

# Texas towns sue Homeland Security over border wall plans

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The Texas Border Coalition (TBC), a coalition of southern Texas mayors and communities within the Rio Grande Valley, has brought a lawsuit against the federal Department of Homeland Security in an attempt to halt construction of its massive border wall. The suit (*Texas Border Coalition v. Michael Chertoff et al.*), filed May 16 in the Washington, D.C. federal district court, accuses the department and its chief, Chertoff, of violating due process, illegally seizing residents' and public land, and making special exceptions for wealthy and well-connected landowners in the region.

According to the TBC's complaint, Homeland Security has been serving residents and municipalities notices that demand "immediate access to land" and declare the department has "the right to demolish structures, bore holes, destroy plantings and crops, and take such other measures as the contractors of the Department of Homeland Security may consider necessary to prepare for construction of a fortified border wall." So far, some 600 property holders have been ordered to make their property available to government surveyors and construction crews.

TBC charges that Chertoff and DHS have been demanding that residents waive their property rights for six-month periods, and the department has offered paltry, non-negotiable \$100 cash payments as compensation for appropriated land.

The TBC complaint said that the department had threatened to have condemned and seize the land of property holders who rejected the payments.

While employing this thuggish intimidation against the working-class population in one of the poorest regions of the country, the lawsuit points out that the federal government's wall plans are re-routed to avoid cutting through tracts of land held by the wealthy. The proposed wall stops, for example, at one edge of the

Brownsville area River Bend Resort and golf course, the complaint notes, and starts again at the other side.

"Also in the vicinity," the TBC points out, "there are no plans to build the border fence through the property owned by Dallas billionaire Ray L. Hunt and his relatives." Hunt, an oil magnate and close friend of President George W. Bush, the complaint notes, "recently donated \$35 million to Southern Methodist University to help build Bush's presidential library."

Brownsville's University of Texas campus, on the other hand, would be cut down the middle of its athletic grounds. The university's president said that she had not even been consulted before DHS officials announced the plans. Patricio Ahumada, the mayor of Brownsville, said in no uncertain terms that the so-called "security fence" was unwelcome and socially destructive. "We shouldn't be building walls. We should be building alliances with Mexico. The wall is not the solution."

At a speaking event the same day the TBC filed its suit, Homeland Security Secretary Chertoff declared such observations irrelevant. "What we haven't done is we haven't given everybody a veto," he said. "If somebody says they prefer an open border, we don't necessarily give them the right to make that judgment because the consequences of an open border are smuggling of drugs and human beings into this country."

DHS spokesperson Laura Keehner told the *Dallas Morning News* May 17 that the department was undeterred by the lawsuit, which she described as without merit. "We've nearly bent over backward to work with landowners," she told the paper. "Accusations to the contrary are either ill-informed or just plain wrong."

Chad Foster, the mayor of the border town of Eagle

Pass and chairman of the TBC, stated that he asked the DHS why certain areas of his town seemed to be specifically targeted for the wall construction. “I puzzled a while over why the fence would bypass the industrial park and go through the city park,” he said in the complaint.

The government has insisted that it gave ample “outreach” and opportunities for public discussion of the proposed route of the wall, in the form of 18 “town hall meetings” in 2007. The TBC complaint notes, “none of those meetings were held in the Rio Grande Valley, where 70 miles of fencing is proposed and at issue in this lawsuit.” Members of the coalition publicly called the stage-managed DHS meetings “a joke.”

The lawlessness and bullying of the DHS flows logically from the draconian mandates set forth for the department under the 2006 Secure Fence Act by Congress. The bill calls for 370 miles of “fence”—in reality, a system of 15 foot-high concrete barriers, surveillance equipment, and armed anti-immigration patrols—to bring the total to 670 miles by the end of 2008, with plans for an eventual barrier system spanning 2,000 miles of the US-Mexico border and 5,000 miles of the US-Canada border.

Such a wall has no precedent in history. Even just the 153 miles planned to be completed by the end of the year in Texas surpasses the infamous Berlin Wall by over 60 miles. The barrier erected by Israel to block off the Palestinian population will measure some 430 miles if and when it is completed. The 7,000 miles of planned US border fortification would be nearly double the length of the Great Wall of China.

The wall sections already in place testify to the unprecedented growth of reaction in government and the militarization of American society. Like the occupations of Iraq and Afghanistan, the institution of extralegal detainee camps and massive spying operations on the US population, the border wall is symptomatic of the decline of the country’s world economic position and growing domestic instability.



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