

## Senate Resolution No. 1721

By Senator Haley

3-15

1 A RESOLUTION affirming the action of the United States House of  
2 Representatives and the United States Senate in condemning the  
3 declaration of a "national emergency" by the president of the United  
4 States because the declaration is not warranted and is a grave threat to  
5 the separation of powers created by the United States Constitution.  
6

7 WHEREAS, The people of Kansas, as a matter of public policy, value  
8 the rule of law established by the United States Constitution and the  
9 separation of powers; and

10 WHEREAS, The president on February 15, 2019, declared a "national  
11 emergency" for the purpose of diverting appropriated funds from  
12 previously designated uses to build a wall along the southern border; and

13 WHEREAS, The United States House of Representatives and the  
14 United States Senate passed Joint Resolution 46, disapproving the  
15 "national emergency," and an outspoken majority of the members of  
16 Congress have voiced their opposition to the president's declaration; and

17 WHEREAS, The overwhelming evidence in the public record, in  
18 addition to the administration's own data and estimates, indicate that the  
19 president's actions are not necessary to confront an imminent threat to the  
20 safety and security of the United States; and

21 WHEREAS, A group of 58 ex-national security officials from  
22 administrations of both major political parties condemned the declaration  
23 because "there is no factual basis for the declaration of a national  
24 emergency for the purpose of circumventing the appropriations process  
25 and reprogramming billions of dollars in funding to construct a wall at  
26 the southern border," and stated that there is no evidence that  
27 unauthorized immigrants have any special proclivity to engage in  
28 criminal or violent behavior; and

29 WHEREAS, A collection of at least 20 states have filed a lawsuit  
30 against the president, claiming that the declaration of a "national  
31 emergency" is an attempt by the president to circumvent Congress; and

32 WHEREAS, There is no evidence of a surge in the number of people  
33 seeking to cross the southern border that constitutes a "national  
34 emergency"; and

35 WHEREAS, Drug or human trafficking at the southern border, or  
36 similar serious crimes, would be little deterred by a wall because the vast

1 majority of trafficking occurs through ports of entry, with approximately  
2 two-thirds of human trafficking victims arriving in the country on valid  
3 visas; and

4 WHEREAS, The redirection of funds away from programs that are  
5 responsible for keeping our troops and country safe and running  
6 efficiently would undermine national and state security. Members of the  
7 Kansas Army National Guard were required to deploy to the southern  
8 border as part of the "national emergency" but would be better deployed  
9 protecting the well-being of Kansas citizenry: Now, THEREFORE,

10 *Be it resolved by the Senate of the State of Kansas:* That the State of  
11 Kansas hereby joins the majority of members of the United States House  
12 of Representatives and United States Senate to condemn the declaration  
13 of a "national emergency" by the president of the United States. We call  
14 on members of Congress, executive officials in the president's  
15 administration and the president to ascribe value to the rule of law as  
16 enumerated in the United States Constitution and reject any actions under  
17 the declaration of a "national emergency" that would undermine state and  
18 national security; and

19 *Be it further resolved:* That the Secretary of the Senate shall send  
20 enrolled copies of this resolution to the President and Secretary of the  
21 United States Senate, the Speaker and the Clerk of the United States  
22 House of Representatives, members of the congressional delegation from  
23 Kansas, and to the president of the United States.