

AG Kaul: Joins amicus brief opposing the federal government's request for emergency stay of preliminary injunction in Sierra Club v. Trump

Posted on Wednesday, Jun 12, 2019

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MADISON, Wis. – Attorney General Josh Kaul, as part of a 20-state coalition, joined an amicus brief filed in *Sierra Club, et al. v. Trump, et al.*, before the United States Court of Appeals for the Ninth Circuit. The brief supports a group of plaintiffs challenging President Trump's unlawful diversion of funds toward construction of a border wall.

"This filing is another step in our effort to defend the separation of powers and the rule of law—and to stop the president from diverting funds that should be going to Wisconsin and other states," said Attorney General Kaul.

The brief urges the court to deny the federal government's emergency motion for a stay of the preliminary injunction granted by the district court in *Sierra Club's* case, blocking President Trump from commencing border wall construction in New Mexico and Arizona with funds that were unlawfully diverted. The federal government has now appealed that ruling.

Wisconsin is part of a coalition of 20 states in a related lawsuit and has a direct interest in seeing the preliminary injunction maintained. The coalition includes states of Colorado, Connecticut, Delaware, Hawai'i, Illinois, Maine, Maryland, Massachusetts, Michigan, Minnesota, Nevada, New Jersey, New Mexico, New York, Oregon, Rhode Island, Vermont, Virginia, and Wisconsin.

Both lawsuits allege that the Trump Administration's actions in diverting funding for

construction of a border wall exceed statutory authority and violate the U.S. Constitution. In the amicus brief, the states' support the Sierra Club in their claim that President Trump's action to unilaterally divert \$1 billion of Department of Defense funds for construction of a border wall in New Mexico and Arizona was both unlawful and unconstitutional and warrants a preliminary injunction until the case is resolved.