

Statement  
on  
The Cultural Impact of the United States Border Wall

Society of Architectural Historians  
Heritage Conservation Committee

The Society of Architectural Historians (SAH) expresses strong opposition to the continued construction of the border wall along the United States' border with Mexico, and calls for the immediate removal of portions built in culturally sensitive areas.

**Background**

Created in the wake of 9/11, the Section 102 of the REAL ID act of 2005 granted to the Secretary of Homeland Security (DHS) the broad power to "waive in their entirety" dozens of federal, state, and local laws deemed to stand in the way of national security. The most aggressive application of this waiver has been to accelerate construction of the US - Mexico border wall, by shielding it from public review. Among the 48 federal laws documented by the Sierra Club to have been waived for construction of the southern border wall are the National Environmental Policy Act [NEPA], the Endangered Species Act, the Clean Water Act, National Historic Preservation Act, the Migratory Bird Treaty Act, the Clean Air Act, the Archaeological Resources Protection Act, the Archaeological and Historic Preservation Act, the Antiquities Act, the Historic Sites, Buildings, and Antiquities Act, the National Park Service Organic Act, the National Park Service General Authorities Act, the National Parks and Recreation Act of 1978 [Sections 401(7), 403, and 404], the Native American Graves Protection and Repatriation Act, the American Indian Religious Freedom Act, and the Paleontological Resources Preservation Act.

The waiver has been used to suspend laws that protect the rights of all citizens (such as the Environmental Protection Act) as well as those of America's indigenous tribal communities. As well, in Arizona most construction is taking place on public land in the complete absence of public disclosure and consultation. To invoke a vague threat to public safety as an excuse to trample the rights of Native and non-Native citizens alike is, at best, completely disingenuous and not befitting a truly democratic society.

**Issue**

The US - Mexico border wall has been constructed during the last four years in locations of tenuous connection to border security, using the REAL ID waiver to barrel through previously protected and often culturally sensitive land. These sections of the border wall provide dubious improvements to border security - which could be managed by non-physical means including drone photography - while irrevocably damaging culturally sensitive lands.

Communities impacted by the construction of the border wall include 26 federally recognized Native American nations in the US and eight Indigenous groups in Mexico. The border wall cuts through tribal homelands, and not only separates tribal members from their relatives but separates them from their sacred sites. In addition, the border wall divides these communities from the natural environment, damaging their members' ability to make a living and degrading their cultural and religious identity.

To prevent current and future obstacles to free travel for Native Americans in the US, and Indigenous Peoples in Mexico, the US Congress passed the Texas Band of Kickapoo Act of 1983 that allowed "all members of the band," including those who lived in Mexico, "entitled to freely pass and repass the borders of the united States

and to live and work in the United States,” clearly recognizing that the Kickapoo homelands spanned the US - Mexico border. In contrast, the Secure Fence Act of 2006, signed by President George W. Bush, authorized the construction of 698 miles of border fencing, making travel between and among tribal communities even more difficult. Beginning in 2008, the REAL ID Act was used to “waive in their entirety” a series of federal, state, and local laws that would ordinarily have been reviewed before construction. By waiving statutes like the National Historic Preservation Act of 1966, the Native American Graves Protection and Repatriation Act of 1990, and the American Indian Religious Freedom Act of 1994, Congress ignored the spirit of restitution and social justice that inspired these acts, further degrading federal protections for sacred sites, burial grounds, and the religious freedom promised to all Americans.

In addition to the cultural impact, there is significant environmental impact. In all, more than 100 species of animals along the US - Mexico border are endangered or threatened. These species, located in the Sky Islands, Big Bend National Park and in the Rio Grande Valley, among other places, are similarly threatened by REAL ID waivers. Just as the DHS waived laws designed to protect cultural resources, the agency also waived laws intended to protect the environment. Laws such as the Endangered Species Act of 1973, the Migratory Bird Treaty Act of 1918, the National Environmental Policy Act of 1970, the Coastal Zone Management Act of 1972, and the Clean Water Act of 1972 were swept aside by the previous administration to ease construction of the border wall.

Among the most egregious examples is construction within Arizona’s Organ Pipe Cactus National Monument, which began in February 2020. Of great concern is the fact that blasting is taking place on Monument Hill, which is sacred to the Tohono O’odham Nation as a place of both religious and funerary use. Blasting was approved and began outside of consultation with the Nation. This action is contrary to both the spirit and the letter of the Native American Graves Protection and Repatriation Act, the Archaeological Resources Protection Act, and the Environmental Protection Act, and is disrespectful of the cultural and spiritual concerns of the Nation. Prehistoric and historic cultural and burial sites are located throughout public land within the Organ Pipe Cactus National Monument, immediately adjacent to the Tohono O’odham reservation. Arizona Congressman Raúl Grijalva, who chairs the House Committee on Natural Resources and whose district includes this public land, wrote to the Department of Homeland Security on 7 January noting his concerns and urging government-to-government consultation with the Tohono O’odham Nation before beginning construction. This consultation never occurred. In addition to its enormous cultural and historic significance, SAH notes that Organ Pipe Cactus National Monument is also a designated UNESCO Biosphere Reserve, created in 1976 for the conservation of the unique natural resources of the Sonoran Desert. This fragile ecosystem is also endangered by blasting and construction.

This is but one of many examples of culturally sensitive lands irrevocably damaged by the construction of the border wall, enabled by the REAL ID waiver. The Society of Architectural Historians strongly opposes the continued construction of the border wall in culturally sensitive areas, and encourages the Biden administration to initiate government-to-government consultation with the Tohono O’odham Nation and all indigenous communities affected by this project.

*Adopted 12 February 2021  
Society of Architectural Historians  
Heritage Conservation Committee*

Bryan Clark Green, Ph.D., LEED AP BD+C  
Chair, Society of Architectural Historians Heritage Conservation Committee

Mr. Kenneth Breisch, Ph.D.; Mr. Jeffrey Cody, Ph.D.; Mr. Anthony Cohn, AIA; Mr. David Fixler, FAIA; Ms. Priya Jain, AIA; t, Ph.D.; Mr. Theodore H. Prudon, Ph.D., FAIA, Ms. Pauline Saliga; Ms. Deborah Slaton; Ms. Victoria Young, Ph.D.; Members SAH Heritage Conservation Committee.