

# PROTECT DIGNITY



In a democracy, the role of law enforcement is to protect human dignity. But U.S. Customs & Border Protection (CBP) is undermining dignity by engaging in arbitrary, discriminatory, and inhumane enforcement that erodes public trust.

## 1. RIGHT TO BE FREE OF ARBITRARY ENFORCEMENT\*

The 4th Amendment of the U.S. Constitution recognizes the fundamental right to be free of arbitrary searches and seizures and requires a warrant or probable cause. That right is recognized in the International Covenant on Civil & Political Rights (ICCPR), Article 9. Contrary to this right, CBP border agents assert 'warrantless powers' to arbitrarily search people *inside the country* on the streets, in vehicles, and on private property. They ask people for papers and fish for information, all without cause. Congress can protect our rights and our dignity by eliminating warrantless search powers at 8 USC 1357(a)(3).

## 2. RIGHT TO BE FREE OF DISCRIMINATORY ENFORCEMENT\*

The 14th Amendment of the Constitution recognizes the fundamental right to equal protection under the law. That right is recognized by the ICCPR, Article 26, prohibiting discrimination on any ground such as race, sex, national origin or other status. Contrary to this right, CBP border agents freely engage in racial and identity profiling, exacerbating already arbitrary enforcement *inside the country*. Congress can protect our rights by prohibiting profiling, as many states have done. The Administration can also direct the DOJ to remove the border exception in its guidance against profiling for law enforcement.

## 3. RIGHT TO BE FREE OF INHUMANE ENFORCEMENT\*

The 8th Amendment of the Constitution recognizes the right to be free of cruel and unusual punishment. The 4th Amendment prohibits excessive force (unwarranted seizure). These rights are recognized by the ICCPR Article 7 and include the right to be free of inhumane or degrading treatment. The international use of force standard derived from that right is 'necessary and proportionate'. CBP agents use excessive force, relying on a deficient 'reasonable' standard that puts lives at risk. Congress and the Administration can protect lives and our rights by aligning the use of force standard to 'necessary and proportionate'.

## BUILD PUBLIC TRUST

Right now, few voters trust border agents to protect human dignity.

According to a national survey of voters, only 1 in 4 voters fully trust that border agents will protect the constitutional rights of all people.

And only 1 in 4 voters trust that agents will be held accountable when they violate those rights.

## 80% OF VOTERS

Say that protecting the rights of everyone, including migrants, travelers and residents, increases trust of agents.

On issues of trust, Republicans, Democrats & Independents agree.

*Source: USIPC survey of nationally representative voters conducted in 2022.*

\* Under the Constitution's supremacy clause (Article VI), international treaties are part of the supreme law of the land, including the ICCPR, ratified by the US in 1992.



# END IMPUNITY

Our fundamental rights — including the right to be free of arbitrary, discriminatory, and inhumane enforcement — exist to prevent abuse of government power. But there is currently no effective remedy when CBP violates our rights. The right to an effective remedy is recognized in the International Covenant on Civil & Political Rights (ICCPR) Article 2.

**WHEN CBP USES EXCESSIVE FORCE**

Since 2010, CBP agents have killed on average more than two people a month. In 2023, they have already killed 8 people.

**CBP INVESTIGATES — THEY ARE NOT INDEPENDENT**

CBP investigators and/or management teams are involved in every criminal investigation, undermining their integrity.

**CBP TAMPERS WITH EVIDENCE & WITNESSES**

Although CBP cover-up teams were exposed for obstructing justice for decades, no one has answered for ongoing harm.

**CBP ABSOLVES AGENTS FOR LETHAL FORCE**

CBP's National Use of Force Review Board rarely reviews incidents (last was July 2021) and has excused all killings.

**CBP AGENTS ARE NEVER CONVICTED FOR KILLINGS**

In the 100 year history of border agents, not a single agent has been convicted for any of the thousands of on-duty killings.

**CONGRESS CAN END CBP IMPUNITY BY STRENGTHENING THE INDEPENDENCE & INTEGRITY OF CRIMINAL INVESTIGATIONS. THE ADMINISTRATION CAN PROSECUTE VIOLATIONS OF RIGHTS & OBSTRUCTION.**