



PRESS RELEASE

Attorney General Frosh Joins Multi-State Lawsuit Challenging President Trump’s Declaration of National Emergency at the Southern Border

Trump’s Fabricated Emergency and Unlawful Diversion of Congressionally Appropriated Funding to Pay for His Border Wall

BALTIMORE, MD (February 18, 2019) – Maryland Attorney General Brian E. Frosh today joined 15 other states in filing a lawsuit in the U.S. District Court for the Northern District of California challenging President Trump’s declaration of a national emergency and his attempt to divert funding appropriated by Congress for other purposes. In the complaint, the coalition alleges that the Trump Administration’s emergency declaration and diversion of funds is unconstitutional and otherwise unlawful. The states seek to block the Trump Administration’s emergency declaration, the unauthorized construction of the border wall, and any illegal diversion of Congressionally-appropriated funds.

“There is no justification to declare a national emergency at our southern border,” said Attorney General Frosh. “The basis for President Trump’s declaration is fabricated. It is an illegal power grab and an abuse of executive authority. We are bringing this suit to defend the Constitution.”

The complaint filed today alleges that the Trump Administration’s action declaring a national emergency due to a purported border crisis is unlawful and unconstitutional. President Trump’s hyped crisis is a pretext to justify redirecting congressionally-appropriated funds to build a wall along the southern border after he failed to get Congress — or Mexico — to pay for it. The facts do not support President Trump’s rhetoric or his declaration. Unlawful southern border entries are at their lowest point in 20 years, immigrants are less likely than native-born citizens to commit crimes, and illegal drugs are more likely to come through official ports of entry. There is no credible evidence to suggest that a border wall would decrease crime rates.

The states allege that the Trump Administration’s action exceeds the power of the executive office, violates the U.S. Constitution and federal statutes, and would illegally and unconstitutionally divert federal funds appropriated by Congress for other purposes. The suit seeks declaratory and injunctive relief to block the emergency declaration, the construction of the wall, and any illegal diversion of congressionally-appropriated funds.

Today’s suit was led by California Attorney General Xavier Becerra and in addition to Maryland, was joined by the attorneys general of Colorado, Connecticut, Delaware, Hawaii,

Illinois, Maine, Michigan, Minnesota, Nevada, New Jersey, New Mexico, New York, Oregon,
and Virginia.