

F.H. Buckley, *American Secession: The Looming Threat of a National Breakup*. New York: Encounter Books, 2020. Appendix, statistical tables, notes, index, 170pp.

Reviewed by Walter L. Williams

On the last page of text, George Mason University law professor F.H. Buckley reveals that he favors keeping the United States intact. This is a strange conclusion, because the heart of this important book offers many reasons why it would be better if the United States breaks up into smaller nations. In particular, he highlights many advantages that the progressive west coast states would gain if they leave the United States.

In suggesting secession, Buckley does not justify the 1860s Southern Confederacy, where five million white Southerners seceded in order to preserve their enslavement of three million African Americans. Because the secessionists' motive was wrong, he says, the federal government was justified in militarily suppressing the Confederacy in order to bring an end to an evil institution.

The Civil War, which gave secession a bad reputation in America, was a fundamental constitutional crisis demonstrating that "our Constitution proved incapable of resolving the differences among us" (p.15). Today, he says, we are in a second constitutional crisis. He cites a poll in which 39 percent of Americans want to secede (p.12). This is because, while the Pacific states and the Northeast are moving in a more progressive direction, the heartland is becoming more conservative. This fundamental split produces an almost even division that results in gridlock in Congress. To fill the void, activist presidents of one side or the other take actions which inevitably alienate the other half of the population.

In his Fourteen Points ending World War I, President Woodrow Wilson proclaimed the right of self-determination of peoples, and moved to break up the overlarge Austro-Hungarian Empire. Wilson's approach created out of it new small nations of Poland, Czechoslovakia, Hungary, Yugoslavia, and Romania.

In the same way, Professor Buckley says, the United States is "overlarge, and we've sacrificed the trust and fellow feeling that a common national identity used to provide" (p.17). As evidence he cites a 1964 public opinion poll in which 77 percent of Americans felt that they could trust the federal government; now that trust has declined to only 19 percent. Buckley concludes: "If we split apart, we'd be more likely to find ourselves living with people whom we trust and with whom we share bonds of solidarity. We'd be more prosperous... and more willing to look after each other with generous social welfare programs" (p.18).

A California independence campaign, calling for a "Calexit," has financial considerations as well: "In 2016 the state paid \$103 billion more in federal taxes

than it received back from Washington.... California loses billions of dollars every year supporting states whose people hate us and our culture.... California is just different. It has always been different, and that used to be something the rest of the country admired.... Now, California has become the symbol of utopian excess, and a place where conservatives wouldn't want to live" (p.19).

Prompted by this sense of alienation from the rest of the United States, the Yes California campaign wants voters to pass a referendum requiring the state legislature to issue a declaration of independence. An independent California would have the world's fifth largest economy, and a population larger than Canada or Australia. Besides a California Republic, "there's also a proposal for a new country of Cascadia, comprising the states of Oregon and Washington" (p.20).

Far from being unique, Buckley claims that secessionist sentiment is "a worldwide phenomenon supported by people from every ideological perspective. On the right, there's the New Flemish Alliance, which wants Flanders to secede from the French-speaking Wallonia in southern Belgium. On the left, there's the Parti Quebecois, which wants Quebec to secede from the rest of Canada. There are Catalan separatists in Spain and Scottish separatists in Great Britain. Secession is often accomplished without violence, as happened on the amicable breakup of Czechoslovakia into Slovakia and the Czech Republic.... If you think that breakups are always bad, do you regret the American Revolution?" (p.21)

Buckley says that we are "now living in a secessionist moment in world history" (p.24). In the 20th century many small new countries in Africa and Asia were created as a result of secessions from the large European empires, while 24 other new countries emerged from the collapse of the overlarge Soviet Union. Small nations can thrive because the fall of communism lessens the need for the powerful military that only a big nation can provide. In addition, the decline of tariffs and the rise of international free trade has allowed small states to avoid crippling trade barriers. These developments have eliminated many of the negative costs of secession, and made it a more realistic alternative.

Big nations are inherently subject to some sort of separatist challenge. India was born from the secession of Pakistan and Bangladesh, and it has used its military to suppress separatists in Kashmir, Assam and the Punjab. While China has suppressed Tibetan and Uyghur secessions, Russia lost many lands as a result of secessions from the Soviet Union. Amazonian indigenous peoples want to secede from Brazil, as do Kurds from Iraq and Turkey. East Timor and Irian Jaya want to secede from Indonesia, and both the Philippines and Nigeria have been torn apart by Muslim separatists (p.47). If virtually every large national government is confronted by secession, why would the United States be an exception?

Yet, Buckley is optimistic that secession in America today would not result in a civil war: “As Lincoln said in his second inaugural address, everyone knew that slavery was the cause of the war. Thus his decision to resist disunion was clothed with a moral authority that it otherwise would have lacked, and which would be wholly absent if a state chose to secede today.... In a recent Gallup poll, only 44 percent expressed a willingness to fight for their country, and the number would likely be far lower if one group of Americans were asked to fight another, when the moral issues are so much less compelling than slavery. Rather than fight a civil war over California’s secession, most people would likely prefer the exit option” (p.30). We are a much more mobile country today, and over half of all Californians were born outside the state. Buckley predicts that those who are strongly progressive or extremely conservative would more likely simply move to the place where they fit in.

He suggests that a peaceful separation can occur, and secession of a state can be accomplished, simply by passing a constitutional amendment. Article V of the U.S. Constitution allows anything to be proposed as an amendment, without limitation. There are two methods: either Congress can pass a resolution that is ratified by thirty-eight state legislatures, or the legislatures of thirty-four states can call a constitutional convention which will pass a resolution that is then ratified by thirty-eight states.

The Supreme Court is another way by which Buckley says secession might be accomplished. In 1869 the Supreme Court expressly denied the right of a state to secede, in *Texas v. White*. But this decision was an unsurprising legal recognition of the just-completed reunion era. Buckley suggests, however, that “were the Court to reexamine the constitutionality of secession today, it would likely take a more nuanced view of exit rights, one that leaves wiggle room for disunion. In particular, originalists on the Court who are faithful to the intentions of the Framers would be willing to recognize secession rights” (pp.34-35).

The question of a state’s right to secede within international law is suggested by Canada’s 1998 Supreme Court decision in *Reference re Secession of Quebec*. That Court decided that while there is no absolute right of separation, peaceful secession may occur if four criteria are met: 1. if there is a democratic vote with a strong majority of a province’s residents favoring secession, 2. if the secession declaration contains clear protections for minority rights, 3. if the province and the central government agree to a satisfactory division of federal assets that are located in the province, and 4. if there is a guarantee by the seceding province that it will pay its fair portion of the national debt (pp.39-42).

Buckley argues that in contemporary legal terms, and absent an oppression of minority rights like slavery, “The moral case against secession is far weaker today

than it was in 1861, and the Canadian middle way would therefore be appealing as a reasonable compromise” (p.42).

One legal argument he does not make is if California might declare its independence, on the basis that the original 1848 Treaty of Guadalupe Hidalgo between Mexico and the United States was illegal and void, since the sale of California was forced on Mexico by the U.S. army. If California offers to pay Mexico a fair sum of money for its losses, Mexico could sign a new treaty with the California Republic, recognizing it as the rightful government of the area.

Whichever legal means are used, Buckley suggests that the United States “might concede the seceding state’s independence in general, while maintaining some form of association... for example, the free movement of goods, services and people.... In any case, the barriers to secession are far lower than most would imagine, and the temptation to split apart is far greater than at any time since 1860” (p.43).

Having established the legal plausibility of secession, Buckley next turns to the issue of whether secession will be good for the people. He answers in the affirmative. First, secession would lead to more efficient government because Americans are currently so divided that the inevitable result is gridlock in Congress. Legislative inaction leads to “a dangerous shift of power to an imperial presidency, since it often takes executive dictates to get things done” (p.55). Just as in the 1780s and the 1850s, the United States is in the midst of a constitutional crisis, because “the Constitution was designed for another country, one in which people agreed on fundamental principles, and that’s not today’s America. We are divided on things that used to unite us, and we don’t like politicians who compromise on issues we care about” (pp.56-57).

These divisions lead Americans to be unhappy. Perhaps this is the reason that the U.S., despite the fact that it is by far the world’s wealthiest nation, ranks only 18th in the United Nations’ annual World Happiness Reports. In general, people who live in prosperous nations are happier, and people who live in impoverished war-torn countries are miserable. But there are exceptions: people in the largest countries, like India, China, Russia, and America, are less happy than people living in economically similar nations which are smaller. More people means less happiness.

World Happiness Reports show that people are happiest when they live in small nations that are not involved in conflicts and which have low income inequality (p.65). Consistently, the happiest people are those living in highly-taxed social welfare nations like the Nordic countries, Netherlands, Switzerland, and New Zealand. Even though Canada and Australia are geographically large, their small populations include them in the top ten happiest peoples (p.63).

One reason people in small nations are happier is that those governments are more attuned to the interests of their citizens, and consequently are less likely to have political corruption. There is a direct relationship between public corruption and wealth. People are poorer in nations with more corruption, and wealthier in nations with honest governments. An international NGO gathers data on levels of bribery of political officials, punishments meted out, and protections for whistleblowers, and publishes them as the Corruption Perceptions Index. By the calculations of the CPI, the least corrupt governments are in small nations like Luxembourg and Singapore, while the most corruption exists in large nations like Russia, China, Mexico, and Venezuela (pp.67-69).

The United States is less corrupt than other large nations, but despite our great wealth we rank only 16th on the CPI. This is because U.S. campaign finance laws allow large corporations to hire lobbyists who exert undue influence on policy, and also to bribe officials by making large political campaign contributions. In 2012, for example, lobbyists donated \$3.3 billion to politicians' campaign chests, more than all other political campaign giving combined. Buckley cites a study which shows that, "For every dollar a firm spends on targeted tax loopholes the payoff is between six and twenty dollars. In addition, they have a significantly lower probability of being prosecuted for fraud" (p.71).

The other major aspect of U.S. corruption involves corporate practices of hiring public officials after they retire from their government job. Professor Buckley reports: "About half of the congressmen who leave elective office become lobbyists, and so they'll be extra attentive to the desires of a future employer. After all, a congressman can double, triple or quadruple his salary by going on to work as a lobbyist... All this needs to be banned" (p.71).

The result is that those donors receive special regulations, tariff protection, tax subsidies, and other government assistance that benefit the corporations rather than the general public. "A classic example is the sugar industry, which benefits from tariffs that raise sugar prices 64 to 92 percent above the world average. Poorer Americans spend a greater proportion of their earnings on food, and the higher sugar prices hurt them.... It's 120 sugar producers on one side versus 330 million American consumers on the other side, and it's harder for the dispersed nationwide consumer group to act on a collective basis against the smaller, concentrated group of sugar producers.... In a big country, wasteful interest groups like the sugar lobby are easily formed... which makes big countries more corrupt.... With greater total wealth, larger countries have more swag to attract lobbyists and their clients. There are more lobbyists per capita in the United States than in small nations, since the rewards for capturing the government are so much greater here" (pp.74-75).

Thus, because a bigger nation is a more corrupt nation, Californians would benefit by seceding because they would then have a government that is less profitable for lobbyists.

The other curse of bigness is that large governments tend to throw their weight around, and try to dominate their region or the entire world. As late as 1860, when America had the great advantage of being geographically isolated with no threatening neighbors, the United States armed forces consisted of only 16,000 men. After the end of the Civil War there was very little reason for a large army, until American business interests expanding into the Caribbean prompted a change. American bigness was accompanied by business expansion across the Atlantic, and into the Pacific.

If the United States had not taken the Philippines as its colony in 1898, there would likely have been no war with Japan. When America took the horrific step to get involved in Europe's wars for the first time, in 1917, the die was cast. Arguably, if there were no U.S. involvement in World War I, that conflict would have ended in a stalemate. Without a German defeat in 1918, the conditions that led to Germany's economic collapse in the 1920s and the rise of Adolf Hitler would have been unlikely.

American policymakers seem never to learn the lesson that stationing troops abroad inevitably leads to attacks on those troops. We always hear politicians justifying intervention in other countries because of the need "to protect American interests." Left unsaid is that those "interests" often are not of Americans in general but of particular large corporations who have business investments in that country. Because corporations have investments all over the world, the United States military tries to control the world.

Buckley concludes, "Today we have an armed force of two million and a military budget that exceeds those of China plus Russia plus the next five countries combined. In 2017, global military spending was \$1,739 billion, and \$609 billion of that, or 35 percent, was spent by the United States.... Since 1991, America has dominated a unipolar world. It is no longer threatened by the Soviets, and its reach extends to every corner of the globe.... How did America abandon its happy isolation to become the world's dominant military power, with an empire of influence and strength of a kind never before seen in world history?" (p.81).

Certainly the fact that American presidents have virtually unlimited power over the armed forces, and have an incentive to use this power to increase their own popularity, is a major factor in this expansion. Also there is the self-interested growth of the extremely profitable military-industrial complex. Buckley reveals that, "Defense contractors outspend other industries in corporate donations to political action committees. Between 2009 and 2017 they spent more than \$1 billion on lobbying, and all in all it looks like money well spent" (p.82).

Buckley argues, however, that it is bigness itself which leads nations to try to dominate the world. Small countries do not have that option. It might be surmised that small nations must spend more per capita to defend themselves, but that is not what exists. Even though the large size of big countries serves as a protection against invasion, Buckley compiles statistics to show that a larger population is correlated with higher military expenditure as a percentage of GDP. “What determines the level of military spending more than anything else is simply size: more people, more military spending” (p.84).

If California seceded, it would gain an immediate financial benefit: “Of the U.S. military budget of \$693 billion for FY 2019, California taxpayers provided one-eighth, of \$87 billion.... If California saved that \$87 billion a year it now puts into military spending, that would almost pay for a single-payer healthcare system” (p.87).

Militarists loudly proclaim that huge military spending is needed to defend our freedom. “But people in other countries wonder whether the United States is really free when there are so many criminal offenses and so many people in jail” (p.89). “Washington has become the seat of a sclerotic society of special interests, hobbling the rest of us with wealth-destroying rules. Much of this is done at the administrative level.... Since no one can keep up with the flood of new regulations, and since many of them provide for criminal sanctions with no requirement of a guilty mind, a criminal defense attorney has observed that the ordinary American might easily commit three felonies a day” (p.122).

The idea that the United States is a land of freedom means little to many African Americans and Native Americans, who have, for much of our history, “labored under the most severe legal disabilities that a country could inflict upon its citizens.... Abstract rights aren’t much good when they’re merely paper rights, or when they’re denied to a portion of the population” (p.90).

Moreover, George Orwell warned, in a Preface he wrote for his book *Animal Farm*, much loss of freedom is due to “an orthodoxy, a body of ideas which it is assumed that all right-thinking people will accept without question.... Anyone who challenges the prevailing orthodoxy finds himself silenced with surprising effectiveness. A genuinely unfashionable opinion is almost never given a fair hearing” (p.91).

Buckley uses a varied set to statistics to rate levels of personal freedom in nations. What he concludes is that countries with presidents allow less freedom than countries led by parliaments, and that “less populous countries are freer than larger countries. That is what Montesquieu and Rousseau said. Both thought that smaller countries would be freer because public officials would be more responsive to their citizens.... In big nations trying to aggregate what people want will be many times more difficult.... This was also Aristotle’s argument against bigness.

When a state is overlarge, we won't know much about the character of the public officials we choose to rule us. We won't be able to monitor them.... And the bigger the state, the greater the problem" (p.94).

Large states, Buckley claims, almost inevitably lead to dictators: "Because a strong government is needed in a large state, an overly powerful executive would emerge to fill the void. He would be a unitary voice, able to act swiftly.... If bigness invites rule by a dictator, dictators also like bigness. With greater size comes grander palaces and more power to push neighbors around. The Winter Palace and Versailles weren't built by democratic rulers" (pp.95-96).

Buckley says that large countries have the advantage of an expanded free trade zone, so if a state secedes it is to its economic advantage to try to keep peaceful relations with the large government, and retain free trade without tariff barriers. Big countries also have the economic advantage of diversified economies, and thus have a basis to make large investments into infrastructure and public schools. Having a skilled educated citizenry, as well as good transportation and communication networks, mark a thriving economy.

California meets these criteria. If independent, California has the fifth largest economy in the world, and its progressive political stance would insure substantial investments in both education and infrastructure.

Though the United States has the great advantages of a large free trade zone and a diversified economy, it is so overlarge that it cannot operate efficiently. Buckley makes the analogy of business conglomerates which expanded by buying other companies in different kinds of industries. At some point they became so large and so diversified that their executives lost touch with the separate divisions, and their managers did not know how to run so many different businesses. Breaking up conglomerates increased the value of their different parts, and enormous wealth gains were produced by such breakups.

Buckley concludes, "We may need deconglomeration in the form of secession, and the people behind Calexit would be doing the political version of what happened in the corporate world" (p.102). His analysis of national economies shows that the wealthiest nations per capita are smaller nations, while "larger countries are less wealthy. The advantages of bigness, in terms of things like internal free trade, don't appear to outweigh the disadvantages.... Like a huge conglomerate whose managers are incompetent to oversee its varied divisions, an overlarge country wastes resources because its officials can't govern it efficiently.... If smaller countries such as Czechoslovakia could benefit from a breakup, then wouldn't large countries like China, Russia and the United States benefit even more? We're too large and too centralized, like a 1970s conglomerate. (p.107)

On the other hand, Buckley recognizes there are disadvantages to secession. If a struggle to secede goes on for decades, as has happened in Canada concerning Quebec, there is so much attention diverted from other issues of government that the entire nation suffers. This criticism suggests a need for secession, if it occurs, to be done quickly so as to minimize transactional costs.

Buckley concludes, “When our country is so overcentralized in governance but so divided politically, when the level of mistrust is so high, when partisan rancor blocks needed reforms, the costs of secession might be smaller than the costs of remaining united” (p.107).

If the thrust of Buckley’s book is a bang of analysis showing the advantages of secession, it ends on a whimper, in a chapter titled “Secession Lite.” He introduces James Madison’s concept that a state can “interpose” itself to prevent enforcement of a federal law within its borders. This doctrine of *interpositioni* is essentially being used by California in its non-enforcement of federal drug laws and immigration restrictions. The federal government cannot force state officials to aid in the enforcement of such unpopular laws, and local juries will not convict those who are accused.

Another chapter “Home Rule,” suggests the model that was used in the British Empire to offer a halfway measure for Canada, Ireland, and eventually other colonies. While such plans offer a way to prevent destructive wars of independence, these cases show that independence was better in the end. Allowing home rule for domestic matters would certainly be an improvement, but in addition many Californians object to America’s endless wars. Californians would want their own foreign policy, particularly to establish more friendly relations with China, California’s largest trade partner.

If the United States were broken up, there might be less inclination for a belligerent foreign policy by the federal government. “It’s only larger countries that seek to dominate their region, or the world” (p.133)

Despite these differences, a 2017 poll found that 58 percent of Californians preferred to remain in the United States. The Calexit movement has convinced only a quarter of the state’s population to support secession (p.131). No doubt many would fear outbreak of war if California secedes, and any independence effort must be committed to a nonviolent separation. Certainly, California secessionists should not make the same mistake that the Southern Confederates made in 1861 when they fired on Fort Sumter. This Southern aggressive act rallied Northerners to engage in a war to prevent secession. If Californians avoided violence, would Americans in other states volunteer to fight in a war of conquest? As Buckley admits, it would be doubtful.

Buckley ends his book with a plea that “what is needed is moderation from both sides, left and right, but especially the left, in their desire to enforce their ideas

about the good upon the rest of us” (p.134). After all the evidence he compiled to show the disadvantages of overlarge nations, and the nature of the fundamental differences currently dividing Americans, his appeal for moderation falls flat.

Readers can well appreciate the wide range of perspectives offered by Professor Buckley, from Enlightenment philosophers to current international comparative statistical analysis, without ending up with his “why can’t we all just get along” stance. The thrust of this important book suggests that Californians, and citizens of Oregon and Washington as well, would be happier, more politically stable, and better off economically, if they secede from the United States. Just as the American patriots of 1776 seceded from the overlarge British Empire, it is time for people of the progressive west coast states to secede from the overlarge American Empire of today.