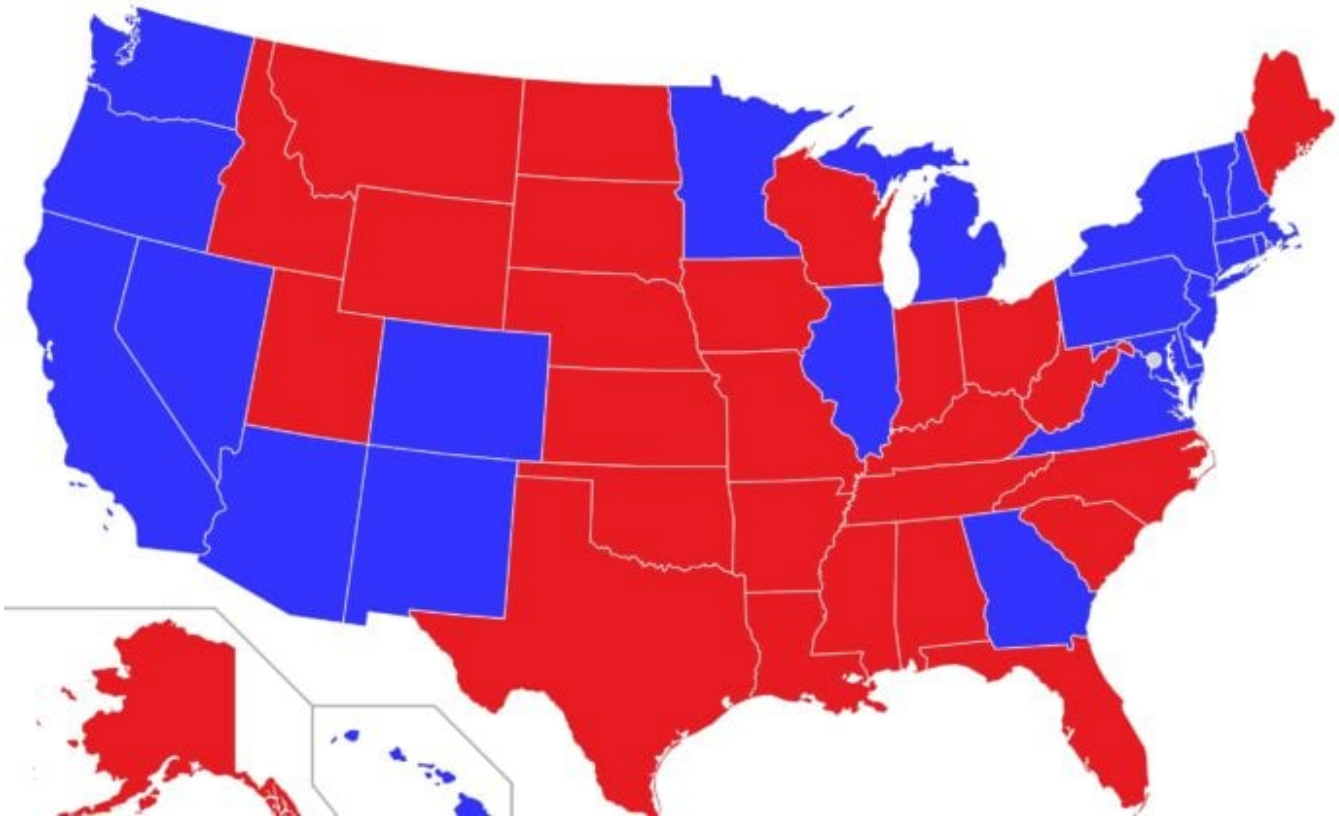
Should America Divorce?



by Lee Smith

With the Civil War, America was split by region, north and south. Today it's worse—the country is divided not just politically but by class, race, and sex, too. Left and right, blue and red, have different values and thus dream differently for themselves and their families and hold competing ideals for the country they share. It hardly comes as a surprise then that so many are asking whether we should part ways before the divide gets even worse.

"We are very much a divided country," says F.H. Buckley, author of "American Secession: The Looming Threat of a National Breakup." "We don't agree about basic things. In the past, I think we all agreed about ends, about what we wanted of America, and we disagreed about how to get there. But now we disagree about ends; we disagree about the basic nobility of the American Revolution, about the founders of a country,

about a lot of basic beliefs that formerly all were held in common, the idea that marriage is a good thing, and so on. And so, unsurprisingly, that's led to people saying, 'Do we really belong together in one country?'

Buckley is a foundation professor at George Mason University's Scalia School of law, and I spoke with him in a recent episode of "Over the Target." He says he doesn't necessarily support secession, though he believes that "there is nothing per se wrong or objectionable about the idea of secession. If you think secession is always and everywhere a bad thing, then I guess what you're saying is that the American Revolution was a bad thing."

Typically, however, the secession debate leads back not to America's declaration of independence from the British crown, but rather to the southern states' departure from the union a little less than a century later. The crisis came to a head under the presidency of James Buchanan, "usually reckoned for some reasons as the worst American president, or one of the worst," says Buckley.

He says his book is partly an effort to rehabilitate Buchanan. Faced with South Carolina's decision to secede from the union, Buchanan believed it was a mistake and illegal, but that finally there wasn't much he could do about it. As Buckley characterizes the thinking of the 15th U.S. president: "What am I supposed to do? Am I supposed to call up the troops and invade you? I don't think I should do that. I'm not even sure if Congress has the right to do that."

But Abraham Lincoln didn't have those kinds of misgivings. What Lincoln objected to, says Buckley, "was not slavery, but disunion. Slavery as a cause came along later, after Antietam. But it wasn't there in the spring of 1861. … Lincoln himself said, 'I have no desire to interfere with slavery.' And moreover, he said, 'I would approve a constitutional amendment which guarantees the right of slavery in the states forever.'"

Lincoln’s decision to invade the south was based on a “very wrongheaded” “view of the Constitution,” says Buckley. “But I also think his decision was retroactively ratified by events, by the way in which the war turned out to be the cause for the abolition of slavery.”

According to Buckley, one big question today is whether secession would lead to another civil war. “Would the president be more like Lincoln or more like Buchanan?”

Buckley believes that if secession were on the table, “it would be done not by the assertion of unilateral right of independence, but as a prelude to a set of negotiations over the division of things, like the assets of federal government or the division of the national debt. Then I think that what we’d end up with would be something like an Article V convention of the states, which is perfectly constitutional.”

Buckley, who holds Canadian as well as U.S. citizenship, says his understanding of secession is drawn from the recent history of our northern neighbors.

“I lived through a secession crisis in Quebec, where the separatists came within one percentage point of winning,” says Buckley. “It didn’t win, but the result was a series of discussions between the feds and the provinces about the allocation of powers. And in the end, the provinces ended up with more responsibility. One example would be the power of immigration. So right now, Canada admits immigrants, it’s a federal government, but Quebec has the right to veto immigrants who say they want to settle in Quebec.”

Immigration is one of the crucial issues driving Red State voters into the national divorce camp. By throwing open the borders, the federal government has exposed communities to felons and trafficking cartels. Between staying in a potentially deadly relationship and divorce, the latter is the rational choice. And with issues like election integrity,

Second Amendment rights, school choice, and radical race and gender ideology taught in public schools, conservatives want to be liberated from the whims and self-serving dictates of Washington bureaucrats.

While state legislatures and governors are racking up wins on all these issues, it's still an uphill battle. "By virtue of the expansion of the federal government, particularly the spending power, many of the rules by which we live are really dictated by the feds," says Buckley.

Most of the Founding Fathers understood that, as Buckley's book argues, bigger is worse and smaller is better. "The framers thought … that people are happier in small states, they're better governed," says Buckley. "There's a closer connection between the representatives and the represented in small states, you can better reflect what people ordinarily want."

Nonetheless, he explains, one of the things that bothers even some proponents of national divorce "is the idea that we'd end up with walls" between states, says Buckley. "So if California seceded, there'd be this enormous wall between it and Nevada or Oregon. … But that's not what would happen," he explains. "We'd like to keep free trade between the states. We'd like to keep free movement of goods and people. We wouldn't want to have a passport to go to Oklahoma."

According to Buckley, we'd likely come up with something similar to what the Quebec government sought: sovereignty association. "What that would mean," says Buckley, "is that Quebec would be sovereign with respect to some things and would share responsibility with the feds as to other things." In other words, it would be modeled after the U.S. Constitution, or rather how Americans "thought about our constitution for at least 150 years."

And that's where Buckley says the discussion over secession

ought to lead—"to a reconsideration of what federalism meant, and a return to something close to what the Founders, in fact wanted, which is a kind of divided sovereignty."

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