

Nancy Pelosi files lawsuit to block Trump border wall



Photo by: J. Scott Applewhite

Speaker of the House Nancy Pelosi, D-Calif., speaks to reporters during a news conference on Capitol Hill in Washington, Thursday, April 4, 2019. (AP Photo/J. Scott Applewhite) ** FILE **

House Democrats officially filed their lawsuit Friday afternoon challenging President Trump's plans to shift money to build his border wall, demanding federal judges step in and referee between the two sides.

House Speaker Nancy Pelosi had teased the move earlier this week, and the 45-page lawsuit filed in federal district court in Washington, D.C., follows up on her threat.

The case challenges two different transfers of money Mr. Trump announced earlier this year: \$2.5 billion from a Pentagon drug interdiction fund and \$3.6 billion Mr. Trump said he could move after declaring a national emergency, flexing powers under a 1976 law.

“The administration’s actions here demonstrate a shocking disregard for the Appropriations Clause, which protects Congress’s ‘exclusive power over the federal purse,’” the House says in its lawsuit.

Mrs. Pelosi and her colleagues said they had only approved \$1.375 billion this year for “barrier construction” — they specifically avoided calling it a “wall” — and they said any additional money the president tries to spend is unconstitutional.

The House argues that Mr. Trump undercut his own national emergency declaration when he said he could have built the wall over a longer period of time, “but I’d rather do it much faster.

The case does not appear to challenge another \$601 million Mr. Trump is transferring from the Treasury Forfeiture Fund for wall construction.

A number of environmental groups and Democrat-led states have already sued to try to stop the wall, in federal courtrooms from Washington, D.C., to Texas to California.

Each of those cases is still in its infancy, though plaintiffs have argued there is some urgency after the government already announced the first \$1 billion transfer of money into the drug interdiction fund to be used for wall construction.

The premise of House Democrats’ lawsuit is similar to one filed by Republicans when they controlled the House and President Obama was in office. Mr. Obama spent money on an Obamacare program despite Congress zeroing out that funding in its spending bills.

That case resulted in an early ruling in favor of the GOP, but the case was ultimately settled once Mr. Trump took over from Mr. Obama.

The Trump administration says this case is different because Congress explicitly gave the president expansive spending powers in the Emergencies Act. And the Emergencies Act already gives Congress a way to rein in the president on its own, by passing a resolution disapproving of the emergency.

Congress attempted to use that power, but was unable to overcome Mr. Trump’s veto.

Legal analysts say the fact that Congress tried but failed to use its own legislative tools could work against Mrs. Pelosi's legal case in the courts.

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