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Commentary: California Secessionists Channel Logic of Southern Slaveholders

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Abstract

"Thursday night the streets were filled with excited crowds. No one talks of anything but the necessity for prompt action. . . . It is hardly prudent for any man to express his opinion adverse to immediate secession, so heated are the public passions, so intolerant of restraint is the popular will."

You would probably assume that this report came from California in the wake of the 2016 election, right? After all, Alex Padilla, the California secretary of state, has now authorized the Yes California Independence Campaign to begin collecting signatures for a state referendum on California's secession from the United States. [*excerpt*]

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Sandy Huffaker / For the Washington Post

Karen Sherman of Yes California, leads a secessionist meeting at the Hole in the Wall bar in San Diego. "California is different from America," says Marcus Ruiz Evans, co-founder of Yes California. "California is hated. It's not liked. It's seen as weird."

by **Allen C. Guezlo and James H. Hulme**

"Thursday night the streets were filled with excited crowds. No one talks of anything but the necessity for prompt action. . . . It is hardly prudent for any man to express his opinion adverse to immediate secession, so heated are the public passions, so intolerant of restraint is the popular will."

You would probably assume that this report came from California in the wake of the 2016 election, right? After all, Alex Padilla, the California secretary of state, has now authorized the Yes California Independence Campaign to begin collecting signatures for a state referendum on

California's secession from the United States. As Marcus Ruiz Evans (Yes California's vice president) argues: "California really is different from the rest of the country. . . . Californians are better educated, wealthier, more liberal, and value health care and education more." Especially after the election of Donald Trump, the "next logical step" is for California to set up as an independent nation.

But you would be wrong.

We were actually quoting a report of the reaction of slaveholders in South Carolina to the election of Abraham Lincoln in 1860. As the old saying goes, politics makes strange bedfellows, this time linking the California secessionists with the slaveholding secessionists of Lincoln's era.

The demand for a "Calexit" is not just a passing moment of electoral sore-losing. A former talk-show host, Evans insists that California, with the sixth-largest economy in the world and a population (39 million) that would put it 36th on the U.N. roster of countries, is "an economic and cultural powerhouse" that could easily go it alone. And getting a secession initiative on the ballot will not be hard to do. California law requires only 8 percent of the state's registered voters to petition for a ballot proposition. Evans would need to sign up less than one out of every 12 Clinton voters from the November election. As it is, a Reuters poll recently discovered that 32 percent of Californians were already in favor of secession.

Except, of course, the U.S. Constitution doesn't smile very favorably on state secession. Which is why the Supreme Court slammed the door shut on secession in a decision authored by one of Lincoln's "Team of Rivals" - Chief Justice Salmon P. Chase.

The court explicitly held that "the Constitution, in all its provisions, looks to an indestructible Union composed of indestructible States."

International law, even if it were applicable, is only a little less permissive. Although the United Nations has recognized secession movements in East Timor, the Sudan, and the former Czechoslovakia, Duke University political philosopher Allen Buchanan reminds us that secession usually has to satisfy at least three criteria to be considered legitimate:

It must occur as an act of self-defense.

It must have the consent of a majority of those involved in the secession (in other words, it can't be the coup of an aggressive faction).

It cannot be done for the purpose of evading responsibilities (like paying taxes).

Calexit flunks these tests on every point. Evans contends that "California is a Maker state, contributing more to the federal government than we receive" - but this is exactly the evasion-of-responsibility that the larger world community refuses to recognize. And there is certainly nothing in the election that involves literal self-defense by Californians - Evans and Yes California may not like Trump, but they are in no more bodily danger from him than is anyone else in our United States.

What should be more troubling to the Yes California movement is the eerie resemblance of its predictions to those made by the Southern Confederacy in 1861.

"In today's interconnected world," declares Evans, "no one tells the top economies what to do. . . . No one is going to pull money out of California if it secedes, no one is going to invade."

But this was exactly what secessionists in 1861 promised. "The South has more elements of strength and wealth, more ability to sustain herself as a separate government than any country of equal size in the world," said Alabama Congressman J.L.M. Curry. "We shall have no war," Robert Hardy Smith assured his fellow Alabamians. ". . . The soldiery of the United States . . . will not fight against us."

Do the Calexiters realize that they are channeling Southern slaveholding secessionists?

But there is a deeper argument against Calexit and secession. The essence of democratic decision-making lies in the willingness of a minority to recognize the right of the majority to rule. To hold elections, referendums, and recalls, and then walk away when the result is found disagreeable, is the opposite of democracy. "Plainly, the central idea of secession is the essence of anarchy," Lincoln said. This is because "a constitutional majority is the only true sovereign of a free people."

The signers of Yes California's petition may not like the results of the November election, but setting aside the results of one unpleasant election invites the setting-aside of any election we deem unpleasant, and that is what yields anarchy. And since anarchy is a condition with which no one can live for very long, the solution will be dictatorship.

"Whoever rejects it," Lincoln warned, "does, of necessity, fly to anarchy or to despotism." Calexit can run from that logic, but it can't hide.

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