

# D.C. Judge to Hear Legal Challenge to Trump's Border-wall Emergency

By [Center For Biological Diversity](#)

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*The Center for Biological Diversity will defend its lawsuit Monday challenging President Donald Trump's emergency declaration to pay for his border wall. The Trump administration is asking a federal judge to dismiss the [lawsuit](#), filed in February with Defenders of Wildlife and Animal Legal Defense Fund.*

U.S. District Judge Trevor McFadden is presiding over the case, which argues that Trump violated the U.S. Constitution and overstepped his executive authority by doing an end run around Congress to appropriate more than \$6 billion to build 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.

McFadden will hear arguments from both sides during the proceeding and could issue his ruling at any time.

"To stop Trump from making a mockery of the Constitution and destroying the borderlands, this case has to proceed," said Brian Segee, an attorney at the Center. "Trump's running roughshod over Congress and stealing money from the military to create an environmental and humanitarian disaster. His manufactured emergency is causing a very real crisis for the border's protected wildlands, sacred places and endangered animals."

**What:** Federal court hearing challenging Trump administration motion to dismiss border-wall lawsuit

**Where:** U.S. District Courthouse, 333 Constitution Avenue N.W., Washington D.C., 20001

**When:** Monday, Dec. 16, 10 a.m.

**Media Availability:** Attorneys will be available for interviews outside the courthouse after the hearing.

## Background

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, and none of the laws that can be used to trigger use of the Act involve immigration or border-wall construction. Also, none of those laws allow reallocation of previously appropriated funds to border-wall construction.

So far the Trump administration is using military funds authorized by the emergency declaration to build 18- to 30-foot-tall walls across 136 miles of borderlands in Arizona, California and New Mexico. Since January 2017 Congress has authorized an additional \$3.1 billion to build 128 miles of border barriers.

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.

*The Center for Biological Diversity is a national, nonprofit conservation organization with more than 1.6 million members and online activists dedicated to the protection of endangered species and wild places.*

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