

The Real Emergency Isn't About the Wall; It's About the Separation of Powers.

US president Donald Trump recently declared a “national emergency” under which he intends to divert money from the US Department of Defense’s budget and use it to build a wall on the US-Mexico border.

No biggie, Trump said as he announced the “emergency.” Happens all the time (59 other times since 1976, to be exact). Purely routine.

But it’s not routine at all. It is, in fact, a declaration of presidential dictatorship that shreds the US Constitution’s separation of powers requirements.

Most presidential emergency declarations have been either on matters supposedly requiring immediate action which Congress could be expected to subsequently approve (for example, George W. Bush’s 2001 declaration of emergency in the wake of 9/11), or pursuant to policies already approved by Congress (for example, specific sanctions on countries already condemned by Congress to general treatment of that type).

Trump’s declaration is different — but there is applicable precedent to consider. We’ve been down this road before, just not quite so far.

In 2013, Republicans in Congress flirted with refusal to raise the “debt ceiling” — a limit on how much money the federal government allows itself to borrow.

As a deadline approached after which the US government would be in default to its creditors, House Democrats urged president Barack Obama to ignore Congress and raise the debt ceiling by emergency decree.

How are the two situations alike?

Article I, Section 8 of the US Constitution assigns the power to “borrow Money on the credit of the United States” exclusively to Congress.

Article I, Section 9 of the US Constitution similarly empowers Congress to decide how money may and may not be spent: “No Money shall be drawn from the Treasury, but in Consequence of Appropriations made by Law.”

By unilaterally raising the debt ceiling, Obama would have become an outlaw, an extra-constitutional dictator rather than a president. Republicans pointed this out at the time. Fortunately, an 11th-hour deal averted the possibility of Obama following his co-partisans’ advice.

By asserting the “emergency” power to spend money on a project that Congress has explicitly declined to fund by appropriation (multiple times, in fact), Trump has effectively resigned the presidency and declared himself an absolute monarch.

And THAT, friends, is a REAL emergency.

If Congress has any desire to save what’s left of the Constitution — and any political will to act on that desire — the obvious, immediate, and absolutely necessary next step is the impeachment of Donald Trump and his removal from the office of President of the United States. Nothing less will suffice, and the case against him is airtight.

Over the course of more than two centuries, the Constitution has frayed, and sometimes broken. Maybe it’s time to let it go. If that’s the case, I’d personally rather it gave way to something better than the banana republic style dictatorship the American presidency has descended toward in recent decades.

If Congress doesn’t make Trump the bottom of that slide, there is no bottom, and we are doomed to suffer through a dark new era of uncontested presidential tyranny.