



April 11, 2008

Mr. Mark Hanson, Acting FOIA Director
U.S. Customs and Border Protection
1300 Pennsylvania Ave., NW
Attn: Mint Annex Building, FOIA Division
Washington, D.C. 20229

Dear Mr. Hanson:

I am writing to request respectfully that you provide documents pursuant to the Freedom of Information Act, 5 U.S.C. § 552. I request that you provide the following documents in the possession of U.S. Customs and Border Protection, which reference or pertain to the implementation of the Secure Fence Act of 2006 along the Texas/Mexico border:

1. Maps of possible locations for segments of fence or wall along the Texas/Mexico border. This request specifically includes all of the maps that were used or presented by the United States government at the hearings held on March 19, 2008 in connection with condemnation actions for property along the Texas/Mexico border. These hearings were held in the United States District Court for the Southern District of Texas – Brownsville. According to statements of representatives of the government at the hearings, these maps reflected the latest proposed route for the fence or wall along the Texas/Mexico border.
2. Documents or electronic files including geographic coordinates (e.g. latitude and longitude) for surveyed points along potential routes for segments of fence or wall along the Texas/Mexico border.
3. Documents identifying the properties possibly affected by the construction of the border fence or wall along the Texas/Mexico border, including documents that provide information regarding the ownership of the possibly affected properties and any other information about the characteristics of those properties.
4. Documents identifying the properties for which the United States government has sought to obtain access through consent/waiver or through litigation. This request includes documents that reflect when and how access was sought and what type of access was sought as well as documents that reflect whether access has been granted and which properties the government has physically accessed to date for surveying or any other purpose.
5. Documents reflecting appraisals of properties possibly affected by the construction of the border fence or wall along the Texas/Mexico border.

6. Documents reflecting surveys or other analyses of the areas possibly affected by the border fence or wall along the Texas/Mexico border. This request includes any analyses or research conducted on the impact on Native American individuals or communities. It also includes any analyses or research conducted on the potential impact on businesses, individuals or communities that have a presence on both sides of the Texas/Mexico border or who regularly travel back and forth across the border. Finally, it includes analyses or research conducted on the treaty and land grant history of the properties and individuals possibly impacted by the border fence or wall along the Texas/Mexico border.
7. Documents that describe the considerations or factors taken into account in making decisions regarding potential routes for segments of fence or wall along the Texas/Mexico border.
8. Communications received from, provided to or referenced by the Department of Homeland Security that make recommendations or suggestions regarding the route for segments of fence or wall along the border along the Texas/Mexico border.
9. Documents relating to potential or actual contracts for the execution of land surveys or construction of segments of fence or wall along the Texas/Mexico border. The requested documents include requests for proposals or bids, responses to requests for proposals or bids, contracts, inquiries regarding potential contracts and negotiations regarding contracts.

I ask that this FOIA request be processed on an expedited basis. The request meets the criteria for expedited processing set forth at 5 U.S.C. 552(a)(6)(E); 6 C.F.R. 5.5(d); and the U.S. Customs and Border Protection FOIA Reference Guide (March 7, 2008), at http://www.cbp.gov/xp/cgov/admin/fl/foia/making_a_request/reference_guide.xml.

I am seeking the requested information in order to conduct research and writing on the plans for construction of a wall on the Texas/Mexico border with the goal of informing the public, United States policymakers and international organizations, such as the Inter-American Commission on Human Rights, about the process. The information is urgently needed to inform the public and policymakers concerning the United States government's activities in relation to planning and construction of a border wall on the Texas/Mexico border, because the government has repeatedly indicated its intent to carry out the construction in the coming months of this year, specifically by October 2008. See Houston Chronicle, "Border fence holdouts hit with eminent domain threat" (Dec. 7, 2007). The Secure Fence Act of 2006 also provides a December 2008 deadline for construction of certain segments of the fence or wall.

The issue of construction of a border wall along the Texas/Mexico border has garnered widespread public and media interest. The information sought relates directly to questions posed by the public and the press regarding the logic and rationale of the process used to make decisions regarding placement and construction of the fence or wall. The information sought also includes documents regarding the expenditure of

public funds toward construction of the fence or wall along the Texas/Mexico border. As such, the information sought involves possible questions about the government's integrity which affect public confidence.

I hereby certify that the reasons I have provided for seeking this information on an expedited basis are true and correct to the best of my knowledge. I am willing to pay reasonable photocopying costs, as set forth in the FOIA statute, to obtain copies of the documents that are responsive to this request. I ask that you advise me if the total photocopying charge is likely to exceed \$200 so that I may consider the possibilities of narrowing my request or seeking a waiver of the photocopying charges.

Thank you for your attention to this request. I look forward to your response.

Sincerely,



Denise Gilman
Clinical Professor

cc:

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U.S. Department of Homeland Security
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Washington, DC 20528-0550