

Office Memorandum • UNITED STATES GOVERNMENT

TO : General Partridge

DATE: July 27, 1954

FROM : Donald R. Kelley, Acting Chief
Border Patrol Branch

SUBJECT: Proposed Border Fence in the San Antonio District

Consideration should be given to the erection of a minimum of ten miles of border fence in the Brownsville area and, if sufficient funds can be made available, to the construction of a fence covering approximately a distance of thirty miles in the Hidalgo area. The fence should be of chain-link construction and be topped with "Y" shaped extension arms having three strands of barbed wire on each arm. Either 4 gauge or 6 gauge material should be used. The 4 gauge material, although more expensive, is much stronger and more durable than the 6 gauge fence. To prevent aliens from burrowing under the structure, it is proposed that a two foot concrete curb or apron be used at the base of the fence.

As a fence must be patrolled and protected, consideration should also be given to the construction of a ten foot wide unsurfaced jeep road paralleling the fence and also the construction of a number of towers to be used for observation along the border. The towers should be at least eighty feet high having bullet-proof protection for the ladder and observation post and should be equipped with suitable radios and spotlights. Estimates range from \$7,000 to \$10,500 each, depending on the use of cooling and heating equipment and the availability of commercial power lines. For example, when such power is not available, a generator costing approximately \$2,000 will be necessary for each tower. It is felt that at least five such towers would be needed for the Brownsville fence and ten in the Hidalgo territory.

There is attached a map of the San Antonio border area on which the proposed Brownsville and Hidalgo sections are indicated in red. The yellow line on this map indicates the entire section where a fence is needed, a total of 143 miles. However, the Brownsville and Hidalgo sections have the most urgent need for a fence. The need at Brownsville is particularly critical.

Personnel and equipment needs to be considered in conjunction with the cost of the fence, towers, and roads for the two sections are estimated to be approximately 141 patrol officers, 4 pilots, 2 radio technicians, 3 laborers, 12 jeeps, 3 trucks, 18 two-way radios, 12 handie-talkies and 3 airplanes.

*Patrol rd on
SO side of fence
Rt 200 or more
Use 6 gauge*

*Simple type
jeep rd - some
fill required*

Start

out

*Comment on use
of patrol planes
on daylight patrols*

out
This estimate is based on seven-day per week, twenty-four-hour per day operation of the towers and two-man jeep teams each covering five miles of border area. The radio technicians would be needed to maintain the tower, plane, jeep, and hand radio sets while the two laborers would be needed to maintain the fence and jeep road.

During September, 1953 I was a member of a survey team consisting of members of the International Boundary Water Commission and of the U. S. Army Corps of Engineers, which team looked into the feasibility of constructing a border fence in the Brownsville and Hidalgo areas. At that time consideration was given to the building of a fence on the IBWC levee, but due to the very irregular course of the river, it was found not to be practical from an operational standpoint. Such construction would leave approximately fifty farms owned and operated by importers of illegal labor south of the fence and, in effect, would give them an unhindered use of wetbacks. In a certain section in the City of Brownsville the best location for the fence would be directly on the levee. As there is danger of weakening the levee by erection of the fence and driving on the road, it would be necessary to surface that section of the levee.

A large part of the land in the border area in the Brownsville and Hidalgo sections is controlled by individual farmers and the Service can expect opposition to the building of a fence for the purpose of keeping out illegal workers. When the survey was made a year ago, Project Attorney James F. Jackson, IBWC, and Mr. Robert M. McKee, Lands Division of the Department of Justice were contacted to learn what steps could be taken to acquire the use of a thirty feet strip of land along the boundary. It was their suggestion that the fence project proceed in the following manner:

1. Formal authorization of project.

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Mr. McKee stated that he felt that the Secretary of Defense should declare the project as a defense measure (possibly security). He states that he does not believe that such a declaration can be made by the Attorney General although both McKee and Jackson felt that it could be handled by a presidential proclamation or executive order. The next alternative, of course, is to have Congress appropriate funds and enact legislation authorizing a border fence.

2. Instrument survey.

An instrument survey would be necessary if

the U. S. Army Engineers survey did not sufficiently define a center line. However, it was believed that the Army report would be satisfactory for the use of the Lands Division to begin condemnation proceedings.

3. Appraisal of each plat.

This would be necessary if an accurate estimate of cost is required. Mr. McKee states that the Lands Division, from their records in Washington, could make a close estimate of the cost of the land in one week through using the ground report survey submitted by the Army Engineers. The land to be acquired on the IBWC levee where the fence follows that levee would be acquired by executing additional easement provisions.

4. Condemnation and/or declaration of taking.

Mr. McKee advises that if the project is approved by declaration of the Secretary of Defense or otherwise, condemnation proceedings can begin at once and that construction can start immediately after the condemnation proceedings are filed.

Where riparian rights are impaired or infringed, payment can be made for damages to the land owner or suitable access to the water can be provided through the fence. Any provisions we make for such access would lower the final damages to be paid to the land owner. Mr. McKee states that an example of this is where no access is provided, the land owner has the right to sue for full damages; some access would lower the damages, etc. He states that the manner in which the amount of damages are figured is to assess the value of the property before the fence is built and then reassess it after construction and the land owner is legally entitled to the difference in value of the property.

The IBWC stated that in those areas where the fence followed the flood control levee, they needed the borrow pit to obtain dirt for levee maintenance and that the construction of the fence and road in such borrow pit would hinder

the maintenance of the levee. Colonel Gross suggested that this objection could be overcome by black-topping the sides and top of the levee in those stretches to prevent washouts. Mr. Jackson stated he felt such a provision would meet that objection.

There are attached maps of the Brownsville and Hidalgo sections showing the owners of the various sections of land along the river. It should be borne in mind that the maps are now eleven months old and the property may have changed hands. As indicated on the maps some of the land is owned by municipalities, railroads and other agencies, and it is believed suitable easements can be secured readily in those areas.

There are attached estimates of personnel and equipment needs for each of the two sections of proposed fence along with Army estimates of the cost of building the fence, roads and towers.

Attachments