



Written by [Selwyn Duke](#) on July 28, 2019

SCOTUS Judicial Overlords: Trump May Build Border Wall With Military Funds

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A judicial monkey wrench thrown into America's border security endeavors was removed Friday, as the Supreme Court lifted lower court opinions stating that the Trump administration may not use \$2.5 billion in military funds for border-wall construction.



As the *Daily Mail* [reports](#):

The court's five conservative justices gave the administration the green light to begin work on four contracts it has awarded using Defense Department money.

Funding for the projects had been frozen by lower courts while a lawsuit over the money proceeded.

The court's four liberal justices would not have allowed construction to start.

...Trump tweeted after the announcement: 'Wow! Big VICTORY on the Wall. 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!'

The Supreme Court's action reverses the decision of a trial court, which initially froze the funds in May, and an appeals court, which kept that freeze in place earlier this month.

The freeze had prevented the government from tapping approximately \$2.5 billion in Defense Department money to replace existing sections of barrier in Arizona, California and New Mexico with more robust fencing.

The case the Supreme Court ruled in began after the 35-day partial government shutdown that started in December of last year.

Trump ended the shutdown in February after Congress gave him approximately \$1.4 billion in border wall funding.

But the amount was far less than the \$5.7 billion he was seeking, and Trump then declared a national emergency to take cash from other government accounts to use to construct sections of wall.

"Pursuant to that proclamation, administration officials announced plans to reprogram \$600 million from the Treasury Department's forfeiture fund; \$2.5 billion from Defense Department counter-narcotics activities; and \$3.6 billion from military construction projects to finance construction of the wall," the *Daily Caller* [informs](#), providing further detail.



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“The \$2.5 billion for counter-drug efforts were at issue in Friday’s case,” the *Caller* continues. “That sum was slated to finance fencing in Arizona, California, and New Mexico. Government lawyers said those projects are priorities for the Department of Homeland Security, as they are meant to deter narcotic trafficking in major drug smuggling corridors. The administration moved the funds pursuant to a transfer statute that allows such reallocations to address ‘unforeseen needs,’ provided they have not been ‘denied by the Congress.’”

Left unsaid, as assorted left-wing groups and judges conspire to undermine our national security, is that building barriers is quintessential military business. In fact, this “is most of what the military did for the first 100 years [of our history],” [stated](#) commentator Ann Coulter in a 2018 *Tucker Carlson Tonight* interview.

“We weren’t going around remaking the rest of the world,” she continued. “It was the military building forts on our border. Defending American borders is the number one job of the commander in chief.”

In other words, those questioning Trump’s authority on this matter should take note. As Coulter put it, “I mean, if we were suddenly attacked by China, he [Trump] wouldn’t sit around — or North Korea — he wouldn’t sit around saying, ‘Well, I would like to respond, but Congress just will not write that bill.’ He’d say, ‘No, I am the commander in chief; I have the power to defend against an invasion. We’re being invaded.’”

Nor would Trump sit around waiting for the courts’ approval. This reality brings us to another wall, one that doesn’t have to be built, just recognized — that is, the wall separating the branches of government.

Just consider the headline of the above-cited *Daily Caller* article: “Supreme Court Allows Trump To Build 100 Miles Of Wall With Military Funds.” Allows?

Now perhaps it’s clear why Thomas Jefferson sounded the alarm about judicial supremacy, that extra-constitutional power that “gives to the judges the right to decide what laws [and presidential actions] are constitutional and what not, not only for themselves in their own sphere of action but for the Legislature and Executive also in their spheres,” as he [put it](#). He warned that accepting such a doctrine would make the judiciary exactly what it has become: “a despotic branch” that acts as “an oligarchy.”

Jefferson also said that judicial supremacy — a power *not in the Constitution* — would make the document a *felo de se* — an “act of suicide.”

And when judges are actually facilitating an invasion of the nation, this warning starts to sound anything but theoretical.



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