



My Day Testifying in the Courtroom of John Roll

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[John Roll](#), the Chief Justice for the US District Court in Arizona, was among those killed Saturday afternoon at a town hall with Rep. Gabrielle Giffords. In February 2009, I testified as a prosecution witness in Roll's courtroom in Tucson in a politically charged civil trial known as [Vicente v. Barnett](#). I did not know at the time that Roll was living under a 24/7 protective detail because of [hundreds of threats](#) against him and his family as well as inflammatory rhetoric directed against him by right-wing elements.

A Republican appointee of President George H.W. Bush, Roll had certified a lawsuit against [Roger Barnett](#), a local businessman who had become a posterboy of the national anti-immigrant movement for detaining over 12,000 Mexican migrants on a ranch he owned near the border. In 2006, Barnett was fined \$100,000 in a similar lawsuit filed by a Mexican-American family he held at gunpoint (they were on a hunting trip). This time, a group of migrants sued Barnett for physically abusing them — he kicked a small woman in the shoulder hard enough to shatter a religious effigy she kept in her bag — calling them “fucking Mexicans” and threatening to kill them.

For years, Barnett had committed countless acts of random brutality against defenseless migrants. As Cochise County's former Deputy Sheriff and the brother of the former Sheriff, Barnett acted with total impunity. I interviewed him in the lunch room of his propane delivery business in Sierra Vista, a small town near the Mexican border. It was February 2003, right around the time hundreds of extremists were flocking to the border to join the anti-immigrant vigilante patrols known as the Minutemen.

Seated across a table from the lumbering, ornery Barnett, I listened to him brag about taking migrants hostage. “They [the Mexicans] are gonna take over our country ... Do you remember what the Iraqis did with our pilots in Desert Storm? They took them hostage. It's the same deal here,” he said to me. When I challenged his right to detain people at gunpoint, he lunged across the table at me and rumbled, “What are you, a fucking lawyer?”



attacking migrants along the highway at night. I reported on one alleged incident for

[Salon.com](https://www.salon.com):

In the past three years, rumors have floated around Douglas that he was randomly pulling over drivers on Highway 80 northeast of Douglas whom he profiled as Mexican. While most witnesses to the pull-overs have disappeared into the woodwork or demanded anonymity, a recent incident confirmed by the Mexican consul general in Douglas, Miguel Escobar Valdez, suggests Barnett as a possible suspect in a brutal and unprovoked attack along the highway.

On January 19, Escobar was called in to Douglas Hospital to interview Rodrigo Quiroz Acosta, a 37-year-old Mexican national hospitalized with bruises to his head and ribs. Quiroz told Escobar that he had entered the U.S. illegally, became stranded and fatigued, and ventured out to Highway 80 to search for Border Patrol agents to pick him up. Suddenly a white pickup truck barreled off the highway, nearly hitting him. Out stepped a man described by Quiroz as close to 60 years old and accompanied by a dog. The man began shouting angrily, kicking him in the head and pummeling him with a flashlight. Eventually, Quiroz was able to escape and was later apprehended by Border Patrol agents. Quiroz said his attacker was about 6 foot 3 and in his late 50s — a description that could fit Barnett. A Border Patrol supervisor told Escobar that Roger Barnett — who has a dog and drives a white pickup — had detained a group of migrants an hour beforehand in the same area where Quiroz was attacked and that he was probably the attacker.

Seven years later, I was contacted by the Mexican-American Legal Defense and Education Fund (MALDEF) and asked to testify as a prosecution witness in their lawsuit against Barnett. Soon I was in a room in the US District Court in Tucson filled with lawyers and witnesses. One witness, a middle-aged Mexican-American man who Barnett had repeatedly threatened and menaced, had just testified. Visibly agitated, he had sweated all the way through his shirt after facing down Barnett in the courtroom.

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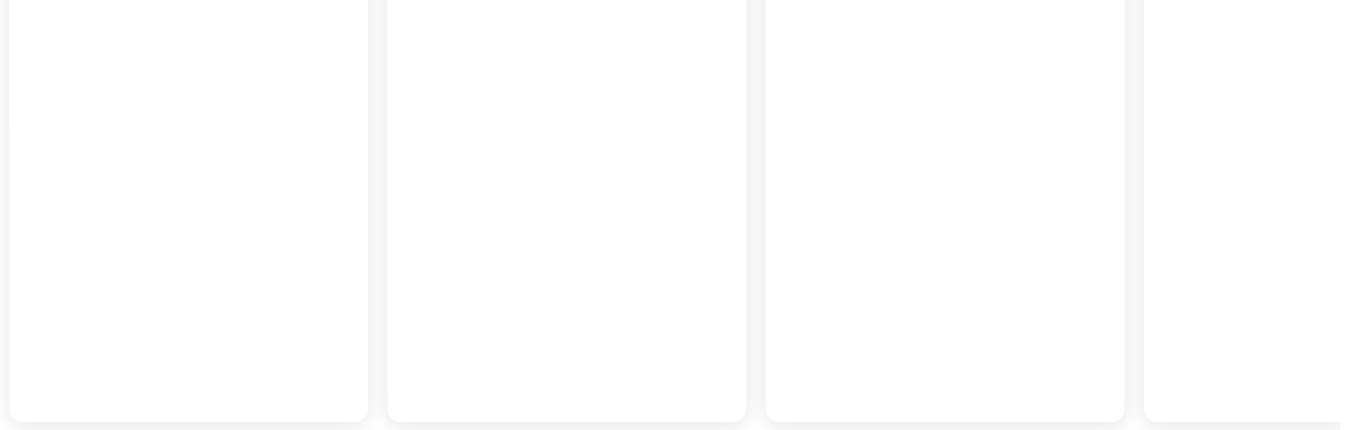
Henry Solano, a former US Attorney from Colorado who now headed MALDEF, told me a little about Roll before it was my turn to testify: “He’s a conservative but he’s fair. And he is really tough, so make sure to answer everything directly.”

On the witness stand, I faced Barnett’s attorney, a daft and over-aggressive local lawyer named John Kaufmann. Kaufmann began his cross-examination by showing me a series of photographs on placards. “Do you know what this is, Max?” he said with contempt, pointing to a desert canyon. “Obviously I do,” I said. Roll berated me for my response. “You are to answer the questions directly, do you understand?” he shouted from the bench. “Ok, it’s a canyon.”

“A canyon!” Kaufmann said. “You don’t have a lot of canyons in New York City, where you’re from do you? Well, maybe building canyons, but not *real* canyons.”

Kaufmann’s photos progressed from a canyon to piles of drugs to Mexican migrants, as he attempted to dramatize the horrors immigrants from Mexico had brought to Barnett’s ranch, and by extension, to America. He then read quotes from my Salon.com article, attempting to paint me as an out-of-touch liberal. However, he attributed a quote to me that was actually by former Rep. Tom Tancredo, one of the most anti-immigrant politicians in American history. I recognized that the quote was not mine and demanded that Kaufmann show it to me. He initially refused, but Roll forced him to produce the quote. It turned out I was right.

When Kaufmann was exposed before the jury for misquoting me, his credibility was tainted for the remainder of the trial. I went on to describe for the jury how Barnett had boasted to me about taking migrants hostage, and how he told me that two members of a group run by former KKK leader David Duke had volunteered to help him on his ranch (he refused only because he didn’t want to risk bad publicity). When I was done, Roll politely excused me from the court.







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As the trial proceeded, the threats against Roll poured in. Meanwhile, Barnett was portrayed as a victim hero by [Lou Dobbs](#) and [Glenn Beck](#), who hosted him for a friendly interview.”I don’t know what country I’m living in anymore,” Beck said to Barnett. “You have a right to protect your property.”

In the end, the jury delivered justice to the migrants Barnett attacked, [ordering](#) Barnett to pay them \$73 thousand in damages. From what I could tell, Roll handled his courtroom and a challenging trial with professionalism and courage.

Roll spent a substantial part of his judicial career in a climate of violence and political extremism, and would die in it too. He was not the only person killed in Arizona’s hyper-charged, hate-filled environment, and unfortunately, he probably won’t be the last.

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