



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

## Trump Promises Appeal on Wall Ruling, as Subversives Cheer Leftist Judge

President Trump [has promised](#) a fast appeal to the ruling from a left-wing judge who enjoined the administration from spending any money on a border wall.

Judge Haywood Gilliam Jr., of the U.S. District Court for the Northern District of California, [blocked wall building](#) on Friday, prompting a Twitter blast from Trump from Japan.



Gilliam sided with the subversive American Civil Liberties Union and other plaintiffs that claimed Trump's declaration of a national emergency did not empower him to use funds appropriated for one purpose and divert them to another.

Trump promised to keep fighting, but the sad truth is the radical Left has again conscripted the courts to keep the borders open and a steady stream of illegal aliens flowing into the country.

### Subversives Happy

"Another activist Obama appointed judge has just ruled against us on a section of the Southern Wall that is already under construction," [Trump tweeted](#). "This is a ruling against Border Security and in favor of crime, drugs and human trafficking. We are asking for an expedited appeal!"

Unsurprisingly, Gilliam did not take note of the major crisis at the border. More than 200,000 illegals crossed in April and May, numbers that pushed the total for the year well past 500,000. Some of those the Border Patrol has apprehended are sick and diseased, while others are sex perverts.

No matter, the wall building must stop, the judge ruled, much to the delight of subversives in and out of Congress.

Representative Pramila Jayapal (D-Wash.), an anti-American immigrant from Chennai, India, explained that a wall is against "our" values.

"Checks and balances stepping up AGAIN," [she tweeted](#). "Trump's vanity wall is a waste of money and against our values as a country. Happy to see this blocked by a federal court!"

Jayapal, who came to the United States to attend college, and, unfortunately, never left, [proudly confessed](#) a few months ago that she happily helps illegals enter the country to file what are most likely false asylum claims.

As well, [she sponsored](#) a bill to abolish Immigration and Customs Enforcement and headed a subversive organization that [successfully sued](#) the Bush administration from deporting 4,000 Somalis.

The anti-American, pro-Communist ACLU claimed victory as well. "The Constitution is clear: The president has no power to spend taxpayer money without Congressional authorization," the [organization tweeted](#). "You can try to appeal, @realDonaldTrump. We're confident the courts will continue to enforce this bedrock principle of our democracy — as they have for centuries."



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A [second tweet claimed](#) the “court’s ruling stops the irreparable and real damage Trump’s border wall would cause to our constitutional checks and balances, the rule of law, border communities, and the environment.”

Of course, the ruling does nothing for the rule of immigration law, nor does it in any way protect Americans from the dangerous horde of border-jumping migrants who are invading heartland America.

[The New York Times reported](#) today that illegals by the thousands are boarding Greyhound buses for trips to the interior of the country to join “family.”

## The Ruling

As for the ruling, Gilliam wrote that Trump cannot use funds the administration claimed are discretionary to build a wall.

For one thing, [he wrote](#), the administration’s “argument that the need for the requested border barrier construction funding was ‘unforeseen’ cannot logically be squared with the Administration’s multiple requests for funding,” which Congress denied.

As well, the judge enjoined the spending the administration planned, some \$8 billion, using funds diverted under two sections of federal law, including that governing military construction projects.

The crux of the judge’s ruling is that the president attempted expenditures on projects for which Congress did not appropriate money, which would trespass the separation of powers.

“Congress’s ‘absolute’ control over federal expenditures — even when that control may frustrate the desires of the Executive Branch regarding initiatives it views as important — is not a bug in our constitutional system,” [he wrote](#). “It is a feature of that system, and an essential one.”

Gilliam cited [The Federalist Papers](#) on the separation of powers, and concluded thusly:

In short, the position that when Congress declines the Executive’s request to appropriate funds, the Executive nonetheless may simply find a way to spend those funds “without Congress” does not square with fundamental separation of powers principles dating back to the earliest days of our Republic.... Justice Frankfurter wrote in 1952 that “[i]t is not a pleasant judicial duty to find that the President has exceeded his powers,” ... and that remains no less true today.



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