CRIMINALIZING HUMANITARIAN AID AT THE U.S.-MEXICO BORDER

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EXECUTIVE SUMMARY

Over the last 30 years, thousands of dead Latino migrant bodies have been found along the United States-Mexico boundary. These casualties are directly related to the Border Patrol's "prevention through deterrence" (PTD) policing strategy, which funnels crossing migrants into remote and deadly deserts, mountains, and waterways.[1] In response, local residents have created various formal and informal organizations to help provide life-saving aid to vulnerable crossing migrants. However, President Trump and Border Patrol agents have sought to criminalize and stop the work of humanitarian aid volunteers at the border.[2] *The data presented in this brief reveal that the American public overwhelmingly (87%) opposes—including the vast majority of Republicans (71%)—the criminalization of humanitarian aid workers at the border.*

INTRODUCTION

The use of border walls, fences, military equipment and tactics to enforce U.S. immigration and drug laws—a process known as "border militarization"—increased substantially during the mid-1990s.[3] Part of this process included a policing strategy officially referred to as "prevention through deterrence" (PTD), in which the Border Patrol claimed that "funneling" undocumented migration into isolated and dangerous parts of the southwestern borderlands would deter future clandestine migrants and illegal drugs from entering the country.[4] Yet, research has consistently shown that despite the billions of tax dollars spent on border militarization and PTD, illicit drug smuggling and undocumented migration did not stop—they often increased.[5]

The human costs of these policy failures have been catastrophic. For instance, while the annual number of *known* migrant deaths along the U.S.-Mexico boundary was 171 in 1994 (the year PTD was publicly announced), the most recent Border Patrol figures claim that from 1998 to 2018, over 7,500 dead migrants were discovered near the southern border, an average of 357 a year.[6] Unfortunately, the agency is notorious for undercounting these fatalities because it fails to include migrant bodies found by local government officials and non-governmental organizations.[7] According to the International Organization for Migration (IOM), during President Trump's first three years in office alone, an average of 459 migrants died alongside the U.S.-Mexico border.[8] While it is impossible to get a fully accurate count given that the statistics available are based solely on the bodies that happen to be come across, academic and investigative media reports estimate that the number of migrant deaths may actually be as much as 300% higher (more than 22,500) than the Border Patrol contends.[9]
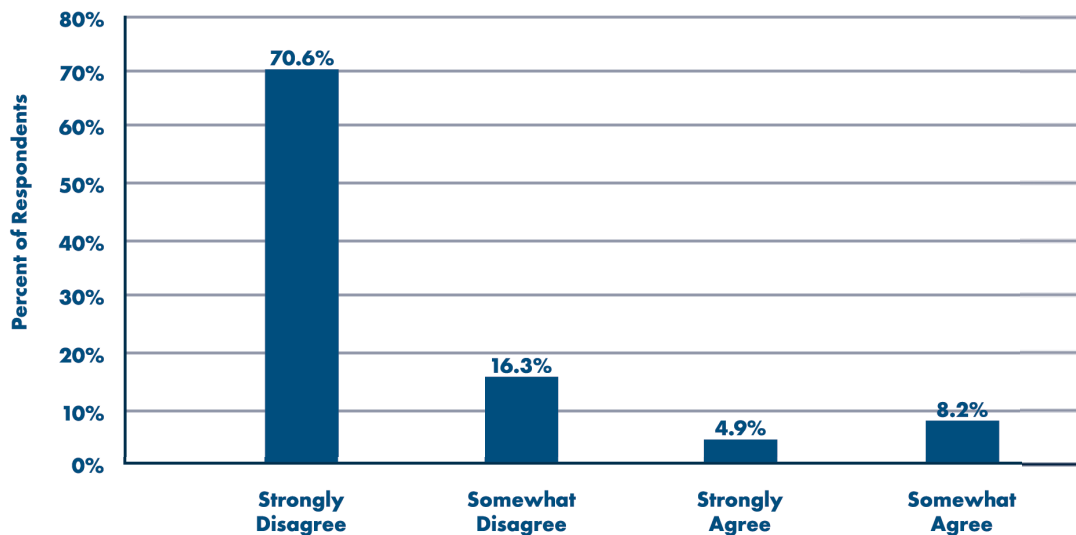
In response to the tragic effects of U.S. border policing policies, local residents and activists have formed several organizations (e.g., Humane Borders, Tucson Samaritans, No More Deaths, and others) with the goal of preventing more fatalities by providing life-saving humanitarian aid (i.e., food, water, shelter, and medical care) to desperate migrants they encounter along the border. However, as mentioned above, President Trump and immigration officials have attempted to halt and criminalize these efforts. In January of 2018, for example, Dr. Scott Warren—a geography professor volunteering with the group No More Deaths (NMD)—was arrested by Border Patrol agents and faced 20 years in prison for providing humanitarian aid to two Central American migrants he found injured, hungry, and lost in one of the deadliest sectors of the Arizona desert.[10] Although a jury ultimately found Warren innocent after two trials, and as noted by the July 30, 2020 Border Patrol raid of another NMD medical station[11], immigration agents and federal authorities seem set on stopping the work of humanitarian aid groups that aim to prevent more border deaths. Accordingly, evaluating the attitudes of Americans on this issue is of the utmost importance for policymakers since they will ultimately decide whether or not to continue to militarize the border and prosecute humanitarian aid workers in the name of the public's interest.

METHODOLOGY

The data used in this policy brief come from the Immigration in the Trump Era Survey (ITES), commissioned in late August of 2019 by political scientists Sophia Wallace (University of Washington, Seattle) and Chris Zepeda-Millán (UCLA). Part of a larger book project, the online survey was fielded by the polling firm Prolific and includes a nationally representative sample of 1,505 U.S. respondents (ages 18+) who were asked questions about their opinions on various issues and policies related to immigration. The survey included a question about humanitarian aid for migrants designed by Olivia Marti (UCLA).[12] The exact question related to humanitarian aid work was: "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 U.S.-Mexico border?" Respondents were given the following answer options: "Strongly Agree," "Somewhat Agree," "Somewhat Disagree," or "Strongly Disagree."

FINDINGS

Figure 1. Criminalization of Humanitarian Aid at the Border

Sources: Immigration in the Trump Era Survey (ITES)

Figure 1 demonstrates that about 71% of the public "Strongly Disagree" that it should be a crime for people to offer humanitarian aid (i.e., water and first-aid) to undocumented immigrants crossing the border, 16% "Somewhat Disagree," close to 5% "Strongly Agree," and 8% "Somewhat Agree." These findings indicate that nearly 87% of our nationally representative sample *do not* believe the type of humanitarian aid border groups provide should be criminalized, as President Trump and the U.S. Border Patrol continuously attempt to do.

Given the historic and robust partisan divide in public opinion about immigration related issues—with Republicans being much more restrictionist than Democrats and independents[13]—our findings are especially surprising because they show that about 71% of self-identified Republicans *do not* believe that humanitarian aid work at the border should be criminalized. While still less than the over 92% of non-Republicans (Democrats and independents) who feel this way, our results nonetheless demonstrate that across party lines, the vast majority of Americans disagree with the president and Border Patrol agents when it comes to whether or not it should be a crime for people to offer humanitarian aid (such as water or first-aid) to undocumented immigrants crossing the U.S.-Mexico border.

CONCLUSION AND POLICY RECOMMENDATIONS

As the data presented in this policy brief indicate, the vast majority of the U.S. public surveyed—including most conservatives—do not believe humanitarian aid for undocumented migrants at the border should be criminalized. Put another way, activists attempting to stop more migrants from dying at the border seem to have the public on their side. Accordingly, below we suggest several policy recommendations related to migrant deaths, humanitarian aid, and border militarization.

Policy Recommendations

- Allow humanitarian aid groups unrestricted access to government lands along the border to expand their life-saving work.

- Include dead migrant bodies identified by local government officials, medical examiners, and NGOs in official federal statistics reported by the Border Patrol.

- Pass laws that clearly stipulate that providing humanitarian aid at the border is not a crime and should not be prosecuted as such.

- Prohibit Border Patrol agents from raiding humanitarian aid camps or destroying death-preventing supplies and equipment such as water bottles or water stations.

- Demilitarize the U.S.-Mexico border.
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ENDNOTES

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[12] For more information about Prolific and their sampling methodologies see https://www.prolific.co/. The book by Wallace and Zepeda-Millan is forthcoming with Cambridge University Press and is titled *Walls, Cages, and Family Separation: Immigration Policy in the Trump Era* (2020).

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