



SCHOOL OF LAW

THE UNIVERSITY OF TEXAS AT AUSTIN

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November 12, 2008

Honorable Representative Eddie Lucio III
Texas House of Representatives
P.O. Box 2910
Austin, TX 78768

Dear Representative Lucio:

I am writing to submit materials for consideration in relation with the hearing regarding the construction of a wall along the Texas-Mexico border that you will chair on Thursday November 13, 2008. I hope that you find these materials useful as you deliberate on the impacts of the Texas-Mexico border wall.

The materials I am submitting include a series of briefing papers on the human rights violations implicated in the construction of a border wall along the Texas/Mexico border prepared by a multi-disciplinary working group of faculty and students at the University of Texas at Austin. The submission also includes statements regarding the border wall from a member of the Kickapoo Traditional Tribe of Texas and Dr. Juliet V. Garcia, President of the University of Texas at Brownsville and Texas Southmost College as well as other documents submitted to the Inter-American Commission on Human Rights of the Organization of American States at a public hearing held before that international inter-governmental body in October 2008. Finally, I am providing to you a press release issued by the Inter-American Commission on Human Rights after its hearing on this matter in which the Commission expressed concern regarding the "troubling information" it received regarding the impact of the Texas-Mexico border wall on the human rights of area residents "in particular its discriminatory effects."

Based on extensive analysis and research on the Texas/Mexico border wall, the Working Group at the University of Texas has documented a series of human rights violations including:

1. *Violations of the right to property and equal protection guaranteed under international human rights law.* The United States is taking property to build the wall in an arbitrary and unjustified manner without properly considering other alternatives for controlling the border. In addition, the U. S. government has not explained its unequal treatment of property owners on the border. Numerous small landowners will lose property to the wall while more lucrative developed properties are not included in the wall's path. Based on a statistical analysis of demographic factors, the working group concluded that the border wall and the necessary taking of property resulting from its construction will disproportionately impact poor Latino immigrant families.

2. *Severe degradation of the environment and violations of the government's human rights obligation to consider harm to the environment when undertaking public projects.* In its construction of the border wall, the U.S. government is bypassing numerous domestic laws designed to protect the environment and the people who utilize and enjoy it. The negative impact of the wall on important and scarce natural resources, including the ocelot, jaguarandi and other wildlife populations, will be severe. The environmental degradation will cause significant harm to the residents of the Texas/Mexico border area who have traditionally held an important connection to the Rio Grande River and wildlife of the border area.

3. *Violations of the rights of indigenous communities protected under international human rights law.* The wall will directly impact the traditional lands of the Lipan Apache, Kickapoo and Tigua (Ysleta del Sur) indigenous communities living along the Texas/Mexico border and will affect the ability of those communities to access the Rio Grande River and religious and ceremonial sites along the river's banks. Yet, the U.S. government is not engaging in meaningful consultations with members of the indigenous communities.

Given the gravity of the human rights situation created by the construction of a wall on the Texas/Mexico border, the Working Group at the University of Texas requests that the Texas House of Representatives adopt a formal resolution or other statement seeking that construction of the wall be halted, at least until further analysis and consultation can take place. Please do not hesitate to contact me if you have any questions or would like to receive further information regarding the Working Group at the University of Texas.

Respectfully submitted,

Denise L. Gilman
Clinical Professor of Law

Enclosures