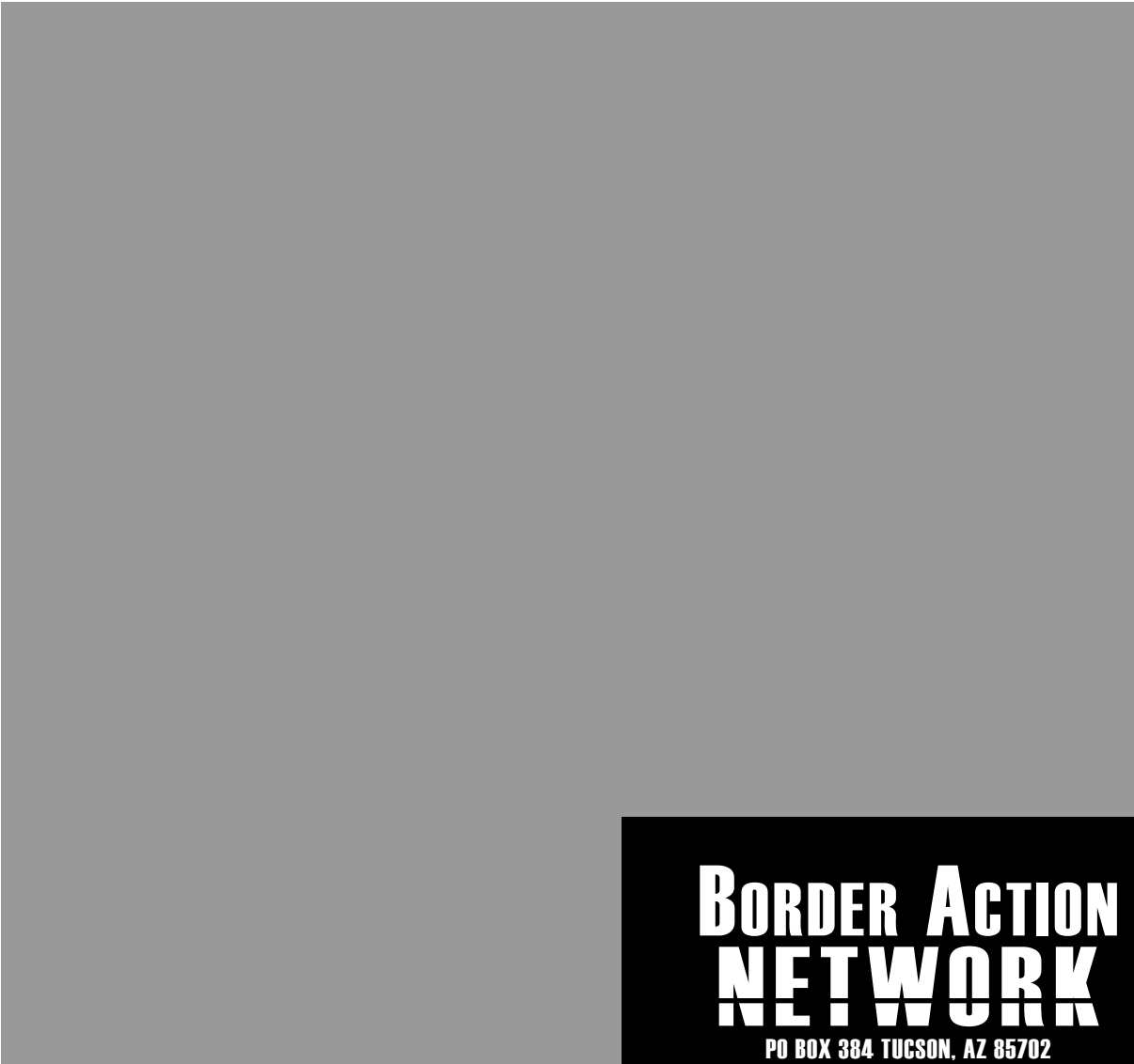




Hate or Heroism

Vigilantes on the Arizona-Mexico Border

December 2002



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NETWORK**

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Border Action Network was founded in 1999 to organize for human rights, civil liberties and environmental protection on the Arizona-Mexico border. We are a grassroots, membership-based organization that works with southern Arizona and northern Sonora border communities. Relying on education, community organizing, direct action and litigation, Border Action Network is building a movement demanding dignity, rights and healthy environment on the US-Mexico border.

"Hate or Heroism" is one of the first reports produced by Border Action Network. Through our border community organizing efforts with residents in Douglas, Pirtleville and Naco, Arizona, it became clear that the voices of people who live in Cochise County were not being heard. In December 2002, Border Action Network concluded weekly door-knocking in Douglas. After talking with over one hundred and fifty residents, we had not found a single person who supported the actions of Roger Barnett, Ranch Rescue or the other groups that were moving in to the area. Yet, community members were afraid of possible repercussions for speaking out. "Hate or Heroism" is our attempt to bring the widespread community opposition to forefront and to propose some concrete recommendations that Governor Janet Napolitano and Attorney General Terry Goddard can implement as they take office in January 2003 to stop the spread of hate in southern Arizona. Our voices will not be silenced. Dignity and rights go beyond national borders-we must take a stand to protect them before the situation worsens.

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Thanks to all the residents of Cochise County who "speak out" in different ways and speak up for the dignity, equality and rights of border communities and immigrants. Additional thanks to all Border Action Network volunteers and to Theresa Thomas, Dan Krehbiel, Chris Ford, Dan Kehbeil, Political Research Associates, Salomon Baldenegro, and Lupe Castillo for the suggestions, work and insights.

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I. Introduction

Clad in camouflage fatigues with home-made "badges", using high-tech equipment and operating out of secret "headquarters", anti-immigrant vigilante groups in southern Arizona are taking the law into their own hands. Heavily armed, these groups are rounding up undocumented border crossers at gunpoint, and turning them in to the federal authorities. In some cases, immigrants have been injured and brutally killed.

Among the core vigilante groups operating in Southern Arizona are the Texas-based "Ranch Rescue"; Sierra Vista/Douglas businessman Roger Barnett, the "American Border Patrol", lead by California-based radio talk show host and self-proclaimed "immigration control activist" Glenn Spencer; and the newly forming "Civilian Homeland Defense", called to arms by the recently transplanted Californian and Tombstone newspaper owner, Chris Simcox.

In a post-September 11th climate and with an Administration that has supported secret detentions of immigrants, military tribunals, and neighbors reporting on the activities of neighbors, border vigilantes have been attempting to fuel anxieties about terrorism and national security. These groups are broadcasting the message that the U.S. is literally "under siege" by immigrants and that federal law enforcement agencies have failed to protect citizens from this perceived threat. Arizona vigilantes have created a climate of fear and anxiety that further justifies the aggressive and forceful tactics they claim are necessary to "protect our borders".

While some of these groups refer to private property rights as cause for their paramilitary tactics, "Hate or Heroism" shows that in all cases, the groups thinly veil their racism and in some cases are connected to national agendas that attack all people of color. The American Border Patrol's Glenn Spencer, for example, can be traced to the Council of Conservative Citizens and to neo-Nazi organizations such as the National Alliance.

The media coverage of vigilante activities tends to grant the greatest amount of air time to their charismatic leaders, offering a small amount of counter-point coverage to human rights groups protesting the widespread abuse of immigrants along the border. The voices of southern Arizona community members, however, barely register and immigrant voices are silenced altogether. For these reasons, the vigilantes are able to cast their actions as both mainstream and patriotic, and the real human costs of these activities are left unknown to outsiders.

"Hate or Heroism" calls for immediate action on a state and federal level. Our research reveals incidence of financial misconduct, a possible violation of state land leases, violations of Arizona's laws, and numerous incidences involving immigrants that warrant further investigation.

Although law enforcement officials have expressed concern about vigilante activities, there has been little action to stop the spread of these groups. On a number of occasions, vigilante leaders have openly challenged the legitimacy of law enforcement agencies, yet, much vigilante group membership consists of retired military, INS, and police officers. The result: law enforcement inaction, which becomes tacit approval of vigilantism and anti-immigrant activities.

Because of increased border militarization, immigration routes have been compressed into rural southern Arizona. This has created a situation in Cochise County that is untenable for immigrants, local residents, human rights advocates, and for anti-immigration advocates alike. In response, vigilantes call for varying degrees of further militarization of the border as a solution. While our report does not include discussion of immigration and border policies or militarization, it does point out that further militarization of the border is not a solution to immigration's impacts on rural communities nor will it affect the numbers of immigrants crossing the U.S.-Mexico border. The report argues that militarization has actually contributed to the growth of vigilantism and that "more of the same" will only exacerbate the violence, anxiety and fear that the vigilante groups are fomenting.

The report concludes with several concrete recommendations to Governor-elect Napolitano. She must step in and put an end to the emigration of hate groups into southern Arizona.

And lastly, we make the point that as a community, we must also step up and speak out. "Hate or Heroism" shows that these groups target all racial and ethnic minorities and not only immigrants or Mexicans. We need to stand together to demand an end to the violence on the border before it escalates.

II. Hate Groups in Southern Arizona – Past and Present

The stretch of Cochise County running parallel to the Mexican border has become a staging ground. A variety of inter-related groups have staked out this territory, much of it leased public lands, as an arena for acting out their fearful and aggressive feelings about US border policy and Mexican immigrants. Borrowing both rhetoric and imagery from Arizona's history of vigilantism, they surveil, harass, intimidate, and stalk immigrants. The groups message varies from overt racism to veiled language about sovereignty and terrorism; their image ranges from appearing as individual throwbacks to the Wild West to organized national networks with radical right-wing agendas. What they all have in common is that they have moved into the area, taken the law into their own hands and have turned southern Arizona into a dangerous, lawless battle zone.

Ranch Rescue, headed by Texan Jack Foote, is a paramilitary organization that claims to have about 250 members, including reserve police officers, sheriff's deputies and former members of the U.S. and Canadian armed forces.³

Ranch Rescue

Ranch Rescue, a border vigilante group organized by Texan rancher Jack Foote, describes itself as a volunteer organization that “help(s) private landowners with the repair of private property destroyed by the mass numbers of criminal trespassers and provide(s) volunteer security for these landowners, their homes and their private property.”¹

They are a membership organization that claims to receive no money from any governmental or private organization. They are "private citizens" who believe in private property rights above all else. The group claims to have chapters in Washington, Oregon, Arkansas, Illinois, Georgia, New Mexico, Arizona, Texas, California and an international branch.² Ranch Rescue says its members include former Border Patrol agents, military personnel, law enforcement officers and members of Soldier of Fortune magazine. This may explain why Ranch Rescue operates with impunity.

The group refers to the men, women and children crossing the border as "drug smugglers, criminal gang members, bandits, thugs and international terrorists" that ignore private property rights and victimize rural landowners. Playing on xenophobia and paranoia, the group recruits vigilante sympathizers to participate in paramilitary "missions" and "operations" on the border.

In summer 2000, Ranch Rescue came into the spotlight when they circulated a flier calling for recruits to "come have fun in the sun!" in Cochise County where volunteers could hunt the "hordes of criminal aliens." Recruits were encouraged to bring their RVs, night-vision equipment, guard dogs. Ranch Rescue preferred those to come with military and weapons training. Instructions for volunteers warn of intense and daily physical threats and encouraged people to bring their weapons and whatever else was deemed necessary for their protection.⁴

The Border Patrol's response to Ranch Rescue has been ambivalently ineffective. An internal INS Intelligence Analysis Branch bulletin released in October 2000 expressed concerns about Ranch Rescue and other anti-immigrant and racial hate groups that could be moving into Arizona. The bulletin was circulated to alert Border Patrol offices of a Ranch Rescue operation over the weekend of October 27-29. However, a month later at the ribbon-cutting ceremony for the new Border Patrol station in Douglas, the Border Patrol, in a surprising reversal, apologized to the citizen groups of Cochise County. David Aguilar, Tucson Sector Border Patrol chief went on to say that some of the local people referred to in the bulletin are some of the Border Patrol's best supporters.⁵



Vigilantes on patrol with Ranch Rescue's October 2002 Operation Hawk.



Ranch Rescue volunteers receive patches for each operation they participate in. Operation Hawk was in Arizona in October 2002. Volunteers are encouraged to “collect them all”.

In mid-October, 13 members of Ranch Rescue, armed with automatic weapons, dressed in camouflage and accompanied by a correspondent from Soldier of Fortune magazine, are said to have scared off a group of drug smugglers and captured 279 pounds of marijuana near Lochiel, a border hamlet about 65 miles southeast of Tucson.

The Santa Cruz County sheriff criticized Ranch Rescue for not reporting the seizure until 18 hours later, after the group had called the media. The Nature Conservancy, which owns the property on which Ranch Rescue was operating, also denied the group had permission to be on its land and asked them to leave. Nevertheless, Foote says his group continues to operate patrols on a rotating basis at the request of private landowners along the border.”⁸

In an interview with the Tucson Weekly, Aguilar went even further: “No one in the (Tucson) Sector had anything to do with this. You can see this bulletin was not done by anyone working here on the border. Someone in Washington, with limited knowledge of our situation here, wrote this thing. And they got it all wrong. I know these groups (the CCCC, AIR and FAIR). And I know many of the people in these groups. Some of my friends are in these groups. These people are not anti-immigrant, and (these) are not hate groups.”⁶

In October 2002, Ranch Rescue coordinated Operation Hawk in Cochise County. Armed volunteers dressed in tan or camouflage fatigues patrolled undisclosed lands. The group's web page claims that volunteers came from Canada, China, Alabama, Arizona, California, Colorado, Georgia, Louisiana, Maryland, Mississippi, Texas, and Washington.⁷

Roger Barnett

Sierra Vista businessman and ranch owner Roger Barnett, his brothers Brent and Don, and ranch employee, Roger Abbey are known as “The Barnett Boys” in Cochise County. For the past 4 years, they have spent a great deal of time patrolling Barnett's 22,000 acre “Cross Rail Ranch” outside Douglas (14,000 acres of which are leased state lands⁹), searching for undocumented immigrants crossing the border. Armed with loaded weapons, a Colt .45 and an M16, they claim to have captured more than 5,000 undocumented immigrants and more than 1 ton of marijuana. Barnett tracks people on his ranch using skills he says he learned from the US Border Patrol.¹⁰ (See *Legal Issues* section for incidents of abuse)

Barnett has become the national poster-child for Arizona's anti-immigrant and vigilante groups. From 1999 to the present, he has been profiled on CBS News, in Time Magazine, and USA Today, to mention only a few.

Although Barnett has become a movement figurehead, the breadth of his activities are not widely known. He has started up several small groups, none of which have received significant press coverage. On March 10th, 1999, Barnett was one of 20 local ranchers to sign a proclamation warning, “if the government refuses to provide security, then the only recourse is to provide it ourselves.”¹¹ Later the same year, Barnett organized the Arizona Ranchers Alliance.¹² And then, in May 2000 he became the spokesperson for the new “Shadow Border Patrol” formed by Glenn Spencer's California based American Patrol and Concerned Citizens of Cochise County.¹³



"I'm prepared to take a life if I have to," Roger Barnett told USA Today. According to this same article, the Mexican Consulate claims to be aware of 2 incidents in which Barnett acted illegally when he detained immigrants on state highways, off of his property. 19

As Barnett gains notoriety, his connections with national white supremacy and anti-immigrant groups continues to expand. Time Magazine reports: "On May 13, 2000, Barnett attended a meeting at the Windermere Hotel in Sierra Vista, AZ, sponsored by Cochise County Concerned Citizens, American Patrol, and Arizonans for Immigration Reform called 'Illegal Immigration: What Can Citizens Do?' ... (American Patrol's) Glenn Spencer broadcast the meeting on his internet radio program. Also attending, supposedly unbeknownst to the event organizers, were two representatives from David Duke's NOFEAR (National Organization for European American Rights) and unrobed members of an Arkansas Klan group.¹⁴ On May 14, 2000, after the Sierra Vista meeting, Barnett held a rally on his ranch for the meeting attendees."¹⁵

Just because Barnett is a local, as opposed to the California transplants leading other border vigilante groups, it can not be assumed that Barnett enjoys widespread community support. Residents of Douglas and Pirtleville who were interviewed were afraid to speak out publicly for fear of retribution.¹⁶ Residents

explained that Barnett and his family is powerful and wealthy-Roger Barnett was a sheriff's deputy, his brother was county sheriff, they own a large tow truck company and the propane company. Residents told stories of Barnett profiting off immigrants and profiting off the apprehension of immigrants (more apprehensions means more impounded vehicles to which Barnett Towing can gain title and sell).

Barnett portrays himself as a victim of "criminal aliens" who is fighting back. He is now working side-by-side with other anti-immigrant groups like American Border Patrol, that have clear racist agendas.¹⁸ With this new stardom, it doesn't look like Barnett is going to bow down. As Barnett told a Reuters reporter in May 2000, "It's my property and I can do what I want."¹⁹

Cochise County Concerned Citizens

Not technically a vigilante posse, CCCC, was founded in 1999 by its current chairman Larry Vance. The groups is "dedicated to the restoration and preservation of national autonomy and sovereignty"²⁰. The group appears to provide more a support-role to vigilantes by attending their meetings and rallies, writing letters to politicians and talking to media and by networking with anti-immigrant groups around the country.

In 2000, CCCC joined with Glenn Spencer's American Patrol in California to announce a "shadow Border Patrol" group that would keep track of the Border Patrol's activities.²¹

Despite claims of being non-racially biased²² the group consistently uses a racially charged language of "invasions" when describing immigration. Members of CCCC feel that the federal government has failed to protect its citizens from "foreign invasion", and that this justifies their support and promotion of vigilante activities. The group is calling for the government to step in with National Guard or military troops along the border.²³

Vance claims, "we hate violence and vigilantism but we recognize that state and federal laws entitle citizens to use reasonable force when necessary to protect persons and property."²⁴

American Border Patrol

Glenn Spencer, president and founder of the virulently anti-immigrant organization, Voices of Citizens Together/American Patrol in California, moved his operations to Cochise County in September of 2002 and founded the American Border Patrol (ABP). He has opened up a secret office near Hereford. All of Spencer's organizations are part of a national network of strategically coordinated anti-immigrant organizations including a lobbying arm in Washington, D.C. (see *Homegrown Hate* in this report)

Larry Vance claims that, "the federal government is failing its obligation under the constitution to protect us from the invasion." 25



Glenn Spencer warning of armed conflict with Mexico at a protest at the Mexican Embassy in Washington DC. The protesters chanted 'Hey, hey, ho, ho, reconquista's got to go!'

“The Mexican government has threatened the United States with hostilities. How on earth could this two-bit gangster-run country threaten the United States with hostilities? Easy -- their weapon would be civil war -- in the United States! ... The Mexican government has openly admitted that it is working to organize Mexicans in the United States into a force against America! ... We are facing the greatest direct threat in the history of the United States! Mexico, which has been hostile toward the US for over 100 years, is invading us with the intent of conquering the American Southwest. There is no question of this.”
-- Glenn Spencer, Letter to the Editor, Los Angeles Times, May 20, 1996.

The stated 3-year goals of the ABP involve the use of \$40,000 worth of high tech surveillance and communications equipment that Spencer has installed along the border. Spencer plans to use digital video cameras, mobile computers with GPS technology, and aircraft to broadcast on the internet the “invasion” and conquest of the southwest by Mexicans .

His volunteers, known as “hawkeyes” dress in military-style fatigues and are armed, though he claims they carry guns only to protect themselves from mountain lions.²⁶ Like Ranch Rescue and several other groups, the “hawkeyes” will search for immigrants. Spencer says that they will only detain immigrants in the event of border emergencies when he will call in

his “citizen response unit” to handle violations²⁷.

Groups like the Federation for American Immigration Reform, the New Century Foundation, and others depend on people like Spencer to create the image of a grassroots, anti-immigrant base that the national groups can point to.²⁸ Spencer's recent move to Arizona is a timely effort to capitalize on two unrelated factors: the current concentration of immigration through Arizona, and post 9-11 anxieties about terrorism.

Spencer espouses a conspiracy theory known as the “Reconquista” or the “Plan de Aztlan”-- an alleged secret plot to reconquer the southwest US for the Mexican government. He attributes this alleged conspiracy to Mexican citizens and Chicanos alike. Using tactics reminiscent of McCarthyism, Spencer takes every opportunity to question the national loyalties of US citizens who find his theories questionable.

American Border Patrol, like the other groups, has enjoyed impunity from law enforcement agencies as well. The Sierra Vista Herald reports that, “Although American Border Patrol is not associated with the US Border Patrol, Spencer said two of the corporations officers are former US Border Patrol employees -- Ron Sanders of Tucson who once headed the agency's Tucson sector, and Bill King, who lives in Big Bear City, California, was a sector chief in another part of the country. US Border Patrol Tucson sector spokesman Ryan Scudder said the agency has no comment on Spencer's plan.”³⁰

Longtime Arizona immigrant rights activist Isabel Garcia of **Coalicion de Derechos Humanos** has been targeted for harassment by the American Border Patrol. Photos, personal attacks, and accusations of treason directed at Isabel appear on the ABP website with announcements of and directions to her speaking engagements. Posted maps mark the locations of her scheduled appearances with target-like X's. Despite organized attempts to intimidate her, Isabel Garcia continues to speak out publicly, calling for justice on the border.²⁹

A page from the ABP website.



Composite of some of the banners displayed at October 12 border march. Click on "Aztlan" for proof that Derechos Humanos is advocating the "Conquest of Aztlan."

Group Advocates Mexican Takeover of Southwest

Nogales - Oct. 12 -- Featuring banners demanding open borders and promoting "Aztlan," the Derechos Humanos Coalition led a march through downtown Nogales, Arizona, demanding an end to the resistance to the Mexican invasion of the United States. Led by Pima County public defender, Isabel Garcia, Derechos Humanos clearly demonstrated that it is advancing Mexico's goal of the "Conquest of Aztlan."

“Look, I made it clear on the front page of this paper from now on when you read of a call to arms and organizing a militia, please take it literally and seriously. It means exactly that. Political discussions are over. Writing letters and protesting, whining, and years of endless complaining are over. A year has passed since 9/11. Our Government is paralyzed about the issues on the border. The Citizenry has the right; the Constitution gives us the latitude to do what is necessary. The militia is free from constraining jurisdiction and is less controlled by the laws that create the paralysis in our Government agencies that are sworn to protect us! Wake up American, we cannot rely on law enforcement to enforce the laws, even if they wanted to!”³⁶

Chris Simcox, October 31, 2002.

Civilian Homeland Defense

Chris Simcox, a former California elementary school teacher, moved to Tombstone in November 2001. According to an interview with Simcox by the Arizona Daily Star, Simcox’s life fell apart after September 11th. He lost his job, lost his family and was devastated by the attacks on the World Trade Center. Four divisions of the military turned him down, in addition to the Border Patrol refusing to hire him. He wandered the Arizona desert for several weeks where he claims to have tracked a smuggling operation. Upon arriving in Tombstone, he purchased the Tombstone Tumbleweed, became its editor and now uses the paper as his soap-box calling for an armed citizen militia.³¹

In October 2002, Chris Simcox made a plea to the public “Enough is enough! A public call to arms! Citizens border patrol militia now forming! Concerned citizens turn off the T.V. Join together to protect your country in a time of war!”³² Simcox is asking people to commit to 24-hour shifts patrolling the border at various intervals. He began holding meetings at the newspaper’s office, although the meetings are reported to be sparsely attended.³³

Unlike Glenn Spencer and Roger Barnett, Simcox does not appear to be associated with national anti-immigrant or white supremacist groups. While Ranch Rescue brings volunteers from

across the country, Simcox’s goal is to form a militia that is comprised only of Cochise County residents. (Even though Simcox moved to Arizona from California only a year ago).³⁴ He makes little effort to appear “mainstream”: he proudly calls his group a militia and defines himself as a vigilante. He is highly critical of law enforcement agencies, yet he speaks about his militia patrolling the border until the government steps in to replace them or to deputize them.³⁵

More than any other group, Simcox derives his “call to action” from the tragedy of September 11th and the Bush administration’s call for vigilance and impending war. Fear of terrorists coming through the border is mixed with racist stereotypes against Latinos and Arabs and Muslims. In his newspaper Simcox writes “The American border is a perfect ingress point because: ...physical characteristics match those of Mexican/Latin American illegals...(and) Latin American and Mexico offer conventional staging sites to learn sufficient Spanish to adopt a “Latin cover”.”³⁷

Simcox denies that he is racist, but in the same breath likens immigrants to a throng of insects, referring to Mexico and immigrants as “a swarm of uncontrolled refugees fleeing a marxist structured government that refuses to take care of its own citizens needs.”³⁸ Within this and other statements, Simcox displays what community members and law enforcement officers alike are afraid of: armed vigilante groups taking it upon themselves to create and enact national immigration policy. Citizen groups do not have the training, procedures or even the right to be determining who should and should not be entering the country let alone peoples' countries of origin. Despite claims of patriotism and national loyalty, Chris Simcox's approach to political participation is far from democratic.

Beyond poor judgement, in a tone that suggests emotional instability, Simcox suggests several times in his newspaper articles that he may be killed for his actions. Similarly he threatens violence and a 'by any means necessary' approach to stopping immigration. In a letter to George W. Bush, Simcox writes: “I do not like having to go to such extremes, nor do the others involved in these security guard groups...This is the scariest situation I have found myself part of in all my life. I never thought it would come to this...You can stop me by throwing me in jail, killing me or otherwise...no matter, what you cannot change is my passion; my patriotic

duty and convictions will follow me through, and help the cause...people are thinking and that is gratifying to me.”³⁹

He continues, “Mr. President, use American troops and American technology to protect American citizens...or, we will continue to use common sense in our continued efforts to protect our people...with restraint...but ultimately...by any means necessary! Speak up America!”⁴⁰

Dis-honorable mentions

○ **Arizonans for Immigration Reform**—Based in Tucson, this group is led by Wes Bramhall. The group says they support reducing legal immigration and eliminating illegal immigration. Members also have demonstrated in support of the Border Patrol.⁴¹ They mobilize other anti-immigrant seniors to counter-demonstrate at human rights events, to call in when there are reader surveys in the newspaper about the border, and to write letters to the editor. The group has also filed a complaint against a Tucson faith-based effort, Samaritan Patrol, arguing that the humanitarian group is violating the Immigration and Nationality Act by providing assistance to immigrants.⁴²

Most notable among their members is Ron Sanders, the former Chief Patrol Agent of the Tucson Sector of the Border Patrol. Since retiring from the patrol in July of 1999, Sanders has been a consistent critic of INS policy, which he claims is directly responsible for the deaths of over 2,000 immigrants attempting to cross into the U.S. since 1994.⁴³ Where Sander differs from human rights groups who also blame the INS for migrant deaths, is that Sanders calls for more militarization and strengthened interior enforcement.

○ **Desert Invasion**—This group hosts an extensive web page at www.desertinvasion.us that argues against immigration on grounds of environmental destruction within Arizona national parks and monuments. It is unclear whether the group is more than a webpage. Their links page directs the viewer to the well-established and local anti-immigrant and hate groups across the country.

○ **Border Defense Coalition**—Bob Park, a former Border Patrol agent that now resides in Prescott, Arizona formed the Border Defense coalition in 2000. The group is described as an “Article 4 Section 4”⁴⁴ organization that is a project of U.S. Inc. out of Petoskey, Michigan. Park is responsible for painting and delivering the small billboards that litter the roads near Highway 80. His signs include: “If This Were Scottsdale the National Guard Would Be Here;” “Cochise Co: Doormat for Illegals and Mexican Drugs. Stop it Now!;” and “Cocaine~From Mexico to Kids in Your Hometown USA.”⁴⁵



The Border Defense Coalition in action.

False claims of Constitutional Protections

“The second amendment right of the citizenry to bear arms is generally accepted said University of Arizona law professor Roy Spece, but no respectable authority on the Constitution accepts the proposition that you also have a right to form a vigilante group and nobody has contended there is a right to have your own militia. At the Cato Institute, where gun rights are among the bulwarks of this Libertarian think-tank, the notion that the Constitution allows private citizens to raise a militia is dismissed as utterly fanciful nonsense. ‘I don’t know where this right is supposed to come from that they can take the law into their own hands certainly not the Constitution.’ said Robert A. Levy, senior fellow for constitutional law at the Washington DC institute. ‘Even the right to self-defense is not provided for in the Constitution,’ Levy said. ‘They can’t affirmatively take it upon themselves and go out proactively become a law enforcement officer’, Levy said. ‘I can’t image what kind of society that would lead to. This is not the Wild West.’”⁴⁶

Arizona's History of Border Vigilantism

While the groups researched for this report have all come into being in recent years, the existence of vigilantes in our region is not unprecedented. Anti-Mexican vigilantism is a symptom of historical conditions in southern Arizona where systemic racial divisions and tensions have existed between Anglos and Latinos since the end of the Mexican-American war in 1848.⁴⁷

1850's	In a reversal of historic events, the notion of an "invading brown horde" from Mexico emerges along with segregation and lynching of Mexicans.
Early 1900's	Terror continues with lynching incidents and other violence against Mexicans.
1930's	During the Great Depression, the US government forcibly repatriated Mexicans in repressive and unconstitutional ways; rounding people up in their places of work, loading them onto trains and deporting them deep into central Mexico.
1940's-60's	Vigilante practices surged and died down in successive waves, often in relation to the strength or weakness of the local economy. Throughout this period and into the present day, Anglo-American fear and hatred of Mexicans existed in the region at the same time that agriculture industries have relied on Mexican immigrant labor.
1970's	Members of the Hanigan family from Cochise County were accused of imprisoning and torturing Mexicans on their property. Four years of activist struggle to bring them to trial resulted in the Hanigan's 1980 acquittal on all criminal charges. ⁴⁸
1981	Patrick Hanigan was sentenced to 3 years in prison, due to a violation of interstate commerce laws, not human rights abuse charges. Underscoring racist, instrumental views of Mexican laborers, the court ruled that Patrick Hanigan's torture and robbery of Mexican agricultural workers violated the Hobbes Act by impeding commerce. ⁴⁹
1980's	Following the Hanigan family acquittal, a white supremacist group known as Civilian Material Assistance relocated to Cochise county in order to set up "sniper nests" from which to shoot at Mexican immigrants. Local human rights groups eventually drove them out of state — without the aid of local law enforcement.
2000's	Glenn Spencer's anti-immigrant hate group American Patrol targets southern Arizona as a staging ground to create the impression that anti-immigrant groups are "grassroots" organizations, born spontaneously in rural areas around the nation. (See the section on <i>John Tanton</i> in this report.)

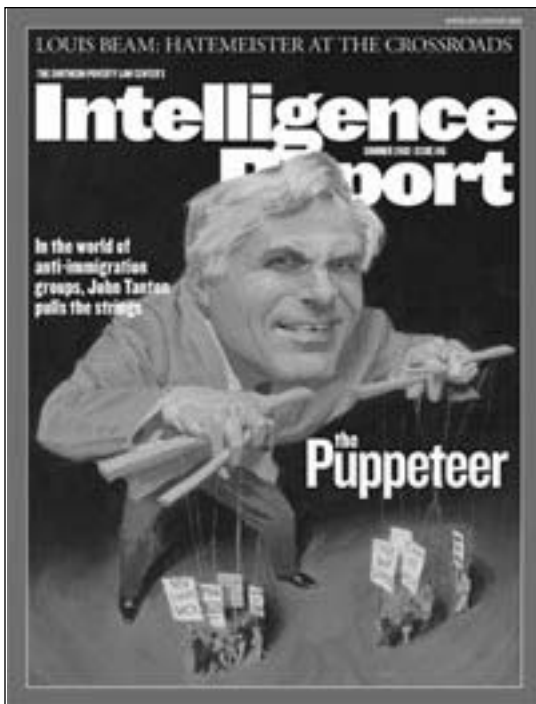
While vigilantism in southern Arizona is not a new phenomenon, it is re-emerging at a particularly politically opportune moment. Western vigilantes on horseback have been popularly represented as heroes in an ethnocentric history of the American southwest that fails to account for the legacies of white racist aggression in the region. Riding on the wave of this sanitized, heroic image, these groups have combined historical advantage with contemporary political opportunity. Anti-immigrant sentiment is running at a fevered pitch after the events of 9-11, and groups like the American Border Patrol, Ranch Rescue, and most obviously, Civilian Homeland Defense are working hard to capture public attention and set the terms of public debate on immigration. They have arrived wielding myths, intimidation tactics, guns, surveillance equipment, and factually incorrect analysis of the impacts of immigration and of their own Constitutional rights. Their dramatic performances are garnering a great deal of media attention.

“In the 1980s, there were isolated incidents of armed groups patrolling the border in Cochise County, as well as of ranchers capturing and abusing illegal immigrants. But the recent anti-illegal-immigrant wave, which includes Simcox’s militia and such organizations as American Border Patrol and Ranch Rescue, heralds a marked increase in this type of activity.”⁵⁰

III. Homegrown Hate? -Connections to National Anti-Immigrant Agendas

Despite selective claims to racial inclusiveness, our research shows that the majority of southern Arizona vigilante groups are part of a national network of interconnected lobbyists and non-profit organizations that preach white supremacy and promote an emerging movement known as “white nationalism”.

White nationalism holds that authentic American identity is and should remain exclusively white, and that this identity is under siege and must be defended. This larger movement shares the spirit of border vigilantism, but goes beyond an exclusive focus on non-white immigration to encompass a deeply racist vision of a white America, imperiled by the very presence of people of color within our national boundaries.



John Tanton's Network

A recent Intelligence Report investigation reveals that John Tanton is the key link that is funding, directing, and coordinating a network of US-based anti-immigrant organizations. His funding arm has supported Glenn Spencer's American Patrol since 1992. Although most of his organizations represent themselves as autonomous, grass-roots groups funded by a broad membership base, in fact, they are a strategically coordinated political machine, primarily funded by a handful of conservative foundations and several wealthy individuals.⁵¹

Altogether, the 13 non-profit organizations that Tanton has personally founded and/or funded span a wide spectrum of political approaches to promoting his racist, anti-immigration agenda. They include, among others: the Federation for American Immigration Reform (FAIR) which attempts to ally with organized labor by promoting drastically inaccurate arguments about immigrants usurping

US jobs and resources; US Inc. which channels funds into all of his various organizations; US English which promotes English-only legislation around the US; and the Center for Immigration Studies which presents itself as an impartial policy think tank and has been called to testify in congressional hearings.⁵²

The Tanton network enjoyed a number of political successes during the early 1990's, from the passage of English-only legislation and further criminalizing immigration, to the forging of alliances with mainstream environmental organizations.

Starting in 1998, however, the network as a whole experienced tremendous setbacks. Proposition 187 was declared unconstitutional; Congress began dismantling the most extreme aspects of IRA-IRA; and the general mood of the US government and the mainstream corporate lobby tipped decidedly in favor of easing restrictions on immigration from the south.

List of groups that Tanton is connected to :

- American Immigration Control Foundation, 1983, funded
- American Patrol/Voices of Citizens Together, 1992, funded
- California Coalition for Immigration Reform, 1994, funded
- Californians for Population Stabilization, 1996, funded
- Center for Immigration Studies, 1985, founded and funded
- Federation for American Immigration Reform, 1979, founded and funded
- NumbersUSA, 1996, founded and funded
- Population-Environment Balance, 1973, joined board in 1980
- Pro English, 1994, founded and funded
- ProjectUSA, 1999, funded
- The Social Contract Press, 1990, founded and funded
- U.S. English, 1983, founded and funded
- U.S. Inc., 1982, founded and funded

On February 22, 2002, Glenn Spencer appeared as a keynote speaker during the fifth, biennial American Renaissance conference titled, “In Defense of Western Man” where attendees spanned the ideological spectrum of white nationalism, from committed atheists to devoted Christians, from Jews to neo-Nazis, from tenured academics to former Klansmen like Don Black, whose popular Stormfront Web site includes his son’s “kid’s page”, which offers students help in writing negative reports on Martin Luther King, Jr. American Renaissance is an umbrella organization that provides a forum for a number of groups and individuals united in their concern over the so-called “...costs of ‘diversity’, racial differences in IQ, [and] the threat of non-white immigration”⁵⁷

This was the point at which the network became more actively and openly involved with overtly racist/white supremacist and white nationalist groups from the vocal Council of Conservative Citizens to neo-Nazi organizations such as the National Alliance.⁵⁴

Tanton’s lobbying arm, NumbersUSA, has two staff members that claim to work out of the office of Rep. Tom Tancredo (R-Colorado), Chair of the Congressional Immigration Reform Caucus. This conservative, anti-immigration caucus went from a pre-9-11 membership of 10 to a post-9-11 docket of 59.⁵⁵

In order to effectively ride the wave of xenophobia generated by the “War on Terror” and recapture political momentum, Tanton’s network needs to convince legislators that they represent a large grass-roots constituency that they don’t actually represent. As Roger Barnett has pointed out on visits with members of

Tanton’s network, Southern Arizona’s home-grown vigilante groups provide an opportunity for this centralized, privately funded, national network to appear local and “down home”, as well as somewhat mainstream and popular post-9-11.⁵⁶ With this in view, it is not at all surprising that Roger Barnett encouraged Glenn Spencer to set up shop in Cochise County this past summer.

American Border Patrol’s Glenn Spencer

Glenn Spencer founded a white-nationalist, anti-immigrant organization in California in 1992 with the help of a hefty grant from John Tanton’s funding organization, US Inc. Spencer’s non-profit, American Patrol/Voices of Citizens Together, which agitated for English-only legislation, supported Proposition 187 in California, and broadcasts virulent anti-Mexican/anti-immigrant messages on the radio and the web, is listed as a hate group by the Southern Poverty Law Center.

Spencer, fleeing a federal investigation into the financial affairs of American Patrol, (see *Taking the Law Into Their Hands-Legal Issues* section) arrived in Cochise County this summer, armed with weapons, surveillance equipment, and media attention, and promptly created a new vigilante group, the American Border Patrol. The connections between his organization and John Tanton’s network of anti-immigration organizations and lobbyists is key to understanding Spencer’s reasons for coming to Arizona.

IV. Challenging the Myths and Distortions of the Anti-immigrant Movement

A number of false assumptions drive anti-immigrant sentiment in southern Arizona (and the US more generally) today. They include: the belief that Mexicans are using US social services without paying into the system; the stereotype that Mexican immigrants bring violent crime and drugs into US communities; the notion that Mexican workers are “taking” American jobs; and, the far less widespread belief in a conspiracy theory which claims that immigration from Mexico is really a clandestine plot to reclaim the southwestern United States for the Mexican government.

Economics

Anti-immigrant groups argue that immigration strains the U.S. economy. Not only is this argument flawed, as noted below, but it further dehumanizes immigrants by defining their value and contributions to the U.S. in terms of dollars and cents. The myths of immigrants draining the U.S. economy is based on a fundamental misunderstanding of how labor creates surplus value within capitalist economies, and that the burden of taxation falls predominantly on the working poor in the contemporary US.

- Based on the difference between the total cost of services used and the amount of taxes paid, US Federal Reserve Chairman Alan Greenspan calculates that immigrants contribute 27 billion dollars per year to the US economy. The many immigrants that are deported or return home never claim or use the money that have paid into the U.S. system. Greenspan averages that amount to be \$80,000 per worker.
- A recent study finds that immigration has generated tens of thousands of jobs in the US since the 1980's, and that the vigorous economic growth of the 1990's would not have been possible without immigration, both legal and undocumented.⁶⁰ (See sidebar.)
- Greenspan also notes that, without the money that is paid into the false social security accounts of undocumented immigrant workers, the US social security system would already be bankrupt.

Immigrant Workers Play Major Role in US Economic Health⁵⁹

A December 2002 study conducted by the Center for Labor Market Studies at Northeastern University finds:

- “The US economy would have stumbled in the past decade without the new arrivals, and most immigrants contribute more in taxes than they use in services.”
- According to Susan Traiman, director of the Business Roundtable's workforce education program, “We would not have been able to have this economic growth without the growth in the workforce that was supplied by immigrants.”
- According to Anirban Basu, chief economist of the Regional Economic Studies Institute at Towson University, immigrants “helped fill in some gaps that would have otherwise persisted in the labor force...[Without immigration,] the nation's entire male labor force would have grown only marginally over the past decade, and male labor shortages would likely have been widespread in many areas of the country.”

Criminality

Proponents of the myth of extraordinary immigrant criminality back up their beliefs with statistics on the numbers of foreign nationals in Arizona prisons. They link incarceration rates to crime rates — a false connection considering US crime rates have remained steady for the past two decades while incarceration rates have leapt over 400%. In addition, incarceration rates for immigrants are misleading. Foreign nationals have the lowest rate of violent crime among all US prisoner populations, and serve dramatically longer sentences than citizens due to provisions and definitions in the 1996 immigration reform laws. Longer prison terms mean higher rates of imprisonment, not a greater number of crimes. ⁶¹

La Reconquista

As far as evidence of the so-called “Reconquista”, the alleged secret plot to reclaim the southwest US for the Mexican government, the American Border Patrol’s web page offers media quotations attributed to a variety of Chicanos as well as Mexicans. Each quotation references either to “Aztlán” the ancient birthplace of the Aztecs or “La Reconquista”, an historical reference to the Christians retaking Iberia from the Muslims in 11th century Europe.

All of the language cited by American Border Patrol (ABP) involves figurative uses of these two cultural references. Examples include an article about a Santa Barbara County high school textbook that discusses the social and cultural “liberation of Aztlán” and a California politician referring to the increasing Latino population in his state as a “Reconquista”.⁶² Far from being the declarations of war, it appears that the American Border Patrol's conspiracy theorists tend to misinterpret metaphors.

The MEChA Conspiracy

The American Border Patrol goes so far as to interpret the mainstream Chicano student organization, MEChA, as a radical revolutionary sect, poised to reclaim Aztlán by force. Anyone familiar with MEChA would not only find this unlikely, but also understand it as solid evidence that these anti-immigrant groups are seriously misinterpreting their data.



American Border Patrol manipulates the MEChA logo on their web page.

The impression that immigrants use up social services and threaten communities in the US is irrefutably false. But the issues here are much more significant than factual inaccuracy. The racist ideologies that drive vigilantism insist that the peaceful coexistence of diverse communities is a form of cultural loss rather than social growth and economic health. Racist fears have fueled violence against people of color throughout US history. Poor immigrants of color are already experiencing the effects of the hostile racial atmosphere that is growing on the border. Many residents of the southern Arizona and northern Sonora borderlands, Latino and Anglo alike, are gravely concerned about anti-immigrant violence and deeply distressed by the atmosphere of aggression and opportunism that is encroaching on their daily lives.

V. Voices of Opposition in Cochise County

National media accounts of Cochise County vigilantes focus primarily on the personalities of vigilante leaders whose dramatic claims serve the aim of drawing national audiences. This has the unfortunate effect of misrepresenting the concerns and the diverse viewpoints of borderlands residents. As the following comments illustrate, the views of vigilante leaders - most of who come from out of state -- are not at all representative of the communities to which they are drawing national attention.

In the Arizona Daily Star, Tom Beal and Ignacio Ibarra report that, "*Most of his fellow townfolk interviewed this week said they shared Simcox's frustration with the federal government's failure to control the border with Mexico, but they opposed armed citizen patrols and predicted a tragic ending to their town's latest melodrama.*" They go on to write, "*Cochise County Board of Supervisors Chairman, Pat Call, wants the world to know that most residents of Cochise County aren't in favor of taking the law into their own hands.*"

Call is quoted as saying, "*If we're viewed that way, it'll be a lot easier for the folks back in Washington to just dismiss us.*"⁶³

"You are looking at people who were barely making it in ranching and rural industries when the federal border policy pushed them over the limit. Now these militia people from outside the area are looking to exploit that desperation, just as the coyotes exploit the desperation of the UDAs [Un-Documented Aliens]. It's messed up."

Anonymous Cochise County resident

"Cochise County is a wonderful place. I would not exchange it for Tucson or anywhere else in the country. But right now we're up shit creek without a paddle. Damned if we do and damned if we don't. The illegals have it worse than anyone, but it ain't that far up the ladder 'til you get to the average resident out in the county. There's plenty of people here who are barely making it. Forget health insurance, we're just talking able to eat every day."

Anonymous Cochise County resident

"I don't like Californians coming to Cochise County and telling the residents what to do."⁶⁴

Helen Hoffman of Double Adobe

"One California-led group's plans for a modern-day, high-tech vigilante posse are misguided and perilous. Any good the American Border Patrol could hope to do is eclipsed by the dangers it poses."

"We don't need scare tactics appealing to our primitive fears. We don't need rumors of foreign invasion - economic or factual. We don't need people from California moving here to save us."

"We all have a responsibility to watch our border and report problems. It is the same obligation we have in everyday life to obey the law and promote peace and safety in our community. That does not mean driving up and down the street looking for misdeeds. That does not mean turning every citizen into a policeman. It does not mean our citizenry should head for the border wilderness, erect cameras and patrol the frontier."

*From the Cochise Guardian editorial staff*⁶⁵

“Immigrants, migrants, refugees and other newcomers represent - in my personal, professional and faith life - a metaphor or analogy for all of us and the human condition (pilgrims, travelers, seekers). “We” are “them,” and “they” are “us.” We're all members of the human race and we can behave just so.”

Charles J. Fisher of Sierra Vista, Arizona

“Unfortunately, this kind of circumstance and these kinds of cries for forming posses invite fringe associations and agendas we don't need. They think it's a game or a sport.”⁶⁶

Cochise County Sheriff Larry Dever

“The majority of people who live out in the valleys in Cochise County have always opened their homes to illegals. The situation has gotten more and more dangerous as crossing [the border] has gotten more and more difficult, and yet people continue to cross and local people continue to provide food and comfort, although less and less.”

Anonymous Cochise County resident

“Americans benefit from our work, and Mexicans benefit from what we make. It's not much but it helps...They're [the Border Patrol] looking at us like Mexican animals.”⁶⁷

Rafael Duran of Durango

“We want the citizens of Tombstone, Cochise County, and Arizona to know that the city of Tombstone doesn't agree with the vigilante approach he's taking.”

“It can't end in a good situation ... It's gonna get somebody hurt or killed.”⁶⁸

Tombstone Mayor Dusty Escapule

“These [American Patrol] guys are wackos. They are anti-government, which includes law enforcement. In other places such vigilante groups have ended up attacking police officers, and I don't think that day is too long off if we let this continue. They have a national agenda that has nothing to do with the situation here. I do believe that once locals realize the real nature of this group, we will slowly pull back from them.”

Anonymous Cochise County resident

“History shows that no vigilante organization has ever been successful.”⁶⁹

Arizona Senator John McCain

“There is no place in our society for private vigilantes.”⁶⁹

Arizona Representative Jim Kolbe

“Economic development is key. That and real federal responsibility - money.”

Anonymous Cochise County resident

“If it isn't stopped, this is going to attract any group that has any animosity toward immigrants to the area, and we just don't want it in this community.”

“Douglas is a Hispanic community. If you've got militia types running around claiming to be enforcing immigration laws, how are they going to tell who's who?”⁷⁰

Douglas Mayor Ray Borane

“To this end, a new guest worker program and providing economic help in Mexico will be better than having US citizens monitoring the border.”

“The United States cannot have it both ways - good economy and treating immigrants improperly.”⁷²

“Spencer and those who support him are vigilantes who pretend to use the law as a way to interfere with legal procedures.”⁷⁵

Representative Bobby Lugo of Cochise County

“[the state's lease to Barnett is] a playground that these vigilantes use for their dark, unAmerican hobbies...”

“Barnett and other supporters of the American Border Patrol will end up in a deadly confrontation with people crossing the border.”⁷³

Pamphlet created by Cochise County residents

“I think it's a big accident waiting to happen. Somebody's gonna get 'cowboy crazy' and shoot somebody,”⁷⁴

Tombstone pawnshop employee, Pete Tiscia

VI. Taking the Law Into Their Hands--Legal Issues

In the process of researching active vigilantism in Cochise County, Border Action Network has discovered evidence of a number of incidents, contradictions, and vigilante claims that warrant further investigation by Arizona's legal authorities. They include:

Violations of State Land Permits

Roger Barnett, Ranch Rescue, the newly formed Civilian Homeland Defense and American Border Patrol all coordinate volunteers patrolling the southern Arizona desert for immigrants. Land in Cochise County is primarily private, interspersed with state trust lands. In fact, Roger Barnett's 22,000 acre ranch includes 14,000 acres of state trust land, only 4,000 acres of private lands and 4,000 acres that we presume to be leased.

The lessee of state trust lands does not have the same rights as a private property holder. In fact the Arizona State Land Department (ASLD) is very clear in what the lessee can and can not do, what constitutes trespassing and who can be on state lands.⁷⁶

- No person other than the grazing lessee may be present on state trust land without specific permit from the AZ State Land Department.
- A grazing lessee has no authority to permit other persons to be present on state land for any purpose other than ranching.
- A lessee may authorize their employees or other persons engaged in ranching activities such as fence or tank maintenance to be present on state trust lands, but they should normally provide them with written authority to be present and notify the ASLD in advance.
- A grazing lessee has the obligation to secure the leased lands against trespass and unauthorized use by other persons. If he finds a trespasser he has the authority to ask the person to leave as if it were his own property. If they do not leave he may only report to ASLD or to relevant law enforcement authorities.

Trespass as defined by statute does not mean presence; it means active removal of natural resources such as mining, grazing, or cutting timber. Strictly speaking, a person merely walking on state land is not trespassing in the sense of the statute.

Within the lease terms, there is no authorization for persons other than the lessee to enter state land to apprehend other persons, regardless of whether the lessee invites them or not. However, so long as they don't cut anything down or run cattle, they are not be trespassing in the sense of statute.

According to the statutes, if groups of vigilantes are operating on, walking through or even repairing fences (as Ranch Rescue claims) on state trust lands they must have notified the ASLD or have received a recreation permit from the state. The statutes also draw into question whether Roger Barnett or others can consider immigrants as "trespassers" and therefore, have no cause for stopping and arresting them.

Arizona Law Explicitly Prohibits Militias

According to Arizona Revised Statute 26-123 "No person, partnership or corporation shall maintain troops under arms, but this section shall not be deemed to prohibit a business, plant or firm from maintaining armed guards for protection of their property from damage or loss, or formation of a state police or highway patrol or the existence of county and municipal police forces and sheriffs posses. Any person violating this section is guilty of a class 5 felony." The vigilante groups are neither businesses, plants nor firms. By training and organizing armed groups, the vigilantes should be charged with felonies according to Arizona law.

Illegal Civilian Arrests

Arizona statutes permits private persons arrests, however, Arizona Revised Statute Section 13-3884 reads:

“A private person may make an arrest: 1) when the person to be arrested has in his presence committed a misdemeanor amounting to a breach of the peace; or a felony. 2) When a felony has been in fact committed and he has reasonable ground to believe that the person to be arrested has committed it.”

According to the statute, vigilante groups must witness immigrants crossing the border illegally before they can perform a citizen's arrest. Civilian arrests miles away from the border with no eye-witness account of the crime being committed is not supported by Arizona law. Furthermore, illegal entry is a misdemeanor, not a felony; a vigilante would have no basis for knowing whether the people they are apprehending have committed a felony and therefore would have no basis for arresting immigrants.

Violations of International Human Rights Standards

In 1999, the American Civil Liberties Union (ACLU) filed international human rights complaints before the United National Human Rights Commission and the Organization of the American States Inter-American Commission on Human Rights. Both complaints point to U.S. immigration and border policies that are resulting in the deaths of hundreds of immigrants who make the treacherous trek across the US-Mexico border.

American Border Patrol Illegally Solicits Funds

American Border Patrol received their temporary ruling from the IRS on October 24, 2002 granting them tax-exempt status. According to Arizona Charities Law⁸⁰ and a communication with the AZ Business Services, registration of a charitable organization should be filed with the Secretary of State after the IRS approval and before soliciting the public for funds. Failure to comply may result in a twenty-five dollar fee with the Secretary of State or a class 1 misdemeanor with the state Attorney General's office. Solicitation is defined as “a request for any kind of contribution or request for the purchase of goods, tickets or services for a charitable purpose.”⁸¹

As of December 2, 2002 American Border Patrol had not filed any documentation with the Arizona Secretary of State's office. Nonetheless, on December 1, 2002 Border Action Network received a funding request from American Border Patrol titled “Saving on taxes with ABP donations”. In his fundraising appeal, Glenn Spencer encourages people to make tax-deductible donations as well as in-kind contributions including off road vehicles, GPS units, aircraft, field communications and other equipment. According to the state statutes, American Border Patrol is illegally soliciting funds.

Suspended Non-profit License in California

Glenn Spencer had intended for his California-based group American Patrol to begin the work of his new organization, American Border Patrol⁸². But after a series of financial investigations into his California organizations, he was forced to move his operations to another state. Voices of Citizens Together's corporation status in California was suspended, the California non-profit license of American Patrol has been officially suspended and the group is under investigation by the California Franchise Tax board for failure to file American Patrol tax returns.⁸³

Violations of USA Patriot Act

Under the new anti-terrorism law, anyone committing or threatening acts of violence against civilians for the purpose of changing government policy is committing an act of terrorism. Chris Simcox of the Civil Homeland Defense could potentially be charged with terrorism since he has threatened to use violence (“by any means necessary”) against immigrants as a means to force the U.S. government to send troops to the Arizona-Mexico border.

Impersonating Law Enforcement or Military Officers

Members of Ranch Rescue dress in tan, camouflage or other military-issued clothing when on an operation.⁸⁴ A Douglas resident reported seeing what appeared to be a Border Patrol agent's vehicle on the side of a road; in fact, the vehicle belonged to one of the Barnett's. Immigrants have reported to the Mexican consulate that when civilians apprehended them, they believed that the men were Border Patrol agents or law enforcement officers. Members of these vigilante groups could potentially be charged with impersonating law enforcement or military officers.

Cases of attacks on immigrants that need to be investigated:

○ **December 6, 2002** Six men burst into a trailer near Willcox, AZ demanding money and opened fire on eight Mexican men after they said they didn't have any money. The eight men were not injured, but were turned over to the INS after the Cochise County sheriffs found out the men did not have proper documentation to be in the United States. Three men were seen fleeing the area, but a ground and air search did not locate them. It is not clear whether the attackers were vigilantes.⁸²

○ **October 27, 2002** Roger Barnett, his brother Don and an unidentified woman and two dogs surprised a group of 26 migrants as they were walking through the desert near Highway 80. Both Barnetts, pistols at their belts, got out of their truck and with the help of the two dogs, rounded up the group of migrants, ordering them to keep quiet and to sit on the ground. Two of the migrants didn't respond quickly enough to the orders, so one of the Barnetts "roughed them up and forcibly made them sit." A while later two other armed civilians arrived with a video camera and started filming the group and the Barnetts. They continued filming the group as they were marched towards the waiting Border Patrol agents.⁸³

○ **October 16, 2002** Twelve immigrants were waiting near a pond in Red Rock, AZ when two men in camouflage fatigues descended on the group, firing an automatic rifle and a pistol. One man escaped to notify authorities. Police found two bodies riddled with bullets and no sign of the other nine people.

○ **October 9, 2002** A Mexican migrant was detained by a U.S. citizen by the name of Richard Gere. The migrant man was walking near Highway 92 when the driver of the pickup spotted him. Gere pulled over and asked him if he was "illegal." The migrant answered affirmatively and Richard Gere, who had his arm resting in the open window of his pick-up, pulled a handgun and pointed it at him. Gere, with the gun wrestling on his left arm, ordered the migrant to lie on the ground, speaking to him in foul language. Gere used a cellular phone to call the Border Patrol who took the man into custody.⁸⁴

○ **June-September 2002** Eight men, assumed to be from Mexico and one from Ecuador, were killed execution style in Maricopa County, Arizona. Discovered in different parts of the county, the victim's bodies were found gagged, with their hands bound by tape, telephone wires or handcuffs. Seven of the victims were killed by large-caliber bullet shots to the head or body and one was beaten to death. The victims were between eighteen and forty-five years of age.⁸⁵ Investigators were looking into the possibility that smugglers had killed them for money, or that they were involved in drug trafficking. A Maricopa sheriff's department spokesman said that hate groups or vigilantes might also be to blame.⁸⁶ Joe Arpaio, Maricopa county sheriff, a former DEA agent, stated that there is little evidence pointing to a drug link. While Arpaio recognized that he had no leads in the case, he said he would "go door to door if necessary to find the vicious killers."⁸⁷

○ **March 24, 2001** A group of thirty-six migrants were resting near Highway 80 when they saw aggressive-looking dogs approach them. Behind the dogs followed Roger and Don Barnett in camouflage fatigues and carrying holstered side arms. The group was ordered to remain still. Members of the group reported that they believed the men were Border Patrol agents and that they felt threatened by the dogs and the armed men. Actual Border Patrol agents arrived and took the group.⁸⁸

○ **April 9, 2000** For the second time in two months, a member of the Barnett family apprehended Mexican nationals on a public road. The sixteen migrants, including one woman and three minors, stated they were traveling in two vehicles on Highway 80, when they saw a truck parked on the side of the road with a tubular structure with two large reflectors over the truck cabin. The truck pulled up behind them and flashed its lights. As the drivers of the two vehicles realized the truck had no law enforcement markings, they contin-

ued driving. Don Barnett and an unidentified woman passed the two vehicles and forced them off the road. Barnett ordered everyone out of the vehicles. Barnett was carrying a holstered pistol and the woman, followed by two dogs, carried a gun in the front of her waist which she had pulled out. At Barnett's instructions, the woman photographed the group and the vehicles with Barnett. The Border Patrol was called and took the group.⁸⁹

○ **March 27, 2000** A group of nine migrants guided by a “coyote” was walking near Highway 80 when suddenly an individual, Mr. Morrison, appeared. Morrison ordered the group to stop. When the group tried to run away, they heard six or seven shots and threw themselves to the ground and huddled together. The group stated emphatically that the shots were fired at them, although Morrison claims to have fired his weapon as a warning when we found the group on his private property.⁹⁰

○ **February 25, 2000** Thirty-one migrants, twenty-nine from El Salvador and Guatemala and two from Mexico were detained by Mr. Andreas Mueller. Mueller rounded up the migrants with his shotgun out, cussing and roughly shoving them. He hit a couple Salvadoran men with a flashlight and he stuck another one in the forehead with the butt of his shotgun. To keep the group from running away, Mueller fired his gun in the air. In the meantime, Mrs. Mueller called the Border Patrol who arrived and took the group.⁹¹

VII. Militarization is Not the Answer

The vigilante and anti-immigrant groups mentioned in this report are calling for the deployment of troops on the border and in some cases, more Border Patrol agents, and increased infrastructure (walls, surveillance, lighting, etc.). While these groups say that they are responding to the Border Patrol's failures, their solution of increased militarization, will only serve to exacerbate immigration problems, violence, and anxiety and add additional stress on Arizona border communities.

It is beyond the confines of this report to document the failures of the INS's border militarization strategy. Suffice it to say that human rights advocates, anti-immigrant groups and former Border Patrol agents themselves have all agreed that current border enforcement efforts are a failure. Where we differ is in the analysis of why the enforcement is failing and what should be done instead.

Migration is a growing, global phenomenon, and there are over 175 million migrants living, working, and building communities in places outside their country of origin.⁹² U.S. immigration policies have unsuccessfully emphasized criminalizing immigrants and deterring immigration in spite of the real and growing, global migration trends.

It has been well documented that the INS's Southwest Strategy which emphasizes building up border enforcement in the urban areas and intentionally pushing immigration to isolated and dangerous desert regions has had disastrous impacts and has been unsuccessful in the stated goal of “detering” immigration.⁹³

If troops were deployed on the border in Cochise County, we would witness the funneling of immigration into yet another area that is potentially even more difficult than the rugged Arizona desert. We should not continue to employ the same failing strategies. Rather, if anti-immigrant and vigilante groups were really interested in finding resolution and solutions that are meaningful in the long term, they should be supporting the expansion of mechanisms whereby people can immigrate into the U.S. through legal channels and that uphold the civil and human rights of all people.

“As labor shortages become a real issue for the Midwest, our immigration policies have to recognize that immigrants are key to economic stability in the U.S. Furthermore, a legalization program and a guest worker program that enable immigrants to freely work in the U.S., to reunite with family members and to enjoy equal rights and freedoms is an essential ingredient to resolving the stress placed on Arizona border communities,” explains Jennifer Allen, Border Action Network's Co-director.

VIII. Border Patrol Complicity

The examples of border vigilantes and anti-immigrant's groups violence and hatred are substantial. Yet it is important to point out that this current wave has been operating for the last two years and has faced little opposition from state or federal authorities. When we criticize law enforcement for not upholding basic laws against border vigilantes, we can not underscore enough the connections that these groups have with the Border Patrol and law enforcement. As David Aguilar stated when he was confronted by the national office of the INS labeling of Ranch Rescue and other groups based in Arizona as potential threats: "I know these groups (the Cochise County Concerned Citizens, Arizonans for Immigration Reform and FAIR). And I know many of the people in these groups. Some of my friends are in these groups. These people are not anti-immigrant, and (these) are not hate groups."⁹⁴

Doris Meissner, former Commissioner of the Immigration and Naturalization Service has made statements that essentially minimize the violent actions of border vigilantes as mere expressions of their freedom of speech: "What is really going on here is political, and during my experience as commissioner, we treated it as exactly that-a political statement."⁹⁵ However, these "political statements" have resulted in deaths, law-breaking, and have terrorized citizens and immigrants alike.

The INS and the Border Patrol have been quietly supportive of border vigilantes because these groups are essentially doing the Border Patrol's job and there is a documented sharing back and forth between them. American Border Patrol's database and technology will be shared with the Border Patrol. Roger Barnett claims that Border Patrol trained him in tracking footprints. Ex-Border Patrol agents are involved in Ranch Rescue, American Border Patrol, and Arizonans for Immigration Reform. Roger Barnett has a cozy financial relationship as the person who tows away vehicles that have been impounded by Border Patrol and other law enforcement in Cochise County.

IX. Conclusion – Recommendations to the Attorney General and Governor-Elect

We make the following recommendations to the Governor of Arizona and the Attorney General. Action must be taken at the state and federal level, and it must begin here in Arizona. It is critical that elected officials send a strong statement that violence against any and all members of our community, immigrants and citizens alike, will not be tolerated. Below are several concrete steps that we ask Arizona's Governor and the Attorney General to investigate immediately.

1. The Arizona Attorney General and the Arizona State Land Department should investigate whether Roger Barnett and other state land lease holders have violated the terms of their leases. If lease terms have been violated, leases should be revoked.
2. The Mexican consulate and human rights groups have called for investigations of several incidents involving civilian apprehending immigrants. The Consulate has met with both the Office of the Inspector General and the Attorney General's office, to no avail. Immediate funding should be made available for an *independent investigator* who would be responsible for ensuring that complaints and incidents involving civilians apprehending immigrants is thoroughly and expeditiously investigated.
3. The Arizona Corporation Commission and the Internal Revenue Service should revoke American Border Patrol's incorporation and non-profit status on the basis of the organization being a “hate group”, other anti-discrimination violations and the pending investigations into Spencer's California-based groups.
4. The Attorney General should investigate whether civilian vigilante groups have violated the state's anti-militia, impersonation of law enforcement or military, civilian arrests statutes, and other potential legal violations.
5. The state of Arizona should support and encourage an expeditious review of the American Civil Liberties Union's human rights complaints before the United Nations and the Organization of American States.
6. The U.S. Attorney General's office should investigate whether Chris Simcox and other civilian groups have violated the USA PATRIOT Act.
7. The Secretary of State should fine and/or charge American Border Patrol with a misdemeanor for failure to register with the State prior to soliciting funds.
8. Congressional hearings should be held in southern Arizona that investigates the actions and threats of violence made by individuals and civilian groups patrolling the border.

Sources

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