

Supportive References

How to Split the State

By MICHAEL WARNKEN

CalWatchdog

This issue of Splitting California into two or more states has come into the greater public eye once again. This matter is dredged up every few years by a different group of Californians who are not happy with current arrangements. A recent proponent was Riverside County Supervisor Jeff Stone.

However often the issue of splitting the state has been brought up, the actual splitting has never occurred. This leaves the question for many of us: How does a state get split? The further question that needs to be asked and answered is: What needs to occur in order to actually cause a State to split?

The process of splitting a state is codified in Article IV Section 3 of the U.S. Constitution: *“New States may be admitted by the Congress into this Union; but no new States shall be formed or erected within the Jurisdiction of any other State; nor any State be formed by the Junction of two or more States, or parts of States, without the Consent of the Legislatures of the States concerned as well as of the Congress.”*

The state splitting process generally begins when a state’s legislature first votes to split the state. Once the measure passes both chambers of that state, it is submitted to Congress. Once there, the matter is discussed. If both chambers of Congress vote to pass it, the state can then be split.

There seem to be two options on how a state can split. In the first instance, the state decides how it’s going to be split before sending the proposal to Congress.

In the other instance, the state does not decide how to split itself before the bill is sent to Congress. Congress generally establishes a partition committee once the bill to split a state has been affirmed by Congress.

Partition committees are quite important to the splitting process. When a vote to split a state occurs, there are many details that must be worked out. These details include what resources are to be partitioned to which new state, how any existing state debt will be distributed between the two new states and how the state Constitution will be addressed or changed by the new states. A key component of a partition committee can include how to draw the lines and how many new states may be created. So, proponents may be a bit ahead of themselves by drawing such maps.

What If Congress Chooses Not to Act?

What happens if the state itself votes to split, but Congress either fails to take the matter up, or chooses not to? That was the case in 1864, when Californians passed a ballot initiative to split California and the Legislature voted and passed it as well. Unfortunately, Congress chose not to discuss it and the matter was left undecided. This poses a problem, but needs to be examined.

If an existing state is too small to divide and yet tries to split, it would be argued that Congress has a material interest in acting as a check to stop the process. If, for instance, Vermont tried to split itself into two or more parts, many would see that the resulting new states would be too small in both size and population and should not have the benefit of another U.S. House member, much less two more U.S. Senators.

However, considering the sheer size of California and its population, not to mention the size of our economy, some have suggested that California is a de facto country of its own. One would think that any attempt for California to split into two or more states would not run into the same problem.

In my opinion, Congress should vote to support California splitting. If Congress lets the issue die, as it did in the 1864, then we have a real dilemma.

California could have other options if Congress chooses not to act. Article IV, Section 4 of the U.S. Constitution guarantees:

"The United States shall guarantee to every State in this Union a Republican Form of Government...."

If Congress chooses not to pass such a split of California, that provision could be invoked in the the federal courts if manageable standards could be advanced. (I believe they could be.) Though it is not clear if such a process would be successful, it could help to build the political pressure needed to force a split.

The only other remedy to split a state is would be a direct appeal by California to the other states to call a Constitutional Convention, following Article V of the Constitution. The Convention would change the process of splitting a state. This would a very long and difficult procedure.

History of State Splitting in America

The very first state to split was New Jersey. For a brief time there was a West and East Jersey. This happened in 1676, but the experiment was short lived and the two parts were reunited in 1702 as modern day New Jersey. At that time, New Jersey was still a colony and it is not clear what caused the splitting or reunification to occur.

The next split to take place was Vermont. It was formed from the Northeast corner of New York state, in an area for which there were land claims by New York, New Hampshire and even Massachusetts. In 1777, the locals living in the area of this cross-claimed land themselves took title (it seems unilaterally) and formed "The Republic of New Connecticut," declaring it an Independent country. Six months later, at a constitutional convention, 72 delegates adopted the name of Vermont.

In 1791, Vermont became the 14th state. It was Vermont's circumstances that led to the creation of Article IV Section 3 at the Constitutional Convention held in Philadelphia by the Founding Fathers. They realized that there may be a need for states to split or even be able to combine two or more states into one. This is what led to the constitutional codification.

Maine became the first post-colonial state to split. It was a territory that the French and English fought many wars over until it was finally claimed by Massachusetts in the mid-

18th Century. Maine is not physically attached to Massachusetts and was called “an exurb.” Until Maine was formed as its own state, representatives were sent to the Massachusetts statehouse to represent the citizens in the Maine territory.

In 1807, disputes over land grants in Maine led to a vote in the Massachusetts Assembly to split the state. That vote failed.

However, the first step to actually split did occur. There is one key reason why. Massachusetts was well represented in the lower chamber of its legislature in those days. In fact, there was about one representative for about every “150 ratable polls” (one representative for every 150 white men over age 21) in its lower chamber, far more than any other state at the time or even now. In 1812, there were representatives in the Massachusetts lower chamber. It is likely the high level of representation led to the state considering the split, even though the split was voted down.

During the War of 1812, the British captured and took control of Maine, but then it was released back to Massachusetts after the war. So, for a time, representatives were no longer sent to the Massachusetts legislature. Massachusetts finally voted to allow Maine to become a State in 1820 as part of the Missouri compromise to keep the balance of slave states and free states.

Virginia is the greatest splitter of all. It began as one of the first and oldest colonies and then grew to the point in which encompassed the area of West Virginia and Kentucky. It was these latter areas that separated from Virginia to form their own states that we recognize today.

Kentucky split from Virginia and became the 15th State in November of 1861 as part of the secession movement. Kentucky citizens formed a convention and voted to secede from Virginia. Kentucky does not appear to have invoked Article IV, Section 3 in its formation. It seems that this was done summarily after Virginia seceded from the Union.

West Virginia followed a similar pattern to Kentucky. Since Virginia became a Confederate state, the people residing in the northwestern portion of Virginia formed a convention and voted to break off from the greater state, like Kentucky not asking Virginia’s consent to split. West Virginia simply applied to the U.S. Congress to become a state. The application was granted.

It appears that Maine is the only state to have split under Article IV Section 3.

How Could California Split?

There are many people who are not satisfied with the California’s current boundaries and others who believe that splitting the state would solve many internal problems. This is particularly true of people who feel they have no access to the Legislature or are simply being controlled by factions of the state who do not share their interests.

However, with the number of attempts that have been made, it is clear that a good deal more political will needs to be developed to advance a breakup.

The key question: What would need to happen in order to push a successful split forward? The answer lies with an issue more obscure than the intricacies of state

splitting itself. The main problem is there needs to be an increase in the number of representatives in the California Legislature because the will of the people is not being expressed by this small Legislature.

Currently, California has 80 Assembly members and 40 Senators representing 28 million people.

In 1862, those same 80 Assembly members and 40 Senators represented just more than 400,000 people statewide. That is, each Assembly member in 1862 represented 5,000 people; and each state senator, 10,000.

James Madison noted in the Federalist Papers that each representative in a state legislature should represent about 3,000 people. He got that idea by looking to democracies throughout history that had successful representative government. So originally, California was not far from Madison's ideal.

Representation in California has degraded to the extent that now each Assembly member has close to 500,000 constituents and each state senator has close to 1 million. It is almost impossible for the average person to ever even meet their representative, much less feel that their concerns are heard, understood and acted upon. The more people represented by each legislator, the more power and less accountability each has. This alone is a powerful incentive to maintain the current system. It also serves to defeat all attempts to split California.

If California ever increases the number of state representatives enough to correct the people's incredibly poor access, the Legislature would likely take splitting the state. However, until then, we are simply left to drawing maps.

Michael Warnken is president of Project Commonwealth, at Projectcommonwealth.com.

CA Gov. Jerry Brown's Failed Shadow Presidency

By [Katy Grimes](#)

While California [drowns in debt](#), its [public schools are failing](#) and ranked with some of the lowest reading scores in the country, criminals are being let out of prison and jails and [crime is spiking](#), water is [cut off](#) to our farmers, illegal aliens and “refugees” are arriving in droves as Democrats are trying to pass legislation [making California a sanctuary state](#), one [dam](#) we know of may still [blow apart](#) (who knows about the rest...), [bridges](#) are falling down, [highways are crumbling](#), and Democrats flout federal election laws by allowing millions of illegals to vote, Jerry and his corrupt Democrats in the statehouse (and feckless Republicans) are introducing bills at lightning speed to add regulations, massive tax increases, more gun control, restricting more freedoms, all while prattling on about climate change and nuclear war. **My analogy:** Our house is falling down, the roof is leaking, the power and water has been turned off, the foundation is leaning, and Democrats want to borrow money at a high interest rate to put in a new swimming pool.

Jerry Brown, California's notoriously off-beat, liberal four-term governor, recently indulged adoring reporters at a press conference by saying he wouldn't rule out running for President. Again.

Brown has served as governor of California from 1975 to 1983, and then again from 2011 to present.

Running for the Democratic nomination for President is something he's done three times: in the 1976, 1980 and 1992 elections. Many speculated he would throw his hat into the ring during the 2016 presidential campaign (including me), but he instead eventually endorsed Hillary Clinton. And when Trump beat Clinton, Jerry Brown vowed to fight Trump and the administration on every policy.

Brown threatened to build a wall around California. “If Trump were ever elected, we'd have to build a wall around California to defend ourselves from the rest of this country,” Brown told a group of labor organizers, the [Sacramento Bee](#) reported.

Brown also said the country has benefited from the influx of illegal aliens.

“Some of these old white guys ought to recognize that the whole pension system would collapse if we didn't have a bunch of young people coming into this country and into this state,” Brown said. Last December, Brown said California would put up “its own damn satellites” if Trump cuts funding for certain space projects.

And While Trump has been unraveling the Obama administrations' business-killing climate change regulations and executive orders, Brown has been downright defiant, promising to adopt every EPA policy the Trump administration overturns.

President Trump announced in June that the United States would pull out of the Paris Climate Accord. He said his decision was "a reassertion of America's sovereignty", and he was "elected to represent the citizens of Pittsburgh, not Paris." As President Trump and other world leaders met in Hamburg, Germany, for the G20 summit, Gov. Jerry Brown defiantly announced in a video to the Hamburg Climate conference that Trump does not speak for most Americans when it comes to dealing with environmental concerns.

And then Brown shamelessly traveled to China, met with President **Xi Jinping** (at the governor's request), to discuss a more commanding role for China in fighting climate change.

Brown announced his own climate summit, to be held this month in San Francisco.

"It's brazen on several levels," from "stepping on the president's trip" to "thinking he speaks for the American people," said Bill Whalen, a longtime GOP strategist and research fellow at Stanford's Hoover Institution. The San Francisco summit is not likely to accomplish much, Whalen said, besides gathering people to "collectively thumb their nose at the American president."

It's as if Jerry Brown is operating as a shadow President, negotiating international climate change policy with foreign leaders. But wait... isn't Jerry the governor of one state within the 50 United States?

Brown has been a vocal critique of President Trump on nearly every issue, including Trump's State of the State speech earlier this year, specifically targeting Trump's immigration policies and defending climate science. This constant disparagement of President Trump only serves as a reminder that Jerry Brown has three Presidential run losses to Trump's big win, and makes Brown look petty and scornful.

And now Brown announced he is heading to Russia to push climate change with regional and world leaders. Brown will be attending the Eastern Economic Forum and said it will be "an occasion to promote investment and strengthen the state's commitment to decarbonizing the economy," the Sacramento Bee **reported**. It's as if Gov. Jerry Brown thinks chatting up world leaders about climate change will undermine Donald Trump.

The Devious Gov. Brown: Obstructionist in Chief

The man who desperately wants to be President—even if he has to play shadow President—is the great force behind the decline of California.

Jerry Brown “is mulling ways to prevent the end of the world,” according to the SacBee. “I think the world is getting closer to the brink of destruction,” Gov. Brown said, sounding like a Mad Scientist. “It’s bad. And there is goofing off on a bunch of sidebar activity, in my opinion. What we have to do is everything possible to at least start talking.”

In an attempt to lock in environmental protections before President-Elect Donald Trump took office, Brown sent a letter to then-President Obama saying that allowing any new oil and gas drilling would be detrimental to climate change goals and reducing reliance on fossil fuels.

President Barack Obama released a plan in November 2016 to ban any new drilling off the coasts of California, Oregon or Washington until 2022.

A six-year ban on oil and gas drilling wasn’t enough for Gov. Jerry Brown, whose ploy was another in a long line of maneuvers to set California apart from the rest of the country on climate change policy, and to end-run Trump, who announced prior to taking office plans to roll back environmental policy at the Environmental Protection Agency.

Gov. Brown and fellow state legislative Democrats have operated a sort of shadow government in California when it comes to climate change laws and policy. And in doing so, are continuing to preempt President Trump. Getting Obama to sign a permanent ban on oil and gas exploration in California was a devious obstructionist move, but not one that can’t be overturned. The Real State of the State

California’s unemployment insurance system is stuck in a deep hole, with the state paying out about \$5.5 billion a year in jobless benefits. I have been reporting for years about the \$10 billion the State borrowed from the federal government to cover the payments.

Jerry’s High Speed Train project, doomed from the beginning as nothing more than a cash cow for cronies, has been besieged with problems from the beginning, including many legal troubles, is his Jonah. But he stubbornly refuses to give it up, wasting millions of taxpayers’ funds with nothing to show for it. And his misguided Delta Tunnels project isn’t any better. Both projects are bold reminders that today’s Democrats are incompetent leaders, and even worse project managers.

Destroy the middle class in America, and Socialism takes over, all economic growth is killed, people turn on each other, free speech is attacked, the

government grows and becomes more tyrannical, and individuals are not treated equally under the law. Hmm, sounds familiar, doesn't it?

And, subsidies grow as it becomes more "profitable" not to work. The magical California job creation engine has shifted from a healthy manufacturing economy, to a service economy—from high-paying jobs with benefits and growth potential, to low-wage, nowhere minimum wage jobs.

Californians, gird your loins in anticipation of the tax onslaught.

Rather than creating policies to make California a healthy business state once again to incentivize businesses, Jerry Brown and California Democrats have instead created a permanent poverty class, by only focusing on low-paying jobs, treating the symptoms instead of curing the disease. Every increase in the state's minimum wage serves only to boost job creation in Arizona, Texas and Nevada.

Add California regulations and highest in the nation taxes into the mix, and it's goodbye 'California Dreamin' and hello Pine Bluff, Arkansas, Monroe, Louisiana, or Albany, Georgia, the poorest cities in America, according to [24/7 Wall Street](#). In 2016 I wrote: *State leaders could have used the recession as a starting point to implement measures to pay down the debt, and end the abusive budgeting tricks and games. Instead, California has an ongoing exodus of businesses and wealthy individuals, coupled with a growing illegal immigrant class, a recipe for disaster.*

And Governor Moonbeam, in his Shadow Presidency, is mulling ways to prevent the end of the world.