

House Homeland Security Committee
Border Security, Facilitation, and Operations Subcommittee Hearing

“Examining the Effect of the Border Wall on Private and Tribal Landowners”

February 27, 2020

The undersigned faith organizations appreciate the opportunity to submit a statement for today’s hearing.

Our faith communities have ministries and relationships deeply rooted in border communities. We have witnessed how current border enforcement policies have torn families and communities apart, contributed to the deaths of thousands of migrants, harmed wildlife and border ecosystems, and violated the rights and humanity of U.S. citizens and immigrants alike. Border walls and other forms of excessive militarization are inconsistent with the faith principles of compassion, stewardship, and justice. **The rampant use of waivers and eminent domain to further border wall construction harms human communities and wildlife, and interferes with the sovereignty of indigenous communities in the border region.**

Sacred sites at Organ Pipe Cactus National Monument are already being destroyed. Earlier this month, blasting began at Monument Hill, an area once used for tribal ceremonies and where the bodies of Apache and other indigenous peoples are buried. Human remains have been found at Monument Hill and near Quitobaquito Springs, another sacred area. “Look at the reaction when Notre Dame burned down,” said Chairman Ned Norris Jr. of the Tohono O’odham nation. “You feel an emotional connection to that, even if you’re not Catholic. That kind of emotional connection is abundant in the case of the border issues for the Tohono O’odham.”^[i] We stand with our sisters and brothers of the Tohono O’odham nation in lamenting and condemning the indiscriminate destruction of their sacred sites and burial grounds.

Border wall construction in the southwest desert will require millions of gallons of precious groundwater for concrete footings. Quitobaquito Springs is the only reliable source of surface water for 50 miles in any direction and home to endangered species that are found nowhere else on Earth. Near the San Bernardino National Wildlife Refuge in Arizona, a restored wetlands that depends on artisan springs of ancient fossil water dating back 5,000 to 40,000 years, an aquifer is being pumped at a rate of hundreds of thousands of gallons per day for border wall construction. Four of the refuge wetlands are drying up. Due to the ancient nature of this water, rainfall will not recharge the aquifer.^[ii]

Due to their long-lasting negative impact on communities and wildlife in the border region, like in the examples above, faith communities have deep concerns regarding the use of the waiver authority and eminent domain.

We ask Congress to support three bills that would restore the rule of law and mitigate the profound harms of border wall construction on border communities,

sacred lands, groundwater depletion, property owners, the environment and wildlife:

- H.R. 1232, the "Rescinding DHS' Waiver Authority for Border Wall Act"
- H.R. 1233, the "Borderlands Taking Defense Fund Act"
- H.R. 1234, the "Preventing the Taking of Americans' Land to Build Trump's Wall Act"

The "Rescinding DHS' Waiver Authority for Border Wall Act," H.R. 1232, would preserve bedrock protections such as the Religious Freedom Restoration Act, American Indian Religious Freedom Act, Clean Air Act, Safe Drinking Water Act, and the Endangered Species Act. Currently, dozens of important laws that represent years of responsible lawmaking are being waived by the Secretary of the Department of Homeland Security in order to speed construction of roads and barriers along the US-Mexico border. This waiver authority has been characterized by the Congressional Research Service as "the largest waiver of law in American history."^[iii] H.R. 1232 would ensure that construction of border walls, fences and other structures would abide by laws that protect religious freedom, human health, indigenous communities and the environment.

The "Borderlands Takings Defense Fund Act", H.R. 1233, would establish a fund to assist low-income property owners who are at risk of losing homes, ranches, and farms due to border wall construction. Funds could be used to educate property owners about the eminent domain process, including their rights to legal support, and to assist those facing condemnation.

The "Preventing the Taking of Americans' Land to Build Trump's Wall Act", H.R. 1234, would prevent the federal government from taking property before landowners are fairly compensated. Presently, the federal government can seize land along the border, erect barriers immediately, and then take years to properly compensate land owners. The common-sense approach in H.R. 1234 would ensure that property owners are paid before land is taken.

Government policies should uphold the dignity and worth of every person, protect creation, and advance the common good. Allowing DHS to waive dozens of bedrock protections and to trample on the rights of landowners falls far short of these values. We urge you to support and cosponsor H.R. 1232, H.R. 1233 and H.R. 1234.

Sincerely,

African American Ministers in Action

Church World Service

Columban Center for Advocacy and Outreach

Conference of Major Superiors of Men

Congregation of Our Lady Charity of the Good Shepherd, US Provinces

Creation Justice Ministries

Faithful America

Franciscan Action Network

Friends Committee on National Legislation

Leadership Conference of Women Religious

Lutheran Immigration and Refugee Service

Maryknoll Office for Global Concerns

Mennonite Central Committee U.S. Washington Office

National Advocacy Center of the Sisters of the Good Shepherd

National Council of Jewish Women

NETWORK Lobby for Catholic Social Justice

Sisters of Mercy of the Americas - Institute Justice Team

T'ruah: The Rabbinic Call for Human Rights

The United Methodist Church - General Board of Church and Society

Unitarian Universalist Ministry for Earth

Unitarian Universalists for Social Justice

[i] Native American tribe says Pentagon failed to consult on border wall construction, NBC News, [nbcnews.com/news/us-news/native-american-tribe-says-pentagon-failed-consult-border-wall-construction-n1137771](https://www.nbcnews.com/news/us-news/native-american-tribe-says-pentagon-failed-consult-border-wall-construction-n1137771), (February 17, 2020).

[ii] Border Wall Construction Advancing at Peril of the Southwest, Sierra Club, [sierraclub.org/press-releases/2020/01/memo-new-border-wall-construction-advancing-peril-southwest](https://www.sierraclub.org/press-releases/2020/01/memo-new-border-wall-construction-advancing-peril-southwest), (January 29, 2020).

[iii] Memorandum from Stephen R. Viña & Todd Tatelman, Legislative Attorneys, Am. Law Division, Cong. Research Serv., on Section 102 of HR 418, Waiver of Laws Necessary for Improvement of Barriers at Borders, (Feb. 9, 2005).