

## Border landowners win small victory on fence

By Associated Press

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McALLEN -- Dozens of South Texas landowners whose land is being condemned for the border fence scored a victory when a federal judge ordered that juries will decide the value of their property rather than an appointed land commission as the government had requested.

U.S. District Judge Andrew Hanen set the stage for a series of trials to begin in March with his order signed Wednesday. Although the trials will be restricted to determining how much the government pays landowners for the property, it gives Texas landowners their first opportunity to take an issue related to the border fence before a jury.

"To have this kind of news before the holidays is like a Christmas gift for me," said Eloisa Tamez, a landowner facing condemnation near Brownsville.

The federal government has filed more than 300 condemnation lawsuits against South Texas landowners to make way for portions of the 670 miles of fencing it is building along the U.S.-Mexico border. So far about 500 miles is up, but it has been slow going in the Rio Grande Valley, where opposition is widespread.

Federal prosecutors had argued that the number of jury trials would swamp the courts, result in uneven payments and be extremely complex. A panel of land experts appointed by the court would be a more efficient option and more fair since it would be difficult to find enough unbiased jurors in an area where the fence has been a hot-button issue for months, the government said.

But Hanen, based in Brownsville, sided with landowners, 28 of whom are set for trial next year and all requested juries. The U.S. attorney's office did not immediately return a call for comment.



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