

“If giving water to someone dying of thirst is illegal, what humanity is left in the law of this country?”

Four “No More Deaths” volunteers convicted for providing humanitarian aid to migrants crossing US border

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Last Friday, a federal judge in Arizona rendered a guilty verdict against four volunteers from the humanitarian organization No More Deaths (NMD) for their actions in the Cabeza Prieta Wildlife Refuge a year and a half ago. Judge Bernardo Velasco’s ruling marks the first conviction against humanitarian aid volunteers in a decade.

The volunteers—Natalie Hoffman, Oona Holcomb, Madeline Huse and Zaachila Orozco-McCormick—were formally found guilty of misdemeanors related to entering a wildlife refuge without a permit and leaving behind “personal property.” The latter was a reference to food, water and other small items left behind by the volunteers in order to provide assistance to migrants making the dangerous desert crossing.

Having been found guilty the four each face a sentence of up to six months in prison, along with a possible \$500 fine. Four more NMD volunteers are set to go to trial next month on similar charges. A ninth volunteer, Scott Warren, will face trial in May on more serious charges including felony harboring and concealment for allegedly providing food, water, clean clothes and beds to two undocumented immigrants last year. If convicted and sentenced to consecutive terms, Warren could face up to 20 years in prison.

Friday’s verdict is a gross caricature of justice and yet another revelation of the lengths to which the American ruling class is willing to go in its persecution of migrants and the working class in general. Hoffman, Holcomb, Huse and Orozco-McCormick are guilty of

nothing other than expressing a genuine empathy for their fellow human beings and taking steps to provide some basic humanitarian aid in a terrain that is well-known for being hostile to border crossers.

“If giving water to someone dying of thirst is illegal, what humanity is left in the law of this country?” Catherine Gaffney, an NMD volunteer, asked in a statement released after the verdict was handed down.

Cabeza Prieta is an 860,000-acre wilderness refuge, located near Tucson, Arizona. It is also, according to NMD, the site of at least 155 migrant deaths since 2001. In the general Southwestern US borderlands, the death toll amongst border crossers is estimated at over 8,000 in this same period. In a humanitarian gesture, volunteers from NMD leave food and bottles of water to potentially help alleviate the suffering of migrants facing the brutal desert conditions. However, even these small gestures have been targeted in the Trump administration’s war against immigrants.

Last year, in a report co-authored with La Coalición de Derechos Humanos, NMD documented Border Patrol officers’ “intentional destruction” of over 3,000 gallons of water placed in the desert by volunteers. The report was accompanied by the publication of video footage showing border patrol agents kicking and emptying water jugs that had been left in the desert by NMD volunteers.

Following the public outcry engendered by the video footage and the report, officials from US Customs and Border Protection (CBP) claimed that their agents had

been told to “leave the water jugs alone.” In a statement to NBC News, Carlos Diaz, the Southwest Branch Chief for the CBP declared, “If anybody sees any activities like the ones seen in the videos, they need to inform us so we can take the corrective action because it’s not acceptable.”

However, it is quite apparent that the main target of governmental ire is not the supposedly errant officers, but rather those who try to aid migrants. Even if one were to leave aside basic human decency and adopt the most literal interpretation of the law, the “misdemeanor” of the NMD volunteers could have been treated very differently. They could have simply been admonished for not obtaining the correct permits, or even just banned from future entry into the refuge. Instead of either of those options, the Department of Interior and the Department of Justice authorized their prosecution.

The ominous and deeply politicized nature of these prosecutions is also evident in the behind-the-scenes machinations involving the presiding judges. Last December, the *Intercept* reported an attempt by Scott Warren’s defense attorneys to have Judge Velasco removed from the case because of ex-parte communications with the Trump administration. Velasco, it was revealed, had “entered into one-sided, private communications with the government on what to disclose in Warren’s case ... and then made decisions about what would be relevant to the defense team without informing or consulting with them.”

However, in a strange turn of events, this did not result in Velasco recusing himself from Warren’s case. Instead, Tucson Magistrate Judge Bruce G. MacDonald, who was presiding over the federal misdemeanor case of the four NMD volunteers, filed a notice removing himself from the case after concerns raised by other defense attorneys. In his filing, MacDonald stated that he would be handing the case over to a colleague—Judge Velasco.

As the *Intercept* noted, this gave Velasco control over much of the trials pertaining to NMD, a group that he had targeted in an earlier case. In the mid-2000s, two young NMD volunteers faced felony harboring charges for driving three sick migrants to a church for medical care. Velasco consistently opposed all attempts by the defense attorneys to have the case dismissed by dismissing every pre-trial defense motion. The case was

ultimately dismissed when the District Judge took over from Velasco.

In rendering his judgment in the current case, Judge Velasco claimed that the volunteers’ actions of “not remaining on the designated roads,” and leaving behind “food, water, and crates in the refuge,” eroded the “pristine nature” of the area. This supposedly pristine area is the final resting place for migrants who did not survive the brutal border crossing. Far from being hardened criminals, most who make the attempt to cross the deeply inhospitable terrain are themselves victims of the capitalist system, desperately seeking a better life for themselves and their families.

Even in the context of the Trump administration’s criminalization and dehumanizing of immigrants, criminalizing those who aid migrants is a new and dangerous low. The prosecution of the NMD volunteers and the guilty verdict in this case is a clear warning from the ruling class that it has no intentions of tempering its stand on immigrants. In an immediate sense, this serves to discourage those who might otherwise be willing to offer aid to migrants. In effect, this will undeniably lead to more migrant deaths in the borderlands. In a broader sense, the attack on immigrants is but the first major volley in the attack on the working class as a whole, and the prosecution of those who provide humanitarian aid to migrants should be seen for what it is, a step towards a full-scale escalation of class war.



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