

Scott Warren acquitted on felony charges of harboring undocumented immigrants

by [Gregg Brekke](#)

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Scott Warren outside the federal courthouse in Tucson, Arizona following a not guilty verdict against him on two counts of felony harboring. (Photo by Gregg Brekke)

Scott Warren breathed a visible sigh of relief as he exited the federal courthouse in Tucson, Arizona, on November 20, having received a not guilty verdict in his retrial on two counts of felony harboring. The trial's conclusion after only two hours of jury deliberation was an end to a prosecution that began when he was arrested along with two undocumented migrants in the Arizona desert in January 2018.

Federal prosecutors asserted that Warren hid the two Central American men, Kristian Perez-Villanueva and Jose Arnaldo Sacaria-Goday, for four days and gave them directions on how to avoid Border Patrol checkpoints and ground patrols once

they left the safety of “the Shack,” a resupply shed used by humanitarian groups near Ajo, Arizona.

Warren’s defense—delivered by his attorney, Greg Kuykendall, and in his testimony on the fifth day of the six-day trial—was that he provided humanitarian aid in order to save the lives of migrants and, in doing, so followed guidelines set by No More Deaths, the group with which he was volunteering when he was arrested. A key tenet of the defense argument was that this type of assistance and the manner in which it was administered was well within the law.

Warren’s first trial resulted in a hung jury on June 11. A second trial was ordered by the US Department of Justice, though the charge of conspiracy to transport or shield undocumented immigrants was dropped in the retrial.

What’s at issue for No More Deaths, Tucson Samaritans, and other humanitarian aid groups is whether or not it is a crime to provide lifesaving assistance—water, medical treatment, food—to undocumented migrants in the desert. More than 3,000 people have died crossing the desert in the Tucson area since 2001. For many of Warren’s supporters, providing such assistance is an obligation of their faith—to feed the hungry, give water to the thirsty, and clothe the naked.

To express their solidarity with Warren, a group of 150 faith leaders and advocates held vigil across the street from the courthouse in downtown Tucson before closing arguments were delivered.

“At [its] root, Jesus is on trial here today,” said Jim Wallis of *Sojourners*, one of many speakers at the vigil. “More than Scott Warren, more than any of us, Jesus is on trial in Tucson today. Because to obey Jesus, to follow Jesus is now illegal according to the politics and policies of Washington, D.C., and the president of the United States.”

After the vigil, approximately 100 people—many wearing clerical vestments—crossed the street to fill the galleries of the courthouse as a visible presence of the faith community’s support and to hear the trial’s final statements.

Following the announcement of the verdict, the US attorney for Arizona, Michael Bailey, said he didn’t agree with the jury’s decision, adding that it would not alter his office’s work in pursuing similar cases.

“Although we’re disappointed in the verdict, it won’t deter us from continuing to prosecute all the entry and reentry cases we have, as well as all the harboring and smuggling and trafficking cases that we have,” he said.

Noel Andersen, grassroots coordinator for Church World Service and a long time advocate for humane immigration and border policies, who was at the vigil and final day of the trial, said the efforts of aid workers are being threatened and criminalized throughout the world.

“It’s very clear that this case, as we went inside and listened to closing arguments, should have never been prosecuted. It should have never come to trial,” Andersen said. “The mere act of providing humanitarian aid to migrants is not unlawful, and it’s clearly part of our faith tradition to offer food and water and medical care, and to help those in need, especially when we’re talking about life and death situations in the desert.”

Warren’s legal issues aren’t entirely over. He was found guilty of operating a motor vehicle illegally in the desert area near Cabeza Prieta, a common spot for No More Deaths aid activities. Judge Raner Collins set a February 18, 2020, sentencing date for the illegal driving charge, a misdemeanor with penalties ranging from probation to six months of incarceration.

After Warren and his team emerged triumphant from the courthouse, they held a brief press conference in which No More Deaths volunteers asked those assembled to observe a moment of silence for Perez-Villanueva and Sacaria-Goday. Kuykendall expressed thanks for the support the trial had received from the faith community and other activists, saying he was “overwhelmingly happy for Scott and proud to know him.”

Although Warren declined requests for interviews, he did read prepared remarks off his cell phone. “As we stand here, people’s brothers, sisters, fathers, spouses, and children are in the midst of the perilous desert crossing,” he said. “The need for humanitarian aid continues.”

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