Following national emergency declaration

White House pushes for rapid border wall construction

Patrick Martin
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The Trump administration intends to use the emergency powers invoked by the president on Friday to begin construction of a border wall as quickly as possible, White House officials said over the weekend. Stephen Miller, the White House aide who has spearheaded the attacks on immigrants, told "Fox News Sunday" that the goal was to have more than 200 miles of new wall constructed by the end of the next fiscal year, September 30, 2020.

The purpose appears to be twofold: to preempt the legal challenges that have already begun to Trump's declaration of a national emergency on the US-Mexico border by creating new "facts on the ground" before any court can issue a ruling, and to energize Trump's fascistic political base by putting significant portions of a border wall in place before the 2020 presidential election.

Press reports indicate that the White House aims to delay drawing $3.6 billion from already appropriated military construction funds, which can be accessed only under the national emergency decree, in order to delay court challenges to the decree. This would give the Department of Homeland Security (DHS) and the Pentagon time to begin the actual construction of the wall using other funding sources.

The DHS will first spend the money appropriated by Congress in the funding bill Trump signed into law on Friday, some $1.375 billion for "border security." In addition, the Office of Management and Budget will authorize the transfer of $600 million from a Treasury fund derived from confiscated drug profits and redirect $2.5 billion in funds appropriated for military efforts to support actions against drug trafficking. Both sums will be "reprogrammed" to finance further wall construction.

According to a report by Kevin Corke of Fox News, "if the White House spends the money sequentially as they currently plan to do, they would spend over $5 billion before any emergency funds are tapped. That's money to get moving, if you will, while this battle makes its way through the courts."

The total of $8 billion to be directed to wall construction is far less than the estimated cost of a wall along the entire length of the US-Mexico border, which is estimated at $25 billion or even higher. But according to Miller, this would be sufficient to build somewhat more than 200 miles of wall by the end of the next fiscal year, September 2020—just in time for Trump to boast of this "success" in the final weeks of his reelection campaign.

Miller's appearance on Fox News Sunday was notable for giving a glimpse of the fascistic character of the Trump administration's war on immigrants. In response to questions from interviewer Chris Wallace, who pointed out that "illegal" border crossings have fallen sharply over the past 20 years, undermining the claims of "emergency conditions" at the border, Miller gave out with a diatribe against President George W. Bush. Miller declared that during Bush's eight years in office, the number of undocumented immigrants in the United States doubled from 6 million to 12 million. "That represented an astonishing betrayal of the American people," he said, essentially accusing Trump's Republican predecessor of treason.

Miller complained that because of "activist judicial rulings" and legal "loopholes," more than half of the people crossing the border could not simply be turned around and sent back to Mexico. In other words, the majority of those now seeking to enter the country are refugees and asylum seekers fleeing oppression and violence in Central America, not Mexican workers seeking better jobs in the United States.

Miller flatly rejected suggestions that Trump's national emergency decree was unconstitutional, even after Wallace read out Article 1, Section 9, Clause 7 of the Constitution, which reads in part: "No money shall be drawn from the Treasury but in consequence of appropriations made by law." The White House aide claimed that the 1976 National Emergencies Act gave the president the authority to use military construction funds to meet emergency needs, adding that if Trump were ordering the military to build walls around bases in Afghanistan or Syria or Iraq, no one in Congress would object, so why not a wall on the border?

Wallace pressed Miller to cite one example of a president declaring a national emergency to get money for a program after Congress had refused to authorize it. Miller repeatedly

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evaded the question or dismissed it as irrelevant. At the same time, he made the apocalyptic assertion that "the threats crossing our southern border" killed more Americans than any other "foreign threat in the world today."

The House Democratic leadership is expected to file a resolution of disapproval against Trump's declaration of a national emergency after a 15-day waiting period. Assuming that it passes, the Senate will have 18 days to take action by a simple majority vote, with no filibuster permitted. Even if the resolution passes, however, Trump will veto it and there will not be a two-thirds majority to override the veto in either house of Congress.

The first lawsuits against the national emergency declaration were filed Friday in federal court in Washington, DC. El Paso County, Texas and three nonprofit organizations argued that the declaration violates the separation of powers and will cause economic dislocation and other damage in the border area.

The advocacy group Public Citizen filed a lawsuit on behalf of three Texas landowners and an environmental organization. "A disagreement between the president and Congress about how to spend money does not constitute an emergency authorizing unilateral executive action," the group argued.

A third lawsuit was filed against the Department of Justice for failing to provide documents, such as legal opinions, relating to the emergency declaration. The Center for Biological Diversity filed a fourth lawsuit challenging Trump's legal authority and arguing, "Congress has not enacted any emergency legislation even remotely related to border wall construction, and thus the president's reallocation of funds is unlawful."

Further lawsuits are expected from a group of state governments headed by the state of California, from the House Democratic leadership, from the American Civil Liberties Union and from other groups acting on behalf of Texas landowners. More than 1,000 landowners face having their property seized under eminent domain for border wall construction.

While the civil liberties and environmental groups are no doubt sincere in their arguments that the national emergency declaration is unconstitutional, the actions of state and national Democratic Party officeholders are completely hypocritical. In 2011, President Obama waged an entire war—the US-NATO bombing of Libya—without either authorization by Congress or an appropriation of funds. The Pentagon simply "reprogrammed" surplus funds in its vast budget, finding more than enough to finance the destruction of a country of five million people. Not one congressional Democrat objected.

The response of the corporate media to the declaration of a national emergency has been a combination of complacency and indifference. The *New York Times* set the pace, as usual, with an editorial dismissing Trump's emergency decree as "both ludicrous and self-defeating," as though it was a bad joke and not a major step toward the establishment of an authoritarian regime.

The editorial admitted, almost in passing, that Trump's emergency decree represented "a breathtaking display of executive disregard for the separation of powers," in which "the White House is thumbing its nose at Congress, the Constitution and the will of the American people, the majority of whom oppose a border wall." But it concluded complacently that the real victims of the state of emergency would be Trump and the Republicans, who would suffer at the polls, not the immigrants targeted for persecution or the American people as a whole, facing an increasing reckless and dictatorial government.

That was Saturday. By Sunday, the *Times* had relegated the emergency decree to a small article positioned at the bottom of the front page, and there was not a mention of Trump's trampling on the Constitution anywhere in the editorial pages.

The Sunday interview programs on five networks did discuss the emergency decree extensively, but only from the standpoint of the "political winners and losers," echoing the cynical position of the *Times*. Not a single network interviewed a legal expert on the constitutional implications of Trump's defiance of the congressional "power of the purse," or explored the dangers to democratic rights. Not a single politician interviewed, Democratic or Republican, was asked whether Trump's actions constituted an impeachable offense for which he should be removed from office.

The right-wing perspective of the Democrats interviewed was typified by Senator Tammy Duckworth of Illinois, who said on ABC's "This Week" program: "Even if there were a national emergency on the border, let's say that we accept his premise. The best way to deal with it is not this wall. The best way to deal with this is to put more people at the ports of entry where we know that's where the drugs are coming into the country."

In response to a direct question, Duckworth said a border wall was "appropriate in certain places, but the wall that the president wants to build is not appropriate and, in fact, it's just a fulfillment of a campaign promise that he hasn't been able to keep. If you talk to the experts down there, what they tell you—it's a combination, it's smart barriers, it is more border patrol agents, it is more drones, it is all of that stuff, not just this wall that he wants to build."

In other words, the Democrats fully support the mass repression of immigrants at the border and within the United States and would continue it themselves should they come back to power in Washington, just as they did under Obama, who deported more undocumented immigrants than all previous presidents.

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