

***AGUA ES VIDA:***  
**ECO-MUJERISTA THEOLOGY IN THE BORDERLANDS**

by

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**Thesis Submitted to the Faculty of  
Oblate School of Theology  
San Antonio, Texas**

**May 2009**

## ACKNOWLEDGEMENTS

My first debt of gratitude is owed to the *mujeres en la lucha*—María Antonietta Berriozábal, Joleen García, Graciela Sánchez, Isabel Sánchez, Leticia Vela—whose lives, actions, and reflections inspire and animate this work. Valiant women, each continues to cast her lot “with those / who age after age / with no extraordinary power / reconstitute the world.”<sup>1</sup> I am especially grateful to María, an extraordinary leader and woman of wisdom, who walked with me through each and every one of these pages. I also wish to thank Antonia I. Castañeda, whose critical insights helped me to remain focused on the *mujeres* and better understand the historical context out of which this story emerges; Josie Méndez-Negrete for her generous guidance on issues of methodology; and Yolanda Tarango, CCVI, whose commitment to raising up the narratives of Latina women as sites of wisdom, truth, and divine revelation has been an inspiration.

A second debt of gratitude is owed to my thesis advisor, Maria Cimperman, OSU, for her challenging questions and guidance, as well as her wonderful support and patience in the longer-than-expected writing process; and to my second reader, Linda Gibler, OP, for her insightful comments, as well as for her work on “Cosmocentric Sacramentality,” which deepens my cosmological understanding and appreciation of water.

Finally, I am profoundly grateful to the Dominican Sisters of Adrian, who supported me in undertaking these theological studies. I thank Ellen Burkhardt, OP for issuing the invitation; my mentor, Rosemary Ferguson, OP and my sisters in the Hildegard Mission Group for their loving support; and Carol Coston, OP for being there always where it really counts, in *lo cotidiano*.

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<sup>1</sup> Adrienne Rich, “Natural Resources.” *The Dream of a Common Language* (New York: W.W. Norton & Company, Inc., 1978), 67.

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## INTRODUCTION

*Saying that water is life is an understatement. It's vital and a huge symbol of our origin and our being. Whole communities decide where to be, where to set up, based on water. So, water is sacred and vital. It should be cared for.*

—Joleen García<sup>2</sup>

When former City Councilwoman María Antonietta Berriozábal begins her socio-political tours of San Antonio, Texas, she always starts downtown next to a concrete drainage ditch where only a trickle of murky water remains of the San Pedro *acequia* (water canal). Nearly three hundred years ago, not long after the Spanish missionaries and soldiers, followed by Canary Islanders, laid claim to lands settled for thousands of years by indigenous peoples, the San Pedro *acequia* was built to bring fresh drinking water to the new occupants.<sup>3</sup> The water originated from springs bubbling up out of the Edwards Aquifer about a mile away where 10,000 years earlier the Payaya Indians had first settled, naming the area, *Yanaguana*, or “place of refreshing waters.”<sup>4</sup> Contained in Cretaceous limestone, dating back 150 million years, these waters midwived the abundant life of the region.<sup>5</sup>

*Agua es vida*, water is life. This truth is as deep in the bones of the subjects and agents of this thesis—María Antonietta Berriozábal, Joleen García, Graciela Sánchez, Isabel Sánchez, and Leticia Vela—as their passion for justice. Mexican-American women from San Antonio, their long effort to protect San Antonio’s primary source of water, rooted in ethical values, spiritual beliefs, and social-justice and ecological concerns, offers a theological hermeneutic embraced by the term “eco-mujerista.” As this thesis posits, it is a theology of survival and liberation for people *and* planet rising out of *la lucha*—the struggle inherent in the psychic and physical borderlands of *mestizaje/mulatez*;<sup>6</sup> in the multilayered oppression of gender, race, class, and sexuality experienced over generations through conquest, colonization, re-conquest, and globalization; in the rich, complex ethical and spiritual sensibilities emerging from indigenesness, Catholicism, and the wisdom ways of a people; and in the daily lived-experience of women. On the intrinsic nature of *la lucha*, Yolanda Tarango observes, “Latinas not only do not expect a life free of struggle, but they do not envision themselves apart from the struggle.

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<sup>2</sup> Joleen García, interview by author, San Antonio, Tex., March 2, 2009. All subsequent quotes from García are drawn from this interview.

<sup>3</sup> Mary Ann Noonan Guerra, *The San Antonio River* (San Antonio: The Alamo Press, 1987), 20.

<sup>4</sup> See Gregg Eckhardt, <http://www.edwardsaquifer.net/spspring.html> (accessed April 27, 2009).

<sup>5</sup> See Edwards Aquifer Authority, <http://www.edwardsaquifer.org/gallery/pages/Outcrop.htm> (accessed April 27, 2009); see Linda Jaye Gibler, *Cosmocentric Sacramentality: Water, Oil, and Fire in the Roman Catholic Celebration of Baptism* (PhD diss., California Institute for Integral Studies, 2007), 38-39. Tracing water’s origins back to a few million years after the origin of the Universe to its formation on Earth, Gibler writes, “After being formed in the stars and assisting in their birth, water was ready to midwife life on Earth.... All living beings on Earth are born of water.”

<sup>6</sup> *Mestizaje/mulatez* refers to the new identity in the offspring of Amerindian and African peoples with Europeans.

They articulate this belief in the adage, “*la vida es la lucha*.”<sup>7</sup> Motivated by themes of justice and dignity, “Latinas expect to achieve liberation only by struggling, risking, acting.”<sup>8</sup>

This thesis begins and ends with the five *mujeres*, U.S. Latina women whose struggles, actions, and reflections exemplify an eco-*mujerista* sensibility of the U.S.-Mexico borderlands. It centers on efforts they undertook, from 2001 to 2005, to prevent construction of a luxury golf resort over one of the most sensitive areas of the Edwards Aquifer<sup>9</sup>—a project the city’s political leaders were supporting with millions of dollars in taxpayer subsidies. Grassroots community activists all, these Mexican-American women grew up in working class and economically poor families in South and West Texas. Introduced briefly, the oldest, Isabel Sánchez, 85, grew up in San Antonio’s West side when there were no paved streets and many homes lacked indoor plumbing and water. By the time she was old enough to be sent out to fetch it, her grandmother had running water. Known affectionately and respectfully as Doña Chavelita, she and her husband, Enrique, an auto painter, raised six children, including Graciela Sánchez.

*Soy Mexicana nacida en Tejas.* (I am Mexican born in Texas.) God gave me a gift; I think it’s a gift that I like people. People ask me for help, they tell me things. I’m still volunteering at school. The little I do, I do it because my husband has always supported me. I’m a mother and a grandmother and a great grandmother.<sup>10</sup>

Born in a poor neighborhood in Laredo, María Antonietta Berriozábal, now in her late sixties, was raised in San Antonio’s West side. Her grandparents on both sides fled Mexico in 1910, during the Mexican Revolution, and settled in Lockhart, near Austin, working as sharecroppers on land owned by German immigrants. In 1981, after years of community activism, Berriozábal became the first Mexican-American woman elected to the city council of a major U.S. city. During the Clinton Administration, she was appointed U.S. Representative to the Inter-American Commission on Women of the Organization of American States and was a member of the U.S. Official Delegation to the Fourth World Conference on Women in Beijing, China.

I’m a Chicana, a *mujerista*, concerned about my community, passionate about justice. I’m a seeker. I have Catholicism in my blood, albeit with my *inquietudes* (uneasiness), and a very powerful connection to my indigenous roots. My father was a laborer, at the bottom of the totem pole of society. But my parents taught us our value: *Somos personas dignas. Creemos en Dios y tenemos una valiosa cultura.* (We are an honorable people. We believe in God and we possess a valuable culture.)<sup>11</sup>

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<sup>7</sup> Life is the struggle. See Yolanda Tarango, “Latina Narratives: Creating Meaning Through Story,” PhD diss., Austin Presbyterian Theological Seminary, 2004, 18-19.

<sup>8</sup> Ibid.

<sup>9</sup> The Edwards Aquifer extends 180 miles in length, running five to forty miles wide, across six counties in South Central Texas. See San Antonio Water Systems, [http://www.saws.org/our\\_water/aquifer/aboutaquifer.shtml](http://www.saws.org/our_water/aquifer/aboutaquifer.shtml) (accessed April 30, 2009).

<sup>10</sup> Isabel Sánchez, interview by author, San Antonio, Tex., March 23, 2003. All subsequent quotes from Sánchez are drawn from this interview.

<sup>11</sup> María Antonietta Berriozábal, interviews by author, San Antonio, Tex., Feb. 2, 2009, and Feb. 10, 2009. All subsequent quotes from Berriozábal are drawn from these interviews, unless otherwise noted.

Graciela Sánchez, daughter of Isabel Sánchez, is the founding director of San Antonio's Esperanza Peace and Justice Center, a social justice and cultural arts center that advocates "for those wounded by domination and inequality—women, people of color, lesbians and gay men, the working class and poor."<sup>12</sup> After earning a bachelor's degree at Yale University, Sánchez, now in her late forties, returned to San Antonio to follow in the footsteps of her mother, grandmother, and great grandmother by serving her community. Her advocacy for the wounded has come at a cost; she and others connected to the Esperanza have been stalked and harassed, received threatening phone calls, and had bras smeared with human feces hung over their cars.

I'm somebody born and raised in San Antonio's near West side, which is a community of working class and poor families. A *mestiza*, claiming my indigeness, even though I look Jewish or Arab. A lesbian who is one of the few out lesbians in the city because that's what my mother taught me—to be honest and truthful. A Chicana who loves her community. Somebody who loves to learn.<sup>13</sup>

Leticia Vela, also now in her late forties, lived for ten years in Washington, D.C. as a successful computer programmer before yielding to the constant undercurrent of water she felt pulling her back to San Antonio, where she was born. Her paternal grandparents had been farmers in Beeville, Texas, her maternal grandfather cleared land with a machete in Louisiana, and her grandmother did migrant work. After completing a bachelor's degree at Our Lady of the Lake University, Vela is now putting herself through graduate school at St. Mary's University.

I see myself first as a product of a poor community. A person who has a lot of life experience that has been followed by an educational process. But all along, and it's the thing that has always guided me, has been my belief in justice. So no matter what experiences and what training and what education, any of the things that I have had, they have been motivated by that theme of justice.<sup>14</sup>

Born in El Paso, Joleen García, now in her early thirties, moved to San Antonio with her family when a teenager. She studied molecular and cell biology at Texas A&M on a path to becoming a doctor but declined a medical-school acceptance, having questions about modern medicine. Returning to San Antonio, García began to work for social change in community-based organizations. She is now directing the Martínez Street Women's Center, providing grassroots programs in women's health and for the empowerment of girls in marginalized communities.

I'm influenced by the idea of a border. I come from a family with a lot of borders. The El Paso-Juárez border, the border of my mother being part German and part *Mexicana*. I'm a Xicana, spelled with an "x," acknowledging our Native traditions and indigenous roots. I'm very much on a search. A grassroots organizer, supporting people's own self-determination and thereby communities' self-determination.

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<sup>12</sup> See Esperanza Peace and Justice Center, <http://www.esperanzacenter.org/index.html> (accessed April 26, 2009).

<sup>13</sup> Graciela Sánchez, interview by author, San Antonio, Tex., March 23, 2009. All subsequent quotes from Sánchez are drawn from this interview, unless otherwise noted.

<sup>14</sup> Leticia Vela, interview by author, San Antonio, Tex., March 16, 2009. All subsequent quotes from Vela are drawn from this interview, unless otherwise noted.

## Contents and Methodology

The first chapter of this work describes the contours of *mujerista* theology, upon which *eco-mujerista* theology is constructed, identifying key elements that are alive in the five Latina women in this study. In the second chapter, understandings of ecofeminism and ecofeminist theology are highlighted, pointing to affinities between the motivations and actions of these U.S. Latina women with Latin American liberationist ecofeminists. The voice in the third chapter shifts as it tells the story, largely as the people of San Antonio understood it from their only daily newspaper, of the concerted effort by developers and political and business leaders to build a golf resort over the Edwards Aquifer, endangering it. As the details in the Appendix make clear, it is a story of collusion between politicians and monied interests to thwart the will of the people, expressed by an unprecedented number of residents in a petition drive. In the fourth chapter, the women explain why they got involved in the effort and how the subtexts of gender, race, class, and sexuality—always at play in the borderlands—leapt out to divide the broad-based coalition opposing the golf resort and further define the struggle. The last chapter interlaces the lives, action, and reflections of the Latinas to define an *eco-mujerista* theology of the borderlands, with the conclusion pointing to the critical import of its insights for the future wellbeing of all.

This thesis engages ‘interlacing,’ a theological methodology named by Cecilia González-Andrieu that “acknowledges the multiplicity of different strands which can be brought together, and in this weaving become richer.”<sup>15</sup> González-Andrieu applies this approach in examining the “profoundly complicated” voice behind a work of art—a series of oversized *milagros*<sup>16</sup>—that appeared one morning in Nogales, on the Mexican side of a U.S.-built border fence made of military-surplus corrugated metal and barbed wire.<sup>17</sup> “How we envision the relationship of art and religion—as rigid intersecting lines or as fluid and interlaced curves—is not inconsequential, because they tell us much about how we view art and religion in relation to life.”<sup>18</sup> González-Andrieu notes that “privileging the artwork to set the parameters for its appreciation” leads to a different methodological paradigm.<sup>19</sup> In this thesis, there are confluences of politics, religion, oppression, economics, history, and spirituality to name but a few elements. Privileging the *mujeres*, the *women*, in whose bodies and lives these influences interlace, is essential for setting the parameters of understanding and appreciating an *eco-mujerista* hermeneutic.

The thesis is also built on an interlacing of qualitative-research methodologies. It uses a constructivist approach to grounded theory, where the “views, values, beliefs, feelings, assumptions, and ideologies of individuals” are stressed, relying heavily on interviews.<sup>20</sup> It involves narrative research with a theoretical (*mujerista*) lens, following both the chronology of

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<sup>15</sup> Cecilia González-Andrieu, “Theological Aesthetics and the Recovery of Silenced Voices,” *Electronic Journal of Hispanic/Latino Theology* (2008 Convention) at <http://www.latinoteology.org/> (accessed October 12, 2008), 9.

<sup>16</sup> Miniature representations of an arm, heart, animal, house, etc., *milagros* “normally ‘hang’ as a sign and witness of faith in a sacred space, or alternatively, by ‘hanging’ in a particular place make that space sacred. We could argue that the *milagros* on the border make this space of great suffering sacred, the border fence becomes the foot of the cross” (González-Andrieu 6).

<sup>17</sup> *Ibid.*, 1-2.

<sup>18</sup> *Ibid.*, 9.

<sup>19</sup> *Ibid.*

<sup>20</sup> See John W. Creswell, *Educational Research: Planning, Conducting, and Evaluating Quantitative and Qualitative Research* 2<sup>nd</sup> ed. (Upper Saddle River, NJ: Pearson Education, 2005), 402-405.

an event—the story of the effort to protect San Antonio’s primary source of water—and the individual stories of each woman’s engagement with the issue.<sup>21</sup> It is a critical ethnography exploring “social issues of power,” including inequality, dominance, repression, and hegemony where the researcher is non-neutral, seeking “to advocate against inequality and domination.”<sup>22</sup>

Adopting also the *mujerista* methodology of making clear one’s own subjectivity, I acknowledge the overt and covert ways in which my own life story and social location enter into this analysis. None of the women in this study is a stranger to me; some I have known, loved, and admired for many years. I sought, and was honored to obtain, the permission of each woman to engage a story that is uniquely hers. I have made South Texas my home since 1992, but I am not from here. Further, as the granddaughter of Spanish immigrants on my father’s side and Norwegian immigrants on my mother’s side, I grew up with white privilege. Although my parents were raised in working-class families, my father was able to obtain a college education on the G.I. Bill, after serving in World War II, and a job as a diplomat; my siblings and I benefited from the economic privilege both conferred. My formative childhood years were spent in Latin America—in Mexico for four years and Uruguay for three. The questions of identity that grew in me over the years found deep resonance here in the borderlands, but I cannot claim its identity. As a convert to Catholicism who recently entered religious life, I add to the sum of who I am the complications inherent in both—seeing the patriarchal, misogynistic institution of the church through a feminist/*mujerista* lens, understanding its role in the conquest and destruction of indigenous and African religious traditions, and being cognizant of the ways in which women religious are implicated in this history. This unvarnished view should also make clear that there is something very profound in the tradition and the life that sounds in my heart, alluring me.<sup>23</sup>

I bring to this study urgent concern for our imperiled people and planet, as well as enduring respect for these brave and honorable women who dedicate themselves to community, as if all life depends on it.

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<sup>21</sup> Ibid., see 474-484.

<sup>22</sup> Ibid., 441.

<sup>23</sup> Among the powerful resonances I feel in the church are its mystical tradition, sacramentality, and social teachings; in religious life I find, as Sandra Schneiders, IHM, has written, a “vocation to solidarity from a position of marginality” that challenges me daily in relation to church and society. See Sandra M. Schneiders, *Finding the Treasure: Locating Catholic Religious Life in a New Ecclesial and Cultural Context* (New York: Paulist Press, 2000), 330.

## CHAPTER ONE

### ***Mujerista Theology: La Vida Es La Lucha***

*No one gives women like my mother authority to say, “What I think and believe is equally important, if not more important.” Their knowledge is totally devalued. They don’t have any degrees or anything like that, so they don’t believe they have any knowledge, which is part of the racism and sexism. Especially women of color and poor and working class women of color find that they have no authority at all.*

—Graciela Sánchez

*To name oneself is one of the most powerful acts a person can do.*<sup>24</sup>

Nearly two decades ago, Ada María Isasi-Díaz and Yolanda Tarango, CCVI coined the term *mujerista*, naming their theological enterprise *mujerista* theology.<sup>25</sup> Tarango writes:

We believed that it was important to give a name to our theological enterprise because (a) we believed that there is power in naming and we were ready to name ourselves; (b) we were inspired by our African-American sisters who had begun to use the term ‘womanist’ to describe their theological work; and, (c) we needed to find a way to do our work in the community without using the baggage laden term ‘feminist.’<sup>26</sup>

In their groundbreaking work, *Hispanic Women: Prophetic Voice in the Church*, Isasi-Díaz and Tarango began the process of elaborating what they then termed a ‘Hispanic Women’s Liberation Theology,’<sup>27</sup> bringing forward the voices of a group of Latina women of various ages and socioeconomic backgrounds who engaged in a communal process of ‘doing theology.’<sup>28</sup>

The book’s prologue immediately notes the problems and limitations that were inherent in this earlier naming. The term ‘Hispanic’ is objectionable for various reasons, including the fact that it is a name imposed by the dominant society<sup>29</sup> and implies a false cultural homogeneity among people in the United States who descend from diverse Spanish-speaking countries; ‘Hispanic Women’ implies a speaking for all Hispanic women rather than a speaking *as* Hispanic

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<sup>24</sup> Ada María Isasi-Díaz, *Mujerista Theology: A Theology for the Twenty-first Century* (1996 repr. Maryknoll: Orbis Books, 2005), 60.

<sup>25</sup> Tarango, “Latina Narratives,” note 7, 29.

<sup>26</sup> Ibid.

<sup>27</sup> Ada María Isasi-Díaz and Yolanda Tarango, *Hispanic Women: Prophetic Voice in the Church*, (San Francisco: Harper & Row, 1988), ix.

<sup>28</sup> “To do theology is to free theology from the exclusive hold of academia...to recognize that the source of theology is human existence, its questions and concerns as well as its beliefs...[and] to validate and uphold the lived experience of the oppressed.” See Isasi-Díaz and Tarango, 2.

<sup>29</sup> “The term *Hispanic* as a racial category was developed in the 1970s for purposes of the census. It is a political creation, a way to describe difference in face and culture.” See Daisy L. Machado, “Voices from *Nepantla*: Latinas in U.S. Religious History,” in *Feminist Intercultural Theology: Latina Explorations for a Just World*, ed. María Pilar Aquino and María José Rosado-Nunes (Maryknoll: Orbis Books, 2007), 94.

women; and ‘Liberation’ suggests embracing all, including problematic patriarchal elements, of this hermeneutic emerging from Latin America.<sup>30</sup> Despite these limitations, the terms were useful in that they pointed to three critical elements—cultural theology, feminist theology, and liberation theology—that comprise Hispanic Women’s Liberation Theology. The cultural perspective underscores the claim that “Hispanic culture is valuable and has significant contributions to make (other than its music, food, and dress!) to what is normative in this society, in the church”—especially through its African and Amerindian strands.<sup>31</sup> Feminist theology speaks to the inherent dignity and equality of women and contributes to the understanding that Hispanic women’s oppression is ‘multilayered.’<sup>32</sup> Liberation theology points to the goal, which is not to participate equally in oppressive structures but to change them.<sup>33</sup> Together, these elements give birth to a new reality.<sup>34</sup> This new reality is embraced by the term *mujerista* theology, which in a single word points to a theology rooted in and emerging from a community of *mujeres*, of U.S. Latinas, whose personal experience is not the same but shared—and authoritative, as personal experience is “the starting point in the process of liberation and, therefore, in the doing of theology.”<sup>35</sup>

An early (1992) discussion of the term *mujerista* brought critical responses from a number of Latina feminists who both welcomed and critiqued the term.<sup>36</sup> Isasi-Díaz, its principal proponent, embraced the critique, noting that she wanted to reaffirm a key point: “*Estamos en pañales* [We’re in diapers]. We are constructing together the meaning of *mujerista*. My request is that we appropriate it constructively.”<sup>37</sup> In a later (1998) critique, María Pilar Aquino spoke of the “old and fertile” historical roots of Latin American feminist experience, rejecting attempts at having Latin American feminism pressed to adopt the *mujerista* label.<sup>38</sup> Although it is not within the scope of this paper to assess how Isasi-Díaz’s particular invitation has been taken up (issued to “all Latina/Hispanic women committed to a struggle for liberation to build the meaning of

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<sup>30</sup> Ibid., see ix-xvii.

<sup>31</sup> Ibid., xiii.

<sup>32</sup> The coming together of classism and sexism and of racism and sexism “does not mean we suffer two, or at times three, different kinds of oppression. It is rather a compounding into one multilayered oppression.” See Isasi-Díaz and Tarango, xii, referencing Rosemary Radford Ruether, “A Feminist Perspective,” in *Doing Theology in a Divided World*, ed. Virginia Fabella and Sergio Torres (Maryknoll: Orbis Books, 1985), p. 70.

<sup>33</sup> Ibid., xii.

<sup>34</sup> Ibid., xiii.

<sup>35</sup> Ibid., xiv.

<sup>36</sup> See “Roundtable Discussion: *Mujeristas*—Who We Are and What We Are About,” *Journal of Feminist Studies in Religion* 8, no. 1 (1992): 105-125. The term “will prove useful” if Latinas join Anglo feminists in the movement by making clear that “we want to be *juntas pero no revueltas* (loosely translated as ‘together but not scrambled’)” (Elena Olazagasti-Segovia, 110); “I don’t believe that a new term will better identify or organize our struggle [in Puerto Rico]” (Sandra Mangual-Rodríguez, 116); “the theological voice of the Protestant Latina is absent” (Daisy Machado, 121); while *mujerista* theology “has given a new dimension to notions of theology in general and of faith and justice in particular...we find it too much driven by the twin Christian motors of heterosexism and anthropocentrism to be fully comfortable in its midst” (Lourdes Argüelles and Raven-Anne Rivero, 122).

<sup>37</sup> Ibid., 124.

<sup>38</sup> See María Pilar Aquino, “Latin American Feminist Theology,” *Journal of Feminist Studies in Religion* 14, no. 1 (1998): 89-107. Aquino rejects the dismissal of First World feminist theologians who “operate with the idea that feminism is nonexistent or just a very recent movement in Latin America” and “U.S. minority female theologians” who suggest that “identifying our work as ‘feminist’ is inappropriate” because it promotes “a patronizing attitude of First World white feminist theologians toward Third World nonwhite feminist theologians” (93-94).

*mujerista*<sup>39</sup>), it is indisputable that the last twenty years have seen a burgeoning of scholarship exploring the complex, multilayered, and varying aspects of U.S. Latina women's lives, thought, oppression, history, ethics, religion, sexuality, spirituality, art, and cultural, ethnic, racial, gendered, and socioeconomic experience and identity. Equally indisputable is the painful struggle that many Latina scholars have endured in constructing these missing histories and theories, these absent narratives and theologies.<sup>40</sup> In the rich, fertile, and subversive space that U.S. Latina scholars have been creating, 'writing' Latina women into the nation's texts and consciousness,<sup>41</sup> *mujerista* theology offers a helpful framework (as well as invitation) for further construction, built upon the daily, lived-experience of U.S. Latina women, an experience largely ignored or dismissed in our society and its discourse.

The threefold goals of *mujerista* theology are to (1) provide a platform for the voices of U.S. grassroots Latina women; (2) develop a theological method that takes seriously the religious understandings and practices of Latinas as a source for theology; and (3) challenge theological understandings, church teachings, and religious practices that oppress Latina women or are not life-giving and, therefore, cannot be theologically correct.<sup>42</sup> It is not a theology "exclusively for Latinas but a theology from the perspective of Latinas."<sup>43</sup> It is a liberative praxis for Latina women whose struggle for liberation is inextricably tied to the liberation of their communities. It seeks to impact mainline theologies that support church and societal norms that have been set largely by others to the exclusion of Latina/os.<sup>44</sup> *Mujerista* theology affirms the worldview of Latinas, insisting that "who we are and what we do is revelatory of the divine."<sup>45</sup> Concerned not only with developing a systematic theology but also with ethics and moral theology, *mujerista* theology focuses on "the enablement of our moral agency."<sup>46</sup>

The *locus theologicus*—the place from which *mujerista* theology is done—is "our *mestizaje* and *mulatez*, our condition as racially and culturally mixed people,"<sup>47</sup> Isasi-Díaz writes. It is "our condition of living between different worlds, a reality applicable to the Mexican Americans living in the Southwest, but also to the Cubans living in Miami and the Puerto Ricans living in the Northeast."<sup>48</sup> This reality was boldly captured by Gloria Anzaldúa in her watershed

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<sup>39</sup> Isasi-Díaz, "Roundtable," 125.

<sup>40</sup> Emblematic is the story historian Antonia I. Castañeda relates about her "eminent advisor" informing her, when she began her graduate studies at Stanford University in 1973, that she could not study Chicano history because "there is no such thing as Chicano history. It is not an academic discipline." See Antonia I. Castañeda, "*Que Se Pudieran Defender* (So You Could Defend Yourselves)," *Frontiers: A Journal of Women Studies* 22, no. 3 (2001), 118.

<sup>41</sup> Drawing on Emma Pérez's charged sense of writing as "construction" in Emma Pérez, *The Decolonial Imaginary: Writing Chicanas into History* (Bloomington: Indiana University Press, 1999). See also Castañeda, who writes, "Since the 1970s, Chicana and other women historians of color, have been arguing that the issue is not simply one of exclusion versus inclusion, but rather one of construction" (18).

<sup>42</sup> Isasi-Díaz, *Mujerista Theology*, 1.

<sup>43</sup> *Ibid.*

<sup>44</sup> *Ibid.*, 62.

<sup>45</sup> Isasi-Díaz, *En la Lucha: Elaborating a Mujerista Theology* (Minneapolis: Fortress Press, 1993), 75.

<sup>46</sup> *Ibid.*, 5. "In *mujerista* theology ethics is always understood as social ethics. This follows from the centrality of community in our culture and from the fact that *mujeristas* denounce the split between the personal and the political as a false dichotomy used often to oppress Hispanic Women."

<sup>47</sup> Isasi-Díaz, *Mujerista Theology*, 64.

<sup>48</sup> *Ibid.*

work, *Borderlands*, which gave rise to a ‘New *Mestiza*’ hermeneutic.<sup>49</sup> Grounded in the physical borderlands of the U.S. Southwest/Mexico border, Anzaldúa describes the “psychological borderlands, the sexual borderlands and the spiritual borderlands” that “are not particular to the Southwest” but which characterize this *mestizaje*.<sup>50</sup> For Anzaldúa, “the struggle of the *mestiza* is above all a feminist one,”<sup>51</sup> adding a critical gender lens to other foundational texts on the border<sup>52</sup>—a place of contradictions and “hatred, anger and exploitation.”<sup>53</sup> A place, also, where the struggle of “keeping intact one’s shifting and multiple identity and integrity is like trying to swim in a new element, an ‘alien’ element”—giving a sense of “exhilaration in being a participant in the further evolution of humankind, in being ‘worked’ on.”<sup>54</sup>

In this context of fecund struggle, *mestizaje-mulatez* emerges in *mujerista* theology as a complex locus of meaning and liberation. Importantly, as Michelle A. González writes, Isasi-Díaz retains the distinction of the two terms rather than collapsing *mulatez* into *mestizaje* as do many Latina/o theologians.<sup>55</sup> The combined terms reflect both the context and “the epistemological standpoint from which Latinos/as exist in the world, their way of being. This mixture and ambiguity becomes the hermeneutical lens through which Latinos/as see the world,” writes González—and it presses on a *mujerista* theology vision for the future. “[C]ommitment to “*mestizaje-mulatez* is what makes it possible for us to maintain the revolutionary momentum of the struggle for liberation...in solidarity with other marginalized groups.”<sup>56</sup>

If *mestizaje-mulatez* is the *locus theologicus* of *mujerista* theology, its source is the lived-experience of Latinas.<sup>57</sup> The “horizon of Hispanas/Latinas lived-experience is, first and foremost, the ‘everyday,’ *lo cotidiano*”—thus, it is at the heart of *mujerista* theology.<sup>58</sup> *Lo cotidiano* constitutes the concrete daily world and the “immediate space of our lives;” it has to do “with the practices and beliefs we have inherited, with our habitual judgments, including the tactics we use to deal with the everyday.”<sup>59</sup> *Lo cotidiano* has epistemological as well as hermeneutical implications, as Ivone Gebara observes:

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<sup>49</sup> See “Introduction to the Second Edition” by Sonia Saldivar-Hull in Gloria Anzaldúa, *Borderlands/La Frontera: The New Mestiza*, 2<sup>nd</sup> ed. (San Francisco: Aunt Lute Books, 1999), 1, where Saldivar-Hull speaks of the “historically significant text,” which “continues to be studied” in the academy across many disciplines.

<sup>50</sup> Anzaldúa, 19.

<sup>51</sup> *Ibid.*, 106.

<sup>52</sup> Saldivar-Hull in *Borderlands*, 1.

<sup>53</sup> Anzaldúa, 19.

<sup>54</sup> *Ibid.*

<sup>55</sup> Michelle A. González, “What about Mulatez? An Afro-Cuban Contribution” in *Futuring Our Past: Explorations in the Theology of Tradition*, ed. Orlando O. Espín and Garcy Macy (Maryknoll: Orbis Books, 2006), 185. Isasi-Díaz credits Fernando Segovia in adding *mulatez*, referring to the mixing of the white and black races, to *mestizaje*, “instead of subsuming our African heritage under the latter term” (*La Lucha Continues*, 75). The concept of *mestizaje-mulatez*, which originally referred to “the mingling of Amerindian and African blood with European blood...now also includes the present-day mixtures of people from Latin America and the Caribbean both among ourselves and with people of other ethnic/racial and cultural background” (*La Lucha Continues*, 70).

<sup>56</sup> Isasi-Díaz, *La Lucha Continues: Mujerista Theology* (Maryknoll: Orbis Books, 2004), 84.

<sup>57</sup> Isasi-Díaz, *Mujerista Theology*, 66. Isasi-Díaz insists: “We do not claim that the lived experience of all Hispanas/Latinas is the same. Instead of sameness we talk about ‘shared experience’... our common cultural matrix. Since part of this cultural matrix is the marginality/oppression in which we live, shared experience also refers to the way we experience the world because of how others conceive us” (see *La Lucha Continues*, 52).

<sup>58</sup> Isasi-Díaz, *La Lucha Continues*, 93.

<sup>59</sup> *Ibid.*, 95.

Daily life—as opposed to grand historical facts, like wars, space exploration, or great scientific inventions—is the fight to live today, to look for work, to do the cooking, to bathe children and do laundry, to exchange the gestures of love, to find meaning in life. Daily life is the domestic world, the world of short-term relationships, more direct interactions capable of changing larger relationships. Incorporating women’s daily life in that knowledge called universal means including the concrete, those things necessary for life or mere survival.<sup>60</sup>

So-called universal theory, Ivone Gebara argues, “is actually [a Western] male theory; it is centralized in the places of dominant power and in social relations allied to power. Abundant examples are found everywhere, but especially in theology.”<sup>61</sup> Insistence on *lo cotidiano* constitutes a “denunciation of inadequate and false universalisms that ignore Latinas’ daily lived experience” and an insistence on having those experiences count.<sup>62</sup> Latinas are the subjects—the agents—not the objects of *mujerista* theology.<sup>63</sup> Challenging the absolutizing of mainline theology as normative, *mujerista* theology becomes “an act of subversion.”<sup>64</sup>

*Lo cotidiano* is also a locus of religious production for Latinas through popular religiosity. Isasi-Díaz writes:

Mostly we learned our religious practices from our mothers, our aunts, our grandmothers. As we watched these older women, Latinas learned not only these religious practices but also their meaning. Together with the manner of performing these practices we learned that these practices were to sustain our lives, were to give us *fuerzas para la lucha*—strength for the struggle.<sup>65</sup>

It is a critical point, this linking of religious practices with an understanding that to be alive is to struggle, to be engaged in *la lucha*, for oneself, one’s *familia*, and one’s community.<sup>66</sup> Central to these practices are sacramentals—candles, water, flowers, incense, processions, rituals—elements or actions that recall the presence of the divine in the world, as a daily accompaniment, and do not depend on priests for their performance.<sup>67</sup> Popular religiosity is a way of experiencing the sacred in everyday life and grounding the struggle for survival.<sup>68</sup> It is “a

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<sup>60</sup> Ivone Gebara, *Out of the Depths: Women’s Experience of Evil and Salvation*, trans. Ann Patrick Ware (Minneapolis: Fortress Press, 2002), 77.

<sup>61</sup> *Ibid.*, 72.

<sup>62</sup> Isasi-Díaz, *Mujerista Theology*, 70.

<sup>63</sup> *Ibid.*, 73.

<sup>64</sup> *Ibid.*, 72.

<sup>65</sup> *Ibid.*, 124.

<sup>66</sup> “Survival has to do with more than barely living. Survival has to do with the struggle *to be* fully”—to have historical, social, political, economic, religious, and moral agency—and with questions about both physical, as well as cultural survival. See Isasi-Díaz and Tarango, 4.

<sup>67</sup> Isasi-Díaz, *En la Lucha*, 48. “Our home altars clearly indicate that for us the divine is directly accessible; that we do not have to depend on priests or pastors to relate to the divine” (*Mujerista Theology*, 175). Popular religion “is, to a great extent, a religion of the home...” See Roberto Goizueta, “Nosotros: Community as the Birthplace of Self,” *Caminemos Con Jesus: Toward a Hispanic/Latino Theology of Accompaniment* (Maryknoll: Orbis Books, 1995), note 47, 67.

<sup>68</sup> *Ibid.*, 49.

means of self-identification and our insistence on it is part of the struggle to exist with our own characteristics and peculiarities.”<sup>69</sup> While Christianity, and Catholicism, is the dominant form of religion claimed by Latinas, “our way of relating with the divine and expressing such connection, is not ‘official’ Christianity, nor does it necessarily have the church—either Catholic or Protestant—as its main point of reference.”<sup>70</sup> African as well as Amerindian religious understandings and practices are intrinsic elements of *mestizaje-mulatez* and Latina religiosity.<sup>71</sup> Isasi-Díaz does not shy away from claiming it is syncretism rather than inculturation that is operative in the religiosity of Latinas. The claim is carried forward from the initial findings, in the Latina narratives chronicled in *Hispanic Women: Prophetic Voice in the Church*, that Latinas’ Christianity “is indeed a mixture, a fusion of different religious strands.”<sup>72</sup> Isasi-Díaz and Tarango ask:

Who is Our Lady of Guadalupe? Is she the Mother of Jesus? Or is she Tonantzin, the Aztec goddess, Mother of the Gods on whose pilgrimage site, the hill of Tepeyac, Our Lady of Guadalupe appeared? In their hearts if not openly, Cubans who pray to St. Barbara are very often identifying her, directly or indirectly, with Chango, the Yoruban God of Thunder. It is irrelevant to them that the hierarchy of the church has indicated the story of St. Barbara is a legend and that most probably such a person never existed. The churches might have removed her statues, but she continues to be one of the most popular saints among Cubans.<sup>73</sup>

Central to *mujerista* theology is *la lucha*, the struggle that is at the heart of a Latina woman’s life not only for survival but also for liberation—for both herself *and* her community.<sup>74</sup> Liberation theologies shifted the “hopes and expectations for the poor and oppressed from ‘the next world’ to this world”—a freedom to be sought “as agents of our own history.”<sup>75</sup> For Latinas, liberation has to do with human fulfillment, with “the realization of our *proyecto histórico* [historical project], which we are always seeking to make a reality while accepting that its fullness will never be accomplished in history.”<sup>76</sup> Taking responsibility for making justice a reality is central to *la lucha* for the ‘kin-dom’ of God.<sup>77</sup> It is a vision that goes beyond acceptance of difference to an embrace of difference, rejecting efforts to (1) ignore differences by emphasizing what individuals or groups have in common; (2) eliminate differences through assimilation; or (3) rigidify differences by subscribing to an “essentialist meaning of difference

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<sup>69</sup> Ibid., 45.

<sup>70</sup> Ibid.

<sup>71</sup> Isasi-Díaz, *La Lucha Continues*, 74.

<sup>72</sup> Isasi-Díaz and Tarango, 68. In this regard, Isasi-Díaz and Tarango argue, it follows in the footsteps of “official” Christianity, “which from its early history has been syncretistic” in the fusion of the Greco-Roman world of ideas and understandings with that of Jesus.

<sup>73</sup> Ibid., 68-69.

<sup>74</sup> Ibid., 4.

<sup>75</sup> Ibid., 34.

<sup>76</sup> Ibid., 35.

<sup>77</sup> *Mujerista* theology uses the term kin-dom instead of kingdom not only because the latter is an anachronous political metaphor suggesting a hierarchical reign that presumes a male God. It is also because kin-dom suggests both a “personal metaphor that lies at the core of our daily lives” and the eschatological hope that all peoples will one day be as kin to one another, “united by bonds of friendship, of love and care, of community.” See Isasi-Díaz, *La Lucha Continues*, 248; Isasi-Díaz and Tarango, note 8, 116. In *eco-mujerista* theology, as we shall see, its meaning is expanded to include the whole community of life as kin.

that place groups and persons in categorical opposition, in mutual exclusion.”<sup>78</sup> Instead, *mujerista* theology adheres to a relational understanding of difference characterized by solidarity and mutuality, where justice is found in ‘right relationships.’<sup>79</sup> Solidarity is understood not as a disposition (often transitory) or a sign of agreement, but as a profound ethical stance grounded in the interconnectedness/interdependence of all life, and calling for its practice as a virtue—a way of living out love of neighbor.<sup>80</sup> Mutuality, in turn, is a commitment to engage in dialogic relationships, recognizing common interests, its practice essential to building solidarity.<sup>81</sup> Relationships built on mutuality and grown in solidarity are *just* or righteous (‘right’) relationships in the sense of the Hebrew Scriptures where righteousness refers to “the fulfillment of the demands of a relationship with others, with the divine and...with the rest of creation.”<sup>82</sup>

Finally, the methodology for ‘doing’ *mujerista* theology is grounded in the stories of grassroots Latinas, women who struggle for survival and justice, *justicia*.<sup>83</sup> Bringing forward their stories and voices is critical to any theological project aimed at shaping a vision of the kingdom. This is not because Latinas are morally superior, or more innocent, or purer.<sup>84</sup> “It is rather because they benefit so little from the present structures and arrangements, because they have so little to protect in the present, that they can really look for and see a radically different future, a liberating future”—*for all*.<sup>85</sup> It is an orientation resonant with a future that beckons, actually demands, liberation for the whole Earth community of life.

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<sup>78</sup> Isasi-Díaz, *Mujerista Theology*, 118, citing Iris Marion Young, *Justice and the Politics of Difference* (Princeton, N.J.: Princeton University Press, 1990), 168-73.

<sup>79</sup> Isasi-Díaz, *La Lucha Continues*, 84.

<sup>80</sup> See Isasi-Díaz, *Mujerista Theology*, 86-104.

<sup>81</sup> *Ibid.*, 94-104.

<sup>82</sup> Isasi-Díaz, *La Lucha Continues*, 84.

<sup>83</sup> *Ibid.*, 47.

<sup>84</sup> As Isasi-Díaz writes in reference to the preferential option of the poor. See *En la Lucha*, 194.

<sup>85</sup> Isasi-Díaz, *La Lucha Continues*, 47.

## CHAPTER TWO

### ***Ecofeminist Theology: Linking Women and Earth***

*My neighbor has five kids and lives with an abusive husband who doesn't support them, and that's why their water got turned off. I can't imagine what a household with five kids and not able to flush their toilets for the weekend would be like. This is San Antonio, this is our community, these are our people. And you've got people with all this education and a secure income making decisions for people they have no clue about.*

—Leticia Vela

In the more than thirty years since the term 'ecofeminism' was coined, it has come to “shelter hosts of different links between feminism and ecology, and between women and the natural world,” as Heather Eaton observes.<sup>86</sup> The feminist and ecological movements converge in this term, bringing with them their own wide-ranging theories and hermeneutics built on years of activism, social thought, and academic inquiry across multiple disciplines.<sup>87</sup> As a result, the term resists simple definition and is more accurately understood in the plural. It is both “an insight and a practice...used by many diverse groups of women, in multiple contexts and in a huge variety of ways.”<sup>88</sup> A key insight embraced by the term ecofeminism is the understanding that systems of domination that dehumanize women and other oppressed groups of people around the world also ravage Earth; its practice calls for an end to all oppressions.<sup>89</sup> Eaton points out that no idea or intellectual position is immune to multiple interpretations or change over time; ecofeminism, likewise, is “continually in motion.”<sup>90</sup> She uses the image of a “busy roundabout intersection” to capture the large range of activities, ideals, and ideas embraced by

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<sup>86</sup> Heather Eaton, *Introducing Ecofeminist Theologies*, Introductions in Feminist Theology 12 (London: T&T Clark International, 2005), 3. The term ecofeminism “was coined by French feminist Françoise d'Eaubonne in *Le Féminisme ou la Mort* (1974) when she called upon women to lead an ecological revolution to save the planet.” I am indebted to Eaton's critical assessment of and excellent introduction to ecofeminism for much of the content of this section.

<sup>87</sup> While the feminist and ecological movements are beyond the scope of further examination here, Eaton offers a wonderfully succinct summary of each: Briefly, the feminist movement arose as “a challenge to patriarchy (rule of the father) and androcentrism (male-centered values, beliefs and practices). Both are embedded in Euro-western worldviews and cultural practices, and prior to feminism they were accepted as normal, natural and even God-given.” The ecology movement embraces a range of paradigms “fondly called ‘light’ to ‘dark’ green.” The light green paradigm is anthropocentric, seeing Earth at the service of humans with its ecological problems “redressed by good stewardship and better management.” The dark green paradigm envisions humans as part of a complex interconnected community of life in which all forms need to flourish. “In between light and dark green are viewpoints that connect ecological ruin to social tension and injustice, such as social ecology, ecojustice, or green socialism.” See 30-31.

<sup>88</sup> *Ibid.*, 7.

<sup>89</sup> See Greta Gaard, “Living Interconnections with Animals and Nature,” in *Ecofeminism: Women, Animals, Nature*, ed. Greta Gaard (Philadelphia: Temple University Press, 1993), 1.

<sup>90</sup> Eaton, 7.

ecofeminism. “There are many pathways in and out of the intersection, and lots of traffic! Some paths are well traveled and others less so,” Eaton writes.<sup>91</sup>

Two “particularly well-travelled paths” involve the analytical approach taken in ecofeminist inquiry—empirical or cultural-symbolic.<sup>92</sup> The empirical approach “is based on daily, material and lived experiences of women.”<sup>93</sup> It attempts to measure the impact of ecological degradation on peoples’ lives, including the realities faced by women in providing their families with food and water and protecting them from environmental illnesses. Connections to larger sociopolitical and economic systems, government policies, militarism, globalization, consumerism, racism, sexism, and homophobia are made to reveal root causes and help transform the realities. The cultural-symbolic or conceptual approach, referred to as ecofeminist theory, “asserts that women and nature have been associated historically and conceptually, and that these ideas are ingrained within Euro-western worldviews. Seeking the roots of the ecological crisis and misogyny (the hatred of women), and their entwined linkages are central to ecofeminist *theory*.”<sup>94</sup> This approach also seeks societal transformation—through alternative social and philosophical frameworks that are based on mutuality rather than systems of domination in relations among humans and between humans and the rest of the Earth community. Initially flowing at odds with each other, these two pathways in ecofeminism have slowly begun to “inform and empower” each other.<sup>95</sup> Coming into the roundabout using these approaches or others particular to their disciplines, scientists, theologians, activists, social scientists, historians, psychologists, and women in other fields from around the world have added wide-ranging and burgeoning content to ecofeminist discourse. “Given this diversity of content and context, ecofeminist positions resist any one or universalizing approach to human and/or ecological problems.”<sup>96</sup>

In the field of theological inquiry, feminism and the ecological crisis that spawned the ecological movement have independently posed their own significant questions and challenges to the practice of theology. These challenges become even more sharply pointed when combined. When ecofeminism encounters theology, “core issues are raised,” framed in the pivotal question: “How far must theology be reshaped to adequately address ecological and feminist concerns?”<sup>97</sup> Eaton again identifies two approaches that have emerged in doing ecofeminist theology. The first, a tradition-centered approach, involves adding or bringing the Earth crisis into the particular religious tradition’s concerns. In the case of Christianity, for example, it would involve re-reading scripture, examining social teachings, considering the Cosmic Christ, and the like in an effort to bring the ecological issue into the Christian worldview. Through this approach, the “religious framework is not fundamentally altered.”<sup>98</sup> A second, ‘Earth-centered’ approach, to doing ecofeminist theology involves a much more radical reconstruction—“a rethinking of the

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<sup>91</sup> Ibid, 11.

<sup>92</sup> Ibid., 27.

<sup>93</sup> Ibid., 28.

<sup>94</sup> Ibid., 28-29.

<sup>95</sup> Ecofeminists working at a theoretical level “were critiqued for ignoring the severe realities of women in impoverished or disempowered circumstances. The material local and global issues were slow to become integral to ecofeminist concerns.” See Eaton, 29.

<sup>96</sup> Ibid., 30.

<sup>97</sup> Ibid., 72.

<sup>98</sup> Ibid., 73.

entire perspective from which one does theology.”<sup>99</sup> To be Earth-centered “opens the possibility of considering the earth and its evolution as the elemental and primary realm of revelation”—seeing all life, “including the rich complexities of human civilizations and religions,” as “emergent from these great earth processes.”<sup>100</sup> Considering the four-billion-year history of Earth and the emergence within only the last 12,000 years or so of human civilizations, with our very diverse religious traditions and spiritualities, neither Christianity nor any other religion can be the primary reference point for the whole Earth. Instead, “specific religions may be a primary reference point for some human communities grappling with their existence.”<sup>101</sup> These two ecofeminist approaches to theology present incompatible views about ultimate priority—one being the religious tradition and all it stands for; the other being the Earth with its practices and history. An example of the relevance of scripture to both highlights their differences:

In a tradition-centered approach we would look for inspiration within biblical texts, seek ecologically oriented texts, interpret and stretch the message of Jesus to include the earth, expand justice to ecojustice, etc. But in an earth-centered approach the earth is a primary source of inspiration, as the earth is the source of humans and human consciousness. The bible is understood as one sacred text among many within the long journey towards a consciousness of the Sacred. From an earth-centered view, religious texts are part of the recording of a deep spiritual awakening with human consciousness at a stage in human history when social organization was sufficiently developed.<sup>102</sup>

Ecofeminism engages theology through a variety of pathways, including biblical studies, emergent spiritualities, multi-cultural and multi-religious studies, and liberation theologies. Biblical studies are radically challenged, as noted above, by a perspective that sees human “thought and love” as “deeply cosmic energies, arising out of the very physical dynamism of the cosmos.”<sup>103</sup> Spiritualities within and beyond traditional religions and indigenous spiritualities “proliferate” in ecofeminist images such as Gaia, Mother Earth, Sophia, and Spirit.<sup>104</sup> Multi-cultural and multi-religious contributions from women in Latin America, Asia, and Africa “expand and complexify” ecofeminist perspectives, bringing into sharp focus the pivotal impact of ethnicity, class, global disparities, and increasing impoverishment of peoples and land in critical analyses.<sup>105</sup> Ecofeminists engage Latin American liberation theologies because of their “emphasis on both the empirical and the cultural-symbolic aspects of reality and theology” and because they combine “theoretical analysis and political activism.”<sup>106</sup> However, liberation theologies are also susceptible to ecofeminist critique—having shown “relatively little interest in feminist or ecological issues” until recently, as Brazilian theologian Ivone Gebara has observed.<sup>107</sup> The tradition “failed to relate the oppression of the poor to the broader issue of the

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<sup>99</sup> Ibid.

<sup>100</sup> Ibid.

<sup>101</sup> Ibid.

<sup>102</sup> Ibid. 74.

<sup>103</sup> Elizabeth Johnson, *Quest for the Living God: Mapping Frontiers in the Theology of God* (New York: Continuum, 2008), 85.

<sup>104</sup> Eaton, 86.

<sup>105</sup> Ibid., 85.

<sup>106</sup> Ibid., 82.

<sup>107</sup> “I am not saying this to criticize my colleagues; it is merely a statement of fact. I think the Latin American context in the 1970s and 1980s, the years during which liberation theology developed, simply did not allow for the

destruction of earth-systems. In the same way it failed to identify the direct or indirect legitimation that patriarchal religions bestowed upon the mechanistic domination of the world and the manipulation of human beings.”<sup>108</sup>

The starting point for ecofeminist liberation theologies “is the plight of the oppressed, in particular women and the natural world.”<sup>109</sup> As it orients itself beyond elucidation or explication toward agency, it moves theology “into the political realm.”<sup>110</sup> The critical characteristic of ecofeminist liberation theology is its *locus theologicus*—it starts from and returns to “concrete life realities, using a variety of tools to analyze both the causes of problems and viable solutions.”<sup>111</sup> Of ecofeminist theology, Gebara writes:

Our thought is linked especially to the world of the poor, of the hungry, and of the illiterate; of those who have no land on which to live and those who live on lands tainted by toxic wastes and nuclear radiation. I am talking about the growing mass of the excluded, those who are struggling for survival and dignity. I also am referring to the sacred body of the earth, which is bought and sold and prostituted for the sake of easy profit and the accumulation of wealth by a minority.<sup>112</sup>

As we shall now see, profit and accumulation of wealth by a minority were key drivers in the deal between developers and civic leaders in San Antonio to create a luxury golf resort over the sensitive recharge zone of the city’s drinking water.

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emergence of these topics.” See Ivone Gebara, *Longing for Running Water: Ecofeminism and Liberation* (Minneapolis: Fortress Press, 1999), 8.

<sup>108</sup> Ibid.

<sup>109</sup> Eaton, 106.

<sup>110</sup> Ibid., 83.

<sup>111</sup> Ibid., 109.

<sup>112</sup> Gebara, *Longing for Running Water*, 18.

## CHAPTER THREE

### **Golf Over Water: Multilayered Oppression and Resistance**

*We are ignored in news reports. The voices of women, of people of color, aren't there. And what is reported is only what is easily communicated. It is not our deepest feeling. A group of people so tied to the Earth and to the water that have far deeper reasons for acting than politics—that's not part of the reporting or the understanding. Our reasons for being involved are not honored. It's difficult for women to function in these areas. Reporters take what's convenient for their story, so we have to be cunning and astute. I can't say too many things because they'll choose whatever they want. We've learned how to exist in that dual reality—in how to get a message across. But it's not how we'd say it to each other. I've spent a lifetime of existing in this.*

—María Antonietta Berriozábal

The story of a luxury golf resort proposed for construction over the Edwards Aquifer, San Antonio's primary source of drinking water, tells a tale of collusion between high-end property developers and city, county, and state political leaders maneuvering to thwart the will of the people.<sup>113</sup> From beginning to end, over the course of four years, the effort engaged the stalwart opposition of Latina grassroots activists, including Berriozábal, García, Sánchez, Doña Chavelita, and Vela.<sup>114</sup> Their slogan—"Not over my water. Not with my money."—captured the two-pronged public outrage over the project's potential danger of polluting the aquifer, using millions of dollars in tax benefits to support its construction. The golf resort project roused an unprecedented groundswell of opposition among San Antonians that resulted in its political defeat—not once but *twice*, only to be resurrected a third time by civic and business leaders with a sleight of hand. The story dominated news coverage in the *San Antonio Express-News*. While the cumulative impact of the news coverage paints a picture of the "good ol' boy" politics that are a key subtext to the struggle being waged, the stories rarely went beyond slogans to capture what was in the hearts of the women who struggled for days and months and years to protect their communities and their water.

#### **PGA I: The Taxing-District Agreement**

In February 2001, Lumbermen's Investment Corp., the real estate development arm of transnational giant Temple-Inland Co., announced it would be building, in partnership with the Professional Golfers Association of America (PGA), a world-class golf resort on nearly 3,000 acres of land it owned just northeast of San Antonio's city limits, in Bexar County. The "PGA Village" would include several golf courses, boutique hotels, and an upscale residential development. The development was going to put San Antonio on the map as a golf destination. Several things soon became clear that turned this vision, which business interests saw as a dream, into what others, including the Latina women, saw as a nightmare. Two were key:

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<sup>113</sup> The story, as covered by the *San Antonio Express-News* in more than 250 articles and columns from 2001 to 2005, is chronicled in detail in the Appendix. The details support the assertions made in this truncated account.

<sup>114</sup> Vela discontinued her involvement in a leadership role after the first year, but continued as a volunteer.

First, the land upon which this massive development would be built was in the top tier of environmentally sensitive areas of the Edwards Aquifer recharge zone that were most vulnerable to pollutants, like the pesticides applied to keep the golf greens green, threatening contamination. The Edwards Aquifer, a vast underground reservoir formed over millions of years, serves as the primary water source for much of South-Central Texas.<sup>115</sup> One of the largest karst aquifer systems in the United States, the Edwards Aquifer is “characterized by the presence of sinkholes, sinking streams, caves, large springs,” exhibiting extremely high porosity and permeability.<sup>116</sup> George Veni, a San Antonio-based geologist and world authority on karst aquifers, argues that because karst aquifers do not filter water through recharge layers the way sand or gravel aquifers do, they are the “most sensitive on the planet.”<sup>117</sup> Basically, he said early on in the debate over the issue, the golf resort “shouldn’t be up there.”<sup>118</sup> Second, as a financial incentive to build the golf resort, San Antonio would be granting Lumbermen’s an unprecedented “taxing district” for fifteen years that would enable the developer to operate like a small city, collecting property taxes, hotel taxes, and other assessments, to pay itself back for the cost of public improvements, like roads and water lines. The special taxing district was created by the Texas State Legislature exclusively for Lumbermen’s PGA Village, the bill having been drafted by one of Lumbermen’s lawyers. Just one year earlier, San Antonians had approved a water-protection measure on the ballot to tax themselves an additional one-eighth of a cent on sales items in order to purchase land over the recharge zone, freeing it from development.<sup>119</sup> Now City Hall was contravening the measure by giving away tax resources encouraging building over the same area.

When San Antonians started to cry foul, alarmed at the danger to the aquifer and outraged by the taxing district, Lumbermen’s threatened to go back to what it says was its original plan of building 9,000 houses on the land, which people feared would pose a greater ecological threat. It was later revealed that Lumbermen’s, years earlier, had used political connections to exempt itself from new rules designed to restrict high-density growth over the aquifer. Lumbermen’s had secured “grandfathered” rights of development through the insider efforts of its engineer, who knew the proposed rules very well since he co-chaired the committee designing them for the city.

By February of 2002, one year later, sides were drawn. In support of the PGA Village were the editorial board of the *San Antonio Express-News* and most of its civic and business leaders. Supporters touted the project as a world class resort that would bring upscale visitors, including business decision makers; provide up to 1,000 new jobs; stimulate the local economy; and be the most ecologically friendly alternative to “inevitable development” over the aquifer’s recharge zone. In opposition was a coalition of more than thirty civic groups, composed of

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<sup>115</sup> Edwards Aquifer Authority, *Hydrolic Data Report for 2007*, Report No. 08-02 (Aug. 2008), 3. <http://www.edwardsaquifer.org/pdfs/Reports/Hydro%20Reports/Final%202007%20Hydrologic%20Data%20Report.pdf> (accessed Mar. 5, 2009).

<sup>116</sup> *Ibid.*

<sup>117</sup> Travis E. Poling, “‘A devil’s choice’ over aquifer,” *San Antonio Express-News*, Sept. 9, 2001.

<sup>118</sup> *Ibid.*

<sup>119</sup> The increase in the regressive tax (everyone pays the same rate regardless of income) was approved by 56 percent of voters in San Antonio, an economically poor city. Robert Potts, director of the Nature Conservancy of Texas, said, “It clearly shows that the people of San Antonio understand the importance of the Edwards Aquifer to the city and want to do what they can to protect it.” See Edwards Aquifer News for 2000 at <http://www.edwardsaquifer.net/news2000.html> (accessed March 22, 2009).

environmentalists, community activists, conservationists, architects, and neighborhood associations. Calling itself the Smart Growth Coalition,<sup>120</sup> the group opposed construction of the luxury resort because it would endanger the city's primary source of drinking water and use a costly public subsidy to create low-wage tourist-industry jobs. As an economic generator, the golf resort would stimulate additional high-density growth over the sensitive recharge area and continue a longtime pattern of heavily subsidized, tourism-based economic development.<sup>121</sup> Communities Organized for Public Service (COPS) and Metro Alliance also opposed it.<sup>122</sup>

The upcoming City Council vote on the project was described as historic and defining. It posed a debate “over the soul of the city in the new century”—whether the city would “continue aiding and abetting growth over the sensitive areas of the Edwards Aquifer recharge zone, the region's incredibly valuable source of water.”<sup>123</sup> A Houston environmental lawyer hired by City Council to review the plan urged holding off on signing the agreement until there was more information about the sensitive recharge zone features on the land. The attorney wrote, “The chance of protecting the groundwater is greatest on the front end rather than in retrospect.”<sup>124</sup> At the first public hearing on the proposed deal, more than 600 people, largely opponents of the PGA Village project, showed up—the “largest crowd to pack a City Council hearing in years.”<sup>125</sup>

The city's newly elected mayor, Ed Garza, who had been neutral, began to act. He tried to get the PGA to consider an alternative site; failing that, he attempted to scale back the plan. Key to Garza's negotiating efforts was the support of Bexar County Judge Nelson Wolff and the guidance of prominent San Antonio banker Tom Frost. The immediate effect of their involvement was to add “impressive ballast” to Garza's efforts, as he was seen as “inexperienced in both business and politics.”<sup>126</sup> In his book, *Transforming San Antonio*, Wolff offers an insider's view of his involvement in the PGA Village, observing that Garza's initial hands-off approach left a “leadership vacuum on the council” and his delays “also gave time for opposition to form.”<sup>127</sup> Wolff never mentions any of the Latinas in his account, including Berriozábal, who was both one of the most prominent leaders of the opposition and someone who twice defeated Wolff in earlier water battles; she also had been his principal opponent in the 1991 mayoral race.

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<sup>120</sup> The Smart Growth Coalition represented diverse interests, including the Sierra Club, Esperanza Peace and Justice Center, League of Women Voters, LULAC (League of United Latin American Citizens), Government Canyon Natural History Association, San Antonio Conservation Society, and others. Various coalition members served as spokespersons; three were named to its executive committee: former City Councilwoman María Antonietta Berriozábal, environmentalist Chris Brown, and Esperanza Environmental Justice Coordinator Enrique Valdivia.

<sup>121</sup> Just two years earlier, a new golf resort beyond the city's outer loop had hired workers from Jamaica to take low-wage jobs that had been subsidized with tax abatements by the city. San Antonio workers “wouldn't ride the bus hours daily from the city's South Side for \$7 hour.” See Rick Casey, “A question PGA Village developers had never heard,” *San Antonio Express-News*, Dec. 2, 2001.

<sup>122</sup> COPS and Metro Alliance are community organizations based in area churches and schools. Affiliates of the Industrial Areas Foundation network of community organizations founded by Chicago activist Saul Alinsky, they have been engaged in organizing efforts in San Antonio since 1974 and 1989, respectively.

<sup>123</sup> Lynnell Burkett, “PGA issue a defining moment,” *San Antonio Express-News*, January 20, 2002.

<sup>124</sup> Pack and Anderson, “PGA chief holds with chosen site,” *San Antonio Express-News*, March 20, 2002.

<sup>125</sup> Jerry Needham, “Council hearing is standing room only,” *San Antonio Express-News*, March 22, 2002.

<sup>126</sup> Casey, “Wolff's leap into PGA flap carries historic possibilities,” *San Antonio Express-News*, Feb. 10, 2002.

<sup>127</sup> Nelson Wolff, *Transforming San Antonio: An Insider's View*, with Foreword by Henry Cisneros (San Antonio: Trinity Press, 2008), 52.

On April 4, 2002, more than 300 people showed up at the City Hall hearing where the council was to vote on the PGA Village deal. Outside, members of the American Indians in Texas at the Spanish Colonial Missions were drumming their opposition to the development. Inside, the San Antonio Hispanic Chamber of Commerce, among others, “urged the council to support the PGA Village, saying it would enhance the city’s tourism industry.”<sup>128</sup> Berriozábal, speaking for opponents, vowed that if the council approved the proposal, the Smart Growth Coalition would hit the streets. “We are going to get our volunteers and start collecting signatures for a referendum so people can vote on this most important issue. Our ‘Save the Aquifer’ campaign is about to start.”<sup>129</sup> Father Walter D’heedene, representing COPS and Metro Alliance, said, “When the (petition) forms are ready, we’ll join with Smart Growth and begin walking.”<sup>130</sup> At 2:17 a.m., when Mayor Garza gavelled the hearing to a close, the City Council had approved the PGA Village project by a nine-to-two vote. Hours later, opponents started the “daunting task” of gathering the signatures of more than 63,000, or 10 percent, of registered voters.<sup>131</sup> The petition called for the PGA Village deal to be rescinded or put to a public vote. At City Hall, an insider reportedly said, “They’ll never do it, not in today’s world!”<sup>132</sup>

During the next forty days, hundreds of activists representing the Smart Growth Coalition and COPS/Metro Alliance fanned throughout the city sporting blue “Save Our Aquifer” T-shirts and what became a signature feature of the campaign—ironing boards, sometimes “festooned with Fiesta-style decorations,” on which multiple people could sign petitions at once.<sup>133</sup> When the deadline to hand in the petitions arrived on May 13, 2002, jubilant activists delivered boxes of petitions signed by more than 79,000 individuals. While awaiting results of the city’s petition-certification process, Save Our Aquifer (SOA) activists were dismayed to learn that COPS and Metro Alliance had been meeting quietly with Mayor Garza to see if they could strike a deal that would result in their withdrawing support for the referendum they had just worked to secure.

When the city clerk announced the results of the certification in early June 2002, a stunning forty percent of the signatures were rejected as invalid, resulting in the petition drive’s failure by 13,000 signatures.<sup>134</sup> The SOA campaign hit the streets again, with twenty days to make up the difference. Activists also started examining the lists of signatures invalidated by the city, discovering that the city’s computer program had erroneously eliminated registered voters who may have signed as “Ralph” instead of “Rafael,” along with other errors. On June 25, 2002, leaders of the petition drive delivered another 26,000 signatures to City Hall. Even if half were disqualified, the referendum would succeed. “‘This is a historic day for all of San Antonio,’ said a jubilant Joleen García of the Save Our Aquifer Campaign. ‘The voters have spoken.’”<sup>135</sup>

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<sup>128</sup> Needham and Anderson, “Proposal praised, denounced,” *San Antonio Express-News*, April 5, 2002.

<sup>129</sup> Pack, Council vote puts PGA Village on map,” *San Antonio Express-News*, April 5, 2002.

<sup>130</sup> Ibid.

<sup>131</sup> Anderson, “Referendum drive under way,” *San Antonio Express-News*, April 6, 2002.

<sup>132</sup> Carlos Guerra, “Finally, a couple of surprise PGA Village developments,” *San Antonio Express-News*, May 9, 2002.

<sup>133</sup> Anderson, PGA Village foes mum on petition progress,” *San Antonio Express-News*, April 15, 2002.

<sup>134</sup> Castillo, “Signatures fall short on PGA-vote petitions,” *San Antonio Express-News*, June 7, 2002.

<sup>135</sup> Pack, “PGA battle continues,” *San Antonio Express-News*, June 26, 2002.

Less than two hours later, Save Our Aquifer<sup>136</sup> surprised everyone by filing a temporary restraining order in federal court, asking U.S. District Judge Fred Biery to stop action on the PGA Village ordinance until the U.S. Justice Department reviewed the process. SOA coordinator Leticia Vela said, “There’s no point in expediting a process that’s not being carried out fairly. Instead of moving forward with the same tainted procedure, we want them to own up to the problem of the first petition signatures.”<sup>137</sup> SOA members also feared a scenario where city officials could dodge the referendum by taking advantage of a loophole in the city charter, scuttling the existing proposal before the petitions were officially accepted and substituting an amended plan that would not be subject to the referendum—unless petitioners went out and gathered another 63,000 signatures. City lawyers characterized the scenario as unrealistic. Two weeks later, on July 8, 2002, Judge Biery issued an order siding with SOA, and closing the loophole.

Two days after the court victory, the city clerk certified that “opponents had gathered 77,419 valid signatures over two high-drama petition drives, far surpassing the 63,006-signature threshold set forth in the City Charter.”<sup>138</sup> A political columnist for the *San Antonio Express-News* put the achievement in perspective: Mayor Garza got 59,000 votes in a “landslide.”<sup>139</sup> Stating that the community had spoken with “a very loud voice,” Garza said he would put the matter to a public vote rather than rescind the agreement because he wanted “to restore the public’s confidence in local government.”<sup>140</sup> On August 1, 2002, the day of the scheduled vote, Garza announced that the PGA had pulled out because of how “controversial and divisive the current proposal had become.”<sup>141</sup> Nonetheless, the PGA said the relationship might be revisited if the developer and the city could reach a new agreement. With the PGA’s withdrawal official, City Council voted to rescind the agreement—and Mayor Garza immediately began efforts to woo the PGA back. He flew to Florida with County Judge Wolff and others to meet with PGA officials, returning “cautiously optimistic” about striking a new deal involving a non-annexation agreement that the mayor hoped would not be as divisive. SOA’s Berriozábal said she didn’t see a difference in the proposal, as “the resort would still be on the recharge zone.”<sup>142</sup>

## **PGA II: The Non-Annexation Agreement**

If events surrounding the first PGA deal unfolded in fits and starts over a year, there was no time wasted in crafting the second deal. Mayor Garza was now drawing a page from the playbook of County Judge Wolff, who found fault in giving the public time to review the first agreement and in holding citywide public hearings.<sup>143</sup> Less than two weeks after PGA pulled out

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<sup>136</sup> The Save Our Aquifer lawsuit was largely supported by the people of color-led organizations in the Smart Growth Coalition, which dissolved after the petition drive. See 50-52 for further discussion.

<sup>137</sup> Pack.

<sup>138</sup> Castillo, “Signatures verified ‘far’ surpass threshold needed for election,” *San Antonio Express-News*, July 11, 2002. SOA and COPS/Metro Alliance members forced the clerk “to pause for several seconds when applause erupted after she announced they collected a total of 107,033 signatures in what amounted to 60 days.”

<sup>139</sup> Casey, “How big is 70,000 signatures? Garza got 59,000 in a ‘landslide,’” *San Antonio Express-News*, June 26, 2002.

<sup>140</sup> Pack, “PGA pullout rumors fly as scheduling of vote looms,” *San Antonio Express-News*, Aug. 1, 2002.

<sup>141</sup> Pack, “PGA deal has run its course,” *San Antonio Express-News*, Aug. 2, 2002.

<sup>142</sup> Pack, “Council likes new ideas on PGA,” *San Antonio Express-News*, Aug. 9, 2002.

<sup>143</sup> “The delay and additional hearings turned out to be a huge mistake.” See Wolff, 61-62.

of the controversial agreement and the City Council rescinded it, Garza unveiled the framework of a new deal, saying he had the Council's unanimous backing. Lumbermen's had until 5:00 p.m. that day to say "if it can support the concept," which included a fifteen-year non-annexation agreement in exchange for "strict environmental controls," among other provisions.<sup>144</sup>

Three days later, SOA was back in court, arguing that the right to petition for a referendum is meaningless if city officials can take an issue, put a new wrapper on it, change its name, and then claim it is unrelated and not subject to a public vote. "It's on our aquifer and it's with our money."<sup>145</sup> The group also charged the city with violations of due process. A majority of the council had deliberated in shaping the new agreement in a series of informal meetings without posting notice, or calling an open meeting to order, or keeping records. SOA lawyer Amy Kastely argued that "the law doesn't allow serial face-to-face meetings or even serial phone calls" to sidestep the requirement to hold the public's business in public.<sup>146</sup>

Judge Biery ruled to allow the city to continue negotiations, saying the court would address the matter if and when a deal was struck. Over the course of the next six weeks, as negotiations continued, the city's attorney issued a legal opinion "saying the city's new annexation strategy was not subject to a petition drive" because of its public-hearing requirement.<sup>147</sup> It is "a very clever solution" for the city, SOA spokeswoman Vela said.<sup>148</sup> "It was not my purpose to find a development tool that would be immune from the public's referendum power," Garza said, acknowledging that a public vote could "mean no PGA in San Antonio."<sup>149</sup> On October 24, 2002, City Council voted on the PGA non-annexation plan. The deal had "less environmental monitoring."<sup>150</sup> It also had a last-minute wage concession secured by COPS and Metro Alliance committing a minimum salary of \$8.75 per hour for all hotel workers and full-time PGA employees who don't receive tips.<sup>151</sup> In exchange, COPS/Metro Alliance withdrew their opposition to the resort. The council approved the agreement by a vote of ten to one.<sup>152</sup> However, because there were a few issues that were still being negotiated, final authorization, on December 8, 2002, would be withheld until the council reviewed the changes.

In the meantime, on November 7, Judge Biery heard arguments on SOA's complaint. A key question was whether the new plan was essentially the same as the first. SOA attorney Kastely asked Chris Brady, the city's top negotiator of the PGA plan, to read from a memo that proposed the second PGA agreement, predicting it would receive little opposition from the council. "Why was little opposition expected?" Kastely asked. Brady replied, "It says, 'All revisions are minor in nature.'"<sup>153</sup> One month later, Biery found in favor of the city, citing the withdrawal of opposition by COPS and Metro Alliance as evidence that the two plans were

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<sup>144</sup> Pack, "Mayor unveils revamped PGA proposal," *San Antonio Express-News*, Aug. 13, 2002.

<sup>145</sup> Anderson, "New resort proposal is hauled into court," *San Antonio Express-News*, Aug. 16, 2002.

<sup>146</sup> Guerra, "Aquifer group attacks city's new PGA deal in federal court," *San Antonio Express-News*, Aug. 20, 2002.

<sup>147</sup> Pack, "Petition may not apply to new golf resort deal," *San Antonio Express-News*, Sept. 6, 2002.

<sup>148</sup> *Ibid.*

<sup>149</sup> Pack, "Challenge to new plan on tap," *San Antonio Express-News*, Sept. 8, 2002.

<sup>150</sup> Tom Bower, "New PGA deal has less environment monitoring," *San Antonio Express-News*, Oct. 11, 2002.

<sup>151</sup> Anderson, "Resort plan sails through council," *San Antonio Express-News*, Oct. 25, 2002.

<sup>152</sup> Councilman Julián Castro, who had also voted against PGA I, was the lone dissenting vote.

<sup>153</sup> Maro Robbins, "Judge delays ruling on resort," *San Antonio Express-News*, Nov. 8, 2002.

significantly different; he rejected the argument that minority voters were disenfranchised, noting that most of the elected officials and their attorneys were minorities.<sup>154</sup>

For most of 2003, the PGA Village issue went largely unreported, except during the May elections when seven of the council's eleven seats changed hands, bringing a "flood of change" by "reform-minded" voters, in the wake of a "recent period of scandal and contentious issues."<sup>155</sup> By the spring of 2004, the PGA story was all but forgotten save for occasional reports about the developer's difficulty in obtaining financing for the hotel, a key to keeping PGA in the deal.

Then, on April 30, 2004, a stunning front-page headline read, "Activists stamp PGA Village deal invalid."<sup>156</sup> A group of SOA activists, now calling themselves "Clean Water: Clean Democracy," had spent months doing side-by-side analyses of the voluminous PGA agreement authorized by City Council in October 2002, compared to the final contract negotiated by city staff and signed in December 2002. At a news conference, the activists said the city's October 2002 agreement "amounted to a 'blank check,' allowing city staffers to continue negotiating the contentious deal out of public view."<sup>157</sup> They charged city staffers with missing the contract deadline and with failing to produce the final report required before authorization. Perhaps the most incendiary finding was that the living-wage agreement secured by COPS/Metro Alliance had been undermined because the final version did not include an appendix listing specific PGA employee positions that would be paid between \$8.75 and \$10 an hour. The omission meant that Lumbermen's would have "the right to determine which, if any, employees will receive those wages."<sup>158</sup> City staff denied the allegations before the City Council, which now included seven new members—"a group that campaigned on messages of reform and responsibility."<sup>159</sup>

On May 29, 2004, another surprise: with "controversy flaring anew," the PGA pulled out.<sup>160</sup> An editorial in the *San Antonio Express-News* placed blame for the loss of the PGA on Mayor Garza and Councilman Julián Castro, whose call for an audit of the agreement was seen as the "final straw."<sup>161</sup> The editorial said if "Garza wants to make amends, he should get on an airplane and do what he can to put the PGA deal back together. . . . That's the kind of aggressive leadership San Antonio deserves—and does not have."<sup>162</sup> Garza did just as he was exhorted to do, flying to Chicago with Wolff and other civic leaders to meet with the head of the PGA. They came back empty handed. Or so it appeared. Later accounts reveal that there was another plan in the works.<sup>163</sup> The PGA chief had reportedly told Wolff: "If we pull out of San Antonio, I'll put the PGA Tour in touch with you. Maybe they'll build something over the recharge zone."<sup>164</sup>

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<sup>154</sup> Robbins, "New firestorm erupts over ruling against resort vote," *San Antonio Express-News*, Dec. 11, 2002.

<sup>155</sup> Castillo, "Runoffs bring flood of change," *San Antonio Express-News*, May 28, 2003.

<sup>156</sup> Nicole Roy, "Activists stamp PGA Village deal invalid," *San Antonio Express-News*, April 30, 2004.

<sup>157</sup> *Ibid.*

<sup>158</sup> *Ibid.*

<sup>159</sup> Foy, May 1, 2004

<sup>160</sup> Greg Jefferson, "PGA packs up its clubs," *San Antonio Express-News*, May 29, 2004.

<sup>161</sup> Editorial, "Lack of leadership led to loss of PGA," *San Antonio Express-News*, June 2, 2004. Councilman Castro had voted against both PGA agreements.

<sup>162</sup> *Ibid.*

<sup>163</sup> See Ken Rodríguez, "Stealth attack or good move, PGA project developed quietly," *San Antonio Express-News*, Jan. 9, 2005.

<sup>164</sup> *Ibid.* In his account, Wolff writes that after the meeting with PGA's chief executive officer, Jim Awtrey, "he whispered to me, 'The PGA Tour is interested'" (Wolff 66).

### PGA III: Non-Annexation and Taxing District Agreement

In August 2004, there were news reports that Lumbermen's was engaged in talks with the PGA Tour, a Florida-based organization that evolved from PGA of America and operates the Tournament Players Clubs.<sup>165</sup> Not much more was reported until a November 2004 news story announced, as the headline read, that "S.A. talks with PGA Tour now in 'intense' range."<sup>166</sup> Still, officials insisted that no deals had been struck. Wolff said, "People think we know more than we do, and we really don't." Garza added, "Everything to date has been conceptual," stating that he and others had "every intention of having inclusive talks about the project, once it gets beyond the abstract stage."<sup>167</sup>

On December 3, 2004, Wolff, Garza, and other city officials flew to PGA Tour's Florida headquarters. Although leaders hoped a deal could be struck in a matter of weeks, "they insist nothing has been decided."<sup>168</sup> Esperanza Peace and Justice Center Director Graciela Sánchez said, "People have been kept out of the loop. That's not democracy the way we see it. That's not how city government should be run."<sup>169</sup> Sánchez noted that the negotiations were taking place around the holidays, when people were preoccupied with traveling and shopping.

The day after Christmas, a front-page article in the *Express-News* announced that officials from the PGA Tour, Lumbermen's, and Marriott International were in San Antonio "touting their agreement 'in principle' to build the golf course resort, and Mayor Ed Garza called the project a 'win-win-win' for the city."<sup>170</sup> Two public hearings were scheduled at the start of the New Year, with a council vote on January 6. "This looks like a done deal," observed St. Mary's University political scientist Larry Hufford.<sup>171</sup> On January 3, 2005, the day of the first hearing, a group of activists showed up at City Hall carrying one-gallon jugs filled with green water. Chanting "No PGA. Protect our water," they delivered the jugs to each member of the City Council. "Activist Joleen García said the plan is being rushed through the democratic process in a time when communities around the world struggle to find clean drinking water."<sup>172</sup>

On January 6, 2005, some 300 people attended the final hearing and vote at City Council. Sánchez of the Esperanza Center "challenged each council member to sign a pledge indicating that they have read and understand the entire agreement, and that 'you have honestly decided that this is the best way to preserve our clean drinking water.'"<sup>173</sup> The City Council voted ten to one to approve the PGA Tour agreement "despite the fact that new details about the agreement with

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<sup>165</sup> Jefferson, "PGA Village site still may see golf course," *San Antonio Express-News*, Aug. 6, 2004.

<sup>166</sup> Rebeca Rodríguez, "S.A. talks with PGA Tour now in 'intense' range," *San Antonio Express-News*, Nov. 10, 2004.

<sup>167</sup> R. Rodríguez, "PGA Tour's plans quiet," *San Antonio Express-News*, Nov. 21, 2004.

<sup>168</sup> R. Rodríguez, "Officials talk up PGA Tour idea," *San Antonio Express-News*, Dec. 4, 2004.

<sup>169</sup> Ibid.

<sup>170</sup> R. Rodríguez, "Golf deal opposition hasn't been up to par," *San Antonio Express-News*, Dec. 26, 2004.

<sup>171</sup> Ibid.

<sup>172</sup> Compiled from staff and wire reports, "Few attend protest of PGA golf plan," *San Antonio Express-News*, Jan. 4, 2005.

<sup>173</sup> R. Rodríguez, "Golf course is a done deal," *San Antonio Express-News*, Jan. 7, 2005.

developers still were being unveiled just hours beforehand.”<sup>174</sup> The most important new disclosure was an extension of the non-annexation period to twenty-nine years. In exchange, PGA Tour would build on only 15 percent of the overall site and recycle 85 percent of its irrigation water. Unknown to the public was another provision that permitted the developer to seek a special taxing district from Bexar County. This came to light as a coda to the PGA story several months later when a state bill, crafted and shepherded behind the scenes by Wolff, cleared a state Senate committee.<sup>175</sup> The way was now clear for the PGA golf resort to be constructed over the top tier of environmentally sensitive land in the recharge zone of the Edwards Aquifer, incentivized by the city with a non-annexation agreement and by the county with a special taxing district. At a posh hotel ballroom in December 2005, County Judge Wolff and “some of the city’s biggest business interests were doing cartwheels about the official announcement of the PGA Tour’s Cibolo Canyon development.”<sup>176</sup> Wolff entertained the group with his insider’s view of the PGA story, as *Express-News* columnist Jaime Castillo wrote:

Referring to the delicate tightrope the project’s backers had to endure in the face of fierce public opposition, Wolff cavalierly talked about the behind-the-scenes machinations that were required to revive the hyper-controversial golf resort over the Edwards Aquifer recharge zone. Those dealings included secretly courting the PGA Tour after the pullout by the PGA Village, and quietly going to the Legislature to pass a bill that lets the development district levy taxes and issue bonds. “We tried our best not to let it get into the newspaper, and it worked for a while,” Wolff said. . . . [N]o one is likely to feel sorry for the newspaper because it was kept in the dark about something. But it’s bigger than that. What Wolff was really saying—and the attendees by extension—is that the project’s backers wanted to keep things like the taxing district a secret because a similar provision in the PGA Village deal emboldened 77,000 people to sign petitions opposing it.<sup>177</sup>

City officials, business leaders, and developers alike clearly understood that, if put to the test, the people of San Antonio, a majority-minority and economically poor city,<sup>178</sup> would choose a different path, a different future for their city.

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<sup>174</sup> Ibid. Councilwoman Patti Radle was the sole dissenting voice; Councilman Julián Castro, who had voted against the first two deals, supported it.

<sup>175</sup> Elizabeth Allen and Greg Jefferson, “PGA Tour tax district sought,” *San Antonio Express-News*, April 29, 2005.

<sup>176</sup> Castillo, “Wolff’s remarks illuminate secret backroom dealing on golf resort,” *San Antonio Express-News*, Dec. 10, 2005.

<sup>177</sup> Ibid.

<sup>178</sup> Less than 30 percent of the city’s population is white and per capita income is \$19,884. See City of San Antonio Planning and Development Services Department, *Statistics and Map Book* (June 2008), 1-7, [http://www.sanantonio.gov/planning/pdf/GIS/demo\\_info/Demographics\\_2008.pdf](http://www.sanantonio.gov/planning/pdf/GIS/demo_info/Demographics_2008.pdf) (accessed March 5, 2009). Per capita income in the State of Texas is \$37,187. See U.S. Census Bureau, “Personal Income Per Capita in Current Dollars, 2007,” <http://www.census.gov/compendia/statab/ranks/rank29.html> (accessed May 10, 2009).

## CHAPTER FOUR

### *Protecting Our Home of Refreshing Waters*

*I took some water from San Antonio to la Villa, Mexico City, to la Virgen de Guadalupe. That water symbolized the whole struggle of our wellbeing. That one issue was a symbol of all these other decisions that have been made that affect the aquifer and beyond. I felt so strongly about wanting our community to really be able to have an impact for ourselves that I took that water to la Virgen and prayed and left it there.*

—Joleen García

María Antonietta Berriozábal remembers getting a call late in 2001 from Annalisa Peace, executive director of the Greater Edwards Aquifer Alliance. “María, we really need your help and your neighborhood association because there’s an effort to build a golf course on top of the aquifer over there by Evans Road. We have a petition.” It was a natural call to place. Berriozábal had been involved in the city’s water issues for more than twenty years, beginning in 1980 when she successfully ran for the District 1 seat on San Antonio’s City Council being vacated by Henry Cisneros, who was running for mayor. At the time, there were two issues that divided the community—a proposed surface-water reservoir and a nuclear power plant.

“Father Albert Benavides, pastor of St. Timothy Church on the West side, was the COPS leader on water issues,” Berriozábal said, noting that she was part of a parish community that became a local COPS organization. Benavides, one of Berriozábal’s mentors on water issues, had done a lot of research on the issue and opposed the reservoir. “I understood that surface water was not needed by my community. It was expensive and we had this vast pristine underground water aquifer. So I ran, saying ‘no’ to the nuclear project and ‘no’ to surface water.” Berriozábal won the race. Representing the downtown, inner-city district, Berriozábal soon realized that in opposing these two projects, she “really separated from the establishment” and was “stepping on some big toes.” Supporting both developments were the city’s business leaders and a majority of the City Council, including its new mayor, Henry Cisneros, the first Latino in modern times to serve in that position. During his term, Mayor Cisneros pressed for and won council approval of both issues. The water-reservoir project, known as “Applewhite”—which Cisneros pushed through in a two-week period, angering opponents—was subsequently brought to a halt by a successful petition drive, giving San Antonians a chance to vote on the issue. The vote took place in 1991, a mayoral election year when nine candidates, including Berriozábal, were seeking the office. In that election, the people of San Antonio voted to stop the Applewhite project and surprised everyone by giving Berriozábal, who opposed the reservoir, a leading 30 percent of the vote.<sup>179</sup> Then-Councilman Nelson Wolff, who supported Applewhite, placed second. Promising to abide by the will of the people on Applewhite and winning the endorsement and financial support of the business community, Wolff went on to narrowly win the runoff against Berriozábal. His commitment to abide by the will of the people on

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<sup>179</sup> See Rodolfo Rosales, *The Illusion of Inclusion: The Untold Political Story of San Antonio* (Austin: University of Texas Press, 2000), 168.

Applewhite, however, went by the wayside. Three years into his mayoralty, Wolff put the issue back on the table.

It was 1994. Berriozábal had spent the years since the election quietly engaged in community activities as a private citizen, following a semester as a Fellow at Harvard's Kennedy Institute of Politics. Responding to a call for help from "the water people" was Berriozábal's first public engagement in an issue since the mayoral race. Dubbing Wolff's reservoir project, Applewhite II, because "it was just a different way of selling the same thing," Berriozábal joined in leading the opposition, recruiting other key leaders from among San Antonio's diverse communities, including Rosa Rosales of the League of United Latin American Citizens (LULAC) and Karen Connolly, a State Representative from San Antonio's largely African-American East side. Berriozábal recalls thinking, "unless we got a diverse group of people, it wouldn't work." With Kate Turner, an Anglo from the North side who had organized the first Applewhite petition drive, Berriozábal and the other women leaders, with a campaign chest of \$12,000, went up against the \$1 million amassed by supporters of Applewhite II, and won, defeating the reservoir project at the ballot.<sup>180</sup>

Berriozábal said it took time for her to put the pieces together to make sense of why developers and the business community had been so intent for years on constructing the Applewhite reservoir—a "little puddle," as another former Councilwoman dubbed it. "Why would it make sense to build this little puddle of 35,000 acre-feet of water to supplement the 200 million acre-feet of water in the Edwards Aquifer?" What Berriozábal came to understand was that construction over the aquifer's recharge zone, where developers had been buying up land and obtaining zoning changes for years,<sup>181</sup> was restricted by a provision in the Clean Water Act pertaining to communities reliant on a single source of water. A second source of water, even if only a "puddle," would release those restrictions, clearing the way for lucrative development.

Over the years, Berriozábal also came to deepen her knowledge about water issues. At the beginning, my frame of reference for any issue was: how does it affect the people I represent, which were mostly poor people, mostly people of color, *Mexicanos*, who had problems paying their water bills, who had problems with flooding. My constituents would tell me, "I see that now the water flows higher when it rains." That was because of all the development north of us. All the impervious cover over the recharge zone prevented the aquifer from replenishing when it rained. Instead it would flood into our streets, with our creeks overflowing. All I needed to know was this is not good for my people and not good for the Earth. Of course, in politics, you better know a lot more than that if you're going to win.

As time progressed, Berriozábal studied the issue. "I was very open to having my constituents and others educate me. That's where I learned that it was a karst aquifer, why it needs to be replenished by the rain, why the limestone rock is what purifies the water, how the water is held

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<sup>180</sup> Rosales credits the win to "an extraordinary coalition mainly made up of women" (175).

<sup>181</sup> "I wouldn't even begin to venture how much we re-zoned in the ten years I was on City Council—hundred of votes," Berriozábal said. "It was the same developers and the same lobbyists showing up, representing their clients, some of them huge clients. We were just changing the zoning like mad. For ten years I voted against all those zoning changes. I knew they were going to pass, but I had to be on record voting against them."

in the rock. I learned more about what building on top of it would mean, what it is to pollute the aquifer, and how it's practically impossible to clean it once it has been contaminated.”

Berriozábal remembers that when she started contemplating what would happen if the aquifer were polluted, an image came to her from her childhood. When her family would go to Lockhart to see her grandparents, she and her siblings would go to the well, *la noria*, with their uncle, *Tío Blas*. The treasured memory spilled out in Spanish, then English:

*Ibamos a la noria a sacar agua yo y mis hermanos. Mi tío agarraba una tina de madera. Tenía un cordón muy largo y la bajaba como con una ruedita encima donde estaba el lazo y la llevaba hasta abajo. Y luego la tina sonaba. ¡Era muy honda! Esperábamos mucho rato hasta que se oía, “plop.” Y entonces ya mi tío hacía algo y luego la traía para arriba. Y luego salía el agua y el agarró una dipa, la dipa de aluminio, y sacaba agua y nos daba agua ‘pa tomar. ¡L’agua estaba frrrrrrría! Y yo no estaba acostumbrada a tomar agua fría porque no teníamos hielo. Agua fría era cuando teníamos té.<sup>182</sup>*

It was a special occasion. Cold water was not an ordinary thing. So I remember cold water, delicious water. And now, here, years later, when I'm talking about pollution, my frame of mind for polluting the water is changing this clear cold delicious thing that I had tasted. That's what you're doing, I thought: you're keeping the water clear for people.

In late 2001, when Annalisa Peace approached Berriozábal for help, it was to ask her to sign a letter that would be sent to dozens of community leaders in San Antonio, urging them to support a resolution opposing the city's proposed PGA Village development agreement with Lumbermen's. “First of all, I had to research the issue,” Berriozábal said. “There was no Hispanic at all involved in the leadership. If I'm being used (in a good way) because they need some credibility for the Hispanic community, I'd better be sure what I'm doing is good for my people.” Berriozábal did the research and concluded:

Well, it's terrible! It's a golf course with all the pesticides. Not only that but it's going to induce more development. We've already built Northwest and North, but we had not exhausted all that area to the Northeast. So now we were creating an economic generator for that area just like UTSA,<sup>183</sup> using taxpayer funds.

Berriozábal joined seven others, all Anglos, in signing the November 5, 2001 letter, urging neighborhood associations and other community organizations to sign the resolution opposing the city agreement.<sup>184</sup> It was “the first step I took on this journey after making sure that my

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<sup>182</sup> My siblings and I would go to the well to get water. My uncle would get a wooden bucket with a very long cord and lower it using the rope wrapped around a little wheel at the top. It took a while for the bucket to sound. It was very deep! We waited a long time until we heard, “plop!” Then my uncle did something and pulled it back up. He got the dipper, the aluminum dipper, and dipped it in the water and gave it to us to drink. The water was coooooold!. I was not used to drinking cold water because we didn't have ice. Cold water was when we had tea.

<sup>183</sup> Referring to the decision to build the University of Texas in San Antonio in 1971, which was located “smack on top of the recharge zone—sixteen miles from downtown San Antonio,” Berriozábal said. Dubbed “Boerne U.,” it was seen by many, including Berriozábal, as serving the interests of developers more than inner-city students for whom it was intended, who would now have to take buses and commute miles out of the city to attend.

<sup>184</sup> The other signers were Chris Brown, Jerry Morrissey, Annalisa Peace, Darby Riley, George Rice, Fay Sinkin, and Kathleen Trenchard.

brown name would not simply be used but that Annalisa and others were serious about expanding the tent,” she said.<sup>185</sup>

Soon, one of the signers, Fay Sinkin, called a meeting at her apartment, inviting environmentalists, architects, conservationists, political activists, and Berriozábal; the idea of forming the Smart Growth Coalition grew. Representatives of COPS and Metro Alliance showed up at the meeting, but did not become part of the coalition, working instead on their own. Berriozábal’s immediate focus was on expanding the Smart Growth Coalition tent. “I right away invite two people—Graciela Sánchez and Joleen García—because they have constituencies, members of the Latino community who wouldn’t naturally be there. Graciela has the whole infrastructure of the Esperanza and an ability to organize.” Over the next weeks and months, Berriozábal also reached out to others, hosting a breakfast at Pico de Gallo for members of the African-American community, attended by prominent East-side community organizer T.C. Calvert, among others. Berriozábal adds:

I had a conversation with Rebecca Harrington, a big César Chávez organizer, about how César had started the whole environmental movement among Chicanos with the grapes boycott, telling us about the pesticides in our food. So we got the Farm Workers, LULAC, neighborhood associations, Ramón Vásquez y Sánchez of the American Indians in Texas at the Spanish Colonial Missions, Laura Codina of Danza Azteca Xinatchli, and many others involved, not just the usual environmentalists.

Graciela Sánchez recalls the Esperanza Peace and Justice Center becoming involved by the end of 2001, when the organization published an article about the issue, written by Berriozábal. “María said, ‘I think this is one that the Esperanza should get involved with,’” Sánchez said. “We had just started learning about it. So we said, write about it, let’s see where it goes, and let’s get our community educated about it.” The Esperanza gets involved “on a local to global level as we see an issue and its connection to many issues,” Sánchez said.<sup>186</sup> “How does race, class, and gender work together? How does this building over the aquifer have other effects—on the continuation of the tourist, low-income, no-benefits, service-based economy that we live in, on continued policies by developers making decisions behind closed doors?” In publishing Berriozábal’s article, the editor of *La Voz de Esperanza*, Gloria A. Ramírez, included Aztec codices and Nahuatl words representing water, making implicit connections between the current struggle over water and water’s ancient, indigenous significance to people of Mexican descent.<sup>187</sup> Sánchez spoke of an indigenous genetic memory coming to her from her mother and grandmother.

They taught me to *protect* what is sacred. It is the respect you have for *all*, including humans. In our indigenous community, everything, the rock and the land, everything is sacred—and a basic one is *agua*. So putting that instinct along with the learning I have

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<sup>185</sup> Berriozábal, e-mail message to author, April 3, 2009.

<sup>186</sup> “The people of Esperanza dream of a world where everyone has civil rights and economic justice, where the environment is cared for, where cultures are honored and communities are safe... We believe in creating bridges between people by exchanging ideas and educating and empowering each other. We believe it is vital to share our visions of hope... we are *esperanza* [hope].” See Esperanza Peace and Justice Center, <http://www.esperanzacenter.org/> (accessed April 4, 2009).

<sup>187</sup> See Berriozábal, “PGA Village Proposal: Endangering Our Water,” *La Voz de Esperanza*, Dec. 2001/Jan. 2002.

done through my work, my relationship with María Berriozábal, you just connect the dots very easily and say, okay this is going to be even more destructive. Golf courses with karst infiltration. This is poison that's going to come through to our water and we're going to be drinking it.

Sánchez's mother, Doña Chavelita, a life-long resident of San Antonio's economically poor West side, also engaged in the struggle to oppose the golf resort. "I've been concerned about water for the longest time," said Doña Chavelita. "If you don't have water, you're going to die. Everything is going to die. You see it in the plants, if nothing else." A community activist and volunteer, the diminutive elder and Don Enrique, her husband, are fixtures at marches, rallies for justice, and community events. Doña Chavelita's memories and concern about water go back to stories about her grandmother, who lived on Chihuahua Street in San Antonio's West side, near San Pedro Creek. "My older brothers used to talk about how my grandmother would have them go to the creek to bring water so she could water her plants, because my grandmother used to have lots of plants, corn, *calabacitas* [squash]." By the time she was old enough to run the errand, her grandmother had access to running water; however, that did not diminish her care for it. "My grandmother always used to talk about how every so many years there will be a drought. Used to talk about *cabañuelas* and things like that—dog days, *la canícula*—which was so important because, like I said, she did care for her plants." *Cabañuelas* are predictions made in August about the following year's weather, and *la canícula* are the hottest days of summer beginning after the solstice in June—all part of the wisdom about nature's ways held by people who live in close relationship with and conscious dependence on Earth. "Who's going to give us water if we don't take care of it?" Doña Chavelita asked.

Joleen García had been involved with the Green Party when Berriozábal approached her about the PGA Village. The issue had immediate resonance. "It was the idea of its connection to water, the water we drink in San Antonio and the potential effects. Saying that water is life is an understatement. It's vital and huge symbol of our origin and our being. It should be cared for," she said. García also was concerned about "the way the decision was coming down" in terms of the importance of self-determination: "How *we* can decide whether or not our water is going to be utilized in this way or our money." Instead of being wasted on a luxury, she said, the money could be used for a long-ignored crucial need of the community. Another influence for García, then in her early twenties, was her faith in and respect for her elders. "I would see María Berriozábal and Graciela Sánchez were involved and these other elders. When I saw how in their experience they felt it was important, I knew it was, even though I didn't have the years of experience to prove it." As she assumed a leadership role, García was aware that she was the youngest person at all the meetings.

Leticia Vela first became engaged in the issue after Berriozábal spoke with her about it in Vela's capacity as president of the Beacon Hill Neighborhood Association.

I had gotten involved in my neighborhood association because I was really concerned about inner-city quality of life issues, like drainage, sidewalks. A lot of issues with children and their education levels; a lot of poverty issues, housing issues. So when María told me about this water issue, it wasn't in my repertoire. I was looking at other things. I

didn't know what it had to do with the things that I was concerned about. But María is pretty effective in leading people, particularly women, so I started paying attention.

As president of her neighborhood association, Vela received the request to put the PGA Village issue on the agenda and bring the resolution opposing the city's agreement with Lumbermen's to a vote. She had Bill Kauffman, Lumbermen's lobbyist, come speak, as well as Berriozábal, who also was a resident of the neighborhood and a charter member of the association.

Kauffman came in with all of his exhibits and posters and stuff, talking about how this project was going to be wonderful for San Antonio. And we kind of wanted to know what it was going to do for us in Beacon Hill and the inner city because it was so far outside. It was actually outside city limits. We knew that those taxes were not going to come into the city and help with our issues. So we had that discussion and we did take a vote. I don't remember how many people were present. I think there were around fifty votes, and only one in support of the PGA.

At the first public hearing on the PGA Village agreement in March 2002, where over 600 people showed up at City Hall, Vela was among those who signed up to speak. "I let them know what Beacon Hill's position was." Economics remained key for Vela. "It was giving away this tax abatement and powers to a group of people who had no interest or awareness of the poverty, the infrastructure problems and everything we were living with," she said. "Even though I began to learn about water issues, for me the big motivator was this issue of economic justice, the injustice."

As the PGA Village issue heated up, the Smart Growth Coalition grew. "As we started to open up the circle, we just had a lot more diversity of voices," said García, who observed differences in the strategic approaches being proposed. "With the Anglo-led environmental groups, their approach was more, 'Let's convince the decision makers. Let's have a meeting with the mayor. Let's get our best scientists together, our economic information. Let's present it and they will be swayed.'" She recalls Berriozábal saying, "I doubt they're going to be impressed with our facts, but let's try." For the people of color-led groups, the sense was that "it was going to take a broader movement *and* the people knowing—that's what's going to make the difference." Initially, García thought expanding the circle was just about political strategy:

But ultimately I learned it was a strategy to help the wellbeing of our communities. We need to be involved in the decisions that happen on our behalf in government. We need to be involved in our own communities, not just in government. So it was an opportunity to have the community become more involved in their own wellbeing, their own decisions.

A companion strategy, insisted on by Berriozábal, was to avoid having any single spokesperson for the coalition. One reason, based on experience, was survival—it is too easy for a single person to become the target of the negative attacks that would be launched.<sup>188</sup> The other reason

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<sup>188</sup> Berriozábal and García nonetheless became targets of an ad hominem attack by *Express-News* columnist Roddy Stinson, a supporter of the PGA project, who referred to both as "anti-North Side screechers" and "Anglo bashers," following publication in the *Christian Science Monitor* of an article on San Antonio's PGA struggle. See Stinson, "Anti-North Side screechers crow about killing PGA Village," *San Antonio Express-News*, July 6, 2004.

was leadership development—a constant theme of Berriozábal’s. “This was an opportunity for young Latinas, like Joleen García, to gain experience and grow as leaders in the community. Our people noticed ‘*la muchachita*’ because not many young people can talk about an issue on television in Spanish like she did.”<sup>189</sup> It was also a priority for Sánchez. “My work is to try to give that leadership role to other people. So it was Joleen instead of me speaking to the media. It was important for her to be there, and for Leti. New people have to be there,” Sánchez said.

As she prepared to go before City Council on April 4, 2002, the night of the last public hearing in advance of the vote to approve the PGA Village agreement, Sánchez remembers feeling intimidated, trying to learn the scientific language; then forgoing that approach, choosing instead to speak—and sing—from the heart.

I wasn’t sure that what I was going to say was going to be received by the council or understood by the other people. But on some level it didn’t matter. What was important was what I understood about protecting the water—a very simple sense of taking care of our natural resource, of our life, of our livelihood.

That was the first time I used the *canción*, *La Llorona*, the song of the crying woman, the mother, Mother Earth, crying for what was about to happen to her children, that is, the land, the water, children, and all. I felt, wow, this makes sense. Of course, [Mayor] Garza was there and they all kind of laughed because, you know, I sang. I sang several stanzas and then gave my concern about the need to protect our water in this real basic way.

The community of people who watch council proceedings on cable television was the audience Sánchez needed to speak to “even if the council or the people in the audience didn’t care,” she said. The importance of having the people in the community—and not just individuals with resources—become educated about this and other environmental issues was paramount. “We had a youth program at the Esperanza at that point,” Sánchez said. “So we had worked with the young people doing a lot of education around the issue, getting them prepared to go speak. These are all Latinos and black kids. They were also learning how to drum and they created a theatre piece.” Sánchez spoke of the need to ground education in different ways—in writing, performance, song—because people learn differently. “A young woman who now lives in New Mexico painted her hair blue and they painted their bodies blue and moved as if they were water. There were ten or fifteen of those young kids inside City Hall performing, and the American Indians of Texas were outside drumming. So all of a sudden, City Council is a moment of not just speeches, but drumming and singing, questioning their own way of how we speak, how we tell a story.”

Berriozábal remembers being chosen to be the last one to speak for the Smart Growth Coalition that night, which ended at 2:17 a.m.

We were a diverse group standing there. We had African Americans, Anglos, Hispanics—a beautiful group. We came out on the front page of the paper. My role was to say, “If you pass this today, tomorrow we’re going to start a petition drive to bring it to

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<sup>189</sup> Berriozábal, conversation with author, Welfare, Tex., April 5, 2009.

a vote and we're going to defeat it that way." I remember reading that Nelson Wolff had said the last thing in the world we want to do is let people vote.

The City Council approved the PGA Village agreement that night and hours later, the Smart Growth Coalition launched the Save Our Aquifer Campaign, with COPS and Metro Alliance joining in a forty-day effort to obtain the 63,000 signatures required to force a referendum. When Berriozábal went to spend the night with her elderly parents, who were now requiring overnight care, she spoke about the issue to the woman who gave her mother her shots.

Her name was Isabel and she and I would talk politics sometimes. I said, "Isabel, what do you think about the petition drive? Will you sign it?" She said yes, explaining, "*Mira, quieren hacerlo sobre mi agua y con mi dinero.*"<sup>190</sup> I thought, Hey! There's our campaign motto: Not over my water and not with my money!

The Smart Growth Coalition, primarily through the efforts of Chris Brown, an Anglo environmentalist, had raised money to hire two staff members and open headquarters for the Save Our Aquifer Campaign (SOA). Vela and Juliana Murphy, a young Anglo woman, were hired to coordinate volunteers. "I suspect I was hired at the urging of María because at that point it was all Anglo. So when Chris Brown interviewed me it was pretty much a done deal," Vela said. As the intense petition drive proceeded, tensions along racial and gender lines began to surface. Vela started questioning the fact that Juliana was always the one doing the media work. "I really loved her and what she did for the organization, but it just started to feel like there was a controlling presence from Smart Growth. There were signs that led me to believe this is not really democratic, not really a true coalition." Berriozábal, who had insisted on expanding and diversifying the coalition to begin with, was fully aware of the challenges and had worked hard to try to keep the group together. "It was hard, politically, very hard to keep the group together because it had never worked together and we came from such different places," she said.

Tensions along racial and gender lines also surfaced outside the coalition. "Amongst ourselves, we were having this discussion about how race and racism and sexism and misogyny were being played off by one of our Latino men," Sánchez said, referring to an incident with Mayor Garza. Before the April vote, Garza had called a meeting with representatives of all concerned groups, including Smart Growth, COPS, Metro Alliance, developers, business interests, and others. Berriozábal had been designated by the coalition to represent Smart Growth. Arriving early ("I've learned over the years to get to these things early"), Berriozábal found that the mayor was not going to seat her at the table because *he* had invited another Smart Growth member—Anglo architect David Lake.<sup>191</sup> Berriozábal insisted that she was the one chosen to represent the coalition, and sat at the table. After the others arrived, Mayor Garza signaled to Lake to bring his chair over and take a seat next to him. "He was trying to do a 'divide and conquer' or 'divide and divide,'" said Sánchez.

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<sup>190</sup> Look, they want to do it over my water and with my money.

<sup>191</sup> Berriozábal said that when she returned home from the meeting, there was a message on her answering machine that had been left earlier that day by her former City Council secretary, who now worked for the mayor: "I'm calling for the mayor. He says you don't need to come to the meeting today because somebody else is representing Smart Growth. But you probably left already."

Other tensions surfaced with COPS and Metro Alliance. “They never appeared able to ‘play well with others,’” Vela said. On the jubilant day when SOA and COPS/Metro Alliance were delivering to City Hall a record number of signed petitions calling for a referendum, COPS/Metro Alliance leaders got angry because “we did not follow their script,” said Vela. “They wanted to be the ones to turn in all the petitions.” Efforts by COPS and Metro Alliance to strike their own deal with the mayor further aggravated tensions.

Within weeks, when the city determined that the petition drive had fallen short because so many signatures were invalid, prior strains in the Smart Growth Coalition widened into a split. As it became clear that the high signature-disqualification rate was due to computer error, the people of color-led groups within the coalition wanted to file a lawsuit. They were concerned about Voting Rights issues raised in the disqualification of so many minority voters and were unwilling to give up on an issue that had galvanized so many San Antonians. The largely Anglo-led environmental groups were opposed to the lawsuit. “Some were friends of the mayor and they were trying to compromise,” Berriozábal said. A lawsuit would be too confrontational.

García recalls a meeting where “we decided that one group couldn’t claim the organizing and the future of the effort.” Save Our Aquifer, she said, was still very much in a campaign mode, wanting to transition the campaign into a lawsuit. However, some Smart Growth members, who realized their evidence-based strategy didn’t work, wanted to retire the PGA Village effort and turn their energies towards aquifer protection in a more general sense, García said. They neither wanted to be part of a lawsuit nor have it filed under the Save Our Aquifer organization.<sup>192</sup> As Sánchez recalls, things came to a head when Amy Kastely, an Anglo law professor and prominent pro-bono advocate who aligns herself with the concerns of marginalized communities, raised a question about white privilege—“and the need to talk about the things that divide us.” The meeting ended badly. Three of the Anglo male leaders of Smart Growth got angry, Sánchez remembers. “They didn’t want to engage that conversation,” said García. It was particularly painful for her. “To me, one of the main things is relationships. But sometimes you reach a hard part in a relationship and you have to let it go. That’s hard for me,” García said. Vela, too, recalls the hurt, feeling a lack of reciprocity in support. “Smart Growth was entirely focused on issues of the environment and growth.” They were not interested in the issues of racial injustice that “the rest of us had,” she said.

The Smart Growth Coalition splintered. In the end, García said, “what the people of color-led groups were saying was, ‘Well, if you’re not going to do it, then get out of our way, please step aside, because this is what we want.’ And that’s so powerful.” The lawsuit was pursued under the Save Our Aquifer name, becoming an effort led largely by Latinas, with Kastely’s legal guidance, through the Esperanza Peace and Justice Center.<sup>193</sup> Vela continued to work at the SOA headquarters but transitioned to having the Esperanza pay for her work on the

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<sup>192</sup> “Latino/as championed the lawsuit because they felt it was consistent with the intent of the petition drive, an effort that called for the ordinance to be repealed or put to a public vote.... Anglo activists felt the voting-rights lawsuit was incongruent with their environmental goals.” For further discussion and analysis of the conflict, see Leticia Vela, “Sources of Conflict within the Save Our Aquifer Movement Coalition,” (Ronald E. McNair Scholars Program, Our Lady of the Lake University, 2006), 19-20.

<sup>193</sup> LULAC District 15 joined Save Our Aquifer as a co-plaintiff in the lawsuit. LULAC is the largest and oldest Hispanic civil rights organization in the United States; District 15 is its largest district. See LULAC, “About Us,” <http://www.lulac.org/about.html> (accessed May 10, 2009).

lawsuit. “My last big hurrah for the group was getting on the stand and talking about the PGA issue as a witness in the lawsuit.” After that, worn out from the whole experience, Vela withdrew from a leadership role but continued to be involved in the effort as a volunteer.

The first PGA deal was brought to a halt by the ultimate success of the petition drive and the PGA’s subsequent withdrawal from the deal. When city leaders immediately began to work on putting together a second PGA Village deal, the Save Our Aquifer remnant stepped up its opposition, both through the lawsuit and other community-based efforts. From this point on, August 2002 through 2005, efforts to block the PGA were led by the Latina women, largely out of the Esperanza Center. All along, the Esperanza had played a critical behind-the-scenes role. As Sánchez notes:

If you read the paper, we’re really not there. We’re invisible. But infrastructurally and quietly we’re doing all of this work that doesn’t get in the papers. But that’s okay at some level because that’s the work of a good organizer. You help the community come together and you use the resources. I mean who in this town has a newsletter that goes out to about 10,000 people? Who else has an email list like ours, or the mailing list to work off of? And then the experiences we have of organizing, how to hold a press conference to make sure there’s color, banners, things that the news will want to focus on.

When COPS and Metro Alliance withdrew opposition to the second PGA deal in exchange for a living-wage agreement negotiated with Garza, some deeply disappointed members turned to the SOA group. “Many people felt sold out by COPS/Metro,” Sánchez said. “People were very disappointed, particularly the ones who had signed the petitions, because they understood what COPS/Metro did,” Berriozábal said. “They lost a lot of credibility that I think they’re still trying to regain.” Reflecting on it, García concluded that COPS and Metro Alliance “wanted to find a particular nugget of a goal that they could claim as a victory because, as an institution, they didn’t want to end up on the losing end. Maybe they didn’t think their membership could sustain a disappointment.”

After the second PGA Village agreement was approved by City Council in October 2002, the SOA activists continued to have strategy meetings at the Esperanza and to keep watch over the project’s development. “Part of that was, yes, let’s continue to review this contract, page by page, to see what it is the city’s doing,” said Sánchez. From November 2003 to February 2004, under the guidance of the legal team,<sup>194</sup> the group submitted open-records requests seeking information on the second PGA Village agreement. By the time the group was ready to announce its findings, on April 29, 2004, the Save Our Aquifer moniker had given way to “Clean Water: Clean Democracy,” reflecting the concerns about the deal. In a presentation to the newly elected City Council, asking them to repeal the PGA agreement signed by their predecessors in October 2002, Berriozábal spoke on behalf of the group, addressing the local, global, economic, democratic, environmental, and spiritual dimensions of the issue:

For the past several months, we have worked hard to gather the information in the notebooks before you. We have shared our discoveries in small gatherings of community.

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<sup>194</sup> In addition to Amy Kastely, the legal team included Enrique Valdivia, who had served as the Esperanza’s Environmental Justice Coordinator, and Bill Bunch of the Save Our Springs group in Austin.

At these meetings, the story of our search and facts of our findings have compelled questions and deep, valid, and articulate concerns about the future of the Aquifer. And in the questions of people's anxieties about the Aquifer's future, it has become evident that people understand water is not merely a commodity to be bought and sold for the benefit of ten, twenty, or twenty-five years, but a necessity for life and the generations to come after us. *Agua es Vida*. Water is life. All cultures and religious traditions honor the sacredness of water through a diversity of rituals. People also understand that issues concerning water are tied inextricably to issues concerning democracy. The discussion of water in San Antonio is inherent not only to our city or our region. It is a local issue *with global dimensions*.... The United Nations notes that 1.3 billion people in the world lack any access to clean water and 2.5 billion do not have adequate sewage and sanitation services. We have the luxury and privilege of citing these facts from the vantage point of an area that maintains one of the largest and most pristine underground water resources in the world. Yet, incredibly, we continue to threaten the stability of its existence.

It is you who now hold the public's trust. It is your words and your actions that will determine what happens to our water—the water our grandchildren and great grandchildren will drink, bathe in, be blessed in.<sup>195</sup>

One month later, the second PGA Village deal was quashed when the PGA withdrew a second and final time. Sánchez said, "As Garza and County Judge Wolff and all those folks raced to Chicago to beg them to stay, we sent them flowers, saying, 'Thank you!'" In June, the *Christian Science Monitor* ran a story about the issue. Titled "Golf course civics lesson: Texas Latinas foil PGA plans," the article began:

Settled by the Payaya Indians... San Antonio was originally named Yanaguana, or "place of refreshing waters," because of the richness of the resource. In those abundant waters, local developers recently saw the potential for emerald golf greens and 800 permanent jobs in recreation. But here, where water has always been fiercely protected, the idea of building a huge golfer's paradise atop the Edwards Aquifer was controversial from the get-go. What surprised many residents was that the battle, in the end, may have been swayed by a group that is hardly known as the local power brokers: Latina women.<sup>196</sup>

As talk began to surface in August 2004 about a possible third deal, with PGA Tours, the Latinas again protested, raising red flags of warning that the City Council had an obligation to conduct the public's business in public. Their suspicion that a deal would be pushed through during the Christmas holidays proved true. The new City Council, elected in 2003 on a reform platform,<sup>197</sup> voted nine to one for a deal announced at Christmas and acted on ten days later.

Reflecting on the years of struggle over protecting the water, Berriozábal speaks of a primordial sense of connection she has always had to Earth, reverting to Spanish as she speaks of

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<sup>195</sup> Berriozábal, Statement to City Council, San Antonio, Tex., April 29, 2004. Critical also to poor communities, the aquifer provides not only the cleanest but also the most inexpensive source of water, Berriozábal said.

<sup>196</sup> Kris Axtman, "Golf course civics lesson: Texas Latinas foil PGA plans," *Christian Science Monitor*, June 24, 2004.

<sup>197</sup> "What I notice is you've got a council member for the first 100 days, and after that they change," Sánchez said.

things sacred to her, and then back to English. “I grew up thinking *que la Madre Tierra es* like an entity. *Las flores, el maíz, la tierra de donde salen las plantas, el agua, el sol.* It’s like an entity. *Y es algo sagrado. Lo tenemos que cuidar.*<sup>198</sup> I think that was present to me always, something so there, you don’t even think about it.” Pointing to a faded black and white photograph, Berriozábal said, “My grandmothers were sharecroppers. *Mi abuela paterna y mi abuela materna eran amigas. Y las dos tenían jardín, plantadas con sus tomates, sus verduras.*<sup>199</sup> Their houses were old and hadn’t been painted in years, but look,” she said, pointing to the front of the house where the two women stood, “they had a *jardín*, planted with flowers all around. Flowers.” Berriozábal’s sense of the natural world was also formed by scarcity, growing up poor but knowing that there were others, even poorer. “*Hay gente que no tiene agua. Hay gente que no tiene donde plantar. Hay miseria.*<sup>200</sup> It all goes together. *Dios manda, Dios dirige, Dios inspira, Dios cuida* is tied to *la naturaleza, la Madre Tierra.*<sup>201</sup> It’s tied to family. It’s tied to values of service that came from my Christian, Catholic upbringing,” she said, adding:

But even before I went to a Catholic school or heard sermons, those were the values provided for me at home. My father’s admonition was: “God gave you a brain and you have to learn. And once you get your education you have to serve others, especially those who have less than you do.” It all begins with God and then service to others, especially the neediest. I grew up with a sense that we are a people of courage and strength—not a rich people, but a people loved by God. And when I say, “my people,” I think of my ancestors who seem always to be with me. And when I think of ancestors, I’m thinking back to indigenous peoples. The words, *somos un pueblo digno,*<sup>202</sup> are in my blood. And woven through everything is this incredible faith—*fé en Dios*—and before I could relate to God, I related to Our Lady of Guadalupe. All of this is what I mean by “ancestors.” I stand on the shoulders of those who came before me. It’s hard for me to separate all this, including being Catholic. That’s why I say I am a Catholic and will always be regardless of how many differences I have with the institution, because it’s in me, in who I am.

For Sánchez, the concern for water is rooted in indigenous genetic memory and an ethic of being *bien educado*, “which means being respectful of and caring for the elders, the youth, everybody around. It is the larger community, not the self, that’s really important. And the community essentially is the human being—but also beyond the human being.” She observes that it is the indigenous part of her life that “speaks to our connection to land, water, air, to everything.” Although raised a Catholic, Sánchez has moved away from religion and the Catholic Church, “understanding the role of colonization and how it has affected us historically” and seeing, especially as a lesbian woman, “the hypocrisy in it.” The church’s stance towards gay and lesbian people is particularly painful to her mother, Doña Chavelita. “I expected the church to be there for *everyone*,” she said, explaining, tearfully, how it has alienated her from the institution. However, Doña Chavelita continues the practices of her mother and grandmother’s popular religiosity, rising in the morning to give thanks to God for being alive and asking for the

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<sup>198</sup> I grew up thinking that Mother Earth is like an entity. The flowers, corn, the soil out of which the plants grow, water, the sun. It’s like an entity. And it’s something sacred. We have to care for it.

<sup>199</sup> My paternal and maternal grandmothers were friends. They had gardens planted with tomatoes and vegetables.

<sup>200</sup> There are people who have no water, no place to plant. There is misery.

<sup>201</sup> God rules, God guides, God inspires, God cares is tied to nature, to Mother Earth.

<sup>202</sup> We are an honorable people.

strength to do what needs to be done, giving *bendiciones* (blessings) to her children and others, and praying the rosary before going on trips.

Sánchez holds to the concept of *buena gente* as a guiding light. “To the extent that we live as good people, the concept of *buena gente*, then all of us—as we live our day-to-day life—we can create heaven, we can create hell.” Sánchez speaks of a theory of “living, loving, and justice” centered on the values of being *buena gente* that Esperanza is built on.<sup>203</sup> It is an ethic exemplified by her mother, whom Sánchez honored when she accepted the 2009 Woman’s Advocate of the Year award from the Women’s Studies Institute of the University of Texas at San Antonio:

And at 85, this woman continues to go to community meetings  
Marches for justice even if the arthritis bothers her  
Cooks a great *pollo guisado* to share with *buena gente*  
working late on our lawsuit against the City  
Collects signatures on a petition to stop golf course development  
over the aquifer, our City’s only source of natural water  
Raises scholarship funds for kids in our neighborhood  
by selling *chalupas* for \$1 each  
Or makes homemade *tamales* for \$5 a dozen  
because she knows what it means to feed a family of eight  
And she knows that our people make minimum wage  
Working for the tourism industry of San Antonio.<sup>204</sup>

García’s reflections on her concern for water are grounded in her connections to Native traditions and the constant in its teachings “that we live in a delicate balance with the Earth and the Earth sustains us.” Growing up, García felt very connected to her Catholic tradition. She was an altar server in middle school and at the university was involved in service-oriented projects through the church at Texas A&M. “But then there was also an influx of a diversity of opinions, of people that challenged that idea of spirituality, and it was eye opening for me to try to challenge all that I had believed because of my upbringing.” Her search led her to connect with her indigenous roots and, in time, to Danza Azteca. “The tradition that this particular group, Xinatchli, follows involves singing *cantos*. I had a wonderful, deep connection with that. It has opened up a much deeper connection and profound way of looking at the world. As much as I can every day, I try to connect with that root, with that profound sense of meaning and mission on Earth. I feel that I am a part of something greater, and as I use my voice and my talents, I try to be mindful of that.” García explained further what she meant by something greater:

I have used the word, the Earth, the Universe, but I also feel like it’s alive—we bring life with our own energies and minds and thoughts. There’s a collective that everyone is contributing to. I don’t have words for it but I feel that there is a spirit that we all create together, a collective consciousness that is a source of our connection to each other. It brings energy, it gives, it accepts, it returns. And I try to inform my decisions with the wisdom of all that I’ve learned, all that I know is around me—*antepasados* (ancestors).

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<sup>203</sup> See Graciela Sánchez, “Sin vergüenza y sin pelos en la lengua,” *La Voz de Esperanza*, April 2009.

<sup>204</sup> *Ibid.*

The Earth has energy to help me—the plants and all that is around me. I try to connect to that wisdom as I move forward. I’m having trouble explaining this. But it’s like I’m sharpening my own wisdom (and I use that word...humbly). I’m sharpening my wisdom as I move forward and it’s gotten me closer and closer to this profound universal spirit.

For Vela, concern about water was something she “picked up along the way,” but economics remained a priority. “My main concern is the empty shell of the inner city, the neglect of the inner city. It remains to this day my main issue because nothing’s changed. Although instinctively I know that water is the source of life, the source of future, there are just so many other immediate things that harm our community.” Pragmatism also contributes to Vela’s view.

I think that instinctively we know that we need to protect our water. But our opportunity to vote on it has been taken away more and more. We don’t really have any other way to stop the development. I see protection of the aquifer and the recharge zone as out of our hands. I think that economic development has a powerful, powerful force behind it, a powerful train behind it. And we are going to get run over by trying to stop it.

The PGA issue drove Vela, who had completed an associate’s degree in computer studies, back to school. “I wanted to be able to understand what happened and to be effective in the future. So I’ve been hidden away on campuses, thinking.” Vela completed her undergraduate degree in May 2008 and that fall started working on a master’s degree in Public Administration. “Typically, people in this field are being trained how to manage a city, how to bring PGA Villages to the city. So I got into the program because I feel there needs to be a different voice inside.” Vela has been motivated in all she does by “that theme of justice.” Baptized and confirmed a Catholic, her parents were not churchgoers, so “I don’t feel a religious strength,” Vela says. “I do know that I have a history, probably in the last twenty years, of seeking a spiritual connection to God. It is a really guiding force in my life, and I do have a community that I share that with but it’s not traditional.” Vela describes her spirituality as guided “by a sense of service, a sense of being able to effect change and help others.” As for the instinctive sense she has about water, “I cannot explain where that comes from, so to me it is the indigenous roots,” something understood more in the heart than the head. When her father was dying, Vela took care of him. “My dad was a man of very few words and the one story that I got out of him was about *sequías* (droughts), and how they would bring water to the sugar cane fields when he was a kid. He told me that sometimes there was no water, so when there was no water, there was no sugar cane. He would tell me that the government upstream controlled the water and they took it away from us.” There was another story about her father: “When we’d go to a restaurant, the meal was never over until my dad would drink a little glass of water with a little bit of ice in it. He would swirl the ice around in the cup and he would say, ‘*¡Qué linda agua!*’<sup>205</sup>

“And you just knew that water is the source of life.”

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<sup>205</sup> What beautiful water!

## CHAPTER FIVE

### *Eco-Mujerista Theology of the Borderlands*

*My grandmother wouldn't get up and wouldn't go to bed without saying that this day is God's day. "Buenos días le de Dios"—may God give you. And I said, "Everybody says Buenos días but not le de Dios. Why? And she'd say, "It's God's world, so we have to thank God for it."*

—Isabel (Doña Chavelita) Sánchez

The U.S. Latinas who engaged in a four-year struggle in San Antonio, Texas, to prevent construction of a luxury golf resort that threatened to contaminate the water that sustains the life of the community, exemplify what might be called an *eco-mujerista* sensibility. Strongly rooted in ethical, moral, and/or spiritual and religious beliefs and practices, the world of meaning revealed in that struggle offers a distinct lens for theological reflection and action—in the service of liberating peoples and planet from all forms of domination. Aligned in solidarity<sup>206</sup> and thought with the ecofeminist liberation theologies of their Latin American *hermanas/irmãs*,<sup>207</sup> whose project is linked to “the world of the poor . . . and the sacred body of the earth,”<sup>208</sup> an *eco-mujerista* theology is further informed by the liminality of the borderlands, the physical and psychic in-between and always-in-transition space inhabited by U.S. Latina/os where “transformations occur.”<sup>209</sup> Constructed on the insights of *mujerista* theology and discerned in the words and actions of the Latinas in this case study, *eco-mujerista* theology similarly affirms the worldview of U.S. Latinas, shaped by their lived-experience, and insists that who Latinas are and what they do is revelatory of the divine.<sup>210</sup> In *eco-mujerista* theology, understandings of key *mujerista* elements expand to embrace a more global and planetary meaning. These include Latina understandings of community, ancestors, justice, *la lucha*, *lo cotidiano*, and *mestizaje/mulatez* in the borderlands, as examined below.

**Community:** None of the women in this study envisions herself as an independent actor, forging her own way through life, accountable only to herself and/or her God. Each understands herself and seeks her own liberation within the context of the liberation of the community to which she is accountable. Rooted in but not limited to a particular community, this commitment is a religious, spiritual, and/or ethical orientation that expands to include the whole Earth community. Its praxis implies, as Sánchez said, “caring for the elders, the youth, and everybody around,” as well as the “land, water, air, everything that now would be called commons.” Further, as Berriozábal’s testimony before City Council makes clear, it implies acting locally

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<sup>206</sup> Solidarity understood as an ethical stance, not as a disposition or sign of agreement. See 17 for further discussion.

<sup>207</sup> “Sisters” in Spanish and Portuguese.

<sup>208</sup> Gebara, *Longing for Running Water*, 18.

<sup>209</sup> See Anzaldúa, “(Un)natural bridges, (Un)safe spaces,” in *this bridge we call home: radical visions for transformation*, ed. Anzaldúa and Analouise Keating (New York: Routledge, 2002), 1.

<sup>210</sup> Isasi-Díaz, *En la Lucha*, 75.

with a comprehension of an issue's global dimensions and acting politically with an understanding of its spiritual/ethical implications.<sup>211</sup>

**Ancestors:** The strong sense of being part of a lineage, one in continuity with and indebted to all who came before, is a felt connection, a living presence, with ethical implications for action. "I try to inform my decisions with all that I know I have around me—*antepasados* (ancestors), the Earth," García said. An incipient awareness, growing in many people, of being part of an unfolding, emergent Universe gives new meaning to the deeply felt sense of "standing on the shoulders of all who came before," which is how Berriozábal defines herself. This understanding of being in a lineage, indebted to all prior life and the sacrifices made, informs a concomitant sense of responsibility in these Latinas for ensuring the perdurance of life on Earth for generations yet to come, offering another vital ethical orientation to the larger whole in a deeper context of time.<sup>212</sup> "How do we think about the future of our children? I, who do not have any kids, but all the people that come after me are my children as well," said Sánchez.

**Justice:** A passion for justice is a thread that runs through the lives of all the women, who know first-hand what it is to be treated as 'other' in a racist, sexist, homophobic society. "The thing that has always guided me has been my belief in justice," Vela said. It is the theme that motivates Vela's life, and is evident in generations of Latina women's lives. Doña Chavelita recalls that her mother "always felt bad about things that were not right"; her grandmother "never stopped to think what side of the tracks anybody lived. If something had to be done, it's done." Doña Chavelita continues to march for justice "even if her arthritis bothers her,"<sup>213</sup> and her daughter, Sánchez, describes herself as a "social-, economic-, environmental-justice and cultural activist who's in it for the long haul." García's sense of environmental justice is held in the context of seeing Earth as "a part of my family." In a U.S./Western culture that sees the Earth as 'other,' as commodity, it is a radically countercultural stance, widening and deepening the meaning of and quest for living in right relationships.

**La lucha:** The struggle over the PGA was not isolated; it was part of *la lucha*, the larger lifelong struggle for justice and liberation in which the Latinas engage. It is a struggle that embraces both people *and* planet—for the long haul. Reflecting on the PGA effort, García spoke of having grown "a community of conscious, social-justice and environmental-justice oriented, people," especially younger people who remain engaged. "All of that investment we made into the people, it's paying off," García said, adding that it is critical to continue building awareness and building bridges at this pivotal time. "Really complex change is happening right now, personally, with individuals' selves, with our society, and with our Earth," she said. "We all have a stake in the future and we all have a role to play."

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<sup>211</sup> Berriozábal testified on April 29, 2004, that the struggle over water in San Antonio was a local issue with global dimensions, citing the more than one billion people in the world who lacked access to clean water, and observing that water is not a commodity to be bought and sold but a necessity for life whose sacredness is honored by all cultures and religious traditions (see excerpt on 53).

<sup>212</sup> The concept of 'deep' time involves awareness of the billions of years of unfolding life that led to this moment. The ethical implications of having a deeper understanding of time, with obligations to past and future, are captured by the Iroquois sense of the seventh generation—making decisions mindful of both the wellbeing of descendants seven generations hence and of the ancestors whose sacrifice seven generations earlier made this moment possible.

<sup>213</sup> Sánchez, *La Voz de Esperanza*, 5.

**Lo cotidiano:** It is the daily reality, the lived-experience, the “immediate space of our lives,”<sup>214</sup> that informs and grounds both theory and action on social and ecological issues. In her plea for City Council members to reconsider the PGA agreement, Berriozábal framed the political decision in terms of how water impacts the daily life and spiritual practices of the people: “It is your words and your actions that will determine what happens to our water—the water our grandchildren and great grandchildren will drink, bathe in, be blessed in.”<sup>215</sup> Doña Chavelita’s concern about the PGA’s impact on the aquifer became sharply focused in the context of the daily care she and her neighbors take in watering their plants. “Here on the West side, we’re trying to use a cup for each flower,” she said, gesturing a small amount being poured into each pot and contrasting this with the huge amounts wasted by others in town. Theory and action on concerns for the whole Earth community are created and experienced in the tangible.

**Mestizaje/mulatez in the Borderlands:** The genetic indigenous memory that lives as instinct in some of the women and is consciously reawakened in others grounds an understanding of the interconnectedness of all life on Earth. “It’s an unconscious awareness,” Vela said. “It’s in the heart, not the head.” Perhaps because it is so instinctive, it is not often discussed, much less parsed as a distinct understanding; but it is clearly witnessed in the faithfulness of the people of San Antonio who have voted, always, to protect the aquifer. Berriozábal cannot parse her indigeneness from her Catholicity, or any other aspect of culture, language, ancestors, poverty, faith; all are interwoven in her borderlands identity. “We have to embrace it as a whole—as sacred, holy, and legitimate,” she said. “I’m neither this nor that. Borderlands is one. Gloria Anzaldúa and Cherrié Moraga best express the whole idea of the borderlands for me. There is no side. One is just in *nepantla*,” she said, using the indigenous Nahuatl word for an in-between, liminal, and creative space that Anzaldúa expands to include “certain workings of consciousness.”<sup>216</sup> It is not just a psychic space, however, it is also a physical one. “It is the earth, water, sun we are talking about when we talk about the borderlands. You can’t separate that from the connection of Spirit to it,” Berriozábal insists. The space of the borderlands, of being in *nepantla*, introduces an extraordinary ability to adapt, to shapeshift.<sup>217</sup> It is a privileged place for making the shift in human consciousness so critically needed at this time for life as we know it on Earth to endure.

As all of these elements are woven together to sketch the outlines of an *eco-mujerista* theology, its clear starting point—similar to Latin American ecofeminist liberation theologies—is the tangible reality of life on Earth as experienced by a particular community of people inhabiting a particular land and waterway, shared by a rich diversity of other life forms. Brazilian ecofeminist Gebara asks, “How can we speak about the Earth community, with the alluring transformation it summons up, when the landless and the homeless are crying in the streets? How can we unite these contradictory realities?”<sup>218</sup> *Eco-mujerista* theology finds its way to speak

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<sup>214</sup> Isasi-Díaz, *La Lucha Continues*, 95.

<sup>215</sup> Berriozábal, Statement to City Council of San Antonio, April 29, 2004.

<sup>216</sup> Anzaldúa, “now let us shift...the path of *conocimiento*...inner work, public acts,” in Anzaldúa and Keating, note 3, 577. “I associate *nepantla* with states of mind that question old ideas and beliefs, acquire new perspectives, change worldviews, and shift from one world to another.” Anzaldúa in Anzaldúa and Keating, 1.

<sup>217</sup> The shamanic sense of shapeshifting holds a much wider range of meaning than adaptation. It implies cunning, an ability to perceive from multiple perspectives, and a oneness with all being that enables changes in form.

<sup>218</sup> Gebara, *Sacred Universe, Sacred Passion: A Series of Presentations by Brazilian Theologian Ivone Gebara* (Nerinx, Ky.: Sisters of Loretto, 2001), 21

about the Earth community through a response to the cries in both the streets *and* the surrounding natural world; further, by linking the plight in one situation to that of others around the planet. “At the same time we were doing this whole water fight, Bolivia was having water fights,” Sánchez said. “Then Bolivia was connecting to India. So it’s not just Latinos who are affected in the U.S., in San Antonio, but it’s all over the world and we’re connected. Everything we decide and how we live our lives affects somebody else. So how can we be more conscious?”

The *mestizaje/mulatez* of U.S. Latina/os is essential to *eco-mujerista* theology. As a portal to indigenous sensibilities—whether in genetic memory, inchoate, or consciously lived—it situates *eco-mujerista* ecological consciousness on the dark-green end of the spectrum,<sup>219</sup> the paradigm that envisions humans as part of a complex interconnected community of life in which all forms need to flourish. In *eco-mujerista* thought, however, the idea that humans are not the reference point of Earth and Universe makes very different ethical demands. Of affluent Western people who have lived as if the entire planet, with all its resources and people, were at their disposal, it demands a vital awakening to humility, with an attendant need to modify behaviors.<sup>220</sup> It makes a very different claim on people (both in the United States and around the world) whose lives have never been seen or treated as a reference point; its claim on them, instead, is to assume the full dignity of their place on Earth. Similarly, *mestizaje/mulatez* makes religious claims more complex. It ruptures prioritization of any one religious tradition as ultimate, such that an *eco-mujerista* theology must admit multi-religious lenses and spiritualities, as well as the perspectives of those who profess no religious belief but who aim to live their lives out of a profoundly moral and ethical framework.<sup>221</sup>

Preoccupied with the enablement of moral agency,<sup>222</sup> *eco-mujerista* theology moves into the political realm. Its implications are clear: As local and global strategies are developed to address climate change and environmental depredation, viewed through an *eco-mujerista* lens, they must be comprehensive and holistic, responding to the cries in *both* the streets and the natural world. Unless the cries in the streets are heard, no amount of attention to the cries of the natural world will reverse the path we are on to global catastrophe. The atmosphere does not distinguish between carbon emitted to heat or cool houses that are falling apart in San Antonio’s West side (or carbon released in Brazilian rain forests burned by hungry people trying to grow food) from carbon emitted to power McMansions and sustain fossil-fuel addicted lifestyles on the North side. Unless the cries of the natural world are heard, no amount of social policy reform will protect the most vulnerable—or, ultimately, anyone else—from desertification, crop failures, rising seas, global water shortages, and other imminent, catastrophic effects of climate change. “It is an illusion that we can live united to the Sacred Universe without living united to one another in our search for justice and peace.”<sup>223</sup>

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<sup>219</sup> See note 86 on 18, explaining the light-to-dark green spectrum of ecological consciousness.

<sup>220</sup> “The U.S. has 5% of the world’s population but consumes 30% of the world’s resources. If everybody consumed at U.S. rates, we would need 3 to 5 planets.” See Annie Leonard, “Facts from The Story of Stuff,” [http://www.storyofstuff.com/pdfs/annie\\_leonard\\_facts.pdf](http://www.storyofstuff.com/pdfs/annie_leonard_facts.pdf) (accessed April 14, 2009).

<sup>221</sup> Even in this small group of Latinas—all Mexican-Americans, born and raised in Texas as Catholics—we see a wide range of religious and spiritual beliefs and practices, including profession of no religious beliefs.

<sup>222</sup> Isasi-Díaz, *En la Lucha*, 5.

<sup>223</sup> Gebara, *Sacred Universe, Sacred Passion*, 22.

The contours of an *eco-mujerista* theology, discerned from the actions and words of these Latina women, suggest a hermeneutic rooted in a ‘genetic’ understanding of the interconnectedness and sacredness of all life and an apprehension, grounded in lived-experience, that local and global systems of domination that privilege some people and dehumanize others, also ravage Earth.<sup>224</sup> An *eco-mujerista* theology suggests that liberation of Earth from human depredation is dependent on liberation of marginalized communities from oppression. It is a holistic way of perceiving and responding to wrongs that envisions creating a new consciousness, a new kin-dom, based on right relationships among peoples and planet, offering a wisdom urgently needed in these perilous times.

## CONCLUSION

*How can we build that community where people take care of each other and we take care of our Earth?*

—María Antonietta Berriozábal

At this pivotal time in history—when our extractive industrial economy has exceeded the carrying capacity of the planet, when we are causing the greatest extermination of species since the end of the dinosaurs, and when human-induced global warming is endangering *all* life with potentially catastrophic climate change<sup>225</sup>—our human species is being called to a radically new way of living on Earth *and* with each other. Our survival rests on addressing both issues, as each is deeply implicated in the other.<sup>226</sup> The evolutionary leap in consciousness we must take as a species—first, to awaken to the dimensions of our non-sustainable and profoundly unethical way of life and, then, fundamentally to alter it—is enormous. The window of time we have in which to make this shift is fast closing: “What we do in the next two to three years will determine our future. This is the defining moment.”<sup>227</sup>

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<sup>224</sup> For the concise phrasing, I gratefully acknowledge the Vision of the Dominican Sisters of Adrian, which reads in part, “we challenge heresies of local and global domination, exploitation, and greed that privilege some, dehumanize others, and ravage Earth.” See Dominican Sisters of Adrian, [http://www.adriandominicans.org/mission\\_and\\_vision/missionstatement.cfm](http://www.adriandominicans.org/mission_and_vision/missionstatement.cfm) (accessed April 11, 2009).

<sup>225</sup> We first went into “ecological overshoot” in 1986 and are now consuming resources at a rate 40 percent faster than Earth can replenish. See Global Footprint Network, [http://www.footprintnetwork.org/en/index.php/GFN/page/earth\\_overshoot\\_day/](http://www.footprintnetwork.org/en/index.php/GFN/page/earth_overshoot_day/) (accessed April 21, 2009); Edward O. Wilson, “Is Humanity Suicidal?” *In Search of Nature* (Washington, D.C.: Island Press, 1996), p. 196; See United Nations Environment Programme, “Global Environmental Outlook Summary for Decision Makers,” at [http://www.unep.org/geo/geo4/media/GEO4%20SDM\\_launch.pdf](http://www.unep.org/geo/geo4/media/GEO4%20SDM_launch.pdf), 4 (accessed April 21, 2009).

<sup>226</sup> The Earth Charter speaks of this critical connection: “The choice is ours: form a global partnership to care for Earth and one another or risk the destruction of ourselves and the diversity of life. Fundamental changes are needed in our values, institutions, and ways of living.” See Earth Charter Initiative <http://www.earthcharterinaction.org/content/pages/Read-the-Charter.html> (accessed April 24, 2009).

<sup>227</sup> Statement of Dr. Rajendra K. Pachauri, chairman of the U.N. Intergovernmental Panel on Climate Change, when releasing the results of the IPCC’s twenty-year study of global warming involving 2,500 scientists from 130 nations. “If there is no action before 2012...that’s too late.” See Elisabeth Rosenthal, “U.N. Chief Seeks More Climate Change Leadership,” *The New York Times*, Nov. 18, 2007.

This change in consciousness, however, will not occur in an abstract, universal human;<sup>228</sup> it can only take root in *particular* women and men, with particular identities rising out of particular places, histories, and struggles. It has deeply rooted religious, spiritual, and ethical implications, requiring all of us to see, through the lens of our particularity, our interconnectedness and interdependence, the oneness of all life on Earth. It demands a cosmological understanding that we stand on the shoulders of all who/that came before us with a concomitant obligation to all who/that will come after. It presses us to recognize the inextricable link between poverty on Earth and the impoverishment of Earth and how, on a large but finite planet, the prosperity of some people is built on the deprivation of others and the depredation of Earth. It demands that we respond by dismantling systems of domination based on gender, race, sexuality, class, and ethnicity that privilege some and dehumanize others, and create more just local and global socio-economic structures that are ecologically sustainable. It urges us to glean from our particular religious and cultural traditions, as well as our histories and struggles, insights and ethical practices that will ground and guide our actions. It requires us to build bridges of understanding across borders, ethnicities, nationalities, religions, cultures, race, gender, and sexuality, recognizing that our profound differences are gift and that all the young of the planet share a common destiny—the fate of the Earth, which now hangs in the balance.

As theological discourse expands to engage the unprecedented societal and planetary crisis we now face, and the urgent moral challenge it poses, the voices of grassroots Latina women, as exemplified by the five women in this case study, add critical insight and guidance. *Eco-mujerista* thought, as expressed by these Latinas from San Antonio, Texas, is uniquely responsive to the multipronged challenges described above precisely because of its particularity. It is forged in the borderlands, an in-between place where cross-cultural walking is a way of life; in *mestizaje/mulatez*, where permeable boundaries of religious, spiritual, and cultural traditions embrace a wide range of faith (and non-faith) perspectives; in the lived-experience of women of color, where multilayered oppressions imprint a passion for justice and a vision of living in right relationships; in a land where earth, water, air, sun were honored by ancestors who knew them to be sacred gifts of life. Without claiming to be representative of all U.S. Latina women, these perspectives nonetheless point to the reality of all Latinas; indeed, “the more specific and particular the voices we present...the more they encompass the reality”<sup>229</sup> of all Latinas.

The contours of *eco-mujerista* theology will widen and deepen as stories are told of the many other U.S. Latinas engaged in efforts to protect both their communities and their rivers, farmland, mountains, and trees in ways informed by their particular landscapes as well as their histories, struggles, cultural and religious traditions, and ethical frameworks.<sup>230</sup> What dimensions will the experience of U.S. Latinas whose ancestral origins are in island nations add to *eco-mujerista* theology? How will the experience of U.S. Latinas living in a psychic, but not a physical, borderlands impact it? Where will the sensibilities of U.S. Latinas with African ancestry make their mark? How would a more comprehensive examination of the wisdom

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<sup>228</sup> “The biological human being is a biological enculturated being, a biological entity that does not exist independent of the reality—social, communitarian, ‘other’—in which each person lives.” See Gebara, *Out of the Depths*, 64.

<sup>229</sup> Isasi-Díaz, *En la Lucha*, 63.

<sup>230</sup> For more stories of efforts involving Mexican-Americans, including the environmental justice struggles of the *Madres del Este de Los Angeles* (Mothers of East Los Angeles), see Devon G. Peña, *Mexican Americans and the Environment: Tierra y Vida* (Tucson: University of Arizona Press, 2005).

offered by Mexican-American women further texture and complicate it? The opening words of Chicana historian Antonia I. Castañeda's essay, challenging "the current constructs of U.S. history," offer a powerful sense of the rich, complex, and painful layers to be explored:

Chicana lives, inscribed on roadways and waterways, link people, rivers, communities, valleys, and regions in histories embedded, since long before the sixteenth century, in northward migrations from Mesoamerican valleys to Inuit shores. Where and how do these lives, linked across time, space, and place, fit into regional histories that, at best, reinforce a fragmented understanding of a Chicana/o presence in the region as well as in U.S. history. This fragmented understanding is rooted in a historiography that has excluded Chicanos, a population annexed to the United States by military conquest and international treaty in the mid-nineteenth century, from the conceptualization of both region and nation.<sup>231</sup>

New and emerging conceptualizations of theology embrace insights drawn from an incipient awareness of the vastness of the time, space, and place in which we Earthlings live—on a small planet orbiting in a solar system at the edge of a spiral galaxy, one of billions of galaxies in an unfolding 13.7-billion-year Universe. This sense of time, space, and place admits an order of magnitude that defies comprehension, leaving us unfathomable mystery to contemplate and engage theologically. Our contemplation and theologizing, however, is firmly grounded in and formed by the time, space, and place each of us inhabits on Earth within the particularity of gender, race, class, sexuality, nationality, ethnicity, religion. The significant (and diverse) insights and wisdom of U.S. Latinas, whose ancestral indigenous connections to the land might privilege their voices on this subject, are instead largely missing from contemporary U.S. ecofeminist theological discourse. The exclusion is consequential. Grounded in the lived-experience of U.S. Latina women, whose long struggle for survival and liberation embraces *all* life, *eco-mujerista* thought and praxis offers the world a concrete, holistic approach to building a just society on Earth while steering it back from the brink of ecological disaster.



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*I feel like God gave me a big heart because so many people have come and said, "Oh, I wish you were my mother." And things like that. Maybe they're kidding. But I always tell them, "There's a little space in my heart for you, so come in."*

—Isabel (Doña Chavelita) Sánchez

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<sup>231</sup> Castañeda, 1.

<sup>232</sup> *Atl* (water in Nahuatl), <http://www.isymbolz.com/ancient/aztec/az002.htm> (accessed April 24, 2009).

## POSTSCRIPT

Rising early in the morning of April 11, 2009, to avoid the heavy traffic congestion in the surrounding area, I drove through “Cibolo Canyons,” the PGA Tour luxury resort and master-planned community. The two Tournament Players Club golf courses and the 1,000-room *hacienda*-style Hill Country resort hotel and spa were still under construction, but the roads leading to them were flanked by a series of gated communities. In this exclusive residential resort, with houses ranging from \$250,000 to \$1 million or more, each community, fenced in by a stone wall and an iron gate, has a name appropriated from Spanish—and is advertised by price:

*VENTANAS* = \$250,000’s - \$350,000+  
*VALLITAS* = \$290,000’s - \$370,000+  
*SUEÑOS* = \$340,000’s - \$500,000+  
(Windows, Little Valleys, Dreams)

*CAMPANAS* = \$350,000’s - \$600,000+  
*CIELOS* = \$500,000’s - \$800,000+  
*PALACIOS* = \$800,000’s - \$1,300,000+  
(Bells, Skies, Palaces)

Developers pave over places, Barbara Kingsolver observes, “build subdivisions upon them, and name them The Willows, or Peregrine’s Roost, or Elk Meadows, after whatever it was that got killed there.”<sup>233</sup> In 1994, María Antonietta Berriozábal was invited to testify at a fact-gathering hearing in Washington, D.C., chaired by Rep. Eleanor Holmes Norton, in preparation for the U.N. Conference on Population and Development to be held that year in Cairo, Egypt:

I told the story of San Antonio and how the city has grown only on one side, leaving people in the inner city behind—a story like most cities in the United States. Almost in passing, I mentioned the aquifer, saying that the biggest and most difficult issue we have right now is how to protect our water because the city’s development is threatening it. It’s sad, I said, because there is no agreement on the issue of caring for this 200 million acre-foot source of water. I sat down and listened to everyone else. At the end, during the question-and-answer session, a woman representing an African country stood up and addressed a question to me. “I would like to go back to when you spoke of your aquifer. Did I understand correctly that you said *200 million* acre-feet of water?” I said, “Yes, you understood correctly.” She said, “Oh, my! In my country if we had that much water we would have built a fence around it and not let anyone in.”

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<sup>233</sup> Barbara Kingsolver, “Knowing Our Place,” in *Small Wonder* (New York: HarperCollins Publishers, 2002), 39.

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## APPENDIX

### **A Chronicle of the PGA Village Story**

The story began quietly, long before most San Antonians had any inkling that Lumbermen's Investment Corp.—the real-estate development arm of the multi-billion-dollar conglomerate Temple-Inland, Inc.—had set its sights on developing what would later be touted as a “world-class” golf resort on 2,855 acres in one of the most sensitive areas of the Edwards Aquifer recharge zone.<sup>234</sup> The developer had been working on the deal for a year prior to the public announcement, published on the front page of the *San Antonio Express-News* on February 3, 2001. The Professional Golfers Association of America (PGA) would be partnering with Lumbermen's to build “PGA Village San Antonio”—a 36-hole upscale golf resort that would include a 500-room hotel by the Marriott Corp.<sup>235</sup> It would be the second such facility built anywhere by the 26,000-member PGA beyond its headquarters in Port St. Lucie, Florida.

In making the announcement, PGA executive director Jim Awtry said the organization was “in the final stages of due diligence to see if we can move forward. We're bullish on coming to San Antonio.... You've got a wonderful town, and that's the attraction,” he said, according to the article. Lumbermen's executive vice president, John Pierret, reportedly echoed the thought, “We're working with the PGA, and we're excited about them coming into our project.” The PGA's interest in San Antonio “is a boon to the city's continued growth as an international golf destination,” the newspaper reported.<sup>236</sup>

One week later, the *Express-News* published a letter to the editor that gave the first hint that not all area residents would be “bullish” on the PGA or see the project as a boon. “How wonderful! A 36-hole golf course! A 500-room hotel full of guests, all taking 30-minute showers.... and all over the Edwards Aquifer,” Patricia Coleman of New Braunfels wrote. “Great for the tax base, right? What about the water? A PGA golf village is not the sort of project that will bring joy to the people who rely on the aquifer as their only source of water.”<sup>237</sup>

The February 3, 2001 article reported that a “start date for construction of the PGA Village was not available because plans are incomplete.” One month later, in an article noting that the project had expanded to include up to four PGA golf courses and a 35-acre teaching center to promote golf, Lumbermen's Pierret was quoted as saying, “If no problems arise in the planning, construction should start by early next year and the first golf courses could be ready by the end of 2003.”<sup>238</sup> No one could have predicted how wildly off the mark that projection was.

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<sup>234</sup> This chronicle is primarily drawn from more than 250 accounts appearing in the *San Antonio Express-News*, including several dozen columns and editorials, from 2001 through 2005, plus half a dozen additional accounts detailing the progress of the approved project through 2009.

<sup>235</sup> Raúl Domínguez Jr., “PGA to build in S.A.,” *San Antonio Express-News*, Feb. 3, 2001.

<sup>236</sup> Ibid.

<sup>237</sup> Patricia Coleman, letter to the editor, *San Antonio Express-News*, Feb. 11, 2001.

<sup>238</sup> William Pack, “City Council endorses bill to set up a resort tax district,” *San Antonio Express-News*, March 9, 2001.

The golf resort project would not break ground until mid-June 2007, having roused an unprecedented groundswell of opposition among San Antonians and become a defining issue for city leaders that resulted in the project's defeat—not once but twice, only to be resurrected a third time by civic and business leaders with a new PGA partner. The resort is now slated to open in January 2010, featuring its “crown jewel”—a massive 1,002-room JW Marriott Hotel, with “a \$13 million water park, seven restaurants and lounge areas, a 26,000-square-foot spa, 140,000 square feet of conference space”<sup>239</sup>— plus two PGA tournament Players Club golf courses designed by golf industry legends Pete Dye and Greg Norman and a residential area that includes 1,800 lots with homes ranging from the \$200,000s to the million-dollar mark.<sup>240</sup>

The massive resort is being constructed over one of the most sensitive areas of the Edwards Aquifer<sup>241</sup>—a vast underground aquifer, formed over millions of years and extending 180 miles in length and five to 40 miles in width, that serves as the primary water source for much of the area, including the City of San Antonio.<sup>242</sup> One of the largest “karst” aquifer systems in the United States, the Edwards Aquifer is “characterized by the presence of sinkholes, sinking streams, caves, large springs,” exhibiting the “extremely high (cavernous) porosity and permeability characteristic of many karst aquifers.”<sup>243</sup> Karst aquifers do not filter water through recharge layers the way sand and gravel or other rock type aquifers do. As a result, they are the “most sensitive on the planet,” said George Veni, a San Antonio-based geologist and world authority on karst aquifers. “Basically, they shouldn't be up there,” Veni said early on in the debate over the PGA development on the recharge zone.<sup>244</sup>

## **PGA I: The Taxing-District Agreement**

One month after the February 2001 front-page announcement that the PGA was coming to San Antonio, the *Express-News* ran a story on the cover of its Metro section, reporting that the City Council had endorsed a bill that was wending its way through the Texas Legislature. The bill would allow Lumbermen's Investment Corp., the PGA Village developer, to recoup approximately \$40.3 million in public improvements through taxes the developer would collect from the Village's residents, visitors, and businesses.<sup>245</sup> The taxes would reimburse Lumbermen's for “water and sewer improvements, roads, trail improvements and open space purchases within the boundaries of the proposed 2,800-acre resort.”<sup>246</sup> Initially sponsored by two Republican lawmakers from San Antonio, Rep. John Shields (in whose district the Lumbermen's land lay) and Sen. Jeff Wentworth, the bill would create a special utility tax district, called the

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<sup>239</sup> Creighton A. Welch, “‘Crown jewel’ nearing completion,” *San Antonio Express-News*, Jan. 28, 2009.

<sup>240</sup> Melissa S. Monroe, “Work begins at PGA site,” *San Antonio Express-News*, June 2, 2007.

<sup>241</sup> See Rick Casey, “PGA Village land in ‘top tier of environmentally sensitive properties,’” *San Antonio Express-News*, Nov. 4, 2001.

<sup>242</sup> Edwards Aquifer Authority, *Hydrolic Data Report for 2007*, Report No. 08-02 (August 2008), 3.

<http://www.edwardsaquifer.org/pdfs/Reports/Hydro%20Reports/Final%202007%20Hydrologic%20Data%20Report.pdf> (accessed March 5, 2009).

<sup>243</sup> *Ibid.*

<sup>244</sup> Travis E. Poling, “‘A devil's choice’ over aquifer,” *San Antonio Express-News*, Sept. 9, 2001.

<sup>245</sup> Pack.

<sup>246</sup> *Ibid.* One year later, news reports would reveal that the developer had actually begun efforts to obtain this special tax district prior to the public announcement of the PGA Village. “Lumbermen's lobbyists laid out the proposed bill to Bexar County lawmakers early in the session that opened Jan. 8, 2001.” See Bob Richter, “Golf resort avoided rough in Austin,” *San Antonio Express-News*, Feb. 3, 2002.

Cibolo Canyon Conservation Improvement District No.1. The district would allow Lumbermen’s to act as a small city, in the extra-territorial jurisdiction of the City of San Antonio, collecting not only property taxes but also sales and hotel occupancy taxes, assessments and impact fees. “The Cibolo Canyon district would be unique for Bexar County because its directors would be allowed to use tax money for more than just water and sewer services and because more than just property taxes would be assessed,” the *Express-News* reported.<sup>247</sup>

The PGA Village legislation “sailed” through the legislative process without opposition until April 10, 2001, when “it briefly became enmeshed in politics.”<sup>248</sup> Asked about an unlimited<sup>249</sup> eminent domain provision in his bill, Wentworth “said he was embarrassed, admitted he didn’t write the bill, and called the provision—giving developers sway over property within 3 miles outside district boundaries—a ‘sore thumb.’”<sup>250</sup> Wentworth subsequently instructed that the provision be struck from the bill, and in short order the revised measure handily won legislative approval.<sup>251</sup>

When city staff presented the council members with the legislation in March 2001, asking them to endorse it so the bill could be added to the packet of legislation city lobbyists would seek, the members were told that the proposed PGA Village district was different from other special-purpose districts. The city generally opposed these because of debt problems that can arise when the city subsequently considers annexation; thus the proposed PGA Village taxing-district legislation ran counter to the city’s standing policy against such districts. But staff said the legislation had an important safeguard—it could only go into effect if the City Council approved its plans. The proposed taxing district “cannot be established until its sponsors agree with the city on its building plans, the environmental controls and aquifer protection provisions included in the development and other construction details,” Assistant City Manager Chris Brady reportedly said.<sup>252</sup> But more important to the council, the *Express-News* reported, was the fact that as part of the deal the developers “have agreed to donate some of their property—up to 1,200 acres by one estimate—to the Edwards Aquifer protection program the city initiated through a \$45 million sales tax proposition [known as Proposition 3].”<sup>253</sup> The article went on to note that the estimated value of that “donation” of land would be \$12 million, “which developers would recoup through special district taxes.”

Crafting the specifics of a development plan and winning City Hall approval, which would enable the taxing district, then became the focus of quiet negotiations between Lumbermen’s and city staff. But as details surrounding the proposed deal and the special taxing

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<sup>247</sup> Pack.

<sup>248</sup> Richter.

<sup>249</sup> Carlos Guerra, “We should learn from Austin about how to handle developers,” *San Antonio Express-News*, April 24, 2001.

<sup>250</sup> Richter. The article, written nearly a year after the events, noted that “...Wentworth’s remarks ignited a brief conflagration—a forerunner, perhaps, of what’s happening now—especially among property owners abutting the Cibolo Canyon district.”

<sup>251</sup> *Ibid.* “Bexar County lawmakers who supported the legislation that made the PGA Village project possible had no inkling it would become so controversial.” Rep. Carlos Uresti a year later raised questions about “whether such controversial, complex issues can be fully debated in a single legislative session. ‘I don’t think we realized the magnitude of this,’” he reportedly said.

<sup>252</sup> Pack.

<sup>253</sup> *Ibid.*

district emerged in the ensuing months, it evoked anger in San Antonio voters who barely a year earlier, in May 2000, had said yes to Proposition 3. Fifty-six percent of voters approved that water-protection measure, which called for an increase in sales taxes by an eighth of a cent in order to generate \$45 million in funds that would be earmarked to purchase and preserve land over the sensitive recharge zone of the Edwards Aquifer—helping to safeguard San Antonio’s primary source of drinking water.<sup>254</sup> The vote came five years after a “rancorous battle” to enact a city ordinance that would restrict development over the Edwards Aquifer by imposing a 15 percent limit on the amount of impervious cover permitted in developments over the recharge zone.<sup>255</sup> “Those who have watched voter sentiment toward protecting the aquifer weren’t surprised that [Proposition 3] passed despite the defeat of several other propositions on the ballot pushed by then-Mayor Howard Peak,” wrote *Express-News* political columnist Rick Casey.<sup>256</sup> Over the years, the city had weathered many water battles, and the people of this majority-minority and economically poor city<sup>257</sup> had consistently weighed in on the side of protecting the water, despite well-financed media campaigns promising economic benefits.<sup>258</sup> At the heart of the anger surrounding the PGA development was a basic question: Why would voters approve a tax increase on themselves in order to protect their water only to have City Hall turn around and forgo taxes, giving them away as incentives to a wealthy developer who would build over the very same sensitive area the people intended to protect by taxing themselves?<sup>259</sup>

It took almost a year for the issue to ignite massive protests, capture daily headlines in the *Express-News*, and lead to what the paper’s editor characterized as an “historic” vote. During the course of that time, when news stories about the PGA Village were sparse, *San Antonio Express-News* syndicated columnist Carlos Guerra produced a steady drumbeat of columns raising

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<sup>254</sup> Robert Potts, director of the Nature Conservancy of Texas, commented, “It clearly shows that the people of San Antonio understand the importance of the Edwards Aquifer to the city and want to do what they can to protect it.” See Edwards Aquifer News 2000 at <http://www.edwardsaquifer.net/news2000.html> (accessed March 22, 2009).

<sup>255</sup> Pack, “Loophole looms large in golf plan,” *San Antonio Express-News*, Jan. 26, 2002.

<sup>256</sup> Casey, “City voters could handle the PGA Village hot potato,” *San Antonio Express-News*, Nov. 4, 2001.

<sup>257</sup> The City of San Antonio is the seventh largest in Texas, encompassing 500 square miles within Bexar County. Among its 1.3 million residents, 61.3 percent are Hispanic/Latino, 28.9 percent are white, 6.4 percent are African American, and 3.4 percent “other.” Per capita income is \$19,884. See City of San Antonio Planning and Development Services Department, *Statistics and Map Book* (June 2008), 1-7, [http://www.sanantonio.gov/planning/pdf/GIS/demo\\_info/Demographics\\_2008.pdf](http://www.sanantonio.gov/planning/pdf/GIS/demo_info/Demographics_2008.pdf) (accessed March 5, 2009).

<sup>258</sup> In a column, Casey recalled the struggles over the Applewhite Reservoir project, which was supported by the city’s civic and business leaders but rejected in 1991 by voters at the polls after forcing it on the ballot through a petition drive. Three years later, then-Mayor Nelson Wolff attempted a second try at obtaining voter approval for a revised Applewhite project. “Business leaders ponied up nearly \$1 million for the pro-Applewhite campaign,” Casey wrote. “More than 100,000 voters turned out to reject it by 55-45—7,000 votes bigger than the first time. Wolff’s analysis was summarized succinctly in this newspaper lead: ‘The Applewhite reservoir proposal was rejected by voters because they believe city officials are in the pockets of developers, Mayor Wolff said Monday.’ Then this quote from Wolff: ‘The perception, whether real or otherwise, is that water policies are driven by developers.’” See Casey, “How big is 70,000 signatures? Garza got 59,000 in ‘landslide,’” *San Antonio Express-News*, June 26, 2002.

<sup>259</sup> See Christopher Anderson, “PGA project on fragile land,” *San Antonio Express-News*, Nov. 4, 2001. “Attached to the last page of a scientific report published last year is a multicolored map revealing the most vulnerable areas of Bexar County’s Edwards Aquifer recharge one. A warning zone highlighted in pink and consisting of bright red fault lines identifies the land most at risk to contaminants entering the aquifer. Under a publicly financed land-purchasing program [Proposition 3], the city has failed to preserve any land in this area—largely located east of U.S. 281 and north of Loop 1604—to help protect San Antonio’s primary source of drinking water. Even so, it is considering giving financial help to a developer who wants to build a huge resort on 2,855 acres over the recharge zone.”

questions and concerns about the development. Sports writer Raúl Domínguez wrote a column in favor of the project during this time, acknowledging that issues like the taxing district had not been “thoroughly inspected prior to its submission” and lamenting the fact that past fiascos in costly dealings between corporations and city officials contributed to skepticism about the project. Nonetheless, Domínguez wrote, the PGA was a “good thing” for San Antonio.<sup>260</sup> From April 2001 into the fall, Guerra’s repeated columns on the subject were the paper’s major coverage of the PGA Village. Among the questions Guerra surfaced were these: Who pays for Lumbermen’s outstanding debts when the city annexes the land?<sup>261</sup> Why is Lumbermen’s being given unlimited eminent domain powers within three miles outside the boundaries of its land?<sup>262</sup> Why is the developer touting nonexistent “Audubon standards” as the ecology-friendly standards it will follow? Why did the developer claim they had conferred with the “breakaway” Audubon group when the president of the group said they had “never heard of and are not working with” the PGA Village? What will the impact be of the developer’s newly expanded plans to build a 2.5 million-gallon wastewater facility over the Edwards aquifer’s recharge zone?<sup>263</sup>

Two days before the Sept. 11, 2001 attacks, the *Express-News* reported that Lumbermen’s was offering the city a choice—if the special taxing district is approved, the first golf course would open in Jan. 2004, followed by another golf course and a hotel. If the city doesn’t give its blessing to the resort, the alternative would be “to develop the property under its original plan dating from 1986, a 25-year build-out of the land, densely packed with as many as 9,000 houses.”<sup>264</sup> The news account quoted geologist George Veni, an expert on karst aquifers, as saying, as between a golf resort and a big subdivision, “You always choose the lesser of two evils. But as a city and community, we are not taking action so that the public good takes precedence over a few private individuals. We need to find a way to get out of this cycle of always having to choose between two evils.”<sup>265</sup>

Notwithstanding Veni’s plea, the paradigm of a devil’s choice became a recurrent framing of the debate by the developer and supporters of the PGA with, “continued growth is inevitable,” as its partner. Two months later, as reports indicated a growing concern among activists and environmentalists in the community,<sup>266</sup> the *Express-News* reported:

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<sup>260</sup> Domínguez, “The PGA Village will be a gold mine for San Antonio,” *San Antonio Express-News*, May 2, 2001.

<sup>261</sup> Guerra, “Watch the taxing district very, very closely,” *San Antonio Express-News*, April 10, 2001.

<sup>262</sup> In his April 24, 2001 column, Guerra pointed out that Sen. Jeff Wentworth moved to limit the powers after Guerra had written about them. “Wentworth said he hadn’t read his own bill, and he wouldn’t identify the lobbyist who wrote it. And that raises even more serious questions.” A year later, on Feb. 23, 2002, *San Antonio Express-News* staff writer Cindy Tumiel reported that Paul Martin, a Lumbermen’s attorney “helped write the legislation.”

<sup>263</sup> See Guerra “Do PGA Village’s ecology-friendly credentials check out?” *San Antonio Express-News*, July 19, 2001; “Another PGA Village developer’s claim is now in dispute,” *San Antonio Express-News*, Aug. 9, 2001; “PGA Village’s new plan will create major threat to Edwards,” *San Antonio Express-News*, Aug. 12, 2001.

<sup>264</sup> Poling.

<sup>265</sup> *Ibid.*

<sup>266</sup> See, for example, Anderson, “Activists, legislator push against resort,” *San Antonio Express-News*, Oct. 25, 2001 and Pack, “Council says no golf, no deal,” *San Antonio Express-News*, Nov. 16, 2001. Pack notes, “The resort proposal is rapidly becoming a divisive issue in a city that has been anxious to promote economic opportunities for tourism and business but reluctant to support commercial expansion in the recharge zone over the city’s primary source of drinking water.”

Critics of the development are alarmed over the golf resort's huge demand for water, as well as what runoff tainted with fertilizers and chemicals could do to pollute the aquifer. They also object to how the developer, Lumbermen's Investment Corp., is framing the debate over the issue. If the city doesn't approve a special taxing district for the resort, Lumbermen's is threatening to dust off a 15-year-old plan to build as many as 9,010 homes, apartments or businesses on part of the land.... "They're kind of blackmailing us, aren't they?" said George Rice, a groundwater hydrologist who contends the resort and new homes, like most development in the recharge zone, would pollute the aquifer. But Gene Dawson Jr. president of Pape Dawson Engineering, which is working with Lumbermen's to design PGA Village, said the company is offering to sign an agreement to keep contaminants out of the aquifer. "That is exactly what the city of San Antonio should be doing because that is the best way for us to reduce the development over the recharge zone," said Dawson, who argues continued growth in the area is inevitable.<sup>267</sup>

On Oct. 25, 2001, the paper reported that environmentalists were asking City Council not to approve the special taxing district until an independent geological survey of Lumbermen's 2,855 acres over the Edwards Aquifer recharge zone had been completed. "They need to postpone this until a complete study has been done," environmental activist Annalisa Peace reportedly said.<sup>268</sup> In the same article, Darby Riley, another opponent of the project, said, "To set up a taxing district to encourage something that could be potentially harmful to the aquifer is kind of a new low in development over the recharge zone." One of the state lawmakers, Rep. Art Reyna, D-San Antonio, who helped craft the law allowing the district, reportedly confessed: "It was a project that, frankly, I did not know enough about at the time of the bill."<sup>269</sup>

Other developments in the fall inflaming growing opposition to the project, included reports that:

- despite recurrent threats by the developer "to exercise its right to build more than 9,000 homes" on the Edwards Aquifer, its agreement with the San Antonio Water System (SAWS) only allows sewer service to half that number;<sup>270</sup>
- the developer and city negotiators were discussing an option that would allow the approval of a special taxing district without requiring the developer to build either hotels or golf courses, reportedly enraging Rep. Robert Puente, D-San Antonio, "carrier" of the Texas House bill that set up the district, who said, "I...would have done my best to kill it if I knew what I know now;"<sup>271</sup>

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<sup>267</sup> Anderson, Nov. 4, 2001.

<sup>268</sup> Anderson, Oct. 25, 2001.

<sup>269</sup> Ibid.

<sup>270</sup> Anderson, "PGA developer's options in doubt," *San Antonio Express-News*, Nov. 14, 2001.

<sup>271</sup> Jerry Needham, "City mulls PGA plan without golf, hotels," *San Antonio Express-News*, Nov. 15, 2001. See also Casey, "Mayor Garza to PGA developers: Show me the money!" *San Antonio Express-News*, Nov. 16, 2001. "The whole reason Lumbermen's was floating the notion that it may want the tax deal without a hotel is that Lumbermen's is having trouble getting financing for a hotel.... The market was weak before Sept. 11. It's in a coma now."

- the PGA Village was located “on the top tier of environmentally sensitive properties” rated by scientists for potential purchase by the city with Proposition 3 funds;<sup>272</sup>
- the tax benefit for the development was up to an estimated \$60 million;<sup>273</sup>
- neither city officials nor Lumbermen’s had yet consulted with the head of the U.S. Fish and Wildlife Service about potential conflicts with federal laws protecting endangered species;<sup>274</sup>
- the city’s top negotiator on the PGA Village project apparently ruled out, in secret discussions, hiring one of the “foremost experts on the Edwards Aquifer” to do the independent environmental review urged by activists; and<sup>275</sup>
- instead of conducting an independent geological survey of Lumbermen’s land, which the mayor initially estimated “could take up to 45 days,”<sup>276</sup> the council commissioned a Texas A&M geology professor to do a three-week evaluation of the developer’s own geological studies.<sup>277</sup>

Environmentalist Annalisa Peace, who was among the activists who had asked for the independent review, reportedly said, “The mayor promised us a valid study would be done, not a Mickey Mouse study.”<sup>278</sup> Nonetheless, even a Mickey Mouse study would add to the delays to council action on the taxing district; it gave activists more time to organize. By now, the political dynamics had changed: “The smoldering battle over a golf resort for nearly 3,000 environmentally sensitive acres of North Bexar County is primed for a full-blown confrontation in the coming weeks and months. Momentum initially enjoyed by developers of the proposed PGA Village appears to be flagging.”<sup>279</sup>

Earlier in the year, soon after it was announced, the PGA project reportedly had the support of six council members.<sup>280</sup> It did not initially enjoy the support of the new mayor, Ed Garza, who became the city’s youngest when elected to office in May 2001, at age 32, with 59,000 votes in “what was considered a landslide victory.”<sup>281</sup> As a Councilman, Garza in 1997 favored abolishing tax abatements over the recharge zone.<sup>282</sup> An urban planner who won the

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<sup>272</sup> Casey, Nov. 4, 2001.

<sup>273</sup> Pack, “Tensions high in PGA bid,” *San Antonio Express-News*, Nov. 18, 2001.

<sup>274</sup> Anderson, “Wildlife chief says PGA plans at risk,” *San Antonio Express-News*, Dec. 1, 2001.

<sup>275</sup> Anderson, “Aquifer guru rejected for PGA study,” *San Antonio Express-News*, Dec. 9, 2001.

<sup>276</sup> Pack.

<sup>277</sup> Pack, “PGA deadline irks opponents,” *San Antonio Express-News*, Dec. 21, 2001.

<sup>278</sup> Anderson.

<sup>279</sup> Pack, Nov. 18, 2001.

<sup>280</sup> Nelson W. Wolff, *Transforming San Antonio* (San Antonio: Trinity University Press, 2008), 51-52. In his “insider’s view” of the PGA Village story, Wolff writes that “Lumbermen’s had hired a City Hall insider, lawyer Bill Kaufman, as its lobbyist. He quickly gathered six council votes, a majority. But he did not have the mayor’s vote. Garza held his cards close to his vest, and thus city staff followed the direction of the council majority.”

<sup>281</sup> Casey, “How big is 70,000 signatures? Garza got 59,000 in ‘landslide,’” *San Antonio Express-News*, June 26, 2002.

<sup>282</sup> Pack, “Council reshapes tax breaks,” *San Antonio Express-News*, Dec. 14, 2001.

mayor's office campaigning on "smart growth"<sup>283</sup> and in support of a "Better Jobs" initiative involving a sales tax increase to boost city-supported educational programs,<sup>284</sup> Garza's campaign agenda was soon overwhelmed by the PGA Village issue he inherited on taking office in June 2001. During his first six months on the job, Garza took a "studious, tempered approach,"<sup>285</sup> saying it was "too important an issue to fast-track it."<sup>286</sup> In mid-January 2002, he "condemned" top city staff for failing to provide the council with documents the council requested, saying, "We've been provided zero."<sup>287</sup> At the time, Garza also objected to a staff-proposed timeline that would have the council review the project behind closed doors in one week's time, presenting it to the public two weeks later, right before a possible council decision on January 31.<sup>288</sup> The mayor reportedly said, "That is very optimistic. It is just poor public policy." But within a matter of weeks, the mayor would shift from being publicly undecided about the deal city staffers and developers were crafting, to being a fully engaged negotiator, seeking first to find an alternative site off the recharge zone for the PGA Village<sup>289</sup> and then trying to negotiate a "scaled-back" development plan in "the hope it will unite the community and bring the prestigious sporting attraction to San Antonio."<sup>290</sup> Eventually, Garza would be leading efforts to revive the twice-defeated development proposal.

Behind the scenes—and eventually very much on the public stage—was former Mayor Nelson W. Wolff, a successful San Antonio businessman who in the early 1970s served in both the House and Senate of the Texas State Legislature, as city councilman from 1987 to 1991, and then as city mayor from 1991 to 1995. In 2001 he was appointed to fill a vacancy as Bexar County Judge, which position he subsequently won in the 2002 and 2006 elections. In his recently published book, *Transforming San Antonio*, County Judge Wolff offers "an insider's view" of four major developments in the city, including the PGA Village, describing his role in them.<sup>291</sup> Wolff writes that Garza's initial "hands-off approach" left a "leadership vacuum on the council" and his delays "also gave time for opposition to form."<sup>292</sup> Wolff reports that it was he who arranged a meeting between Garza and developers who owned land near Sea World to explore the possibility of locating the PGA Village on another site.<sup>293</sup> When Wolff then publicly supported the mayor's efforts to secure an alternative site, saying, as political columnist Rick Casey wrote, that he would add the county's resources to other incentives designed to bring the PGA to the city, but off the recharge zone, its "immediate effect" was to "add impressive ballast to Mayor Ed Garza's efforts."<sup>294</sup> At least as important as the county money that Wolff brought to the table, Casey wrote, was the "political heft he represents." The business community saw Garza as "a youthful politician...inexperienced in both business and politics. Lumbermen's [had]

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<sup>283</sup> Jaime Castillo, "Project gains ground with council," *San Antonio Express-News*, Feb. 17, 2002.

"Garza... campaigned last year on a 'smart growth' theme aimed at spreading future growth around the city..."

<sup>284</sup> Jeanne Russell, "Better Jobs bid may be put off," *San Antonio Express-News*, April 14, 2002.

<sup>285</sup> Editorial, "Studious approach best for PGA plan," *San Antonio Express-News*, Jan. 23, 2002.

<sup>286</sup> Pack, Nov. 18, 2001.

<sup>287</sup> Anderson, "PGA Village gets consultant's nod," *San Antonio Express-News*, Jan. 11, 2002.

<sup>288</sup> *Ibid.*

<sup>289</sup> Pack, "Garza seeks PGA land alternatives," *San Antonio Express-News*, Jan. 31, 2002.

<sup>290</sup> William Pack and Jaime Castillo, "Garza has own PGA plan," *San Antonio Express-News*, March 22, 2002.

<sup>291</sup> Wolff, 1-2.

<sup>292</sup> *Ibid.*, 52.

<sup>293</sup> *Ibid.*, 58.

<sup>294</sup> Casey, "Wolff's leap into PGA flap carries historic possibilities," *San Antonio Express-News*, Feb. 10, 2002.

shown little interest in even talking to Garza, and PGA officials [had] politely patted him on the head.”<sup>295</sup>

By the fall of 2001, opposition to the project had lined up.<sup>296</sup> Included among those publicly opposed were the League of Women Voters in San Antonio, the Government Canyon Natural History Association, and two influential activist organizations, Communities Organized for Public Service (COPS) and the Metro Alliance.<sup>297</sup> On November 16 as the City Council prepared to enter into a “lengthy closed-door session” on the PGA Village, opponents of the project, including María Antonietta Berriozábal, urged the council to reject the project.<sup>298</sup> “Berriozábal, a councilwoman from 1981 to 1991, asked the council to ‘listen to the people’ and stop a project that she said could jeopardize the city’s water supply,” the *Express-News* reported.<sup>299</sup> During her ten-year tenure on the council, Berriozábal had been an unyielding supporter of efforts to protect the aquifer. It most often took the form of being in the opposition: opposing the two proposed Applewhite surface-water projects and a myriad of proposed zoning changes that would allow higher-density development over the Edwards Aquifer.<sup>300</sup> Running as a dark horse candidate for mayor in 1991, in a field of eleven candidates that included a two-term incumbent mayor, Berriozábal emerged as the leader with 30 percent of the vote.<sup>301</sup> Also on the ballot was the Applewhite Reservoir initiative; Berriozábal was one of only two candidates opposed to Applewhite. Nelson Wolff came in second, trailing Berriozábal by four points. The Applewhite project, which Wolff and the business establishment strongly supported, was soundly defeated.<sup>302</sup> In the runoff, Wolff provoked a “public outcry” when he said he thought the Applewhite ballot initiative “might be illegal and that he was keeping his options open.”<sup>303</sup> To dampen the outcry, Wolff immediately called a news conference, pledging, “no matter how the courts ruled, he would abide by the voters’ wishes.”<sup>304</sup> Wolff ended up overtaking Berriozábal, narrowly winning the mayoral election. Three years later, then-Mayor Wolff “put a revised Applewhite plan before the voters—and lost again,” Casey writes. “‘I remember that well,’ [Wolff] said. ‘I got my brains beat out twice on Applewhite. And people weren’t as passionate against that as they are against the [PGA] deal.’”

Echoes of the heated Applewhite debate are recalled not only in some of the specifics of the PGA Village story but also in its cast of characters. Wolff and Berriozábal would again find themselves playing leadership roles on opposite sides of the issue. In his account of the PGA Village, Wolff appears deliberate in omitting mention Berriozábal and Save Our Aquifer, the grassroots campaign she helped form and lead and which later ended up taking the city to court.<sup>305</sup> Berriozábal was publicly acknowledged as “a main leader in the recharged effort” to

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<sup>295</sup> Ibid.

<sup>296</sup> Pack, “Tensions high in PGA bid,” *San Antonio Express-News*, Nov. 18, 2001.

<sup>297</sup> Ibid.

<sup>298</sup> Pack, “Council says no golf, no deal,” *San Antonio Express-News*, Nov. 16, 2001.

<sup>299</sup> Ibid.

<sup>300</sup> María Antonietta Berriozábal, interview by author, San Antonio, Tex., Feb. 2, 2009.

<sup>301</sup> Berriozábal, “Una Historia de Una de Muchas Marías,” *Frontiers: A Journal of Women Studies* 24, nos. 2 & 3 (2003): 165.

<sup>302</sup> Casey.

<sup>303</sup> Ibid.

<sup>304</sup> Ibid.

<sup>305</sup> Wolff erroneously attributes the lawsuit to the Smart Growth Coalition (Wolff, 63), a group, he writes, “led by architect David Lake” (Wolff, 52).

defeat the second PGA Village deal, declaring it invalid in April 2004,<sup>306</sup> and of continued efforts to block the golf-resort development until a third PGA agreement finally won approval, in January 2005.<sup>307</sup>

In January 2002, the PGA Village deal began garnering daily news coverage, building in intensity through spring. On Sunday, January 13, 2002, the editor of the *San Antonio Express-News*, Robert Rivard, wrote a column headlined, “Make up your own mind: PGA Village vote a historic one.” In it he promised readers that the *Express-News*, San Antonio’s only remaining daily, would “undertake any reasonable story or reporting effort” to give them the information they needed to make up their minds. “It’s no exaggeration to describe the PGA Village choice as one of the most significant decisions City Council has faced in a decade or more in terms of how future development policy over the recharge zone will be set.”<sup>308</sup> Columnist Lynnell Burkett wrote that while many might think the “squabble” is about whether the PGA Village would be good for San Antonio,

I think the debate is, in fact, over the soul of the city in the new century. I think it is a defining moment for how—not whether—the city will grow and whether it will squander what makes it unique... whether it will continue aiding and abetting growth over sensitive areas of the Edwards Aquifer recharge zone, the region’s incredibly valuable source of water.<sup>309</sup>

Opposition to the PGA Village had coalesced with the formation of the Smart Growth Coalition, “a wide-ranging group that includes environmentalists, architects, and community activists.”<sup>310</sup> The new group warned that if the City Council approved the PGA Village project, “a petition drive will be immediately launched to block it.”<sup>311</sup> Meeting on a Sunday at the apartment of long-time activist, Fay Sinkin,<sup>312</sup> former president of the Aquifer Protection Association, the group included representatives of the League of Women Voters, Sierra Club, COPS, Metro Alliance and two North Side neighborhood associations. “We’re telling the council not to approve this, and that if they do, we’ll gather signatures to force a referendum,” Sinkin reportedly said.<sup>313</sup> The groups “fear pesticides, fertilizers and other contaminants could pollute

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<sup>306</sup> See Nicole Foy, “Activists stamp PGA Village deal invalid,” *San Antonio Express-News*, April 30, 2004 and Foy, “Group didn’t forget about PGA Village,” *San Antonio Express-News*, May 1, 2004.

<sup>307</sup> Rebeca Rodríguez, “Golf course is a done deal,” *San Antonio Express-News*, Jan. 7, 2005.

<sup>308</sup> Rivard went on to note that the paper’s editorial board, directed by Lynnell Burkett “and ultimately answering to Larry Walker, publisher and CEO, will publish its position supporting or opposing the paper.” Pointing out that he and other newsroom editors would not “be in that debate,” as their job was to “direct aggressive, independent reporting,” he added that we “also will temper our columnists, allowing them to weigh in independently on the issue, as Rick Casey and Carlos Guerra already have, but making sure they don’t return to the issue over and over again and, unwittingly or not, end up becoming voice pieces for partisans on one side or the other.”

<sup>309</sup> Lynnell Burkett, “PGA issue a defining moment,” *San Antonio Express-News*, January 20, 2002. As noted above, Burkett was also Editor of the Editorial Board, which three weeks later editorialized in support of the project. (See “City must not lose PGA Village project,” *San Antonio Express-News*, February 14, 2002.) The fact that Burkett was “ultimately answering to Larry Walker, publisher and CEO” of the newspaper, as Rivard notes above, may explain the seemingly contradictory positions taken by Burkett and the editorial board she directed.

<sup>310</sup> Castillo, “Extension of aquifer tax sought,” *San Antonio Express-News*, Jan. 20, 2002.

<sup>311</sup> John MacCormack, “Coalition threatens PGA petition,” *San Antonio Express-News*, Jan. 14, 2002.

<sup>312</sup> Fay Sinkin died at 90 on March 4, 2009. See Carmina Danini and Edmund Tijerina, “Guardian of Earth and people, Fay Sinkin dies,” *San Antonio Express-News*, March 5, 2009.

<sup>313</sup> MacCormack.

the city's sole source of drinking water. They also fear the project will generate commercial growth over the recharge zone's most vulnerable area."<sup>314</sup> As for Lumbermen's warning that if the resort is not approved, it will exercise its right to build up to 9,000 homes on the site, Berriozábal, among those present, said the council should not be intimidated. "I think the 9,000 homes is a bluff."<sup>315</sup> The only thing the resort project will do for San Antonio, she reportedly said, is "bring low wage jobs and pollute the aquifer."<sup>316</sup> Opposition is broad-based and deep, Berriozábal said. "There is a wide group of individuals and organizations, from the Conservation Society to COPS-Metro, and we're united in that we don't want it."<sup>317</sup> Sinkin added, "The fairest way to resolve this is for the city to buy Lumbermen's property at fair market value. And, the city should also assist Lumbermen's in finding a suitable substitute site for their project."<sup>318</sup>

The PGA Village deal was headed for a January 31, 2002 City Council vote. However, for numerous reasons, including further controversial disclosures, the matter ran into delay after delay, ultimately pushing the vote on the PGA Village taxing district back to April 4, 2002. Key events and issues leading up to the critical vote included:

- **A first public hearing.** Held on January 16 at Mayor Garza's insistence, as part of the city's commissioned review of the environmental studies done by the developer,<sup>319</sup> the "packed forum" drew about 140 people and lasted two hours.<sup>320</sup> Only one person was quoted in the news story: "Former Councilwoman Maria Berriozabal noted the resort is being proposed for one of the most sensitive areas of the recharge zone. It also will use a public subsidy to draw low-paying jobs to an area that should not be developed, she said. 'How on earth did we get here? I'm so disappointed,' she said as the crowd erupted in applause." More than fifty questions were asked and "not one of the questions or comments was in support" of Lumbermen's plans.<sup>321</sup>
- **Alternative sites rejected.** Mayor Garza undertook efforts (with public support from County Judge Wolff) to move the project off the recharge zone, including a trip to Florida to make a personal plea to PGA officials at their Port St. Lucie headquarters.<sup>322</sup> The efforts had earlier been rebuffed by Lumbermen's and dismissed by PGA's senior director of properties, Steve Braley, who said the PGA had a "moral obligation to continue to be good partner to Lumbermen's because they've been a good partner for

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<sup>314</sup> Ibid.

<sup>315</sup> Ibid.

<sup>316</sup> In addition to opposing projects and policies that would endanger San Antonio's water, throughout her tenure on City Council, Berriozábal also opposed the city's low-wage, tourism-based economic development strategy, favoring one that would focus instead on human development. See Berriozábal, "*Una Historia de Una de Muchas Marías*." Columnist Casey wrote that two years earlier, a newly built golf resort located beyond the city's outer loop had hired workers from Jamaica to take low-wage jobs that had been subsidized with tax abatements by the city. San Antonio workers "wouldn't ride the bus hours daily from the city's South Side for \$7 hour." See Casey, "A question PGA Village developers had never heard," *San Antonio Express-News*, Dec. 2, 2001.

<sup>317</sup> Ibid.

<sup>318</sup> Ibid.

<sup>319</sup> Pack, "PGA Village forum set at City Hall," *San Antonio Express-News*, Jan. 16, 2002.

<sup>320</sup> Pack, "A public forum draws about 140 people," *San Antonio Express-News*, Jan. 17, 2002.

<sup>321</sup> Ibid.

<sup>322</sup> Pack, "Garza says PGA left door open," *San Antonio Express-News*, Feb. 7, 2002.

us.”<sup>323</sup> Although Garza felt the PGA had “left the door open” following his Florida meeting, that was not the case,<sup>324</sup> all further attempts were rejected.

- **Developer will abide by 1995 aquifer standards.** Even though the PGA Village development was reportedly exempt from the stricter restrictions placed in 1995 on developments over the Edwards Aquifer recharge zone because of its “grandfathered” rights, in negotiations over the taxing district the developer “agreed to abide by the standards, which don’t exist today for any other golf course on the recharge zone,” Assistant City Manager Chris Brady reportedly said. “The issues of what will happen in the case of noncompliance and its consequences have not been resolved, Brady said.”<sup>325</sup>
- **Endangered bird habitat threatened, contrary to developer’s declarations.** A review, through Freedom of Information Act requests, of Lumbermen’s report to the U.S. Fish and Wildlife Service on federally required bird surveys shows the PGA Village “would result in the loss of habitat for the endangered golden-cheeked warbler,” which is “contrary to what the developer...has declared.”<sup>326</sup> PGA Village engineer Gene Dawson Jr. had “said he was confident the development would not affect any occupied warbler habitat” and in an earlier official statement, the developer had “said that ‘one or at most two’ warblers were observed on the edge of its 1,812-acre tract over a five-year period.”<sup>327</sup> The surveys of 1,812 Lumbermen-owned acres on file in Austin show that “seven of 19 places where the birds have been documented could be lost to resort development”—six on areas planned for golf courses and the seventh where housing is planned.<sup>328</sup>
- **Developer seeks fair market value *and* mitigation credit for “donated” land.** Although PGA engineer Gene Dawson said Lumbermen’s had no plans to develop land where warblers have been documented, the developer wanted to retain mitigation credit rights for 1,100 acres it planned to transfer to the city as open space, sparing Lumbermen’s the expense of “buying additional land to make up for the possible loss of endangered species habitat.”<sup>329</sup> Lumbermen’s was also negotiating to be paid fair market value for the donated land—estimated by the city at between \$8 million and \$22 million—from revenues raised through the taxing district.<sup>330</sup>
- **City chambers support PGA Village.** The city’s three major chambers of commerce “threw their support behind the proposed PGA Village golf resort,” saying they were convinced by the city’s engineer that the project would not pose a danger to the Edwards

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<sup>323</sup> Pack, “Garza seeks PGA land alternatives, *San Antonio Express-News*, Jan. 31, 2002.

<sup>324</sup> Wolff, who lent public support to Garza’s efforts, writes, “I had made a mistake in supporting the relocation based solely on Garza’s interpretation of the PGA meeting” (Wolff, 59).

<sup>325</sup> Needham, “PGA deal could be made water-friendly,” *San Antonio Express-News*, Jan. 20, 2002. According to the article, six golf courses were built over the aquifer recharge zone between 1959 and 2000, “exempt from today’s tighter standards.”

<sup>326</sup> Anderson, “PGA might cut bird habitat,” *San Antonio Express-News*, Jan. 27, 2002.

<sup>327</sup> Ibid.

<sup>328</sup> Ibid.

<sup>329</sup> Ibid.

<sup>330</sup> Ibid.

Aquifer. Charles Martin Wender, chairman of the Greater San Antonio Chamber of Commerce, reportedly said the development would not only “raise the bar on what goes on over the aquifer” but it would “draw a community to San Antonio that does not come here now”—business decision makers.<sup>331</sup>

- **Costs to city of PGA incentives unknown.** Questions about the cost of the PGA project in forgone revenues to the city were raised at an *Express-News* editorial board meeting with Mayor Garza, who “expressed frustration at being unable to get good information from staff. He used a figure of \$50 million, but he doesn’t know if it’s a good number”—it could be more or less.<sup>332</sup> Tax abatements and other considerations given by the city to two other “first-class developments with national reputations”—La Cantera golf and hotel resort and Hyatt Hill Country golf and hotel resort—totaled \$924,000 and \$2.4 million.<sup>333</sup> In the past thirteen years, the city has granted forty-seven tax abatements forgoing \$13.7 million in property taxes, but these projects “pale in comparison to the financial and legal scope of the proposed PGA Village golf resort.”<sup>334</sup> Lumbermen’s estimated the taxing district “could capture as much as \$60 million in taxes and fees over its projected 15-year life-span.”<sup>335</sup>
- **PGA wins newspaper’s editorial support.** The *San Antonio Express-News* endorsed the PGA Village project in an editorial, writing: “The PGA is not only the largest sporting organization in the world but also one of the most respected. Its presence will ensure San Antonio’s future as a golf destination and attract further high-end development.... Clearly, from an environmental and economic standpoint, PGA Village with its three golf courses, as many as 1,500 homes and 2,000 acres of green space is infinitely preferable to another dense housing development along Evans Road. Indeed, the PGA Village is preferable to much of what already has been developed over the aquifer.”<sup>336</sup>
- **Scientists say PGA is a threat to the aquifer.** Three of five scientists selected by the *Express-News* to review Lumbermen’s PGA Village development plan said the proposed resort “and the nearby development it spurs could pose a threat to San Antonio’s drinking water supply.”<sup>337</sup> Each of the five scientists, recommended by other scientists who have studied the Edwards Aquifer, said the consultant hired by the city to conduct the environmental study requested by activists “either was not qualified or did not have enough information to judge the effect the resort might have on the aquifer.”<sup>338</sup> Consultant Christopher Mathewson, a Texas A&M professor, had told the council in January 2002 that if the resort were properly designed it would not pose a threat to the aquifer but “in a more recent interview, Mathewson acknowledged his review for the city

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<sup>331</sup> Adolfo Pesquera, “Three chambers back PGA Village plan,” *San Antonio Express-News*, Jan. 29, 2002.

<sup>332</sup> Casey, “PGA question neither staff nor chambers asks: The price?” *San Antonio Express-News*, Feb. 3, 2002.

<sup>333</sup> Ibid.

<sup>334</sup> Cindy Tumiel, “PGA’s tax break would be huge,” *San Antonio Express-News*, Feb. 23, 2002.

<sup>335</sup> Ibid.

<sup>336</sup> Editorial, “City must not lose PGA Village project,” *San Antonio Express-News*, Feb. 14, 2002.

<sup>337</sup> Anderson, “Scientists see threat to aquifer,” *San Antonio Express-News*, Feb. 24, 2002.

<sup>338</sup> Ibid.

did not include the resort's possible effect on the water supply. 'I wasn't asked to do that,' he said."<sup>339</sup>

- **Archbishop opposes PGA.** Archbishop Patrick Flores “sent a letter to priests, deacons and archdiocese members saying his concerns about potential contamination of the city’s main water supply persuaded him to oppose a special taxing district that would underwrite PGA Village.”<sup>340</sup> The same article noted that “Flores’ announcement caught the project’s developers and local leaders off guard.” Later reports disclosed the Archdiocese was building a parish over the recharge zone, leading the *Express-News* to editorialize that the Archbishop has the right “both as private citizen and public figure” to express his opinion even if on this issue, it “doesn’t seem all that well-informed.”<sup>341</sup>
- **Polls show public opposes PGA.** A KSAT-TV SurveyUSA poll showed that “opponents outnumbered supporters 61 percent - 34 percent, and opposition to the project was significant in all the demographic categories. Even where support was strongest—among males (42 percent) and Anglos (42 percent)—proponents were well short of a majority. And opposition among ‘other’ nationalities (77 percent), blacks (74 percent), and females (67 percent) was overwhelming.”<sup>342</sup>
- **Councilman rejects PGA.** Councilman Julián Castro was the first member “to outright reject the proposed PGA Village. He’s the only one to even publicly announce a clear stance on the issue despite attempts by Communities Organized for Public Service and Metro Alliance to pin down his colleagues at a meeting the two groups held Sunday.”<sup>343</sup> Concerned that the district would give developers too much power, especially for a project located over the city’s primary source of drinking water, Castro called it “A golfopolis, if you will. That kind of creation I can’t support.”<sup>344</sup>
- **Rallies for and against PGA at City Hall.** Members of the San Antonio Sports Foundation, San Antonio Area Tourism Council, and other organizations “gathered in the morning to announce the formation of the Coalition for Responsible Development,” which supports the PGA resort. In the afternoon, a “rally by the Smart Growth Coalition, the Esperanza Peace & Justice Center and others pressed claims that the project is bad for the city. Their differences could not have been more glaring.”<sup>345</sup>

On March 14, 2002, the public “finally got its first look” at a draft agreement for the controversial PGA Village golf resort, but Mayor Garza cautioned that the lengthy document, the size of a small phone book, “is a work in progress with a number of issues still to be resolved.”<sup>346</sup> The council would vote on the proposal in two weeks, with two public hearings

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<sup>339</sup> Ibid.

<sup>340</sup> Pack, “Archbishop opposes PGA, Action stuns site developers,” *San Antonio Express-News*, Feb. 28, 2002.

<sup>341</sup> Editorial, “Archbishop merely muddies the water,” *San Antonio Express-News*, March 11, 2002.

<sup>342</sup> Guerra, “PGA Village opposition is spreading and growing stronger,” *San Antonio Express-News*, Feb. 28, 2002.

<sup>343</sup> Patrick Driscoll, “Councilman rejects PGA plan,” *San Antonio Express-News*, March 4, 2002.

<sup>344</sup> Ibid.

<sup>345</sup> Pack, “Rallies define golf resort issue,” *San Antonio Express-News*, March 8, 2002.

<sup>346</sup> William Pack, Jerry Needham and Christopher Anderson, “PGA still in the rough,” *San Antonio Express-News*, March 15, 2002. Guerra wrote that “a quick scan reveals that the ‘proposed agreement’ is riddled with blank pages

scheduled in advance of the vote. As details of the proposed agreement were absorbed, it came under fire: The taxing district had been extended from fifteen to twenty years to cover another \$10.5 million in “newly requested infrastructure improvements,” resulting in an estimated tax subsidy of \$82.8 instead of \$60 million.<sup>347</sup> Previously touted to include two resort-style hotels and three golf courses, the developer’s plan now only included a commitment for one hotel and two golf courses.<sup>348</sup> The agreement also provided that some of the tax revenue would be used to buy water “to guarantee that during droughts—when residential users are forced to ration—the golf courses’ daily drink will not be interrupted,” columnist Guerra wrote.<sup>349</sup>

Bexar County Judge Wolff reportedly told Garza at a meeting organized by the mayor that the district “should have a shorter life span and raise less money than currently proposed.”<sup>350</sup> Wolff reportedly said the city’s commitment should extend only to helping the developers get the resort started.<sup>351</sup> Meanwhile, a Houston environmental lawyer hired by the city to review the development plan said the city should hold off on signing a development agreement “until there is more information on sensitive Edwards Aquifer recharge zone features on the land.”<sup>352</sup> In a letter to the mayor, Attorney James Blackburn reportedly wrote, “The chance of protecting the groundwater is greatest on the front end rather than in retrospect.”<sup>353</sup> The attorney’s letter was reported in a story that also disclosed that PGA’s chief executive officer Jim Awtry had stated, “If for some reason, the land is not available for development, we will look elsewhere.” And “elsewhere, he said, means ‘outside of San Antonio.’”

On March 21, 2002, about 600 people showed up at the first hearing on the proposed agreement—the “largest crowd to pack a City Council hearing in years.”<sup>354</sup> With more than 100 people signed up to speak, the session ended just after 11 p.m. “What appeared to be more than half of the crowd stood and cheered in support of COPS and Metro Alliance,” as representatives urged the council “to turn down the proposed special taxing district or put it to a public vote.”<sup>355</sup> Architect David Lake, speaking for the Coalition for Smart Growth, said the tax incentives offered in the proposal are “not worth the low-wage jobs the resort would offer.” Patrick Duncan, president of the North San Antonio Chamber of Commerce reportedly said, “The property owner has development rights. It will be developed, so why not with controls?” he asked. “‘We are a poor city and the answer is golf? Something is wrong,’ former Councilwoman Maria Berriozabal said to cheers from the crowd.”<sup>356</sup>

The next day, March 22, 2002, the *Express-News* ran a story about Mayor Garza, reporting that he had been “quietly crafting a scaled-back plan for the proposed PGA Village

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and unresolved points, and what is there differs substantively from the PGA Village that was widely pitched.” See Guerra, “Proposed agreement riddled with blank spaces,” *San Antonio Express-News*, March 17, 2002.

<sup>347</sup> Pack, Needham, and Anderson.

<sup>348</sup> Ibid. “Lumbermen’s executive vice president John Pierret said the effects of the Sept. 11 attack have forced developers to put off planning for the second hotel and course that would accompany it.”

<sup>349</sup> Guerra, March 17, 2002.

<sup>350</sup> Pack, “Wolff sees resort’s tax plan as too sweet,” *San Antonio Express-News*, March 19, 2002.

<sup>351</sup> Ibid.

<sup>352</sup> Pack and Anderson, “PGA chief holds with chosen site,” *San Antonio Express-News*, March 20, 2002.

<sup>353</sup> Ibid.

<sup>354</sup> Needham, “Council hearing is standing room only,” *San Antonio Express-News*, March 22, 2002.

<sup>355</sup> Ibid.

<sup>356</sup> Ibid.

golf resort in the hope it will unite the community and bring the prestigious sporting attraction to San Antonio.”<sup>357</sup> Garza had presented his “22-point plan” at an *Express-News* editorial board meeting, which County Judge Wolff also attended, according to Wolff’s account.<sup>358</sup> “The mayor’s 22-point alternative plan proposes to shorten the term and the revenues generated by a taxing district set up to support the resort, provide more oversight of the district’s expenditures and tighten environmental controls for the project.”<sup>359</sup> It also called for developers to commit to pay a “living wage” of \$8.50 to hotel and golf course workers, which COPS/Metro Alliance had been pressing for, saying they might “call off the petition drive planned against the resort if the mayor’s proposals and other concerns of the public are addressed. ‘The mayor is moving these issues in the right direction,’” Father Walter D’heedene, a COPS leader, said.<sup>360</sup>

A few days later, political reporter Jaime Castillo wrote an article reflecting on the “equivalent of a political earthquake” that had taken place in the “negotiating posture of the mayor.”<sup>361</sup> Castillo wrote: Caught in the middle between the city’s business leaders and civic activist organizations, “Garza over the past few weeks has quietly received the support of two of the city’s most influential figures—County Judge Nelson Wolff and banking giant Tom Frost—which finally allowed him to deal from a position of strength in recent days.” Frost, the senior chairman of San Antonio-based Frost Bank, “said one of the main problems in the PGA negotiations so far has been the city’s failure to require a frank discussion of the deal’s financing. Although Frost said he believes the resort project is a ‘wonderful opportunity’ that the city should capitalize on, he said he’s been worried that negotiators haven’t focused on a basic business question: ‘What are we paying for and what are we getting in return?’”<sup>362</sup> The Smart Growth Coalition, however, was not swayed by the mayor’s proposed changes, even if COPS and Metro Alliance had indicated that they might be. The coalition issued a statement reading: “The development agreement still involves a site on the Edwards recharge zone, (and) it still involves creation of a special taxing district to finance the project, the two main points of Smart Growth’s opposition to the project.”<sup>363</sup>

Garza’s negotiations won him praise and support from the *Express-News* editorial board, which wrote on March 26, 2002, that Garza, with key support from banker Tom Frost and County Judge Wolff, was “proving himself a diligent negotiator, balancing competing interests to provide the best deal for the city,” he “deserves support from citizens and council members,”

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<sup>357</sup> Pack and Castillo, “Garza has own PGA plan,” *San Antonio Express-News*, March 22, 2002.

<sup>358</sup> Wolff, 60-61. Wolff writes that he and Garza had earlier that month convened a meeting “in an attempt to structure an agreement acceptable to the Smart Growth Coalition and other concerned civic organizations” with representatives from Lumbermen’s and the various “stakeholder” civic organizations, including the Smart Growth Coalition and COPS/Metro Alliance, among others. Prior to announcing it publicly, Garza had faxed Wolff his 22-point proposal and obtained Wolff’s support. Wolff and Garza then presented the proposal to Lumbermen’s who “quickly agreed to fourteen of the twenty-two points” and afterwards “met with members of COPS-Metro Alliance, who said they would consider canceling participation in the petition drive if the council would follow the mayor’s and citizens’ concerns. I was encouraged.”

<sup>359</sup> Pack, “Plan may be a hole in 1,” *San Antonio Express-News*, March 23, 2002.

<sup>360</sup> *Ibid.*

<sup>361</sup> Castillo, “Garza winning friends, influencing PGA,” *San Antonio Express-News*, March 24, 2002.

<sup>362</sup> *Ibid.*

<sup>363</sup> Guerra, “As PGA project changes, opponents’ resolve is strengthened,” *San Antonio Express-News*, March 26, 2002.

the editorial urged.<sup>364</sup> A news article that same day reported that with “new terms and concessions rapidly surfacing in feverish negotiations,” the council would not have the final public hearing and vote on March 28, 2002, as planned, but would work instead to have a revised agreement ready on April 4.<sup>365</sup> The new contract wouldn’t be available for public review until the day of the hearing, prompting political columnist Casey to write about how it was “back to business as usual” at City Hall.<sup>366</sup> Casey told the story of how a city lawyer had “worried in vain” a couple of months earlier when he reportedly expressed, in a closed-door session, that Mayor Garza would set a “bad precedent” by releasing a draft of the PGA Village contract two weeks prior to a scheduled vote “so that citizens could give their representatives informed opinions on the issue.”<sup>367</sup> The city had never released such contracts for public scrutiny before council voted on them, Casey wrote. “In fact, the council members, much less the public, rarely have contracts early enough to read them before voting on them. Instead, council members rely on the representations of city staff and lawyers and of the generous lobbyists representing the parties on the other side of the table (theoretically speaking).” And what happened as a result of making the agreement available ahead of time? Casey asked. “A lot of people read it,” he wrote, finding among other things, a major liability loophole and “many other problems.” Now a new contract would be on the table, with public hearings scheduled for April 2 and a council vote on April 4—“a schedule that gives nobody time to analyze the contract,” Casey wrote. “It looks like we’re going back to business as usual.”<sup>368</sup> Wolff, on the other hand, saw the matter quite differently. “The delay and additional hearings,” which Wolff said were concessions Garza granted in a meeting with COPS/Metro Alliance, “turned out to be a huge mistake,” he wrote.<sup>369</sup>

As matters got down to the wire, the *Express-News* reported on April 2, 2002, that city officials planned to have an agreement ready for release that morning, just hours ahead of public forums scheduled to begin in each council district that evening.<sup>370</sup> Even so, wage agreements, still under negotiation, might not be in the agreement until the council vote on April 4.<sup>371</sup> The same news story reported that the Smart Growth Coalition had called a press conference to release information they obtained from the public record, showing that the PGA developer, Lumbermen’s Investment Corp., and its parent company, Temple-Inland Inc., and other Temple-Inland subsidiaries, had been cited and fined for various safety and environmental violations during the past decade. Enrique Valdivia, director of the Esperanza Environmental Justice Project, a member of the coalition, reportedly said, “We believe Lumbermen’s/Temple Inland are not good corporate citizens and this agreement will do nothing, nothing to protect our water supply.” At the news conference, Smart Growth leaders reaffirmed their opposition to the project, “even with the changes,” and called for a public vote on the issue.<sup>372</sup>

On the night of April 2, at public hearings convened in each of their home districts, council members explained the proposed compromise agreement to mixed reviews, according to

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<sup>364</sup> Editorial, “The mayor deserves support of citizens,” *San Antonio Express-News*, March 26, 2002.

<sup>365</sup> Pack, “PGA vote set back one week,” *San Antonio Express-News*, March 26, 2002.

<sup>366</sup> Casey, “Lawyer on City Council worried in vain about precedent,” *San Antonio Express-News*, March 27, 2002.

<sup>367</sup> *Ibid.*

<sup>368</sup> *Ibid.*

<sup>369</sup> Wolff, 62.

<sup>370</sup> Pack, “Mayor expects plan to win over council,” *San Antonio Express-News*, April 2, 2002.

<sup>371</sup> *Ibid.*

<sup>372</sup> *Ibid.*

news reports.<sup>373</sup> “At many, people were upset about the format, which restricted participants to submitting written questions that were answered by developer and city representatives.”<sup>374</sup> In District 5, Councilman David A. Garcia who was undeclared but “considered to be leaning in favor” of the agreement, “pulled the microphone plug when Father Walter D’heedene, a leader of [COPS] and the Metro Alliance, got up and tried to address the crowd.” D’heedene reportedly “walked out, as did most of the crowd of 100 people, leaving Garcia, engineer Gene Dawson and a city staff member in the room with just a handful of residents.”<sup>375</sup> At District 7, Mayor Garza “said he was pleased with the proposal’s environmental controls and financial limits of a special taxing district, but added that the developers need to make a greater commitment to pay a ‘living wage’ to resort hotel employees before he can endorse it.” COPS leader D’heedene reportedly said, “There has been no progress made. What we see is not acceptable to us.”<sup>376</sup>

On April 4, 2002, the day of the council vote, the *Express-News* editorialized in support of Garza’s revised agreement. “Garza has worked hard to bring all points of view to the table and address major issues raised by critics. While we see no remaining roadblocks, the final agreement was not available until Tuesday. Council members must take the time to read the document before they vote today [Thursday].”<sup>377</sup> The paper reported that Garza obtained the changes he sought “in hastily called negotiations Wednesday afternoon.”<sup>378</sup> But representatives of COPS and Metro Alliance “left the talks saying they only got the first of several changes they want. And members of the Smart Growth Coalition said they were dissatisfied with the deal and would move forward on a referendum drive if council approves the project.”<sup>379</sup>

That evening, before the vote, “dozens of speakers, both pro and con, took advantage of an opportunity to speak at the final public hearing, which lasted nearly six hours.”<sup>380</sup> Opponents “came out in force... outnumbering proponents in the City Council Chambers, which were packed with more than 300 people.”<sup>381</sup> The San Antonio Hispanic Chamber of Commerce “urged the council to support the PGA Village, saying it would enhance the city’s tourism industry.”<sup>382</sup> Fay Sinkin, “the grand dame of the local aquifer protection movement, told the council that ‘tinkering with the PGA contract won’t change the fact that three independent geologists have warned that the cumulative effect of aquifer development will pollute our water supply.’”<sup>383</sup> Berriozábal “vowed that if the council approved the proposal, the Smart Growth Coalition—made up of community groups against the PGA plan—would hit the streets. ‘We are going to get our volunteers and start collecting signatures for a referendum so people can vote on this most important issue,’ she said. ‘Our ‘Save the Aquifer’ campaign is about to start.’” Father Walter D’heedene, representing COPS and Metro Alliance, “said the groups’ leadership felt betrayed by the terms of the minimum wage commitments and was dissatisfied with the environmental

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<sup>373</sup> Tumiel, “Moods at district forums span emotional spectrum,” *San Antonio Express-News*, April 3, 2002.

<sup>374</sup> Ibid.

<sup>375</sup> Ibid.

<sup>376</sup> Ibid.

<sup>377</sup> Editorial, “Agreement on PGA much better for city,” *San Antonio Express-News*, April 4, 2002.

<sup>378</sup> Pack, “PGA approval likely today,” *San Antonio Express-News*, April 4, 2002.

<sup>379</sup> Ibid.

<sup>380</sup> Pack, “Council vote puts PGA Village on map,” *San Antonio Express-News*, April 5, 2002.

<sup>381</sup> Ibid.

<sup>382</sup> Needham and Anderson, “Proposal praised, denounced,” *San Antonio Express-News*, April 5, 2002.

<sup>383</sup> Ibid.

regulations and financial allowances that make up the agreement. ‘It’s not a good deal for the city,’ D’heedene said. ‘When the (petition) forms are ready, we’ll join with Smart Growth and begin walking.’<sup>384</sup>

The council meeting ended at 2:17 a.m., on Friday, April 5, 2002. “The much-anticipated vote was 9-2. Only Councilmen John Sanders and Julian Castro voted against it.”<sup>385</sup> One year and two months after announcing the PGA Village project, its developers obtained City Council approval of their plan, making the taxing district over the recharge zone operational. Hours later, according to news reports, “opponents started the daunting task of gathering the signatures of more than 68,000 registered voters to force a referendum on the resort plan. The Smart Growth Coalition, which is spearheading the petition drive, opened its headquarters Friday at 2108 N. Main Ave.”<sup>386</sup> The paper further reported:

Its petition states that council members should repeal the Cibolo Canyon Conservation Improvement District No.1, the official name of the taxing district that will finance the PGA Village, or allow a public vote on the issue.... Assistant City Clerk Yolanda Ledesma said project opponents have to gather at least 68,023 signatures no later than May 13. Their petitions, she said, must be uniform in style and size, and include a voter’s printed name, signature, address and date of birth. The city clerk’s office would have 20 days to determine whether the signatures were valid, Ledesma said. Opponents would then have another 20 days to gather signatures to make up for ones that were not valid.... Under that scenario, June could be the earliest before it’s known whether there will be a referendum.<sup>387</sup>

Longtime water activist Kay Turner, who “plans to stay neutral on the project,” reportedly said the PGA Village opponents have a “Herculean task” ahead of them in rounding up the required number of signatures—but they also “have what they need to make a serious and even successful campaign against the development,” the paper reported.<sup>388</sup>

During the next forty days, hundreds of activists, representing the Smart Growth Coalition and COPS/Metro Alliance, fanned throughout the city to gather the requisite 68,000 valid signatures.<sup>389</sup> Sporting blue “Save Our Aquifer” T-shirts and what became a signature feature of the campaign—ironing boards, sometimes “festooned with Fiesta-style decorations,” on which multiple people could sign petitions at once—PGA opponents “mostly kept mum” on their petition progress throughout the arduous effort.<sup>390</sup> In the meantime, the *Express-News*

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<sup>384</sup> Pack, April 5, 2002.

<sup>385</sup> Ibid.

<sup>386</sup> Anderson, “Referendum drive under way,” *San Antonio Express-News*, April 6, 2002.

<sup>387</sup> Ibid.

<sup>388</sup> Ibid.

<sup>389</sup> Ibid. Enrique Valdivia, a Smart Growth Coalition spokesman, estimated “his group alone has 200 to 300 people to seek signatures, and Father Walter D’heedene, a COPS leader, said that COPS and Metro Alliance have more than 400 people.”

<sup>390</sup> See Anderson, “PGA Village foes mum on petition progress,” *San Antonio Express-News*, April 15, 2002. “Gary Poole, treasurer of Save Our Aquifer, a specific-purpose committee created under state law to organize and raise money for a campaign against the PGA project, said the group won’t be issuing periodic progress reports on the petition drive. ‘I think our main interest is just to stay focused on the task at hand.’” Annalisa Peace, a Smart Growth Coalition spokeswoman “offered another reason. ‘There’s so many groups involved on any given day that it’s really

editorialized against the petition effort, noting that while citizens have the right to petition their government, the “energy and zeal of those leading the drive to force a citywide referendum on the PGA Village could be better channeled to serve not only their interests but also the city’s best interest.”<sup>391</sup> The subhead to the editorial read “Rather than splitting the city apart, PGA opponents should move on to regional aquifer protection and Better Jobs.” On April 18, 2002, three former mayors joined Mayor Ed Garza on the steps of City Hall “to throw their support behind the PGA Village resort, [while] a fourth former mayor, Henry Cisneros, took a break from an East Coast trip to phone in his endorsement.”<sup>392</sup> Cisneros, a former secretary of the U.S. Department of Housing and Urban Development, reportedly echoed the comments of the other former mayors when he said, “I don’t feel that our interests would be served by having a referendum election to overturn this project.”<sup>393</sup> On May 5, the *Express-News* reported a Lumbermen’s announcement that they would be starting construction on the project’s main east-west road, to be known as Cibolo Canyon Parkway, “in about 90 days.”<sup>394</sup> Lumbermen’s executive vice president John Pierret said, “We’re going to do a subdivision out there with the referendum or without it, with the PGA or without it.” Pierret noted that if there is a referendum there is a chance PGA might leave. “But we think our vested rights are such that we can build golf. We’re doing the planning on it now, then we’ll have that decision to make later.”<sup>395</sup>

A few days later, petition-drive leaders announced they had collected more than 64,000 signatures going into the final weekend. “By May, 13, we will go beyond our goal,” COPS/Metro Alliance spokeswoman Patricia Ozuna reportedly said.<sup>396</sup> Two days later, a new poll conducted by the University of Texas at San Antonio’s Metropolitan Research and Policy Institute showed that 57 percent of San Antonians disagreed with the council’s vote on the PGA Village, 36 percent agreed, and 7 percent did not answer or had no opinion.<sup>397</sup> “Fatalism is creeping into the tone of some key PGA Village supporters as opponents gather the final signatures they say they need to put the divisive development to a public vote,” read the lead of a front-page story in the *Express-News* on May 12.<sup>398</sup> In his column, Carlos Guerra wrote about a conversation he had heard a month earlier when the petition drive was launched: “‘They’ll never do it,’ one City Hall cognoscenti chuckled smugly, ‘not in today’s world!’ His comments echoed the conventional wisdom of City Hall insiders, who had concluded that gathering signatures from 10 percent of the eligible voters was so daunting a task that it would prove futile.”<sup>399</sup> On May 14, 2002, the newspaper’s front page ran a story that led, “Jubilant community activists seeking to overturn the City Council’s decision to support the PGA Village filed petitions Monday with the names of more than 83,000<sup>400</sup> people who want a chance to determine if the golf resort should be

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difficult to get an accurate count.” See also Castillo and Anderson, “PGA foes step up their efforts,” *San Antonio Express-News*, April 21, 2002.

<sup>391</sup> Editorial, “Opponents of PGA need broader focus,” *San Antonio Express-News*, April 9, 2002.

<sup>392</sup> Pack, “Ex-mayors pitch golf resort plan,” *San Antonio Express-News*, April 19, 2002.

<sup>393</sup> Ibid.

<sup>394</sup> Adolfo Pesquera, “PGA or not, plans set,” *San Antonio Express-News*, May 5, 2002.

<sup>395</sup> Ibid.

<sup>396</sup> Pack, “PGA’s foes say they will have enough,” *San Antonio Express-News*, May 9, 2002.

<sup>397</sup> Pack, “Poll finds majority against PGA approval,” *San Antonio Express-News*, May 11, 2002.

<sup>398</sup> Sherry Sylvester, “Petitions worry PGA’s backers,” *San Antonio Express-News*, May 12, 2002.

<sup>399</sup> Guerra, “Finally, a couple of surprise PGA Village developments,” *San Antonio Express-News*, May 9, 2002.

<sup>400</sup> A day later, Save Our Aquifer said the figure should be reduced by about 4,000 names as those petitions were “inadvertently left out” of the batch delivered to City Hall. “Maria Berriozabal, who said she regretted the mistake, explained that the missing petitions were part of a group collected Sunday and early Monday that were not placed

built.”<sup>401</sup> The story reported that “Leticia Vela and Juliana Murphy, Save Our Aquifer coordinators, said a new crop of leadership has emerged that is intent on showing the city that the way business has been done ‘was not good enough.’” The paper also reported that new poll numbers released by SurveyUSA for KSAT-TV “show that 72 percent of respondents said there should be a public vote on the issue.”<sup>402</sup>

Over the course of the next few days and weeks, the PGA village story would take several strange twists and turns.

- In his May 15, 2002 column, Rick Casey disclosed that leaders of COPS and Metro Alliance had met “quietly” with Mayor Ed Garza on “the same day they turned in a mass of referendum petitions—to see if a deal could be reached that would avoid an election on the PGA Village agreement. COPS and Metro did not disclose the meeting to other members of the broad coalition” involved in the petition drive.<sup>403</sup> Two days later, the newspaper reported that no agreement was reached.<sup>404</sup>
- Mayor Garza revealed that the PGA “had said months ago that if the signatures got to the point that they would call for an election that they would not want to move forward.” Garza reportedly said he would “once again try to persuade PGA officials to consider other San Antonio sites.”<sup>405</sup>
- Columnist Casey disclosed on May 26, 2002 that petitioners need closer to 61,000 valid signatures not 68,000 because “phantom voters” were erroneously included in the voter base upon which the figure was derived. A subsequent review of the law by the city attorney confirmed that “suspense voters,” voters whose registration cards are returned as undeliverable, “should not be used in determining how many signatures are needed to force a public vote.”<sup>406</sup>

On June 6, 2002, City Clerk Norma Rodríguez announced that the petition drive had fallen 13,000 votes short of the 63,006 signatures needed; her office had certified that 49,513—or 62 percent—of the 79,083 names submitted “represented actual registered voters in San Antonio.”<sup>407</sup> PGA opponents were “surprised by the number of signatures that were thrown out—nearly 40 percent,” but vowed to “hit the streets again” to obtain the 63,006 signatures needed within the additional twenty days specified by the City Charter.<sup>408</sup> The *Express-News* took

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with the rest of the boxes after copies of the petitions were made.” See Pack, “Some PGA petitions left out,” *San Antonio Express-News*, May 15, 2002.

<sup>401</sup> Pack, “83,700 signatures ready for checking,” *San Antonio Express-News*, May 14, 2002.

<sup>402</sup> Ibid.

<sup>403</sup> Casey, “COPS/Metro discussed potential PGA deal with mayor,” *San Antonio Express-News*, May 15, 2002.

“Former COPS president Andres Sarabia said any agreement would need approval from other members of the coalition that collected a record number of signatures. ‘Particularly in the area of protection of our water,’ he said. ‘They’re just as adamant as we are about protecting the water, and we’re adamant about moving San Antonio from a cheap labor town to a city that invests in its people and has wage earners that can support their family.’”

<sup>404</sup> Pack, “Mayor, PGA foes say no deals,” *San Antonio Express-News*, May 17, 2002.

<sup>405</sup> Anderson, “Garza says PGA may bolt if a vote is set,” *May 24, 2002*.

<sup>406</sup> Pack, “PGA petition goal may get help,” *San Antonio Express-News*, May 30, 2002.

<sup>407</sup> Castillo, “Signatures fall short on PGA-vote petitions,” *San Antonio Express-News*, June 7, 2002.

<sup>408</sup> Ibid.

the occasion to issue an editorial, urging “those citizens who have not yet signed petitions to take a pragmatic, longer-term look at the issue and not sign the petitions. An election on the PGA Village can only divide the city further and will not result in any additional safeguards for the city’s water supply.”<sup>409</sup>

As the petition drive resumed, reporters and citizens alike began analyzing the validation process, suspecting that “valid voters were improperly disqualified because of error.”<sup>410</sup> Soon, it became clear that the computerized process used to compare petition signers with registered voters had wrongly invalidated large numbers of signatures. Nearly 4,000 disqualified signatures were declared valid by the city clerk after closer examination revealed computer birth date problems, reducing the number of signatures needed to 9,681.<sup>411</sup> Save Our Aquifer (SOA) officials said that in checking sample sheets of disqualified petition signers, they found “error rates as high as 80 percent,” and hinted the group may go to court over the matter.<sup>412</sup> Meanwhile, Mayor Garza continued to pursue negotiations in hopes of arriving at a compromise that would avoid a referendum. COPS and Metro Alliance put forward a proposed compromise at an editorial board meeting with the *Express-News* but SOA officials took a very different tack, saying they were “examining the legality of changing the development plan before the petition drive has run its course.”<sup>413</sup> The *Express-News* again editorialized. Noting that COPS/Metro Alliance had put their final negotiating position on paper, the editorial exhorted Mayor Garza to “seize the moment” and exert the leadership necessary to “bring a majority to consensus, short of this referendum”—recognizing that some groups who “oppose the project under any circumstances will not be satisfied.”<sup>414</sup>

On June 25, 2002, leaders of the petition drive delivered another 26,000 signatures to City Hall. “‘This is a historic day for all of San Antonio,’ said a jubilant Joleen García of the Save Our Aquifer Campaign. ‘The voters have spoken.’”<sup>415</sup> Even if half of those signatures are rejected, the front-page story in the *Express-News* ran, “the anti-PGA petition drive still would be a success, meaning the City Council would have to either rescind its support of the golf resort or put the issue on the November ballot.” Less than two hours later, “the same group took an unexpected detour,” going to federal court to ask U.S. District Judge Fred Biery “to stop officials from taking any action on the PGA Village ordinance, including using computers to verify petition signatures, until the U.S. Justice Department reviews the process.”<sup>416</sup> Recognizing that the temporary restraining order could “even forestall a win for their side,” Save Our Aquifer coordinator Leticia Vela said, “There’s no point in expediting a process that’s not being carried out fairly. Instead of moving forward with the same tainted procedure, we want them to own up to the problem of the first petition signatures.”<sup>417</sup> According to the article, the lawsuit claimed the city’s unauthorized computerized verification process “resulted in the disproportionate disqualification of minority voters, a class protected by the Voting Rights Act.” The SOA’s

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<sup>409</sup> Editorial, “Let city avoid vote on PGA agreement,” *San Antonio Express-News*, June 7, 2002.

<sup>410</sup> Pack, “Mayor fears PGA talks at an end,” *San Antonio Express-News*, June 12, 2002.

<sup>411</sup> Pack, “Recount boosts anti-PGA groups,” *San Antonio Express-News*, June 18, 2002.

<sup>412</sup> Pack, “Resort foes question clerk’s rejections,” *San Antonio Express-News*, June 20, 2002.

<sup>413</sup> Pack, “2 anti-PGA groups pose offer,” *San Antonio Express-News*, June 14, 2002.

<sup>414</sup> Editorial, “Time for final push on PGA negotiation,” *San Antonio Express-News*, June 15, 2002.

<sup>415</sup> Pack, “PGA battle continues,” *San Antonio Express-News*, June 26, 2002.

<sup>416</sup> *Ibid.*

<sup>417</sup> *Ibid.*

attorney, Amy Kastely, reportedly said to group members gathered outside the federal courthouse after the lawsuit was filed, “We have, what, 105,000 who signed the petition? Our job is to make sure they get heard.”<sup>418</sup> Rick Casey’s column the next day was headlined, “How big is 70,000 signatures? Garza got 59,000 in a ‘landslide.’”<sup>419</sup> He went on to discuss the proposed “non-negotiable demands”<sup>420</sup> that COPS/Metro laid down to the mayor but, citing the City Charter, said that it was “not at all clear that such a compromise would be legal.” Casey asked, “Could the council repeal the PGA Village ordinance, make changes and pass it again before six months? They could expect a court fight. But more importantly, they could expect a rebellion at the polls. No slogan has been more effective in San Antonio in the past 20 years than ‘No means no.’”

Judge Biery granted the restraining order, putting “a temporary stop to the city’s fierce political fight” until Save Our Aquifer’s legal challenge could be examined.<sup>421</sup> SOA campaign officials disclosed that in addition to being driven by principle in filing the lawsuit in order “to correct a flawed process that effectively disenfranchised thousands of voters,” they also felt “it was crucial to prevent the council from considering any compromise deal that could be used to circumvent demands for a public vote.”<sup>422</sup> News reports indicated that time had been scheduled for the City Council “to consider a potential compromise agreement” brokered by Mayor Garza in consultation with COPS and Metro Alliance.<sup>423</sup> But on July 8, 2002, Judge Biery effectively closed a loophole in the City Charter that SOA officials feared the city might use to keep the issue off the ballot. “In that scenario, which city lawyers characterized as unrealistic, the council could dodge the referendum by scuttling the existing proposal—if it could do so before the petitions are accepted. Without a plan to challenge, the petitions would be powerless. Later, officials could substitute an amended resort plan without having to hurdle a citywide vote—unless petitioners gathered roughly 63,000 signatures again.”<sup>424</sup> Two days after the court victory, City Clerk Norma Rodríguez certified that “opponents had gathered 77,419 valid signatures over two high-drama petition drives, far surpassing the 63,006-signature threshold set forth in the City Charter.”<sup>425</sup> The groups spearheading the petition drive, Save Our Aquifer Campaign, COPS, and Metro Alliance “forced Rodríguez to pause for several seconds when applause erupted after she announced they collected a total of 107,033 signatures in what amounted to 60 days.”<sup>426</sup>

Saying that “the community spoke with ‘a very loud voice’ when 77,419 registered voters signed petitions calling on the council to repeal the PGA development deal or place it on a public ballot,” Mayor Garza said he would ask the City Council to let voters decide the matter rather than rescind the agreement, because he wanted “to restore the public’s confidence in local

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<sup>418</sup> Ibid.

<sup>419</sup> Casey, June 26, 2002.

<sup>420</sup> The COPS/Metro Alliance demands “would tie wage requirements in the development to an inflation index, add a bit more oversight to environmental enforcement, and shorten the term of the deal’s substantial tax subsidy.”

<sup>421</sup> Maro Robbins and William Pack, “City action halted on golf resort plan,” *San Antonio Express-News*, June 27, 2002.

<sup>422</sup> Ibid.

<sup>423</sup> Ibid.

<sup>424</sup> Robbins, “Judge freezes resort project,” *San Antonio Express-News*, July 9, 2002.

<sup>425</sup> Castillo, “Signatures verified ‘far’ surpass threshold needed for election,” *San Antonio Express-News*, July 11, 2002.

<sup>426</sup> Ibid.

government.”<sup>427</sup> But the day the council was “primed to call for a public vote”<sup>428</sup> on the agreement, the mayor received a letter from Lumbermen’s executive vice president John Pierret, indicating that the PGA of America “had withdrawn its support of the plan and that the developer, Lumbermen’s Investment Corp., no longer wanted to pursue the project as approved in April.”<sup>429</sup> PGA chief executive officer Jim Awtrey had reportedly written to Lumbermen’s that “the association’s interest had dried up because of how controversial and divisive the current proposal had become. But, he added, ‘we would be interested in revisiting a PGA relationship,’ if the city and the resort’s sponsor could reach a new agreement about development at the northern Bexar County site.”<sup>430</sup> In his letter to the mayor, conveying the news, Lumbermen’s John Pierret wrote that “it will be extremely difficult to provide the PGA with the incentives that they need to be involved in this project,” adding, “Any assistance you can provide with developing other options will be appreciated.”<sup>431</sup> The City Council then voted to rescind the PGA Village agreement they had approved in April.

The matter was hardly brought to an end. In the same news article announcing the rescinding of the PGA Village, Mayor Garza said his “No. 1 goal as it relates to this issue” would be to “shift his attention” to developing an alternative plan “that retains the protections while providing developers with incentives that are easy to understand and to monitor.”<sup>432</sup> In an editorial, the *Express-News* seized on the apparent opening left in Lumbermen’s letter, urging the PGA and Lumbermen’s “to keep their options open, as they appear ready to do.”<sup>433</sup> Noting Mayor Garza’s willingness “to work toward a different arrangement that might bring the project to the city” and that two major objections were off the table—the taxing district and the secrecy surrounding its creation—the editorial concluded: “The community should hope that an agreement can be reached, because the PGA Village would be a boon for San Antonio, signaling other good things to follow.”

During the next few days, Bexar County Judge Wolff and other county officials met with Lumbermen’s “to explore possible incentives the county can offer to attract the resort. ‘All we are doing right now is we’re exploring all the tools in our arsenal—the things that we, as a county, can do to help the city (get this development),’” Wolff said.<sup>434</sup> Mayor Garza flew to Florida to meet with PGA officials. When he returned, Garza “was typically cautious but clearly upbeat on the city’s ability to reclaim its standing as the site for a PGA golf resort—a position it lost a week ago.”<sup>435</sup> Garza said he would ask the City Council to support a letter of intent to design “an incentives plan built around an agreement that could delay annexation of the resort for up to 15 years. In return, resort developers would have to implement strict environmental controls.”<sup>436</sup> Councilman David A. García and Councilwoman Toni Moorhouse, who were now

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<sup>427</sup> Pack, “Mayor wants voters to decide PGA’s fate,” *San Antonio Express-News*, July 18, 2002.

<sup>428</sup> Pack, “PGA pullout rumors fly as scheduling of vote looms,” *San Antonio Express-News*, Aug. 1, 2002.

<sup>429</sup> Pack, “PGA deal has run its course,” *San Antonio Express-News*, Aug. 2, 2002.

<sup>430</sup> *Ibid.*

<sup>431</sup> *Ibid.*

<sup>432</sup> *Ibid.*

<sup>433</sup> Editorial, “Door not yet closed on project for PGA,” *San Antonio Express-News*, Aug. 2, 2002.

<sup>434</sup> William Pack and Tom Bower, “Mayor is set to meet with PGA today,” *San Antonio Express-News*, Aug. 7, 2002.

<sup>435</sup> Pack, “PGA may consider new deal,” *San Antonio Express-News*, Aug. 8, 2002.

<sup>436</sup> *Ibid.*

the subjects of voter recall efforts because of their support for PGA Village plan, were open to Garza's proposal but noted it would need careful review.<sup>437</sup> "It has to be a deal that is above reproach," García reportedly said. "I don't want it to look like we back-doored this to get around the opposition." Mayor Garza hoped that "without the taxing district, the new plan would not be as divisive."<sup>438</sup> However, SOA leader Berriozábal "said she didn't see much difference in the new proposal, particularly because the resort would still be on the recharge zone."<sup>439</sup>

## PGA II: The Non-Annexation Agreement

If events surrounding the first PGA deal unfolded seemingly painstakingly, there was no time wasted crafting the second deal.

- On Monday, August 12, 2002, less than two weeks after the PGA of America pulled out of the first plan, Mayor Garza "unveiled the framework of a new deal" for the PGA Village resort.<sup>440</sup> Saying he had the City Council's unanimous backing, Garza asked Lumbermen's "to say by 5 p.m. today if it can support the concept."<sup>441</sup> The framework:
  - a fifteen-year non-annexation agreement in exchange for "strict environmental controls and regulatory concessions at the site"
  - annual payments of \$100,000 by the developer to the San Antonio Water System for surface water and groundwater monitoring
  - allowance for greater impervious cover—up to 25 percent from 15 percent
  - 1,100 acres set-aside no longer required "though development on 700 acres would be restricted"
  - estimated cost unknown but "it should not approach the cost of the original development deal" that gave developers authority to raise from \$52 million to \$80 million in taxes for public improvements<sup>442</sup>
  - "silent on any wage commitments"<sup>443</sup>
- Before the end of the day, Lumbermen's responded affirmatively.<sup>444</sup>
- On August 15, 2002, Save Our Aquifer went back to court, arguing the city's negotiations around the new proposal violated a court-imposed restraining order.

SOA attorney Amy Kastely argued that "the right to petition for a referendum is meaningless if city officials can take an issue, put a new wrapper on it, change its name and then claim it's unrelated and not subject to a public vote. 'It's functionally and substantially the same plan,' she said. 'It's on our aquifer and it's with our money.'"<sup>445</sup> The *Express-News* reported how

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<sup>437</sup> Pack, "Council likes new ideas on PGA," *San Antonio Express-News*, Aug. 9, 2002.

<sup>438</sup> Ibid.

<sup>439</sup> Ibid.

<sup>440</sup> Pack, "Mayor unveils revamped PGA proposal," *San Antonio Express-News*, Aug. 13, 2002.

<sup>441</sup> Ibid.

<sup>442</sup> Ibid.

<sup>443</sup> Anderson, "PGA deal makes no mention of wages," *San Antonio Express-News*, Aug. 15, 2002.

<sup>444</sup> Pack, "Resort builder endorses proposal," *San Antonio Express-News*, Aug. 14, 2002.

<sup>445</sup> Anderson, "New resort proposal is hauled into court," *San Antonio Express-News*, Aug. 16, 2002.

a month earlier, at the July 8 hearing, “the discussion turned briefly to the question: What if the council rescinds the resort deal only to return with a similar one later? The city’s lawyer Rolando Ríos speculated it would be a risky move in at least two respects. ‘If that happens, (Save Our Aquifer) will have a heck of a good lawsuit, plus,’ he added, the City Council likely would have to face political consequences of disregarding thousands of petitioners who wanted the resort plan put to a vote. Rios, however, contends that the newest plan bears little resemblance to the original.” In his August 20, 2002, column, Carlos Guerra reported on amendments that attorneys for Save Our Aquifer and LULAC (League of United Latin American Citizens) District 15, a co-plaintiff, had filed in their complaint against the city and county in order to “broaden it.”<sup>446</sup>

SOA’s amendments now charge that “from August 1 through August 11, a majority of the city council deliberated in a series of informal meetings regarding the ‘new’ PGA Village agreement,” though “no notice was posted, no open meeting was called to order and no record was kept.” The new deal is the old one in new clothes, Kastely says, since it’s about building the same project on the same environmentally sensitive land with virtually the same subsidy. In the process of thwarting a public vote on the matter, people’s voting rights and due process guarantees were trampled because “the law doesn’t allow serial face-to-face meetings or even serial phone calls” to sidestep legal requirements that public business be conducted openly, with due notice and appropriate record-keeping.”<sup>447</sup>

In a three-page decision, Judge Biery ruled on August 22, 2002, that negotiations could continue on a new PGA Village deal, noting: “If and when (a deal is struck), the court will address the matter at an appropriate time.”<sup>448</sup> Both sides declared victory. “It makes clear the city had done nothing wrong and is free to do what it is supposed to do, which is to provide leadership on the future development of San Antonio,” said Rolando Ríos. “The judge is clear that what is involved here is an attempt to take a different route to get to the same place,” said SOA attorney Kastely, referring to the city’s desire to resurrect the PGA deal.<sup>449</sup> After Labor Day, city attorney Andy Martin issued an opinion “that drew immediate fire from resort opponents,” saying the city’s new annexation strategy was not subject to a petition drive because such agreements require public hearings.<sup>450</sup> “State courts, according to Martin, have consistently ruled that annexation decisions by cities are not subject to referendums primarily because of the public hearing requirement.” SOA spokeswoman Leticia Vela “called Martin’s position ‘a very clever solution’ for the city.”<sup>451</sup> Kastely said that “instead of trying to convince a court that a second referendum is possible” she would concentrate on showing that “the initial referendum effort still should apply,” arguing that “the city violated the U.S. Constitution, the U.S. Voting Rights Act and the City Charter when it didn’t call for a public vote after opponents staged a successful referendum drive” against the previous plan.<sup>452</sup> Kastely reportedly said, ‘I think that is the city’s and (the developer’s) goal, to avoid an election.’ Mayor Garza responded, “it was not

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<sup>446</sup> Guerra, “Aquifer group attacks city’s new PGA deal in federal court,” *San Antonio Express-News*, Aug. 20, 2002.

<sup>447</sup> Ibid.

<sup>448</sup> Castillo, “Judge rules PGA talks ok for now

<sup>449</sup> Ibid.

<sup>450</sup> Pack, “Petition may not apply to new golf resort deal,” *San Antonio Express-News*, Sept. 6, 2002.

<sup>451</sup> Ibid.

<sup>452</sup> Pack, “Challenge to new plan on tap,” *San Antonio Express-News*, Sept. 8, 2002.

my purpose to find a development tool that would be immune from the public's referendum powers.' But he did acknowledge that an election could 'mean no PGA in San Antonio.'<sup>453</sup>

After two confrontational public hearings, held on September 30 and October 3, 2002, the way was cleared for council action on the PGA non-annexation plan. "Only a portion of the council was present" at the final hearing, which lasted "well past 10 p.m.," with nearly 250 people "jammed" into council Chambers.<sup>454</sup> Mayor Garza was away at a conference and Council members García and Bonnie Conner were absent; Councilmen Carroll Schubert and Castro stayed for part of the evening.<sup>455</sup> At a hearing on October 10, the day after two councilmen, John Sanders and Enrique Martin, were arrested on federal bribery charges (unrelated to the PGA project), the council was briefed on the latest changes to the PGA Village agreement, which would have "less environment monitoring," according to the *Express-News*.<sup>456</sup> The paper reported that the developer would only be required to pay for environmental monitoring for fifteen years, thereafter the city or the San Antonio Water Systems (SAWS) would have to pay for it; instead of paying to drill "at least four new groundwater monitoring wells to determine any contamination resulting from the development," Lumbermen's would pay SAWS \$100,000 per year for fifteen years to monitor the development; and Lumbermen's would no longer have to pay \$1 million to a liability fund for environmental clean up in the even of contamination.<sup>457</sup>

On October 24, when the City Council was scheduled to vote on the PGA non-annexation plan, in the wake of City Hall bribery scandals, the *San Antonio Express-News* editorialized,

Because of the cloud of scandal hanging over the City Council, it must retain every possible shred of integrity as it votes on the contentious PGA Village project. That means council members must have time to read the contract, which they received Tuesday afternoon. It is unreasonable to expect them to vote on the 159-page contract today. If Mayor Ed Garza must have a vote before the end of the month, then he should schedule a special council session, if necessary.... Those who support the PGA Village, as this newspaper does, should back council members who want to be diligent about this task.... Garza should listen to conscientious council members who want more time.<sup>458</sup>

That afternoon, by a vote of ten to one, the City Council "overwhelmingly" approved the deal, which included "a last-minute commitment for all hotel workers and full-time PGA employees who don't receive tips to be paid at least \$8.75 per hour."<sup>459</sup> It also reportedly included environmental monitoring and controls on golf courses, and restrictions on chemicals used by businesses and homeowners.<sup>460</sup> The salary commitment was "a major coup for Garza" because it prompted COPS and Metro Alliance to take a neutral stance on the agreement.<sup>461</sup> Mayor Ed Garza reportedly said, "It's a historic moment for council. It's a positive step in public policy and

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<sup>453</sup> Ibid.

<sup>454</sup> Pack, "PGA debate continues to rage," *San Antonio Express-News*, Oct. 4, 2002.

<sup>455</sup> Ibid.

<sup>456</sup> Bower, "New PGA deal has less environment monitoring," *San Antonio Express-News*, Oct. 11, 2002.

<sup>457</sup> Ibid.

<sup>458</sup> Editorial, "Council must study contract before vote," *San Antonio Express-News*, Oct. 24, 2002.

<sup>459</sup> Anderson, "Resort plan sails through council," *San Antonio Express-News*, Oct. 25, 2002.

<sup>460</sup> Ibid.

<sup>461</sup> Ibid.

a bold step moving the city in the right directions.”<sup>462</sup> Councilman Julián Castro “cast the lone dissenting vote, protesting that the council’s action isn’t subject to a citizen-called referendum.”<sup>463</sup> Although the document was “largely finished,” a few issues “still are being negotiated and minor word problems must be resolved.” Councilwoman Bonnie Conner succeeded in passing an amendment that would withhold final authorization until “the environmental management plan for the golf courses is completed and reviewed by council.”<sup>464</sup>

At a five-hour hearing in U.S. District Court on November 7, 2002, lawyers for Save Our Aquifer and the city made their case. City attorneys argued that the city “dumped its initial plan, as requested by petitioners” and that federal voting laws “apply to elections involving presidents and mayors, not petitions calling for referendums.”<sup>465</sup> City lawyer Rolando Ríos “further suggested it was absurd to accuse San Antonio’s mostly Hispanic council of violating federal statutes designed to protect minority voters.”<sup>466</sup> SOA attorney Kastely argued that “one of the hearing’s key questions” is whether the new plan is “essentially the same as the first.” In light of that, she asked Assistant Manager Chris Brady, the city’s top negotiator of the PGA plan, “to read from a memo that first proposed the revised plan, predicting it would receive little opposition from the council. ‘Why was little opposition expected,’ Kastely asked. ‘It says, *All revisions are minor in nature*,’ Brady replied.” On another key question as to which option would cause more harm—halting the project or ignoring voting rights concerns until litigation ends, a Lumbermen’s representative “testified that any significant delay caused by the lawsuit might undermine the project which is touted as an economic boon for San Antonio.”<sup>467</sup>

On December 10, Judge Biery denied Save Our Aquifer’s request for a restraining order, citing the withdrawal of opposition by COPS and Metro Alliance as evidence that the two plans were significantly different and rejecting the argument that minority voters were disenfranchised by the city’s refusal to put the proposal on the ballot because most of the petition signatures belonged to Hispanic and African-American voters.<sup>468</sup> “Biery found no evidence that the resort project diluted minority-voting strength or reflected racial bias. ‘Indeed,’ he noted, ‘most of the elected officials’ as well as their attorneys were minorities.’”<sup>469</sup> SOA members “suggested the ruling, which recited the project’s long political history and quoted from council meetings, amounted to a tally of factions for and against the project.” Commenting on the judge’s ruling, SOA’s Kastely reportedly said, “I’ve never seen a decision that is more explicitly political than this decision rendered by Judge Biery.”<sup>470</sup> The city’s lead lawyer Rolando Ríos said, “The people elected council members to make decisions of this type. And they’ve made their decision. They’ve said this is something we want for our community.”<sup>471</sup>

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<sup>462</sup> Ibid.

<sup>463</sup> Ibid.

<sup>464</sup> Ibid.

<sup>465</sup> Robbins, “Judge delays ruling on resort,” *San Antonio Express-News*, Nov. 8, 2002.

<sup>466</sup> Ibid.

<sup>467</sup> Ibid.

<sup>468</sup> Robbins, “New firestorm erupts over ruling against resort vote,” *San Antonio Express-News*, Dec. 11, 2002.

<sup>469</sup> Ibid.

<sup>470</sup> Ibid.

<sup>471</sup> Ibid.

After this, the PGA Village issue went largely unreported for most of 2003, except during the May elections when seven of the council’s eleven seats changed hands, bringing a “flood of change” in the wake of a “recent period of scandal and contentious issues.”<sup>472</sup> Two incumbents lost their seats, ousted by “reform-minded voters”—one was John Sanders, indicted on federal bribery charges in 2002 for the alleged sale of his vote on a city contract and the other was Toni Moorhouse, who “never recovered from the bitter fight over the PGA Village development, which she supported despite a successful petition drive that included many residents from her South Side district.”<sup>473</sup> The May elections “saw many candidates emphasize integrity and independence.”<sup>474</sup> Other scattered news reports about the PGA Village in 2003 focused on delays the developer was experiencing in getting the project underway due to financing difficulties. “Foundering in uncertainty for more than a year,” the *Express-News* reported on November 12, 2003, the project got a boost when the PGA of America renewed its commitment to Lumbermen’s, which would presumably help the developer secure funding for the hotel.<sup>475</sup> In January 2004, the *Express-News* reported that Lumbermen’s had been unable to complete the financial package, as required by the PGA, due to “a depressed economy,” but the “PGA has not rescinded the letter of intent to participate.”<sup>476</sup>

The next PGA news story, three months later, was stunning. “Activists stamp PGA Village deal invalid,” the front-page headline read.<sup>477</sup> “The furor over the PGA Village resort reignited Thursday as grass-roots activists released documents they said show the project is invalid, and they called on the City Council to repeal the deal,” the story read.<sup>478</sup> A year earlier, in March 2003, the *Express-News* had reported that Save Our Aquifer dropped its lawsuit for lack of funds.<sup>479</sup> It quoted SOA’s Joleen Garcia, as saying, “We feel we can accomplish our goals without this lawsuit.” It wasn’t idle speculation. For months, over the course of the next year, members of the group “met over coffee in living rooms,” the *Express-News* reported.<sup>480</sup> “When they parted, each would take large stacks of documents home to pore over every printed line.”<sup>481</sup> The group had obtained copies of each version of the “voluminous” contract between the city and PGA Village developer Lumbermen’s Investment Corp.—the original approved by the City Council in October and the final version signed in December. “With the help of a small legal team, the activists then did a side-by-side analysis of each version, hunting for any change—however slight—from the original agreement.”<sup>482</sup>

Under the name “Clean Water: Clean Democracy,” the activists charged that the October 2002 agreement “amounted to a ‘blank check’ allowing city staffers to continue negotiating the contentious deal out of public view.”<sup>483</sup> The crux of their arguments “hinges on allegations of a

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<sup>472</sup> Castillo, “Runoffs bring flood of change,” *San Antonio Express-News*, May 28, 2003.

<sup>473</sup> Ibid.

<sup>474</sup> Ibid.

<sup>475</sup> Pack, “S.A. now closer to getting PGA,” *San Antonio Express-News*, Nov. 12, 2003.

<sup>476</sup> Pack, “PGA Village in holding pattern,” *San Antonio Express-News*, Jan. 19, 2004.

<sup>477</sup> Foy, April 30, 2004.

<sup>478</sup> Ibid.

<sup>479</sup> Robbins, “PGA Village lawsuit dropped,” *San Antonio Express-News*, March 7, 2003.

<sup>480</sup> Foy, “Group didn’t forget about PGA Village,” *San Antonio Express-News*, May 1, 2004.

<sup>481</sup> Ibid.

<sup>482</sup> Ibid.

<sup>483</sup> Foy, April 30, 2004.

missed contract deadline and a nonexistent final report to the council that was required under the agreement.”<sup>484</sup> Perhaps the most incendiary finding concerned the living wage agreement. The final version did not include a listing of specific PGA employee positions that would be paid between \$8.75 and \$10 an hour, which meant that Lumbermen’s would have “the right to determine which, if any employees will receive those wages, said attorney Kastely.” The move “goes against” the agreement that COPS and Metro Alliance fought for, Kastely said, and for which they withdrew their opposition.<sup>485</sup> The group also raised questions “about a bill that quietly passed the Texas Legislature last year that would apply to the PGA development. The law, which sailed under the radar of most local legislators, would legalize the extension of city services to an area within its extraterritorial jurisdiction, Kastely said. Sen. Jeff Wentworth, R-San Antonio, sponsored the bill, and San Antonio city staffers testified in its support, Kastely said. In effect, it retroactively legalizes past development agreements such as Lumbermen’s PGA Village, she said.”<sup>486</sup> Berriozabal “said the grass-roots interest in the issue has been smoldering since the high-profile fight faded from public view.... You talk to people and they understand two things: They understand water and they understand it’s about their money.”<sup>487</sup> Saying his group was “surprised and disheartened” to learn of the allegations that the living wage measure had been changed, COPS leader Father Walter D’heedene reportedly said, “We do expect the city and Lumbermen’s to abide by their agreement they made with us. If there is any change, our understanding is that would invalidate the contract.”<sup>488</sup>

Over the course of the next month, city staff denied the allegations in discussions before the City Council, which now comprised seven new members who had not participated in the October 2002 vote approving the development, “a group that campaigned on messages of reform and responsibility.”<sup>489</sup>

On May 29, 2004, there was more stunning news. A front-page story in the *Express-News* reported that with “controversy flaring anew,” the PGA pulled out of the deal that has been “at the heart of a three-year public battle over water quality and economic development.”<sup>490</sup> An editorial in the *Express-News* placed blame for the loss of the PGA on Mayor Garza and “notably” on Councilman Julián Castro, whose call for an audit of the agreement was seen as the “final straw.”<sup>491</sup> The editorial said if “Garza wants to make amends, he should get on an airplane and do what he can to put the PGA deal back together. It is probably too late.... But it would do Garza good to make the fight, even if the fight is lost. That’s the kind of aggressive leadership San Antonio deserves—and does not have.”<sup>492</sup>

Garza did as the *Express-News* editorial exhorted. He and County Judge Wolff led a group of nine civic leaders to Chicago for a meeting with PGA chief executive Jim Awtrey “in a

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<sup>484</sup> Ibid.

<sup>485</sup> Ibid.

<sup>486</sup> Ibid.

<sup>487</sup> Ibid.

<sup>488</sup> Foy, May 1, 2004.

<sup>489</sup> Ibid.

<sup>490</sup> Greg Jefferson, “PGA packs up its clubs,” *San Antonio Express-News*, May 29, 2004.

<sup>491</sup> Editorial, “Lack of leadership led to loss of PGA,” *San Antonio Express-News*, June 2, 2004.

<sup>492</sup> Ibid.

last-ditch effort to save the luxury resort project.”<sup>493</sup> They came back empty handed. Or so it appeared. Later accounts reveal that there was another plan in the works.<sup>494</sup> In late May 2004, PGA’s Awtrey reportedly told Wolff, “If we pull out of San Antonio, I’ll put the PGA Tour in touch with you. Maybe they’ll build something over the recharge zone.”<sup>495</sup>

### **PGA III: The Taxing-District *and* Non-Annexation Agreement**

In August 2004, news accounts reported that Lumbermen’s was engaged in talks with the PGA Tour, a separate Florida-based organization that evolved from PGA of America and operates Tournament Players Clubs (TPCs) in the United States.<sup>496</sup> Berriozábal, “who helped lead the charge against the PGA Village,” said opponents were readying themselves for the newest challenge. “We have to work as hard as we can to bring out the truth. Sometimes we are successful and sometimes we aren’t successful, but the struggle is for the long haul.”<sup>497</sup> Mike Novak, chairman of the Greater San Antonio Chamber of Commerce reportedly said he thought the failure of the PGA Village deal “will motivate residents this time around to be more vocal in their support for a course. ‘You’ll see more of a groundswell of support for the TPC concept,’ he said,” adding that he regularly runs into residents who are “very emotional and upset that the opportunity went away.”<sup>498</sup> Activist Joleen García “argues just the opposite,” the paper reported. “It appears to me that Lumbermen’s doesn’t understand that no means no. Don’t contaminate our water, don’t bankrupt our city with tax breaks, and respect our citizens, which means not building golf courses over that property.”<sup>499</sup>

In November, after a near absence of news about the project, a page-one article announced, “S.A. talks with PGA Tour now in ‘intense’ range.”<sup>500</sup> The article said officials were more optimistic this time because the project included “two critical elements that doomed the PGA Village”—a hotelier, Marriott International, is participating in the talks and officials are hoping the PGA Tour deal “would include stricter environmental controls than were planned for PGA Village.” These might include reducing impervious cover from 35 percent to 15 percent in exchange for a non-annexation period of twenty-five years—ten years longer than what was proposed for PGA Village.<sup>501</sup> “There’s a coalition of organizations that will surface as soon as there is something concrete,” Berriozábal reportedly said. “It’s still the same aquifer and it’s still developers who insist they have vested rights, and we feel they don’t. No means no.”<sup>502</sup> Reports

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<sup>493</sup> Jefferson, “PGA tells S.A. the round’s over,” *San Antonio Express-News*, June 9, 2004. In addition to Wolff and Garza, the delegation included former Mayor Henry Cisneros, County Commissioner Lyle Larson, Councilman Carroll Schubert, auto dealer Ernest Ancira, state Sen. Jeff Wentworth, Lumbermen’s spokeswoman Trish DeBerry, and Mike Novak, chairman of the Greater San Antonio Chamber of Commerce.

<sup>494</sup> See Ken Rodríguez, “Stealth attack or good move, PGA project developed quietly,” *San Antonio Express-News*, Jan. 9, 2005.

<sup>495</sup> *Ibid.* In Wolff’s account, he writes that after the meeting with PGA’s Awtrey, “he whispered to me, ‘The PGA Tour is interested’” (Wolff, 66).

<sup>496</sup> Jefferson, “PGA Village site still may see golf course,” *San Antonio Express-News*, Aug. 6, 2004.

<sup>497</sup> Amy Dorsett, “Foes ready to tee off against golf course,” *San Antonio Express-News*, Aug. 7, 2004.

<sup>498</sup> *Ibid.*

<sup>499</sup> *Ibid.*

<sup>500</sup> Rebeca Rodríguez, “S.A. talks with PGA Tour now in ‘intense’ range,” *San Antonio Express-News*, Nov. 10, 2004.

<sup>501</sup> *Ibid.*

<sup>502</sup> *Ibid.*

later in the month that Wolff, Garza, and other local leaders were planning a trip to Florida on December 3 led undisclosed sources to say that while “no deals have been formally struck” many privately say a deal “could materialize quickly under the right conditions.”<sup>503</sup> Wolff reportedly said, “People think we know more than we do, and we really don’t,” with Garza adding, “Everything to date has been conceptual.”<sup>504</sup> Activist legal advisor Kastely reportedly said, “Their strategy will be to do it real quickly and to stop us from organizing, but I think they’re really underestimating the anger that people feel.”<sup>505</sup> As huge as the community’s environmental concerns, Kastely said, “is democracy and representative government and control by special interests seeking to make a lot of money. Jamming it through is not a way to demonstrate their commitment to the community.” St. Mary’s University political scientist Larry Hufford reportedly warned, “This failed the last time because of a lack of transparency in the decision-making process, and if it’s going to happen it’s got to be a process where all interested parties are able to voice their concern and support.”<sup>506</sup> Mayor Garza “said he and others have every intention of having inclusive talks about the project, once it gets beyond the abstract stage. ‘There’s not been any discussion with (opposition) groups, because there hasn’t been anything to discuss,’ he said. ‘It’s too early for that.’”<sup>507</sup>

After the trip to meet with PGA Tour officials at their headquarters in Ponte Vedra, Florida, which included a golf-cart tour of the “lush development,” Wolff reportedly said, “Hopefully we’ll know fairly soon. They were very favorably impressed with our presentation.”<sup>508</sup> Councilmen Chip Haas and Richard Pérez also toured the site, and two others, Councilmen Art Hall and Julián Castro, were scheduled to visit over the weekend.<sup>509</sup> According to Assistant City Manager Brady, who also attended the meeting, PGA Tour officials had copies of the PGA Village agreement. “I think they’re reviewing it to see what they might need in order for this to work for them and for everyone else. I imagine there will be an exchange of documents sometime soon,” he reportedly said.<sup>510</sup> Although leaders hoped a deal could “be struck in a matter of weeks, they insist nothing has been decided,” the paper reported.<sup>511</sup> “‘People have been kept out of the loop,’ said Graciela Sánchez, director of the Esperanza Peace and Justice Center. ‘That’s not democracy the way we see it. That’s not how city government should be run.’ Sanchez noted the negotiations are taking place around the holidays, when people are preoccupied with traveling and shopping.”<sup>512</sup>

The day after Christmas, a front-page article in the *Express-News* reported that a “triumvirate of officials from the PGA Tour, developer Lumbermen’s Investment Corp. and hotelier Marriott International were in San Antonio on Thursday touting their agreement ‘in principle’ to build the golf course resort, and Mayor Ed Garza called the project a ‘win-win-win’

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<sup>503</sup> R. Rodríguez, “PGA Tour’s plans quiet,” *San Antonio Express-News*, Nov. 21, 2004.

<sup>504</sup> Ibid.

<sup>505</sup> Ibid.

<sup>506</sup> Ibid.

<sup>507</sup> Ibid.

<sup>508</sup> R. Rodríguez, “Officials talk up PGA Tour idea,” *San Antonio Express-News*, Dec. 4, 2004.

<sup>509</sup> Ibid.

<sup>510</sup> R. Rodríguez, “PGA Tour course is above par,” *San Antonio Express-News*, Dec. 5, 2004.

<sup>511</sup> R. Rodríguez, Dec. 4, 2004.

<sup>512</sup> Ibid.

for the city.”<sup>513</sup> Two public hearings would be scheduled for January 4 and January 6, 2005 when the council would vote on the agreement. “‘Essentially, a *fait accompli* is going to be presented to the citizens and the citizens can respond, but this looks like a done deal,’ said St. Mary’s University political scientist Larry Hufford.”<sup>514</sup> On the day of the first hearing, the *Express-News* reported:

Calling the most recent proposal for a PGA Tour golf resort an injustice and a threat to the water supply, fewer than 10 community and environmental activists delivered their messages in the form of one-gallon jugs filled with green water. “No PGA. Protect our water,” they chanted as they entered City Hall to deliver the jugs to each member of the City Council. Activist Joleen García said the plan is being rushed through the democratic process in a time when communities around the world struggle to find clean drinking water.<sup>515</sup>

Two days later, on January 6, 2005, the City Council voted ten to one to approve the PGA Tour agreement “despite the fact that new details about the agreement with developers still were being unveiled just hours beforehand.”<sup>516</sup> Councilwoman Patti Radle was the sole dissenting voice. “The most important new disclosure was an extension of the tax abatement period for the property—from 25 to 29 years, effective immediately.” In exchange, PGA Tour would build on only 15 percent of the overall site and recycle 85 percent of its irrigation water.<sup>517</sup> About 300 people attended the hearing, the paper reported, with many speaking in favor. But “passions flared” as opponents “pleaded with council members to vote the project down or at least postpone their decision.” Esperanza’s Sánchez “challenged each council member to sign a pledge indicating that they have read and understand the entire agreement, and that ‘you have honestly decided that this is the best way to preserve our clean drinking water.’”<sup>518</sup>

Two days after the vote, the *Express-News* ran a cover story headlined, “PGA war really won decade ago.”<sup>519</sup> The news report explained how Lumbermen’s had exploited a loophole to secure “vested” rights under a state grandfathering law at a time when the city was in the process of adopting regulations that would restrict development over the aquifer. Because it was exempt from the 1995 rules, Lumbermen’s throughout the PGA debate insisted it could build thousands of houses over the aquifer recharge zone if it wasn’t given approval to build the golf resort. Lumbermen’s was able to make that claim, according to the article, because it “effectively skirted” a moratorium on filing development plans imposed by City Council that was intended to “prevent a rush by developers to avoid the ordinance.” The city rules didn’t explicitly say the moratorium covered preliminary master plans, which are required only of large developers.<sup>520</sup> Working behind the scenes, a few insiders exploited the loophole. Premier among them was Lumbermen’s engineer, Pape-Dawson Engineers, whose principal, Gene Dawson Jr., was co-

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<sup>513</sup> R. Rodríguez, “Golf deal opposition hasn’t been up to par,” *San Antonio Express-News*, Dec. 26, 2004.

<sup>514</sup> *Ibid.*

<sup>515</sup> Compiled from staff and wire reports, “Few attend protest of PGA golf plan,” *San Antonio Express-News*, Jan. 4, 2005.

<sup>516</sup> R. Rodríguez, “Golf course is a done deal,” *San Antonio Express-News*, Jan. 7, 2005.

<sup>517</sup> *Ibid.*

<sup>518</sup> *Ibid.*

<sup>519</sup> John Tedesco, “PGA war really won decade ago,” *San Antonio Express-News*, Jan. 9, 2005.

<sup>520</sup> *Ibid.*

chair, with environmentalist Danielle Milam, of the committee charged with writing the new environmental rules. “Pape-Dawson filed 20 plans covering 7,300 acres—including Lumbermen’s property—before the city caught its mistake and closed the loophole.”<sup>521</sup> More than 70 percent of the filings to evade the moratorium were made by Pape-Dawson.<sup>522</sup>

Also unknown to the public at the time the PGA Tour agreement was approved on January 6, 2005, was a provision allowing the developer to seek “a special taxing district” from Bexar County *in addition* to the non-annexation deal it secured from the city.<sup>523</sup> Public knowledge of the provision emerged when a state bill to create such a district cleared its first legislative hurdle.<sup>524</sup> It was sponsored by state Sen. Jeff Wentworth and “crafted” by County Judge Wolff “with PGA Tour’s planned golf course resort in mind.” Early on, Wolff reportedly had told the PGA Tour “we would be amenable to using our public improvement district if the city allowed us to.”<sup>525</sup> The bill stunned activists whose opposition to PGA began in 2001 when the city was offering the developer a special taxing-district agreement. Berriozábal assailed the “arrogance and audacity” of the effort. Since the city had been blocked from offering the taxing district, “Now the county is going to do it,” she said.<sup>526</sup> Wolff chafed at the suggestion that the original PGA Village and the current PGA Tour taxing districts were similar, saying the original “was an entirely different deal,” more “developer driven.”<sup>527</sup> San Antonio activists traveled to Austin to testify against the legislation before a House committee. When the bill got to the floor of the House of Representatives, Rep. Lon Burnam, D-Fort Worth blocked its passage.<sup>528</sup> However, Wolff, a former state representative and former state senator, outmaneuvered the opposition. He negotiated to have the substance of the bill incorporated as an amendment to a Senate bill.<sup>529</sup> The PGA legislation went through some more high-stakes maneuvering before being enacted twenty minutes before midnight, when the legislative session adjourned.<sup>530</sup>

The way was now clear for the PGA golf resort to be constructed over the top tier of environmentally sensitive land in the recharge zone of the Edwards Aquifer, incentivized by the city with a non-annexation agreement and by the county with a special taxing district. The luxury resort is scheduled to open in January 2010.

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<sup>521</sup> Ibid. The article noted that the *Express-News* “first published details of the Pape-Dawson filings in January 2002, and in a later interview, Dawson insisted there was no sinister plot. ‘Everybody that owned a property tried to file a (preliminary plan),’ Dawson said.”

<sup>522</sup> See Pack, “Loophole looms large in golf plan,” *San Antonio Express-News*, Jan. 26, 2002.

<sup>523</sup> Elizabeth Allen and Greg Jefferson, “PGA Tour tax district sought,” *San Antonio Express-News*, April 29, 2005.

<sup>524</sup> Ibid.

<sup>525</sup> Ibid.

<sup>526</sup> Ibid.

<sup>527</sup> Jefferson, “PGA district unknown to public,” *San Antonio Express-News*, May 1, 2005.

<sup>528</sup> See Wolff, 78. “Did San Antonio’s activists get to [Rep. Lon] Burnam?” Or was it someone else? Burnam’s point of order killed the bill. “That’s a fascinating aspect of the legislative process. You never know for sure who does you in.”

<sup>529</sup> Ibid., 78-79.

<sup>530</sup> Ibid., 81. Wolff writes that he got a call from Sen. Wentworth at “about 11:40 p.m.,” saying, “we just passed the PGA bill.” See Wolff, 78-81, for Wolff’s account of the backroom deal-making, inside politics, and cast of characters involved in obtaining passage of the measure.