No Excuse for Executive Abuse

Illegal immigration from Latin America is a problem, but invoking the National Emergencies Act (NEA) to build Trump’s Border Wall is a clear abuse of executive power. The NEA isn’t an “ace-up-the-sleeve for a shyster President to pull when Congress lays a stronger hand of cards on the table.

In 1976, Congress passed this act to equip Presidents with powers designed to bypass Congress in times of major crisis. It stretches executive power in times of immediate need - in which a situation is so pressing that everyone in Congress WOULD agree that action needs to be taken right now. When it’s invoked, the NEA allows a President to quickly put public resources to work and accomplish what WOULD have been done through legislation. It’s not meant to backdoor the legislative process when Congress doesn’t deal the president promises he made his supporters on the campaign trail.

Voltaire and Peter Parker both said, “With great power comes great responsibility.” Past presidents have used the NEA wisely and with great care. It was invoked in the days after 9/11 to mobilize troops, assist victims and their families, and stop terrorists. It broke the banks of Venezuelan and Panamanian dictators. It fought genocide in Myanmar. When thousands of Americans became infected with H1N1 swine flu, the NEA moved medicine to people and moved people to care.

Trump couldn’t deliver his Wall through legislation, even with every element of near-unlimited executive power in position. He had a Republican-controlled Senate and House for two full years – his very own dealer that could write a promise-keeping bill that would be swiftly passed. All Trump had to do was scratch that illegible bearclaw autograph on the bill and smile for his would-be newly euphoric base, awestruck as America is Made another step Great Again.

But he couldn’t keep his promise. His overconfidence was his weakness. Voters took to the polls, shifting the House shifted from Red to Blue. Trump’s grip over what was almost unlimited power loosened. He bluffed.

Congress called. He didn’t see it coming. Desperate to deliver his Wall, this president exercised what exclusive executive powers he still had; he unconstitutionally declared a national emergency. The next battle will be in the courts, going to the SCOTUS, which Trump stacked in his favor with his go-get-em boys.

Trump played the NEA like a charlatan’s ace-in-the-sleeve. The Wall will eventually be built. He won this hand. But he cheated.