

24 June 2011

The Honorable Patrick Leahy  
United States Senate  
Washington, D.C. 20510

The Honorable Lamar Smith  
United States House of Representatives  
Washington, D.C. 20515

Dear Senator Leahy and Representative Smith:

On behalf of the 65 organizations and coalitions represented in this letter, we strongly express our great concern about the use of lethal force against rock-throwers by the U.S. Border Patrol. We ask that the Senate Immigration, Refugees, and Border Security Subcommittee and the House Immigration, Policy and Enforcement, and International Law Subcommittee investigate and seek to end this practice.

On June 21, 2011, a Border Patrol agent shot and killed a man who was allegedly trying to illegally enter the United States from Mexico. Initial reports indicate that the Border Patrol agent fired at the man as he was throwing rocks at the agent. This is not the first time that an incident of this kind resulted in the death of another human being, and caps a chronology of events and deaths stemming from disproportionate use of force by U.S. Border Patrol agents.

There were other fatal shootings involving Border Patrol agents reported between January and June of last year.

- In January, a 17-year-old who was also said to be throwing rocks was shot and killed by a Border Patrol agent near Nogales, Ariz.
- In March, a 19-year-old U.S. citizen who was allegedly running from agents was shot and killed near Douglas, Arizona, after a rock-throwing incident.
- The last death in San Diego, CA, involving federal agents was in May of last year when Mexican citizen and long-time Encanto resident Anastacio Hernandez Rojas, 42, was arrested in the U.S. after being deported. He was shot with a stun gun and beaten and died days later.
- On August 11, 2008, another instance of this disproportionate use of force took place at the U.S.-Mexico border near San Diego. Edgar Israel Ortega Chavez, whom Border Patrol alleges was throwing rocks, was in Mexican territory when he was shot by a Border Patrol agent.
- In 2010, an agent shot and killed a 15-year-old boy who authorities said was throwing rocks at him near the border in El Paso.

This latest incident has been condemned by Mexico's Foreign Relations Secretariat: "The Mexican government energetically condemns the death. ... (We) reiterate that the use of firearms to repel attacks with rocks, which is what preliminary information indicates may have occurred in this case, represents a disproportionate use of force." (*San Diego Union Tribune, June 22, 2011*)

We ask that the Office and Inspector General and your subcommittees investigate the U.S. Border Patrol's practice of shooting rock throwers. We also respectfully request that you ask Secretary of Homeland Security Janet Napolitano to make clear to her Border Patrol agents that it is not acceptable to use deadly force when confronted with rock throwers. Deadly force should always be an action of last resort and only used if an imminent risk of death is present and no other tool exists

to ameliorate a dangerous situation. To shoot stone throwers is exceptionally disproportionate and inhumane.

Finally, these cases reveal again why it is necessary to bring some transparency and accountability to federal law enforcement agencies. The number of law enforcement agents deployed on the southwest border has increased dramatically in recent years, but training, oversight, and accountability measures for the border enforcement agents have not kept pace.

We reiterate with new urgency, the longstanding call for increased transparency and independent oversight of federal law enforcement agencies in our communities.

The public has a vital interest in understanding and evaluating the Border Patrol's practices. The public needs to know that the agency complied with its own policies and procedures and whether the agency's response conformed to best practices. This overwhelmingly disproportionate use of force tarnishes the reputation of our law enforcement agencies and diminishes the confidence of the people in those meant to protect and serve us.

Thank you for your consideration.

Sincerely,

Signed:

#### **NATIONAL ORGANIZATIONS**

Amnesty International –USA  
 American Friends Service Committee  
 National Network for Immigrant and Refugee Rights (NNIRR)  
 National Alliance of Latin American & Caribbean Communities

#### **CALIFORNIA**

American Civil Liberties Union of California (ACLU-CA)

#### **COALITION OF ORGANIZATIONS**

*San Diego Immigrant Rights Consortium*  
*ACCE San Diego*  
*ACLU San Diego & Imperial Counties*  
*American Immigration Lawyers Association- San Diego*  
*American Friends Service Committee- San Diego Area Office*  
*Angeles del Desierto*  
*California Immigrant Policy Center*  
*Catholic Charities*  
*Catholic Relief Services*  
*Center for Social Advocacy*  
*City of San Diego Human Relations Commission*  
*Employee Rights Center*  
*Equality Alliance*  
*Escondido Human Rights Committee*  
*Interfaith Committee on Worker Justice*  
*International Rescue Committee*  
*La Raza Lawyers of San Diego*  
*National Lawyers Guild*

*No Border Wall*  
*Oceanside Human Rights Council*  
*San Diego Foundation for Change*  
*San Diego LGBT Center*  
*South Bay Forum*  
*Unitarian Universalist Refugee and Immigration Services and Education (UURISE)*

## **ARIZONA**

American Civil Liberties Union of Arizona

### **ORGANIZATIONS**

*Arizona Zoological Society*  
*Border Action Network*  
*Border Initiative*  
*BorderLinks*  
*Center for Economic Integrity*  
*Cochiso College Center for Lifelong Learning*  
*First Christian Church Migration Ministries*  
*Frontera de Cristo*  
*The Good Shepherd United Church of Christ*  
*Mexicayotl Academy*  
*Migrant Resource Center & Shelter*  
*No More Deaths*  
*School Sisters of Notre Dame*  
*Sierra Club Borderlands Team*

## **NEW MEXICO**

### **COALITION OF ORGANIZATIONS**

*Taskforce for Immigrant Advocacy & Services (TIAS)*  
*Border Network for Human Rights (West Texas-Southern New Mexico)*

### **ORGANIZATIONS**

*ACLU of New Mexico Regional Center for Border Rights*  
*Encuentro Latino National Institute on Family Violence*

## **TEXAS**

### **South Texas Rio Grande Valley**

#### **COALITION OF ORGANIZATIONS**

*Rio Grande Valley Equal Voices Network:*  
*American Civil Liberties Union of Texas*  
*ARISE: Alamo/Pharr/San Juan*  
*Brownsville Community Health Clinic: Brownsville/Port Isabel*  
*La Unión del Pueblo Entero: San Juan/Mercedes/Pharr*  
*Movimiento Del Valle Por Los Derechos Humanos: Brownsville/Port Isabel*  
*Proyecto Azteca: San Juan*  
*Proyecto Juan Diego: Cameron Park*  
*Proyecto Libertad: Harlingen*

*SCAN: Rio Grande City*  
*South Texas Adult Resource and Training Center: San Benito*  
*Southwest Workers' Union: Edinburg/Donna*  
*Texas RioGrande Legal Aid: Weslaco/Edinburg/Brownsville*

**ORGANIZATIONS**

*BARCA*  
*Migrant Health Promotion*  
*South Texas Civil Rights Project*

cc. Joanne Lin