



American Resistance Party

How long will you wear the chains of your Masters?

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**FOR IMMEDIATE RELEASE
ACTION ALERT**

CONSTITUTIONAL AUTHORITY To Secure Our Border

1/15/19 – **EDWARD C NOONAN, Former 2012 & 2016 Presidential Candidate alert:**

Yes! Trump has constitutional authority to secure our Southern Border

by Publius Huldah

Instead of reading our Constitution and seeing what it says, Americans get their legal advice from what "everybody says".

Now, they are hearing about "emergency powers", and are in a tail spin. Did Congress' "Emergency Powers Act" delegate to the President the power to call whatever he wants an "emergency" & then do what he deems best?

Our focus shouldn't be on what can be called an "emergency"; but what does our Constitution authorize the federal government to do (if anything) with respect to the hot topic of the day?

Let's look at Migration (immigration) in the context of the hordes of aliens storming thru our Southern Border. What does our Constitution say about it?

Art. I, § 9, clause 1, delegates power over Migration (immigration) to Congress. So Congress is to make the immigration laws; & the President, as Chief Executive, is to put Congress' laws into effect.

Art. IV, § 4 REQUIRES the United States to protect each of the States against Invasion.

Art. I, § 8, clauses 15 & 16, authorize the calling up of the Militia for 3 purposes: to execute the Laws of the Union; to suppress Insurrections; and repel Invasions.

Art. II, § 3 authorizes the President to recommend to Congress such measures as he deems necessary and expedient; to convene Congress on extraordinary occasions; and requires him to take care that the laws be faithfully executed (that includes the immigration laws.)

Art. II, § 2, provides that the President is CINC of the armed forces. He is CINC of the Militia when it is called into active service of the United States. As noted above, the Militia may be called into active service to "repel invasions".

So those are the Constitutional Provisions which apply to the invasion of our Southern Border.

America is finished if we don't control our Southern Border. Congress and the President have clear constitutional authority - actually, they have the DUTY - to control our Southern Border.

The best way the control the Southern Border is to build a wall. [I know from personal observation during the Cold War that the wall the Soviets built between East & West Germany prevented people in the East from escaping to the West.]

What if Congress refuses to fund the wall? Must the President tell the American People, "Well, I tried. But my hands are tied. You better get ready for civil war."

No! Art. IV, § 4 imposes on the United States the Duty to protect each of the States against invasion. If Congress won't do it, the President must. He is Chief Executive of the United States. For him to refuse to act for the reason that Congress won't fund the wall would be as contemptible as the Husband and Father who refuses to get armed to protect his Family because the government says he can't be armed.

So, the President may solicit donations from the American People for funds, labor, and construction materials, to build a wall.

About "calling up the Militia" to "repel invasions"

We no longer have the Militia provided for at Art. I, §8, clauses 15 & 16.

During 1903, the American People and their federal and state legislators (who had all "mainlined" on Progressivism) went along with the federalizing of the Militia. This was done with the federal Dick Act of 1903. That converted the Militia into the National Guard, which is an adjunct of the federal military.

If we still had the "*Militia of the several States*", it would be obvious that the Militia must be - and could be - called into national service to repel the "invasion" coming through our Southern Border.

But since we no longer have the Militia, we must rely on the closest thing to a Militia we have left: The National Guard. Congress has passed a law which authorizes the President to call the National Guard into national service. When I get time, I'll locate it and link to it - but the President probably has authority to call up the National Guard to protect our Southern Border and the construction workers while the Wall is being built.

But if Push comes to Shove, the President has the Clear Duty to protect our Southern Border and to "preserve, protect and defend the Constitution of the United States".

Remember - the Questions are always: "*What does the Constitution authorize*" & "*What Duties does the Constitution impose on the federal government?*"

There is no substitute for reading the Constitution for yourself. Article by Article - and then seeing how the Articles all work together - hand in glove. It really was a 6,000-year miracle.

Publius Huldah | January 15, 2019 at 11:51 AM | Tags: Build the Wall!, immigration, invasion, migration, Militia, national guard, Publius Huldah, Southern Border | Categories: Build the Wall!, Control the Border, Dick Act of 1903, Militia | URL: <https://wp.me/pyzaN-vU>

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