Nine “No More Deaths” volunteers face prosecution for attempting to aid immigrants

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26 January 2018

Nine members of the humanitarian organization No More Deaths (NMD) are facing federal prosecution for the “crime” of attempting to provide water and medical help to immigrants in the Arizona desert. The first hearing of the case took place on Tuesday, January 23 in Tucson, Arizona.

The misdemeanor charges against the nine stem from three different incidents in June, when the volunteers drove into Cabeza Prieta National Wildlife refuge, about 125 miles outside of Tucson, in order to help those who were trying to cross the border through particularly unfriendly terrain.

The volunteers explained to the Border Patrol that they were trying to locate three people who were lost in the desert. However, they were charged with various misdemeanors, including entering the wildlife refuge without proper permits, driving a vehicle in the wilderness, and abandonment of property for leaving food, water and toiletry items in the desert. Based on the charges, each could face up to six months in prison and a fine of $400.

One of the volunteers, Scott Warren, an instructor at Arizona State University, also faces a felony charge after being arrested by Border Patrol last week for harboring two people “suspected of being in the country without authorization.” Warren, who was providing the two immigrants food and water in an NMD safehouse, could face up to five years in prison.

Warren’s arrest came in the immediate aftermath of the publication of a report by NMD and La Coalición de Derechos Humanos, which detailed the Border Patrol’s systematic destruction of water jugs left for immigrants in the desert, and also the increasing harassment and surveillance of those providing humanitarian aid, particularly since last year.

While the report takes pains to point out that there are other potential reasons for the vandalism of supplies left for border crossers, including hunters and right-wing militia groups, their careful analysis of mapping data, land jurisdictions, and hunting seasons points to Border Patrol agents willfully destroying supplies left behind, particularly water. Between 2012 and 2015, the report states that in incidents that, on average occurred more than twice a week, 3,586 gallons of water were vandalized.

In addition, the report points to “ample anecdotal evidence of U.S. Border Patrol agents destroying and confiscating humanitarian supplies, including multiple eyewitness accounts of agents pouring out or destroying water supplies and four separate occasions when this vandalism was caught on video.”

Along with the report, NMD also released a video based on clips taken between 2010 and 2017, which showed Border Patrol agents kicking over water jugs that had been left behind in the desert and puncturing a water bottle with a knife.

In a tweet following the arrests, NMD stated, “These arrests come during a nation-wide targeting of migrant justice organizers in NYC, Colorado, etc. Although Scott Warren’s case differs significantly due to his US citizenship, they are all part of a disturbing pattern of immigration agencies targeting voices of dissent.”

As reported in *The Intercept*, these arrests are not NMD’s first brush with the law. In 2005, two young volunteers—Shanti Sellz and Daniel Strauss, were arrested by Border Patrol agents while trying to transport three undocumented migrants to a local hospital. Both faced up to 15 years in prison. However, the charges against them were thrown out by a judge who ruled that “the young volunteers were acting in accordance with a set of protocols they had been told were legally sound.”

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In 2010, Daniel Millis, another NMD volunteer was convicted on littering charges for leaving water for migrants in the Buenos Aires Wildlife Refuge in Arizona. The conviction was overturned by the 9th Circuit Court of Appeals, which ruled that "water did not meet the definition of waste."

In both cases, the volunteers were represented by William G. Walker, a Tucson-based attorney, who is also providing counsel to the current round of defendants.

Walker has stated that the arrest of Warren in particular is, without question, connected to the release of the NMD report highlighting the role of Border Patrol agents in the destruction of humanitarian supplies. Walker told the *Arizona Republic* that Warren's actions with regard to the migrants had been humanitarian and not criminal. "We don't smuggle them. We don't do anything to help them enter the United States. We do nothing illegal," Walker stated, "This place that they raided is not in the middle of the desert. It's not hidden anywhere. It's in the city of Ajo, and it's been used for a long time, not to help smuggle migrants but to give medical care and food and water."

The prosecution of the nine NMD volunteers is a particularly egregious illustration of the inhumanity underlying the US government's official stance towards migrants. NMD, which was the product of a 2004 interfaith cross-border conference, serves as an umbrella organization for various groups that work in some of the most inhospitable terrain along the border between the US and Mexico. In addition to leaving behind water jugs, volunteers try to provide medical assistance to those in need, and also help retrieve the bodies of those who perish while trying to make the crossing.

While Border Patrol statistics claim that crossings along the Southwestern border have claimed 7,209 lives in 20 years, a recent *USA Today* report found that the actual count was substantially higher than the official figures. Between 2012 and 2016 alone, the report states that the number of deaths ranged from 25 percent to 300 percent more than the official count in California, Arizona and New Mexico.

In Arizona, the Cabeza Prieta National Wildlife Refuge, where the NMD volunteers were initially charged, is known as the deadliest of the various crossing sites, accounting for nearly half of the deaths in the state in 2017. Volunteers have compared the area to a mass grave, given the amount of human remains that have been found.

Gregory Hess, chief medical examiner of the Pima County Medical Examiner's Office, is quoted in the *USA Today* report as saying, "A hallmark of civilized society is [the] death statistics you keep track of with the intent to decrease those deaths or take policy measures to help whatever the issue is." By that benchmark, the US government is certainly failing the test of civilization.

The increased use by migrants of the more dangerous crossings, particularly along the Southwestern border, is itself a product of a very conscious 20-year strategy adopted by the Border Patrol under both Democratic and Republican administrations. This strategy has been focused on pushing migrants away from populated areas, re-routing them, and driving them into the arms of the vicious Mexican organized crime syndicates and right-wing militias. This has only gotten worse with the Trump administration's efforts to build up the border wall, while ramping up the militarization of border areas in general.

The prosecution of the NMD volunteers is yet another step in the systematic criminalization of those who attempt to provide aid to the most vulnerable sections of society, be they migrants or the homeless population.

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