

May 29, 2012

Dear President Obama,

We welcome your administration's commitment to transparency and openness in government in order to ensure accountability and build trust. Yet, one of your agencies, U.S. Customs and Border Protection (CBP), now the largest law enforcement agency in the country, is operating with very little transparency and virtual impunity, especially in the southern border region where Border Patrol and other CBP agents regularly violate the human and civil rights of those who call the border region home.

As faith-based and non-governmental organizations that seek to ensure that the human and civil rights of all individuals are protected, **we write to denounce the repeated use of excessive force by CBP agents that has resulted in the killing of Anastasio Hernandez Rojas and the killing or serious injury of at least eight other southern border residents since 2010.** Two years have passed since Anastasio's death, **and not a single agent involved in this tragic incident has been held accountable.** We urge you to direct the Department of Justice to conduct a thorough and open investigation into this case, as well as the other eight cases.

On April 20, 2012, PBS ran a special report titled "Crossing the Line at the Border," revealing a new eye-witness video of the brutal killing of Anastasio Hernandez Rojas by CBP agents at our nation's busiest border crossing, the San Ysidro Port of Entry. What the video shows is indisputably clear: Mr. Hernandez Rojas is being beaten and tased as he lies hand-cuffed on the ground, surrounded by more than a dozen agents. Contrary to the official explanation, the video evidences and eyewitnesses confirm that Mr. Hernandez Rojas was not resisting or combative. Despite pleas from bystanders, and Mr. Hernandez Rojas himself to stop the brutal beating, the agents continued. As a result of this violent attack, Mr. Hernandez Rojas stopped breathing, and later died. CBP officers then ordered bystanders to move along and, according to witnesses, deleted videos that had been recorded by onlookers.

While the death of Mr. Hernandez Rojas and the failure to hold those responsible accountable is an appalling example of law enforcement abuse of power, it is far from an isolated incident. At least nine residents of southern border communities have been killed or seriously injured, allegedly by CBP agents, since 2010, including Sergio Adrian Hernandez Huereca, a 15-year-old boy who was shot to death in the El Paso area. Last month the Department of Justice determined that the lethal use of force against Hernandez Huereca was justified based on CBP's guidelines, which have yet to be made public. These events point to a pattern of excessive use of force within CBP that warrants an immediate investigation as well as the implementation of measures within the Department of Homeland Security that ensure that unnecessary lethal force is not used in the future. If excessive force is used, it is imperative that agents are appropriately and promptly held accountable.

Such widespread abuse is indicative of a serious lack of effective oversight, and the fact that few if any complaints are resolved represents a disturbing lack of accountability within the agency. The American Civil Liberties Union filed a 17-page complaint to the Department of Homeland Security on May 9, 2012 concerning the "rampant abuse of individuals" by CBP agents, and called for a federal investigation into this pattern of human rights violations and law enforcement abuse of power. Days later, on May 17, the Center for Investigative Reporting reported that the Department of Homeland Security's Office of Inspector General, the watchdog for CBP, was dismissing more than half of its staff at the McAllen, Texas office amid allegations that the staff were fabricating investigative reports.

Given our above concerns, and in an effort to improve law enforcement accountability and transparency, we respectfully urge you to:

- Direct the Department of Justice to promptly conduct a thorough investigation of all allegations of excessive use of force by CBP since 2010 and ensure that those found responsible are held accountable.
- Direct the Department of Homeland Security to undertake a comprehensive evaluation of CBP policies and training on use of force, including lethal force, and of existing mechanisms to investigate allegations of excessive force by CBP agents, and report its findings publicly.
- Direct the Department of Homeland Security to disclose when individuals are killed or seriously injured by CBP agents by issuing a public statement that includes the date, location, and circumstances of the incident.

Law enforcement agencies must be held accountable to the laws they are charged with enforcing, and no federal agent should be allowed to operate above the law. Otherwise, the lack of accountability and rule of law erodes public trust in the federal government and ultimately jeopardizes public security.

We respectfully urge you to take action to address the excessive use of force and widespread abuse committed by U.S. Customs and Border Protection officials, ensure that full and honest investigations into cases of misconduct are conducted and ensure that measures are instituted to prevent further human and civil rights violations.

Sincerely,

*Southern Border Communities Coalition
American Civil Liberties Union
American Friends Service Committee
American Immigration Council
Americans for Immigrant Justice
Arizona Chapter of the Southern Border Communities Coalition
Asian Pacific American Legal Center
Berkshire Immigrant Center
Black Alliance for Just Immigration
BorderLinks
Border Action Network
Border Network for Human Rights
Boston New Sanctuary Movement
Brazilian Immigrant Center
Break the Chain Campaign, Institute for Policy Studies
California Immigrant Policy Center
Casa Cornelia Law Center
Casa de Proyecto Libertad
Casa Esperanza
Center for International Policy
Center for Social Advocacy of San Diego County
Central Ohio Immigrant Justice
Centro Independiente de Trabajadores Agricolas
Christ the King Catholic Church Social Justice Committee*

Christian Peacemaker Teams, Chicago
Church of Our Saviour/La Iglesia de Nuestro Salvador
Clergy and Laity United for Economic Justice California
Clergy and Laity United for Economic Justice-Los Angeles
Coalicion de Derechos Humanos
Coalition for Humane Immigration Reform of Los Angeles
Colonias Development Council
Columban Center for Advocacy and Outreach
Community to Community Development
Conference of Major Superiors of Men
Defending Dissent Foundation
Desert Water
Desis Rising Up & Moving
Disciples Justice Action Network
East Bay Interfaith Immigration Coalition
Employee Rights Center
Environmental Health Coalition
Escondido Human Rights Committee
Equal Justice Society
Equality Alliance of San Diego County
Fellowship of Reconciliation
First Unitarian Universalist Church of Columbus
Frente Indigena de Organizaciones Binacionales
Friends Committee on National Legislation
Frontera de Cristo
Fundación México
Good Shepherd United Church of Christ
Greater Rochester Coalition for Immigration Justice
Green Valley/Sahuarita Samaritans
Human Rights Council of Oceanside
Humane Borders
Humanitarian Border Solutions
Illinois Coalition for Immigrant and Refugee Rights
Interfaith Coalition for Immigrant Rights (CLUE-CA)
Interfaith Committee for Worker Justice of San Diego County
Interfaith Communities United for Justice and Peace
IRATE & First Friends
Jesuit Refugee Service/USA
Justice for Immigrants Coalition
Kino Border Initiative
La Union del Pueblo Entero
Las Americas Immigrant Advocacy Center
Latin America Working Group Education Fund
Manos Unidas Coop
Maryknoll Office for Global Concerns
Medical Mission Sisters Alliance for Justice
Mexican American Catholic College
Mexican American Legal Defense and Educational Fund

Migrant Resource Center
Migrant Support Services of Wayne County
Missionary Oblates of Mary Immaculate – Justice, Peace and Integrity of Creation Office
National Alliance of Latin American & Caribbean Communities
National Day Laborer Organizing Network
National Immigration Forum
National Immigration Project of the National Lawyers Guild
National Network for Immigrant and Refugees Rights
NETWORK, A National Catholic Social Justice Lobby
No Border Wall Coalition
No More Deaths
Northern Borders Coalition
Oceanside Human Rights Council
OneAmerica
Paso del Norte Civil Rights Project
Plymouth Congregational Church
Political Asylum Immigration Representation Project
Presbyterian Church, San Francisco, CA
Presbyterian Peace Fellowship
Progressive Democrats of America, Cochise County Chapter
Proyecto Azteca, Inc
Proyecto Juan Diego
Rights Working Group
Rio Grande Equal Voice Network
San Diego Foundation for Change
San Diego Human Relations Commission
San Diego Immigrant Rights Consortium
Sisters of Mercy of the Americas, Institute Justice Team
South Asian Americans Leading Together
South Bay Forum
South Texas Civil Rights Project
Southeast Michigan Synod, Evangelical Lutheran Church in America
St. John the Baptist Catholic Church
Temple Hashem
Tennessee Immigrant and Refugee Rights Coalition
The Jericho Movement
Unitarian Universalist Association of Congregations
Unitarian Universalist Refugee and Immigrant Services and Education
United Church of Christ, Justice and Witness Ministries
United Methodist Church, General Board of Church and Society
UNITED SIKHS
Washington Office on Latin America
Wayne Action for Racial Equality
We Count
Women's Refugee Commission
Worker Justice Center of New York

Cc: **Eric Holder**, Attorney General of the United States, Department of Justice
Janet Napolitano, Secretary of Homeland Security, Department of Homeland Security
Tamara Kessler, Acting Officer for Civil Rights and Civil Liberties, Department of Homeland Security,
Office of Civil Rights and Civil Liberties
Charles K. Edwards, Acting Inspector General, Department of Homeland Security, Office of Inspector
General