

Trumps 10 Point plan Aligns with Founders Intent

Fundamental Concept:

Sam Adams Speech about the Declaration of Independence, Aug. 1, 1776:

“Thus by the beneficence of Providence, we shall behold our empire arising, founded on justice and the voluntary consent of the people, and giving full scope to the exercise of those faculties and rights which most ennoble our species. Besides the advantages of liberty and the most equal constitution, heaven has given us a country with every variety of climate and soil, pouring forth in abundance whatever is necessary for the support, comfort, and strength of a nation. Within our own borders we possess all the means of sustenance, defence, and commerce; at the same time, these advantages are so distributed among the different States of this continent, as if nature had in view to proclaim to us - Be united among yourselves, and you will want nothing from the rest of the world.”

Donald S. Lutz,

Colonial Origins of the American Constitution: A Documentary History - 1998

<http://oll.libertyfund.org/title/694>

Pgs. 16 & 17 - “Even with this restricted discussion two things become apparent. First, calling John Locke a “contract theorist” would have been considered a misnomer by colonial Americans. He was more properly a “compact theorist,” and in fact we find that his Second Treatise always uses the word “compact” and not “contract.” Second, the relationship between a covenant and a compact was a direct one. Both were based on the consent of those taking part. Both created a new community. Both implied a relationship that was stronger, deeper, and more comprehensive than that established by a contract. A compact, however, required simply the consent of those taking part, while a covenant required sanction by the highest relevant authority as well. In this regard, compact is the more modern of the two concepts, while covenant was the more natural term to use in a religious or a medieval context where the authority hierarchy was well defined and had a clear apex. A compact could be turned into a covenant merely by calling upon God to witness the agreement, which also turned consenting to the agreement into an oath. If a people found themselves in a situation where a mutual agreement had to be drawn up but it was not possible to obtain the royal seal in order to give the document legal status, the easiest solution for a religious people was to call upon God as a witness to bind those signing until the king’s legal sanction could be obtained. If, for some reason, a people reached a mutual agreement that was covenant-like but chose to call upon neither God nor the king, they must, for some reason, have considered themselves completely competent to establish the document’s legality. This last instance would be one in which legality was viewed as resting on the authority of the people, indicating an understanding of popular sovereignty. A compact was just such an agreement, one resting only on the consent of those participating. For this reason, Blackstone could say, “A compact is a promise proceeding from us, law is a command directed to us.”⁴ The fact that most of the early colonists were a religious people – a religious people primarily from Protestant religions who were experienced in forming their own communities and familiar with the covenant form for doing so – becomes an important part of the background to American constitutionalism. That these people were often thrown by circumstances into situations where they had to practice this skill of community building through covenants and that the charters under which they sailed often required that they provide for self-government, or at the very least permitted

such activities, must be viewed as another historical circumstance of considerable importance for American constitutionalism.

Consent becomes the instrument for establishing authority in the community and for expressing the sovereignty of God. God transmits his sovereignty to the people through the broader covenant, and they in turn convey his sovereignty to the rulers on the basis of the specific covenant creating the civil community. The people's consent is the instrument for linking God with those holding temporal authority, whose authority then is viewed as sanctioned by God. Because this temporal authority comes through the people, however, the rulers are beholden to God through the people and thus are immediately responsible to them. This, the original basis of popular sovereignty, had been independently developed by both Protestant and Catholic thinkers during the sixteenth and seventeenth centuries.⁷

Argument classifying the Citizen and Interstate rights

Federalist #42: "The dissimilarity in the rules of naturalization has long been remarked as a fault in our system, and as laying a foundation for intricate and delicate questions. In the fourth article of the Confederation, it is declared "that the *free inhabitants* of each of these States, paupers, vagabonds, and fugitives from justice, excepted, shall be entitled to all privileges and immunities of *free citizens* in the several States; and *the people* of each State shall, in every other, enjoy all the privileges of trade and commerce," etc. There is a confusion of language here, which is remarkable. Why the terms *free inhabitants* are used in one part of the article, *free citizens* in another, and *people* in another; or what was meant by superadding to "all privileges and immunities of free citizens," "all the privileges of trade and commerce," cannot easily be determined. It seems to be a construction scarcely avoidable, however, that those who come under the denomination of *free inhabitants* of a State, although not citizens of such State, are entitled, in every other State, to all the privileges of *free citizens* of the latter; that is, to greater privileges than they may be entitled to in their own State: so that it may be in the power of a particular State, or rather every State is laid under a necessity, not only to confer the rights of citizenship in other States upon any whom it may admit to such rights within itself, but upon any whom it may allow to become inhabitants within its jurisdiction. But were an exposition of the term "inhabitants" to be admitted which would confine the stipulated privileges to citizens alone, the difficulty is diminished only, not removed. The very improper power would still be retained by each State, of naturalizing aliens in every other State. In one State, residence for a short term confirms all the rights of citizenship: in another, qualifications of greater importance are required. An alien, therefore, legally incapacitated for certain rights in the latter, may, by previous residence only in the former, elude his incapacity; and thus the law of one State be preposterously rendered paramount to the law of another, within the jurisdiction of the other. We owe it to mere casualty, that very serious embarrassments on this subject have been hitherto escaped. By the laws of several States, certain descriptions of aliens, who had rendered themselves obnoxious, were laid under interdicts inconsistent not only with the rights of citizenship but with the privilege of residence. What would have been the consequence, if such persons, by residence or otherwise, had acquired the character of citizens under the laws of another State, and then asserted their rights as such, both to residence and citizenship, within the State proscribing them? Whatever the legal consequences might have been, other consequences would probably have resulted, of too serious a nature not to be provided against. The new Constitution has accordingly, with great propriety, made provision against them, and all others proceeding from the defect of the Confederation on this head, by

authorizing the general government to establish a uniform rule of naturalization throughout the United States.

..." The power of prescribing by general laws, the manner in which the public acts, records and judicial proceedings of each State shall be proved, and the effect they shall have in other States, is an evident and valuable improvement on the clause relating to this subject in the articles of Confederation. The meaning of the latter is extremely indeterminate, and can be of little importance under any interpretation which it will bear. The power here established may be rendered a very convenient instrument of justice, and be particularly beneficial on the borders of contiguous States, where the effects liable to justice may be suddenly and secretly translated, in any stage of the process, within a foreign jurisdiction.

Subjects vs Citizens - I heard Andy Wilkow speak to what I was thinking about as I put this program together. I have to reference what the founders considered as they discussed the Sovereignty of a nation and the classification of persons. Citizens understand the reality of their sovereignty, or they should if educated as the Founders intended. Subjects only know the tyrannical hardships of despots or their manipulative kindness, which keeps them as subjects. In regard to the individual Citizen at the foundation: "Having created numerous republics – that is, governments modeled and directed by their chosen representatives – they had yet to establish *democratic* republics based on "the consent of the governed" – republics in which the people exercised both political and legal sovereignty through fundamental laws that they had helped directly to create." Citizens fully understand constitutional republicanism and popular sovereignty. It is impossible for a subject or those that came from countries where they have been subjects to comprehend our ideals of Citizenship.

Establishing National Sovereignty: James Wilson stipulated - "Wilson also advocated for federalism and the related concept of dual sovereignty. Since the people were the foundation of all government, they could construct as many levels of authority as they wished. Thus, the people could not only establish a national government of enumerated powers but simultaneously lend their support to state governments vested with the traditional police powers of health, safety, morals, and welfare. Ironically, both John C. Calhoun and Abraham Lincoln in the years leading up to the Civil War found in Wilson's ideas arguments to support either the limited or the perpetual nature of the Union."

Foreign Influence: Federalist Papers full of discussions question the potential of foreign corruption and influence. Controlling who comes into the country is critical to managing corruption, influence and safety.

Madison in Federalist #40: "In every political institution, a power to advance the public happiness involves a discretion which may be misapplied and abused. They will see, therefore, that in all cases where power is to be conferred, the point first to be decided is whether such a power be necessary to the public good; as the next will be, in case of an affirmative decision, to guard as effectually as possible against a perversion of the power to the public detriment.

That we may form a correct judgment on this subject, it will be proper to review the several powers conferred on the government of the Union; and that this may be the more conveniently

done they may be reduced into different classes as they relate to the following different objects:

1. Security against foreign danger;□
2. Regulation of the intercourse with foreign nations; “

Hamilton, Federalist #24: Not having internal protection by either the citizen militia or standing army leads to: “All that kind of policy by which nations anticipate distant danger and meet the gathering storm must be abstained from, as contrary to the genuine maxims of a free government. We must expose our property and liberty to the mercy of foreign invaders and invite them by our weakness to seize the naked and defenseless prey, because we are afraid that rulers, created by our choice, dependent on our will, might endanger that liberty by an abuse of the means necessary to its preservation. :

Purpose of Government

Hamilton Federalist #23: “The principal purposes to be answered by union are these the common defense of the members; the preservation of the public peace, as well against internal convulsions as external attacks; the regulation of commerce with other nations and between the States; the superintendence of our intercourse, political and commercial, with foreign countries. “

Hamilton Federalist #28: “The great extent of the country is a further security. We have already experienced its utility against the attacks of a foreign power. “

Memoir of Theophilus Parsons, chief justice of the Supreme judicial court of Massachusetts - 1797 to 1882

“pg 124 MEMOIR OF of which they now boast, (not meaning to include the VicePresidency,) the people will rest assured that their sovereignty will be preserved, their honor protected, and their rights secured. I am, with great respect and esteem, yours, &c., THEOPHILUS PARSONS.”

“126 MEMOIR OF Among his papers are some loose sheets, apparently forming part of an unfinished essay, or something of the kind, on the subject of aliens. There are many references to statutory provisions and to the principles of the common law, and various suggestions about them. But the beginning and the end are lost, and of what remains much is mere note or reference, unintelligible to any one but the writer; and I do not print it. For many reasons I wish it had been more perfect, or that I could, from this or other authority, state with clearness and certainty his views in regard to aliens. I know very well what I believe them to have been; but I am not so sure of the grounds of my belief. I strive to recall his words, or those of his friends, but I cannot. But while my recollections on this subject are very dim, I have little or no doubt of their general accuracy. I should say, then, that he was disposed to open to immigrants an entrance into this country without any reservation whatever, except against crime. It was his firm belief, that Providence was constructing here a refuge for the oppressed of every nation; and when they fled from suffering, or from rational fears of misgovernment, or to improve their condition by the facilities which our wide lands and unfettered industry offered them, he would meet them at our shores with sincere and earnest welcome, and would make all necessary provision for their entire security and their prosperity. But that this country might continue to be a refuge for those who were oppressed or threatened in other lands, it must be preserved from the mischiefs which have made the institutions and government of

those other lands oppressive and destructive. It must be protected against the peril of importing with those who had fled from other countries the very evils and abuses from which they fled, or the illusions and corruptions which would lead inevitably to the same results. If in other countries guarded and legal liberty is impossible, it must be because the subjects of those countries

Page 127

CHIEF JUSTICE PARSONS. 127 are incapable of comprehending and preserving it; and let those subjects bring to this country the same unfitness and incapacity, and let them possess political power here, and the same impossibility of preserving constitutional liberty will exist here. If this country is to remain better than other countries, - better, that is, in all the advantages which our institutions permit or confer, - these institutions must be guarded equally from violent and from insidious assault. For the sake, not of ourselves merely, but of those very immigrants, they must be prevented from any interference with, or any influence over, our political institutions, until they have outgrown the ways of thinking or feeling or acting which belonged to the home they left. If they come here without the wish to become American in character as well as in nationality, assuredly they should not ask, or if they asked they should not be permitted, to possess the right of interference with the formation or the administration of our laws. And if they did wish to become American, and were rational and honest, their wish would be to become American not merely in their rights, but in their correlative duties, and in their fitness and capacity for the discharge of those duties. In few words, my father's principle would be, that no foreigner should become a citizen of this country until all reasonable provisions and precautions were complied with, to promote his becoming so in heart and in intellect. He anticipated a rapid and extensive increase in the prosperity of this country, and a proportional increase in the attractions it holds out to those who hang loose upon the fringes of society elsewhere, and are easily shaken off. I am mistaken if he did not foretell, frequently and emphatically, that marvellous flood of immigration which fills our country with all the races, and all the habits, and nearly all the errors and abuses, which prevail anywhere in the world. And he hoped that this flood, with all its feculence and turbulence, might nevertheless enrich, and not overwhelm, our country, provided

Page 128

128 MEMOIR OF only the proper distinction was made. For he would have the coming immigrant welcomed to a full share in all our prosperity, but to no share whatever in the franchises which would affect the laws or institutions by which that prosperity was protected, until time, the great teacher, had taught him the true difference between all that he had left, and all that he had found. For it is too much to ask of any human beings, that they should comprehend at once things so totally novel as everything here must be to a European. And it is too much to ask of any human institutions, that, while young and yielding, and undefended by the protecting power of antiquity, they should successfully resist the unremitting blows of prejudice, passion, and ignorance; and therefore adequate provision must be made that those blows should not reach them.

Wall Street Journal Summary: Trumps 10 Points:

Number One: We will build a wall along the southern border.

On day one, we will begin working on an impenetrable physical wall on the southern border. We will use the best technology, including above-and below-ground sensors, towers, aerial surveillance and manpower to supplement the wall, find and dislocate tunnels, and keep out the criminal cartels, and Mexico will pay for the wall.

Number Two: End 'catch-and-release.'

Anyone who illegally crosses the border will be detained until they are removed out of our country.

Number Three: Zero tolerance for criminal aliens.

According to federal data, there are at least 2 million criminal aliens now inside the country. We will begin moving them out day one, in joint operations with local, state and federal law enforcement.

Beyond the 2 million, there are a vast number of additional criminal illegal immigrants who have fled or evaded justice. But their days on the run will soon be over. They go out, and they go out fast. ...

We are going to triple the number of ICE deportation officers. Within ICE, I am going to create a new special Deportation Task Force, focused on identifying and removing quickly the most dangerous criminal illegal immigrants in America who have evaded justice. We're also going to hire 5,000 more Border Patrol agents, and put more of them on the border, instead of behind desks. We will expand the number of Border Patrol Stations.

Number Four: Block funding for Sanctuary Cities.

We will end the Sanctuary Cities that have resulted in so many needless deaths. Cities that refuse to cooperate with federal authorities will not receive taxpayer dollars, and we will work with Congress to pass legislation to protect those jurisdictions that do assist federal authorities.

Number Five: Cancel unconstitutional executive orders and enforce all immigration laws.

We will immediately terminate President Obama's two illegal executive amnesties, in which he defied federal law and the constitution to give amnesty to approximately five million illegal immigrants. ... In a Trump administration, all immigration laws will be enforced.

Number Six: We are going to suspend the issuance of visas to any place where adequate screening cannot occur.

According to data provided to the Senate Subcommittee on Immigration and the National Interest, between 9/11 and the end of 2014, at least 380 foreign-born individuals were convicted in terror cases inside the United States. The number is likely higher, but the Administration refuses to provide this information to Congress.

As soon as I enter office, I am going to ask the Department of State, Homeland Security and the Department of Justice to begin a comprehensive review of these cases in order to develop a list of regions and countries from which immigration must be suspended until proven and effective vetting mechanisms can be put into place.

Countries from which immigration will be suspended would include places like Syria and Libya.

For the price of resettling 1 refugee in the United States, 12 could be resettled in a safe zone in their home region.

Another reform involves new screening tests for all applicants that include an ideological certification to make sure that those we are admitting to our country share our values and love our people.

Number Seven: We will ensure that other countries take their people back when we order them deported.

There are at least 23 countries that refuse to take their people back after they have been ordered to leave the United States, including large numbers of violent criminals. Due to a Supreme Court decision, if these violent offenders cannot be sent home, our law enforcement officers have to release them into U.S. communities. Those released include individuals convicted of killings, sexual assault and some of the most heinous crimes imaginable, who went on to reoffend at a very high rate.

Number Eight: We will finally complete the biometric entry-exit visa tracking system.

For years, Congress has required a biometric entry-exit visa tracking system, but it has never been completed.

In my administration, we will ensure that this system is in place at all land, air, and sea ports. ...Last year alone, nearly a half a million individuals overstayed their temporary visas. Removing visa overstays will be a top priority of my Administration. If people around the world believe they can just come on a temporary visa and never leave – the Obama-Clinton policy – then we have a completely open border. We must send the message that visa expiration dates will be strongly enforced.

Number Nine: We will turn off the jobs and benefits magnet.

We will ensure that E-Verify is used to the fullest extent possible under existing law, and will work with Congress to strengthen and expand its use across the country. ...Those who abuse our welfare system will be priorities for removal.

Number 10: We will reform legal immigration to serve the best interests of America and its workers.

...The time has come for a new immigration commission to develop a new set of reforms to our legal immigration system in order to achieve the following goals:

- To keep immigration levels, measured by population share, within historical norms
- To select immigrants based on their likelihood of success in U.S. society, and their ability to be financially self-sufficient. We need a system that serves our needs – remember, it's America First.
- To choose immigrants based on merit, skill and proficiency
- And to establish new immigration controls to boost wages and to ensure that open jobs are offered to American workers first.