



BORDER JUSTICE

Restoring American Values Along the Border

The ACLU aims to restore American values of fairness and decency in the treatment of all people living along the U.S.-Mexico border. Through education, litigation, and policy advocacy, we combat abuses and the bad policies that encourage abuse.

Abuses on the southern border often go unchecked both because the courts have given border and immigration authorities exceptional power and because federal agencies have failed to establish effective accountability and oversight mechanisms. Many of the court decisions giving excessive discretion to border and immigration authorities came about when there were far fewer border agents and abuses. For example, courts long ago decreed that people living within 100 miles of the border have a substantially reduced right to be free from routine searches.

The ACLU is challenging border enforcement agencies' unfettered discretion in light of the increase in abuses and the massive power now being exercised by border agents over ordinary residents.



The ACLU successfully challenged the detention of immigrant families and children in the Hutto detention center in Taylor, Texas. Before the settlement, conditions were virtually indistinguishable from prison.

The U.S.-Mexico border region is rich in culture, natural beauty, and history. It is a wonderful place to live and work, and includes some of the United States' largest cities with the lowest crime rates—El Paso, Phoenix, and San Diego. Yet, American media and politicians portray the border as a wasteland of violence, drugs, and lawlessness. Sadly, this image has taken hold in the imagination of many Americans, even inspiring a dangerous, misguided vigilante movement. Especially for those who do not live here, “the border” has become a place to relegate their fear of cultural and demographic change and anxiety over declining economic status. Over the past two decades, politicians have played on these fears, working insatiably for “tougher enforcement” in the border region, invariably accompanied by less transparency, accountability, and due process. Extreme measures taken in the name of border security change the character of our border communities. But, even more tragically, they bring abuses that change the character of our country.

ACLU's Work Defending American Values at the Border

Already fighting an onslaught of attacks on civil liberties from notorious power-abusers like Sheriff Joe Arpaio, Governors Jan Brewer and Rick Perry, the city of Escondido, and others, the ACLU's border affiliates are also addressing these specific problems:

- With national and international media coverage, the ACLU submitted a series of complaints of gross abuse of ordinary, lawful travelers passing through border ports of entry by unaccountable Customs and Border Protection agents.
- The ACLU filed a class-action lawsuit along the *northern* border in Washington, challenging the U.S. Border Patrol to end its practice of suspicionless stops of people based solely on their appearance and ethnicity.
- Toward our goal of securing due process and representation for everyone in the immigration system, the ACLU won the right to a hearing for an asylum seeker in prolonged detention and the right to representation for mentally ill defendants in immigration proceedings.
- We advocate against the disproportionate use of force, such as the Border Patrol's shooting of rock throwers. According to NPR, in the past two years, eight people were killed by Border Patrol for allegedly throwing rocks.
- The ACLU has always objected to border deterrence strategies that channel migrants to harsh, extreme environments that increase the likelihood of injury and death. In 2009, the San Diego ACLU issued a seminal report documenting up to 5,600 deaths since the government's Operation Gatekeeper was launched. The ACLU and allies also fought this program in the Inter-American Commission on Human Rights from 1999 to 2005, and continue to promote humane alternatives.



Fifteen-year-old Sergio Hernandez Guereca was hanging out with friends in Ciudad Juarez, across the border from El Paso, Texas, when he was shot in the head by a Border Patrol agent for allegedly throwing rocks at him. Hernandez's death came just two weeks after Anastasio Hernandez Rojas was beaten with clubs, kicked and tased to death by more than a dozen border officers at the San Ysidro border station while handcuffed and hogtied.

Meeting the Challenges on the Border Today

As we have done wherever injustice takes root, the ACLU is fighting back against abuses at the border. Not only are we the leader in immigrants' rights litigation throughout the United States, we have put in place the foundation to mount a sustained defense of basic human and civil rights at the border.

- Since 1933, the ACLU has had a presence at the U.S.-Mexico border. Our four border affiliates now have 60 staff, including five staff focused primarily on border issues.
- In 2006, we created the Regional Center for Border Rights in Las Cruces, New Mexico, to coordinate advocacy efforts among the ACLU border affiliates.
- Working with allies on both sides of the border, we established a secure online system for documenting abuses by government agents.
- Led by the Southern Border Communities Coalition, of which the ACLU is a member, we are using traditional and social media more effectively to expose abuses. SBCC's efforts resulted in exposing the brutal beating and tasing death of Anastasio Hernandez Rojas on PBS's *Need to Know*.
- We are now in the process of seeking to expand our focused border litigation and advocacy resources.

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