

POLICY BRIEF: THE U.S. MILITARY MAY BE USED TO SECURE THE BORDER

By Ken Cuccinelli, March 25, 2024



CITIZENS FOR
RENEWING
AMERICA

The inherent constitutional authority of the President of the United States as Commander-in-Chief of the armed forces (and the militia) provides the President with all necessary authority needed to utilize the U.S. military to secure America's borders from invasion by any person, group, or force.

Right now, the Southern border of the United States is wide open. Since President Biden took office, the U.S. Border Patrol has observed or interdicted over 10 million illegal border crossers between ports of entry on the Southwest border. In addition to people seeking employment *at the expense of lower-income Americans*, this number, unfortunately, also includes criminals and terrorists alike.

This is nothing short of a full-blown foreign invasion. Our Constitution and our laws allow the President to use the U.S. military to enforce our laws, protect our border, and stop this invasion, before the United States suffers further consequences.

LEGAL JUSTIFICATION IN FOUR PARTS

- **Part I:** The Posse Comitatus Act—its text, purposes, and legislative history—permit the use of the military to solve the border crisis
- **Part II:** The Insurrection Act (both of its own force, and as triggering an express exception to the Posse Comitatus Act) reinforces the propriety of using the military to combat the border crisis

- **Part III:** The President has the inherent constitutional authority to use the military to secure the border
- **Part IV:** Use of the President's broad and deep constitutional powers, coupled with his statutory powers, to get the southern border under control do not risk creating a permanent standing army ruling the interior of the country

CONCLUSION

At the Center for Renewing America, we unashamedly believe use of the military to secure our border is long overdue, and objections based on concerns related to the Posse Comitatus Act are clearly unfounded.

The President possesses all necessary powers under the Constitution, the Insurrection Act, the Military Cooperation with Civilian Law Enforcement Officials Act, and other congressional statutes we outline above to get the border under control.



SCAN TO READ
FULL ARTICLE

Open Smartphone Cameras
Point Camera at Barcode
Wait for Link to Open
Click the Link