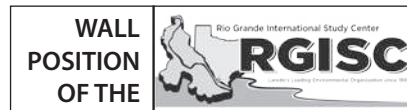


# A National Emergency: To Protect & Preserve the Rio Grande

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## NOTE:

In February the President declared a National Emergency at the southern Border. Since then what began as a brazen attempt to subvert federal dollars to execute an empty campaign promise has turned into a true humanitarian crisis. The President and his supporters are hell-bent on building a boondoggle along the border that will address none of the security issues used to justify its construction while ignoring the humanitarian imbroglio the Administration's policies have created.

This national emergency declaration is no more than a vehicle to circumvent the will of Congress which has refused to provide

border wall funding, and Laredo is the next target. This political maneuver is nothing more than a radical land grab by the federal government, and will profoundly change the landscape and skyline of our historic borderlands paving the way for an ecological crisis to occur.

At present, 700 miles of barrier already exist along the southern border. Building a wall in the Laredo Sector is a "top priority requirement" for Customs and Border Protection (CBP), according to legal documents filed June 1 by the CBP in response to a lawsuit filed by Earthjustice on behalf of RGISC and several other individuals and entities.

**Wall construction amounts to the confiscation of land and property, the destruction of natural resources and wildlife habitat, exacerbates the extinction of endangered species, threatens the only water supply of millions of people, exposes the community to more flooding and soil erosion, and defaces the cultural, trade and economic fabric of our border region.**

## Plans for Laredo

Customs and Border Protection is the agency created to control the flux of persons and goods through U.S. borders. CBP's plans for Laredo include a 127-mile bollard-style barrier system along the Rio Grande, a 150-foot enforcement zone that clears all vegetation between the wall and river, and the use of high intensity floodlights and cameras, and an all-weather road. Gates will be built for ranchers and property owners to access their land on the river side of the wall.

This will cut through the heart of Laredo which includes downtown, the Laredo College campus, densely populated middle-and-low income residential neighborhoods, and prime parks, trails and habitat for recreation, kayaking, and birding, which have made Laredo and the lower Rio Grande Valley a destination for ecotourists. Our region will soon become a vast wasteland of environmental degradation.

Laredo is a historic community in the South Texas borderlands. Its lifeblood, the Rio Grande, has always been its No. 1 asset since our community's founding 264 years ago in 1755. The consequences of constructing a wall in Laredo's urban center would devastate our landscape, ecology, cultural heritage, and quality of life.

It is clear to us that the historic Latino and frontline border communities in South Texas, singled out by the

Trump administration, would be disproportionately impacted by the construction of a wall.

As was true before, security is not the issue. A Wall will not address the surge of Central American migrants fleeing violence, poverty and climate factors. A Wall will not prevent the vast majority of migrants from reaching US soil on the river side of the Wall and legally seeking asylum. A Wall will not stop the migrant caravans from coming. Nor will it curb the labor force demands in agriculture and construction that still rely on migrant labor.

A wall will not prevent drugs from entering the United States, of which more than 90% enter through legal ports of entry. It will, instead, divert billions that should be strategically invested in our ports to intercept the drugs that supply America's insatiable demand, and to stop the southbound flow of guns and cash into Mexico that embolden the cartels with greater resources.

A Wall will do nothing to relieve the overburdened US immigration court system that reviews asylum claims — the backlog of 800,000 cases is only growing. (source: [bit.ly/plan-fails](http://bit.ly/plan-fails)). A Wall would not have prevented the 700,000 who overstayed their legal visas in 2017 and remain illegally in the U.S. nor those overstaying before then nor today. A Wall is not an immigration policy. (source: [bit.ly/immigration-crisis](http://bit.ly/immigration-crisis))



The Las Palmas Nature Trail of the Loving Laredo Hike would disappear if a wall is built and many other activities like birding would be restricted or forbidden.

## The Rio Grande

The Rio Grande river exists in an over-stressed basin and is the only source of drinking water for Laredo and many other cities. It is the primary source of water for drinking and irrigation for more than 6 million people and 2 million acres of land and countless species of animals that depend on it for their survival.

It continues to rank as one of the 10 most endan-



Monthly river monitoring by RGISC, part of the Texas Clean Rivers Program, would be strictly limited by security gates and the wall.

gered rivers in the world. It supports 121 different fish species, half of which are found nowhere else on the planet, more than 500 species of birds, and 300 species of butterflies.

This fragile yet biologically rich and diverse landscape contributes more than \$500 mil-

lion to eco-tourism in the south Texas region. Every effort must be made by our federal government to protect and preserve it; not to destroy it and the wildlife, drinking water, and dynamic communities that it sustains.

Yet, our government has suspended civil and environmental protections on our borderlands that apply everywhere else in the country.

**The Trump administration has already waived 48 laws that protect people and wildlife to rush construction on our biodiverse vega (river floodplain).**

These waivers include the National Environmental Policy Act or NEPA (the holy grail of environmental protection), Clean Water Act, Clean Air Act, Safe Drinking Water Act, Endangered Species Act, and the Native American Graves Protection and Repatriation Act, among many others.

## “Where’s the National Emergency?” Campaign

This past spring, we joined a powerful and diverse coalition of voices in Laredo in a new campaign called “Where’s the National Emergency?” that seeks to show our own reality on the border.

FBI Uniform Crime Report data shows that we live in some of the safest cities in Texas and the country. Trade is flourishing. In 2018, Laredo processed nearly 40 percent, or \$234.7 billion<sup>1</sup>, of the total value of U.S.-Mexico trade, making us the largest inland port in the nation. In March, we pulled ahead of Long Beach to become the No. 1 port in the United States.

Despite this economic and security success, the Trump administration continues to lie about the security threat. The Texas Legislature’s attempt this session to create a slush fund of nearly two hundred million state dollars

to improvise physical barriers along Webb and Starr counties was a naked partisan move. And even the City of Laredo’s proposal to accept federal funding for a bulkhead in the downtown area as down payment for the Wall feeds this false narrative.

Some city officials are providing the impression that the Laredo bulkhead project would present minimal harm, referencing photos of the Seine River in Paris. However, the bulkhead entails the construction of a 12-mile concrete barrier, driven through the riverbed that would rise 18 to 30 feet with additional fencing on top. There have been no City Council votes, referendums, town hall meetings, or other public forums to engage the people of Laredo to ask if this is what we want. They haven’t asked us if we want this bulkhead so badly that we’re willing to greenlight 115 other miles of wall throughout the rest of our city and county.

**With no impact studies and no hard data to support any wall, our leaders are committing one of the grossest acts of injustice on the lands and people of South Texas. They will be complicit in writing one of the most lamentable chapters of border history.**

## Migrants and Apprehensions at the Border

Despite current headlines of migrant crossings that can seem frightening for anyone who doesn’t know or live on the border, we must clarify that there is no national emergency.

Without a doubt, the problem is acute: some ports of entry are seeing the arrival of family units and many of our border personnel have not handled these numbers of family units in the past. For decades, the typical migrant profile was a single man from Mexico looking for work. Today, it’s a Central American family or unaccompanied minor seeking asylum.

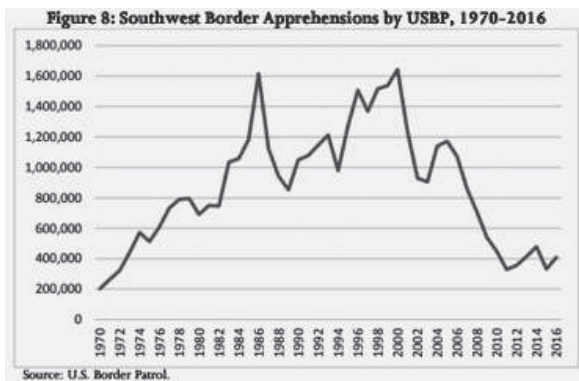
This change in migrant profile requires a different type of leadership and action - we need more personnel to: process migrants, conduct credible fear screenings, and provide the right services and treatment for asylum seekers.

And despite current numbers, these aren’t record numbers. The Department of Homeland Security (DHS) reports that 132,877 apprehensions took place in May 2019. But prior to 2008, monthly crossings were consistently over 100,000 and were higher than 200,000 per month in 2000.<sup>2</sup> Clearly, our country has faced this situation before.



On March 14th, Laredoans launched the Where’s the National Emergency Campaign (WTNE), a diverse coalition in response to Trump’s





Above is a chart produced by the Office of Immigration Statistics for a 2017 DHS report titled “Efforts by DHS to Estimate Southwest Border Security Between Ports of Entry.” Figure 8 shows Southwest Border Apprehensions by U.S. Border Patrol from 1970-2016.<sup>3</sup>

According to a report by the Council on Foreign Relations, “violence and rampant crime have driven asylum seekers from El Salvador, Guatemala, and Honduras to the United States.” Migrants from all three countries cite violence, forced gang recruitment, and extortion, as well as poverty and lack of opportunity, as their reasons for leaving.<sup>4</sup> Guatemala, El Salvador, and Honduras have the highest homicide rates in Central America.

Despite these significant issues in the region, the U.S. has not confirmed an Ambassador for the countries of Mexico, Honduras and El Salvador, among other countries.<sup>5</sup> Latin America in general, has been largely ignored.

## Ugly Racial Undertones

Meanwhile, why is it that our state’s most powerful politicians will go to bat for private property owners along the Red River who faced federal land grabs and yet remain not just silent but a potentially active player in one of the greatest federal land grabs along the Rio Grande?

When the federal Bureau of Land Management under the Obama administration began surveying land along the Red River in 2009, claiming a nearly century-old Supreme Court decision allowed the federal government control of the land, (Gov. Greg) Abbott, (Attorney General Ken) Pax-

ton, (Senator Ted) Cruz, and (Senator John) Cornyn sprung into action to fight on behalf of the families that had lived on that land for generations. They became deeply involved in a long and drawn-out legal battle.

In 2015, Abbott sent a letter to the Bureau of Land Management, calling on the agency to “end this unconscionable land grab.” Paxton applauded landowners for fighting the federal government, and he quickly filed an amicus brief on their behalf, saying that “the borders of any state are a fundamental expression of its sovereignty, and are established through extensive surveys and legal precedent. We will not allow the federal government to arbitrarily infringe upon Texas land and undermine the private property rights of our citizens.”<sup>6</sup>



Access to the river for activities such as paddling would be restricted by the wall.

## More than a Wall & More Lawsuits

The Wall is a radical assault on the ecology of an already threatened river. A Wall will not solve the current migrant situation on the border. Only comprehensive immigration reform will resolve the current situation.

This is about more than a Wall. It’s about a process that is leaving border residents with no legal recourse to have a say in what happens in our communi-

ties. If we lived 100 miles north, or perhaps along the Red River, the environmental protection waivers would not apply.

This is about how we are going to allow the government to treat us. The laws should be applied equally. We should have the same protections as other people in the rest of the country.

The good thing is that we are not alone. In addition to our lawsuit, there are numerous cases against Trump’s emergency declaration and the misallocation of funds to build a border wall. These cases are related, but in different courts and moving along slightly different tracks.

There are two cases in federal court in California – one filed by the ACLU on behalf of Sierra Club and one filed by the State of California on behalf of 20 states. In DC, where our case is also filed, the U.S. House of Representatives filed its own lawsuit challenging Trump’s misallocation of funds for the border wall. The judge recently denied the motion holding that the court doesn’t have jurisdiction to resolve a political dispute between the Executive and the Legislature. This was quite a surprise and the House is likely to appeal.

Things have also progressed with our case. On June 1, the government filed a motion to dismiss as we expected they would, so the legal fight has only begun

Where is the National Emergency? It is not on the southern Border. Here we deal with a humanitarian crisis that has been per-versely exacerbated by this administration’s own policies. Rather, the emergency is in the White House, whose 10,000 lies include the one that says a Border Wall is a solution to anything.

*The Rio Grande International Study Center (RGISC) is an environmental advocacy group in Laredo, TX, founded in 1994. For footnotes contact: [lavoza@esperanzacenter.org](mailto:lavoza@esperanzacenter.org).*



Declaration of a National Emergency on February 15th of 2019.