16 Illegals Sue Arizona Rancher

(by Jerry Seper, Washington Times.com) - An Arizona man who has waged a 10-year campaign to stop a flood of illegal immigrants from crossing his property is being sued by 16 Mexican nationals who accuse him of conspiring to violate their civil rights when he stopped them at gunpoint on his ranch on the U.S.-Mexico border.

Roger Barnett, 64, began rounding up illegal immigrants in 1998 and turning them over to the U.S. Border Patrol, he said, after they destroyed his property, killed his calves and broke into his home.

His Cross Rail Ranch near Douglas, Ariz., is known by federal and county law enforcement authorities as "the avenue of choice" for immigrants seeking to enter the United States illegally.

Trial continues Monday in the federal lawsuit, which seeks $32 million in actual and punitive damages for civil rights violations, the infliction of emotional distress and other crimes. Also named are Mr. Barnett's wife, Barbara, his brother, Donald, and Larry Dever, sheriff in Cochise County, Ariz., where the Barnettts live. The civil trial is expected to continue until Friday.

The lawsuit is based on a March 7, 2004, incident in a dry wash on the 22,000-acre ranch, when he approached a group of illegal immigrants while carrying a gun and accompanied by a large dog.

Attorneys for the immigrants - five women and 11 men who were trying to cross illegally into the United States - have accused Mr. Barnett of holding the group captive at gunpoint, threatening to turn his dog loose on them and saying he would shoot anyone who tried to escape.

The immigrants are represented at trial by the Mexican American Legal Defense and Educational Fund (MALDEF), which also charged that Sheriff Dever did nothing to prevent Mr. Barnett from holding their clients at "gunpoint, yelling obscenities at them and kicking one of the women."

In the lawsuit, MALDEF said Mr. Barnett approached the group as the immigrants moved through his property, and that he was carrying a pistol and threatening them in English and Spanish. At one point, it said, Mr. Barnett's dog barked at several of the women and he yelled at them in Spanish, "My dog is hungry and he's hungry for buttocks."

The lawsuit said he then called his wife and two Border Patrol agents arrived at the site. It also said Mr. Barnett acknowledged that he had turned over 12,000 illegal immigrants to the Border Patrol since 1998.

In March, U.S. District Judge John Roll rejected a motion by Mr. Barnett to have the charges dropped, ruling there was sufficient evidence to allow the matter to be presented to a jury. Mr. Barnett's attorney, David Hardy, had argued that illegal immigrants did not have the same rights as U.S. citizens.

Mr. Barnett told The Washington Times in a 2002 interview that he began rounding up illegal immigrants after they started to vandalize his property, northeast of Douglas along Arizona Highway 80. He said the immigrants tore up water pumps, killed calves, destroyed fences and gates, stole trucks and broke into his home.

Some of his cattle died from ingesting the plastic bottles left behind by the immigrants, he said, adding that he installed a faucet on an 8,000-gallon water tank so the immigrants would stop damaging the tank to get water.
Mr. Barnett said some of the ranch’s established immigrant trails were littered with trash 10 inches deep, including human waste, used toilet paper, soiled diapers, cigarette packs, clothes, backpacks, empty 1-gallon water bottles, chewing-gum wrappers and aluminum foil - which supposedly is used to pack the drugs the immigrant smugglers give their "clients" to keep them running.

He said he carried a pistol during his searches for the immigrants and had a rifle in his truck "for protection" against immigrant and drug smugglers, who often are armed.

A former Cochise County sheriff’s deputy who later was successful in the towing and propane business, Mr. Barnett spent $30,000 on electronic sensors, which he has hidden along established trails on his ranch. He searches the ranch for illegal immigrants in a pickup truck, dressed in a green shirt and camouflage hat, with his handgun and rifle, high-powered binoculars and a walkie-talkie.

His sprawling ranch became an illegal-immigration highway when the Border Patrol diverted its attention to several border towns in an effort to take control of the established ports of entry. That effort moved the illegal immigrants to the remote areas of the border, including the Cross Rail Ranch.

"This is my land. I’m the victim here," Mr. Barnett said. "When someone’s home and loved ones are in jeopardy and the government seemingly can’t do anything about it, I feel justified in taking matters into my own hands. And I always watch my back."

Background

Trespassing is a legal term that can refer to a wide variety of offenses against a person or against property. Trespassing as it relates to real estate law means entering onto land without consent of the landowner. There are both criminal and civil TRESPASS laws. Criminal trespass law is enforced by police, sheriffs, or park rangers. Civil trespass requires that the landowner initiate a private enforcement action in court to collect any damages for which the trespasser may be responsible, regardless of whether a crime has been committed. Traditionally, for either type of trespass, some level of intent is required. Thus, the trespasser must not simply unwittingly traverse another's land but must knowingly go onto the property without permission. Knowledge may be inferred when the owner tells the trespasser not to go on the land, when the land is fenced, or when a "no trespassing" sign in posted. A trespasser would probably not be prosecuted if the land was open, the trespasser's conduct did not substantially interfere with the owner's use of the property, and the trespasser left immediately on request.
Questions

1. How do federal and county law enforcement authorities refer to Roger Barnett's Cross Rail Ranch in the border town of Douglas, Arizona?

2. Who is suing Mr. Barnett (and his wife, brother and a sheriff of Cochise County, Arizona)?

3. a) What crime has the group accused Mr. Barnett of committing in their lawsuit?

   b) Civil rights are defined as: The rights belonging to an individual by virtue of citizenship, especially the fundamental freedoms and privileges guaranteed by the 13th and 14th Amendments to the U.S. Constitution and by subsequent acts of Congress, including civil liberties, due process, equal protection of the laws, and freedom from discrimination.

   Should people entering the country illegally have civil rights? Explain your answer.

   c) Ask an adult this question and write down their response

4. How much money is the group suing Mr. Barnett for?
5. How many illegal immigrants has Mr. Barnett turned over to Border Patrol in the past 10 years after he found them on his property?

6. List the damage done to Mr. Barnett's property that caused him to begin rounding up illegal immigrants he found on his property. Be specific.

7. Should a U.S. citizen be sued for protecting his private property from trespassers? Explain your answer.

   Ask an adult this question and write down their response

8. Law enforcement authorities know that Roger Barnett has a huge problem with illegal immigrants trespassing on his property but have not put an end to it.
   How do you think Mr. Barnett and other property owners along the border should protect their property? Be specific.