

Judge blocks Trump from using billions in military funds for border Wall

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The Hill, 06/28/19

A federal judge on Friday issued a ruling blocking the Trump administration from tapping billions of dollars in military funds to construct a wall on the United States's southern border.

U.S. District Judge Haywood Gilliam issued the permanent injunction in a California federal court after initially ruling last month to temporarily halt the administration's use of military funds for the border wall.

[President Trump](#) declared a national emergency earlier this year in order to divert roughly \$6 billion in Defense Department funds toward border wall construction. Friday's ruling blocks the administration from using \$2.5 billion in military funds for a border wall.

The injunction halts border wall construction at different sites in New Mexico, California, Arizona and Texas, expanding Gilliam's previous ruling.

Gilliam, an Obama appointee, made the ruling on the military funds in a lawsuit brought forward by several groups, including the American Civil Liberties Union (ACLU) and the Sierra Club, challenging the diversion of the military funds under the scope of the national emergency order.

The Trump administration had argued that the use of the military funds was lawful under the scope of the national emergency, as the need for the funding was "unforeseen." And the lawyers claimed that if they are unable to award the federal dollars to contractors by the end of the fiscal year, they may lose the funding.

In his ruling Friday, Gilliam wrote that the administration lawyers "present no new evidence or argument for why the court should depart from its prior decision, and it will not."

"Because no new factual or legal arguments persuade the court that its analysis in the preliminary injunction order was wrong, [the groups'] likelihood of success on the merits has ripened into actual success," the ruling reads.

The judge also found that the groups suing to block use of military funds for the wall would suffer "irreparable harm" over border wall construction because it "will harm their ability to recreate in and otherwise enjoy public land along the border."

Gilliam wrote that while he does not "minimize" the administration's interest in border security, he determined that "the balance of hardships and public interest favors" is

in favor of the groups opposing the wall. Still, the judge declined to rule on whether the Trump administration violated the National Environmental Policy Act.

"Congress was clear in denying funds for Trump's xenophobic obsession with a wasteful, harmful wall," Dror Ladin, an attorney with the ACLU who argued for the injunction in court, said in a statement Friday. "This decision upholds the basic principle that the president has no power to spend taxpayer money without Congress' approval."

And Gloria Smith, the managing attorney for the Sierra Club, said in a statement that the groups "applaud the court's decision to protect our Constitution, communities, and the environment today."

"We've seen the damage that the ever-expanding border wall has inflicted on communities and the environment for decades. Walls divide neighborhoods, worsen dangerous flooding, destroy lands and wildlife, and waste resources that should instead be used on the infrastructure these communities truly need," the statement reads.

Gilliam also issued a ruling in a separate case stopping the Trump administration from moving forward with border wall construction in New Mexico and California while that legal challenge plays out.

The two border states had requested in a court filing earlier this month that the judge stop the construction, claiming it would damage the environment and infringe upon those states' rights.

The judge on Friday partially ruled in the states' favor but determined that they did not reach the bar needed for him to issue a permanent injunction in that case.

California Attorney General [Xavier Becerra](#) (D) celebrated the rulings, saying that they "critically stop President Trump's illegal money grab to divert \$2.5 billion of unauthorized funding for his pet project."

"All President Trump has succeeded in building is a constitutional crisis, threatening immediate harm to our state," Becerra said in a statement. "President Trump said he didn't have to do this and that he would be unsuccessful in court. Today we proved that statement true."

Trump declared the national emergency to tap the funds for border wall construction after a record 35-day partial government shutdown.

Congress refused to include the president's requested amount of funds for border security in a government spending bill, a fight that resulted in the weeks-long stalemate.

The Democratic-controlled House has also sought to prevent Trump from using military funds for a border wall. It argues that only Congress has the authority to appropriate funds and that the president's move is therefore unlawful — a legal argument echoed in both of the California lawsuits.

However, a judge in D.C. ruled that the House did not have the power to sue the administration in federal court and later dismissed the lawsuit at the House's request. The lawmakers are now appealing their case.

Updated at 11:15 p.m.