

For some, emergency declaration pits conservatism against Trumpism

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President Trump's declaration of a national emergency to secure more funding for his border wall is drawing political attacks from Democrats and legal challenges from states and other organizations. It is also, less conspicuously, creating internal strains in the president's own party.

While a majority of Republicans supports the president's decision, some conservatives, especially those concerned about constitutional rule and limited government, are finding it hard to get behind a move that risks expanding presidential power.

That split is reflected in Congress, where Republican senators may soon face a tough choice. House Democrats are expected to pass a resolution to block the declaration once lawmakers return from the February recess. That would send the legislation to the Senate, where majority leader Mitch McConnell (R) of Kentucky would have 18 days to put it up for a vote.

If just four Senate Republicans join the Democrats in refusing to cede congressional power to the executive branch, it would prevent Mr. Trump from moving forward – albeit at the risk of losing support from the president's base ahead of the 2020 elections. Or they could stick together and stick with Trump, wherever that may lead.

“Are you an institutionalist, or do you stand with your president?” says former Republican Congressman Tom Davis of Virginia. Either way, “those actions may come back to bite you.”

Just ahead of Trump's announcement, an [Economist/YouGov survey](#) found that 80 percent of Republican voters say there is a crisis on the southern border, and 64 percent say they would support a declaration of national emergency to address it. The figures highlight the president's influence on a party that had made a point of calling out similar actions in Democratic administrations, says Emily Ekins, director of polling at the libertarian Cato Institute.

“You have to wonder: How many of these folks would go along with this if it were President Obama?” Ms. Ekins says.

Still, she points out that the 64 percent figure is 20 points below Trump's overall approval rating among Republicans. “It pricks that part of conservatism that venerates the nation's founding, history, and traditions,” Ekins says.

Mainly these conservatives worry about setting a precedent for executive overreach, and certainly both parties have done their share to chip away at congressional authority over the years. “Today's national emergency is border security,” Sen. Marco Rubio of Florida [said in a](#)

statement. “But a future president may use this exact same tactic to impose the Green New Deal,” the climate policy advocated by liberal Democrats.

Others say that allowing Trump to bypass Congress to fund a campaign promise, no matter how popular with the party’s base supporters, is a dangerous ceding of the power of the purse, which the Constitution explicitly entrusts to the legislative branch. “The spending power – that’s always been sacrosanct for Congress,” says Gary Rose, chair of the department of politics and government at Sacred Heart University in Fairfield, Conn. When lawmakers give that up for a political win, he says, it’s a loss for the democratic process.

Yet that political reality may once again hold sway for the GOP. The 2018 elections showed that diehard Trump supporters are willing to turn out to the polls to reward loyalty to the president and punish what they perceive as betrayal.

With 22 Senate seats to defend against the Democrats’ 12 in 2020, Republican lawmakers are being especially careful not to offend Trump’s base – even, some say, at the expense of traditional conservative principles.

“Members understand the power he has,” Davis says. “He has tremendous influence over the direction of party right now.”

“It is the Trumpist revolution,” adds Paul Rosenzweig, a fellow at the R Street Institute, a center-right public policy firm. A longtime conservative who now registers as an independent, Mr. Rosenzweig is disappointed that so many Republican members are supporting the president’s actions, which he sees as counter to the bedrock values of a true conservative.

“The party’s response to this exercise is either the death knell for it being taken as a serious party of principle or a demonstration that it’s really all about winning and they don’t have principles at all,” Rosenzweig says.

Still, there are those who say that stemming the tide of illegal immigration and keeping the nation’s border safe are urgent goals – and that they do comport with conservative values. More than 70 percent of Republicans say that the wall is the only way to secure the southern border, the Economist/YouGov poll shows. “What it comes down to is whether or not you believe there is a real emergency,” says the Heritage Foundation’s John Malcolm.

And all the hand-wringing is overwrought, he says. While not thrilled with the president’s use of executive power – “‘supportive’ would be a little bit strong,” Mr. Malcolm says – he’s also not too concerned that Democrats could easily use the same move in the future.

The emergency declaration only started the ball rolling, he says. Trump still needed to ensure there were existing statutes that would support diverting funds for the express purpose of building a wall on the border.

“I am unaware of any other law that would enable a president to declare a national emergency and then divert funds to battle climate change,” says Malcolm, who serves as director of the Meese Center for Legal and Judicial Studies at the nonprofit.

For now, he says, it’s up to the courts. Since Friday, the American Civil Liberties Union, the Center for Biological Diversity, and a group of 16 states have all filed lawsuits challenging the president’s declaration.

