



Written by [R. Cort Kirkwood](#) on February 27, 2019

Can Democrats Defeat Trump on Emergency? Without Veto Override, Only in Court

As expected, the House of Representatives voted yesterday to overturn President Trump's declaration of emergency because of the crisis at the southern border with Mexico. But even if open-borders Democrats and their Republican sympathizers prevail in the Senate too, Trump will veto the final bill.

The vote was 245-182. That's nowhere close to the two-thirds majority Democrats need to override Trump's certain veto. So the emergency will stand until the court decides the issue.



Sixteen Republicans joined the open-borders Democrats, who stridently oppose border control because they want to keep future voters coming into the country. Democrats hope that relentless flood-tide of illegals, more than [200,000 so far](#) in fiscal 2019, will permanently alter the country's demographics and cement a Democratic majority.

Trump hopes to stop that invasion with a wall, which Democrats have angrily refused to build. Thus, the emergency declaration.

Senate Vote Before Recess

Unsurprisingly, House Speaker Nancy Pelosi unbosomed another one of her big lies. "We are not going to give any president, Democratic or Republican, a blank check to shred the Constitution of the United States," the elderly leftist said as she held up a "pocket copy of the Constitution," as the [Washington Post reported](#). "Is your oath of office to Donald Trump or is your oath of office to the Constitution of the United States?"

Pelosi had no such concerns when she shrugged off questions about the constitutionality of ObamaCare, or when President Obama unilaterally declared an amnesty, and declared the unpassed DREAM Act federal law.

House Minority chief Kevin McCarthy of California backed the president. "There is a national emergency at the southern border that the Democrats will declare today doesn't exist," he said. "The president has the authority to do it, and we will uphold him."

Republican Thomas Massie of Kentucky, one of the most constitutionally minded members of the House, voted against the president, stating Article I, Section 9, Clause 7 of the Constitution as his reason for doing so: "No Money shall be drawn from the Treasury, but in Consequence of Appropriations made by Law; and a regular Statement and Account of the Receipts and Expenditures of all public Money shall be published from time to time."

Now the matter goes to the Senate. Majority Leader Mitch McConnell anticipates a vote on a resolution, the *Post* reported, before the Senate recesses in March.



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[Liberal Republican Senators such as](#) Thom Tillis of North Carolina, Susan Collins of Maine, and Lisa Murkowski of Alaska can be expected to vote against Trump. Senator Ted Cruz of Texas might vote against the president as well. Cruz worries about a “slippery slope,” [he told](#) the Intercept, meaning a Democratic president might follow Trump’s suit and declare an emergency “to implement radical policies contrary to law and contrary to the Constitution.” But a Democratic president can do that anyway.

Senator Rand Paul of Kentucky is skeptical as well. “I don’t think it’s a good way to run government — to run government by emergency,” [Paul said](#). “I think the Constitution’s pretty clear that the power of the purse is with Congress.”

Either way, Democrats don’t have the votes to override a certain presidential veto.

CRS: Trump Has the Power

Paul is right; the Constitution is clear. But as [The New American reported](#) before Trump declared the emergency, the nonpartisan Congressional Research Service has said Trump can use funds to build a wall *with or without* an emergency declaration.

After declaring an emergency requiring the use of the armed forces, CRS reported, the secretary of defense may “without regard to any other provision of law ... undertake military construction projects ... not otherwise authorized by law that are necessary to support such use of the armed forces.”

This law enables presidents to build military fortresses in remote parts of the unconstitutional American Empire.

Federal law also permits the secretary of defense to “carry out a military construction project not otherwise authorized by law” if “the project is vital to the national security or to the protection of health, safety, or the quality of the environment,” or if not pursuing the project immediately will harm national security or the environment.

Another statute says the defense secretary can build barriers to help civilian authorities fight drugs.

The question, [CRS said](#), is whether invoking these laws will survive challenges in court, which the Left mounted almost immediately. A coalition of 16 states, led by California and its subversive, open-borders Attorney General Xavier Becerra, [has sued](#) the president on multiple grounds.

The Democrats and the anti-Trump media claim the situation at the border is not a national emergency because illegal immigration is decreasing, an argument, on looking at the numbers, that is akin to Captain Smith’s claiming the Titanic isn’t sinking because only half the ship’s compartments have flooded.

Numbers from Customs and Border Patrol [are frightening](#). The number of illegal aliens [collared thus far](#) in fiscal 2019 is 201,497: 99,901 family units, 21,123 unaccompanied minors.

Inadmissible illegal aliens blocked at ports of entry for the two months totaled 20,344, including 8,595 family units and 762 unaccompanied minors. Total inadmissibles this fiscal year are 40,720, including 17,759 families and 1,621 unaccompanied minors.

The December-January totals for both figures 118,986. The total for fiscal 2019 is 242,217.



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