



A LESS PERFECT UNION

MAKING THE CASE FOR SECESSION IN 2017

BY J. D. HEYES, EDITOR OF THE NATIONAL SENTINEL

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*“The case of a claim in a State to secede from its union with the others, is a question among the States themselves as parties to a compact.” – Letter from **James Madison**, circa 1833*

ABSTRACT

The end of the American Civil War came on April 9, 1865, at the McLean House in Appomattox, Virginia, when Confederate General Robert E. Lee signed a document of surrender in the presence of Union General Ulysses S. Grant. President Andrew Johnson would formally declare the conflict ended on August 20, 1866, after 620,000 lives were lost.¹ With the end of the war most believed that the concept of secession – that a U.S. state had an inherent right to leave the union after being admitted – was also dispelled. A U.S. Supreme Court case in 1869 also sought to settle the issue once and for all, determining that the union was “indestructible.”²

But did it?

In recent times, the debate over secession’s legality has begun anew, with some arguing that neither the Civil War nor the highest federal court in the land have resolved this issue satisfactorily. This paper will provide a fresh perspective and additional insight into the concept, legality, constitutionality and practicality of secession, and why it is a better political solution than the alternative – a new civil war.

¹ Figure developed by Union veterans William F. Fox and Thomas Leonard Liverty following an exhaustive post war analysis. See: <https://www.civilwar.org/learn/articles/should-number-be-higher>.

² U.S. Supreme Court 74 U.S. 700, *Texas v. White*. See: <https://www.law.cornell.edu/supremecourt/text/74/700>.

HISTORY OF THE CONCEPT OF SECESSION

The end of the American Civil War came on April 9, 1865, at the McLean House in Appomattox, Virginia, when Confederate General Robert E. Lee signed a document of surrender in the presence of Union Lt. General Ulysses S. Grant. It would not be the end of fighting, however. A number of Confederate States of America units remained in the field, having not gotten word that their commander-in-chief had given up the fight. The last recorded land battle of the war took place near Brownsville, Texas (Battle of Palmito Ranch), involving a Confederate force that had not learned of the surrender.³ The Union lost the engagement.⁴ The final Confederate unit to surrender was the *CSS Shenandoah*, a Confederate Navy raider; its captain, Cdr. James Waddell, surrendered the vessel and crew to the British in on Nov. 6, 1865, in Liverpool.⁵

What led 11 southern states to secede from the Union four years earlier was solidly, unquestionably rooted in the nation's founding.

As early as 1776, when the soon-to-be states were still British colonies, South Carolina threatened to leave after the newly formed Continental Congress considered a measure to tax all colonies "on the basis of a total population count that would include slaves."⁶ The concept then and through the Antebellum era was defined as "the assertion of minority sectional interests against what was perceived to be a hostile or indifferent majority."⁷ The concept was also a matter of some discussion and concern at the Constitutional Convention, which met in Philadelphia in 1787.

Secession was prominent among supporters and members of the Whig Party, which sought to ensure recognition of a right to rebel against an authoritarian government. British

³ Zoellner, Tom. "End of an Error." *Texas Observer*. April 27, 2015. <https://www.texasobserver.org/final-civil-war-battle-in-south-texas/>.

⁴ Ibid.

⁵ Markowitz, Mike. "CSS Shenandoah and the Last Shot of the Civil War." *Defense Media Network*. April 9 2015. <http://www.defensemedianetwork.com/stories/how-the-rebels-saved-the-whales/>.

⁶ "Secession." *The History Channel Online*. See: <http://www.history.com/topics/american-civil-war/secession>.

⁷ Ibid.

Commonwealth Men, along with John Locke and Algernon Sidney argued in favor of secession, and thus it became noteworthy during the American Revolution.⁸

James Madison, said by many to be the “father of the Constitution,”⁹ was an early, and principle, opponent of it. Thought of in some academic circles as the delegate most prepared for the convention,¹⁰ Madison attempted to get approval for a clause that explicitly prohibited secession, once states had ratified the Constitution, warning that secession or “disunion” would be detrimental to the newly formed United States.¹¹ In the end, a compromise was reached as was so often the case during the great debates at the Constitutional Convention:¹²

The Constitution as framed and finally accepted by the states divided the exercise of sovereign power between the states and the national government. By virtue of the fact that it was a legal document and in most respects enumerated the powers of the central government, the division was weighted toward the states. Yet much of the charter was drawn up in general terms and was susceptible to interpretation that might vary with time and circumstance.

And indeed, circumstances did change. There were political battles between the administrations of George Washington, the first president, and our second, John Adams. Ironically, Madison would come to favor political factions whose states threatened to leave the nascent republic.

The first test came over the Alien and Sedition Acts, four separate pieces of legislation that were passed by the 5th U.S. Congress, which was dominated by Federalists. They were signed into law by Adams in 1798 as the country prepared for war with France:¹³

⁸ Ibid.

⁹ Sheehan, Colleen. “James Madison: Father of the Constitution.” *The Heritage Foundation*. April 8, 2013. <http://www.heritage.org/political-process/report/james-madison-father-the-constitution>.

¹⁰ Ibid.

¹¹ “Secession.” *The History Channel Online*. See earlier reference.

¹² Ibid.

¹³ “Primary Documents in American History.” *The Library of Congress*. Accessed May 7, 2017 at <https://www.loc.gov/rr/program/bib/ourdocs/Alien.html>.

These acts increased the residency requirement for American citizenship from five to fourteen years, authorized the president to imprison or deport aliens considered "dangerous to the peace and safety of the United States" and restricted speech critical of the government. These laws were designed to silence and weaken the Democratic-Republican Party.

In a letter to Thomas Jefferson May 20, 1798, Madison complained that the laws were an abomination. "The Alien bill proposed in the Senate is a monster than must forever disgrace its parent."¹⁴ For his part, Jefferson appeared to agree the laws were anathema to the form of government both men helped created, and as such, they argued vociferously that states should annul them and render them moot. Both men crafted state resolutions – Madison the "Virginia Resolution" and Jefferson the "Kentucky Resolution," the former of which was more moderate in tone. However, both resolutions sought to encourage states to reject what they believed were unconstitutional laws.

The Kentucky Resolution began with definitive language asserting that federal sovereignty was not absolute, a sentiment which clearly had its roots in the Constitutional Convention:¹⁵

Resolved, that the several states composing the United States of America, are not united on the principle of unlimited submission to their General Government; but that by compact under the style and title of a Constitution for the United States and of amendments thereto, they constituted a General Government certain definite powers, reserving each state to itself, the residuary mass of right to their own self government; and that whensoever the General Government assumes undelegated powers, its acts are unauthoritative, void, and of no force... That the Government created by this compact was not made the exclusive or final *judge* of the extent of the powers delegated to itself;

¹⁴ "Letter from Madison to Jefferson, May 20, 1798." *The Library of Congress*. Accessed May 7, 2017 at https://www.loc.gov/resource/mjm.06_0576_0577/?sp=1&st=text.

¹⁵ "The First American West: The Ohio River Valley, 1750-1820." *The Library of Congress*. Translation of Kentucky Resolution at [https://memory.loc.gov/cgi-bin/query/S?ammem/fawbib:@FIELD\(SUBJ+@od1\(+kentucky+and+virginia+resolutions+of+1798+\)\)](https://memory.loc.gov/cgi-bin/query/S?ammem/fawbib:@FIELD(SUBJ+@od1(+kentucky+and+virginia+resolutions+of+1798+))).

since that would have made its discretion, and not the constitution, the measure of its powers...

The relationship referenced by the resolutions harkens to the 10th Amendment, which says:

The powers not delegated to the United States by the Constitution, nor prohibited by it to the states, are reserved to the states respectively, or to the people.

That would certainly explain why legislators in these two states felt that the laws were an overreach by the federal government, and why they sought to export their opinion (and their resolutions) to the other states.

A little more than a decade later, the actual construct of secession would not only be considered but threatened over the prospect of a second war with Great Britain – the War of 1812. Madison, then president, would become the first U.S. commander-in-chief to seek a congressional declaration of war against England. In his message to Congress, Madison listed several grievances but the most important was Great Britain’s capture of American vessels, even in U.S. territorial waters, and the impressment of American sailors into service on British ships – an outrage that had been occurring since George Washington’s presidency.¹⁶

Not everyone – or rather, not every region of the country – shared Madison’s and the war hawks’ desire to take on Britain again, despite what was happening to American shipping and commerce. That’s because not all regions were suffering equally. A great debate broke out over Madison’s request for a war declaration, and New Englanders especially were opposed. Economic restrictions that had been going on for some years were very harmful to the region, and they believed that war with England would damage their port business even further.

Nevertheless, on June 18, 1812, Congress voted to authorize war against England. The decision led to violence among rival factions – those in favor and those against the war. In Baltimore, for

¹⁶ “President Madison’s 1812 War Message.” National Endowment for the Humanities. See: <https://edsitement.neh.gov/curriculum-unit/president-madisons-1812-war-message>.

instance, dozens were killed or injured.¹⁷ Madison was steadfast, however, believing that the impressment of American sailors into British sea service was just the beginning of what he feared was an attempt at reconquering the young nation. Still, the call to war was so opposed by New England states “a disaffected Federalist majority considered secession from the Union.”¹⁸

Was the threat of secession during the early days of our country an impulsive construct offered by irrational people? The evidence suggests otherwise. For instance, during his first inaugural address, President Thomas Jefferson said, “If there be any among us who would wish to dissolve this Union, or to change its republican form, let them stand undisturbed as monuments of the safety with which error of opinion may be tolerated where reason is left to combat it.” And yet, 15 years later, when the New England Federalists threatened secession, he said, “If any state in the Union will declare that it prefers separation...to a continuance in the Union...I have no hesitation in saying, ‘Let us separate.’”¹⁹

When Virginia delegates met to ratify the Constitution, they noted, “The powers granted under the Constitution being derived from the People of the United States may be resumed by them whensoever the same shall be perverted to their injury or oppression.”²⁰ In Federalist Paper 39, Madison defined the phrase “the people,” noting that the Constitution would be ratified by people, “not as individuals composing one entire nation, but as composing the distinct and independent States to which they respectively belong.”²¹ The states were sovereign, in other words, and were voluntarily creating a federal government to become “an agent, a servant of the states,” one modern-day political analyst observed.²²

Though Madison was no proponent of secession, nor did he believe that the federal government should ever attempt to keep a state in the Union by force. During the 1787 Constitutional

¹⁷ “Secession.” *The History Channel Online*. See earlier reference.

¹⁸ *Ibid.*

¹⁹ Williams, Walter. “Do states have a right of secession?” *Capitalism Magazine*. April 19, 2002. <http://capitalismmagazine.com/2002/04/do-states-have-a-right-of-secession/>.

²⁰ *Ibid.*

²¹ *Ibid.*

²² *Ibid.*

Convention, someone proposed that the federal government should be able to suppress a seceding state. Madison rejected that, saying:²³

A Union of the States containing such an ingredient seemed to provide for its own destruction. The use of force against a State would look more like a declaration of war than an infliction of punishment and would probably be considered by the party attacked as a dissolution of all previous compacts by which it might be found.

* * *

In more recent times the issue of secession was addressed by the late constitutional originalist Supreme Court Associate Justice Antonin Scalia. In a 2006 letter, he argued that there was no legal way a state could secede because a) the U.S. would not be party to a lawsuit on the matter; b) the issue was “resolved by the Civil War;” and c) the Pledge of Allegiance, which declares, in part, “one nation, indivisible,” makes clear that once states join the union of states there is no way out.

And yet, our country was born of rebellion, with “patriots” fighting the against the very country to which they belonged.

²³ Williams, Walter. “Secession: It’s Constitutional.” *WorldNetDaily*. November 27, 2012. <http://www.wnd.com/2012/11/secession-its-constitutional/>.

THE CASE AGAINST – AND *FOR* – SECESSION

Against

Like Scalia, many historians and legal scholars believe that the question of secession was finally settled by the North's victory over the South in the Civil War. That belief is further strengthened by a subsequent U.S. Supreme Court ruling in 1869, *Texas v. White*, which supposedly settled the issue legally *and* constitutionally.

In *Texas v. White*, Supreme Court Chief Justice Salmon P. Chase, who wrote the 5-3 majority opinion, wrote:²⁴

When, therefore, Texas became one of the United States, she entered into an indissoluble relation. All the obligations of perpetual union, and all the guaranties of republican government in the Union, attached at once to the State. The act which consummated her admission into the Union was something more than a compact; it was the incorporation of a new member into the political body. And it was final. The union between Texas and the other States was as complete, as perpetual, and as indissoluble as the union between the original States. There was no place for reconsideration or revocation, except through revolution or through consent of the States.

The chief justice, like President Abraham Lincoln,²⁵ also believed that the “union” of states actually existed *before* the formal War of Independence and subsequent formation of the United States:²⁶

He suggested that the Union predated the states and grew from a common kindred spirit during the years leading to the American War for Independence. This “one people”

²⁴ Wile, Rob. *Business Insider*. See previous entry.

²⁵ Pendleton Lee, Susan. “Lee’s New School History of the United States.” B.F. Publishing Co.: Richmond, Va. Reprinted by Grapevine Publications, Boise, Idaho. 253.

²⁶ McClanahan, Brion. “Is Secession Legal?” *The American Conservative*. December 7, 2012. <http://www.theamericanconservative.com/articles/is-secession-legal/>.

mentality was best articulated by Supreme Court Justice Joseph Story in his famous Commentaries on the Constitution of the United States.

Story, who channeled John Marshall and Alexander Hamilton, reasoned that the Constitution was framed and ratified by the people at large, not the people of an individual state and thus held the same legal position of a state itself formed from many counties. “The constitution of a confederated republic, that is, of a national republic, formed of several states, is, or at least may be, not less an irrevocable form of government, than the constitution of a state formed and ratified by the aggregate of the several counties of the state.” In one sentence, Story reduced the states to the status of a county, shire, or province, and this general argument was used as a hammer both during Reconstruction and after against the sovereignty of the states.

An article in *The New York Times*, from January 1861, makes another case against secession: The expenditure of national wealth in the acquisition of states; in other words, since the federal government expended funds to acquire, integrate and defend states which had joined the Union, there could be no way they then had an inherent right to *leave* said Union even if they wanted.²⁷

Florida was purchased by the nation for national purposes, and cost the common treasury a considerable sum, besides purchase money, in quelling and expelling hostile Indians for the benefit of its people. Louisiana was also bought by the nation for national purposes. And so with others. What sort of sense is there in such States as these claiming to have the right to ignore at pleasure these national claims; to strip the Federal Government of all the benefits sought in their purchase and protection, without having ever suffered any injury at the hands of that Government to cancel its claims?

Another newspaper of the period, from the New York-based *Independent*, republished in *The St. Cloud [Minnesota] Democrat*, made a similar point regarding state finances on December 27,

²⁷ “The Secession Movement: Its causes and progress-How the Masses have been brought into it-Southern intolerance of conservatism-The absurdity of secession-Necessity for preserving the Union.” January 17, 1861. <http://www.nytimes.com/1861/01/17/news/secession-movement-its-causes-progress-masses-have-been-brought-into-it-southern.html?pagewanted=all>.

1860, noted that South Carolina (which was among the first Southern states to consider secession), “will cease to pay her custom-house duties,” and if one state “may claim this exception, every other may. What then becomes of our national revenue?” (at the time there was no federal income tax, and the government was raising its operating capital primarily on duties, fees and tariffs). “The Government will end, and trade will end with it.” The paper went on to note that if states were permitted to secede at any time, they could do so the very next day *after* the U.S. government expended millions of dollars to purchase new territory with the aim of turning it into a state or several states.²⁸

As for Lincoln, the sixteenth president held five basic principles as to why he believed secession to be illegal and unconstitutional:²⁹

- * The states cannot physically separate
- * It is not lawful to secede
- * If the federal government allowed secession the country would fall into anarchy
- * Americans are friends, not enemies
- * If secession were permitted, it would destroy the world’s sole democracy and prove to Americans and the world that “a government of the people cannot survive.”

It is believed that Lincoln perceived that last point to be the most important of all.³⁰ Two years before he was elected president, he gave a speech in which he said a “house divided against itself” – a reference to the Union, and the growing sentiment in the South for secession – could not stand, and thus “must become either altogether free or altogether slave-holding.”³¹

²⁸ “A Commercial View of Secession.” *The New York Independent/St. Cloud Democrat*. December 27, 1860. Library of Congress. <http://chroniclingamerica.loc.gov/lccn/sn83016836/1860-12-27/ed-1/seq-1/#date1=12%2F19%2F1860&index=0&date2=01%2F03%2F1861&searchType=advanced&language=&sequence=1&words=Carolina+Seces+south+South&proxdistance=5&rows=20&ortext=&proxtext=&phrasertext=&andtext=South+Carolina+seceeds&dateFilterType=range&page=1>.

²⁹ “Lincoln on secession.” National Park Service website, accessed June 7, 2017 at <https://www.nps.gov/liho/learn/historyculture/secessiontableofcontents.htm>.

³⁰ *Ibid.*

³¹ Pendleton-Lee, Susan. *Lee’s New School History of the United States*. Pg. 253.

Justice Joseph P. Bradley in 1871 declared that secession had been “definitely and forever overthrown.”³²

But jurists of the day failed to address the fact that the question of secession had not been answered in the courts or in Congress, but on the battlefield. Thus, secession “proved to be neither a judicial nor a political question, but a military one,” according to Stephen C. Neff, a professor at the Edinburgh Law School, noting further that the South used a “breach-of-contract” theory to press its case for secession.³³

In other words, the “answer” to secession was *imposed* by the victorious North.

For

Some scholars have long argued that the question has never really been answered satisfactorily. In 1978, for instance, Kenneth M. Stampp, the preeminent Civil War historian of the last century, wrote that the Constitution is completely silent on the issue of secession.³⁴ Referencing Stampp, Daniel Hamilton, co-director of the University of Illinois’ Legal History Program, wrote recently at a gathering to commemorate the 150th anniversary of the beginning of the Civil War:³⁵

Stampp poses the question: “Was secession unconstitutional?” And answers with, to my mind, a salutary and even correct answer: “We don’t know.”

Stampp, writes Hamilton, believed that secession was “the fundamental issue” of the Civil War, characterizing secession as a constitutional crisis which was based on questions involving “the locus of sovereignty in the political structure that the Constitution of 1787 had formed.”³⁶

³² Ibid.

³³ Ibid.

³⁴ Wile, Rob. “Sorry White House petitioners, there’s no way to secede from the United States.” *Business Insider*. Nov. 14, 2012. <http://www.businessinsider.com/no-you-cannot-secede-from-the-united-states-2012-11>.

³⁵ Ibid.

³⁶ Stampp, Kenneth M. “The Concept of a Perpetual Union.” *J. Am. Hist.*, June 1978, at 5.

Specifically, Stamppp posed these questions: Did the nation’s founding document “create a union of sovereign states, each of which retained the right to secede at its own discretion? Or did it create a union from which no state, once having joined, could escape except by an extra-constitutional act of revolution?” The Constitution was indeed “silen[t] on this crucial question.”³⁷ He went on to speculate that neither the Union nor Confederacy had made flawless cases for or against secession, but as history has proven, the side that was victorious – the Union – ultimately decided the question, through force.

Also, a legal analysis of *Texas v. White* in 2013 pointed out several flaws used by the U.S. Supreme Court and others to justify “settling” the secession issue, claiming that it wasn’t, and still isn’t, a political solution states have a right to invoke.³⁸ Cory Genelin – who was hired a few years ago to analyze and review the court’s ruling in the *Texas v White* case – pointed out what he saw as a number of fundamental flaws and sort of *leap of faith* assumptions made about secession in the immediate aftermath of the war, which left the South in ruins and emotions raw.

A review of them is here:

-- **The primary issue in the case was not about secession.** Rather, the case was about the issuance of government bond, and while the subject matter is dull, “it’s important to understand just how far removed the decision is from what it is often presented to be.”³⁹

The bonds were issued to the state in 1851 as payment for a boundary dispute. The bonds could be redeemed by the state to the U.S. Treasury for payment or sold to a secondary party, but the state legislature passed a bill that required the governor’s signature on the bonds before they could be sold. Most of the bonds had been sold or redeemed before the outbreak of the Civil War; a few remained and had not yet been signed by the pre-war governor. When the state seceded, its governor, Sam Houston, remained loyal to the Union, so he was summarily replaced by a governor loyal to the Confederacy.

³⁷ Ibid.

³⁸ Genelin, Cory. “An Analysis of Texas v. White.” *American Thinker*. January 10, 2013. http://www.americanthinker.com/articles/2013/01/on_secession.html.

³⁹ Ibid.

Texas proceeded to trade some of the remaining bonds to Mr. White and some others, to exchange them for supplies. A Union loyalist warned the Lincoln Treasury Department that Texas would attempt to use the bonds to fund the Confederate war effort, so the Treasury announced it would not honor them and no attempt was made at cashing them in.

When the Confederacy was defeated in 1865, the federal government appointed a new governor and began Reconstruction in the state, and the following year, the Texas legislature passed a bill requiring the state government to recoup the bonds. The state then sued the co-owner of the bonds, George W. White, and other holders of the bonds, under the argument they were never properly signed and, thus, remained the property of Texas. The holders of the bonds, however, argued that Texas had no standing to sue: “Texas by her rebellious courses had so far changed her status, as one of the United States, as to be disqualified from suing” in a court of law.⁴⁰

So the principle basis for the suit was about the status of the bonds, not the question of secession, and as the court proceedings proved, the opinion rendered in the case was strictly limited to the facts presented therein. The question was defined by the court as such: “Did Texas, in consequence of these acts, cease to be a State? Or, if not, did the State cease to be a member of the Union?”⁴¹ Never was the question of whether it was *legal* or *constitutional* for Texas to do what it did – secede – directly considered, Genelin argues.

Also, in his opinion, Chief Justice Chase makes a number of arguments that are often poorly supported or confusing, nor does his support his case very well. Writes Genelin:⁴²

In summary, *Texas v. White*, even if given the utmost respect, and considered binding precedent, does not stand for the proposition that no state may ever break its bonds with the Federal Government of the United States. At the same time, if it is considered the

⁴⁰ Ibid.

⁴¹ 74 U.S. 700, *Texas v. White*. Legal Information Institution. Cornell Law School. See: <https://www.law.cornell.edu/supremecourt/text/74/700>.

⁴² Genelin, Cory. “An Analysis of *Texas v. White*.” See previous entry.

final word on the Federal Government's right to prohibit a state from seceding, then that right is far from established.

Well before the *Texas v. White* case – indeed, before the Civil War itself – there is clear evidence that secession was not only considered by many states to be legal and viable, but a credible option in the event they found themselves hopelessly at odds with the national government.

At the nation's founding, delegates from the several newly freed states met to discuss, debate and, hopefully, write a Constitution that would then be sent to the various state legislatures for ratification. Many delegates from a number of states were adamant they retain a high degree of independence and autonomy from any central government that was eventually formed.

On July 26, 1788, New York delegates met, their ratification document reading:⁴³

That the Powers of Government may be resumed by the People, whensoever it shall become necessary to their Happiness; that every Power, Jurisdiction and right which is not by the said Constitution clearly delegated to the Congress of the United States, or the departments of the government thereof, remains to the People of the several States, or to their respective State Governments to whom they may have granted the same.”

When Rhode Island delegates met on May 29, 1790, they made a similar claim of sovereignty in their document of ratification:⁴⁴

That the powers of government may be resumed by the people, whensoever it shall become necessary to their happiness: That the rights of the States respectively to nominate and appoint all State Officers, and every other power, jurisdiction and right, which is not by the said constitution clearly delegated to the Congress of the United

⁴³ Williams, Walter. “Parting Company.” *Creators Syndicate*. April 25, 2009. <https://www.creators.com/read/walter-williams/04/09/parting-company>.

⁴⁴ Ibid.

States or to the departments of government thereof, remain to the people of the several states, or their respective State Governments to whom they may have granted the same.”

June 26, 1788: “The people of Virginia declare and make known that the powers granted under the Constitution being derived from the People of the United States may be resumed by them whensoever the same shall be perverted to their injury or oppression and that every power not granted thereby remains with them at their will.”⁴⁵

Notes Dr. Walter Williams:⁴⁶

As demonstrated by the ratification documents of New York, Rhode Island and Virginia, they made it explicit that if the federal government perverted the delegated rights, they had the right to resume those rights. In fact, when the Union was being formed, where the states created the federal government, every state thought they had a right to secede, otherwise there would not have been a Union.

The early historical record of the United States also indicates that the founders were both skeptical of, and uncomfortable with, using force to “coerce” state and local governments into complying with federal mandates and laws. When the Constitutional Convention convened on May 25, 1787, one man – Edmund Randolph, a delegate from Virginia, proposed a Constitution that contained at the end this clause: “That Congress shall have power to call forth the forces of the Union against any member of the Union failing to fulfill its duty under the articles thereof.” In other words, Randolph wanted the Constitution to contain a provision that gave the federal government the authority to coerce, by force, any state that did not comply with agreed upon ‘duties.’ But the opposition to that provision, which was unanimous save for Randolph, was summarized by James Madison, who said in response, according to a historical passage read into the congressional record:⁴⁷

⁴⁵ Ibid.

⁴⁶ Ibid.

⁴⁷ “Memorial showing the reasons why Senate Bill. No. 1917 should become a law at the present session of Congress, by John Cowdon, of New Orleans, La.” U.S. Senate record. 52nd Congress, 2nd Session, May 2, 1894.

That the more he reflected on the use of force the more he doubted the practicability, the justice, and the efficiency of it when applied to people collectively and not individually. A union of States containing such an ingredient seemed to provide for its own destruction. The use of force against a State would look more like a declaration of war than an infliction of punishment, and would probably be so considered by the party attacked, or a dissolution of all previous contracts by which it might be bound. [He] moved that the clause be postponed. This motion was agreed to.

Others believed that the Tenth Amendment to the U.S. Constitution essentially granted states the right to secede, *because the Constitution did not specifically prohibit it*. The Tenth Amendment says:

The powers not delegated to the United States by the Constitution, nor prohibited by it to the states, are reserved to the states respectively, or to the people.

As it clearly says, the amendment very broadly states that “powers” not listed in the Constitution as *specifically* belonging to the federal government cannot summarily be *claimed* by the federal government at some later date. And prior to the Civil War, there had never been legislation duly passed and adopted via signature of the president specifically outlawing secession.

During the earlier years of the Republic, some states appeared to understand this very specific power delineation. When the state of North Carolina ratified the Constitution, it noted:⁴⁸

That each State in the Union shall respectively retain every power, jurisdiction, and right which is not by this Constitution delegated to the Congress or to the departments of the Federal Government. And that whensoever the powers that are so delegated may be used for their oppression they be resumed by the people of the several States and that the doctrine of nonresistance to arbitrary power and oppression is absurd, slavish, and detrimental to the happiness of mankind.

⁴⁸ Ibid. Pg. 16.

Framer Alexander Hamilton, in attendance at the ratifying convention of New York, further observed the absurdity of a union held together by force:⁴⁹

It has been observed that to coerce the States is one of the madest [sp] projects that ever existed; a failure of compliance will never be confined to a single State. This being the case, can we suppose it wise to hazzard [sp] a cruel war.

He spoke against the idea that, should one state refuse to abide by certain laws or regulations, it would be folly to assume it proper for Congress to call forth militias in the service of “a complying state” to wage war against “a noncomplying state”:⁵⁰

What picture does this idea present to our view, a complying State at war with a noncomplying State! Congress marching troops from one into the bosom of another State. This State collecting auxiliary and forming, perhaps, a majority against the Federal head.

Here is a nation at war with itself. Can any reasonable man be well disposed towards a Government which makes war its only means of supporting itself?

Other states, including New York, Rhode Island and South Carolina, all ‘reserved’ unto themselves power (including secession, if they felt their rights were being trampled or denied) not specifically delegated to the Congress and federal government. In fact, the state of New Hampshire, in ratifying the Constitution, noted: “Article I. That it be expressly declared that all powers not expressly and plainly delegated by aforesaid Constitution are reserved to the several States, to be by them exercised.”⁵¹

Meanwhile, lawmakers in South Carolina used language contained in the Declaration of Independence for their secession declaration, which decreed that the colonies “are, of right ought

⁴⁹ Ibid. Pg. 16.

⁵⁰ Ibid. Pg. 16.

⁵¹ Ibid. Pg. 17.

to be, **free and independent states**; and that, as free and independent States, they have full power to levy war, conclude peace, contract alliance, establish commerce, and to do all other acts and things which independent States may of right do.”

In addition, South Carolina further cited the Declaration in noting that whenever any “form of government becomes destructive of the ends for which it was established, it is the right of the people to alter or abolish it, and to institute a new government.” Interestingly, South Carolina also included in its secession declaration language from the peace treaty signed by the Continental government and the British Crown, ending the War of Independence: "ARTICLE 1-- His Britannic Majesty acknowledges the said United States, viz: New Hampshire, Massachusetts Bay, Rhode Island and Providence Plantations, Connecticut, New York, New Jersey, Pennsylvania, Delaware, Maryland, Virginia, North Carolina, South Carolina and Georgia, to be FREE, SOVEREIGN AND INDEPENDENT STATES; that he treats with them as such; and for himself, his heirs and successors, relinquishes all claims to the government, propriety and territorial rights of the same and every part thereof."⁵²

In other words, southern States were arguing, in part, that because the 13 original colonies rebelled – *seceded* – from Great Britain, they retained the same right to secede from the federal government if they believed their rights were being trampled, in violation of the constitutional compact they agreed to when they joined the union.

The right of secession was effectively stymied – but not *settled* – by the outcome of the Civil War. And as demonstrated, the issue was *not* effectively settled by the subsequent *Texas v. White* Supreme Court ruling in 1869.

Slavery as a mitigating issue

While some in the past have attempted to argue that slavery was *not* a principle cause of the Civil War, it’s hard to imagine that viewpoint is correct. The issue of slavery, and how to accommodate or limit it, was indeed a principle cause of the country’s political discourse every

⁵² Ibid.

time the nation grew, as history books and period publications such as newspapers have well-documented. As new territories applied to Congress for statehood, lawmakers frequently wrestled with the dilemma of allowing states in as “free” or “slaveholding.” And while several compromises were reached during our young nation’s first decades, the question of slavery and whether it should continue, and where, would reach a fever pitch in the late 1850s, in the years immediately prior to Lincoln’s election in 1860.

One of the earliest attempts at concession was called the “Missouri Compromise” of 1820. Part of the Louisiana Purchase, Missouri applied to become part of the union the same year that Maine applied, but because many in Congress feared the admission of Missouri into the union as a slave-holding state would tilt the balance of power to the South, they opposed Missouri’s admission, insisting that slavery could never exist west of the Mississippi River. Some northern states opposed that, however, because they saw it as a violation of the federal government’s pact with the people living in the Louisiana territory at the time of the purchase – that they would be guaranteed *all* of the legal rights held by American citizens. Thus, the compromise was born.⁵³

This measure allowed Missouri to come into the Union as a slave state, on condition that slavery should never again be tolerated in any region north of 36° 30’ the southern boundary of the new State. Missouri, however, was required to remove from her Constitution a clause which prohibited free negroes from coming into the State. She was not admitted into the Union until 1821, although Maine became a State the year before. This compromise postponed the final struggle over slavery for thirty years. It practically conceded the right of Congress to restrict slavery in the Territories, and for that reason John Randolph and some thirty-five Southern members voted against the measure.

There was another compromise in 1850, out of which the Fugitive Slave Act was born – a statute that “required the United States government to actively assist slave owners in recapturing their

⁵³ Pendleton-Lee, Susan. *Lee’s New School History of the United States*. Pg. 217-218.

fugitive slaves.”⁵⁴ But abolitionists in the North opposed the law and they challenged its legality in court. The U.S. Supreme Court upheld it in 1859, however.⁵⁵

The next time the question of slavery in the states arose it was 1854, with the introduction of the Kansas-Nebraska Act. For a number of years many Democratic Party leaders claimed that Congress should not be in the business of designating which states could and could not be slave-holding, but insisted that the question ought to be left to states themselves to decide, via a vote of the people in those states – a concept known as “Squatter Sovereignty.”⁵⁶ That year Stephen A. Douglas introduced into Congress legislation that would divide the remaining territory from the Louisiana Purchase into two states – Kansas and Nebraska. Both of these territories were north of the 36° 30’ parallel, however, and in accordance with the Missouri Compromise, they could not be allowed to become slave states. “But the bill provided that the question of slavery or no slavery should be decided by the people living in those Territories,” and despite strong opposition from Northern lawmakers, “the bill passed, and received the signature of the president.”⁵⁷

However, the result of the Act was that it merely moved the issue of deciding which states could and could not be slave-holding from Congress to the territories themselves. That led slavery and anti-slavery advocates to move *en masse* into Kansas, so that they could help decide the issue by popular vote; both factions were heavily armed, and within a short time, war broke out between the pro- and anti-slavery factions. It would be 1858 before the issue was settled, and in favor of anti-slavery advocates, but only after much bloodshed and after the federal government initially recognized the pro-slavery factional government.⁵⁸

The biggest obstacle to the abolition of slavery was the widely-held belief from the founding of the country until midway through the 19th century, at the peak of the abolitionist movement, that it was not only constitutional (as slaves were considered property), but also not something

⁵⁴ “Fugitive Slave Law of 1850.” Ohio History Central. Accessed June 7, 2017 at http://www.ohiohistorycentral.org/w/Fugitive_Slave_Law_of_1850.

⁵⁵ Ibid.

⁵⁶ Pendleton Lee, Susan. “Lee’s New School History of the United States.” Pg. 243.

⁵⁷ Ibid. 244.

⁵⁸ Ibid. 244.

Congress had the power to interfere with.⁵⁹ That said, the southern view of slavery was that, following the Revolutionary War, many in the South would have gladly abolished the institution if they had known what to do with all of them. That said, southern states felt sovereign and independent enough to deal with the matter on their own terms, through experience.⁶⁰

The slaves freed in Hayti had proved so idle and vicious that the Southern States would not try a like experiment. Southern views on the subject had also changed. It was acknowledged that slavery had its evils, but they were believed to be less than those which would result from its sudden abolition. Above all things, the Southern States held that they alone had the right to deal with slavery in their own borders, and that the non-slaveholding States had no right to interfere with them, or to force them into anything against their own will and their own interests.

Lincoln's platform "pledged his party to exclude slavery from the Territories, but not to interfere with its existence in any of the states."⁶¹ That pledge of exclusion from all new territories was viewed by the southern states as an intolerable threat to *their* way of life, for they took it to mean that, eventually, Lincoln would seek to end slavery *everywhere* in the U.S.

Since slave labor was crucial to the South's agrarian economy, most Southerners believed there was only one choice left to them following Lincoln's electoral victory: *Secession*.

According to period history text written less than 40 years after the war, the Southern states, when they seceded, were merely exercising a right they had long held belonged to them when they first joined the Union – a right that some Northern states also thought proper:⁶²

The Southern states had no desire for war, and no purpose of trespassing on the rights and liberties of other States; but they felt it their duty to vindicate their own, and they determined to reclaim the powers they had yielded to the Federal Government in ratifying

⁵⁹ Ibid. Pg. 216.

⁶⁰ Ibid. Pgs. 216-217.

⁶¹ Ibid. Pg. 252.

⁶² Ibid. Pg. 253.

the Constitution. The right to withdraw from the Union had been reserved by some of the States when they ratified the Constitution. This right had been universally acknowledged in the early days of the Republic, and New England on more than one occasion thought of exercising it.

Very clearly, then, many states believed the right to voluntarily leave the union was as clear and proper as the decision to voluntarily seek to *join* the union. And to be sure, the issue of slavery was most definitely central to that decision.

As the declarations of causes for many of the seceding southern states noted, they believed their principle labor/economic model was under assault and at risk of being completely upended, if without suitable time or means to adjust if slavery someday was summarily outlawed by Congress in *all* states (though at the time, given Southern lawmakers' lockstep resistance to such a bill, that didn't seem likely).

For instance, Mississippi's declaration read, in part:⁶³

Our position is thoroughly identified with the institution of slavery-- the greatest material interest of the world. Its labor supplies the product which constitutes by far the largest and most important portions of commerce of the earth.

Declarations from Georgia and other slave-holding states objected to the federal government's and northern states' refusal to enforce the Fugitive Slave Act, which required that slaves as 'property' who fled to non-slaving-holding states be returned to their owners:

The Constitution declares that persons charged with crimes in one State and fleeing to another shall be delivered up on the demand of the executive authority of the State from which they may flee, to be tried in the jurisdiction where the crime was committed. It would appear difficult to employ language freer from ambiguity, yet for above twenty

⁶³ "The Declaration of Causes of Seceding States." Civil War Trust. Accessed June 7, 2017, at <https://www.civilwar.org/learn/primary-sources/declaration-causes-seceding-states>.

years the non-slave-holding States generally have wholly refused to deliver up to us persons charged with crimes affecting slave property.

SECESSION TALK IN THE MODERN ERA

The elections of Barack Obama and Donald J. Trump stirred great political emotion throughout the country, with major pluralities of voters vehemently supporting one or the other. The political differences between Obama, a far-Left liberal, and Trump, a political novice with a businessman's pragmatism and lack of diplomatic sophistication "official" Washington is used to, could not be starker.

While Trump is a political agnostic, many of his policies – lower corporate and individual income taxes, repealing and replacing a broken health care law, cutting red tape and regulations, enforcing immigration laws to their fullest extent, waging battle with the Left-leaning Washington media – are conservative/right-leaning and very much at odds with Obama's and the government-centric, liberal policies he implemented. Those on Trump's side see Obama liberals as obstacles to liberty, freedom and individual rights.

Left-leaning Americans, however, see Trump and Republicans as existential threats to the long-term viability of the country. They literally believe that Trump's and the GOP's policies will lead to mass death, gross violations of civil and constitutional rights, environmental holocaust and the targeting of the poor, minorities and other less-fortunate members of society.

Neither is willing to concede that the other side is right on *any* level. In fact, as seasoned political observers have written in recent months, the divide between Left and Right in America seems unresolvable. One of them observed recently:⁶⁴

President Trump may be chief of state, head of government and commander in chief, but his administration is shot through with disloyalists plotting to bring him down.

⁶⁴ Buchanan, Patrick J. "Are we nearing Civil War?" *Buchanan.org*. Syndicated column. June 12, 2017. <http://buchanan.org/blog/nearing-civil-war-127177>.

We are approaching something of a civil war where the capital city seeks the overthrow of the sovereign and its own restoration.

Thus far, it is a nonviolent struggle, though street clashes between pro- and anti-Trump forces are increasingly marked by fistfights and brawls. Police are having difficulty keeping people apart. A few have been arrested carrying concealed weapons.

That the objective of this city is to bring Trump down via a deep state-media coup is no secret. Few deny it.

Another political observer, noting the critical wounding of House Majority Whip Steve Scalise, R-La., and four others as they conducted early-morning softball practice June 14, 2017, by a Leftist activist who was intentionally targeting Republican lawmakers, wrote:⁶⁵

The left is targeting the most powerful office in the world — the Presidency. But, as the shooting of Rep. Steve Scalise and others at the Congressional baseball practice shows, they're targeting everyone on the Right. There will be more of this.

Wrote another:⁶⁶

The deep chasm that has opened up between the Left – not liberals, the Left – and the rest of the country is so wide, and so unbridgeable, that there is no other way to describe what is happening. But I noted that, at least thus far, unlike the First Civil War, this war is not violent. Unfortunately, there is now reason to believe that violence is coming.

⁶⁵ Geller, Pamela. "The Coming Civil War." *Breitbart.com*. June 22, 2017. <http://www.breitbart.com/big-government/2017/06/22/pamela-geller-the-coming-civil-war/>.

⁶⁶ Prager, Dennis. "Will the Second Civil War Turn Violent?" *National Review Online*. May 2, 2017. <http://www.nationalreview.com/article/447253/violence-left-campus-streets>.

Clearly there is tension within the country – unprecedented tension – and it’s getting worse. As I wrote recently in a piece for *NewsTarget.com*:⁶⁷

The political divide between the Left and Right in America has steadily widened since the election of Barack Obama, who then did everything he could to deepen that divide through the pursuit of domestic policies aimed at tearing down traditional American values and upending cultural norms and mores.

Donald Trump’s wholly unpredicted and unexpected victory in November put the brakes on all of that, however. But Trump’s victory made the “progressive” Left apoplectic, filled them with rage and now, they are brimming with hatred.

Without any clear resolution to our widening political differences – before the first Civil War the predominant political issue was the future of slavery, and it, too, proved irreconcilable – it seems logical to conclude that the violence we’re already seeing is only going to grow, and become deadlier. And, perhaps, more organized.

Modern secession movement has already begun

Before Trump was elected, conservative regions of the country flirted with the idea of secession, especially Texas. After Barack Obama was reelected in November 2012, petitions to secede were filed from 23 states at the White House’s *WhiteHouse.gov/petitions* web site.⁶⁸ In all, petitions were filed on behalf of these states: Alabama, Arizona, Arkansas, Colorado, Florida, Georgia, Indiana, Kentucky, Louisiana, Minnesota, Mississippi, Missouri, Montana, New Jersey, New York, North Carolina, North Dakota, Oklahoma, Oregon, Pennsylvania, South Carolina, Tennessee and Texas.⁶⁹ It was later revealed that a handful of those states received enough signatures (25,000+) requiring the White House to respond to them, per the guidelines on

⁶⁷ Heyes, J. D. “Why this ends in war: There is no ‘common ground’ when the Left has gone totally insane and rejected reality.” *NewsTarget.com*. June 25, 2017. <http://newstarget.com/2017-06-25-why-this-ends-in-war-there-is-no-common-ground-when-the-left-has-gone-totally-insane-and-rejected-reality.html>.

⁶⁸ Richardson, Valerie. “Petitions to secede are filed for 23 states.” *Washington Times*. November 12, 2012. <http://www.washingtontimes.com/news/2012/nov/12/petitions-to-secede-are-filed-for-23-states-since/>.

⁶⁹ *Ibid.*

WhiteHouse.gov/petitions, including Florida, Louisiana, Georgia, Tennessee, Alabama, North Carolina, South Carolina and Texas, with the Lone Star state receiving the most (over 125,000).⁷⁰

Calls for secession ramped up again following Trump's election, this time led by California, perhaps the most liberal of all U.S. states. And within short order, liberals in the media and academia were calling for a wide-spread secession movement among like-minded states.⁷¹ Indeed, by March of 2017, "Yes California," a secessionist movement, had gathered and deployed some 8,000 volunteers around the state organized into 40 chapters, with the goal of collection the 585,000 signatures necessary to put secession on statewide ballot in a March 2019 special election.⁷² That effort has since fizzled, but the sentiment among many in the state remains.⁷³

Other Left-leaning states, including Vermont, Oregon and Washington have also begun looking more closely at secession.⁷⁴ One writer in *The New Republic*, a liberal magazine, wrote, "It's time for blue states and cities to effectively abandon the American national enterprise, as it is currently construed. Call it the New Federalism. Or Virtual Secession. Or Conscious Uncoupling – though that's already been used. Or maybe Bluexit."⁷⁵

The process for actually separating from the U.S. is something else altogether, however.

Twice during our history, presidents called out the military to either force states to comply with federal law or prevent them from leaving. In 1833, President Andrew Jackson took action when

⁷⁰ Jaffe, Alexandra. "White House responds to secession petitions, calls for unity instead." *The Hill*. January 12, 2013. <http://thehill.com/blogs/blog-briefing-room/news/276817-white-house-responds-to-secession-petitions>.

⁷¹ Geraghty, Jim. "Liberals' new separation anxiety." *National Review Online*. March 14, 2017.

<http://www.nationalreview.com/article/445752/donald-trump-liberal-resistance-left-embraces-secession>.

⁷² Ibid.

⁷³ Miller, Jim & Taryn Luna. "'Calexit' effort halted – but backers to try again soon." *Sacramento Bee*. April 17, 2017. <http://www.sacbee.com/news/politics-government/capitol-alert/article145095209.html>.

⁷⁴ Ibid.

⁷⁵ Baker, Kevin. "Bluexit." *The New Republic*. March 9, 2017. <https://newrepublic.com/article/140948/bluexit-blue-states-exit-trump-red-america>.

southern farmers, especially in South Carolina, took umbrage with a federal law, the Tariff of 1828, and threatened to “nullify,” or simply ignore, it:⁷⁶

Jackson wholeheartedly dismissed the nullification, claiming that states had no right to veto federal laws. He signed a compromise tariff, the Tariff of 1832, which was designed to placate the nullifiers by lowering tariff rates, but it wasn't enough. Later that year, South Carolina officially nullified both the Tariff of 1832 and the Tariff of 1828.

Jackson responded immediately, sending U.S. Navy warships to Charleston harbor, and threatening to hang any man who worked to support nullification or secession. John C. Calhoun, who was the architect of nullification, resigned from the vice presidency.

In December 1832, Jackson issued a proclamation against the "nullifiers," stating that "the Constitution ... forms a government not a league. ... To say that any State may at pleasure secede from the Union is to say that the United States is not a nation."

Indeed, Jackson asked Congress to pass a "Force Bill," authorizing the use of military force to enforce the tariff. That bill passed with a reduced Compromise Tariff in 1833, and South Carolina rescinded its nullification.

The second time, of course, was when Lincoln raised an army and navy to retake the South after 11 states seceded and formed the Confederate States of America.

Would the president today do the same? History suggests that the answer is most probably, yes.

Secession as a practical matter, and why states that want to go should be allowed to go

⁷⁶ O'Neil, Tyler. "President Trump is right: Andrew Jackson might have prevented the Civil War." *P.J. Media*. May 1, 2017. <https://pjmedia.com/trending/2017/05/01/president-trump-is-right-andrew-jackson-might-have-prevented-the-civil-war/>.

But *should* states that wish to secede be held back by *force*? It's a valid question because the one time states opted to leave, it led to violence – at a cost of nearly 700,000 American lives – to make the Union whole again.

The fact is, we have another option short of violence and tearing the country apart: *Let those whose citizens want to leave be peacefully allowed to leave.*

Consider these arguments:

* First and foremost, our country was born out of “seceding” from Great Britain. Yes, we call it declaring our independence but the act involved the political decision to physically separate the colonies from their governing power, Great Britain. Isn't one generation's “declaration of independence” the same as a subsequent generation's “secession?” Many would argue that it's the same thing.

* Had the *Confederacy* won the Civil War, which seemed likely prior to the Southern defeat at Gettysburg in July 1863, that victory would have settled the question of secession – that states had a right to voluntarily leave a union they voluntarily joined – for all time (which would have meant that Confederate states would *also* have had the right to secede from the Confederacy at a later date, unless a constitutional amendment or law barring such an act would have been passed – which seems unlikely, given the manner in which the Confederacy was born). But the South didn't win, the North won. So the “answer” to the question of secession was not solved politically, *it was solved by force of arms.*

* What of Madison's observation at the Constitutional Convention that suppressing seceding states by force would, by its very nature, make null and void any previous compacts they had made to become part of the Union in the first place? That such suppression is “more like a declaration of war than an infliction of punishment” that “would probably be considered by the party attacked as a dissolution of all previous compacts by which it might be bound”?⁷⁷

⁷⁷ Williams, Walter. “Secession: It's Constitutional.” See earlier reference.

* On the financial argument made prior to the Civil War – that the federal government spent money and expended resources either acquiring or absorbing new states – couldn't Great Britain have made the same argument as justification for opposing the colonies' desire for independence? Also, who's to say seceding states today would not be compelled to pay some form of restitution to the federal government, as part of conditions for peaceful secession?

* Before the Civil War, not even all Northern states held that the federal government was supreme; the Northwest in particular often considered secession. The South, meanwhile, "held to the views which both North and South held in the early years of the Republic – namely, that the States were sovereign and independent, and that the Federal Government could exercise only such powers as had been delegated to it by the Constitution; and that the States, as sovereigns, were to judge when the Federal Government went beyond those powers."⁷⁸ Beyond the issue of slavery, there were other political issues that separated North and South, such as tariffs, support for the War of 1812 and the Louisiana Purchase.⁷⁹

* Today, as existed during the years leading up to the Civil War, there is a wide, unresolvable political chasm separating Americans. A vast portion of the country believes in a stronger central government over local and state governments; high taxation to support growing federal entitlement programs like "free" health care; limiting some constitutional rights, especially when it comes political speech and the individual's right to keep and bear arms; virtually unlimited immigration along with decreased border security; that collective rights are more important than individual rights; dramatically reduced defense spending; sustainable energy; higher spending for government-controlled education; and a belief in man-caused climate change. Tens of millions of other Americans, meanwhile, hold distinctly opposite views. And again, those issues seem unresolvable, more so than at any time in 150 years.

Without question, a new civil war would devastate our country. No one should seriously hope for that, because no one would win – and millions would die.

⁷⁸ Lee. "New School History of the United States." See previous entries. Pg. 261.

⁷⁹ Ibid.

There is a better solution: Let the states that want to go, *go*.

This separation can take place via new federal legislation establishing a process, conditions, and a timeline for orderly secession. It can come in the form of an amendment to the Constitution, which Congress would have to propose or which could be proposed and approved via an Article V Convention of States.⁸⁰ Orderly secession, spread out over the course of a few years, would allow the seceding states time to establish their own financial systems, provide for their own defense, form a functioning government and establish diplomatic relations with other countries. It would also give the federal government time to relocate its property (military facilities, postal facilities, etc.). And a timeframe of a couple years would also give residents of the seceding state(s) time to relocate to another state – one that is remaining in the current Union – should they choose to do so.

Understanding the U.S. government's interests in maintaining the integrity of the country, it still seems rather ludicrous for today's elected leaders to deny to others what our founders reserved as *their inherent right* in breaking from Great Britain: Independence from a governing political system in which they could no longer abide and in which they no longer believed.

Some will argue there has always been political disenfranchisement in America, with various factions disagreeing, debating and even violently opposing each other from time to time. And they are right. But the political situation in America seems different today. Divisions seem deeper, more irreconcilable, less amicable, more volatile, more explosive. The various factions seem far less willing to compromise, to listen to counter-arguments, to make any statement whatsoever that they are wrong and their opponents are right. No one wants to cede any ground.

That's not a healthy political environment.

The tensions and disagreements that led to the Civil War were not always intractable. There were a number of political compromises dealing with the principle political disagreement of the day, slavery, that delayed secession and armed conflict. It was only when certain states came to the

⁸⁰ See <https://www.conventionofstates.com/solution>.

belief not only was compromise no longer possible, but that other states were actively seeking to undermine their positions, their economy, and their political goals and objectives, they made the desperate decision to withdraw from the Union.

War followed. So did massive death and destruction. None of us should want that. And we shouldn't let it come to that.

We don't want too many of us waking up one morning believing what too many of our ancestors believed: That there is *no other way* to resolve our differences except killing each other.

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