



Written by [R. Cort Kirkwood](#) on January 11, 2019

Pentagon Preparing To Build Wall, Leftists Preparing To Sue

Open-borders Democrats must be getting nervous.

Yesterday, during his visit to the border in McAllen, Texas, President Trump said he will declare a national emergency so he can build a wall to protect the country from the ongoing illegal-alien invasion.

Today, *USA Today* and the *Washington Post* reported that the Pentagon is preparing to build that wall.



And 25 percent of the federal government remains closed because Democrats will not provide wall money in appropriations bills.

Army Engineers

[Trump has repeatedly warned](#) that he would build the border wall on his own, using his emergency powers if House Speaker Nancy Pelosi and Senate Minority Leader Chuck Schumer don't come to their senses.

"I have the absolute right to declare a national emergency," Trump told reporters in McAllen yesterday. "The lawyers have so advised me. I'm not prepared to do that yet, but if I have to, I will."

He said the same thing on Fox talker Sean Hannity's program last night, and has already ordered the military to prepare to build.

"The Department of Defense is reviewing available authorities and funding mechanisms to identify options to enable border barrier construction," *USA Today* [reported](#), quoting a Pentagon spokesman. "As there has not been such a declaration made, it would be inappropriate to comment further on those efforts."

That's one reason, most likely, the commander of the Army Corps of Engineers went to the border with Trump. The emergency declaration, the newspaper reported, would permit the corps "to design barriers and allow contracts to build them."

[According to the Post](#), the Corps of Engineers would use \$13.9 billion in unexpended disaster money. Trump told the Corps "to determine how fast contracts could be signed and whether construction could begin within 45 days," the *Post* reported. And aside from diverting disaster money, "the military construction budget is also being looked at as a potential source for unspent funds."

The Law

Some say that the law does indeed permit Trump to build the wall without congressional approval.

That law, [Tom Piatak of the Rockford Institute says](#), is [10 USC Section 2808](#), which authorizes the president to declare a national emergency and begin military construction projects:

In the event of a declaration of war or the declaration by the President of a national emergency in



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accordance with the National Emergencies Act ... that requires use of the armed forces, the Secretary of Defense, without regard to any other provision of law, may undertake military construction projects, and may authorize the Secretaries of the military departments to undertake military construction projects, not otherwise authorized by law that are necessary to support such use of the armed forces. Such projects may be undertaken only within the total amount of funds that have been appropriated for military construction, including funds appropriated for family housing, that have not been obligated.

Piatak said the law “has been used, without controversy, to build military facilities in Iraq and Afghanistan. Securing our southern border is vastly more important to our national security than is nation-building in the Mideast.” The question is whether the border wall would be considered a “military construction project.”

House Democrats don’t think Trump has the authority to build the wall, but they also don’t think they have the standing to sue Trump, the [Post reported](#). That will leave the legal battle up to “state attorneys general or people directly affected by a border wall — such as landowners who have property along the U.S.-Mexico boundary.”

Pelosi did not divulge what her answer would be should Trump act. “If and when the president does that, you’ll find out how we will react,” the open-borders speaker told the *Post*.

Pelosi undoubtedly hopes her liberal Republican allies, such as Alaska’s Senator Lisa Murkowski, will knife Trump in the back. “No,” Murkowski told the *Post* when a reporter asked whether she supports an emergency declaration to build a wall.

But others such as Senator Lindsey Graham of South Carolina back the president. He “accused Pelosi of intransigence,” the [Post reported](#). “It is time for President Trump to use emergency powers to fund the construction of a border wall/barrier,” he told the newspaper.

Leftist Subversives Ready

The anti-American subversives at the American Civil Liberties Union will fight an emergency declaration, [just as they fought](#) to undermine Trump’s authority to stop phony asylum claims.

“The use of emergency powers to build a wall is unlawful, and we are prepared to sue as needed,” an ACLU “immigrants’ rights” specialist told the *Post*.

He did not explain, apparently, why a declaration would be “unlawful.”



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