

IRLI Successfully Defends Border Residents Right to Protect Themselves Against Illegal Aliens.

In a major setback for the illegal alien advocacy network's strategy of legal intimidation, a federal jury in Tucson has rejected nearly all of the substantive claims brought by illegal alien advocacy group Mexican American Legal Defense and Education Fund (MALDEF) against Arizona rancher Roger Barnett. Earlier, on February 10, federal district judge John M. Roll threw out related conspiracy complaints against his wife Barbara and his brother Donald Barnett, and dismissed the claims brought by ten illegal aliens who did not testify in court.

The Barnetts, who operate the Cross Rail Ranch near the Mexican border, were alleged to have violated the civil rights of 20 illegal aliens whom they detained as the illegal entrants crossed their property in 2004. The Barnetts were represented by the Immigration Reform Law Institute (IRLI) including Arizona attorneys John Kaufmann, David Hardy, and Sharma Hammond. IRLI is the legal defense and education arm of the Federation for American Immigration Reform.

Jurors awarded four female plaintiffs small punitive damages for emotional distress they claim to have suffered. However, a 2006 Arizona constitutional amendment bars awards of punitive damages to illegal aliens. Barnett's attorneys have already objected that the jury was given legally flawed instructions on this claim.

"For years, MALDEF and other illegal alien advocacy groups have threatened local governments and individual citizens with lawsuits to intimidate them from protecting their communities and property," said Michael Hethmon, IRLI co-counsel for Roger and Barbara. "But the Barnett family are Americans who refused to be intimidated. IRLI is honored to have been able to help these honest citizens defend their right to protect their homes and safety."

When dismissing the conspiracy claims, the court explained that illegal aliens have no constitutionally protected right to travel in the U.S. and that people, like the Barnetts, who live in close proximity to the border can make a reasonable assumption that large groups of people they encounter hiding or trespassing are doing so with the aid of smugglers, a federal felony for which a citizens arrest is authorized under Arizona law.

John Kaufmann, the lead trial attorney for Roger Barnett, systematically dismantled MALDEF's core contention that the plaintiffs were detained because of their ethnicity. The jury became aware that the poor and uneducated plaintiffs were being used by the Mexican government in a crude attempt to discourage border enforcement efforts.

In rejecting the claim that the Barnetts violated the plaintiffs' civil rights, the jury not only dismissed MALDEF's cynical decision to play the race card, but also provided the family members the opportunity to seek full recovery of attorneys fees.

“Smuggling of illegal aliens is a felony. Citizens who live along the border, like citizens anywhere in the country, have a right to act in such instances,” stated David Hardy, a noted legal scholar and counsel for the Barnetts. “The vindication of the Barnetts should clear the way for other Americans to act responsibly without fear of specious and politically motivated lawsuits.

“It is regrettable that the Barnett family has been put through a legal ordeal for merely defending their homes,” continued Hethmon. “What is more regrettable is that these conditions are allowed to persist and citizens along the border are faced with growing violence and property damage. IRLI remains committed to defending American citizens who are become the targets of such malicious and politically motivated lawsuits.”

Trial photos of damages by illegal entrants to the Barnett ranch are posted at www.hardylaw.net/barnett/.

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