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Contact: Matt Baca

(505)270-7148

AG Balderas Files Motion to Block President Trump from Illegally Stealing Law Enforcement Funding for Construction of a Border Wall

Albuquerque, NM – Today, Attorney General Hector Balderas led a coalition of 20 states, in filing a motion to block the Trump Administration’s attempt to unlawfully divert \$1.6 billion in federal funds to build a border wall. The motion was filed in the Northern District of California as part of the coalition’s ongoing lawsuit challenging President Trump’s unconstitutional action to divert funding and resources meant for law enforcement, drug interdiction, and military construction projects. The coalition requests the court immediately stop the Trump Administration from diverting \$1.6 billion in funding that Congress intended for state and local law enforcement agencies. Through their motion, the states also seek to protect environmental resources that would be imminently harmed by the construction of a border wall on the southern border in New Mexico.

“The President is playing politics with vital military defense and law enforcement funding,” said Attorney General Hector Balderas. “His policies are divisive and dangerous.”

This move by the Trump Administration would unlawfully take countless dollars from New Mexico’s law enforcement agencies – who are tasked with protecting New Mexican citizens from Santa Teresa to Chama. President Trump has disregarded the will of Congress and separation of powers principles engrained in the U.S. Constitution, and New Mexicans will be less safe as a result. The Trump Administration is attempting to ultimately divert up to \$6.7 billion in funding through the Department of Treasury’s Forfeiture Fund, the Department of Defense’s counterdrug account, and military construction projects through its declaration of an emergency. These unlawful actions pose significant harm to the states, who have relied on Treasury Forfeiture Funds to purchase needed law enforcement equipment, staffing, and support of ongoing operations. In addition, any diversion of funds and resources toward the construction of a border wall will cause environmental harm to New Mexico and other border states.

AG Balderas also argues that the Trump Administration’s actions to divert funding:

- Lack statutory authority because the federal government cannot satisfy the criteria it relies on for diversion of the funds and resources;
- Violate the U.S. Constitution’s bedrock separation of powers principles by attempting to usurp Congress’s appropriation powers;
- Disregard the National Environmental Policy Act by proceeding with construction plans in New Mexico without preparing the required environmental impact statement; and
- Pose imminent environmental harm to environmentally sensitive areas on the border of New Mexico where construction of the border wall is imminent.