

As the European Union struggles under the reality and threat of countries or regions leaving it (as discussed in "Humpty Dumpty in slow motion"), it might be thought that the United States of America represents a haven of stability. But the Southern Confederacy was not the first or last word on secession, which history shows is as American as apple pie, writes Joseph E Fallon..

The United States was founded upon the concept of secession. Not once, but twice. First, in 1783, when colonies seceded from the British Empire. Second, in 1788, when states seceded from the United States. From 1788 to 1861, it was recognized by such leading political figures as Thomas Jefferson, Alexander Hamilton, James Madison, father of the U.S. Constitution, and John Quincy Adams that a state or a group of states, North, South, East, or West, had the legal right to secede from the Union, if their citizens so wished.

In 1783, by the Treaty of Paris, London recognized the independence of 13 colonies, which banded together as the United States of America. Their constitution was the Articles of Confederation and Perpetual Union. It required unanimous consent on political decisions. Article XIII declares -

"the Articles of this confederation shall be inviolably observed by every state, and the union shall be perpetual; nor shall any alteration at any time hereafter be made in any of them; unless such alteration be agreed to in a congress of the united states, and be afterwards confirmed by the legislatures of every state."

In 1787, a Constitutional Convention was called by the Congress of the United States *"for the sole and expressed purpose of revising the Articles of Confederation and reporting to Congress and the several legislatures such alterations and provisions therein as shall when agreed to in Congress and confirmed by the States render the federal Constitution adequate to the exigencies of Government and the preservation of the Union."*

Constitutional Convention was held in Philadelphia, Pennsylvania from May 25 to September 17, 1787.

The convention drafted a new constitution in violation of the expressed legislation authorizing the convention only to propose amendments to the Articles of Confederation and Perpetual Union, making the drafted document illegal.

The proposed constitution was unconstitutional, since it sought to replace the Articles of Confederation and Perpetual Union, the existing government, without unanimous consent.

Rhode Island boycotted the convention. Lacking attendance by all the States in the Union raised a question of the legitimacy of the Convention at the very start.

Seventy delegates were appointed by the twelve States willing to attend the Convention, but fifteen (20 percent) of those appointed refused to do so.

Fifty-five delegates did attend, but of those sixteen (nearly 30 percent), including the majority of the delegates from New York and Virginia, and half the delegates from Georgia and Massachusetts, refused to sign the final draft of the proposed new Constitution.

The proposed constitution stated in Article VII - *"The Ratification of the Conventions of nine States, shall be sufficient for the Establishment of this Constitution between the States so ratifying the Same."*

The nine states ratifying the new constitution seceded from the government of the United States under the Articles of Confederation and Perpetual Union to create a new government, and for two years, a new country with new borders. Soon 11 of the 13 States ratified the new constitution. North Carolina and Rhode Island, at first, refused to join the new union, and remained sovereign, independent republics until 1789 and 1790 respectively..

This secession by 11 states and the independence of North Carolina and Rhode Island was justified by James Madison, in The Federalist No. 43: *"What relation is to subsist between the nine or more States ratifying the Constitution, and the remaining few who do not become parties to it? In general, it may be observed, that although no political relation can subsist between the assenting and dissenting States, yet the moral relations will remain uncancelled. The claims of justice, both on one side and on the other, will be in force, and must be fulfilled..."*

Some delegates, however, sought to insert a clause in the proposed constitution prohibiting the future right of secession to States acceding to this new union. They advocated granting powers to the federal government to use force to suppress any future secessions.

Madison rejected the proposal declaring *"a union of States containing such an ingredient seemed to provide for its own destruction."*

Alexander Hamilton concurred; writing in The Federalist No. 16: *"The first war of this kind would probably terminate in a dissolution of the Union"*

In addressing the ratifying Convention of New York State, Hamilton declared: *"...to coerce the states is one of the maddest projects that was ever devised. A failure of compliance will never be confined to a single state. This being the case, can we suppose it wise to hazard a civil war?...A complying state at war with a non-complying state; Congress marching the troops of one state into the bosom of another...Here is a nation at war with itself. Can any reasonable man be well disposed towards a government which makes war and carnage the only means of supporting itself — a government that can exist only by the sword?"*

Within eight years of the ratification of the U.S. Constitution, the first secession movement arose. In 1796, fearing the election of Thomas Jefferson as the successor to Washington, New England states led by Massachusetts, sought independence from the United States. When John Adams defeated Jefferson and became second President of the United States, New England secessionism subsided. It flared up, again, in 1800 when Jefferson was elected the third President of the United States. And, again, in 1803 when President Jefferson purchased the Louisiana Territory from Napoleon.

A leader of New England secessionists was U.S. Senator from Massachusetts, Timothy Pickering, who previously served as George Washington's secretary of state and secretary of war. In 1803, Pickering wrote: *"I will rather anticipate a new confederacy, exempt from the corrupt and corrupting influence of the aristocratic Democrats of the South."*

U.S. Senator from Connecticut, James Hillhouse, agreed declaring:

"The Eastern States must and will dissolve the union and form a separate government."

President Thomas Jefferson, a principal author of the Declaration of Independence, response to the New England secessionist was one of support. In 1803, Jefferson wrote: *"God bless them both, & keep them in the union if it be for their good, but separate them, if it be better."*

In 1804, writing to Dr. Joseph Priestly, President Jefferson declared: *"Whether we remain in one confederacy, or form into Atlantic and Mississippi confederacies, I believe not very important to the happiness of either part. Those of the western confederacy will be as much our children and descendants as those of the eastern... If there was a separation in the future, I should feel the duty & the desire to promote the western interests as zealously as the eastern, doing all the good for both portions of our future family which should fall within my power."*

New England States would seek secession from the United States again in 1811 over the admission of the State of Louisiana into the Union, and again in 1814-1815 over "Mr. Madison's War" (The War of 1812) at the Hartford Convention.

In 1816, Jefferson reaffirmed his support for the legal right of a state to secede from the Union. In a letter to Mr. W. Crawford, Jefferson wrote: *" If any state in the Union will declare that it prefers separation . . . to a continuance in the union, I have no hesitation in saying, let us separate"".*

In 1839, John Quincy Adams, Secretary of State, Sixth President of the United States, member of Congress, delivered an address celebrating the Jubilee of the U.S. Constitution. In it, he affirmed the principle of secession. *"But the indissoluble link of union between the people of the several states of this confederated nation, is after all, not in the*

right

, but in the

heart

. If the day should ever come, (may Heaven avert it,) when the affections of the people of these states shall be alienated from each other; when the fraternal spirit shall give away to cold indifference, or collisions of interest shall fester into hatred, the bands of political association will not long hold together parties no longer attracted by the magnetism of conciliated interests and kindly sympathies; and far better will it be for the people of the disunited states, to part in friendship from each other, than to be held together by constraint."

In the 1850s, New York, New Jersey, Pennsylvania, Delaware, and Maryland, called "the middle states", represented 40 percent of the U.S. economy. A powerful secessionist movement arose

in these states calling for them to form a separate country. On the eve of the Civil War "leading opinion makers in these states advocated either allowing the Southern states to secede in peace; seceding and joining the Southern Confederacy; or seceding to form a separate nation comprised of the Middle Atlantic states."

At that time, in 1859, the abolitionist, William Lloyd Garrison, called for the northern states to secede from the United States. *"By the dissolution of the Union we shall give the finishing blow to the slave system."*

When the seven "Deep South" states seceded in 1860-61, many Northern newspapers upheld their legal right to secede and advocated a peaceful separation. The Bangor Daily Union editorialized on November 13, 1860 that
"The Union depends for its continuance on the free consent and will of the sovereign people of each state, and when that consent and will is withdrawn on either part, their Union is gone."
The New York Tribune
wrote on December 17, 1860 that
"If tyranny and despotism justified the Revolution of 1776, then we do not see why it would not justify the secession of Five Millions of Southrons from the Federal Union in 1861."
The Kenosha, Wisconsin Democrat
editorialized on January 11, 1861 that
"Secession is the very germ of liberty . . . the right of secession inheres to the people of every sovereign state."

As James Madison wrote in Federalist Paper Number 43 "On what principle the Confederation, which stands in the solemn form of a compact among the States, can be superseded without the unanimous consent of the parties to it?...by recurring to the absolute necessity of the case; to the great principle of self-preservation; to the transcendent law of nature and of nature's God, which declares that the safety and happiness of society are the objects at which all political institutions aim, and to which all such institutions must be sacrificed..."

Secessionist movements continue in the United States to this day. They are advocated by both the right and the left. Secessionism is promoted for regions such as "Cascadia", which would unite Washington, Oregon and Idaho, and individual states such as, Vermont, Texas, California, Alaska, and Hawaii.

Hawaii would appear to have an immediate advantage. In 1993, the U.S. Congress enacted and

President Bill Clinton signed into law, United States Public Law 103-150.

Section 1 (1) reads: The Congress “- on the occasion of the 100th anniversary of the illegal overthrow of the Kingdom of Hawaii on January 17, 1893, acknowledges the historical significance of this event which resulted in the suppression of the inherent sovereignty of the Native Hawaiian people”.

Section 1 (3) ...The Congress “- apologizes to Native Hawaiians on behalf of the people of the United States for the overthrow of the Kingdom of Hawaii on January 17, 1893 with the participation of agents and citizens of the United States, and the deprivation of the rights of Native Hawaiians to self-determination;”

By this admission, subsequent annexation and statehood were illegal. There is a saying among Hawaiian secessionists: “Last star on, first star off”.

Secessionism, win or lose, is as American as apple pie.

Joseph E Fallon is a Research Associate of the U K Defence Forum