

THE FEDERAL GOVERNMENT'S GUARANTEE TO PROTECT THE STATES AGAINST INVASION

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The U.S. is facing an unprecedented crisis along its southern border with Mexico. Violent transnational criminal organizations control large swaths of the border. Nearly two million illegal immigrants were apprehended by Border Patrol agents in the last year and an estimated 400,000 individuals evaded authorities and disappeared inside the interior.

The federal government has been idle in the face of this unprecedented invasion. In some respects, federal officials have even encouraged it. This failure to protect the states against invasion is a direct violation of the Guarantee Clause at Article IV, Section 4 of the Constitution. That clause establishes three guarantees owed by the federal government to the states:

- the maintenance of a republican form of government in every state
- protection against invasion
- protection against domestic insurrection

The federal government has willfully abandoned its duty to defend the states – and the citizens who reside within them – from the ongoing invasion. However, states possess the authority, right now, to remedy Washington's abrogation of its Guarantee Clause obligations.

THE GUARANTEE CLAUSE

Article IV, Section 4 states: "The United States shall guarantee to every state in this union a republican form

of government, and shall protect each of them against invasion; and on application of the legislature, or of the executive (when the legislature cannot be convened) against domestic violence."

CONCLUSION

A clear reading of the Guarantee Clause makes clear that the federal government has a Constitutional duty to protect each of the states from invasion. Underpinned by the writings of the Framers, it is evident that what is occurring at the southern border constitutes an invasion and poses a threat to the safety, security, and well-being of the states and the citizens therein.

Moreover, the federal government has clearly failed to protect the states along America's southern border from the currently-ongoing invasion. Put differently, the federal government is currently in violation of its Guarantee Clause obligation to protect the states from invasion.



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