

# Lawsuit Challenges Trump's Emergency Declaration for Border Wall

By [Center For Biological Diversity](#)

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*The Center for Biological Diversity, Defenders of Wildlife and Animal Legal Defense Fund [sued](#) the Trump administration today over the president's emergency declaration to pay for his border walls.*

Today's lawsuit, filed in U.S. District Court in Washington, D.C., argues that the president is violating the U.S. Constitution by overstepping his executive authority and sidestepping Congress to appropriate more than \$6 billion to construct walls along the southern border. Trump also illegally invoked the National Emergencies Act and abused the authority given to him by Congress by reallocating money in a non-emergency situation to fund a policy goal.

"The only emergency here is Trump's assault on the Constitution," said Brian Segee, a senior attorney at the Center for Biological Diversity. "Separation of powers is at the heart of our democracy and the power of the purse is a critical check on the president. Trump's authoritarian attempt to build his destructive border wall is a flagrant abuse of that constitutional structure. If he gets his way, it'll be a disaster for communities and wildlife along the border, including some of our country's most endangered species."

Presidents have declared at least 58 states of emergency since Congress passed the National Emergencies Act in 1976 and dozens are still in effect. Nearly all of the declared emergencies relate to sanctions or export restrictions. None of the laws that can be used to trigger use of the act involve immigration or border wall construction. And none of those laws allow reallocation of previously appropriated funds to border wall construction.

"This declaration is another illegal attempt to avoid public scrutiny of a massive public project," said Animal Legal Defense Fund Executive Director Stephen Wells. "Many species of animals, including endangered species, are put at risk by this project, and all alternatives that protect wildlife and the environment must be considered by law. We will continue to pursue all legal avenues to assure the law is upheld."

"President Trump has already displayed his contempt for the rule of law by waiving dozens of environmental laws to build his wall," said Mike Senatore, vice president of conservation law at Defenders of Wildlife. "Now he is showing that he is willing to tear up the Constitution itself to get his way. Defenders of Wildlife will fight to protect our communities, our wildlife and now our constitutional rights from this destructive and needless wall."

Since January 2017 Congress has authorized \$2.4 billion in border enforcement, including \$1.7 billion to build 73 miles of border barriers. The 2019 budget deal, which Trump signed on Friday, increases the length of border wall Congress has approved under Trump to 128 miles.

The Center filed the first [lawsuit](#) against Trump's border wall in April 2017. The Center, Defenders of Wildlife and the Animal Legal Defense Fund also sued the Trump administration to challenge waivers that sweep aside public health and safety laws to speed construction of border walls in [California](#), [Texas](#) and [New Mexico](#). All of the lawsuits are pending.

Beyond jeopardizing wildlife, endangered species and public lands, the U.S.-Mexico border wall is part of a larger strategy of ongoing border militarization that damages human rights, civil liberties, native lands, local businesses and international relations. The border wall impedes the natural migrations of people and wildlife that are essential to healthy diversity.

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