

Apaches Rise to Defend Texas Homelands from Homeland Security

By Brenda Norrell



Protest rally before Border Wall-K II. Photo credit: J.J. Johnson-Castro, Sr.

RIO GRANDE, Texas – Apache land owners on the Rio Grande told Homeland Security to halt the seizure of their lands for the US/Mexico border wall, during a national media conference called Monday, January 7, 2008. It was the same day that a 30-day notice from Homeland Security expired with the threat of land seizures by eminent domain to build the border wall.

"There are two kinds of people in this world, those who build walls and those who build bridges," said Enrique Madrid, Jumano Apache community member, land owner in Redford and archaeological steward for the Texas Historical Commission. "The wall in South Texas is militarization," Madrid said of the planned escalation of militarization with Border Patrol and soldiers. "They will be armed and shoot to kill." It was in Redford that a U.S. Marine shot and killed 18-year-old Esequiel Hernández, herding his sheep near his home in 1997. "We had hoped he would be the last U.S. citizen and the last Native American to be killed by troops," Madrid said.

Dr. Eloisa García Tamez, Lipan Apache professor living in the Lower Rio Grande,

described how U.S. officials attempted to pressure her into allowing them onto her private land to survey for the US/Mexico borderwall. When Tamez refused, she was told that she would be taken to court and her lands seized by eminent domain. "I have told them that it is not for sale and they cannot come onto my land."

Tamez is among the land owners where the Department of Homeland Security plans to erect 70 miles of intermittent, double-layered fencing in the Rio Grande Valley. Tamez said the United States government wants access to all of her land, which is on both sides of a levee. "Then they will decide where to build the wall. It could be over my house." Tamez said that she may only have three acres, but it is all she has.

Tamez' daughter Margo Tamez, poet and scholar, said, "We are not a people of walls. It is against our culture to have walls. The Earth and the River go together. We must be with the river. We must be with this land. We were born for this land."

Margo Tamez said the United Nations Declaration on the Rights of Indigenous Peoples now guarantees the right of Indigenous Peoples to their traditional territories.

Rosie Molano Blount, Chiricahua Apache from Del Río said the Chiricahua Apache have proudly served in the United States military. "We are proud to be Americans," Blount said, adding that the Chiricahua have always supported the United States government. Now, with the increasing harassment of people in the borderzone, Blount said the people have had enough.

"Ya Basta! Enough is enough!" Blount said, repeating the phrase that became the battle cry of the Zapatistas in Mexico struggling for Indigenous Peoples' rights. Blount said there needs to be dialogue concerning the issues at the border, but not forced militarization or a border wall.

She also directed a comment at Homeland Security

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Secretary Michael Chertoff, "Don't come here and divide our families Chertoff.

You believe this is the only way to do things."

Michael Paul Hill, San Carlos Apache from Arizona, described how US border agents violated and molested his sacred items, including a sacred stone, Eagle feather and drum used in ceremonies while near the border at Redford in August. "They called me a foreigner." Hill described how Border Agents told him that he might "get away" with crossing the border in Nogales, Arizona, with ceremonial items that were not manhandled, but not in Texas.

"It was incredibly frightening," said Margo Tamez who was also there. She pointed out how the escalating militarization at the border is terrorizing people as they go about their lives, working, with their families and in their ceremonies.

Isabel García, co-chair of Derechos Humanos in Tucson, Arizona, said, "Arizona has been a laboratory for the criminalizing of the border." Pointing out that the Arizona

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DHS has stated that it will seize property even without the consent of landowners if necessary to complete the construction of the border fence.



Photo credit: David Owen

border is the ancestral homeland of the Tohono O'odham, she said, "These borders are where people have lived since time immemorial." García described the climate of militarization and abuse by Border Patrol agents pointing out that "cowboy" Border Agents ran over and killed 18-year-old Tohono O'odham Bennett Patricio, Jr., while he was walking home in 2002. His mother, Angie Ramon, is still seeking justice for her son's death.



Isabel García, co-chair of *Derechos Humanos* in Tucson, voiced support for landowners at the Texas border fighting seizures of their lands.

Photo credit: Brenda Norrell

García also described the deaths from dehydration and heat in the Sonoran Desert in southern Arizona, where failed border policies have pushed migrants walking to a better life into treacherous desert lands. "Two hundred and thirty-seven bodies were recovered in one year and most were on the tribal lands of

the Tohono O'odham." Further, Homeland Security recently waived 22 federal laws to build the border wall in the San Pedro wilderness area in Arizona, she said.

Attorney Peter Schey, director of the Center for Human Rights and Constitutional Law in Los Angeles, said America does not need a "Berlin Wall." Schey, renowned immigrant rights attorney, said Section 564 of the Homeland Security section of the Omnibus Appropriations Bill supersedes earlier legislation. Homeland Security is now required to have consultation with the communities. Schey said this means real consultation and real consideration of the community's input and data.

Schey took his first action on behalf of Texas property owner Dr. Tamez on Monday, January 7, 2008 the same day that a 30-day notice to Texas land owners expired with the threat of eminent domain land seizures looming. Schey informed Homeland Security Secretary Michael Chertoff to halt the impending seizures of private lands. Schey said Section 564 strikes provisions of the earlier Secure Fence Act and requires Homeland Security to consult with property owners like Dr. Tamez in order "to minimize the impact on the environment, culture, commerce, and quality of life" in areas considered for construction of the border fence.

"Furthermore, we believe that the new statutory provisions invalidate the Draft Environmental Impact Statement

for fence construction published on the Department's behalf on November 16, 2007, pending completion of the required local consultations and other requirements as outlined in the Omnibus Bill," Schey told Chertoff in the letter.

Meanwhile, Homeland Security declared that it will use the principle of eminent domain to take possession of land currently held by private ownership. DHS has also presented waivers requesting that the landowners grant DHS personnel access to their property for a twelve-month period in order to conduct surveys for the intended construction project.

The property owners were informed that if they do not voluntarily allow the federal agents on their property, the U.S. government will file a law suit so that DHS authorities can have unimpeded access to private land, despite the owners' opposition. DHS has stated that it will seize property even without the consent of landowners if necessary to complete the construction of the border fence.

Many landowners, as well as civic leaders and human rights activists, oppose the U.S. government's plans to allow federal law enforcement agents access to private property. The government's demands and aggressive tactics are in conflict with settled rights of private property ownership and are particularly disconcerting to the Indigenous peoples' communities impacted by this undertaking.

The Texas communities along the international boundary zone are largely made up of Native Americans and of land grant heirs who have resided on inherited properties for hundreds of years. DHS plans to complete the Texas portions of the fence before the end of the 2008 calendar year.

DHS has already built walls along much of the California and Arizona international boundary zone with Mexico despite opposition from the government of Mexico.

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Billboard in Ciudad Acuña before Border Wall-K II (protest against the border wall).

Photo credit: Jay J. Johnson-Castro, Sr.