

# US Border Patrol agent who shot teenager dead acquitted of murder

Genevieve Leigh  
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After sixteen days of deliberation, US Border Patrol Agent Lonnie Swartz was acquitted on Monday of second degree murder for the slaying of a 16-year-old Mexican youth through a US-Mexico border fence. The court deadlocked on lesser charges of manslaughter leaving open the possibility of a re-trial.

The murder of Antonio Elena Rodriguez occurred late in the evening on October 10, 2012 in the city of Nogales which straddles the Arizona-Mexico border. The defense claimed that Rodriguez was among a group of youth throwing rocks at border agents in an attempt to cover for drug smugglers. In “self-defense” from the rocks, Schwartz fired 16 rounds in 34 seconds from three different firing points. During this brief time, he emptied an entire magazine from his pistol, reloaded, and fired three more times.

An autopsy later revealed that Rodriguez had been shot at least 10 times, with eight bullets entering his back and two in the head. He was dead within seconds.

Attorneys for Swartz said the officer was justified in shooting and that he was acting in self-defense and in defense of his fellow officers. “From his first day in the Border Patrol, it had been ingrained in him that rocks were dangerous,” said his defense attorney, Sean Chapman, in his closing arguments.

The Mexican side the border at the location of the shooting is at a much lower elevation than the US side. Many reports note that someone throwing rocks from the Mexican side of this location would have had to clear not only the height of the cliff, but also the 18-foot fence perched atop it casting severe doubt on an already flimsy argument of “lethal” rock throwing.

Swartz testified that he had been “frightened” and decided to fire after rocks appeared to hit a fellow agent and a police dog. “This has gotta stop. Somebody’s going to get hurt,” he reported thinking. Swartz did not

explain the contradiction between his supposed concern someone would get hurt and his decision to fire 10 bullets into a child.

The case marks the first time a US Border Patrol agent has been brought to trial for killing a civilian on the other side of the border.

The case against Swartz has been both shrouded in secrecy, and deliberately drawn out from the very beginning. The Border Patrol concealed Swartz’s identity as long as they could manage and even blocked local media from accessing surveillance camera footage from the incident, despite multiple Freedom of Information Act requests.

Not until a year after the killing, in November 2013, was the Border Patrol finally ordered by a federal court to reveal Swartz’s name and unseal other documents that Swartz and his attorneys did not want uncovered. Swartz was not indicted until 2015, three years after the incident. Over the course of the last almost six years, Swartz has walked a free man, able to travel at will throughout Arizona and Nevada on administrative leave.

For the Rodriguez family the last six years have been the most painful of their lives. Antonio’s mother, Araceli Rodriguez told a local Mexican news source at hearing several months ago, which was made to push back the trial yet another time, that the process had worn her down and made her feel “powerless after long years of fighting”.

“These five years, for me, have been exhausting, fighting for justice that doesn’t come,” she said. “It’s always the same. I’m tired. We’re tired.”

During the trial, Antonio’s mother sat silently, avoiding looking at the screens on either side of the courtroom showing images of her son’s body face down on the ground. When witnesses were asked to

describe the position of the 16-year-old's head and whether he was facing the fence or the wall, Ms. Rodríguez reportedly broke down sobbing and was escorted out of the courtroom.

Unsurprisingly, an internal investigation of 67 shooting incidents since 2012 by the Border Patrol has absolved agents of criminal misconduct in all but three cases, which are still pending. Of the cases in question, which left 19 people dead, only two agents faced disciplinary action in the form of oral reprimands.

The murder of Antonio Rodriguez and Swartz's trial have spanned over two administrations, Democrat and Republican. The not guilty verdict continues a long-standing policy upheld by the Obama administration that the various bodies of armed men who defend the capitalist system can kill with impunity.

The verdict comes amidst an escalating attack on immigrants from the highest levels of the political establishment including the call by President Donald Trump for National Guard troops to be sent to the Mexican border to free up Border Patrol agents to escalate the repression of immigrant workers.



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