

As Government Shutdown Enters Third Week, Trump Threatens to Declare National Emergency to Build Border Wall

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President Donald Trump declared his right as president to unilaterally build a border wall on “national security” grounds during a press conference in the White House Rose Garden Friday. He spoke after a meeting with congressional leadership on the ongoing deadlock that has led to the partial government shutdown, now entering its third week.

“I may do it,” Trump told reporters. “We could call a national emergency and build it very quickly. That’s another way to do it. But if we can do it through a negotiated process, we’re giving that a shot.” He glibly declared that this wasn’t a “threat hanging over the Democrats,” insisting, “I’m allowed to do it.”

Such an action would be a flagrant violation of the Constitution. Article I, Section 9, Paragraph 7 reads in part: “No Money shall be drawn from the Treasury, but in Consequence of Appropriations made by Law...” Spending money appropriated to the Pentagon to build a wall on the US-Mexico border would be an impeachable offense, although whether the congressional Democrats would take such an action is doubtful.

Trump’s threat to take the action is effectively a threat of presidential dictatorship, since the Pentagon budget, already appropriated, would become a slush fund to pay for any repressive action demanded by his fascistic base, such as mass roundups of immigrants, the establishment of concentration camps to imprison them, and the deportation of millions of working people.

Trump also confirmed at the press briefing that he told House Speaker Nancy Pelosi and Senate Minority Leader Chuck Schumer earlier in the day that he was prepared to keep the government closed indefinitely until his demands of \$5 billion in wall funds were met by the Democrats, who now hold a majority in the House of Representatives.

While Trump declared that the shutdown could last “months or even years” without a deal on congressional funding for a wall along the southern border, ABC News reported that sources in the administration confirmed that options are being considered to circumvent the legislative branch, including redirecting funds already appropriated to the Department of Defense.

A Department of Defense spokesman told ABC that the Pentagon is already “reviewing available authorities and funding mechanisms to identify options to enable border barrier construction.”

NBC News also reported that while options for building the wall without congressional approval have been raised within the administration previously, they are now being seriously considered.

“Depending on the severity of crisis, it’s always been an option. Now that things are getting worse, we are looking at how that could be operationalized and used to confront the crisis,” an anonymous official told NBC.

In an indication that the Trump’s threat to declare a state of emergency was not just an off-the-cuff remark, the White House sent each member of Congress a copy of a presentation on the supposed “invasion” of US borders by asylum seekers that DHS secretary Kirstjen Nielsen tried to deliver to congressional leaders on Wednesday. Schumer and Pelosi declined to sit through the propaganda pitch, but Trump decided to bypass the congressional leaders and send it directly to the entire membership of Congress.

Last month Trump threatened to deploy the military to build the wall without congressional approval, tweeting,

“If the Democrats do not give us the votes to secure our Country, the Military will build the remaining sections of the Wall.”

Trump has already deployed thousands of active-duty soldiers to the southern border to erect barriers, string razor wire and assist border patrol agents in the detention of immigrants. NPR reported Thursday that the Department of Homeland Security has requested thousands more troops to militarize 160 miles of the border in California and Arizona, a project which is expected to last through September. Trump’s initial deployment announced in October had been scheduled to expire this month.

Pelosi and Schumer made the trek to the White House Friday to press Trump to accept a deal that would fully reopen the government, provide funding for federal agencies not including the DHS through September, and then allow for a separate debate over funding for the wall. The Democrats have been seeking a climbdown by Trump, offering him \$1.6 billion for “border security” but not a wall.

While Pelosi described the meeting as “contentious,” Trump claimed it had been “very productive,” though, when pressed by reporters, he refused to discuss if the Democrats had moved toward his position on the wall.

“I don’t want to get into that. I don’t want to put them [Pelosi and Schumer] in a position where they have to justify things to a lot of people they have to make happy,” Trump remarked.

Senate Majority Leader Mitch McConnell confirmed that staff-level talks over a resolution to the shutdown would continue through the weekend.

“The president agreed to designate his top people to sit down with all the leaders’ staffs this weekend to see if we could come up with an agreement to recommend back to us, to him and to the various leaders,” he told reporters.

During his Friday press conference, Trump absurdly claimed that most federal employees support the shutdown and the construction of a border wall because it would provide them with economic security:

“The safety net is having a strong border, because we’re going to be safe. I’m not talking economically but ultimately economically.”

Some 800,000 employees who have been furloughed or forced to work without pay will miss their first full paycheck January 11 if an agreement between Trump and the Democrats is not reached soon.

The Departments of Agriculture, Commerce, Housing and Urban Development, Interior and Transportation have been shut down and most employees forced to stay home. The Departments of Homeland Security, Justice and State have also been affected.

While the National Parks remain open, some 21,000 employees have been furloughed, meaning that trash has begun to pile up and that road and trail maintenance has been put off at parks across the country. Without any rangers on the job, local funding and volunteers have tried to keep popular spots such as the Statue of Liberty in New York and Joshua Tree National Park in California clean.

Meanwhile, those employees deemed “essential,” including Transportation Security Administration security officers, federal prison guards and border patrol agents, are being compelled to work without pay. Meteorologists employed by the National Weather Service as well as air traffic controllers are also required to report to work without pay. Late Friday, the TSA acknowledged that an increasing number of passenger screening workers were calling in sick rather than report to work without pay, but the agency said no flights had yet been disrupted.

The shutdown has resulted in the closure this week of the Smithsonian Institute’s 19 museums and the National Zoo in Washington, D.C. Independence Hall and the Liberty Bell monument in Philadelphia have also been closed to the public. The closures have severely slowed business for small shops and restaurants around these areas, which cater to tourists and federal employees.

Native Americans who reside on one of the country’s many reservations have seen services funded by federal money guaranteed in treaties threatened or entirely cut off. Approximately 1.9 million American Indians and Alaskan Natives are affected. The *New York Times* reported that the Sault Ste. Marie Tribe in Michigan’s Upper Peninsula is spending \$100,000 of its own funds to keep clinics and food pantries open. Without federal funding, roads have gone unplowed after snow storms across New Mexico, Arizona and Utah, trapping residents in their homes.

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Featured image: Border wall stretches for miles into the rolling landscape on the outskirts of Nogales, Arizona. This kind of fencing is impassable to most wingless wildlife. Photo by Rebecca Kessler for Mongabay.

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