

Congress of the United States  
Washington, DC 20515

April 8, 2020

William Barr  
Attorney General  
Department of Justice  
950 Pennsylvania Avenue NW  
Washington, D.C., 20530

Dr. Mark T. Esper  
Secretary  
Department of Defense  
1400 Defense Pentagon  
Washington, D.C., 20301

Chad Wolf  
Acting Secretary  
Department of Homeland Security  
301 7th Street, SW  
Washington, D.C. 20528

Dear Attorney General Barr, Secretary Esper, and Acting Secretary Wolf:

In repeated letters over several weeks now, members of Congress have raised to you the grave risks that continued border wall construction efforts during the COVID-19 pandemic poses for border residents, Native American burial grounds and sacred sites, federal employees, and contracted workers, as well as broader efforts to halt the spread of the coronavirus. We urge you to stop wasting critical federal resources and putting the lives of the millions who call the border region home at grave risk during this unprecedented health crisis and immediately cease all construction efforts.

At a time when we are all taking extraordinary steps to limit the death toll and economic devastation wrought by this unprecedented pandemic, it is deeply concerning to learn that government officials, contractors and construction workers in border communities will defy public health orders and continue border wall construction unabated, perhaps even accelerating construction in our border communities.<sup>1</sup> Workers are congregating in rural, remote border towns

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<sup>1</sup> <https://www.nytimes.com/2020/03/31/us/coronavirus-border-wall-arizona.html>

such as Ajo and Douglas, Arizona, and Columbus, New Mexico, endangering workers and residents, threatening to overwhelm extremely limited medical facilities. In Ajo, Arizona, there is one market, no drugstore, and no hospital. For the safety of these workers and our communities, border wall construction should immediately stop.

This administration is also denying border community residents of their most essential public health protections. As laid out in the Real ID Act of 2005, the Secretary of Homeland Security has the authority to waive “all laws and legal requirements” when it comes to building the wall or roads along the U.S.-Mexico border. This includes waiving laws that protect our basic public health and safety rights, such as the Clean Air Act, the Clean Water Act, and the Solid Waste Disposal Act. On March 16<sup>th</sup>, after the virus was already spreading in the U.S., Acting Secretary Wolf used the waiver authority six more times, bringing the Trump administration’s total count to a staggering 23 times. Before this administration, the waiver authority had only been used 5 times in its history. Using this waiver authority is highly controversial and dangerous at any time, but using it now in the face of the COVID-19 pandemic is reckless, irresponsible, and unacceptable.

In addition to the serious dangers of continued construction, accelerating eminent domain proceedings in the federal courts of Texas, where most land in the path of the border wall is private, threatens a public health disaster. Despite living under shelter-in-place orders, hundreds of primarily low-income and Mexican-American families in Laredo and the Rio Grande Valley regions now face the prospect of fighting for their homes and lands while the courts remain open and the government continues to sue them, all but ignoring the pandemic. To put vulnerable families already suffering at disproportionate rates at this time is simply unconscionable. Your agencies must immediately cease all border wall eminent domain litigation and physical surveying of land during the pandemic.

As the virus continues to spread and our healthcare system grows even more strained, all federal resources being spent on the wall are desperately needed to fight the pandemic. Of the billions this Administration diverted from the Department of Defense, hundreds of millions were meant for emergency and disaster responses for National Guard units across the country,<sup>2</sup> including an “ambulatory care center” in North Carolina.<sup>3</sup> Additionally, we must address the health disparities tribal members are experiencing during this world pandemic. Especially when only three percent of tribes in this country have access to coronavirus testing kits.<sup>4</sup> In a time when our communities face the prospect of rationing ventilators and other life-saving care, all of our government’s resources should be spent on building hospitals and medical equipment, and ensuring that the public is safe and healthcare workers have all of the resources they need to face this unprecedented crisis. It is deeply upsetting that while we lead the world in the number of

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<sup>2</sup> <https://progressive.org/covid-19/hospital-beds-not-trumps-wall-nabhan-200331/>

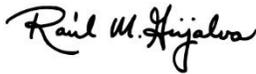
<sup>3</sup> <https://assets.documentcloud.org/documents/6382424/List-of-DOD-deferrals.pdf>

<sup>4</sup> [https://www.nihb.org/docs/03172020/NIHB%20COVID%20data%20summary\\_3.17.2020.pdf](https://www.nihb.org/docs/03172020/NIHB%20COVID%20data%20summary_3.17.2020.pdf)

COVID-19 cases, we've yet to concentrate all of our powers on containing it. At a minimum, the government should not *additionally endanger* border residents, and the communities of construction workers, during this crucial period.

There is no time to spare. Border wall construction should have been halted weeks ago. We continue to urge that the Department of Justice, Department of Homeland Security and the Department of Defense, including the Army Corps of Engineers, immediately halt all wall projects. The Defense, Justice and Homeland Security departments have the power to redirect their resources during this most critical time where they are needed most: ending this pandemic. On behalf of millions of border residents, we urge you to immediately halt the construction of the border wall in favor of containment of COVID-19.

Sincerely,



Raúl M. Grijalva  
Member of Congress



Bennie G. Thompson  
Member of Congress



Filemon Vela  
Member of Congress



Ann Kirkpatrick  
Member of Congress