

Northern, Southern Border Residents Unite in Detroit

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A few days ago I wrote a blog about life along the border since 9/11, calling it a “Constitution-free zone”—a term coined by the ACLU. Life in the “Zone”—defined as a 100-mile wide area that wraps around the external boundary of the United States—is like living in an occupied zone, border residents tell me. Where the Fourth Amendment of the U.S. Constitution, which protects Americans from arbitrary stops and searches, doesn’t always apply.

Unfortunately, the voices of residents living along the international borders seldom penetrate the Washington echo chamber. Today, in Detroit, more than 100 delegates from the northern and southern borders are meeting to “form a national picture of what’s happening along the border,” according to Ryan Bates, an organizer for the newly formed Northern Border Coalition. The goal of the two-day conference, which began February 23, is to hammer out a political strategy so that border residents can lobby Homeland Security Secretary Janet Napolitano to rein in U.S. Customs and Border Protection agents whom they say are out of control.

As the number of Border Patrol agents has skyrocketed, so has the confusion about their role in border communities. Residents are unsure of their rights when border agents stop them. Lawyer Ben Winograd, a staff attorney with the American Immigration Council in Washington D.C. wanted to clarify in an email the notion of a “Constitution-free zone” I’d written about in my previous blog.

When the ACLU said “authorities do not need a warrant or probable cause to conduct a ‘routine search,’” they were referring to searches at the border itself, i.e., at ports of entry into the United States. They were not referring to searches conducted within 100 miles from the border, which the Supreme Court has repeatedly held must be accompanied by a warrant or probable cause. In truth, the 100-mile zone represents a limit on – not an expansion of – the authority of Border Patrol agents to search for undocumented immigrants.

The council wrote up a legal fact sheet, especially for the border conference today about what U.S. Border Patrol agents can and cannot do. Melissa Crow, director of the Legal Action Center with the American Immigration Council, is attending the conference today and gave a talk on “Civil Rights 101.” She also toured the Michigan-Canada border early Friday morning with a group of conference attendees where they met border residents. “We heard some horrific stories about U.S. Border Patrol agents stopping U.S. citizens because they looked foreign,” she says “I wasn’t aware that the use of racial profiling was so extreme.

Christian Ramirez, a delegate from the Southern Border coalition, who is based in San Diego, said that northern border residents are just now dealing with issues such as racial profiling that the southern border has been experiencing for years. “We heard testimony about racial profiling and agents taking people off trains and questioning them because they looked Muslim or Latino. The most shocking testimony was Border Patrol agents staffing the 9-1-1 call center in Washington State and responding to calls.”

Ryan Bates, one of the conference organizers, said there’s no reason why U.S. Customs and Border Protection agents shouldn’t be held to the same standards as local law enforcement. “The agency is utterly opaque,” he says. “Records are not accessible. They don’t even have dashboard cams like police officers do. They should be protecting us from terrorists but instead they’re harassing people at food pantries.”

Residents along the border are as patriotic as any American and support a secure border, but they don’t want to give up their personal liberties or constitutional rights. I hear this often as I report stories up and down the Texas-Mexico border. The checkpoints, the random searches, the Border

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Patrol agents camped out on private property, not to mention the unmanned drone surveillance, has border residents wondering whether they really still live in the United States.

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