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ATTORNEY GENERAL RAOUL JOINS LAWSUIT CHALLENGING THE DIVERSION OF BILLIONS OF DOLLARS TO BUILD BORDER WALL

Chicago — Attorney General Kwame Raoul, as part of a coalition of 19 attorneys general, today [filed a lawsuit](#) challenging the federal government's illegal diversion of \$3.8 billion in taxpayer dollars for the construction of an unauthorized border wall.

For the second consecutive year, the federal government has circumvented the will of Congress by redirecting billions of dollars appropriated for the procurement of equipment by state National Guard units in order to build a wall along the U.S.-Mexico border. In today's lawsuit, Raoul and the coalition argue 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' appropriation power.

"The funding Congress explicitly designated for National Guard units in Illinois and across the country helps fund efforts such as natural disaster and storm recovery, which is particularly critical as we approach the time for spring storms," Raoul said. "Unlawfully redirecting that money will jeopardize public safety in communities throughout Illinois."

On Feb. 13, the federal government announced that it would redirect more than \$3.8 billion in funds that Congress appropriated to the DOD for resources and equipment for state National Guard units nationwide toward the construction of a border wall. Congress repeatedly has rebuffed the administration's insistence on unnecessarily funding a border wall, providing limiting funding for fencing along the border in the 2019 and 2020 budgets.

The diversion also will significantly impact the capacity and capability of state National Guard units across the country, including in Illinois. Military construction projects in Illinois and other states also remain at risk of being defunded.

In the lawsuit, Raoul and the coalition argue 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 federal government 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 poses imminent environmental harm to more than 100 sensitive plant and animal species.

Joining Raoul in filing the lawsuit are the attorneys general of California, Colorado, Connecticut, Hawaii, Maine, Maryland, Massachusetts, Michigan, Minnesota, Nevada, New Jersey, New Mexico, New York, Oregon, Rhode Island, Vermont, Virginia and Wisconsin.