2006. A Mexican migrant was running from a Border Patrol agent when Roger Barnett entered into his pick-up vehicle into the area and started a persecution against the migrant. The Mexican climb into a small mountain trying to avoid the pick up truck and when he started to descend Roger Barnett stopped and took out from his vehicle three big dogs. He freed the dogs ordering "go catch him". The dogs reached the migrant and one of them bites his pants when the border patrol agent arrived to detain him. Barnett stayed until the Fire Department came to pick up the migrant who was injured of one of his legs (because he fell down before the persecution). While being assisted by the Fire Department personnel, Roger Barnett asked to have a look on his shoes sole as he said that this man has been before into his properties. A fireman presented a complaint against Barnett at the Sheriff's Office because Barnett became aggressive and push the fireman when asking to check the shoes sole.

APPENDIX 2
Border Action Network Abuse Documentation Form (AI Signore)

FORMA DE DOCUMENTACION DE ABUSOS

Nombre del entrevistador: _____
Fecha: 8/15/2007
Telefono: _____
Direccion: _____ TOLSON AZ _____
Region: TOLSON

I. INFORMACION GENERAL DEL INCIDENTE:

Abuso de Autoridad:

Tipo: Vigilante

- Local Police
- Sheriff
- Patrulla Fronteriza
- Inmigracion (ICE)
- Agentes Aduanales
- FBI
- Militar
- Otro

Nombre de la persona entrevistada (si diferente de la persona abusada): _____

Fecha y hora del incidente: Sunday, August 12 @ 10:00pm

Lugar (y Direccion) del incidente: Route 80 near mile marker 31

Numero de personas abusadas: 2 Habia niños? uno

Cuales fueron los danos sufridos a causa del incidente? _____

II. INFORMACION DE PERSONA ABUSADA(s):

Nombre Completo: _____

Direccion: _____

Telefono: _____

Edad: 57 Nacionalidad: U.S. Estatus Marital: Single

Lugar de Residencia: Bisbee

Sexo: Masculino Femenino

Persona con Discapacidad? Sí No

Cual es el estatus legal? Residente: _____ Ciudadano: Visa Especial: _____

Otro: _____ Cual? _____

VI. DESCRIPCION DEL INCIDENTE(escriba de manera detallada la narrativa del evento en orden cronologico).

On Sunday, August 12, 2007, [REDACTED], 57, and his friend [REDACTED], were on Route 80 near mile marker 31 near Douglas Arizona. A and [REDACTED] were looking for snakes, a hobby of theirs. As they were stopped by the side of the road, a jeep came out of the brush, and [REDACTED] walked over to it. As [REDACTED] came to the side of the jeep, he realized that its driver, Roger Barnett was pointing an M-16 directly at his head, 3 feet away. Barnett started yelling at them "What are you doing here?!" and "get the fuck out of here right now or I'm going to shoot you". [REDACTED] and [REDACTED] got into their truck and started driving. When Barnett started following them, they called 911, but had no cell reception. Barnett eventually was speeding behind them with brights on at a distance of 3 feet. [REDACTED] states he thought Barnett was going to shoot them. When they reached a point of cell-phone reception, they called 911, but Barnett fell back. When the sheriffs came, they and the border patrol searched but couldn't find Barnett. [REDACTED] has called the police to press charges, but his calls have not been returned. He has called DHS to report the act of terrorism, but was told that Barnett's actions weren't terrorism. The next morning [REDACTED] and [REDACTED] met two elderly people at a gas station who had just experienced the very same thing.

APPENDIX 3

**2005 – 2007 Vandalism of Humane Borders Water Tanks
on the COT Manville Maintenance Route**

Date	Location	Description
5/29/2005	COT Manville	Flag and faucets gone
6/6/2005	COT Manville	Flag and faucets gone
6/20/2005	COT Manville	tanks drained
6/26/2005	Javelina	barrels shot
7/12/2005	Trico	barrels shot and flag pole broken
7/22/2005	Javelina	flag pole bent
8/12/2005	COT Manville	entire station is gone
8/27/2005	Trico	faucets removed
8/27/2005	Javelina	faucets left open
9/12/2005	?	replaced flag and faucets
9/13/2005	COT Manville	replaced part of flag pole
9/20/2005	COT Manville	replaced bottom of flag pole
9/22/2005	COT Manville	replaced flag and faucets
9/25/2005	COT Manville	replaced part of flag pole
9/27/2005	COT Manville	tanks drained flag down
10/2/2005	COT Manville	entire station is gone
1/6/2006	COT Manville	entire station destroyed
5/2/2006	COT Manville	entire station is destroyed
5/3/2006	COT Manville	tanks drained
5/3/2006	Javelina	tanks drained
5/3/2006	Little Ranch	tanks drained
5/8/2006	Trico	Graffiti
5/11/2006	COT Manville	entire station stolen
5/13/2006	Trico	middle section of flag pole missing
5/18/2006	COT Manville	tanks drained
5/20/2006	Trico	put flag up
5/21/2006	Trico	Graffiti
5/23/2006	COT Manville	flag down
5/25/2006	Trico	tanks drained
6/1/2006	Trico	tanks drained, faucets gone
6/12/2006	Trico	tank knocked off stand
7/13/2006	Trico	pole, faucets and flag stolen
7/15/2006	Little Ranch	tanks punctured
7/16/2006	COT Manville	flag stolen and barrels punctured
7/19/2006	COT Manville	flag repaired
7/24/2006	Trico	gunshot barrels
7/25/2006	Trico	flag replaced
8/6/2006	Trico	station is vandalized
8/7/2006	Trico	flag replaced
8/10/2006	Little Ranch	1 barrel missing
8/23/2006	Javelina	pole broken, flag gone, barrels drained spigots gone
8/25/2006	Javelina	replaced flag poles and faucets
8/26/2006	Little Ranch	tanks drained
8/27/2006	Trico	middle part of flag needed replacement
8/27/2006	Little Ranch	barrels drained
8/28/2006	Trico	Water spigot detached
9/1/2006	Trico	Flag down
9/3/2006	Trico	tanks drained
9/24/2006	Trico	taps left open

9/27/2006	Little Ranch	barrels, stand and flag stolen
9/27/2006	Javelina	barrels, stand and flag stolen
4/23/2007	COT Manville	flag pole bent, flag and faucets stolen, barrels punctured
5/1/2007	Javelina	water tastes soapy
5/5/2007	Trico	station is destroyed
5/5/2007	COT Manville	station is destroyed
5/9/2007	COT Manville	hole in barrel
5/12/2007	Trico	flag pole bent, tanks drained and faucets removed
5/12/2007	Javelina	flag pole bent
5/14/2007	Trico	tanks drained
5/28/2007	Little Ranch	bullet holes
6/8/2007	Trico	flag pole bent to the ground
6/11/2007	Javelina	tanks drained
6/11/2007	Little Ranch	tanks drained
6/24/2007	Little Ranch	tanks drained and flag down
6/25/2007	Little Ranch	tanks drained and flag down
6/26/2007	Trico	tanks drained
7/1/2007	Javelina	barrels drained
7/1/2007	Little Ranch	barrels drained
7/2/2007	Javelina	barrels drained
7/2/2007	Littler Ranch	barrels drained
7/5/2007	Trico	flags and poles scattered, tanks punctured, faucets removed
7/5/2007	COT Manville	tanks punctured and faucets scattered
7/10/2007	?	Humane Borders stickers removed from barrels
9/4/2007	Trico	vandalized
9/4/2007	COT Manville	vandalized
9/8/2007	Trico	faucets removed and tanks slashed
9/8/2007	COT Manville	faucets removed and tanks slashed
9/9/2007	COT Manville	barrel missing
9/9/2007	Trico	barrels slashed
9/14/2007	COT Manville	sabotaged
9/18/2007	COT Manville	barrels sabotaged and flag down
9/22/2007	Trico	pole replaced
9/23/2007	?	pole bent to ground, flag missing faucets removed
9/24/2007	Trico	tanks drained
10/3/2007	COT Manville	faucets stolen, barrels drilled