

A Trumped-up controversy

Not so long ago, Donald Trump drew unto himself a great deal of ire from certain circles for suggesting that, in light of the international dangers posed by Islamic terrorists, this country should consider prohibiting further immigration by Muslims. Much of this abuse seemed to assume that some sort of "right" to migrate to the United States exists for foreigners in general, or Muslims in particular—or at least for those foreigners or Muslims against whom some specific criminal or other serious charges cannot be levied as the bases for their disqualifications for entry.

At this moment, I am merely an observer, rather than an avowed supporter, of Mr. Trump. For what sort of a card in the deck of Presidential candidates he may be has yet to become clear. Some astute, if cynical, political commentators suggest that he may be being put up as the Establishment's Manchurian Candidate—that is, a one-eyed Jack which shows only the deceptive side of its face to the general public's view. Other commentators warn that he may be being set up by subterranean forces as a sure loser in the general election to Hillary Clinton, Bernie Sanders, or some equally deplorable donkey from the Establishment's political stable—that is, as a Joker. Still others hope that a benevolent Providence has raised up Mr. Trump as America's Ace in the Hole for the decisive hand which History has dealt at this critical juncture in the course of human events. My personal concern is whether, even if Mr. Trump himself is "for real" and goes on to win nomination and the general election, he is likely as President to prove to be America's trump card—or merely a card which will be trumped by some other card the Establishment plans to deal from the bottom of the political deck. That is, specifically, whether Mr. Trump is perhaps being put up, or more likely being put up with, by the crafty Forces of Darkness in order to be set up in the White House as the new

Herbert Hoover when the national economy crashes in 2017 or 2018.

Whatever sort of card Mr. Trump may turn out to be, one thing is certain: He was quite correct as to the power, the right, and in some circumstances the duty of the United States to exclude aliens—any and all aliens—from entering this country. That point is so clearly and firmly established that one must wonder whether the only commodity the supply of which never runs out amongst all too many Americans today is double-rectified, industrial-strength ignorance where basic questions of constitutional law are concerned.

Consider the internet report by Paul Bedard, in the Washington Examiner, “THE MAP: ‘Sanctuary Cities’ cross the 300 mark with Dallas, Philly” (2 February 2016), which informs its readers that these “sanctuary cities” are refusing to assist in, or perhaps even to allow, enforcement of America’s immigration and naturalization laws against illegal aliens welcomed within their territories. Now, it should be obvious that the very concept of any such “sanctuary” is unconstitutional, root and branch. The Tenth Amendment does provide that “[t]he powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people.” But powers over immigration are explicitly and exclusively “delegated to the United States by the Constitution”. Specifically, Article I, Section 8, Clause 4 extends to Congress the power “[t]o establish an uniform Rule of Naturalization”—which plainly excludes variegated rules on that subject generated by the States or their political subdivisions on some ad hoc bases. See *Hines v. Davidowitz*, 312 U.S. 52 (1941). Furthermore, Article I, Section 9, Clause 1 states that “[t]he Migration or Importation of such Persons as any of the States now existing shall think proper to admit, shall not be prohibited by the Congress prior to the Year one thousand eight hundred and eight”—which plainly permits Congress to “prohibi[t]” such

“Migration or Importation” after 1808 in “the States now existing” (that is, as of ratification of the Constitution in 1788) and at all times in all other States, and that absolutely and unconditionally (because the Constitution sets out no limitation with respect to this matter). “Migration” plainly refers back to Congress’s power with respect to “Naturalization”, under Article I, Section 8, Clause 4; whereas “Importation” refers back to Congress’s power “[t]o regulate Commerce with foreign Nations”, under Article I, Section 8, Clause 3. Taken together, all of these provisions authorize Congress to exclude from entry into this country any and all aliens, at any time, for any reason.

As the Supreme Court emphasized in *Chae Chan Ping v. United States*, 130 U.S. 581, 603-604, 606, 609 (1889):

That the government of the United States, through the action of the legislative department, can exclude aliens from its territory is a proposition which we do not think is open to controversy. Jurisdiction over its own territory to that extent is an incident of every independent nation. It is part of its independence. If it could not exclude aliens, it would be to that extent subject to the control of another power. * * *

While under our Constitution and form of government the great mass of local matters is controlled by local authorities, the United States, in their relation to foreign countries and their subjects or citizens are one nation, invested with powers which belong to independent nations, the exercise of which can be invoked for the maintenance of its absolute independence and security throughout its entire territory.

To preserve its independence, and give security against foreign aggression and encroachment, is the highest duty of every nation, and to attain these ends nearly all other considerations are to be subordinated. It matters not in what form such aggression and encroachment come, whether from the

foreign nation acting through its national character or from vast hordes of its people crowding in upon us. The government, possessing the powers which are to be exercised for protection and security, is clothed with authority to determine the occasion on which the powers shall be called forth; and its determination, so far as the subjects affected are concerned, are necessarily conclusion upon all its departments and officers. If, therefore, the government of the United States, through its legislative department, considers the presence of foreigners * * * who will not assimilate with us, to be dangerous to its peace and security, their exclusion is not to be stayed because at the time there are no actual hostilities with the nation of which the foreigners are subjects. The existence of war would render the necessity of the proceeding only more obvious and pressing. The same necessity, in a less pressing degree, may arise when war does not exist, and the same authority which adjudges the necessity in one case must also determine it in another. In both cases its determination is conclusive * * * .

The power of exclusion of foreigners being an incident of sovereignty belonging to the government of the United States, as part of those sovereign powers delegated by the Constitution, the right to its exercise at any time when, in the judgment of the government, the interests of the country require it, cannot be granted away or restrained on behalf of any one. The powers of government are delegated in trust to the United States, and are incapable of transfer to any other parties. They cannot be abandoned or surrendered. Nor can their exercise be hampered, when need for the public good, by any consideration of private interest.

Accord, *Yamataya v. Fisher*, 189 U.S. 86, 97 (1903); *United States ex rel. Turner v. Williams*, 194 U.S. 279, 289-290 (1904); *Bagajewitz v. Adams*, 228 U.S. 585, 591 (1913).

Simply put, "the formulation of these policies is entrusted exclusively to Congress[.]" *Galvan v. Press*, 347 U.S. 522,

530-531 (1954). Period. See also *Chirac v. Chirac*, 15 U.S. (2 Wheaton) 259, 269 (1817); *United States v. Wong Kim Ark*, 169 U.S. 649, 701 (1898). No room exists for the States or their Localities to adopt rules as to aliens either more, or less, stringent than those which Congress has enacted. See *Hines v. Davidowitz*, 312 U.S. 52 (1941). Exclamation point.

As of today, Congress has enacted numerous laws on this subject—none of them as severe as they could be, but which nonetheless render certain aliens subject to exclusion, illegal if they enter this country in defiance of those laws, and liable to deportation and other punishments when apprehended. Furthermore, Congress has specifically authorized the President to deal in a draconian fashion with illegal (or any other form of) entry by aliens into this country:

Whenever the President finds that the entry of any aliens or of any class of aliens into the United States would be detrimental to the interests of the United States, he may by proclamation, and for such period as he shall deem necessary, suspend the entry of all aliens or any class of aliens as immigrants or nonimmigrants, or impose on the entry of aliens any restrictions he may deem to be appropriate. * * *

8 U.S.C. § 1182(f). And, in fulfillment of his constitutional duty under Article II, Section 3, to “take Care that the Laws be faithfully executed”, the President could, and should, rigorously enforce this statute now that it has become crystal-clear that “the interests of the United States” require the statute’s enforcement—indeed, that the very salvation of this country so demands. See also my NewsWithViews commentary “How The President Can Secure The Borders” (18 August 2015).

Thus, the factions which are trying to deny to Americans the ability, originally secured by the Declaration of Independence, to maintain “among the powers of the earth, the separate and equal station to which the Laws of Nature and of Nature’s God entitle them” as a sovereign nation capable of

preserving its own identity and integrity by controlling its own borders—and which are trying to effect the same result against the nations of Europe, too—have not a legal leg, foot, or even toe upon which to stand when they purport to provide “sanctuary” or other aid to illegal aliens. Neither have they any credible basis for criticizing Mr. Trump when he says that he, as President, would deal with immigration, legal as well as illegal, in a particularly uncompromising manner.

Moreover, because the States are at the present time being invaded in fact by “vast hordes of [illegal aliens] crowding in upon us”, they could exercise their own explicitly reserved constitutional power and duty under Article I, Section 10, Clause 3 to protect their independence and integrity by, if necessary, “engag[ing] in War, [when] actually invaded, or in such imminent Danger as will not admit of delay”—at the very least by militantly prohibiting their own political subdivisions from aiding and abetting such an invasion through the provision of “sanctuaries” for or other assistance to the invaders. But what sort of legally and politically inane, if not insane, behavior does America witness today? On the one side, half-witted State and Local officials are purporting to exercise powers absolutely denied to them, in the interest of facilitating alien invasions of their own territories (and, by extension, of the United States as a whole), such as by establishing “sanctuary cities”. While, on the other side, the very same nitwits refuse to exercise their undoubtedly reserved constitutional authority: (i) to “make * * * gold and silver Coin a Tender in Payment of Debts” perforce of Article I, Section Clause, Clause 1, so as to begin the process of restoring to this country an economically sound and constitutional monetary system; and (ii) to revitalize “the Militia of the several States”, which the Second Amendment declares to be “necessary to the security of a free State” in every respect! Will sheltering illegal aliens prevent or mitigate the coming collapse of this country’s monetary and banking systems—or will the financial drain those aliens will

impose on overburdened social services and underfunded “safety nets” accelerate and exacerbate it? Will the illegal aliens being sheltered today contribute to the stabilization and then to the reconstruction of society in the wake of that collapse tomorrow, as only revitalized Militia will be capable of doing—or will they increase and intensify the widespread lawlessness which will surely accompany a major economic crisis? These questions answer themselves.

The present rage for “sanctuary cities” may have as one source the giddy altruism and agonizing self-flagellation, coupled with the constitutional illiteracy, of naive “liberals” eager to eradicate so-called “white privilege” (or to pay court to some other half-baked but “politically correct” notion fashionable at the moment). That, however, is only a very small—and the least consequential—part of the explanation for what is going on.

The Establishment—the ultimate purposes of which are far from being either “liberal” or even benign—employs excessive immigration of all sorts as a battering ram against traditional America. By importing or infiltrating huge numbers of aliens who are either incapable of assimilating in principle or unwilling to assimilate in practice, and thus salting mutually incompatible and even overtly antagonistic enclaves of such people throughout this country, the Establishment divides the total population into hostile competing factions and selfish special interests each of which it hopes it can separately manipulate—politically, economically, ideologically, and socially—so as in the end to rule them all. (This, of course will ultimately disadvantage most “liberals” as well as everyone else, which is why those “liberals” who parrot the Establishment’s line and follow its lead as to immigration are rightly derided as “useful idiots”—“useful” with respect to the Establishment, but “idiots” with respect to their own interests.)

One needs vision far less acute than 20-20 to see that, as the

result of the Establishment's actions, political, economic, ideological, and social divisions, confusions, misunderstandings, and conflicts persist just about everywhere in this country, and even prevail to the exclusion of social cohesion in many places. The most pernicious manifestation of this orchestrated disunity even has a name: "multiculturalism". Whether this is the product of calculation-engineered and propagated by the exponents of "cultural Marxism" or other subversive schools of thought—or is the unintended consequence of monumental hubris and stupidity on the part of Establishment and its hangers-on, the destructive result is the same.

No nation has ever been created or long held together through the imposition of anarchic "diversity" from the top down through a calculated policy hatched by its ruling class (or for that matter from the bottom up, as the result of a series of adventitious "barbarian invasions"). Just as the very concept of a "nation" presupposes defined and enforceable geographical borders, so too does it presume the existence of unity with respect to certain fundamental legal principles, economic practices, political procedures, and social conventions which define that nation and its constituent people. In America, "multiculturalism" might be acceptable with respect to social relations which more or less were matters of indifference—but only if citizenship were strictly conditioned upon "uniculturalism" in vital particulars, by requiring each legal immigrant (and native citizen, for that matter) to demonstrate his understanding of and loyalty to the traditional, theoretically sound, and time-tested tenets of Americanism: namely, national independence (the Declaration of Independence); limited government (the Constitution); nonintervention in foreign conflicts ("the common defence"); free markets beneficial to all ("the general Welfare"); personal freedom ("the Blessings of Liberty" in general and the Bill of Rights in particular); the centripetal force of a single national language (English, in which those fundamental

laws, as well as all of America's statutes and judicial decisions, are written); and, perhaps most important of all, each individual's duty to the community to be ever-ready to retain and protect good government, and to throw off bad government in the persons of rogue public officials, if necessary through being called forth to serve in the Militia.

But no—the Establishment has promoted the subversion, even the open denigration, of Americanism at every turn, particularly these days with respect to “the right of the people to keep and bear Arms”, the unfettered exercise of which is essential to the maintenance of what the Second Amendment calls “well regulated Militia”. The one and only culture the vaunted “inclusiveness” of contemporary “multiculturalism” scrupulously excludes is Americanism. The Establishment treats only Americanism as an unacceptable component of the “diversity” on which it dotes.

No doubt some people will dismiss the foregoing as a xenophobic analysis. Having never perused Frosty Wooldridge's columns at NewsWithViews, they will wax eloquent about how, according to one theory or another, an ever-swelling influx of aliens, even those unquestionably illegal, will actually benefit the national economy, and even enrich ordinary Americans' lives with all sorts of exotic and wonderful foreign colors, sounds, smells, and flavors, as it were. One assaulted by such rosy descriptions and predictions would do well, though, to recall the warning voiced by the Trojan priest Laocoon, urging his imprudent countrymen not to haul the Wooden Horse within the walls of Troy: “Quidquid id est, timeo Danaos et dona ferentes”—“whatever it is, I fear the Greeks, even bearing gifts”. I, for one, sense that Mr. Trump understands this, even if perhaps he has never read Virgil's Aeneid.

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