February 25, 2019

U.S. House of Representatives
Washington, D.C. 20515

Dear Representative:

On behalf of the American Federation of State County and Municipal Employees (AFSCME), I am writing to urge you to support H. J. Res. 46, the resolution to terminate the emergency declaration arbitrarily imposed by President Donald Trump for the purpose of building a wall on the southern border. AFSCME strongly supports this resolution and efforts to revoke the emergency declaration.

Current conditions at the southern border do not rise to the level of a true emergency. Such declarations should be reserved for true dire emergencies confronting the nation, not fabricated for political whims. Analyses from the Brennan Center shows that virtually all such emergencies involved sanctions against foreign governments and groups for reasons such as human rights violations, rather than to spend money Congress intended for other purposes. To declare an emergency in the present instance lowers the bar for such a declaration in the future and weakens the ability of the country to come together to confront true emergencies.

A distinguished group of former diplomats, cabinet secretaries, intelligence officers and civil servants from both political parties also make it clear that: “Under no plausible assessment of the evidence is there a national emergency today that entitles the president to tap into funds appropriated for other purposes to build a wall at the southern border.” Based on the federal government’s own data there is no national emergency at the southern border that warrants construction of a wall. In fact, Customs and Border Protection data show that unlawful entries are at a near 45-year low.

In addition, such a declaration is unconstitutional, as argued by many Attorneys General of the states in a case asking for an immediate injunction. The AGs are acting, “to protect their residents, natural resources, and economic interests from President Donald J. Trump’s flagrant disregard of fundamental separation of powers principles engrained in the United States Constitution.” Such a declaration violates the separation of powers defined in the Constitution by allowing the executive branch to divert money that Congress designated for other purposes and using it for a purpose not approved by Congress. If allowed to stand it will upset the balance of power between the executive branch and the legislative branch and seriously diminish the congressional power of the purse and ultimately the ability to meet the legitimate needs of the nation.
For these reasons we ask you to support the resolution terminating the national emergency declaration of the President.

Sincerely,

Scott Frey
Director of Federal Government Affairs

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