



Written by [Joe Wolverton, II, J.D.](#) on September 14, 2011

Is Border Fence to Keep “Us” In; Not “Them” Out?

In last night’s CNN/Tea Party Patriots Debate among the GOP presidential candidates, several of the hopefuls declared that the best way to stem the tide of illegal immigrants flooding over the southern border was to build a fence. Rick Santorum, Jon Huntsman, and Mitt Romney all advocated erecting a fence along the length of the border with Mexico. So ardent was Huntsman support for the idea that he accused Rick Perry of being “treasonous” for the latter’s assertion that the southern border cannot be secured.



At an earlier debate hosted by the Ronald Reagan Presidential Library in California, Minnesota Congresswoman Michelle Bachmann said that, “To not build a border or a fence on every part of that border would be an effect to yield United States sovereignty.”

As has been reported, Congressman Ron Paul was effectively shut out of last night’s debate, particularly in two areas where he has been most vociferous and controversial: the Federal Reserve and immigration.

While his colleagues were trying to out secure each other, Ron Paul’s position on the border and illegal immigration was not addressed. In an earlier appearance with the other potential Republican presidential nominees, Dr. Paul made very clear his unique (among those competing in the GOP field) opinion of the purpose of walling off the United States. [Said](#) Congressman Paul:

The people that want big fences and guns, sure, we could secure the border. A barbed wire fence with machine guns, that would do the trick. I don’t believe that is what America is all about. ??Every time you think about this toughness on the border and ID cards and REAL IDs, think it’s a penalty against the American people too. I think this fence business is designed and may well be used against us and keep us in. In economic turmoil, the people want to leave with their capital and there’s capital controls and there’s people controls. Every time you think about the fence, think about the fences being used against us, keeping us in.

Given the pre-packaged, predictable pronouncements heard in these televised stump speeches, there is little wonder that Dr. Paul’s reasoned insistence and sincere warning that any fence erected around the border could (will) be used not only to manage the incomings, but the outgoings, as well.

There are those in power, insists Paul, that are as “interested in regulating our right to freely exit the country as they are in preventing illegal entry.” To what end would the power elites wish to prevent the freedom of movement of the citizens of the United States?

Simply put, many of those elected by us to “preserve, protect, and defend the Constitution” have chosen to preserve, protect, and defend their own positions of power by passing legislation that empowers Congress and the executive branch to keep innocent citizens under constant surveillance and to proscribe the taking of capital outside the borders of the United States.



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These petty tyrants rely on the continuing acquiescence of the American people (particularly the middle class) to a tax code that redistributes wealth and maintains the culture of dependence that guarantees the electoral devotion of a significant bloc of citizens to those who promise to perpetuate the current welfare policy that will keep the checks coming.

Dr. Paul, in his book, *50 Essential Issues That Effect Our Freedom*, explains that:

The leaders of neither Republican nor the Democratic party can expect to protect our civil liberties when times get tough: Both support illegal wars; both support Patriot Act suppression of our privacy; both strongly endorse the multitrillion dollar bailout of Wall Street. Neither party will protect our right to vote with our feet and take our money with us. The right of a citizen to leave the country anytime with his wealth and without government interference is a sharp dividing line between a free society and a dictatorship.

These policies have harmed the American people and have tightened the manacles of oppression forged by the foes of freedom. To prevent any citizen from “voting with his feet” and leaving the country with his accumulated wealth is absolutely incompatible with the timeless principles of liberty as distilled in our founding charter. Furthermore, the erection of this “electronic financial curtain” was never contemplated by our Founding Fathers and it must be brought down.

As the time approaches for Americans to exercise their most precious of rights — the right to elect those who will represent us in the halls of Congress and in the White House — we must faithfully carry out our obligation to think deeply and critically about the issues that may soon decide the fate of our Republic. The time is very near when the actions taken on our behalf may perpetuate the issuing of kill orders for American citizens marked for assassination because of some vague charge of suspicious behavior.

As Dr. Paul rightly states, there is a very real danger in the attempt on the part of the government to curtail the movement of citizens, especially “in the age of secret prisons and a state position of assassinating American citizens if deemed a “threat,” without charges ever being made....”

There are so many issues upon which these Republican office seekers agree. Sadly, one upon which so few of them agree is the unwavering commitment to follow the Constitution every time without compromise or exception. There are a variety of ways that the federal government could exercise its constitutional power to protect the states against invasion (see Article IV, Section 4 of the [Constitution](#)). Many of these methods would accomplish this legal end without restricting the free flow of citizens.

In the age when our Republic is in the grip of an economic maelstrom, the right of a person to vote with his feet and leave the nation with his money should be sacrosanct. To forbid such unshackled movement is the action of a government that fears such freedom.

Recently, the requirement that we carry a passport when traveling to and from Mexico and Canada by air demonstrates the intent of our leaders to monitor our movement. (When returning from either by land or sea, a passport card or “enhanced” drivers license — currently issued only by Michigan, New York, Vermont and Washington — is required.) There is additional evidence that our elected representatives and the regulatory leviathan they have empowered with legislative powers are devoted to watching every movement and assuring that those movements are not only noticed, but that they are tracked and tallied, as well.

Finally, despite the rhetoric, there is no clause in the Constitution granting to the general legislature exclusive authority over immigration policy. In fact, there is no mention of such a delegation at all.



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Admittedly, the Constitution does give power over naturalization to Congress (see [Article I, Section 8](#)), but the concepts of immigration and naturalization, while related, are distinct. Therefore, the power to control the passage of persons across the border (whether with Canada or with Mexico) is retained by the states per the Tenth Amendment.

Therefore, we must demand that those elected to the state legislatures and to the governors' mansions throughout the Republic adhere rigidly to the Constitution and find acceptable (constitutional) means of managing the entry of immigrants into the country without encroaching upon the right of Americans to exit at their own will and with their own wealth. Were our leaders to abide by the enumerated and limited powers set forth in the Constitution, then Americans would not want to leave and the majority of immigrants to our nation would be those earnestly seeking the blessings afforded only by a free and peaceful society.

Photo: Wildlife friendly border fall in Brownsville, Texas.



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