



For Immediate Release

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Tragic Killing on the U.S.-Mexico Border Calls Into Question Use of Military For Domestic Policing in P.O.V.'s "The Ballad of Esequiel Hernández," Tuesday, July 8 on PBS

Tommy Lee Jones Narrates Little-Known Tale of the Teenager Who Became
The First U.S. Citizen Slain by the Military on U.S. Soil Since 1970

A Co-presentation With Latino Public Broadcasting

"Audiences who see this engrossing report will wonder why such an important event has been allowed to drift into obscurity..." — Robert Koehler, Variety

In this heated election year, the U.S.-Mexico Border is a magnet for debate as Americans grapple with the complex issues of illegal immigration, national security and the War on Terror. In recent years many have called for a military solution that would include the deployment of armed troops to the border. But as eloquently demonstrated in the new documentary **The Ballad of Esequiel Hernández**, the southern border is not simply a line in the sand, nor is it a war zone. Places like the Rio Grande in Texas are home to hard-working communities and families that straddle both sides of the river, and many Americans there grow up with ties to both countries. As Presidio County Judge Jake Brisbin illustrates: "On a map it's an international border, but in reality it's something you walk across in everyday life."

In 1997, no one in the small town of Redford, Texas (pop. 100) knew that U.S. Marine teams, fully camouflaged and armed with M16 rifles, had been secretly deployed to their section of the border. No one knew that their town had been designated a major drug corridor, and that a team of four Marines had taken up a position near the local river crossing to watch for smugglers. Farmers like the Hernández family, who lived by the river, went on working their fields and tending to their livestock. On the evening of May 20, 18 year-old Esequiel Hernández Jr. left the house to graze his family's goats, taking with him as usual a .22 rifle to keep away wild dogs. It was the last evening of his life.

Kieran Fitzgerald's **The Ballad of Esequiel Hernández**, an Official Selection of the Tribeca Film Festival, has its national broadcast premiere on **Tuesday, July 8, 2008** at 10 p.m. on PBS during the 21st season of P.O.V. (Check local listings.) American television's longest-running independent documentary series, P.O.V. is public television's premier showcase for point-of-view, nonfiction films, and winner of a 2007 Special News & Documentary Emmy Award for Excellence in Television Documentary Filmmaking.

Narrated by Tommy Lee Jones (a native of west Texas whose film "The Three Burials of Melquiades Estrada" was inspired by the Hernández shooting), **The Ballad of Esequiel Hernández** features a full array of remarkably candid accounts from three of the four Marines on the fatal mission; Esequiel's family, friends and teachers; Marine Corps investigators; FBI and defense attorneys.

The film also makes use of military investigative video and audio recordings of radio communication between the Marine team and their commanders before Hernández was shot.

Investigators call into question the Marines' decision to follow Hernández when, after firing two shots from over 200 yards away in their direction, he started slowly back toward his home. They found it unlikely that Esequiel had knowingly fired at the team or that he could have been "flanking" them as they claimed.

The Marines and their commanders maintained that Corporal Clemente Bañuelos, the team captain, had fired in defense of his men. However, investigators believed that Esequiel was not aiming his rifle at the Marines when he was shot. Although attempts were made to indict Corporal Bañuelos for murder in the state of Texas, he was never charged with a crime. As local Redford historian Enrique Madrid explains: "The United States could not allow a legal precedent of that sort to be set in which American soldiers were subject to state laws in the conduct of their military operations."

The Ballad of Esequiel Hernández tells a frightening and cautionary tale about the dangers of using military as domestic law enforcement — a role that the military, under the Posse Comitatus Act of 1878, had been prohibited from taking. That changed when in 1989, the George H.W. Bush administration declared drug-trafficking a "threat to national security" and authorized the deployment of thousands of troops to the US-Mexico border. In 1997, during the Clinton administration, Esequiel Hernández became the first American killed by U.S. military forces on native soil since the 1970 Kent State shootings. Shortly afterward, the administration suspended all military operations along the border. Nearly ten years later, the military returned to the border, this time as part of the War on Terror and the George W. Bush administration's effort to stem illegal immigration.

"Esequiel's killing had been so quickly passed over, despite the big issues involved," says director Kieran Fitzgerald, "that our nation has not had a chance to work through its important and urgent implications. My hope is that this film will be our chance."

The Ballad of Esequiel Hernandez is a production of Heyoka Pictures.

About the filmmaker:

Kieran Fitzgerald

Director

Kieran Fitzgerald directed several short films while an undergraduate at Harvard University. He also worked as a production assistant on "The Three Burials of Melquiades Estrada," directed by and starring Tommy Lee Jones, and on "Colour Me Kubrick," with John Malkovich. He directed the documentary short "Being Alan Conway," about the man who impersonated Stanley Kubrick during the 1990s. He is currently a Michener Fellow in fiction and screenwriting at the University of Texas in Austin. **The Ballad of Esequiel Hernández** is his first feature-length documentary film. He and his brother, Brendan (producer) are the sons of producer Michael Fitzgerald ("Wise Blood, Under the Volcano, The Pledge").

Credits:

Director:	Kieran Fitzgerald
Executive Producer:	Peter Gilbert
Producer:	Brendan Fitzgerald
Co-producer:	Shane Slattery-Quintanilla
Editors:	Kieran Fitzgerald, Brendan Fitzgerald, Shane Slattery-Quintanilla
Cinematographer:	Kieran Fitzgerald
Original Music:	Bobby Flores
Narrator:	Tommy Lee Jones

Running Time: 86:46

Awards & Festivals:

- Best Film, Human Rights Category, Mexico City International Film Festival, 2007
- Official Selection, Tribeca Film Festival, 2007

Co-presenters:



Created in 1998 by Edward James Olmos and Marlene Dermer, Latino Public Broadcasting (LPB) is a non-profit organization funded by the Corporation for Public Broadcasting. LPB's mission is to support the development, production, post-production, acquisition and distribution of non-commercial educational and cultural television that is representative of or addresses issues of particular interest to U.S. Latinos. These programs are produced for dissemination to public broadcasting stations and other public telecommunications entities. Mr. Olmos is presently LPB's Chairman of the Board of Directors. For more information please visit www.lpbp.org.



Produced by American Documentary, Inc. and celebrating its 21st season on PBS in 2008, the award-winning P.O.V. series is the longest-running showcase on television to feature the work of America's best contemporary-issue independent filmmakers. Airing Tuesdays at 10 p.m., June through October, with primetime specials during the year, P.O.V. has brought more than 250 award-winning documentaries to millions nationwide, and now has a Webby Award-winning online series, *P.O.V.'s Borders*. Since 1988, P.O.V. has pioneered the art of presentation and outreach using independent nonfiction media to build new communities in conversation about today's most pressing social issues. More information about P.O.V is available online at www.pbs.org/pov.

P.O.V. Interactive (www.pbs.org/pov)

P.O.V.'s award-winning Web department produces special features for every P.O.V. presentation, extending the life of our films through filmmaker interviews, story updates, podcasts, streaming video and community-based and educational content to involve viewers in activities and feedback. P.O.V. Interactive also produces our Web-only showcase for interactive storytelling, *P.O.V.'s Borders*, and the *P.O.V. Blog*, a gathering place for documentary fans and filmmakers to discuss and debate their favorite films, get the latest news and link to further resources. The P.O.V. Web site, blog and film archives form a unique and extensive online resource for documentary storytelling.

P.O.V. Community Engagement and Education

American Documentary | P.O.V. works with local PBS stations, educators and community organizations to present free screenings and discussion events to inspire and engage communities in vital conversations about our world. As a leading provider of quality nonfiction programming for use in public life, P.O.V. offers an extensive menu of resources, including free discussion guides and curriculum-based lesson plans. In addition, P.O.V.'s *Youth Views* works with youth organizers and students to provide them with resources and training so they may use independent documentaries as a catalyst for social change.

Major funding for P.O.V. is provided by PBS, The John D. and Catherine T. MacArthur Foundation, National Endowment for the Arts, The Educational Foundation of America, The Fledgling Fund, New York City Department of Cultural Affairs, New York State Council on the Arts, Lower Cultural Council, The September 11th Fund, and public television viewers. Funding for P.O.V.'s Diverse Voices Project is provided by the Corporation for Public Broadcasting. P.O.V. is presented by a consortium of public television stations, including KCET Los Angeles, WGBH Boston Thirteen/WNET New York.

American Documentary, Inc. (www.amdoc.org)

American Documentary, Inc. (AmDoc) is a multimedia company dedicated to creating, identifying and presenting contemporary stories that express opinions and perspectives rarely featured in mainstream media outlets. AmDoc is a catalyst for public culture, developing collaborative strategic engagement activities around socially relevant content on television, online and in community settings. These activities are designed to trigger action, from dialogue and feedback to educational opportunities and community participation. Simon Kilmurry is executive director of American Documentary | P.O.V.

DVD REQUESTS: Please note that a broadcast version of this film is available upon request, as the film may be edited to comply with new FCC regulations.

Media Sponsor:  New York Public Radio