



Written by [Luis Miguel](#) on October 13, 2020

## 9th Circuit Court Rules Trump Can't Use Military Funds for Wall

President Trump's immigration program has hit another wall.

The 9th Circuit Court of Appeals ruled that the president could not use emergency powers to dedicate \$3.6 billion in military construction funds to building the border wall, setting back his signature campaign platform.

By a 2-1 decision, the San Francisco-based panel of federal judges [upheld](#) a previous ruling filed by the Sierra Club and the Southern Border Communities Coalition that had challenged the wall's funding. California and 19 other states joined the cast last October, seeking to halt the wall's construction.



AP Images

Writing the court's opinion, Chief Judge Sidney Thomas said that the building of 11 pieces of border wall was an inappropriate use of military construction funding. In his dissent, Judge Daniel Collins argued that the funding was lawful and was used appropriately.

Some 350 miles of the proposed wall have been built so far, but much of the work has been on replacing existing segments that were in need of repair.

Early in 2019, the Trump administration requested \$5.7 billion for the border wall, but Congress approved only \$1.4 billion. The president then invoked his powers under the National Emergencies Act and declared border control an emergency that required using military construction funds to complete the wall, allowing him to divert \$3.6 billion to build 175 miles of the wall from California to Texas.

In a press release issued Saturday, Gloria Smith, managing attorney at the Sierra Club, [called the appeals court decision](#) "monumental for border communities, wildlife and lands."

"We should be protecting communities, our democracy, and the environment, not tearing these things apart as Trump was doing," Smith said in the statement. "We rise with border communities to stop this administration from further inflicting its relentless agenda and will continue fighting illegal wall construction at all levels."

*The Hill* [notes](#):

Friday's ruling follows a D.C. appeals court decision last month in a case brought forth by House Democrats. The judges ruled that the Trump administration "cut the House out of its constitutionally indispensable legislative role" of handling appropriations.

The D.C. court added at the time that a decision in favor of the administration "would fundamentally alter the separation of powers by allowing the Executive Branch to spend any



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funds the Senate is on board with, even if the House withheld its authorizations.”

And in a separate 9th Circuit Court of Appeals decision in July, the Court ruled against President Trump’s effort to fund the wall using military funds. A divided three-judge panel determined that the administration violated the Appropriations Clause of the Constitution, which gives Congress the exclusive power of the purse.

A 5-4 ruling from the Supreme Court last month, however, declined to allow the 9th Circuit’s decision to take effect.

Meanwhile, migrants are once again making efforts to force their way into the United States en masse as fears about the coronavirus wind down.

Earlier this month, a migrant caravan of approximately 2,000 Hondurans [made its way](#) into Guatemala, assaulting Guatemalan soldiers in an effort to force a path through the country to Mexico and on to the United States. The caravan eventually dissipated, with many of the Hondurans returning to their country and others staying in Guatemala.

Migrants are drawn to come to the United States illegally due to the hopes offered by activist judges that impede a duly-elected president from properly exercising his role of commander-in-chief to secure the nation’s borders from invasion. They are also attracted by Democrats who continue to dangle the prospects of amnesty and a litany of free (read: taxpayer-funded) social services before them.

The migrant crisis is driven by globalist elites such as George Soros, who understand that flooding a country with a massive number of foreign nationals who will not assimilate is an effective way to erode national identity and thus national sovereignty, paving the way for the one-world system they want to create. Importing multitudes of impoverished migrants from the third world also creates an economic underclass that is eager to vote for the utopian welfare state socialists offer.

Thus, globalism and socialism thrive when there are open borders. But freedom and limited government don’t. The Trump administration must find the way to build the wall at any cost or the Republic is unlikely to survive even one more generation.



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