Will California Leave The Union?

I live in Texas, where state sovereignty is a big issue. The movement for a “Texit” has been slowly growing here for a lot of years. By and large, it grows when we have a Democrat president and languishes when we have a Republican one. But it keeps going forward, towards what some say is rightful end.

This movement is supposedly founded in the state’s agreement with the United States of America when Texas joined the Union. I have yet to see any proof that such an agreement actually exists or that it was ever committed to paper, but there are those who swear it is true, just like they swear that Texas has the right to divide into five states at any time it so chooses.

Technically, this would be considered “spawning” four new states, as one of the five states would still be called “Texas.”

Texas is unique among the states, in that it was a sovereign nation before joining the Union. This makes it credible that either of those agreements are in place; assuming they are. But even if they are, that doesn’t mean that the federal government would allow Texas to secede.

The federal government receives more income from Texas than it pays Texas in benefits, so they’re not going to be too keen on allowing Texas to secede.

But the focus on succession has changed since Donald Trump took office. Today, it’s not Texas that’s talking so much about succession, it’s California. Apparently the wealthy liberals in Hollywood and Silicon Valley have decided that they don’t want to move to Canada after all, they’d rather keep their California homes and just say goodbye to the United

States of America.

So there is an active movement in California, specifically the coastal cities of Los Angeles and San Francisco, to declare their state a sovereign nation, separating itself from the rest of the United States. The “Yes California” movement, is pushing to put a vote for succession on California’s 2018 ballot.

Of course, as is typical with liberals and other political extremists, the people behind California’s succession are ignoring the law. There is no current provision in the constitution for any state to succeed, so any succession would require a constitutional amendment, with two-thirds of the states voting to pass that amendment.

The Right to Secede

There are two notable legal precedents that must be taken into account here. First, there’s the Civil War. There are several reasons why that war was fought, including to end slavery; but also including the federal government asserting its claim that no state or group of states has a right to secede.

The second legal precedent occurred a few short years later, in Texas v. White, a court case presented directly to the Supreme Court. As a supporting issue to the case, the Supreme Court ruled that no state has the right to unilaterally separate itself from the Union.

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In making this ruling, they not only declared the Civil War to be an illegal war, but also declared Texit Calexit and any other state "exit" to be illegal under current law. As I already stated, it would require a constitutional amendment to make that legally possible.

This is a major thorn in the side of those who believe in state sovereignty, an issue that goes all the way back to our country's foundation. In many parts of the South, the Civil War is still referred to as "The War of Northern Aggression," by those who see it as a federal infringement on state rights.

State Sovereignty?

Throughout the last century, there has been a constant push by the federal government to consolidate power at the national level, stealing power from the states. There are many

mechanisms they use to accomplish this, but it all boils down to how one interprets the Constitution.

More than anything, federal legislators are relying on the federal government's right to regulate interstate business. As time has worn on, more and more interstate business has occurred, giving the federal government more and more avenues to declare that jurisdiction over an area is given to the federal government, by the interstate business clause in the Constitution.

Through this, we are seeing state powers and sovereignty being slowly whittled away by the federal government. While there is actually quite a bit of push back from the states, it is a David versus Goliath type of fight. Ultimately, the Supreme Court ends up deciding many of these cases, and the Supreme Court is a federal institution, not a state one.

But state sovereignty on powers that are reserved for the several states by the Constitution is very different than states acting like they are totally autonomous. Yet in recent years, we're seeing more and more action being undertaken by state legislatures, attempting to overrule federal law. These various state laws "nullify" federal law, making it of no effect in that state.

California Thumbing its Collective Nose at Federal Law

California isn't the only state to have taken such action, but they are the most blatant example of it, clearly violating federal law, in pursuit of their own political ideology (which, as we all know, is about as left-leaning as it can get).

The specific example I'm referring to is that of immigration law. As of January first of this year, the entire state of

California is a “sanctuary state” for illegal immigrants. This means that state and local law enforcement officers are not allowed to cooperate with Immigration and Customs officials, in the prosecution and deportation of illegal aliens, who California calls “undocumented citizens.”

This state law is in direct contradiction to the US Constitution, which clearly gives power over the issue of immigration to the US Congress. Apparently California’s state legislature, which is strongly Democrat, doesn’t care about federal law or the US Constitution, as they’ve gone ahead and passed this bill, which was signed into law by Governor Jerry Brown, another Democrat.

But in reality, this law is merely the last step that California has taken to thumb their noses at the federal government over immigration. California is one of 12 states that issue drivers license to illegal aliens, having issued over 800,000 of them.

Since the driver’s license is the principal form of identification in the United States, one that is typically accepted as proof of eligibility to work, issuing driver’s licenses to these illegal immigrants gives them a legal status that they are not legally eligible to have.

With an estimated 2.5 million illegal aliens in California, these undocumented residents make up 6.67% of California’s population, double the population percentage of the rest of the country. They apparently want more too, as Governor Jerry Brown has promised to protect immigrant rights and even goes so far as to call taxpayers “freeloaders,” while using their tax money to support illegal immigrants.

Oh, and, by the way, to Jerry Brown, those illegal immigrants receiving public assistance aren’t freeloaders. Hypocrisy anyone?

One would think that the federal government could simply say

“You can’t do that” to California, and that would be the end of it. But they can’t. This is one case in which state sovereignty gets in the way of doing what is right. So, the federal Department of Justice (DOJ) is being forced to sue the State of California in federal court, in order to uphold federal law.

This could get interesting. The Ninth Circuit Court of Appeals, famous for its liberal panel of judges, is the based in California. Likewise, there are many other liberal-leaning federal judges in the state, including those appointed by Barack Obama, the champion of progressive-liberalism. So the case will probably end up in the Supreme Court.

But in the mean time, California gets away with thumbing their noses at federal law, allowing more and more illegal immigrants in and ignoring requests from federal law-enforcement officers to treat criminals like criminals, just because in California’s eyes, “undocumented immigrants” deserve special treatment.

On Another Level

It’s important to note that this is not the only area where California has gone their own way on laws, although it is different than other instances, in that it negates federal law. Pretty much all of the other cases involve California creating laws which are more restrictive than federal law.

This is allowed by the Constitution. Every state does it in one way or another. Murder and rape, two of the most horrific crimes that one person can commit against another, are not federal crimes in most cases. Rather, they are crimes according to state and local jurisdictions.

While there are cases where these become federal crimes, such as when the criminal crosses state lines, these crimes are usually dealt with on a local level.

But no state is as good as California in making more restrictive laws, especially those that deal with safety, the environment and firearms. California's environmental regulations and taxes are driving businesses out of the state at an alarming rate, something which will eventually have a heavy toll on the state's economy.

Cars manufactured for California have to meet special emissions requirements that are not required in any other state. Auto manufacturers literally have had to redesign engine and exhaust systems, just to be able to sell their products in California. Yet, there is enough of a market to make it worthwhile.

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California also has some of the most restrictive gun laws in the nation, with the State Legislature falling all over themselves to create greater and greater restrictions on lawful gun ownership. Even so, it is within their right to do

so, regardless of what the rest of the country thinks, or even what the residents of the state think.

I think it’s important to note that not all of California’s residents are ardent progressive-liberals. The five northern counties are seeking to secede from the state and form their own state. These counties are predominantly conservative, yet are forced to live under the restrictions imposed upon them by the much larger population in the coastal cities mentioned earlier.

California is the test-bed for progressive-liberal policies. Many of the most left-leaning bills presented in the US Congress are mere adaptations of laws passed in California. So if you want to see where this country is headed, politically speaking, all you have to do is look at California.

Taking it International

California hasn’t just limited itself to operating within its own state. They have recently decided to enter the world’s stage as an international player. I’m not talking about businesses that operate internationally, of which there are plenty, but the state government acting as if it were a sovereign nation.

One of President Trump’s first actions after inauguration was to back out of the Paris Climate Agreement that former-President Obama had signed on the behalf of the United States. He skirted the law in this, by stating that it wasn’t a treaty, so the Senate did not need to ratify it.

But based upon the legal definition of a treaty, it was. It committed the United States to action on the international stage, something that the president doesn’t have the right to do unilaterally.

So, although it has never been ruled upon by the Supreme

Court, it is fairly clear that Obama's actions in signing that agreement and committing our country were illegal. The same can be said for his and former Secretary of State John Kerry's signing the UN agreement on Arms Control. In both cases, Obama took it upon himself to unilaterally take power that rightly belongs to the Senate.

While the president has the power to negotiate those treaties and sign them, the Constitution states the provision that two-thirds of the Senate must agree. In other words, the Senate must approve of any treaty, before it can be signed. Obama didn't do that.

Based on that, Trump pulling the United States out of the Paris Climate Agreement was merely righting something that was wrong. If the Senate didn't like his actions, they could have reversed them, simply by doing what should have been done in the first place. But they didn't.

So, how did California handle that? They signed their own Climate Agreement with China. This is ridiculous on its face, for a number of reasons. But not only that, it's probably illegal.

As I just stated, the Senate has to agree to any treaty. There is no provision in the US Constitution or the California Constitution for the state to sign a treaty. Yet the governor did so, anyway. In doing so, they were essentially saying, "We're not part of the United States, we're a sovereign country." But they're not.

The other reason why this is ridiculous is that of all the countries who signed the Paris Climate Agreement, China is singled out as being given the most leniency in their greenhouse gas emissions. While Obama agreed to drastically cut the US carbon emissions, China was given a pass to continue building inefficient, polluting, coal-fired power plants for the next decade.

In other words, Governor Brown signed an illegal treaty which gave all the advantage to the Chinese. He has put his own state under restrictions that China is not under. Not only is this illegal and ridiculous then, it is foolish. He is hurting his own state's economy, just to make a political point. What's that point? That he doesn't like Donald Trump.

So, it's clear that California already thinks of themselves as a sovereign nation, or at least California's politicians think that way. With that in mind, making it legal seems like the logical next step. There's just one thing… they can't.

I wonder how long it will take them to realize that.

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