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Fault Lines: An Empirical Legal Study of California Secession

Bill Tomlinson[†] and Andrew W. Torrance^{††}

I. INTRODUCTION

On March 15, 2020,¹ and again on April 7, 2020,² California Governor Gavin Newsom referred to California as a “nation state.”³ These references caused various news sources, including The New York Times,⁴ to explore possible intimations that California could secede from the United States (“U.S.”) and become a sovereign country. While no such secession is currently under serious consideration, California secession has a long history and may become more relevant as the coming decades unfold.⁵

This paper discusses an array of legal issues surrounding California secession and offers empirical data about public perceptions of California secession.

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¹ Gavin Newsom, *California Coronavirus Update - March 15, 2020*, FACEBOOK, at 34:00 (Mar. 15, 2020), <https://www.facebook.com/watch/live/?v=1104540316564722> [<https://perma.cc/DVX2-EDYT>].

² *Gov. Newsom TRANSCRIPT: 4/7/20, The Rachel Maddow Show*, MSNBC (Apr. 7, 2020, 9:00 PM), <http://www.msnbc.com/transcripts/rachel-maddow-show/2020-04-07> [<https://perma.cc/J2TH-7AWR>].

³ *Id.* Henry Brady, dean of UC Berkeley’s Goldman School of Public Policy, calls it “very complicated” whether California is, in fact, a nation state. Henry Brady, *Is California a Nation-State?*, BERKELEY BLOG (Apr. 17, 2020), <https://blogs.berkeley.edu/2020/04/17/is-california-a-nation-state/> [<https://perma.cc/HU2R-5MWY>].

⁴ Jill Cowan, *Is California a Nation-State?*, N.Y. TIMES (Apr. 14, 2020), <https://www.ny-times.com/2020/04/14/us/california-coronavirus-newsom-nation-state.html> [<https://perma.cc/6HTH-6VVU>].

⁵ The authors do not advocate independence for California or any other state. Rather, they find the topic of scholarly interest, especially in light of current global SARS-CoV-2 pandemic and attendant economic crisis, and amenable to empirical study due to the ability technology now provides to gather a diversity of views about secession.

There is no provision in the U.S. Constitution allowing states, or other political or geographical units, to secede unilaterally. The Civil War was fought to uphold this principle, and the U.S. Supreme Court confirmed it in its *Texas v. White* decision in 1869.⁶ Although unilateral secession would appear to be illegal under the U.S. Constitution, there have been a number of peaceful secessions around the world in recent years (e.g., Czechoslovakia, South Sudan, East Timor, Yugoslavia, Soviet Union). These successful secessions could provide helpful lessons for California or other U.S. states if secession were to become a viable option in the future.

Because public perceptions would likely have a strong impact on whether peaceful secession is feasible, we conducted a qualitative study of public opinion regarding California secession. This study was based on surveys completed by 100 U.S. residents. Half of the residents were from California and the other half were from other states. From responses to these surveys, an array of salient factors emerged that detailed various benefits and drawbacks of California secession to both the U.S. and California, logistical and legal issues, and questions of shared beliefs and existing divisions between California and the other states in the U.S.

Taken together, this legal and empirical analysis contributes a novel understanding of the possibility of California secession. In doing so, this analysis offers insight into factors that may be relevant in other instances of sociopolitical breakdown—or what is sometimes termed “collapse.”

The structure of this article is as follows. The next section describes the recent history of secession, discussing several specific instances of secessions that have transpired in the recent past around the world. The article then presents the history and future of factors impacting California secession in particular. Thereafter, the article presents the methodology of a qualitative empirical legal analysis that was used to investigate the opinions of U.S. residents about California secession. The penultimate section presents the results of this study. The final section provides concluding remarks.

II. A RECENT HISTORY OF SECESSION

As long as there have been political entities there have been secession movements. For most of human history, secession has been accomplished through force. However, in recent years, peaceful secessions have become more frequent. We provide several examples that

⁶ *Texas v. White*, 74 U.S. 700 (1869).

could serve as legal and political precedents for a peaceful California secession.

In what was popularly known as the Velvet Divorce, the country of Czechoslovakia, which had been one country since October 1918, dissolved itself into two successor states on January 1, 1993.⁷ The resulting two countries, the Czech Republic and Slovakia, negotiated their separation without recourse to military force. These two countries continue to remain peaceful neighbors.⁸ To effect dissolution, the parliament of Czechoslovakia (the “Federal Assembly”) passed two laws to amend the Czechoslovakian constitution: Constitution Act 541 distributed national property between the two successor countries;⁹ Constitution Act 542 settled the precise terms of separation.¹⁰ Since their mutual independence, which took effect on January 1, 1993,¹¹ the only consequential violence between the Czech Republic and Slovakia has occurred within the rules of ice hockey whenever their national teams play against each other.¹² A factor that may have eased the dissolution was the prospect that both successor nations had the option of soon joining the European Union (“E.U.”), which they simultaneously did on May 1, 2004.¹³ As members of the E.U., both countries were legally obliged to extend trade, travel, and residency privileges to one another.¹⁴ This instance of secession took place within a formal economic and political organization that is the European Union; conversely, California secession would result in a brand new country outside any equivalent supranational organization.

The secession of the Republic of South Sudan from the Republic of Sudan was substantially more complicated than the dissolution of Czechoslovakia. For many years, secession movements in southern Sudan attempted separation using both peaceful and forceful methods.¹⁵ Eventually, Sudan acquiesced to a popular independence referendum to be

⁷ *Dissolution of Czechoslovakia*, NEW WORLD ENCYCLOPEDIA, https://www.newworldencyclopedia.org/entry/Dissolution_of_Czechoslovakia [<https://perma.cc/7ZP2-74JF>] (last visited Aug. 12, 2020).

⁸ *Id.*

⁹ *Id.*

¹⁰ *Id.*

¹¹ *Id.*

¹² Ice hockey involves physical contact. Some people consider this violence.

¹³ *See European Union*, EUROPA, https://europa.eu/european-union/about-eu/countries_en [<https://perma.cc/7Q6M-PE4Z>] (Oct. 1, 2020).

¹⁴ *See Life and Business in the EU*, EUROPA, https://europa.eu/european-union/business_en [<https://perma.cc/3R3P-8JSM>] (Mar. 17, 2020).

¹⁵ *See generally* Anthony J. Christopher, *Secession and South Sudan: An African Precedent for the Future?*, 93 S. AFR. GEOGRAPHICAL J. 125 (2011) (discussing the significance of South Sudan’s secession in the African political evolution).

held in the region that was to become South Sudan.¹⁶ This referendum was held in January 2011, and, with an extraordinarily high majority of South Sudanese voting in favor of independence, South Sudan became an independent country on July 9, 2011.¹⁷ The territory of Abyei was supposed to have the opportunity to decide whether to remain with Sudan or leave with South Sudan, but no referendum has been held at the time of the writing of this article, due in part to military interference by Sudan and social unrest among the population of Abyei.¹⁸ By contrast, South Sudan did successfully become an independent country without resorting to military force.¹⁹ Although not accomplished as smoothly or peacefully as Czechoslovakia, South Sudan provides another example of a democratic and, at least in the years preceding its independence referendum, relatively peaceful separation by a political subunit of a larger country.

Another example of a successful and relatively peaceful transition to independence involved the dissolution of the Union of Soviet Socialist Republics in 1991 into numerous successor states.²⁰ The Socialist Federal Republic of Yugoslavia broke apart in 1992, though not without considerable violence.²¹ Eritrea (1993), Palau (1994), Timor-Leste (2002), Montenegro (2006), and Kosovo (2008) also recently achieved independence, with varying levels of ease, political conflict, and violence.²²

The status of the Province of Québec within Canada is another instructive example of secession. The federal government of Canada allowed two popular referenda on questions related to independence, though neither directly referenced the term “independence”. The first referendum, held in 1976, posed the following question:

¹⁶ *South Sudan Referendum: 99% Vote for Independence*, BBC (Jan. 30, 2011), <https://www.bbc.com/news/world-africa-12317927> [https://perma.cc/4B22-HUYW].

¹⁷ Christopher, *supra* note 15, at 129.

¹⁸ An unofficial plebiscite was held in 2013; however, no referendum has happened at the time of this writing. *Abyei Disputed Territory Holds Unofficial Plebiscite on Succession from Sudan*, NATIONALIA (Oct. 29, 2013), <https://www.nationalia.info/new/10020/abyei-disputed-territory-holds-unofficial-plebiscite-on-secession-from-sudan> [https://perma.cc/F9Y9-MPM5].

¹⁹ Christopher, *supra* note 15 at 129. Despite the comparative peacefulness of becoming independent, South Sudan has since suffered persistent periods of political unrest and internal violence.

²⁰ The Editors of Encyclopaedia Britannica, *Collapse of the Soviet Union*, BRITANNICA, <https://www.britannica.com/event/the-collapse-of-the-Soviet-Union> [https://perma.cc/F72U-YN4F] (Aug. 11, 2020). As in South Sudan, the post-independence histories of the successor states of the Soviet Union and Yugoslavia have not been free of violence and political unrest.

²¹ John R. Lampe, *Yugoslavia*, BRITANNICA, <https://www.britannica.com/place/Yugoslavia-former-federated-nation-1929-2003> [https://perma.cc/53X9-YCQD] (Feb. 22, 2019).

²² For a complete list of countries who have become independent and joined the EU since World War II see *Which 30 Countries Decided to be Independent?*, BBC (Feb. 5, 2013), <https://www.bbc.com/news/uk-scotland-21344264> [https://perma.cc/2773-3EFQ].

The Government of Quebec has made public its proposal to negotiate a new agreement with the rest of Canada, based on the equality of nations; this agreement would enable Quebec to acquire the exclusive power to make its laws, levy its taxes and establish relations abroad—in other words, sovereignty—and at the same time to maintain with Canada an economic association including a common currency; any change in political status resulting from these negotiations will only be implemented with popular approval through another referendum; on these terms, do you give the Government of Quebec the mandate to negotiate the proposed agreement between Quebec and Canada?²³

Québec voters rejected the provincial government's proposal by a margin of 59.56% to 40.44%.²⁴ Many have suggested that the actual margin of rejection would likely have been much greater had the question proposed actual “independence” instead of the softer and ambiguous “sovereignty association” referenced in the referendum.²⁵

A second referendum was held in 1995, this time asking the following shorter question: “Do you agree that Quebec should become sovereign, after having made a formal offer to Canada for a new economic and political partnership, within the scope of the bill respecting the future of Quebec and of the agreement signed on June 12, 1995?”²⁶ This time, the Québec electorate rejected the proposal by a narrow margin of 50.58% to 49.42%.²⁷ However, again, the question asked was widely criticized as vague.

In the aftermath of the second Québec referendum, the federal government of Canada referred the question and terms of independence to the Supreme Court of Canada, asking for an “advisory opinion” to clarify

²³ See R. Hudon, *Quebec Referendum (1980)*, CANADIAN ENCYCLOPEDIA (Aug. 27, 2013), <https://www.thecanadianencyclopedia.ca/en/article/quebec-referendum-1980> [https://perma.cc/NXH3-JAC9]. In French, the question was phrased as follows: *Le Gouvernement du Québec a fait connaître sa proposition d'en arriver, avec le reste du Canada, à une nouvelle entente fondée sur le principe de l'égalité des peuples ; cette entente permettrait au Québec d'acquérir le pouvoir exclusif de faire ses lois, de percevoir ses impôts et d'établir ses relations extérieures, ce qui est la souveraineté, et, en même temps, de maintenir avec le Canada une association économique comportant l'utilisation de la même monnaie ; aucun changement de statut politique résultant de ces négociations ne sera réalisé sans l'accord de la population lors d'un autre référendum ; en conséquence, accordez-vous au Gouvernement du Québec le mandat de négocier l'entente proposée entre le Québec et le Canada?*

²⁴ *Id.*

²⁵ See Francois Rocher, *Self-Determination and the Use of Referendums: The Case of Quebec*, 27 INT'L J. POL., CULTURE, & SOC'Y 25 (2014) (discussing a “ratcheting” or step-by-step strategy of a “sovereignty-association” versus independence in garnering public support); Paul Globus, *Questioning the Question: The Quebec Referendum*, 53 ETC: REV. GEN. SEMANTICS 148 (1996).

²⁶ In French, this question was phrased as follows: *Acceptez-vous que le Québec devienne souverain, après avoir offert formellement au Canada un nouveau partenariat économique et politique, dans le cadre du projet de loi sur l'avenir du Québec et de l'entente signée le 12 juin 1995?*

²⁷ Hudon, *supra* note 23.

the rules for any future referenda.²⁸ This *Reference Re Secession of Quebec* led to a decision by the Canadian Supreme Court.²⁹ The Governor in Council posed the following questions to the Court:

1. Under the Constitution of Canada, can the National Assembly, legislature or government of Quebec effect the secession of Quebec from Canada unilaterally?
2. Does international law give the National Assembly, legislature or government of Quebec the right to effect the secession of Quebec from Canada unilaterally? In this regard, is there a right to self-determination under international law that would give the National Assembly, legislature or government of Quebec the right to effect the secession of Quebec from Canada unilaterally?
3. In the event of a conflict between domestic and international law on the right of the National Assembly, legislature or government of Quebec to effect the secession of Quebec from Canada unilaterally, which would take precedence in Canada?³⁰

In answering question one, the Canadian Supreme Court set out several principles with which any proposal to secede must comply:

Quebec could not, despite a clear referendum result, purport to invoke a right of self-determination to dictate the terms of a proposed secession to the other parties to the federation. The democratic vote, by however strong a majority, would have no legal effect on its own and could not push aside the principles of federalism and the rule of law, the rights of individuals and minorities, or the operation of democracy in the other provinces or in Canada as a whole. Democratic rights under the Constitution cannot be divorced from constitutional obligations. Nor, however, can the reverse proposition be accepted: **the continued existence and operation of the Canadian constitutional order could not be indifferent to a clear expression of a clear majority of Quebecers that they no longer wish to remain in Canada.** The other provinces and the federal government would have no basis to deny the right of the government of Quebec to pursue secession should a clear majority of the people of Quebec choose that goal, so long as in doing so, Quebec respects the rights of others. The negotiations that followed such a vote would address the potential act of secession as well as its possible terms

²⁸ Reference Re Secession of Quebec, 2 SCR 217 (1998).

²⁹ *Id.*

³⁰ *Id.* at 218.

should in fact secession proceed. There would be no conclusions predetermined by law on any issue. Negotiations would need to address the interests of the other provinces, the federal government and Quebec and indeed the rights of all Canadians both within and outside Quebec, and specifically the rights of minorities.³¹ [emphasis added]

Consistent with the statement set out above in bold italics, the Court later articulated a test for independence, which involves “a clear majority on a clear question.”³² Its answer to question two stated, in part:

The Court was also required to consider whether a right to unilateral secession exists under international law. Some supporting an affirmative answer did so on the basis of the recognized right to self-determination that belongs to all "peoples". Although much of the Quebec population certainly shares many of the characteristics of a people, it is not necessary to decide the "people" issue because, whatever may be the correct determination of this issue in the context of Quebec, a right to secession only arises under the principle of self-determination of people at international law where "a people" is governed as part of a colonial empire; where "a people" is subject to alien subjugation, domination or exploitation; and possibly where "a people" is denied any meaningful exercise of its right to self-determination within the state of which it forms a part. In other circumstances, peoples are expected to achieve self-determination within the framework of their existing state. A state whose government represents the whole of the people or peoples resident within its territory, on a basis of equality and without discrimination, and respects the principles of self-determination in its internal arrangements, is entitled to maintain its territorial integrity under international law and to have that territorial integrity recognized by other states. Quebec does not meet the threshold of a colonial people or an oppressed people, nor can it be suggested that Quebecers have been denied meaningful access to government to pursue their political, economic, cultural and social development. In the circumstances, the "National Assembly, the legislature or the government of Quebec" do not enjoy a right at international law to effect the secession of Quebec from Canada unilaterally.³³

The Court considered question three moot in light of its answers to the first two questions.³⁴

³¹ *Id.* at 221 (emphasis added).

³² *Id.*

³³ *Id.* at 222.

³⁴ *Id.* at 223.

The test for independence expressed by the Canadian Supreme Court provides a useful model for initiatives in U.S. states seeking to pursue the political project of independence. Achieving “a clear majority on a clear question” would at least express any ambitions for independence that the individual state had in a fashion easily understood by the rest of the U.S. The latter could still oppose independence, but it would have to do so in the face of a strong and decisive desire for independence by the voters of the individual state seeking independence.³⁵

The U.S. Constitution sets out the process by which a new state may gain admission to the United States.^{36,37} However, the U.S. Constitution is silent on how a state may secede, providing no procedure for gaining or regaining independence. In 1869, the United States Supreme Court, in *Texas v. White*, ruled that the union between Texas and the rest of the United States was “as complete, as perpetual, and as indissoluble as the union between the original States.”³⁸ The Court forbade secession “except through revolution or through consent of the States.”³⁹ Commenting on the prospect a state might become independent, Supreme Court Justice Antonin Scalia noted, “If there was any constitutional issue resolved by the Civil War, it is that there is no right to secede.”⁴⁰

Thus, it appears that, for any state to secede peacefully from the U.S., the U.S. Constitution would need to be amended. Such a Constitutional amendment would be very difficult, requiring not only a two-thirds vote of both the U.S. House of Representatives and Senate but also formal ratification by thirty-eight states.⁴¹ Another method would require two-thirds of the delegates at a convention of states to vote in favor of that state’s secession, followed by the approval of thirty-eight state legislatures.⁴² In short, it would be exceedingly difficult for any state to achieve independence through existing constitutional mechanisms.

³⁵ For further discussion of the Canadian secession context, see generally THE CANADIAN CONTRIBUTION TO A COMPARATIVE LAW OF SECESSION: LEGACIES OF THE QUEBEC SECESSION REFERENCE (Giacomo Delledonne & Giuseppe Martinico eds., Palgrave Macmillan 2019).

³⁶ U.S. CONST. art. IV, § 3.

³⁷ For a broader discussion of Constitutional issues in US secession, see generally NULLIFICATION AND SECESSION IN MODERN CONSTITUTIONAL THOUGHT (Sanford Levinson ed., University Press of Kansas 2016).

³⁸ *Texas v. White*, 74 U.S. 700, 726 (1869).

³⁹ *Id.*

⁴⁰ Letter from Justice Antonin Scalia to Daniel Turkewitz (Oct. 31, 2006) (quoted in Abby Rogers, *Sorry Secessionists, Justice Scalia Won't Help You Out*, BUS. INSIDER (Nov. 15, 2012, 9:20 AM)).

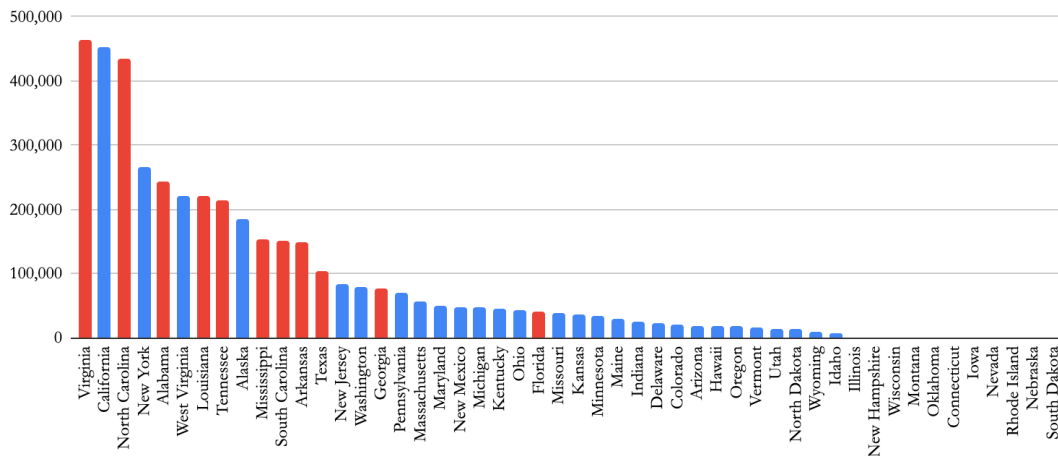
⁴¹ U.S. CONST. art. V.

⁴² *Id.*

III. HISTORY AND FUTURE OF CALIFORNIA SECESSION

Although there is no legal pathway for a state to secede in the U.S., secession has still been a discussion topic throughout much of the U.S.'s history. More recently, groups of residents of several states have explored secession movements within the past two decades.⁴³ Figure 1 shows a rough estimate of the volume of secession-related content on the Internet, on a state-by-state basis, based on Google searches.⁴⁴ Each search involved the query "secession of X," where X is the name of each state. This search yielded as many as 463,000 hits for some states, like Virginia, or as few as zero for South Dakota. There is a significant discontinuity part-way along this range: thirty-nine states yield 6,770 or more hits for their search (Idaho and before on the chart below); the remaining eleven states have ten or fewer hits (Illinois and after). Nine of the top twelve states on this chart are states that seceded as part of the Confederate States of America in 1861. It is likely that significant representation of Confederate States on this chart is due, in part, to documentation of events surrounding the U.S.

Google Hits for "Secession of X"



Civil War. Of the non-Confederate states, California has the most hits. These hits potentially demonstrate the most public interest in secession, absent the Civil War. Therefore, the bulk of this article's analysis focuses on the secession of California.

⁴³ Tom Ginsburg & Mila Versteeg, *From Catalonia to California: Secession in Constitutional Law*, 70 ALA. L. REV. 923, 926 (2019).

⁴⁴ All searches conducted on July 19, 2020.

Figure 1: The number of hits identified by Google for a search relating to the secession of each of the United States, e.g. “Secession of Virginia” or “Secession of California”. States involved in the Confederate States of America are colored red; other states are colored blue.⁴⁵ California is the non-Confederate state with the greatest representation on Google regarding secession.

Here, we present a brief summary of the history of California to situate the discussion of California secession. Humans first occupied California at least several thousand years ago,⁴⁶ possibly even as early as 130,000 years ago.⁴⁷ Europeans reached California in the 1500s, and Spain colonized the region in the second half of the 1700s.⁴⁸ After Mexican independence in 1821, “Alta California” was part of Mexico.⁴⁹ Following this, a brief effort to form an independent “California Republic” lasted for twenty-five days in 1846. Thereafter, the U.S. took control of the region.⁵⁰ In 1850, California became the thirty-first state in the union.⁵¹

The secession of California has been discussed almost as long as the state has existed. The first documented mention of the “secession of California” in Google’s corpus of English language books occurred in 1871 (see Figure 2).⁵²

⁴⁵ West Virginia seceded from the rest of Virginia in 1861 and was officially recognized as a state in 1863. *West Virginia Statehood, June 20, 1863*, NAT’L ARCHIVES, <https://www.archives.gov/legislative/features/west-virginia> [<https://perma.cc/EU8Q-2CY6>] (July 26, 2019).

⁴⁶ *The First Peoples of California*, LIBR. OF CONG., <https://www.loc.gov/collections/california-first-person-narratives/articles-and-essays/early-california-history/first-peoples-of-california/> [<https://perma.cc/Q646-MQF9>] (last visited Aug. 14, 2020) (listed in the Collection entitled: “California as I Saw It: First-Person Narratives of California’s Early Years, 1849 to 1900”).

⁴⁷ Steven Holen et al., *A 130,000-Year-Old Archaeological Site in Southern California, USA*, 544 NATURE 479, 479 (2017).

⁴⁸ *Spanish California*, LIBR. OF CONG., <https://www.loc.gov/collections/california-first-person-narratives/articles-and-essays/early-california-history/spanish-california/> [<https://perma.cc/5E5V-DFJ6>] (last visited Aug. 14, 2020) (listed in the Collection entitled: “California as I Saw It: First-Person Narratives of California’s Early Years, 1849 to 1900”).

⁴⁹ *Mexican California*, LIBR. OF CONG., <https://www.loc.gov/collections/california-first-person-narratives/articles-and-essays/early-california-history/mexican-california/> [<https://perma.cc/WXX4-3SZ9>] (last visited Aug. 14, 2020) (listed in the Collection entitled: “California as I Saw It: First-Person Narratives of California’s Early Years, 1849 to 1900”).

⁵⁰ *The United States and California*, LIBR. OF CONG., <https://www.loc.gov/collections/california-first-person-narratives/articles-and-essays/early-california-history/united-states-and-california/> [<https://perma.cc/7DYW-V4FG>] (last visited Aug. 14, 2020) (listed in the Collection entitled: “California as I Saw It: First-Person Narratives of California’s Early Years, 1849 to 1900”).

⁵¹ *California Admission Day September 9, 1950*, CAL. DEP’T PARKS & RECREATION, https://www.parks.ca.gov/?page_id=23856 [<https://perma.cc/8376-PSWU>] (last visited Aug. 14, 2020).

⁵² Google Books Ngram Viewer “secession of California,” https://books.google.com/ngrams/graph?content=secession+of+California&year_start=1850&year_end=2008&corpus=15&smoothing=3&share=&direct_url=t1%3B%2Csecession%20of%20California%3B%2Cc0 [<https://perma.cc/9TYG-6M6Y>] (last visited Aug. 14, 2020).



Figure 2: Instances of “secession of California” in Google books by year.⁵³

In the past decade, there have been three main initiatives that have sought to enable California to secede. The California National Party, founded in 2015, includes in its platform the goal of “laying the groundwork for ever greater autonomy, self-determination, and ultimately independence with recognition by the United Nations, the United States, and other actors in the international community.”⁵⁴ Also founded in 2015, Yes California operates a “California independence secession campaign known around the world today as Calexit.”⁵⁵ The California Freedom Coalition, started in 2017, asks: “How much longer are we going to let the federal government walk all over us?,”⁵⁶ and “promote[s] nonviolent actions to establish the country of California using legal and constitutional means.”⁵⁷ While none of these initiatives has effectively brought about California secession, together the movements demonstrate that secession discussions are ongoing in California.

There have been additional secession efforts that involve portions of California, such as the Cascadia movement, various iterations of which have sought to merge portions of the west coast of the U.S. and Canada.⁵⁸ In addition, there have been many efforts to split California into two or

⁵³ *Id.*

⁵⁴ *Independence*, CAL. NAT’L PARTY, <https://californianational.party/2018-platform-ind/> [<https://perma.cc/ZE5M-H2NM>] (last visited Aug. 14, 2020).

⁵⁵ *Calexit History*, CALEXIT, <https://yescalifornia.org/about/> [<https://perma.cc/GV5T-VCJU>] (last visited Aug. 14, 2020).

⁵⁶ *California is a Nation and We Should Act Like One*, CAL. FREEDOM COALITION, <https://www.cafree.org> [<https://perma.cc/ML9W-DT7D>] (last visited Aug. 14, 2020).

⁵⁷ *About the California Freedom Coalition*, CAL. FREEDOM COALITION, <https://www.cafree.org/about-us> [<https://perma.cc/96A6-KMRH>] (last visited Aug. 14, 2020).

⁵⁸ *About Cascadia and Bioregionalism*, CASCADIANOW!, <https://www.cascadianow.org/bioregionalism> [<https://perma.cc/N2VG-CWTB>] (last visited Aug. 14, 2020).

more states, such as the Cal3 movement,⁵⁹ and efforts to create new states involving parts of California, such as the proposed state of Jefferson.⁶⁰ Nevertheless, as of this writing, California remains a single state within the U.S.

The topic of secession may be of growing relevance in the coming decades due to a non-obvious connection between climate change, geopolitics, and the archaeology of civilizational collapse. While the possibility that global industrial civilization could collapse has long been a topic of some derision from both the general public and some scientists,⁶¹ there is growing evidence that climate change and other factors could lead to broad-scale collapse.⁶²

Secession, regarding both California and other regions as well, could be a symptom of collapse. Archaeologist Joseph Tainter⁶³ described the manifestations of collapse:

Collapse is manifest in such things as: a lower degree of stratification and social differentiation; less economic and occupational specialization, of individuals, groups, and territories; less centralized control; that is, less regulation and integration of diverse economic and political groups by elites; less behavioral control and regimentation; less investment in the epiphenomena of complexity, those elements that define the concept of 'civilization': monumental architecture, artistic and literary achievements, and the like; less flow of information between individuals, between political and economic groups, and between a center and its periphery; less sharing, trading, and redistribution of resources; less overall coordination and organization of individuals and groups; a smaller territory integrated within a single political unit.⁶⁴

Similarly, in his book *Collapse*, geographer Jared Diamond defines collapse as “a drastic decrease in human population size and/or political/economic/social complexity, over a considerable area, for an

⁵⁹ Jonathan L. Marshfield, *Forgotten Limits on the Power to Amend State Constitutions*, 114 NW. U. L. REV. 65, 67 n.1 (2019).

⁶⁰ *Official State of Jefferson Movement*, ST. JEFFERSON, <https://soj51.org/> [<https://perma.cc/N7ZJ-CHJ9>] (last visited Aug. 14, 2020).

⁶¹ Robinson Meyer, *Geologists Are Feuding About the Collapse of Civilization*, THE ATLANTIC (Sept. 20, 2018), <https://www.theatlantic.com/science/archive/2018/09/the-geologist-mega-drama-about-an-ancient-mega-drought/570508/> [<https://perma.cc/FD66-GLG3>].

⁶² Rachel Nuwer, *How Western Civilisation Could Collapse*, BBC (Apr. 17, 2017), <https://www.bbc.com/future/article/20170418-how-western-civilisation-could-collapse> [<https://perma.cc/AF9D-6S9E>].

⁶³ JOSEPH A. TAINTER, *THE COLLAPSE OF COMPLEX SOCIETIES 4* (Colin Renfrew & Jeremy Sabloff eds., 2019).

⁶⁴ *Id.*

extended time” and writes: “[f]or the first time in history, we face the risk of a global decline.”⁶⁵

Scholars have proposed that climate change and related environmental issues could potentially lead to collapse.⁶⁶ If climate change could lead to collapse, and secession is a symptom of collapse, then the fact that industrial civilization is failing to ameliorate climate change could point toward a future where secessions grow more common. The prospect of large political units, such as the entire U.S. or individual states like California, breaking up into smaller units is consistent with both Tainter’s and Diamond’s models of collapse. The separation of the United Kingdom from the E.U., i.e. “Brexit,” could be characterized as an instance of such a breakup. Existing divisions between California and the rest of the U.S. could provide another fault line along which such a breakup could occur. The secession of California could serve as another instance of what Tainter refers to as a “loss of an established level of sociopolitical complexity.”⁶⁷ Even in the absence of civilizational collapse, long-standing differences between the cultural and political ideologies found in California and those found elsewhere in the U.S.⁶⁸ point to the possibility that secession could occur.

Whether secession would be driven by socioeconomic contraction, i.e., collapse, or other factors, we engage in this article with the particulars of the law surrounding secession and present novel empirical findings about how both Californians and non-Californians view the prospect of secession.

IV. METHODOLOGY

To explore public perceptions of California secession, we conducted surveys of 100 residents, half residing in California and half residing in other states. We conducted this survey through Amazon’s Mechanical Turk⁶⁹ (AMT) crowdsourcing platform. AMT is an online system through which “requesters,” people or organizations with work to

⁶⁵ JARED DIAMOND, *COLLAPSE: HOW SOCIETIES CHOOSE TO FAIL OR SUCCEED* 23 (1st ed. 2005).

⁶⁶ *Id.* at 12.

⁶⁷ TAINTER, *supra* note 63 at 4.

⁶⁸ A recent BBC article noted “irreconcilable differences...between what California and the rest of the US stand for”. Rachel Nuwer, *What if California Seceded from the US?*, BBC (Apr. 7, 2019), <https://www.bbc.com/future/article/20190221-what-if-california-seceded-from-the-us> [<https://perma.cc/9WZG-PKVT>].

⁶⁹ The problematic nature of this system’s name is explored by Ayhan Aytes. Ayhan Aytes, *Return of the Crowds: Mechanical Turk and Neoliberal States of Exception*, in *DIGITAL LABOR: THE INTERNET AS PLAYGROUND AND FACTORY* 79 (Trebor Scholz ed., 2013). The full name is included here for clarity, but we use the abbreviation AMT throughout the rest of the article.

be done, may engage with “workers,” people who may be able to do that work.

We composed a survey in Qualtrics with the following components: (1) several questions eliciting non-identifying demographic information (age, state of residence, household income, political views, education, and gender); (2) a multiple choice question regarding the participant’s opinion of California secession; and, (3) a free-response question asking participants to justify or explain their decision on the multiple choice question.

The demographic information was collected using established experimental protocols. Household income was collected in line with a MacArthur Foundation protocol⁷⁰ but updated with income ranges from the U.S. Census.⁷¹ Political views were collected in line with a Pew Research Center protocol.⁷² Education level was collected using a protocol from the SAGE Encyclopedia of Communication Research Methods.⁷³ Gender was collected in line with best practices in the field of Human-Computer Interaction, with participants given the option to select any or all of the following options: “Woman,” “Man,” “Non-binary,” “Prefer not to disclose,” or “Prefer to self-describe” (which then opened a free-response field).⁷⁴

Participants were paid fifteen dollars per hour, a rate above minimum wage in California⁷⁵ where the survey was conducted, in line with current best practices in computing research.⁷⁶ Based on a pilot study, payment was set at seventy-five cents per participant. However, in the full study, average payment for the survey was about eleven dollars and ten cents per hour, which was below the desired rate. AMT’s bonus

⁷⁰ See *MacArthur Research Network on SES & Health*, U.C., S.F., <https://macses.ucsf.edu/research/socialenviron/sociodemographic.php> [<https://perma.cc/2D5D-UH5T>] (last visited Aug. 14, 2020).

⁷¹ Jessica Semega et al., *Income and Poverty in the United States: 2018*, U.S. CENSUS BUREAU, <https://www.census.gov/content/dam/Census/library/publications/2019/demo/p60-266.pdf> [<https://perma.cc/34ZF-XPMR>] (June 2020).

⁷² Jocelyn Kiley & Scott Keeter, *Ideological Self-Identification, Political Values, and Partisanship*, PEW RSCH. CTR. (July 28, 2015), http://www.aapor.org/AAPOR_Main/media/AnnualMeetingProceedings/2015/J2-1-Kiley.pdf [<https://perma.cc/JEF9-7QE3>].

⁷³ Mike Allen, *Survey: Demographic Questions*, SAGE RSCH. METHODS (2017), <https://methods.sagepub.com/reference/the-sage-encyclopedia-of-communication-research-methods/i14203.xml> [<https://perma.cc/5979-HB3A>].

⁷⁴ Katta Spiel et al., *How To Do Better with Gender on Surveys: A Guide for HCI Researchers*, 26 INTERACTIONS 62, 63 (2019).

⁷⁵ *Minimum Wage*, ST. CAL. DEP’T. INDUS. REL. (Dec. 2019), https://www.dir.ca.gov/dlse/faq_minimumwage.htm [<https://perma.cc/D5F2-J6D9>].

⁷⁶ M. S. Silberman et al., *Responsible Research with Crowds: Pay Crowdworkers at Least Minimum Wage*, 61 COMM.’S ACM 39 (2018).

mechanism, which allows requesters to send money to specific workers, was used to increase the average wage to fifteen dollars per hour.

The survey ran on June 6, 2020. All participants completed the survey between 12:30 – 4:30 p.m. PDT (3:30 – 7:30 p.m. EDT).

Upon completion of the study, the research team conducted quantitative analyses of the demographic information and responses to the multiple-choice question, and conducted qualitative coding of the free-response questions. The team engaged in iterative coding of participants' responses using descriptive codes.⁷⁷ The results of these analyses are presented below.

The cultural context in which this survey was conducted is worth mentioning. Much of the world had been grappling with the COVID-19 pandemic for several months. Further, in the U.S., the preceding twelve days had been characterized by escalating protests against racism and police brutality. This was a time when cultural and economic tensions in the U.S. were very high.

V. RESULTS

A. Study Sample

While 100 participants completed the survey, a subset of those 100 was excluded from the sample. These participants were excluded because their free-response answers included text copied from the Internet rather than text they wrote themselves. Because there was evidence these participants were not working in good faith, all data collected from them were suspect and were therefore discarded. After these exclusions, the study sample included forty-two participants from California residents and forty-two from all other states.

B. Demographics

Participants' average age was 38.2 years old. Sixty identified as men, twenty-two as women, and two as non-binary. The participants' median annual family income was between \$50,000 and \$74,999. Twenty-two participants identified as conservative or very conservative, fifteen identified as moderate, and forty-six identified as liberal or very liberal. Seven participants held a high school diploma, seven had completed some college, two had completed trade/technical/vocational training, eight held associate degrees, forty-seven held bachelor's degrees, and thirteen held advanced degrees.

⁷⁷ JOHNNY SALDAÑA, *THE CODING MANUAL FOR QUALITATIVE RESEARCHERS* 4 (2009).

C. Quantitative Findings

Across all participants, 71% believed that California should remain part of the U.S., 25% believed California should secede or become an independent nation, and 4% were not sure.

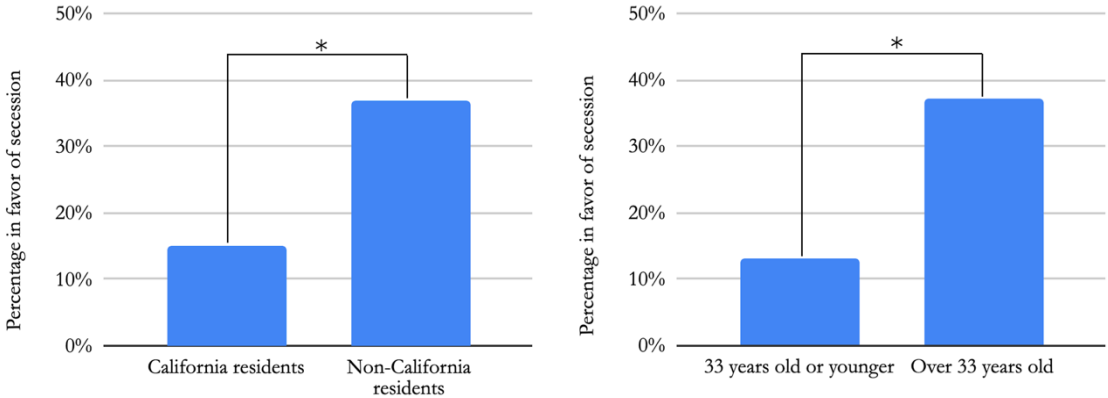


Figure 3: Key quantitative findings from this study include that non-Californians and older participants were significantly more likely to support California secession than were California residents and younger participants.

Based on the demographic and multiple-choice secession question, the study identified that significantly more⁷⁸ people in the study from other states think California should secede (37%) than Californians think California should secede (15%) (see Figure 3).

Results from this study found that 62% of Californians believed that California should remain part of the U.S. These results are similar to a 2017 survey by the University of California, Berkeley, of 1,000 Californians, which found that 68% of participants opposed secession.⁷⁹

The study presented here also found that people older than the median age (thirty-three) were significantly more likely⁸⁰ to be in favor of secession (37%) versus those the median age or younger (13%).

Combined with the above finding relating to state of residence, 44% of non-Californians over thirty-three years old were in favor of secession compared to the 8.3% of Californians thirty-three or younger in favor of secession.⁸¹

⁷⁸ An analysis using a two-tailed Z-test confirmed statistical significance ($p = 0.046$).

⁷⁹ Nuwer, *supra* note 68.

⁸⁰ An analysis using a two-tailed Z-test confirmed statistical significance ($p = 0.026$).

⁸¹ An analysis using a two-tailed Z-test confirmed statistical significance ($p = 0.0047$).

No significant differences in opinion toward secession were found based on political views, education level, income, or gender.

The authors recognize that the population from which this study was drawn, AMT workers who are also U.S. residents, is not identical to the broader population of the U.S. Therefore, the qualitative results from this survey may not indicate the opinions of the broader U.S. population. Nevertheless, these quantitative findings help shed light on the range of perspectives potentially found among U.S. residents.

D. Qualitative Findings

Qualitative analysis of the free-response questions identified an array of themes described by the participants. These themes include the benefits and harms of both secession and unity, logistical factors, political factors, the precedent secession would set, existing divisions between California and the rest of the U.S., factors relating to national identity (including the threat of civil war), and the right to self-determination. The quotes and commentary below offer a glimpse into the complexity of the opinions held around the contentious topic of California secession.⁸²

1. Benefits and Harms

The first major set of themes in participant responses involved specific benefits and harms that could generally occur because of either unity⁸³ or secession. Participants wrote extensively about the benefits and harms that could arise in various secession scenarios. The responses that invoked either the benefits or harms of secession were evaluated as either accruing to the U.S., to California, or to the participant themselves. Interestingly, many participants spoke of the benefits of unity, the benefits of secession, and the harms of secession; however, no participant identified particular harms likely to arise through unity. Instead, those harms may have been implicit in the benefits of secession, but they were never explicitly mentioned.

a. Benefits of Unity

A sixty-one-year-old man from Oregon expressed strong feelings that California remaining in the U.S. was good for the U.S. This participant only addressed the benefits or harms of California secession from the perspective of the U.S.

⁸² To preserve authenticity, answers to free-response questions are reproduced as received. Consequently, some include spelling, grammar mistakes, or punctuation mistakes.

⁸³ Throughout this document, we use “unity” as a concise term for California remaining part of the U.S.

As a former Californian of 50+ years, I view California as an essential, vital component of the United States. California leads the nation in many respects beyond population and economic strength. California innovates, tests, and disseminates many of the technological, environmental and social movements that define the direction of the nation. America would be vastly poorer in every regard without California.⁸⁴

Conversely, a forty-five-year-old man from California thought about California remaining in the U.S. from the perspective of how it would impact California. He felt California remaining part of the U.S. was important in order to keep California “in check.”

I live in California, but I am very frustrated by the State and some of its radical policies, such as taxation, banning the death penalty, homelessness, anti-business sentiment, etc. By remaining in California [sic], the State will remain somewhat in check. I have been thinking about leaving the State and would almost certainly leave if California seceded. I would prefer dividing California into three separate states, as was proposed a few years ago.

Similarly, a forty-five-year-old woman from California expressed that remaining in the U.S. kept California in balance: “California has become more liberal over the last several decades. I think remaining a part of the United States brings some balance to the political viewpoints in this state and keeps the governor from having too much power.”

Several other participants felt unity provided mutual benefits to both California and the U.S., such as this forty-year-old man from Utah who felt California owed a debt to the U.S. that should prevent it from seceding: “California has been a part of the country for a very long time. Both California and the United States of America federal government have benefited from the state being a part of the Union and that should not stop. California is indebted to the federal government historically.” A twenty-six-year-old man from Ohio echoed the mutually beneficial arrangement and provided concrete examples of how California and the U.S. benefit from each other to explain why California should not secede:

California should remain part of the United States because they provide a lot of services for the rest of the states that are important. A lot of our food comes from there. California also gets the benefits of federal services, so it is mutually beneficial for California and the other 49 states.

⁸⁴ Some quotes have been lightly edited for spelling and punctuation.

A thirty-one-year-old woman from California repeated the mutual benefit theme in a federalist argument for why California should remain in the U.S. She also highlighted several international factors to explain why a larger, more unified nation is better than multiple nation-states.

California should remain in the United States for the reasons outlined in the Federalist Papers. It is far, FAR better to have some sort of relationship with a state that takes blue tax dollars and works against blue interests for the mere reason that if we don't influence them, someone else will. As Publius alluded to - it's a lot harder to defeat one large nation than many small and politically-disparate ones. Heck, especially in the wake of foreign disinformation campaigns as well as divide and conquer political tactics it's more important than ever to attempt unity and compromise.

b. Benefits of Secession

Other participants identified the benefits that could arise for various stakeholder groups if California secedes. A sixty-two-year-old woman from Indiana spoke about the benefits to the U.S. if California seceded:

California is a drain, major drain on the US government. They do many things that are against our constitution and laws and then expect money from taxpayers like me to fund their illegal activities. Let them secede and finance their own things. Poor people can't get medical care, but illegal aliens can, a number of hospitals have shut down due to just this one thing. People defecating in the streets. It's like a 3rd world nation only worse.

Her vivid depiction of why she would be happy to see California secede from the U.S. points to the complexity of engaging with this issue across different stakeholder groups.

Another participant, a thirty-two-year-old man from Washington state, considered the question of secession from the point of view of California. This participant also identified political divisions as a salient factor; this topic is discussed in greater depth later in this analysis. He wrote:

I think that California has been indiscriminately hated on by other states, particularly those that lean Republican. California is a wildly successful state, with tourism, industry, and a GDP that is the size of independent countries. If California wants to go their own way and invest that money into their own citizens rather than disproportionately pay out taxes to support the poor and thankless

subsidy states that can find nothing better to do than make fun of them, then they should.

Similar to the participant above, a twenty-five-year-old man from Arizona identified water access and existing infrastructure as reasons that California would thrive on its own. This response provided another example of a participant from outside California examining the question of secession from the perspective of California rather than their own state:

In a lot of ways, California is very different in terms of overall population beliefs when compared to rest of the United States. They are mostly progressive, liberal state that focuses on technological development and moving forward rather than sticking with the old. Obviously there are still lots of conservatives that live in the state but they are the minorities. I think California would do great on their own considering their GDP accounts for a lot of the US' GDP overall. They have access to water which makes it easy for trading goods in and out, they have large infrastructures built in already, and it may benefit the people living in it. If the secession does become a reality, it would definitely a challenge for everyone but once things get settled in, it would be beneficial for California to be on its own.

c. Harms of Secession

Multiple participants identified an array of harms that could arise as a result of secession. For example, a thirty-year-old man from Missouri wrote that California secession would harm the U.S. economy. This participant points toward increased transaction costs in the domain of international trade as a significant factor of why secession would harm the U.S. He wrote:

Removing California from the United States would be an incredible drain on the U.S. economy. Enmity between the US government and the Californian nation state would make it very difficult for California to establish fair trade for necessary goods. Not to mention that California's border would constantly infringed upon by Americans and Latin Americans alike. I believe the whole process would be an exercise in futility.

More ideologically, a thirty-four-year-old man from California expressed that California seceding would harm the unity of the U.S., valuing the ideological underpinnings of a unified U.S.: “California is not only a part or region that attached to the US, It is the symbol of Strength and unity. Separating California from the US will make the US lose the integrity and Unity.”

Other participants identified harm that could befall California if it were to secede. A thirty-year-old man from California was concerned about the difficulties it would cause for the state. Specifically, this participant points to issues of scale, a theme that cut across multiple participants' responses.

If California were to secede from the rest of the United States it would cause so many logistical problems. Even though California has the seventh largest economy in the world, it is in large part because of the United States. It would lose so much power being independent and would struggle on its own.

A thirty-year-old woman from California wrote:

I would absolutely vote no on California seceding from the United States. I think it would be really dangerous if we did secede. We would lose lots of federal funding and I don't think it would end well. As much as I love my liberal state, I also don't think we would do well as our own country with our own government.

She specifically identifies politics as a salient factor in her evaluation of possible California secession, another theme that will be discussed in more depth below.

Continuing with the theme of harm to California, a thirty-seven-year-old non-binary person from California wrote of their concerns that secession could lead to Californian collapse:

California has a large economy, but it also has a massive debt. People that wish to secede don't take into account things like how we mostly depend on agriculture or that we need the defense of the US army. Our actual major cities are unable to support themselves - cities always require a lot of help from outside sources for things like having enough food to maintain that amount of people, because the people don't grow or raise their own food there. California would collapse extremely fast without the support of the rest of the US.

This participant identifies the reliance on agriculture from other parts of the U.S. and the protection provided by the U.S. Army as their main concerns affecting California's ability to become an autonomous nation.

Other participants pointed to the mutual harm that would befall both California and the U.S. were California to secede. For example, a thirty-two-year-old man from Oregon compared California secession unfavorably to the withdrawal of the U.K. from the E.U. He argues by analogy that Calexit would be like Brexit, but worse:

Remember Brexit? California leaving the US would be like that, except multiplied by like 10. And Brexit was a terrible idea. They ended up voting for it for some reason, and then a lot of people realized it was a very bad idea. It would be horrible for the economy and a political nightmare.

Still other participants identified harm that would befall themselves as a result of California secession. A forty-six-year-old woman from California was concerned that if California seceded she would need to learn Spanish:

There are no clear benefits of CA separating from the US. It will become so liberal than it is currently now. It will also become another extension of Mexico or Central America. Since CA loves their immigrants from South of the border, not that I am against them, it's just too many illegals coming in...we would all have to learn to speak Spanish which at this point I am not willing to. There will also be a great divide between Northern CA and Southern. I've been up and down the state and there are many differences in the two regions. It will generally be just weird having CA go independent.

Her concerns were coupled with ideological differences between her own perspective and those that she perceived to be more common among other Californians.

Also, reflecting awareness for how it would affect his own life, a sixty-three-year-old man from Minnesota was concerned that it would make it more difficult for him to sell on eBay:

Firstly I thought how we have been 50 states for so long (nice round number) and to suddenly be 49 states is weird. The flags would need to be changed. In practical terms, it would cause all kinds of issues. I sell on eBay and that would mean I no longer ship to California as they are a different country and I only ship to the US. It would also cause problems for the people in California as they would suddenly not get SNAP and other federal income help. It would cut down on the tax base for the U.S. as California is a big state who pays lots of taxes. The list is endless of course but, mainly it would be much worse for the U.S. as a whole as well as for the California citizens. I doubt they could even pull it off if they wanted to. California already has too much lower income population and dependency on the federal government for welfare like SNAP.

This participant pointed to an array of other issues, such as fifty being a nice round number, the abrupt end of what he refers to as SNAP, the Supplemental Nutrition Assistance Program, and the challenges of changing the flag. His comment suggests that not all salient issues for

particular members of the populace may be issues policymakers will be concerned with (e.g., fifty being a nice round number).

Continuing the theme of impacts to the individuals themselves, a thirty-year-old man from California opposed secession because it would make his own travel more difficult: “I believe that California should remain a part of the US because I wouldn't want to have to cross an international border when I want to leave the state.”

2. Logistics

Related to benefits and harms, numerous participants identified logistics as a key factor in their consideration of California secession. A thirty-seven-year-old man from California opposed secession on these grounds:

California simply would not have the infrastructure to do so. If she became a separate nation, she would have to set up trade relations with other countries, join the UN, replicate federal programs such as Social Security and Medicare. All of this alone would be nearly impossible on any reasonable timeline, to say nothing of creating an army, navy, and/or coast guard. Finally, the rest of the nation would not only lose California's electoral votes and members of Congress, but other states might be encouraged to try the same thing. The results, all around, would be disastrous.

This participant itemizes an array of logistical hurdles that would stand in the way of secession. He also refers to the prospect that secession would set a precedent—a subtheme in the Legal section below.

A thirty-two-year-old man from California enumerated a different but partially-overlapping set of logistical challenges while also making a connection between logistics and the strength of the resulting nation:

California would be much weaker individually in aspects such as trade, defense. We would be competing with the other United States; we would need a new currency, a new military, a new capital, new trade agreements, new taxes. I believe we would be in an inferior position compared to where we are now.

Similarly, a thirty-three-year-old woman from Oklahoma flagged the challenges of setting up new trade arrangements as a significant impediment to secession: “The economy is too integrated with the rest of the country to just break away. This would require setting up all new treaties and trade negotiations and it would just represent a huge hassle and punish the rest of the citizens.” She also makes an explicit connection to the harm she believes would befall citizens as a result of secession.

A twenty-three-year-old man from Texas discussed the lengthy time horizon it would take to sort out the logistics and opined that there are more pressing issues to worry about than California secession:

It sounds cool in theory but there would be so many challenges for them to do this. Plus this wouldn't just happen overnight. This could take many years to get done. There would just be too much inconvenience to people. We have many other problems to deal with right now.

Other participants thought the process would be essentially futile. For example, a thirty-six-year-old man from New York wrote:

The process of California leaving the U.S. is such a long process for very few returns. Given the fact that the state does not have an excessive majority to even secede, the work to do to achieve it is not worth the effort. Additionally, the reasons for secession are simply silly and can change once there is a new government in place. So, the talk of secession is really fruitless and other issues should take precedent than talks of secession.

Still, others found humor in the prospect of California secession. A thirty-one-year-old man from Wisconsin wrote: "Quite honestly, it would be hilarious to have California leave the US, however, it would be impossible for a state to separate itself, yet remain attached to the nation."

3. Politics

Another major theme that pervaded many of the free responses was politics. These spanned a range of specific instances, described below.

a. **President Trump**

The most common political theme among the free responses related to concerns about the current presidential administration. A thirty-three-year-old man from California supported secession, writing:

At this current time, I sincerely believe that California should secede for various reasons. For one, the White House has been overrun by individuals that are lawbreakers, traitors to this country, and who simply cater to their extremely conservative base. As we know, California is a very liberal state. Currently, much of its (California's) policies are being ignored by the federal government. In fact, the federal government continuously tries to punish California for laws and beliefs it (the state) has in place. One example is that of forest fires when the president threatened to withhold aid to California. Yet when it came to relief to states like Texas and Alabama, two conservative states, the president did not hesitate to help. California

has one of the strongest economies in the world, yet it is being held back by states that sincerely do not believe in freedom, that sincerely do not believe in the right to vote, that sincerely do not believe in being "pro-life" (kids locked in cages can never be seen as pro-life). California needs to stay up for itself or stand by itself.

This participant makes no secret of his feelings about the current administration and offers several specific instances of why he believes the federal government is treating California unfairly.

A thirty-eight-year-old man from Florida echoed this sentiment:

Honestly, if Trump continues to stay in office and break laws and undermine the Constitution, I don't see why any state would want to continue to be part of the United States. The Republican party is complicit with his abuses of power and always protect him. This is sick and shameful.

Similarly, a thirty-year-old man from Ohio broadened the critique beyond just the president to include Congress: "California is the wealthiest state in the country. They don't need the United States to support themselves. In addition, they wouldn't have to deal with an incompetent president and Congress."

Conversely, a thirty-one-year-old man from California opposed secession for surprisingly similar reasons, but he ultimately came to the opposite conclusion: "I think it would be irresponsible at this time to secede from the US, it provides at least some resistance to the growing fascistic tendencies that are growing in the US."

A twenty-seven-year-old man from California felt whether California should secede should depend on the results of the 2020 presidential election:

I think we should wait until the next presidential election to see who becomes president. If we continue with a president like the one we have now. We will be better off being an independent nation. If we change president to a better one, we should stay in the union.

Still others, such as this thirty-two-year-old man from Florida, identified the current president as a potential factor in secession::

As a non-Californian, I would think their economic impact is a huge deal. The U.S. would be losing a lot of income. Plus, why would they? Just because they don't agree as a whole with our current prezzy? In one or five years, we could have a totally different minded president who hails from California. Secession talk is just that... talk.

b. Good Riddance

Balancing the misgivings expressed about the current administration, multiple other participants, finding fault with Californians, expressed a sense of “good riddance” if California were to secede.

A sixty-five-year-old woman from Washington wrote:

I grew up in California on the coast. Lovely place! These days it has become lawless and totally unAmerican. They should be able to go their own way. They don't act like they are a part of the United States. They support illegal immigration. They support the homeless population. They don't obey our Federal laws. Now LA wants to defund their police department!!!! I say let them go and fend for themselves.

A thirty-four-year-old man from Florida expressed similar sentiments, writing: “California is large enough to take care of itself. They are too liberal in my opinion anyways and go against many American ways of life. They tax you to death and limit your freedoms. I vote that we let them fend for themselves.” Similarly, a forty-one-year-old man living in California wrote:

I think it would be fantastic if California left the United States and became its own nation. Democrats would never win another national election, and the financial burden that California places on the rest of the country would now just be the problem of California. I could finally leave this god awful state and live in a country that doesn't include the ridiculous amount of corruption and insolvency and punitive tax policies and regulations that California has. Eventually an independent California would collapse, and the United 49 would be able to take it back, restructure it, and prevent the lopsided vote fraud that persists every year that keeps the ruling class currently in power from abusing its residents.

This participant may have been writing off-the-cuff, but he seemed to have a thought-out expectation of the eventual outcome of secession.

While most of those with evident negative feelings toward California were in favor of secession, not all participants automatically equated distaste for California with a desire for it to secede. For example, a thirty-one-year-old woman from Missouri was not sure whether seceding was the right plan but held strong views about California nonetheless: “California is by far the worst state when it comes to the politics and overall ideals. I am not sure what the consequences will be if California were to secede, so this is why I am not sure.”

4. Precedent

Several participants expressed concern that California secession would set a precedent that might lead other states to secede as well. For example, a sixty-five-year-old man from Florida wrote:

California is a state that has benefitted from association with the remaining other 49 states and territories. It is not in the national interest to let them secede. It would also set a precedent that would possibly fracture the rest of the nation. Due to federalism that have the autonomy that a state has and it is impertinent to think they deserve more. If they did secede the compensation that would be due to the rest of us would be unimaginably large. This idea should be squashed.

This participant considers the question of California secession solely through the lens of the impact it would have on the U.S. and seems to feel that good manners should determine questions of secession (i.e., that it would be impertinent for California to secede). This sentiment frames California as a disobedient child or similarly personified entity.

Others objected that there is no legal basis for California secession, such as this sixty-year-old man from Texas. Additionally, this participant seems threatened by those with political differences trying to exert control over his life.

I live in Texas, and people have been bringing up this garbage here for my entire life. This was decided in 1865. There is no legal basis for a state seceding from the Union. The only people who claim to be interested in this are those who have been unable to force their views on the rest of us. We are a democracy, and majority rules, or it's supposed to.

Similarly, a thirty-three-year-old man from California cited the Civil War in his discussion of precedent:

Secession is, first, illegal, as was determined by the Civil War. It would set a miserable precedent for other states that do not like aspects of federal law and want to secede for reasons that would scandalize a stereotypical Californian (marriage equality, immigration policy). Newly independent California's economy would be destroyed by the brand-new restrictions, tariffs, and loss of efficiency that comes with not being part of the United States's logistical and regulatory ecosystem (the opposite of why Europe wants to tighten the European Union). The United States would suffer without the revenue generated by California and her citizens. It would

lead to the false belief that one can run away from their differences and frictions.

A thirty-year-old woman from California also cited the Constitution in her argument against secession:

I do not think that a state like California can secede as most constitutional laws of the country deny a state to secede. I think California is a big state that has a lot of liberal and economic benefits to the country that is mostly conservative. We should be a beacon of internationalism, liberalism and tolerance when most states cannot.

5. Existing Divisions

Multiple participants identified existing divisions between California and the rest of the U.S. A thirty-four-year-old man from Pennsylvania supported secession for this reason:

Silicon Valley has outsize influence on the culture, and something needs to be done for the sake of everyone else. The state is overwhelmingly blue, with most of its money coming from the entertainment industry, and in many ways is separated from the reality of living in America. Why not let it govern itself?

Similarly, a thirty-eight-year-old man from California wrote:

I think California is able to sustain itself without any help from the federal government. California ends up paying a lot of money to fund the poorer states, like the ones in the south, which in turn treat us like crap. California is very progressive and forward thinking, and has an economy that is always growing.

Conversely, a thirty-five-year-old woman from California opposed secession despite divisions within Californians:

I think most people in California would not agree about separating out of the US. For me I don't see the reason for it even though we're considered the 3rd biggest economy in the world. The people who are pushing for secession are just unhappy groups who feel very ignored and don't have a say in politics or views. It's a bit extreme for them to push for secession, but personally I only feel that it just divides people by putting this topic up front. It's not my interest at all for the state to leave the US, I want it to stay because California is a huge part of the US's economy as well.

And a fifty-five-year-old woman from California recognized the clear division between California and the rest of the U.S. but was unsure if secession was the best way forward:

My first instinct is that we should secede from the United States. In many ways, I feel like we are already apart in views and attitudes from the remainder of the country that it seems we are half-way there. The nation has shown some ugliness in the past few years that I never imagined growing up. I think I was naive partly because I grew up in California where people had more accepting views of other people, ethnicities, religions, etc. Suddenly I am aware of the hatred and bigotry that is all around and it scares me. We did very well with this pandemic by listening to our state leaders. And I suspect, we would do well on our own were we to secede. My only hesitation is that I don't know all the ramifications that would come with that (things I haven't thought through... i.e. Social Security, taxes, retirement, healthcare). I am sure there are many things that I have not enough remotely considered. And some of those might sway me.

6. National Identity/Civil War

In addition to the other beliefs expressed in the responses presented earlier, a sense of nationalism was also present in some participants' responses. For example, a thirty-year-old man from California wrote: "Our nation is one nation, and we become the best nation in the world because of our solidarity and union." Similarly, a thirty-eight-year-old man from California identified strongly as an American: "California is tied to the history of the USA. It is a major tax revenue giant. The country is much better off together than apart. Last, I strongly believe in my American identity."

Some participants were concerned that secession could lead to civil war or other forms of violence. A sixty-one-year-old man from California wrote:

While the current state of affairs in the US angers me, I think we are best off using the system to change the United States rather than secede. If we were to vote to secede, it may actually lead to a violent confrontation. We would need to mobilize a California military to defend us not only from other countries but the United States as a whole. We would be too valuable for the rest of the US to allow us to secede easily. I would rather try many other avenues before going as far as secession.

A thirty-five-year-old man from Massachusetts was similarly concerned about civil war, but from a personal perspective:

I would prefer that it remain in the union because it would not benefit me at all for it to split, particularly where I am so far away from it. I also think that it would cause a civil war and the effects of that would

likely cause millions and millions of death. I think my life would be ruined in such a circumstance.

7. Self-Determination

Finally, one participant, a forty-four-year-old man from Michigan, supported secession largely due to a belief in self-determination:

Hey, if the bear republic wants to be independent, then sure, go on with it. I am very much a "Don't Tread on Me." type. My attitude is, put it to a vote and if a majority of the population wants it, then go on with your bad selves. Lets keep it real, London is closer to Moscow, mileage wise, than Sacramento and Washington DC. So I say yes, if the residents of Cali want to be independent and every citizen of the state gets their say in the matter, via a vote, then sure, they should be independent.

Nevertheless, at least one participant, a seventy-two-year-old woman from Kentucky, could not fathom why California might wish to secede, writing: "Well, I never heard of this happening. I would vote if I could for California to remain part of the United States. Why in the world would they want to do this?"

VI. KEY TAKEAWAYS FROM THE EMPIRICAL DATA

Taken together, these findings demonstrate the complexity of the perspectives that people hold regarding California secession. We expect the complexity of these findings to mirror people's attitudes and opinions about other secession initiatives, such as those of other U.S. states or regions of other countries. Coalescing such disparate views into "a clear majority on a clear question"⁸⁵ will likely be a key challenge for many secession efforts.

Many participants presented compelling arguments for California remaining part of the U.S. Some participants offered perspectives that mirrors the one presented earlier in this article—that there is no legal basis for secession. Even if secession were legal, participants expressed that California and the rest of the U.S. are stronger together, and that remaining unified can potentially help balance the more extreme perspectives found in different regions of the country. Additionally, remaining unified would not open a Pandora's box of logistical difficulties.

Nevertheless, if secession were to occur, the separation of California from the U.S. would likely cause many of both the benefits and harms that participants identified. There would be substantial challenges

⁸⁵ Reference Re Secession of Quebec, 2 SCR 217, 221 (1998).

in the process, travel would be more difficult, and flags would need to be remade. But perhaps a split between California and the U.S. would mean that non-Californian taxpayers (such as one participant in this study) would no longer need to worry that their tax dollars might go to California, and Californians could happily chart their own future. Ultimately, secession would be logistically challenging, but perhaps some political distance would soothe both sides.

While California is only one part of one nation, it is nevertheless a powerful presence on the global stage. California is the fifth largest economy in the world,⁸⁶ and, therefore, has an outsized and important economic standing around the globe. As the saying goes: “As California goes, so goes the nation.”⁸⁷ The magnitude of ripple effects that would follow a California secession could be substantial. Secession would shift alliances among California, the rest of the U.S., and many other countries. It would likely lead to greater polarization between California and the rest of the U.S. Ultimately, it would lead to profound shifts in how the technological, agricultural, entertainment, and other industries adapt as California separates from the U.S.

VII. CONCLUSION

There is currently no legal or constitutional pathway for the secession of California. Nevertheless, a non-trivial percentage of U.S. residents support such a secession. This article has offered a range of perspectives from U.S. residents about why California should remain part of the United States, or why it should secede.

Principles drawn from both the legal analysis and empirical research described in this article could help situate a potential future California secession in both a historical and present-day context. Beyond the current legal permissibility of secession, recognizing both the benefits and harms that could accrue from secession, to both residents of the seceding territory and the broader nation from which it secedes, could help frame the transition in a way that mitigates the potential for intra-nation hostility and violence. Additionally, having plans in place to address the logistical complexities that will inevitably arise, including both the

⁸⁶ Thomas Fuller, *The Pleasure and Pain of Being California, the World's 5th-Largest Economy*, N.Y. TIMES (May 7, 2018), <https://www.nytimes.com/2018/05/07/us/california-economy-growth.html> [<https://perma.cc/JG6L-SJRE>].

⁸⁷ Steven Davidoff Solomon, *As California Goes, So Goes the Nation? The Impact of Board Gender Quotas on Firm Performance and the Director Labor Market*, HARV. L. SCH. F. ON CORP. GOVERNANCE (Mar. 8, 2019), <https://corpgov.law.harvard.edu/2019/03/08/as-california-goes-so-goes-the-nation-the-impact-of-board-gender-quotas-on-firm-performance-and-the-director-labor-market/> [<https://perma.cc/NFD8-3KFA>].

concrete impacts on the well-being of residents (e.g., national infrastructures) as well as those with more abstract implications (e.g., changing flags), could help address the multitude of concerns and objections that will be raised. Awareness of and explicit engagement with the precedents set by other secessions and secession attempts could also normalize California secession by positioning it in a global context, rather than as an exceptional national case.

It is possible that, in the coming decades, both global and national circumstances (e.g., climate change and growing political and social divisions) could increase the likelihood of California secession. Climate change could lead to global instability, both in the U.S. and elsewhere. Scholars who study the rise and fall of human civilizations have identified reductions in sociopolitical complexity, such as the breakup of existing political units, as one possible manifestation of such challenges.⁸⁸ While there are many proximate causes for any political breakup, Brexit, the secession of South Sudan, the splitting of Czechoslovakia, and the secession of Timor-Leste from Indonesian could all be seen as instances of this phenomenon. The secession of California could be another such instance.

Historically, when other countries experienced secessions, some have been peaceful and others violent. We believe it is instructive and salutary to explore the topic of California secession now, in order to understand its roots and sources of support and opposition more fully, so that, were it ever to become a real possibility, peaceful precedents would be readily available to help guide decision-making.

⁸⁸ TAINTER, *supra* note 63, at 4.