

## **Case Study 2**

Group 3

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**Congress of the United States**  
**House of Representatives**  
**Washington, DC 20515**

President Trump

The White House

1600 Pennsylvania Avenue N.W.

Washington, DC 20500

Dear Mr. President,

We, as members of the United States 116th Congress, are writing to you with the interest of discussing your National Emergency Declaration, on the 15th of February, regarding the transfer of money from the military budget to fund a wall. This issue is especially significant to us as we draft the annual budget for the president to approve of. We understand the importance of sovereignty and borders, however, we believe it is the job of the United States Congress to provide oversight on the Executive Branch, as needed, which is a power granted to us by the National Emergency Act of 1976.

Your administration has repeatedly spoken about a crisis at the Southern border, stating that individuals are illegally crossing into the United States at record levels and drugs are coming over the border. You also claim that these various border issues can be alleviated with a wall (**Fig 1**). What evidence does suggest, however, is that the majority of individuals who are in the United States illegally are individuals who are overstaying their visas, and drugs are often coming in through our legal ports of entry. According to the latest statistics released by your own administration 2017, of the 824,000 illegal immigrants that lived in the U.S, 63% overstayed their visas while less than 37% entered the U.S illegally through the southern border (**Fig 2**). That is why there has been numerous bipartisan proposals to increase funding and expand technologies at our ports of entry, proposals that you have rejected simply because they do not include funding for a wall. Your nativism and nationalism views portray an isolationist position of foreign policy. Your focus is on the inside of our nation's borders,

seeking to keep our homeland safe by taking these security measures. Your indifference to maintain the liberal international order reinforces this idea.

Fig 1.

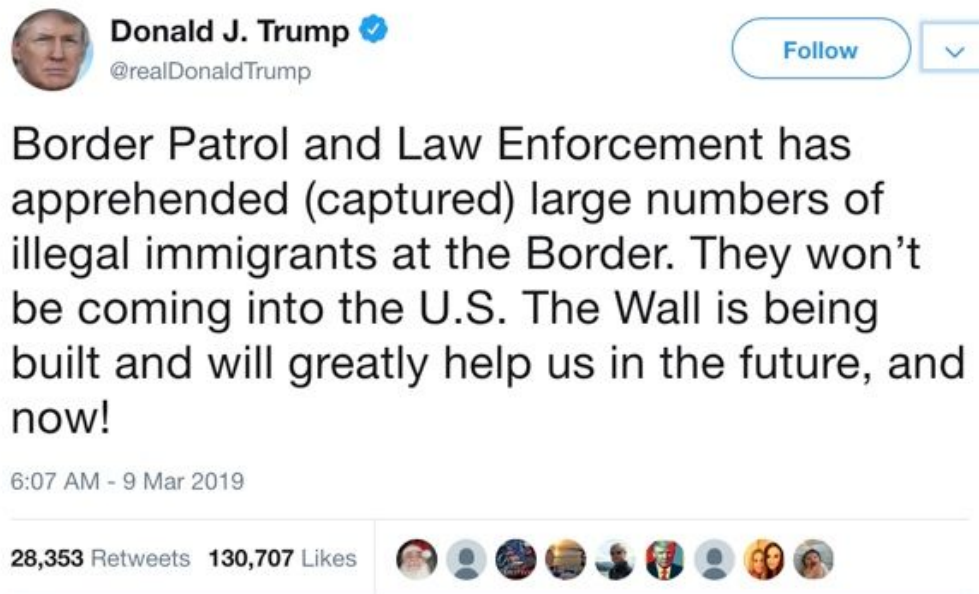
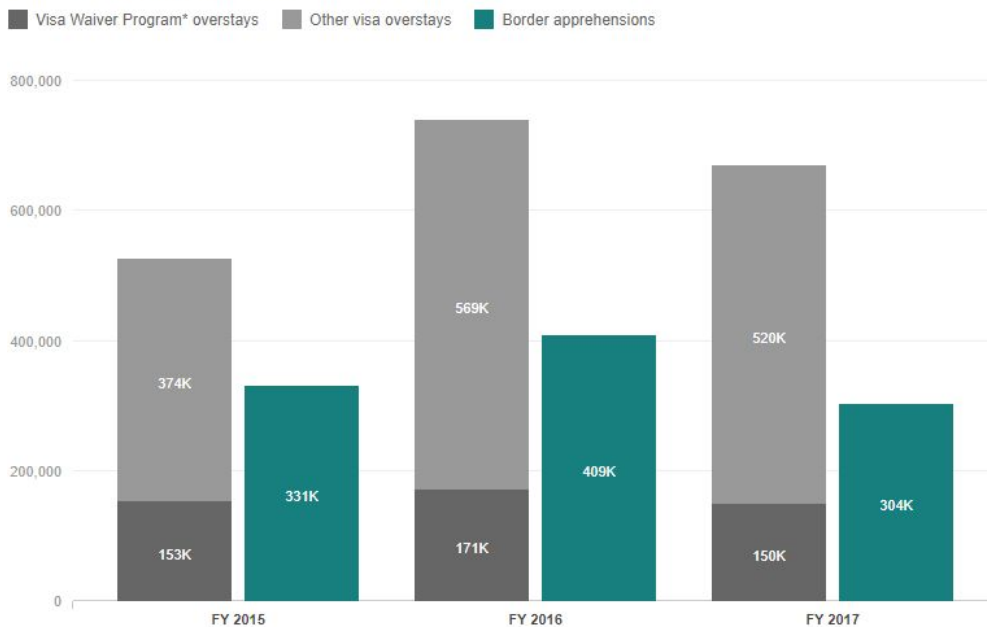


Fig 2.

Visa overstays continue to outpace border apprehensions. In fiscal 2017, the number of immigrants who overstayed their visas was double the number of people caught trying to cross the U.S.-Mexico border.



(Department of Homeland Security)

The United States House of Representatives rejected your declaration of a national emergency and many senators (many of whom are Republicans) have expressed disdain for your emergency declaration. Members of both parties have expressed concerns that this declaration is unconstitutional and would set a dangerous precedent for future administrations. Additionally, you have said “I didn’t need to do this” when talking about your declaration of a national emergency, which will weaken your case if this declaration moves into a court of law. While the National Emergencies Act does permit the President of the United States to declare a national emergency, this particular declaration is simply political and not the result of an actual crisis.

Considering the fact that you are aware that you could receive border wall funding without an emergency declaration, and you are using the emergency declaration as a way to expedite the process, us Congress Members stand in opposition to this declaration. In the past, when Presidents were unable to achieve a specific goal, they did not declare a national emergency to override Congress, but rather they worked on compromise. You have been unwilling to do so (as seen during your government shutdown over the wall funding which ended in a stalemate) and ignored the members of Congress who were elected by their constituents. We oppose the politicization of the National Emergencies Act, and ask you to only use this power when this nation is facing a true emergency or crisis, and not one simply to make gains politically to keep your campaign promises.

The powers delegated to congress in the 1976 National Emergencies Act creates a legal precedent for congressional intervention over the implementation of a national emergency. According to *Title II of the Declarations of Future National Emergencies Sec. 202. (b)*, congress has the ability to review the authenticity of said resolution-

*“A concurrent resolution to terminate a national emergency declared by the President shall be referred to the appropriate committee of the House of Representatives or the Senate, as the case may be.”*

Additionally, *Title II of the Declarations of Future National Emergencies Sec. 202. (a). 1* gives congress the ability to terminate an emergency by concurrent resolution-

*“Any national emergency declared by the President in accordance with this title shall terminate if— (1) Congress terminates the emergency by concurrent resolution ; or (2) the President issues a proclamation terminating the emergency.”*

Lastly, *Title II of the Declarations of Future National Emergencies Sec. 202. (b)* gives congress 6 months to vote to determine if the emergency shall be terminated -

*“Not later than six months after a national emergency is declared, and not later than the end of each six-month period thereafter that such emergency continues, each House of Congress shall meet to consider a vote on a concurrent resolution to determine whether that emergency shall be terminated.”*

Thus, as according to various sections of the 1976 National Emergency Act, congress has the power to vote on, and terminate a national emergency. Our opinion on this matter is not something to take lightly, as we decide the ultimate fate of national emergencies. As stated previously, this congress has come to the determination that there exists no adequate argument for the enactment of such an emergency. The President technically does not have the power to decide whether an emergency exists, only proclaim it an emergency when a true emergency actually exists. Though this situation is unpleasant, we simply don't believe it to be an emergency. Due to the vagueness of what defines a national emergency, that falls into the hands of the President. As a response, this congress will hold a vote on the national emergency regarding the southern border, which was enacted on February 15th, 2019 by Mr. Trump. The vote will be held on/before August 16th, 2019, which is the deadline for congress to hold a vote. We are confident in our ability to lobby congressional leaders to vote against this emergency declaration. If we are successful, we fully plan to terminate the emergency.

Sincerely,

The Congressional Caucus on the Supposed Border Crisis