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UTSA CLAIMS “SOVEREIGN IMMUNITY” AS ITC DEMOLITION CONTINUES

Demolition crews ripped huge sections of concrete wall from the Texas Pavilion/Institute of Texan Cultures building Wednesday and Thursday while UTSA and City attorneys claimed “sovereign immunity” at the Courthouse, thwarting the Conservation Society’s request for a demolition pause.

Last Wednesday, March 26, the Conservation Society of San Antonio filed a petition for temporary restraining order to halt demolition of the 1968 Texas Pavilion in Hemisfair, former site of the Institute of Texan Cultures. After seeing wall panels ripped down by backhoe on Tuesday, Conservation Society attorneys sought a temporary restraining order Wednesday.

“Today, UTSA and the City used lawyer tricks to avoid judicial review and public accountability of their actions,” said Conservation Society President Lewis Vetter. “If the City is spending \$60 million to buy this property following demolition, the public has a right to be heard.” UTSA and the City see demolition of this historic structure as required piece of the multi-billion-dollar Project Marvel.

Judge Marisa Flores of the 224th District Court made no decision on the temporary restraining order Thursday, bowing to UTSA and San Antonio’s plea to the jurisdiction claiming that the court had no jurisdiction because of their sovereign immunity. That case will next be heard on Monday, April 14. The date for the hearing on the Conservation Society’s original petition is set for Tuesday, April 15, pending the Monday hearing.

Attorneys argued that UTSA has “sovereign immunity” from such lawsuits. The Society’s response: “There are no kings in San Antonio (except maybe during Fiesta).”

“Meanwhile demolition is continuing in a patently destructive manner,” said Vetter. “Opposing counsel said they only removed panels to access areas for remediation, but those panels were smashed.” The Conservation Society, founded in 1924, has been pushing for public hearings on the future of the building since 2022, to no avail. “This process has been kept close to the vest by UTSA and the City, and our job has been to push for public transparency,” added Vetter.

BACKGROUND

The original suit, filed in District Court on Wednesday, March 26, asks for a halt to the demolition being undertaken by the University of Texas at San Antonio following the administrative approval of a demolition permit last December by the Texas Historical Commission. The petition claims that the demolition violates the original 1967 deed that transferred the property from the City of San Antonio to the State of Texas and that a required federal review of the demolition did not occur. The legal action references the City's statement about Project Marvel, which will utilize federal funding, and UTSA statements about "monetizing" the ITC site.

"UTSA and the City of San Antonio have moved forward with the demolition of the Texas Pavilion without following the requirements of the Texas Antiquities Code and those of the National Historic Preservation Act," said Lewis Vetter, President of the 100-year-old Conservation Society of San Antonio. "The Texas Pavilion should be part of Project Marvel," he added.

The Conservation Society began in 1924 and was pivotal in the preservation of the San Antonio Missions beginning with restoration of the San Jose Granary in 1933, creation of a National Park in 1978 and nomination as World Heritage Site beginning in 2006. The Society was instrumental in the creation of the River Walk and has preserved hundreds of sites, including Casa Navarro, the Aztec Theatre, Ursuline College, the Rand Building and Yturri-Edmunds House and Mill. The Society provides over \$100,000 in building and educational grants to San Antonians each year, has over 1100 members and offers a range of educational programming and resources.

There are several public policy issues regarding the demolition of the Texas Pavilion that have not been resolved, including public financing; the existing Spurs lease at the Frost Bank Center; tepid public support for Project Marvel; and the potential for state and federal transportation funds for the project.