

## 21. IMMIGRATION AND THE CONSTITUTION #2

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### **Former Senator Schmitt Emphasizes Illegal Drugs and Terrorism as Components of the Border Invasion**

Three dominate factors propel the invasion across the southwestern border of the United States: (1) normal human desires to live better, (2) the pull of illegal drug demand in the United States, and (3) Islamic radicals' hatred of the freedom of thought and action America represents.

The threat and reality of narco-terrorism spilling out of Mexico into the United States has raised the ante and continuing cost of protecting our southern border. Under the umbrella of illegal immigration, the actions of criminal enterprises increasingly penetrate the lives, law enforcement, and economies of Americans in Texas, New Mexico, Arizona, and California, as well as in interior American cities and towns. Border States directly experience the violent competition between drug gangs, including random killings by the drug cartels and their associates.

Mass murders of Mexicans just across the border have totaled over 800 people through April this year, up from 539 in the same period of 2009. In March, these murders included two U.S. citizens affiliated with the U.S. Consulate in Ciudad Juarez. Following a recent home invasion and robbery of an elderly couple, the March 2010 killing of rancher Robert Krentz in the same area of southeastern Arizona brings stark

reality to both the personal threat to Americans and the lack of adequate concern by the Congress and the Administration.

The controversial but broadly supported new law in Arizona aimed at reducing illegal immigration at the State level reflects the growing anger of a majority of American citizens. This anger about lax federal interdiction of clandestine border incursions exists largely independently of political party affiliation. The people of Arizona and other Border States live with the physical and economic cost of illegal immigrants every hour of every day. They feel exposed to the consequences of self-defeating immigration law and continued federal dithering on this and other matters of national security. Self-serving appeals by outsiders and the President to ethnic and racial emotions only inflame the situation and solve nothing.

Supporting the scope of the new Arizona law, and similar understandable and appropriate efforts in many other States, is the fact that all Americans must prove their identity in specialized travel, financial, and law enforcement situations in order to protect the public at large. One aspect of American life where definitive personal identification generally is not required, but should be, is voting. This may explain the extreme reactions to the new Arizona law from those whose

elections depend on vote fraud to maintain political power.

The Federal Government's constitutional responsibility remains the protection of the nation's borders and its citizens from both the current border invasion and the pervasive national wave of violence that has accompanied it. Article I, Section 8, Clause 15, of the Constitution gives the Congress the power "To provide for calling forth the Militia to execute the Laws of the Union, suppress Insurrections and repel *Invasions*" (emphasis added). In the absence of the Congress exercising this power, the Militia remains under the control of the individual States. The States most affected along the southwestern border, with the cooperation of other affected States, therefore should jointly mobilize and deploy their Militias, i.e., National Guard forces.

Further, as Clause 16 of Article I, Section 8, reserves "to the States respectively, the Appointment of Officers, and the Authority of training the Militias..." States participating in a joint border force have constitutional authority to appoint a qualified Commanding Officer and subordinates to plan, coordinate, and manage counter-insurgency operations in the Southwest. Operational leaders for this effort exist in the many highly competent individuals recently retired from active duty in command of Army or Marine small unit operations in comparable geographic conditions in the Middle East.

Under Article I, Section 8, Clauses 15 and 16, then, both the Federal Government and the States, together or separately, have the power to seal and enforce their international borders against illegal entry and drug trafficking. One or the other or both together should do this without further delay. In conjunction with boarder enforcement, a major

educational, medical, and legislative effort should be made to reduce Americans' demand for illegal drugs that stimulates and funds the activities of drug traffickers. People of good will should join in considering all options available to fight the unintended crime consequences of drug prohibition. Did the failure of alcohol prohibition in the 1920s, and the unintended consequence of stimulating organized crime, teach us nothing?

Simultaneously, contingency plans also should be developed for the possibility of a full collapse of the Mexican government. Should such a collapse occur, the immigration pressure from refugees at our border would exponentially increase. The escalating violence in border cities, and kidnappings, murders, and revenge killings in that country's interior, already signals a broad collapse of social order in Mexico. With respect to suppressing and eliminating the drug cartels, little can be expected from a government that, at least in this arena, appears to be compromised and dysfunctional.

Nonetheless, we must work with the Mexico to assist in the enhancement of the security and normal economic wellbeing of its citizens, in addition to establishing defensive preparedness along our common border and sea routes. The situation could begin to resemble that in Afghanistan if we are not very proactive, with the warlords of the drug cartels joining forces with Islamic terrorists and regional dictators to establish themselves as a direct and broad-based security threat to Americans and the American economy.

A comparable problem of economic and governance disparities between the Mexican and the young United States faced President James Polk and the Congress in the 1840s. In that case, a Mexican army invaded Texas

and war ensued. War provided no permanent solution to the problem, consequences of which have been suppressed for a century and a half by the value of Mexico's natural resources and migrant labor. It has been left to present generations to again face the effects of the same disparities, intensified by narco-terrorism. These continuing dangers have been exacerbated by a self-defeating U.S. policy toward migrant workers that emphasizes prosecution of Americans for hiring rather than the management of requirements for migrant labor.

The inability of the United States to stem illegal immigration from Mexico also provides cover for the entry of Islamic radicals wishing to pursue their war of terror against Americans. Combined with the *de facto* invasion of immigrants, and the real invasion of the drug cartels and gangs, we effectively have an open border for our terrorist enemies. Although the present Administration and the President do not admit that a state of war exists between the United States and Islamic radicals, Americans exposed to airplane bombers, shootings of military personnel on home soil, and kidnappings abroad know reality when they see it. The

Border States now find themselves in the front lines of this war.

The deteriorating border situation calls into question the current Congress' and President's willingness to deal with actual invaders, much less provide more broadly for the Nation's constitutionally required "common defence." They see plans for unconstitutional "amnesty" for illegal aliens, and irrational ethnic and racial antagonism, as a means to counter the voter backlash now sweeping the United States because of legislative, regulatory, and prosecutorial attacks on liberty, personal wellbeing, and the future of America's children. The new Congress in 2011 and the new President in 2013 must work to counter this growing threat to "life, liberty and the pursuit of happiness" in America.

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