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To Members of the Congressional Hispanic and Progressive Caucuses:

My name is Edgar Saldivar and I am a senior staff attorney at the ACLU of Texas. Thank you for convening this important forum and for your concern about civil rights abuses by U.S. Customs and Border Protection agents.

I am the son of Mexican immigrants. I live in Houston, the most diverse city in the country. And I have family in the Rio Grande Valley where CBP's abuses are a matter of routine. I know our border communities and the hardships they face, and I am here today to tell you that CBP is out of control. CBP is the largest law enforcement agency in the country, with tens of thousands of enforcement agents patrolling our borders, and President Trump has called for 5,000 more. Immigration agents have openly expressed relief that the proverbial "handcuffs" have been taken off. Yet CBP has failed to put into place best policing practices, effective training, or any real accountability for its agents. In the current climate, abuses by CBP agents will only get worse.

Many of you are familiar with the case of Rosa Maria Hernandez, a 10 year-old border resident with cerebral palsy recently separated from her family by federal immigration authorities. Border Patrol stopped her vehicle at a checkpoint for half an hour and followed it to the hospital, where armed agents shadowed her every move, invaded her privacy while she was being treated, and stood guard outside her hospital room. The moment Rosa Maria was discharged, agents immediately and unlawfully seized her and, bizarrely, transferred her to the custody of the Office of Refugee Resettlement, in spite of the fact that she was neither a refugee, nor did she require resettlement. It took public pressure, community organization, congressional intervention, and the ACLU filing a lawsuit—everyone making an awful lot of noise—for Rosa Maria to be reunited with her family.

This was not a hardened career criminal at the top of anyone's enforcement priority list, but a 10 year-old girl with cerebral palsy ripped away from her school, her friends, her family, and very nearly from the only country she has ever known. It is unconscionable for Trump's deportation force to target a vulnerable little girl in a children's hospital—a location designated as "sensitive" under the Department of Homeland Security's own policy—where CBP agents have no business engaging in enforcement actions. The government's conduct was unlawful, cruel, and seemingly tailored to discourage parents with sick children from seeking care.

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But Rosa Maria's harrowing tale is neither the first nor the worst example of CBP's troubling history of abuse.

Our client Jane Doe, for example, was taken into secondary inspection at the El Paso point of entry, where an agent stripped her down and examined her genitals and rectum with a flashlight. Not satisfied, the agents transported Jane Doe to an El Paso hospital, where they pressured doctors to perform even more degrading and intrusive examinations—all without a warrant or her consent—which again confirmed our client had no contraband. After over 6 hours of traumatic searches, our client was released, but not before being told that she would be billed for the invasive procedures unless she agreed to sign a consent form, which to her credit she flatly refused to do.

In another case, we represented Laura Mireles, a 5'1", 100-pound woman with a disability who worked at a duty-free shop near the Brownsville Port of Entry. Upon returning from work one day, agents stopped to search her car. When she asked one of the agents why he needed to search her purse as well, he threw her to the ground, drove his knee into her back, and handcuffed her so tightly that the fire department had to be summoned to cut off the handcuffs.

The list goes on and on: 15-year-old Sergio Hernandez Guereca, shot to death along the Texas border by a border patrol agent in a case the federal government continues to fight in court on the grounds that Sergio had no constitutional rights against such deadly force; or Cruz Velazquez, the 16 year-old who died after CBP agents forced him to ingest liquid methamphetamine at a port of entry.

CBP's excessive, abusive, and unlawful behavior must not be allowed to continue. Our democracy is threatened when our nation's largest law enforcement agency abuses its legal authority and is not held accountable for overstepping that authority. The ACLU continues to fight for the rights of border residents, but we cannot do this alone, especially in the face of CBP's stiff resistance to the implementation of 21<sup>st</sup> Century policing best practices like data collection that streamline enforcement and prevent racial profiling and other unconstitutional abuses. Nor has CBP deployed the body cameras that have benefitted law enforcement agencies everywhere through increased transparency and exoneration of officers when complaints are not substantiated. And finally, until CBP commits to thoroughly training and evaluating its personnel, agents will continue to routinely ignore or misunderstand the limits of their legal authority and violate civilians' constitutional rights. These reforms are vital for an agency with as troubled a track record of abuses as CBP's, yet even many recommendations by outside law enforcement peers like the CBP Integrity Advisory Panel co-chaired by former NYPD Chief Bratton and former DEA head Tandy have not been implemented.

We are grateful to the Congressional Hispanic and Progressive Caucuses for focusing on the patterns of abuse at CBP. We must increase our collective effort to protect the rights and quality of life of all border residents. Accordingly, the ACLU, Southern Border Communities Coalition, and the wider immigrants' rights movement are committed to achieving a clean Dream Act that is not a bargaining chip for worsening the oversight and accountability problems at CBP. The largest law enforcement agency in this country has ample reforms to make and cultural change to instill based on its current size, and must not be given additional resources that would be as

dangerous as they are wasteful.

I would like to conclude with a message that Rosa Maria Hernandez's mother asked me to share with you today: "We are very grateful to the American government for allowing my daughter to be reunited with us. Since coming back home, Rosa Maria is doing much better and is happy to be back in school. We hope she can remain in the U.S. with her family, where she can lead a normal, happy life."

Sincerely,

A handwritten signature in black ink, appearing to read 'ES', with a large, stylized flourish at the end.

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