US House rejects Trump's national emergency

Barry Grey
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In a largely party-line vote, the US House of Representatives on Tuesday passed a "resolution of disapproval" rejecting President Donald Trump's national emergency declaration. Trump signed the declaration on February 15, circumventing Congress and shifting $8 billion previously allocated for other purposes to mobilize the military to build his wall along the US-Mexican border. Some $3.6 billion is to come from the diversion of military construction funds.

The declaration is an unprecedented assertion of unilateral, quasi-dictatorial executive powers in violation of the US Constitution, which reserves to Congress the authority to allocate public funds.

Never before has a president declared a national emergency to implement a policy that had been explicitly rejected by Congress—in this case, its refusal to grant Trump's demand for $5.7 billion to extend existing barriers along the country's southern border. The declaration, based on the false and fascistic claim of an emergency along the border due to an "invasion" of criminal aliens, also violates the Posse Comitatus Act, which bars the US military from engaging in law enforcement operations within the borders of the US.

It provides a sweeping grant of authority to the Pentagon for the complete militarization of the US-Mexican border.

The one paragraph disapproval resolution was sponsored by Democratic Representative Joaquin Castro of Texas. It passed by a vote of 245 to 182, with 13 Republicans joining all of the voting Democrats. (The Democratic Party won control of the House in last November's midterm election and holds a 235 to 197 majority).

Under the terms of the 1976 National Emergencies Act, the Senate must vote on the measure within 18 days and cannot block a floor vote with a filibuster. This means that the Democrats, all of whose 47 senators are expected to vote in favor of the disapproval resolution, have to secure the votes of only four Republicans to pass the measure. Three Republicans—Susan Collins of Maine, Lisa Murkowski of Alaska, and Thom Tillis of North Carolina—have already said they will support the resolution.

However, Trump has declared that he will veto the resolution, and it is all but certain that an attempt to override the veto, requiring a two-thirds vote in each chamber, will fail. In the House, for example, it would require at least 55 Republican defections and a total vote to override of 290 to overturn Trump's veto.

There is thus an enormous element of political theater—and cynicism—in the Democrats' congressional action against Trump's declaration. On Monday, Democratic Speaker of the House Nancy Pelosi said, "This isn't about the border. This is about the Constitution of the United States."

Yet neither Pelosi nor any other leading Democrat has suggested that Trump's subversion of the Constitution and move toward presidential dictatorship constitutes an impeachable offense. And the last thing they want to do is mobilize popular opposition to Trump's authoritarian measures and attacks on immigrants.

In January, when Trump first declared his intention to invoke emergency powers to build the wall, in the midst of the 35-day partial government shutdown precipitated by his ultimatum on funding for the reactionary project, the Democrats and newspapers aligned with the Democratic Party such as the *New York Times* and the *Washington Post* indicated either acquiescence or outright support.

Now they are basing their opposition largely on the argument that there is no border emergency and the

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diversion of funds for the wall will weaken the military and jeopardize national security as well as US imperialist foreign policy interests. They are, for example, circulating a list to wavering Republicans of all the possible military construction projects in each district that could lose funding because of money being shifted to construction of the wall.

Three days after Trump signed his emergency declaration, a coalition of 16 Democratic Party-controlled states, led by California, filed a lawsuit opposing the measure. The legal complaint centered on the lack of a "factual basis" for this particular declaration, while avoiding any challenge to the president's ability to declare a national emergency or allocate money without congressional authorization in general.

With this and other suits filed by advocacy groups certain to wind their way through the federal appellate courts and end up in the US Supreme Court, the Democrats are encouraging the courts to issue the narrowest possible rulings, so as not to curtail the emergency powers relied on by the military-intelligence agencies, which the Democratic Party has been relentlessly promoting in its factional warfare with the Trump administration.

This unprincipled, cowardly and essentially right-wing approach is also evident in a statement released Monday opposing Trump's declaration and signed by 58 former national security officials, mainly Democrats. The signatories include former secretaries of state Madeleine Albright and John Kerry; former Defense Secretary Chuck Hagel; Obama-era CIA directors John Brennan and Leon Panetta; former Director of National Intelligence James Clapper; former National Security Adviser Susan Rice, former UN ambassador Samantha Power and former Homeland Security Secretary Janet Napolitano.

Their statement explicitly affirms support for presidential emergency powers in general, but argues against this particular declaration on grounds of US national security and foreign policy aims.

It states, for example: "*Redirecting funds for the claimed 'national emergency' will undermine US national security and foreign policy interests.* In the face of a nonexistent threat, redirecting funds for the construction of a wall along the southern border will *undermine* national security by needlessly pulling resources from Department of Defense programs that are responsible for keeping our troops and our country safe and running effectively." [Emphasis in the original]

It goes on to complain that the administration's actions are heightening tensions with Mexico when that country's support is needed for "cooperative efforts to address the growing tensions with Venezuela," i.e., to carry out Washington's coup to overthrow the elected government of Nicolás Maduro and install the US puppet Juan Guaidó.

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