



Written by [R. Cort Kirkwood](#) on March 26, 2019

Democrats Furious Again, This Time Over \$1B for Wall as Trump Promised

It might be time for the Democrats to get some medication.

This weekend, [they erupted in a rage](#) about Special Counsel Robert Mueller's report, which did all but exonerate the president in "colluding" with Russia to interfere in the 2016 election.

Now, they have that wall to worry about — the one President Trump promised to build.



On Monday, the secretary of defense released \$1 billion to begin building the barrier to block the tramping horde of future Democratic voters from sneaking into the country.

Thus began another Trump Derangement fit.

The Order and Response

[The announcement by the Trump administration is brief:](#)

Today, Acting Secretary of Defense Patrick M. Shanahan authorized the commander of the U.S. Army Corps of Engineers to begin planning and executing up to \$1 billion in support to the Department of Homeland Security (DHS) and Customs and Border Protection. These funds will be used to support DHS's request to build 57 miles of 18-foot-high pedestrian fencing, constructing and improving roads, and installing lighting within the Yuma and El Paso Sectors of the border in support of the February 15 national emergency declaration on the southern border of the United States.

10 U.S.C. § 284(b)(7) gives the Department of Defense the authority to construct roads and fences and to install lighting to block drug-smuggling corridors across international boundaries of the United States in support of counter-narcotic activities of Federal law enforcement agencies.

The answer, [signed by 10 open-borders Democrats](#) led by leftist Patrick Leahy, is long.

They claim the expenditure was "not approved by the Congress."

The senators "strongly object to both the substance of the funding transfer, and to the Department implementing the transfer without seeking the approval of the congressional defense committees and in violation of provisions in the defense appropriation itself. As a result, we have serious concerns that the Department has allowed political interference and pet projects to come ahead of many near-term, critical readiness issues facing our military."

Not only that, [they wrote](#), but the expenditure "constitutes a dollar-for-dollar theft from other readiness needs of our Armed Forces."

The letter then lists a number of projects that senators think are more important, and by April 15, and they demand that the secretary provide "a comprehensive list of all shortfalls" in four categories.

The letter goes on, but you get the idea.



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Of course, so long as Congress did not authorize the defense money for *other* defense-related projects, there should not be a constitutional barrier blocking the use of these funds. After all, if the president can use already-appropriated defense dollars to construct fortifications, why couldn't he use the same dollars to construct a fortification in the form of a wall?

CRS Report

The expenditure is in keeping with Trump's declaration of a national emergency to build a wall, though the question of constitutionality does not change by declaring an emergency. Trump either has unearmarked defense funding appropriated by Congress he may use or he doesn't. [Trump vetoed](#) the resolution to block the move. [A vote set](#) for Tuesday to override that veto will likely fail.

Beyond the expenditure Shanahan announced, Trump envisioned spending \$8 billion, drawn from a variety of already-appropriated funds.

[The Congressional Research Service released a report](#) in January that outlined the president's authority to use funds at his discretion upon declaration of a national emergency — or even without one.

The law cited by Shanahan to stop drug smuggling, [CRS reported](#), does not require the declaration:

Another statute that authorizes the Secretary of Defense to assist civilian law enforcement with counterdrug activities may provide some authority for the construction of barriers along the border. 10 U.S.C. § 284 (Section 284) provides that the Secretary of Defense "may provide support for the counterdrug activities or activities to counter transnational organized crime" of any law enforcement agency, including through the "construction of roads and fences and installation of lighting to block drug smuggling corridors across international boundaries of the United States." Use of Section 284 would not require a declaration of a national emergency under the NEA. However, the DOD's Section 284 authority to construct fences appears to extend only to "drug smuggling corridors," a condition that may limit where DOD could deploy fencing.

Thus, it likely won't matter how furious Leahy and the Democrats get, Trump can spend the money.

If the radical Left opens yet another front in its open-borders lawfare against the president, federal courts must decide whether to intervene in a political matter.

One question is how the latest news on the wall has affected the mental health of Democrats, coming as it did just two days after the Mueller report. How will they cope with the latest wracking episode of TDS, which seems to be a form of [Intermittent Explosive Disorder](#).

Typical pharmaceutical remedies to control such rages, the [Mad in American website reports](#), are mood stabilizers, anti-depressants, and anti-convulsants, such as Lithobid, Prozac, and Tegretol.

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