

# Article IV, §4, US Constitution Requires Congress, Supreme Court, and the President to Stop the Steal



By Publius Huldah

[Here](#) is the interview Alex Newman of The New American Magazine and I did on December 23.

## 1. The Supreme Court's Dereliction of Duty

### The Pennsylvania Lawsuit

As pointed out in the interview [and previously [here](#)], **Art. I, §4, cl. 1, US Constitution**, delegates *to state and federal legislatures alone* the power to make the laws addressing the “times, places and manner” of conducting federal elections. In addition, **Art. II, §1, cl. 2** provides that *the State Legislatures* are to decide how the Presidential Electors for their State are to be appointed.

But in **Pennsylvania** (and other States), Judges and State Executive Branch officials **changed the laws** made by their State Legislature in order to permit fraud of such a massive scale as would enable the theft of the election for the Biden/Harris ticket. Accordingly, during late September, the Republican Party of Pennsylvania filed a lawsuit challenging the unconstitutional changes to the State election laws. They

lost in the Pennsylvania Supreme Court, and asked the US Supreme Court to review it.

But the Supreme Court dragged its feet. So on October 28, Justice Alito (who is the “go-to” Justice for the US Circuit in which Pennsylvania is located), issued a statement [[link](#)] where he identified violations of **Art. I, §4, cl. 1 and Art. II, §1, cl. 2** as an issue of “national importance” which “calls out for review” by the Supreme Court; and that the Court should decide this issue BEFORE the election. He warned that the Supreme Court’s *inaction* on the “important constitutional issue” raised in the lawsuit has created conditions that could lead to “serious post-election problems.”

Justices **Thomas** and **Gorsuch** joined Justice Alito in his Statement – *but nobody else*.

The Supreme Court still hasn’t announced whether they will review the decision of the Pennsylvania Supreme Court. They set this case for conference (among themselves) on January 8 [[link](#)] – which is two days *after* Congress meets to count the votes.

## **The Texas Lawsuit**

The Supreme Court’s handling of the **Texas** lawsuit was equally egregious. The Texas case alleged that using COVID-19 as an excuse, state government officials in Pennsylvania, Georgia, Michigan, and Wisconsin usurped their State Legislature’s authority and unconstitutionally revised their State’s election statutes. These changes made massive election fraud possible. The Complaint sets forth compelling facts alleging the massive and coordinated fraud used to steal the November 3 election.

But the Supreme Court refused to hear the case, claiming that Texas “lacked standing” to bring the action. *They were dead wrong.* Here’s why:

**Article IV, §4, US Constitution, says:**

“The United States shall guarantee to every State in this Union a Republican Form of Government...”

The essence of a “Republic” is that sovereign power is exercised by Representatives elected by *The People*.[1] Accordingly, the violations of Art.I, §4, cl. 1 and Art. II, §1, cl. 2 -which made the massive election fraud possible –*strike at the heart of our Constitutional Republic*.

Obviously, when an election is stolen by corrupt politicians and political parties – with the connivance of Judges and State election officials – the Right of The People to choose their Representatives is taken away from them.

**And this is why the State of Texas has “standing” to bring the lawsuit:** Art. IV, §4, is for the benefit of the States who comprise this Union. The States *created* the federal government when they ratified the Constitution. The Supreme Court is merely the “creature” of that Constitution; and they may not lawfully act in contravention of the Document under which they hold their existence.

The US Supreme Court is required to act so as to preserve the Republican Form of Government for Texas and all other States. They shirked their Duty. *Shame on the Supreme Court!*

## **2. Attorney General William Barr’s Dereliction of Duty**

**Article IV, §4** also imposes on the US Attorney General – as part of the Executive Branch of the federal government – the Duty “to guarantee to every State in this Union a Republican Form of Government...”

Accordingly, the Attorney General has the Duty to prosecute persons engaged in federal election fraud; and he has the Duty to file civil actions addressing the election fraud – such as suggested by constitutional litigators *William J. Olson &*

Patrick M. McSweeney in their Christmas Eve article [here](#).

But not only did Barr not lift a finger to fight the fraud – he denied there was any fraud. He too shirked his constitutional Duty. *Shame on William Barr!*

### 3. Will Congress also shirk their Constitutional Duty?

Article IV, §4 also imposes *on Congress* the Duty to guarantee to the States a Republican Form of Government.

Section 3 of the 20<sup>th</sup> Amendment imposes on Congress the *additional* Duty of determining whether the President Elect and Vice President Elect have “qualified” for office [respecting that, [this](#) short post will help you].

Congress has the ability to perform its sacred Duty under Art. IV, §4, by *disqualifying* Biden and Harris on the bases that their election was procured by *changes to State election laws made in violation of Art.I, §4, cl. 1 and Art.II, §1, cl. 2*, which made possible the brazen fraud which resulted in the theft of the election for Biden and Harris.

Kamala Harris should be disqualified on the additional ground that she is not a “natural born citizen” as required by Art. II, §1, cl. 5 and the 12<sup>th</sup> Amendment [[link](#)].

But shockingly, it appears that some Republicans in Congress intend to go along with the fraud, and will use as an excuse the silly claim that presidential elections are up to the States and Congress shouldn’t bully the States!

But that would constitute *an aiding and abetting of election fraud, and a shirking of Constitutional Duties. Congress! Do not strip The American People of their right to honest federal elections!*

### 4. The Fraudulent Election is an Act of War against the People of the United States

This was not just another election. *This was a planned and coordinated attack on the People of the United States.* If we don't defeat the fraud, the People of the United States will have been stripped of their sovereign power to choose their own Representatives.[2]

This is an Insurrection against the sovereign power of WE THE PEOPLE. Traitors within our local, state, and federal governments have conspired with one another – and apparently foreign agents – to take our sovereign power away from us. And cowards are going along with it.

**5. President Trump has constitutional and statutory authority to carry out the Duty imposed on him by Art. IV, §4**

If, when it meets on January 6, Congress too shirks its constitutional Duty to guarantee honest federal elections and refuses to disqualify Biden & Harris; then the President is our last hope (within the purview of the Constitution).[3] Not only does Art. IV, §4 impose this duty on the President; he is also bound by his Oath of Office to "preserve, protect and defend the Constitution of the United States" (Art.II, §1, **last clause**); and, by Art.II, §3, to "take Care that the Laws be faithfully executed". These three provisions impose upon him the Duty to act so as to preserve the Federal Constitutional Republic created by our Constitution of 1787.

And he has the constitutional and statutory authority to carry out his Duty:

**Call up the Militia!**

**Article I, §8, cl. 15** authorizes Congress... "to provide for calling forth the Militia to execute the Laws of the Union, suppress Insurrections and repel Invasions;" [italics added]

Congress "provided for" calling forth the Militia by

delegating to the President the authority to use *his own judgment* respecting whether to send the Militia into any State:

- To enforce the Laws of the United States [[10 USC §252](#)];
- To suppress uprisings which deprive the people of the rights, privileges and immunities, and protections recognized in the Constitution and secured by Law, and the State government isn't protecting those rights [[10 USC §253](#)]; and
- To suppress uprisings which oppose or obstruct the execution of the laws of the United States or impede the course of justice under those laws [[10 USC §253](#)].

So the Militia may be called forth:

- To enforce **I, §4, cl.1** (which requires that *only state and federal Legislatures* may make laws respecting the times, places and manner of holding federal elections);
- To enforce **II, §1, cl.2** (which provides that *the State Legislatures* are to decide how the Presidential Electors for their State are to be appointed);
- To enforce **IV, §4** (which requires the United States to guarantee to the States a Republican Form of Government); and
- **To suppress the Insurrection** which is *right now* going on in our Country.

## **A Brief History of the Militia**

The term, "Militia", refers to the armed and trained male Citizens. The Militia Act of 1792 provided for the arming and training of these male Citizens [[link](#)]. Our Framers did not want a standing professional Army – that's why appropriations for the regular Army were limited to two years (Art. I, §8, cl. 12). Enforcement of federal laws, suppression of Insurrections, and much of the national defense were to be the responsibility of the *Militia*. **When the federal gov't needs**

*to enforce its laws, it is to call forth the **Militia** – the armed and trained **Citizens** – to do the enforcing!* During the Washington Administration, the federal gov't called forth the Militia to enforce the federal excise tax on whiskey. *Federal law enforcement is thus the province of the **Citizens** – the **Militia**!* [4]

But with the Dick Act of 1903, the organized Militia was converted into the National Guard – which is an adjunct of the federal military. And with [10 USC §246](#), Congress redefined “Militia” to consist of two classes:

“(b) The classes of the militia are—

- (1) the organized militia, which consists of the National Guard and the Naval Militia; and
- (2) the unorganized militia, which consists of the members of the militia who are not members of the National Guard or the Naval Militia.”

Earlier this year, in response to the violent Insurrections in the cities, Edwin Vieira, JD., Ph.D. (*our Country's foremost authority on the Militia*) showed [here](#) how President Trump has the authority to send the Militia into the cities to suppress the Insurrections. But as discussed [here](#) [at endnote 11], President Trump's two previous Secretaries of Defense apparently indicated that they would not obey orders to send the National Guard into the cities. Will Chris Miller, the present acting Secretary of Defense, be any better?

But if President Trump calls up “the unorganized militia” – *which remains in existence as recognized by [10 USC §246](#) and which has his back* – to enforce Art. I, §4, cl.1; Art.II, §1, cl.2 and Art. IV, §4 – he doesn't need the cooperation of any deep state Secretaries of Defense.

## 6. **Calling up the Militia is not equivalent to imposing “martial law”!**

I implore Patriots to become precise in your use of terminology. Calling up the Militia for the purposes at Art. I, §8, cl. 15 is ***not*** “imposing martial law” [and it’s *not* “Marshall law”]! Martial Law is typically imposed during war time when invading military forces disband civilian governments [including the courts] in the occupied country and replace the civilian government with direct military control of civilian populations.

## **7. What is “the rule of law”?**

The “rule of law” is a term which politicians and Attorneys General, who have *no idea* what it means, love to sling around: In his recent address to students at Hillsdale College, former Attorney General Barr said the “rule of law” means “treating everyone the same”. *That’s not even close.*

**Law** comes from a higher source than the civil authorities. The “Rule of Law” prevails when the civil authorities obey that higher Law – be it God’s Law or our Constitution. The Bible shows that Kings governed justly only when they governed in accordance with the Law of God. In our Country, the civil authorities govern justly only when they obey our Constitution. See: *Lex, Rex*, by Rev. Samuel Rutherford (1644) and [here](#) under the subheading, “**1. The Civil Authorities are under the Law.**”

## **8. This isn’t about Trump – it’s about defending our Constitutional Republic from enemy attack**

It doesn’t matter what you or I think of President Trump: there is much to criticize about his policies. *This fight* is about whether our Republican Form of Government, with honest & verifiable elections, is to be restored; or whether our Right to choose our Representatives is to be stripped from us *forever*.

E-Mail Publius Huldah: [publiushuldah@gmail.com](mailto:publiushuldah@gmail.com)

**Endnotes:**

[1] Federalist No. 10 (J. Madison) [[link](#)]: “A republic, by which I mean a government in which the scheme of representation takes place, ... \*\*\* ... The two great points of difference between a democracy and a republic are: first, the delegation of the government, in the latter, to a small number of citizens elected by the rest; ...”

[2] “...The fabric of American empire ought to rest on the solid basis of THE CONSENT OF THE PEOPLE. The streams of national power ought to flow immediately from that pure, original fountain of all legitimate authority.” [Federalist No. 22](#), last para (A. Hamilton). *This is what we will lose* if Congress and the President permit the cheats and subversives to get away with the election fraud.

[3] If Congress and the President both shirk their Constitutional duties and “betray their constituents, there is then no resource left but in the exertion of that original right of self-defense ...” [Federalist No. 28](#) (A. Hamilton). Much blood will be on the hands of those who acquiesced in the fraud.

[4] Not armed thugs from federal executive agencies such as the FBI, BATF, etc., etc., etc. !