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By Patrick Martin

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US military allowed to shoot at vehicles at entry ports along southern border

Pentagon documents leaked to *Newsweek* magazine reveal that soldiers deployed to the US-Mexico border have broad authority to fire on moving vehicles. The guidelines set by the Department of Defense (DoD) require only a “reasonable belief” that the vehicle is a threat to cause death or bodily harm, but the term “reasonable belief” is not defined, making the requirement a virtual green light for the use of deadly force.

The documents were obtained by *Newsweek* from a leaker within the Pentagon. They were issued in July as part of a broader operations order for US Army North, the formal designation for the military force deployed to the US-Mexico border by President Trump last year. Some 5,500 soldiers are currently stationed in border areas of Texas, New Mexico, Arizona and California.

The approved guidance states: “Weapons may be fired at a moving vehicle or watercraft when DoD forces have a reasonable belief that the vehicle or watercraft poses an imminent threat of death or serious bodily harm to DoD forces. Weapons may also be fired at a moving vehicle or watercraft posing an imminent threat of death or serious bodily harm to non-DoD persons in the vicinity when doing so is directly related to the assigned mission.”



Pedestrians pass members of the U.S.military working to place razor wire along the U.S.-Mexico border on the McAllen-Hidalgo International Bridge, Friday, Nov. 2, 2018, in McAllen, Texas. (AP Photo/Eric Gay)

A Pentagon spokesman told *Newsweek* that despite language in the guidelines authorizing soldiers to act in defense of Customs and Border Patrol (CBP) personnel if they were attacked by migrants seeking to cross the border, they have never been “requested to do so” by CBP.

One former military officer who discussed the issue with *Newsweek* , David Lapan, noted the similarities between the authorization given to soldiers to shoot at moving vehicles on the border, and authorization for similar actions in war zones like Iraq and Afghanistan, where the main threat was vehicles rigged with explosives.

“Not everybody who’s deployed to the border has been in combat but there’s probably a good chance some of them have served in Iraq or Afghanistan or Syria where a vehicle-borne IED is a threat and where the escalation of force procedures have been developed and deployed and trained to over the years,” he told the magazine. “Now, you potentially have active-duty forces who have been given the authority to engage moving vehicles. Do they still have the mindset that they had when they were in Iraq or Afghanistan?”

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In other words, soldiers deployed on the US-Mexico border are being given orders that effectively treat migrants fleeing repression and violence in Central America as though they were members of the Taliban, ISIS or Al Qaeda.

The documents also indicate that soldiers deployed to the border have been exempted from rules that required “no contact with migrants” during their operations. These rules were

previously cited by the Trump administration as assuring that soldiers would not actually perform the same work as Border Patrol agents, which would violate the Posse Comitatus Law, which prohibits the uniformed military from performing police functions.

The border deployment has been extended by the Pentagon at least through the end of the current fiscal year, September 30, 2020.

There were other horrific developments this week in the ongoing war of US government agencies against defenseless migrants and refugees:

- A 49-year-old migrant worker from Mexico died Monday, October 21, only hours after he was arrested by Border Patrol agents south of Casa Grande, Arizona. A brief CBP statement said, “Medical officials determined that the man had a preexisting heart condition.” He began having chest pains at the time he was arrested Sunday afternoon, and was taken to a local hospital, then transported to a larger facility in Mesa, Arizona, where he underwent emergency surgery. He died soon afterwards, becoming the first reported death in CBP custody in the current fiscal year, which began October 1.
- An Immigration and Customs Enforcement (ICE) raid led to the detention of 14 workers at a lumber and wood products manufacturing plant in Madison, Nebraska, Wednesday. At least one helicopter was deployed in the raid, which arrested about half of the workforce at the D & D Industries plant, a supplier of pallets and other wood products.
- A review of six large-scale worksite immigration raids throughout the United States, conducted by the *Clarion Ledger* newspaper of Jackson, Mississippi, found no companies were prosecuted in raids which resulted in the detention of 930 workers. Only one owner has been subsequently sent to jail for tax evasion, while 11 managers have been prosecuted. The review did not include the huge raid in Mississippi in early August in which nearly 700 workers were detained at seven chicken processing plants.
- An unidentified immigrant woman filed suit October 19 in Hartford, Connecticut charging that an ICE agent threatened her with deportation and raped her repeatedly over a seven-year period. She was impregnated three times during this period, having abortions each time. The suit seeks \$10 million in damages from ICE, the Department of Homeland Security, and former ICE agent Wilfredo Rodriguez. The suit alleges that the

abuse extended from 2007 to 2014, with Rodriguez first pressuring her to become an ICE informant, then using his badge, gun and physical violence to force her to submit to sex.

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