

Arizona: Second trial begins of pro-immigrant “No More Deaths” volunteer

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The second trial of Scott Warren, a volunteer for the humanitarian organization “No More Deaths,” began this week in Arizona. This follows the declaration of a mistrial in the first case, after the jury deadlocked on the verdict five months ago. Rather than dropping the charges at that point, the US government has decided to proceed with a second trial that charges Warren with two counts of “harboring.”

The main accusation against Warren is that he provided two undocumented migrants—23-year-old Kristian Perez-Villanueva from El Salvador and 20-year-old Jose Arnaldo Sacaria-Godaythe from Honduras (deported since then)—with food, water, and a place to sleep over three days.

In a striking move, less than two weeks before the trial began, federal prosecutors filed a late-stage motion, asking a judge to bar Warren from mentioning Trump’s name or any actions of his administration as part of his defense. Such mentions, they argued, “would be irrelevant and unfairly prejudicial.”

This move by the prosecutors is extraordinary for many reasons. For one, as Warren’s attorneys pointed out, such a gag order would violate their client’s First, Fifth and Fourteenth Amendment rights under the US constitution.

The government, as defense attorney Amy Knight wrote in her responding motion, had provided “zero explanation whatsoever of the prejudice” that would result from “daring to mention the President, a man who maintains ultimate authority over this prosecution (notably, the same man who appointed both the United States Attorney General and the United States Attorney for the District of Arizona).” Beyond that, however, is the mind-boggling claim that somehow Warren’s trial is not “political” and is disconnected from the war on immigration being waged by the current administration.

It is not surprising that the US government is resorting to the most ludicrous legal maneuvers to bar any mention

of Trump or his administration’s criminal policies from the new trial. Mass opposition to these policies, ranging from family separations and detentions to mass deportation raids, has continued to grow over the past few years. As noted in the *Intercept*, this opposition has been particularly strong when focused on the administration’s criminalization of organizations that have attempted to provide humanitarian aid to migrants.

In a national survey conducted this past August, Chris Zepeda-Millán, an associate professor of public policy at the University of California, Los Angeles (UCLA), and Sophia Jordán Wallace, an associate professor of political science at the University of Washington, posed the question: “Do you agree or disagree that it should be a crime for people to offer humanitarian aid, such as water or first-aid, to undocumented immigrants crossing the desert along the US-Mexico border?” In a response that took even the authors by surprise, nearly 87 percent of the respondents disagreed. This disagreement stood firm across party lines, with over 70 percent of those who identified themselves as Republicans opposing the criminalization of humanitarian aid workers.

The survey is part of a broader study of public responses to immigration policy, but as the authors told *The Intercept*, they felt compelled to share their findings on the humanitarian aid question in advance of Warren’s retrial in part because of how striking they are. This survey result is but one manifestation of the genuine revulsion and anger of the majority of the American population over the criminal and inhumane war on immigrants, exposing the lie by the Trump administration and its supporters that their policies are a reflection of popular sentiments.

During the first trial, it appeared as though Assistant US Attorneys Anna Wright and Nathaniel Walters had bought into these claims of mass support for the Trump administration’s policies, given that they framed their

case against Warren in terms of a shadowy political conspiracy. Though they tried to argue that the government was only trying an individual on a specific set of charges, their entire prosecution was premised on presenting “No More Deaths” as a criminal operation that was focused on attaining its political goal of establishing a borderless world. Warren, they argued, was a “high-ranking leader” of this organization.

To make their case, the prosecutors even introduced a *Washington Post* op-ed written by Warren, in which he gave his analysis of the case. The move backfired spectacularly since it afforded Warren the opportunity to read aloud the op-ed in its entirety in the courtroom and set out his critique of the Trump administration’s inhumane and anti-immigrant policies, including the crackdown on organizations providing humanitarian aid to immigrants.

That his argument was persuasive enough for two-thirds of the jury became evident in the deadlocked verdict. From the viewpoint of the prosecution, the only way to prevent a recurrence of that debacle is to preclude any mention of Trump or his anti-immigrant policies during the second trial. Hence, the last-minute motion to “remove politics” from the courtroom.

The “crime” of organizations like “No More Deaths” is that they treat immigrants who make the dangerous border crossings as humans deserving basic rights and have revealed the systemic abuse of such rights by the US Border Patrol. As a result, these organizations and their members have been subjected to surveillance, harassment and, now, criminal prosecutions.

Scott Warren provided aid to two human beings who needed it. Instead of being commended for his actions, he and his family have been dragged through an emotionally and financially draining legal process for nearly two years. If found guilty of both charges and sentenced to consecutive terms, Warren would be behind bars for a decade.



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