



Written by [R. Cort Kirkwood](#) on January 9, 2020

Trump Wins Again: Federal Court Blocks Leftist Lawfare To Stop Wall

In July, when the U.S. Supreme Court rebuffed radical-left lawfare and ruled that the Trump administration could indeed use military money to build a wall on the nation's southwest frontier, the president was, as is his wont, effusive.

"Wow! Big VICTORY on the Wall," the [man in the White House tweeted](#). "The United States Supreme Court overturns lower court injunction, allows Southern Border Wall to proceed. Big WIN for Border Security and the Rule of Law!"



This morning, the president could crow again. Yesterday, the [U.S. Fifth Circuit Court of Appeals overturned](#) yet another lower-court stay on using such funds and for much the same reason. The leftists didn't have standing to file a lawsuit blocking the funds.

[Tweeted Trump](#), "Breaking News: The Fifth Circuit Court of Appeals just reversed a lower court decision & gave us the go ahead to build one of the largest sections of the desperately needed Southern Border Wall, Four Billion Dollars. Entire Wall is under construction or getting ready to start!"

And so for now, Trump can at least try to keep a key campaign promise: building a wall to stanch the unending flood of illegal "migrants" entering the United States.

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Latest Ruling

[The latest ruling](#) from a three-judge panel of the Fifth was joined by Judges [Edith Jones](#), appointed by President Ronald Reagan, and [Andrew Oldham](#), appointed by President Trump. [Stephen Higginson](#), appointed by President Obama, dissented.

The judges nixed a lawsuit from El Paso County, Texas, and an open-borders lobby group, [Border Network for Human Rights](#), to stop the administration from using \$3.6 billion of Pentagon money, appropriated for military construction, to build a border wall.

The latest decision overturned [December's order](#) from Clinton appointee David Briones of the U.S. District Court of the Western District of Texas. He blocked Trump's order because, he wrote, El Paso suffered financial and reputational harm, and that the president did not have the authority to divert the military construction funds.

Briones' ruling in December followed an [earlier mandate in October](#).

But Jones and Oldham overruled Briones. "The Supreme Court recently stayed a similar injunction from our sister circuit" in July, the [judges wrote](#), and so the administration is "entitled to the same relief here" because El Paso and the Border Network subversives, again, lack standing to sue.

SCOTUS Ruling



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As [The New American reported](#) in July, the [Supreme Court decision](#) to which Jones and Oldham referred was a major blow to the leftist attempt to keep the southern border open.

The ruling stopped a lower federal court from blocking the administration from using Pentagon funds for the wall, pursuant to the president's declaration of a national emergency last year on February 15.

Trump declared the emergency because Congress, controlled by open-borders Democrats and anti-American subversives, refused to appropriate money for a border wall.

The fight over that money led to a [35-day government shutdown](#) beginning in January.

"The current situation at the southern border presents a border security and humanitarian crisis that threatens core national security interests and constitutes a national emergency," [Trump said](#) at the time.

The southern border is a major entry point for criminals, gang members, and illicit narcotics. The problem of large-scale unlawful migration through the southern border is long-standing, and despite the executive branch's exercise of existing statutory authorities, the situation has worsened in certain respects in recent years. In particular, recent years have seen sharp increases in the number of family units entering and seeking entry to the United States and an inability to provide detention space for many of these aliens while their removal proceedings are pending. If not detained, such aliens are often released into the country and are often difficult to remove from the United States because they fail to appear for hearings, do not comply with orders of removal, or are otherwise difficult to locate.... Because of the gravity of the current emergency situation, it is necessary for the Armed Forces to provide additional support to address the crisis.

Democrats don't view the tsunami of illegals as a problem. They view them, instead, not only as new recipients of welfare, food stamps, "free" medical care, and public-school education, but also as Democrat voters who will permanently alter the demographics of the United States, then cement Democrat power forever.

Thus, the lawsuits to stop Trump from building the wall. For now, it appears that Trump will prevail in the high court.



R. Cort Kirkwood is a long-time contributor to The New American and a former newspaper editor.



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