



## DEPARTMENT OF THE ATTORNEY GENERAL

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### **Hawaii Attorney General Joins Lawsuit Challenging the Unlawful and Unconstitutional Diversion of Billions of Taxpayer Dollars to Build Border Wall**

HONOLULU – Hawaii Attorney General Clare E. Connors today joined a coalition of 19 attorneys general in filing a lawsuit challenging the illegal diversion of billions in taxpayer dollars for the construction of an unauthorized border wall. For the second consecutive year, the Trump Administration has circumvented the will of Congress by redirecting billions of dollars in defense spending in order to build a wall along the U.S.-Mexico border. In today's lawsuit, the coalition argues that the court should again rule that the Department of Defense's (DOD) diversion of already allocated funds to the construction of the border wall is an unconstitutional violation of Congress's appropriation power.

"We have joined this legal matter because the Administration's actions have violated the separation of powers doctrine," said Attorney General Connors. "These unlawful diversions could impact defense spending in our state, including important military constructions projects."

On February 13, 2020, the Trump Administration announced that it would redirect over \$3.8 billion in funds that Congress appropriated to the DOD toward the construction of a border wall. Congress has repeatedly rebuffed the President's insistence on funding the border wall, providing limiting funding for fencing along the border in the 2019 and 2020 budgets. Hawaii has a significant military presence, which makes a tremendous contribution to Hawaii's economy.

In the lawsuit, the coalition argues that the diversion of funds violates the principles of separation of powers, the Presentment Clause, and the Appropriations Clause of the U.S. Constitution by usurping Congress's appropriation powers. The coalition further asserts that the Trump Administration fails to satisfy the legal requirements necessary to divert the funds and disregards the National Environmental Policy Act by failing to consider the environmental impact of construction. The diverted funds will be used to

construct a wall on the borders of California and New Mexico, which pose imminent environmental harm to more than 100 sensitive plant and animal species.

Attorney General Connors filed the lawsuit as part of a coalition led by California Attorney General Xavier Becerra and including the attorneys general of Colorado, Connecticut, Illinois, Maine, Maryland, Massachusetts, Michigan, Minnesota, Nevada, New Jersey, New Mexico, New York, Oregon, Rhode Island, Vermont, Virginia, and Wisconsin.

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