

NATIONAL DIVORCE

The Peaceful Solution to Irreconcilable Differences



TOM WOODS



INTRODUCTION

How to Stop Making Ourselves Miserable

It's difficult to know exactly when it happened, but not long ago many Americans suddenly looked around and discovered that they inhabited completely different moral universes from their neighbors.

Whether it's Black Lives Matter, or teaching gender theory to children, or the usefulness or otherwise of the COVID restrictions (on that front, see my free book *COVID Charts CNN Forgot* and my fun website CovidChartsQuiz.com), or a wide variety of other subjects, people on one side of the divide have exerted a moral imperialism over the other, refusing even to acknowledge that there can be another side on issues like these, and have instead tried to drive their opponents from polite society through intense social pressure and the outright suppression of dissident voices.

The same people who lecture us day and night about how we shouldn't "impose our morality" on other people think absolutely nothing of demonizing half of America and imposing their ideas on other people's children.

Scarcely anyone stops to ask: is this arrangement making us happy? Is it contributing to human flourishing?

To the contrary, it's causing conflict, suspicion, anger, and frustration – and everyone knows it. Yet for some reason we carry on, as if continuing down this path will somehow lead to a different result, even though any fool can see that things are only going to get worse.

The media, meanwhile, are happy to fan the flames of social conflict, but never urge us to consider the humane possibility of a world in which we simply don't do this anymore.

This book, therefore, offers a radical proposal: **how about we just stop?**

Now, fair warning: the ideas you will encounter in this book are not to be found on the three-by-five card of allowable opinion. We are not even supposed to discuss the subject matter of this book, dear reader. Why, the *New York Times* hasn't approved it for us!

But I'd say the time has come to steel our resolve and be willing to consider – radical though this may sound – ideas that the *New York Times* tells us are not allowed.

The very nature of totalitarianism involves the intoxicating temptation to create the perfect society through a combination of propaganda, centralized power, and the demonization of dissidents.

Against such a project we ought to set that couplet of which the great Michael Oakeshott was so fond:

*Who in fields Elysian would dwell
Do but extend the boundaries of Hell.*

Tom Woods
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P.S. A note on the content: most of the material in this book comes from the Tom Woods Show, the podcast I've hosted since 2013 and which, as of this writing, can boast nearly 2200 episodes. The text has been edited for clarity, but still retains some of the texture of the spoken word.

If you like what you read here, then join the large community of like-minded Americans who make the Tom Woods Show a regular part of their daily commutes. You'll find links to subscribe (for free, of course) at TomsPodcast.com.

(Cover design by Aaron J. Pendola.)

CHAPTER 1

Secession: The Constitutional, Historical, and Moral Case

This chapter is drawn from remarks I delivered in October 2021 at an event organized by the Mises Caucus of the Libertarian Party. It has been edited for clarity, but as with the other chapters of this book, some of the texture of the spoken word remains.

Today I am not going to try to persuade you that secession is desirable under our present circumstances. Either you see that or you don't.

What I want to do instead is make a case for the legitimacy of secession within the context of American history. Before that, I'm going to spend some time laying the groundwork for why secessionist movements more generally, and not just in the United States, should be supported.

Let me begin with one of my favorite memories when it comes to talking about secession. In 2015 I was in Houston for a Mises Institute event headlined by Ron Paul. There was a *Washington Post* reporter in the audience. Why would the *Washington Post* care about an event headlined by a retired U.S. congressman? Well, Rand Paul was up for re-election to the U.S. Senate, and they thought they'd embarrass his father so as to discredit him – a strategy they've tried for a long time. It never works, but they keep on doing it.

This particular event had to do – quite presciently – with the topic of secession. So the media couldn't resist. They'll show America the truth about Rand Paul's father – why, he dares to speak on a topic the *Washington Post* doesn't approve of! Only an “extremist” would do such a thing!

Apart from a few people from the Mises Institute, nobody in the audience

knew there was a *Washington Post* reporter there. But I knew. Ol' Woods here knew that reporter was out there. And I gave my entire speech to that person. The whole speech was aimed as a laser beam right at him.

The speech more or less went as follows:

I explained what secession was, and why it wasn't really an unreasonable position to hold. I then went down a list of things that the media *does* consider reasonable. Sure, it's totally reasonable to make up stories about WMDs in Iraq that led to we don't know how many people killed, and at least a couple of million people displaced internally and externally as refugees. Whoops, sorry. Nobody's perfect! You will not have your life ruined because you supported that. George W. Bush wasn't ruined for that. Hillary Clinton was not ruined for that. That was just a legitimate policy disagreement. You want to slaughter a lot of people for no good reason? No problemo. But if you favor secession, well, wait just one minute there! Which of the major newspapers gave you permission to think that? And you went ahead and thought it anyway?

What are we talking about with secession? It's when one political unit withdraws from another. It's when they say, "You see this boundary? We think it should be drawn like that instead."

That's it. That's the dangerous, terrifying idea that will get you called an extremist. You can advocate a policy throughout the 1990s, as the Democrats did, of keeping essential goods out of Iraq and causing a massive humanitarian catastrophe that most Americans didn't even realize occurred, and the media is not even going to ask you about it.

But if you think a certain boundary line should be drawn like this rather than that, now *that* they're going to come after you for.

Those are some deranged priorities.

I think my remarks got to him. When it came time to write his article for the *Washington Post* about our event, guess whose talk was the only one that wasn't even mentioned.

We've been propagandized into thinking that the United States, as it is presently constituted, has some kind of divine aspect to it, like there's a sacred number of square feet that it's to be made up of, or it has a sacred shape. And if it were to be divided, it wouldn't have the sacred shape anymore.

That's not the way Thomas Jefferson looked at it. Jefferson would have none of this sacred Union nonsense. He was strictly utilitarian about it. The Union is merely an instrument for the protection of liberty. Maybe it will work. Maybe it won't. But the idea that we should have some weird allegiance or even religious devotion to "the Union" in the abstract over and above the liberty that Union purported to protect, was nonsensical to him.

And when, as in our present case, you have irreconcilable parties, why is it simply obvious that the solution is that they should all stay in the same system and duke it out until they die? Why is that the obviously humane solution?

And why are we not even allowed to discuss the peaceful approach of simply allowing people to go their separate ways and live as they wish?

Americans' brains have been engineered not even to consider this option.

Even some people who call themselves conservatives and libertarians can't bring themselves to consider it. They've allowed the *New York Times* to set the boundaries of allowable debate within their own minds, and they don't even realize it.

I want to introduce you now to two seventeenth-century thinkers, one of whom you almost certainly have heard of, and the other one probably not. And as usual, the one we've heard of is terrible, and the one we haven't is outstanding. (I owe a debt of gratitude to Emory University emeritus professor of philosophy

Donald Livingston for introducing me to the outstanding one, in fact.)

Let's begin with the one you're less likely to know: Johannes Althusius, a theorist of the Dutch federation. Althusius wrote a work in the early seventeenth century called *Politica*. As I describe it to you, and as we contrast it with the work of Thomas Hobbes, the other seventeenth-century figure we'll consider, the more astute among you will start to see the connection to American history.

According to Althusius, society is not composed of a bunch of scattered, isolated, atomized individuals. It's not an undifferentiated blob. Rather than conceiving of society as a flat plain, we might think of it instead as a series of levels. It's a series of little societies whose symbiotic relation gives us our society at large.

We begin with the household. For Althusius, the household is the fundamental political unit. A group of households can create a village. A group of villages, in turn, can create a province. And so on.

What we have, then, are various groupings of individuals. Society is made up of these. When we look throughout the High Middle Ages we see precisely this: various institutions operating independently of each other, each one having rights and liberties of its own that cannot be arbitrarily modified or canceled by any other body. Thus the universities had their own powers and rights. Guilds, likewise, had powers and rights. Cities had powers and rights. So did the Church. Each of these institutions had preexisting liberties, and no one of them could bark out irresistible commands at the others.

The great historian Bertrand de Jouvenel pointed out why the full titles of some of the kings in European history seem preposterously long. If I may make a cultural reference: at one point in *Monty Python and the Holy Grail* we hear the full title of the legendary King Arthur. He is King of the Britons, and he's the this of this and the protector of that, and the defender of so-and-so.

De Jouvenel's point is these long titles are not a sign of vanity on the king's part. It means that he's part of a web of relationships, that there is a series of peoples and institutions beneath him whose powers and liberties he can't just abolish. He is the protector of those liberties. He can't arbitrarily bark out commands at them through a bullhorn.

I know that when we were young, we all thought that any king, at any time in European history, could get away with anything he wanted. That's just not true. It was only two or three centuries ago, really, that you started to get monarchs strong enough to impose military conscription on a regular basis, or an income tax. Medieval kings couldn't have dreamed of getting away with anything like that.

So the king was hemmed in on all sides by various competing power centers, and he had to deal with that. And if one of these power centers resists the king, this is not "treason." This is a blow for liberty.

For example, by today's standards medieval cities were oases of freedom in the midst of a feudal society. How did they win their liberties? By resisting the king. If the king needed help in a military conflict against another power, he might appeal to the cities for help. And they'd help him, all right, but in exchange for being granted various liberties at the end. Nobody said, "Oh, no, the medieval cities are guilty of *treason!*" That was just how society worked. It was a give and take between different levels.

On the other hand, we have the system of Thomas Hobbes, laid out in *Leviathan* (1651). Hobbes will have none of what I just said. Society is indeed just a flat plain. It's a bunch of isolated individuals with no other social identities. At the center of this society is a single, infallible power center. So any subsidiary bodies beneath this power center have only those liberties that the center deigns to acknowledge, and those liberties can be canceled anytime the center chooses.

The contrast with Althusius couldn't be greater. According to Althusius, the liberties of the various bodies outside the center *preceded* the central authority, and it was the job of the central authority, at least in principle, to *protect and defend those pre-existing liberties*. But in the Hobbesian system, *there are no rights or liberties that do not flow from the will of the central power*. And that central power can modify or abolish those liberties whenever it wants.

Thus under the Hobbesian system, with its single, irresistible, infallible, indestructible power center, if one of these subsidiary bodies resists the center it's no longer a virtue to be celebrated. It's *treason*. Ooh, they rose up against their overlord! We can't have that. So they gave it a scary-sounding name – treason! – that every dope in the world instantly adopted in order to demonize resisters.

So when you hear people today disparage nullification – the power of an American state to resist the enforcement of an unconstitutional federal law – and call it treason, or you hear people likewise call secession treason, feel sorry for them. They don't know any better. They have been turned into automatons by uncritically absorbing these destructive Hobbesian ideas. Because of the preconceptions they have, it is metaphysically impossible to them for any subsidiary body to have a life of its own, or to exercise a power that the central authority has not authorized. They cannot conceive of this. It's like you asked them to describe a square circle. They can't make sense of it, so all they can do is shout, "Treason!" It's sad, really.

Since the French Revolution this Hobbesian model has won the day throughout most of the Western world. Meanwhile, the assumptions behind the modern state remain unexamined in most people's minds, where they are so ingrained as to escape notice entirely.

So how has this experiment with the Hobbesian model of centralized states gone?

The totalitarian revolutions of the twentieth century were horrors of almost



incalculable magnitude. Wars were fought on a scale and a destructive capacity that boggle the mind. On a lesser scale, we have observed the growth of impossible levels of debt and bureaucracy. We are ruled by self-perpetuating fiefdoms that seem impossible to reform, much less dismantle.

The modern state has been at war with human flourishing. And yet the question of the proper size of the political unit, and whether the best way for human beings to live is in these gigantic centralized states, is never raised. Since everyone simply takes Hobbes's assumptions for granted, it never occurs to them even to consider alternatives.

Now it's true, John Locke came along after Hobbes, and it's likewise true that Locke had some criticisms of Hobbes. But even Locke was still thinking in terms of a single irresistible power center, as are the overwhelming majority of modern political thinkers. They all think in terms of that indivisible Hobbesian state. So the entirely reasonable question of whether it should be possible for smaller units to withdraw from a larger unit and determine their own destinies is simply never raised.

Moreover: it is impossible to debate something with people if their own preconceptions make that something inconceivable.

I might add that there is a school of historians who argue that it is precisely because Western civilization did not develop a continent-wide empire that we developed the tradition of liberty and capitalism. In place of a continent-wide empire was a large number of small political units. Because of their small size and the ease of exit, each one risked losing its tax base if it became too oppressive. Today, though, as political units have grown larger and the possibility of exit more remote and less convenient, the pressure on them by people voting with their feet has diminished.

Let's proceed now to the American case.

If I were to give a presentation on the legitimacy of the secession of an

American state from the Union, I could do so without even mentioning Althusius or Hobbes. For instance, I could say that the Tenth Amendment resolves the issue. There's nothing wrong with this argument, by the way. According to the Tenth Amendment, the federal government has only the powers that are delegated to it. And nowhere was any power to prevent secession delegated to it. (Putting down insurrections, with a state requesting the federal government's assistance, is not the same thing.) For that matter, Article I, Section 10, which lists those powers that the states have voluntarily relinquished as parties to the Union, nowhere mentions secession as one of those.

I could further argue that three states – Virginia, New York, and Rhode Island – when ratifying the Constitution included rescission clauses whereby they could resume the powers delegated to the federal government and withdraw if the new government should become oppressive.

But to me, the best, most systematic, most convincing and therefore completely unknown arguments, involving the kind of material you would hear in a U.S. history class if we lived in a reasonable society, involve taking what we've discussed thus far about Althusius and Hobbes and applying it to the American case. And you will not have much difficulty perceiving which side is the Althusian one and which the Hobbesian.

There are two versions of how the American Union ought to be understood. One is the nationalist theory, set forth by such figures as Daniel Webster and Joseph Story, and at least implicitly by Alexander Hamilton. The other is the compact theory, articulated by Thomas Jefferson as well as by lesser-known figures like St. George Tucker and Abel Upshur.

The nationalist theory holds that the United States is a single, indivisible whole, with a single, indivisible power center. The states are merely administrative units, and have no independent existences of their own.

This, obviously enough, is the Hobbesian model.

That's why proponents of this perspective cannot even conceive of a legitimate secession. For them such a thing is metaphysically impossible. To them, the United States is not a grouping together of disparate societies for practical, utilitarian purposes. It is a single, indivisible bloc. Secession is inconceivable to someone who thinks like this. Instead of looking at the situation accurately (i.e., "this sovereign body has chosen to withdraw from a confederation of states that it used its sovereignty to join in the first place"), they think instead: this arbitrary grouping of individuals over here is disobeying the central authority.

If you have dutifully absorbed the preconceptions from Hobbes that have been drilled into us since junior high, you're going to gravitate toward the nationalist theory and seek out evidence to try to support it, because you can't think of any other way society could be arranged.

By contrast, if by some miracle you managed to be introduced to the Althusian model that I've been describing, you will be attracted to the compact theory, which holds that the United States is a collection of societies and not an undifferentiated blob. The states preceded the Union and have separate liberties and existences of their own. This is exactly analogous to the model of Althusius. (As it happens, the Founding Fathers were quite fond of the Dutch federation, about which Althusius wrote.)

The evidence is entirely in support of the compact theory. Entirely. This is why historian Brion McClanahan insists that we call it not the compact *theory* but the compact *fact*.

For example, consider the Declaration of Independence. It does not refer to the independence of a single blob. It speaks of *free and independent states*, in the plural.

Let's pause to make sure we understand what is being said here. In the

American context, we hear the word “states” and we naturally think: Virginia, Pennsylvania, Georgia, etc. But of course that’s not what the Declaration of Independence is referring to. It speaks of states in the standard dictionary definition, which means states like France and Spain. That is what the document has in mind when speaking of “Free and Independent States” that have “full Power to levy War, conclude Peace, contract Alliances, establish Commerce, and to do all other Acts and Things which Independent States may of right do.”

Now let’s consult the Treaty of Paris, which brought the American War for Independence to an end. In that treaty the British do not acknowledge the independence of a single blob called the United States of America. They recognize the independence of *a collection of states which they then proceed to name one by one*. We see this also in various treaties that were entered into with other European countries during the War for Independence. The reference is always to individual states, never to some single whole called the United States.

Already during the War for Independence the colonies/states engaged in activities that we associate with sovereignty. Massachusetts, Connecticut, and South Carolina outfitted ships to cruise against the British. Ticonderoga was taken by the troops of Connecticut. In New Hampshire, the executive was authorized to issue letters of marque and reprisal. And in 1776 it was declared that the crime of treason would be thought of not as being perpetrated against the states united into an indivisible blob, but against the states individually.

Then we have in the Articles of Confederation the extremely significant Article II. Article II tells us that the states “retain their sovereignty, freedom, and independence.” It is impossible to “retain” something unless you had it in the first place. So the states must have possessed sovereignty before if they are retaining it in 1781.

Then consider how the Constitution was ratified. If this were a Hobbesian regime of a single, undifferentiated mass, we would have had one national vote

on the Constitution. But to the contrary, we had the individual ratifications of each of the states involved, assembled in convention. Part of republican theory at that time held that the highest voice of the people is expressed through the specially elected convention. And the sovereigns in the American system are the peoples of the states.

In the Constitution itself, you will not find one case in which the United States is referred to in the singular. It's always referred to in the plural. Why? Because we are an Althusian federation. We are a collection of societies. We're not a single, Hobbesian blob.

The great international lawyer Emmerich de Vattel wrote a book called *The Law of Nations* in 1758 that has some relevance to our discussion. That book argued that sovereign states can enter into federations without compromising their sovereignty. What that means for us is this: when a state ratified the U.S. Constitution it did not forfeit its sovereignty. That's not how sovereignty works. Just as a state exercised its sovereignty to join the Union, it can likewise exercise that sovereignty to withdraw. The peoples of the states are the sovereigns, so they can exercise that sovereignty not just by acceding to a federation, but also by seceding from it.

The compact theory, therefore, follows directly from the facts of American history and from the norms of international law, and has the added benefit of conforming to the morally attractive model of Althusius.

Before I conclude, however, let me add a few more thoughts, none of which are crucial to my argument but all of which, taken together, reinforce the legitimacy of secession by demonstrating how widely it was assumed by influential Americans to be an available option. (I could cite more individuals than just these, but these should suffice to give the reader the idea.)

Thomas Jefferson referred to the right of secession repeatedly. In a letter

dated June 1, 1798 he told his friend John Taylor of Caroline that the time for secession had not yet come, and that what they faced was simply “the temporary superiority of one party” that the passage of time would alleviate. Note that he did not say, “Secession is metaphysically impossible because we’re a single, indivisible blob just as Hobbes wanted countries to be.” In 1816, moreover, he said that “if any state in the Union will declare that it prefers separation...to a continuance in union...I have no hesitation in saying, ‘let us separate.’”

John Quincy Adams said that if the states should ever find themselves consumed by an insurmountable animosity, it would be better for them to go their separate ways than be held together by coercion:

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 way to cold indifference, or collision of interests shall fester into hatred, the bands of political associations 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.* (Emphasis added.)

William Lloyd Garrison, probably the best-known abolitionist in the United States, favored the secession of the northern states so they would no longer be tainted by association with southern slavery, and would therefore not have to return runaway slaves under the Constitution’s fugitive slave clause.

Alexis de Tocqueville, the best-known foreign observer of the United States in the nineteenth century, wrote in *Democracy in America*: “The Union was formed by the voluntary agreement of the States; and in uniting together they have not forfeited their nationality, nor have they been reduced to the condition of one and the same people. If one of the States chooses to withdraw from the compact, it would be difficult to disprove its right of doing so, and the Federal

Government would have no means of maintaining its claims directly either by force or right.”

Let’s not forget, too, that secession talk was part of the national conversation. At the time of the Louisiana Purchase New England was talking about secession. During Thomas Jefferson’s embargo New England raised the prospect of secession yet again. Then, too, it was implied at the Hartford Convention in 1814 that if New England’s demands were not met they would meet again and talk further; this was taken to mean that they would consider secession.

Secession, therefore, far from being foreign to the American tradition, was a standard part of the American political conversation, and follows naturally from the logic of the American Union.

So the next time you hear someone refer to secession as “treason,” feel sorry for that person, and be happy about your own much deeper knowledge of American history.

CHAPTER 2

Decentralization and Secession: The Only Way Forward

with Jeff Deist

Jeff Deist is president of the Mises Institute, and was the last chief of staff to serve former U.S. Congressman Ron Paul. This chapter is drawn from episode 1565 of the [Tom Woods Show](#).

WOODS: Let's face it: decentralization is not an approach that the official sources of respectable opinion want us to discuss, much less hold. But there's a tremendous American history wrapped up in it. And no, the decentralist tradition is not inherently tied up with slavery, as anybody who knows the history is aware. (You can read that history in my book *Nullification*.) And it doesn't matter to me that the *New York Times* doesn't approve of decentralization. It is obviously the only humane solution in a society like ours. With people holding such divergent worldviews, it's pointless and stupid and evil to try to force them to live under the same set of rules together.

We've been brainwashed into thinking that any other approach is "neo-Confederate," or whatever low-IQ word they're throwing at us. We've been conditioned to think that the only way for us to live is through this constant low-intensity civil war with each other. But there are humane people among us who say: how about we lay down our arms and stop doing this? Yet *we're* the ones who are demonized as evil! *You probably support slavery*, these dopes say. I wish I could be attacked by H.L. Mencken instead of these losers, because at least that would be entertaining.

DEIST: Let's not forget, Ludwig von Mises wrote quite a bit about this. He was very concerned with political minorities – in particular, linguistic minorities – being overrun. Now you have to understand he was coming out of this patchwork quilt of old Europe: Germany was many principalities, you had the Habsburg Empire, and then that changing radically after World War I. Many of these boundaries would be redrawn. So Mises himself always advocated

the idea that political minorities ought to be allowed to break away from a centralized state.

I think that the centralizing impulse is almost always a statist impulse. I don't like the idea that we all have to live in some sort of mass democracy. I think it's pretty unwieldy to make decisions about 320 million people with two parties. Either Trump was going to win in the fall of 2020, or Biden was going to win. I don't think it's very healthy that we have to accept this binary thing. I think that smaller administrative units are always preferable.

And we have a history in the United States that unfortunately attaches the idea of secession or decentralization to the Confederacy and to slavery and to the Civil War. That's a bad history, but that doesn't nullify the underlying doctrine of allowing people to peaceably walk away from political arrangements that just aren't working anymore. You don't have to be for the Confederacy to believe that. This kind of binary thinking needs to be thrown out the window. It's so obvious, it's staring us in the face that this is the way forward.

And of course, if the Constitution had been followed, it did set up a federal system where states would have had a lot more power and authority over social and cultural and criminal matters, and we could have had a much higher degree of federalism, which would have been a release valve of sorts to let some of the steam out. But when we have maybe a few hundred people in the U.S. House or Senate deciding things for 320 million people, or in many cases, five Supreme Court justices out of nine deciding things for that 320 million, that is a recipe for strife and dissent and disaster. There's absolutely no reason that we have to have one unified, let's say, abortion rule for all 50 states, or one form of gun law for all 50 states.

And I think we understand that on some level. But libertarians have tended to insist that no, smaller is not necessarily better. A smaller government being ruled at the local level or the regional level or the state level could be just as

bad or worse for liberty, say some libertarians, so that's not the yardstick we use to measure things. Well, all right, but let's not forget that liberty itself is not a majority position. Most people believe in a pretty robust government, especially when it comes to their own things like Social Security, right?

So the idea that smaller isn't better is mystifying. We always want to break up state power. We'd always prefer having two states exercise dominion, let's say, over 20 million people each than one state exercising dominion over 40 million. I think we can understand that centralization means that the contagion is broader and wider, and then there are fewer choices and fewer chances for experiments.

Obviously, I'm a big fan of the Swiss system of subsidiarity. I think it's probably about the best thing we have in the world today. It's far from perfect, but the idea of pushing decisions down to the communal level or the cantonal level, as opposed to deciding them centrally, is very healthy. I think it gives Switzerland a degree of social cohesion that big states, big governments don't have. And as a matter of fact, if you look at the Swiss government's website, they actually say — in about four or five different languages, because the Swiss are so good at this sort of thing — that the desire here is to have social cohesion.

Imagine Trump or Bernie campaigning in 2020 and going to Des Moines, Iowa, or New Hampshire or South Carolina, one of the early primary states, and saying: I'm here today to tell you that I don't really know what's best for the farmers here in Iowa, because I'm not a farmer and I don't really study crop commodity prices. And I don't know about all these Byzantine agriculture subsidies. The whole thing is really complex. And then there's weather on top of that. And it's really localized. So my promise to you today as a candidate is that if you vote for me, I'm going to let Iowa decide as much as possible at the local level.

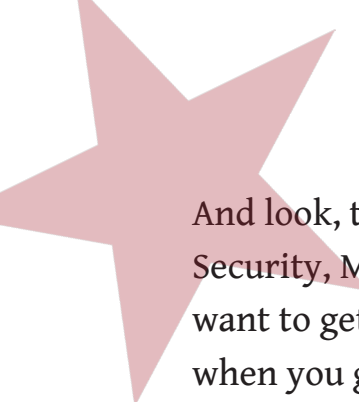
That's the opposite of what politicians in the U.S. and in the West say. It's the opposite of hubris. It would be such a breath of fresh air to hear someone say: I don't know what's best for you. I'm going to let you have a closer stab at deciding it.

And look, Tom, go back to the first Congress. America had only, whatever, six million people or something at the outset. And if we extrapolated the number of U.S. representatives and senators at the time to today, we'd have something like 5,000 or 6,000 members of Congress. And unless you lived in some really rural part of Alaska or something, you'd probably be within a couple of miles or maybe a mile of your U.S. representative.

All that has gone out the window with this country of 320 million people, where everything's decided in D.C. And let's not forget that even if a libertarian position wins at the Supreme Court, that could easily be reversed. The makeup of the Supreme Court can change.

So I'm a big believer in saying: let states be states. I don't care about liberty to the point of imposing it on others. That's paraphrasing Mencken. And there are plenty of people in the United States who absolutely do not hold a libertarian worldview. The idea that you are going to slowly, over time, convert all of them – I think that's a pretty daunting task. But you can certainly convert a sizable enough portion of them to form a geopolitical union of sorts.

There are fully functioning countries like Norway that have just six or eight million people. And if you believe that Cato study from a few years back that maybe 10 percent of Americans are pretty libertarian in their worldview, that's 30 million people right there. That's plenty of people to have a country. Now, how you would assemble them geographically is a different question. But I am a firm believer, from both a pragmatic and a philosophical perspective, in not imposing anything on other people.



And look, there are huge problems. We may never be able to undo Social Security, Medicare, which are federal programs. Okay. You've paid into it, you want to get your money, whatever your position is. But when you move away, when you go to a foreign country like the Philippines to retire, you still get Social Security. You still qualify for Medicare. You might have to come to the U.S. for a Medicare-eligible doctor. Military bases and federal land: okay, it would be very tough to divvy that up. I get it. Ports, national resources, all of these things. People might fight rather than just break up peaceably.

But the idea that as libertarians we dismiss out of hand the idea of any kind of subsidiarity or federalism or secession or political breakup, I think it's just crazy. I don't understand the centralizing impulse from people who by their own admission are part of a minority viewpoint. It doesn't make any sense.

And so I would rather let a state like Utah – which is actually far less culturally and socially conservative today than people imagine it, but let's say Utah 40, 50 years ago, a culturally and socially conservative state, not entirely but full of Mormons, if they wanted to have different laws on divorce, or more draconian drug laws, or different laws for prostitution. Okay. Maybe Nevada would be the opposite. Maybe Nevada would say: hey, come here, you can get divorced in a day. Come here, you can use whatever kind of drugs you care to use because the drug war isn't federalized. Come here, you can view pornography or go to adult clubs. Come here, you can drink at any age. You can stay out and drink on the street, walk around with a beer until five in the morning. We don't care. I mean, is that the worst possible outcome? Is that really so noxious to the libertarian worldview, or do we have to say, no, no, no, the whole country has to be libertarian?

And so I'll leave you with this. The knock on states' rights – *oh my gosh, that goes back to the Civil War, and that was just an excuse for states that wanted to continue holding slaves* – look, states' rights doesn't mean that we're saying states have rights. States' rights means that individual states in the Union hold rights vis-

à-vis the federal government. That's all it ever meant. States are just a smaller political entity. "States' rights" doesn't mean they have particular rights against the people. That was always a canard and a red herring.

So I'm not only mystified, but I'm also a little discouraged sometimes that this isn't the conversation. Because this is a conversation we can be having with the Left. Talk about outreach to the Left! What the Left has found out, especially in 2016, is that there's a lot more deplorables than they thought, and that they're lingering a lot longer than they thought. (When I say "lingering," I mean the demographic changes aren't happening as fast as the Left thought.)

So we could give blue states a bargain today and say: right now, today, you could have a lot more of what you want without worrying about whether red-state Alabama is going to elect Jeff Sessions back to the Senate and he's going to have a vote over some abortion law, which is really just being run up the flagpole for testing before the Supreme Court. That's ridiculous. Why should someone in Nancy Pelosi's district – and they vote for her something like 80%, by the way, for reelection – have to worry about Jeff Sessions in Alabama? I don't want them to have to worry about it.

I think it's just the peaceable way forward. I think that was the title of one of your talks a few years ago at an event of ours in Houston on secession. It's the obvious solution staring us all in the face. This insistence that we can't get divorced and we all have to stay with a spouse and a bad marriage, I think that's a huge mistake.

So I really would recommend that people go read just select passages in Mises' *Liberalism*, written in 1927, and about ten years earlier in 1919 in *Nation, State and Economy*, where he talks about these mechanisms for allowing political minorities to go their own way. I think every word of that reads absolutely true and applicable today.

WOODS: When we talk about this, I can't help thinking to myself that I don't



fit into either red or blue. The blue side makes me crazy. And then I think, I'm going to hang around with some conservatives, and at least I've got something in common with them.

Now, I haven't kept up with conservatives in a long time, because I haven't gone to their conferences. I got a lot of invites during the Obama years, so I spoke to a lot of Tea Party groups, but that was a long time ago. They've had years and years since then to go from a bland "I favor limited government" to finding out the real truth about foreign intervention, the drug war, the police, the president is not your friend, etc. And then I go back and they're still saying "Back the Blue" and using the creepy expression "He's *my president*" – oh, and you'd better say the Pledge of Allegiance, even though it was written by a socialist.

That's who you still are? You've endured years and years of being exploited by the regime and lied to and ripped off, and you're still exactly where you were philosophically at the beginning? You've learned nothing? There's no nuance at all? So these people also make me crazy.

So even if we do have secession, what I fear will happen is that the blue section becomes more oppressively blue, and the red part becomes more oppressively red – they're for "limited government," but doggone it if they don't wind up defending government employees of one stripe or another, just different government employees from the ones the Left defends. Hopeless. Where do the rest of us go? Where do the libertarians go?

DEIST: Very tough question and not one that's easily solved. On the plus side, there are the Tucker Carlsons of the world.

WOODS: Oh, I agree. And I always point those out. But there should be way more of those.

DEIST: Right, and of course, trying to gin up a war with Iran, a country of 80

million people, after all of our history in Iraq and Afghanistan over the last almost 20 years now, any conservative who's cheering for that, at this point I'm with you. I'm not exactly sure what you can say to these people. But again, if we are really this hardwired into these kind of tribes — and it seems like hardwiring, because reason and evidence don't necessarily change people's views; we can't always argue people out of seeing the world a certain way — where does that leave libertarians? I think it leaves us arguing for breakup, and saying let's break this thing into some individual pieces where we can have more of what we want and other people can have more of what they want. And I've heard different people say this. I've heard Angela Keaton from Antiwar.com say this. I'll just add that it's easier to teach the Left economics than it is to teach the Right peace.

WOODS: That's not been my experience.

DEIST: Yeah, I don't know. But that's an interesting —

WOODS: I just went on a tirade against the Right a minute ago, and yet I'll still say in their defense that when they do have enough curiosity to listen, I can get them to change much, much more successfully than I can get the Left to learn economics. The left thinks of economics as a sham science that was developed to rationalize greed. How do you talk to somebody like that?

DEIST: Yeah, that's right. The Left doesn't believe economics is a real discipline. They think it's just intellectual cover for corporate interests or wealth. I guess this outs me as a right-libertarian of sorts, in that I think you can talk to the Right about limits or areas of human conduct or existence where government ought not to be involved, whereas the Left tends to say everything is political and everything is power struggle. Everything is critical theory. Everything is race, everything is gender, everything is sex and sexuality. And I just can't respond to that. At some point you just say that's crazy and we should go our separate ways.

So while I think both Left and Right are equally bad ideologically when it comes to their pure political worldviews, I certainly think the Left has more power. The Left is a tiger; the Right is a pussycat. And I think the possibility that some sort of nasty left-socialist oligarchy run by the Tim Cooks of the world is going to grind us down is far more likely than a Mike Huckabee right-theocracy grinding us down. That's just the reality of where we are today. But it's a tough question, and seeing the bellicosity on Twitter towards Iran these last few days has been pretty disheartening. We've got work to do.

CHAPTER 3

National Divorce: Some Nuts and Bolts

with Brion McClanahan

Brion McClanahan is the host of the Brion McClanahan Show and the author of numerous books, including The Founding Fathers' Guide to the Constitution, How Alexander Hamilton Screwed Up America, and 9 Presidents Who Screwed Up America: And Four Who Tried to Save Her. Brion earned his Ph.D. in history at the University of South Carolina, where he studied under Clyde Wilson, whom the legendary historian Eugene Genovese called one of the top ten southern historians in America. This chapter is drawn from episode 1963 of the Tom Woods Show.

WOODS: Let's look at secession from a practical rather than a theoretical point of view. What would it look like? How would it actually happen? I want to get into questions like that.

One of the objections that gets raised a lot involves the national debt. Why should the remaining states have to bear that entire burden? What about all these obligations of the U.S. government? These states have received all these nice benefits and now they want to leave without having to pay any of the obligations? How do you respond to that?

MCCLANAHAN: First of all, there would have to be negotiation. This happened in 1860 when South Carolina left the Union. They sent commissioners to Washington, D.C., to try to purchase federal property, including Fort Sumter. So they were already thinking about this problem: we've got these federal forts, we have arsenals, there's federal property. Let's try to work out a way that we can make some payments on this or buy it outright.

If we looked at it simply by population, we might say: the national debt is X trillion dollars, so everybody in the state has to pay \$30,000 a head or something like that. They have to absorb that debt. But what if the federal property there was never purchased by the federal government to begin with? What if that property was simply given to the federal government by the state?

And, so, would that property then be the property of the state that is seceding? Would the federal government have to purchase that property from the state? There are many different ways to think about this. There would have to be negotiation as far as the debt. That's something that was already thought of in 1860, and I don't think anything's really changed.

Would the federal government be willing to negotiate? That's the question. They weren't in 1860. I don't know how receptive they would be today. That is a major obstacle, but I think one that can be overcome if you have people who are thinking logically and in the name of peace – which we know may not be the case when you talk about the nincompoops in the establishment.

WOODS: I would say there has never, certainly in my lifetime, been more of a sense that this has to be the solution, even if not everybody is giving voice to that opinion right now. There's no chance of reconciliation between the various groups in American society at this point. We just see the world differently. Some people want to lord it over others, and others don't want to be lorded over, and there's no way to reconcile that.

Another problem that arises reminds me of something I asked you on a previous episode. I said: suppose you have a country part of which wants to secede, but we know for a fact that it wants to secede for the express purpose of oppressing some portion of its own people. Do we allow that secession?

Now the problem with “do we allow that secession?” is that no central government will ever concede that any secession is morally pure enough to be allowed. But your answer was, as I recall, that we solve the problem I posed with more secession, not less.

And I think that may be the answer to the question I'm going to ask you now. What about the red parts of blue states and vice versa? There are blue states in which various parts can't stand the big city that rules over them. Upstate New York didn't like Andrew Cuomo from the start. There are parts of California

with a lot of normal people, parts of Oregon with a lot of normal people. And if those states secede, they're going to get even bluer and crazier. So is the solution that the red parts ought to break off from the rest of the state? And by red parts, by the way, I don't just mean Republican voters. I mean anybody who just wants to live his own life.

MCCLANAHAN: You mean normal people, I think...

WOODS: Normal people.

MCCLANAHAN: I think so. Why do we have to have states that are this big? Now, we know part of that, of course, is the design of the United States. The states created the central authority. They also created the counties and the cities. But if we are firmly committed to decentralization, well, the United States had 4,000,000 people in 1790. The state of Alabama, where I live, has 4,000,000 people in it today. Are you telling me that you couldn't decentralize Alabama? Or you couldn't decentralize, as you say, California? Particularly California or Texas or some of these larger states, New York, certainly they could be decentralized. And then we could start talking about real representative government. And I think that's something that should be in the conversation.

Or why can't you say: we're going to let southern California go, and northern California can stay with the United States if it wants to. That would be possible. They could vote to leave California. Now the naysayers will say, "That's going to create a crazy scenario in which everyone secedes down to the individual because they're not going to like any government." But I don't think that would be the case. People do want to have a government that represents their views. So if you could somehow take these states and get them to be smaller, well, smaller is better. Small is beautiful.

This is something we should all be talking about, because it better represents the American idea of self-determination and self-government. More secession

is great. I don't think we should stop by just saying the 50 states can go. Why can't we divide these states into smaller states as well? Why do we need exactly 50 states? Why not 100 or 200 or 300? There's nothing in the Constitution that says you can't do that, as long as the state agrees to it. So I think more secession is better than less secession.

WOODS: A regular listener of this show asked the other day: if a state or a small group of states broke off from the United States, this small country would be overtaken or dominated in some way by China. I do think people fear that if you're a small country, you're just a sitting duck for domination by bigger countries. Now there are plenty of small countries in Europe right now that are not being overtaken by China. Why would it just be Michigan? Not to mention that the logistics of something like that seem rather challenging for China to pull off.

MCCLANAHAN: If you go back to 1788 and the Virginia ratifying convention, and look at what Edmund Randolph was saying, it's not really about the Constitution at all. In fact, he says there that he's worried that the Constitution is going to be awful. But his main point was that if we don't form this Union, Virginia's going to be picked off – essentially this argument that you're making. France will come in and form an alliance with some state, and then Virginia's going to get into a war with France or Great Britain, the two bullies at the time. So this is going to be the problem. We need to be in the Union to protect ourselves.

That's always been a selling point for a larger union of states. Now, China is going around the world and buying up all kinds of natural resources. I mean, if you want to get cobalt in Africa, they're trying to buy all that up. So, the fact is, China is using economic imperialism to try to control places. And if you bring up Michigan, they're buying water out of Michigan. So that could be a potential problem. But as you said, logistics would be such that China would have a hard time getting to Michigan. They've got to go through Canada. There's the rest of

the United States. How are they going to do this?

You'd also have to assume that there would be such a corrupt government in Michigan that they would want to sell their souls to China, they would forgo any type of interest in republican government. Why would they necessarily want to be in line with China? Why wouldn't they rather align with the United States or Canada? They can still have a very good relationship with these entities. Why does it have to be China?

So I think just because you secede doesn't mean you're going to become an evil dictatorship, and you're going to want to, you know, have the Chinese or some Third World thug come in and control the state. I don't think that would be the case. The state constitution would still hold. And those state constitutions still have requirements that you have a republican form of government. I just don't see it being probable or plausible in our current geopolitical environment that something like that would happen.

WOODS: Let's talk about the nuts and bolts. Suppose several states decide this just doesn't work. Or Ron DeSantis is going to be president of the Free State of Florida. What has to happen? We have a special state secession convention to make the decision? Describe the process.

MCCLANAHAN: This is where you get into the question of legitimacy. There are many secession groups in the United States today. But most of them are led by people who decide on their front porch that they're going to create a secession party, they're going to create a secession group, and they're going to form their own government, and they're just going to run out there and say, "We're the government." Well, who's going to follow that?

If you go back to the American War for Independence, the colonial legislatures at the time, but the state legislatures ultimately, chose delegates to go to the First and Second Continental Congresses. These were extralegal congresses. They weren't de jure legislative bodies, but they were de facto. They had the


legitimacy of the colonies/states. Jefferson is already calling them “states” in 1774. So they have the authority of those political communities. So that’s the first thing we have to overcome: you have to have some already established apparatus to do this.

You bring up Florida. The way that it worked in 1860-61 is that the state legislatures called elections for conventions, and those conventions met and then decided if they were going to leave the Union. In some cases they said no at first. Virginia, for example, said no. In some cases it was unanimous, like in South Carolina. But it was through a convention process. And that’s a purely American thing. The United States really was the first place to do this. The Philadelphia convention, the convention that drafted the Constitution, was an extralegal body. They had elections for delegates. They were sent, and they came up with a plan. And then the states could accept or reject it. But that was done in convention.

You see this being done over and over again with state constitutions. The most famous is the Virginia constitutional convention of 1829-30, where they rewrote the state constitution. So we use these all the time. The Hartford Convention, at which New England was deciding if they wanted to have some type of resolutions against the general government because of the War of 1812 – that was a convention. South Carolina’s nullification in 1832 occurred in convention. So the convention is the real vehicle to get it done.

WOODS: What’s your opinion regarding the case of *Texas v. White* from 1869, which argues that secession is unconstitutional?

MCCLANAHAN: Samuel Chase, who had been in Lincoln’s cabinet, was Chief Justice of the Supreme Court, and in the course of a case involving things like debt and bonds in Texas the Court issues a ruling that says unilateral secession was unconstitutional. Now, logically, why would they say anything else? If they came out and said that unilateral secession was constitutional, that would



invalidate the entire war – because for four years Lincoln had claimed that there was no secession, that from a legal point of view it hadn't happened and that it was simply a bunch of states in rebellion.

So the Supreme Court was going to provide cover for four years of war. Lincoln had said that of course he didn't need a declaration of war because these states were simply in rebellion (since secession was metaphysically impossible). The Supreme Court declared that you couldn't unilaterally secede from the Union. But what they left open was the possibility for other states to boot states out of the Union.

They did that because the logic of Reconstruction demanded it. After the war was over we had Lincoln's Ten Percent Plan, which essentially became Johnson's Ten Percent Plan, which laid out very lenient terms for the South. All the southern states could come back into the Union very quickly. The Radical Republicans couldn't abide this. They demanded some kind of punishment. So they booted them from the Union.

They passed the first Reconstruction Act in 1867, which established military districts in the South. They removed states from the Union. So what Chase did in *Texas v. White* was provide cover for that: if the states say you're not in the Union anymore, then you're not in the Union.

So if the Court said that kind of action was legitimate then, by the same logic why wouldn't it be legitimate now?

Let's say enough red states decide that they don't like California. California is a problem. You've got a Republican president. Of course, we know the Republican Party would never do this because they're a bunch of spineless fools, but for the sake of argument let's follow the process. They go into Congress and say, "We're going to vote to remove California from the Union." Congress does it. The President signs it. It becomes law. California is no longer part of the

Union. It's simply whatever they want it to be. It's the state of California. They could revoke the state status of California. Theoretically, according to *Texas v. White*, they could do this and make it territorial property once again. They can do whatever they want with it because the Constitution says that the United States can admit states; it doesn't say they can't expel states. So under a "loose construction" approach, if it doesn't say you can't boot a state out of the Union, that means you can do it, right? So you could use the Constitution like this (in what you and I would of course consider a fraudulent way) and according to the Supreme Court, this reasoning would work. So the red states could boot, say, California, Oregon, and Washington out of the Union. And that would be that.

In fact, the leader of the California secession discussion has brought this up. He said this is exactly how we need to do it. We need to pressure the Congress to vote us out of the Union. And that's how we're going to leave. We don't need a convention. We don't need to have some type of violent reprisal or anything like that. We just ask the Congress to let us go, and we go. And that's it. Wouldn't that be a beautiful thing?

And if you're thinking logically, well, wouldn't it be great if Kamala Harris and Nancy Pelosi and Dianne Feinstein and all these people are no longer in the general government? They're just gone. And because they're in California, they can go. Kamala Harris could be the President of the Republic of California. They could just have at it all day. And I think that's an interesting scenario that could potentially happen. But again, you'd have to rely on the Republican Party to have a backbone, and we know that's not going to happen.

WOODS: One of the main obstacles is not procedural. It's ideological. It's that people have been taught to demonize the idea of secession because they associate it with the Civil War or slavery. But not just that. After all, the Pledge of Allegiance says, "one nation, indivisible," which no doubt is also an oblique reference to the Civil War. So the idea of secession in the minds of Americans,

I think, is more difficult to wrap their heads around than it is for a lot of Europeans and people in the rest of the world. Americans have been taught to view the Union as sacred, as opposed to a utilitarian contrivance that we can take or leave based on how well it secures liberty.

MCCLANAHAN: They believe in the Union almost as a religious sacrament. The Union has become, in a way, the thing that you shall not ever say anything negative about. Politics is our religion now. We're taught from the time we're five up until we graduate from college that the Union is sacred. The union is indissoluble. And so the only solution we're left with is "vote better." Where does that ever get us?

And we don't actually teach the real Declaration of Independence. It's not a founding document. It's a de-founding document. It's a document of secession. And we don't look at it that way.

WOODS: But even people who don't look at these documents so reverentially, even people who think, "Why should I care about the Constitution or the Declaration? They were written by dead white men," still don't favor secession. Overwhelmingly they still don't want it. They don't oppose secession out of a concern that you're thereby committing sacrilege against sacred texts and institutions. It's just because, for them, the natural order of things is for them to rule and us to sit there and take it.

MCCLANAHAN: I think that's it. Their ideology is top-down. One-size-fits-all government works for them, because if they're in power they can do anything they want. Progressives thrive on centralization of power. So that is a real problem. To get those people on board is going to be hard. It's also going to be hard to get the neoconservatives and the Straussians and all the people who support the "proposition nation" idea. That's another whole group that you've got to deal with. They're on the right.

So you've got two real factions that are creating problems. And I think the


way you persuade those on the left is – Michael Boldin [founder of the Tenth Amendment Center –TW] is so good at this. Take your favorite leftist talking points and say, “Well, do you think the present system is serving you? Or could you have it better if you just controlled your own state?”

Think of Mitt Romney. He was governor of Massachusetts. He gave that state RomneyCare. It was universal health care. Or even think about the recent Supreme Court ruling knocking down the CDC’s eviction moratorium. Gavin Newsom went out to social media very quickly and said: *this doesn’t affect us because we’ve got our own eviction moratorium in the state of California, so you can’t evict people here anyway. It doesn’t matter what the United States government says.*

So the left can love federalism. Wouldn’t it be better for them if they could have all their leftist dreams, their little socialist utopia, in particular places? Bernie Sanders could have his little socialist utopia in Vermont. And then the rest of us could be free from all that stuff. I know the tyrants don’t like it, but I think there’s enough logical people who would respond if you simply said: wouldn’t this just be better for you, that if you want your leftist dream you could just have it?

Kirk Sale, a founder of the Middlebury Institute, is a hard leftist, but he’s a pure secessionist because he wants to have a left-wing utopia, essentially. He doesn’t like all the stuff that we don’t get because there’s too much compromise in D.C. Couldn’t we just get our own little green republic in Vermont? Thomas Naylor, who was a lefty up there in Vermont and who unfortunately died several years ago, was really interesting to talk to about secession. And that Second Vermont Republic idea had a lot of support. So the lefties could like it. You just have to sell it to them in the right way.

I think all of that comes down to education. This is a long war. You and I might look at this and think decentralization, including secession, is the obvious answer. Wouldn’t it be better to have real people have real places, and we could




all just live and let live? But you've got to persuade a lot of people that this idea of decentralization, federalism, secession – which is the ultimate extension of it – would be better for Americans. It's actually a peaceful as opposed to a violent solution to our problems. And I think that's the key to it all.

WOODS: If you could just say to these folks, “You can have exactly what you want, right now. It doesn't have to be a pipe dream that you have to wait 50 years for, or that you won't live to see. You can have it next week. And the way you go about it is through secession, or through allowing the secession of others.”

And it's true that the universalists who want to lord it over everybody won't be satisfied with that. But as you say, the average person isn't really interested in that, and just wants immediate change that he can perceive. He is practical and realistic. It's not impossible that such a person could say, “Maybe I'm not going to like the way Montana lives, but who cares? I don't live in Montana. I'll have a great California.”

How else can we live side by side? How else can we all be in proximity to each other like this when we have completely different worldviews and we're at each other's throats all the time? There is no other peaceful answer.



MCCLANAHAN: Americans are angry precisely because we have one-size-fits-all government. All the Never Trumpers, all the “Hate Donald Trump” people, why were they so angry? Because they thought their world was going to end. Because a guy they didn't like (who, by the way, had views that 1940s Democrats would have found acceptable) was in power. This is how stupid all this stuff really is. Donald Trump was a FDR Democrat. That's all he was. In 1945, when the war ended, everyone would have recognized Trump as an economic nationalist. He would have been Harry Truman. These days, that's conservative.

So the problem with these people is, they thought their world was ending

because of that. Well, what if it didn't have to?

The United States is a big place, and your political community is where you need to focus your attention. Not somewhere else. That's why I always say "think locally, act locally" on my podcast, because that's what you've got to do. It's how you have to start living your life.

CHAPTER 4

After Brexit, American Secession?

with Michael Malice

Michael Malice is the author of The New Right and host of “YOUR WELCOME” (as viewers know, that isn’t a misspelling). This chapter is drawn from episode 694 (from the year 2016) of the Tom Woods Show.

WOODS: We’re talking today about secession and in particular about a column you wrote for The Observer in the wake of the Brexit vote. I assume I know where you stand on this, but a few people surprised me on the issue, so: that was a good thing, right?

MALICE: Best possible thing.

WOODS: All right, best possible thing. But on the other hand, I get some libertarians who say: yeah, yeah, sovereignty, but what difference does it make if it’s crummy British politicians in charge as opposed to crummy European ones if the British are now going to impose more trade protectionism and more nationalism? Maybe the EU on balance was better. What do you say to those people?

MALICE: I agree with them that it’s not about sovereignty at all. I think sovereignty is a shibboleth when you’re talking about national versus international, largely. But I think what’s wonderful is: it’s a repudiation of the ruling caste and a moving of the Overton window. It’s telling a lot of self-appointed apparatchiks that your views don’t matter and you don’t have the ability — you never had the right, but you don’t even have the ability to exercise absolute control as you did until quite recently. And ideas that you feel comfortable dismissing as beneath you and you don’t even have to engage with, well, the feeling is mutual, and people are going to do what they like and give you the finger.

WOODS: That's exactly how I felt. Honestly, it's secondary to me what the British government decides to do at this point. The fact that something they obviously did not want to see happen — "they" being all the bad guys — it's miraculous that it occurred.

MALICE: It hasn't occurred yet. They have no shame, and they don't have the idea of the rule of law like some Republicans like to fantasize about, so you don't know what rabbits they're going to keep pulling out of their hat.


WOODS: Oh, that's true. I just meant that the vote came out the way that it did, because the much-vaunted prediction markets were saying that the Leave vote would be crushed, but it ended up winning.

It reminded me of the Troubled Asset Relief Program vote in 2008, because at first that didn't go the way they wanted in the House of Representatives. So they cajoled, and twisted arms, and bribed, and then they did the vote again. And what do you know? The vote came out their way. So of course you can't put this past them.

All the same, it is a sharp rebuke to these people, and I just can't imagine how every bone in your body wouldn't want to celebrate that.

MALICE: The other great thing is that it also demonstrates that they're incapable of learning from their mistakes. When they had the parliamentary election in Britain in 2015, literally every single pollster predicted a hung parliament between Conservatives and Labor, and said neither one of them had a lead. Then David Cameron had his big victory. So you might have thought they would recalibrate to some extent, and someone would have picked up that this would have happened. But they didn't. So it's a very good thing that they're incapable of questioning their own assumptions, since that's how you end up losing over and over.

WOODS: I just couldn't get over the people who voted Remain, especially the



younger people, who were crying in the streets and holding signs, as if the idea that they might not be governed by European bureaucrats was completely unthinkable to them. Or they've associated the European Union with international cooperation, cultural exchange, and so on, as if they can't just do these things themselves. What's the matter with you?

MALICE: I think you're way off on that. I think economics doesn't have those kind of reactions to people. I think what you have to understand is that for many young people and many other types of people, evangelical progressivism very much is a religion, and what they're seeing is kind of schism between their church and their sense of identity, which they identify with their church of, you know, internationalism and all these other things. They've kind of been kicked out, so this is going to cause them some kind of existential and emotional crisis. So this is not just a political thing; this is very much a spiritual thing for them.

WOODS: That is an interesting way to think about it. Your column in *The Observer* goes on to contemplate secession in the United States. I don't see it on the immediate horizon, obviously, but I personally think it's something that should be talked about. Why is it considered unthinkable by virtually everybody that people with such profound divisions as we see within this country might instead live under two or three or four or five different systems?

MALICE: In my article I make this point, whose relevance will become clear in a moment: wars don't establish truth; they establish dominance. When someone wins a war, that doesn't mean that they've legally proven their case. It just means they're stronger than the other person. Stalin beat Hitler. It was the Russians, as they always love to mention, who got to Berlin before the Americans did. That doesn't validate anything Stalin did, ever. And Hitler's not wrong simply because he lost. As I said in the piece, if he had had some kind of Faustian bargain with Churchill and Stalin, that wouldn't validate his perspective at all.

And yet the Left speaks as if the northern victory in the Civil War disproved the legality of slavery. But military victories don't prove abstract propositions. They show only that one side was stronger than the other.


The reason that the Left — although I think this is decreasingly the case — can't abide the idea of any kind of secessionism is that for them, American history quite literally starts with the Civil War. Everything before that is almost like prehistory.

But for them it's very much the Civil War. Because before that we were a flawed, evil nation based on slavery, and after that we had the redemption and everything became wonderful. So to them the South has to be constantly attacked and serve as their whipping boy to demonstrate their own virtue to themselves. The way they think is: I'm a good person because I'm not like those other people, who are bad. So if you allow those bad people to leave, you don't know where to base your own morality, and you don't know where to start your sense of history.

WOODS: So they have to have these people around, even if it means that they themselves have to endure people they perceive as hostile occupying the White House.

MALICE: And their identity is based on the idea of fighting against the George Bushes of the world. Many people think: I am good because I am opposing this bad person or idea. Human beings unite much better in opposition as opposed to unity of purpose. So for them, the South and white racists are really the villains, and you need them around to point to and to demonstrate that you're a good person. If you allow them to go away, you have blood on their hands from their perspective.

And the idea is: sure, every so often you're going to have a President Bush or a figure like that, so that's why for these types of people, these evangelical progressive types specifically, you constantly have to be agitating and updating



your Facebook, and this is their sense of purpose, because otherwise at any moment we could return to barbarism.

WOODS: Believe it or not, there are some libertarians who are not altogether in favor of American secession, so let me anticipate some of their objections. I'm not interested in their objection that it's not constitutional to allow secession—

MALICE: Right.

WOODS: I've handled that before, and I'm not even interested in that anymore.

MALICE: That's nonsense.

WOODS: And it is nonsense. But one claim is that if we allow secession, the states that will be formed out of the secession will be far less liberal in the classical sense, and so on balance, it would be a net bad for liberty. At least if we keep these bad people in the Union, we can keep an eye on them, but if they get their independence, well, they'll be imposing segregation or whatever it is on everybody.

MALICE: You kind of let the cat out of the bag. Whenever you hear someone say "keep an eye on," they're not really talking from a libertarian perspective, are they? What would happen is if we did segregate out — and the thing is we've never been one country culturally, ever. Ever, ever, ever. We've always had at the very least two separate cultures, and we've only been regarded as a monoculture in any sense thanks to the machinations of Alexander Hamilton. Now, you say that's a bad thing; I say it's a good thing, and that's a separate issue.

But it's true that it's very easy to separate out into two or more groups at least. You would have some period of internal migration. One half would become more libertarian and one half would become less libertarian, or it would be a mix. But then you could further segregate out into four, so you'd have that Nolan chart, where you'd have the right-authoritarians and the

right-libertarians and the left-libertarians and the libertarian-authoritarians. And people could live as they choose, and you would actually see evidence of which works better for what your personal values are. I think that would be great for everybody.


You're saying you're not seeing it on the horizon. I disagree. Here's why: thanks to social media, political discourse has increasingly broken down and become impossible in America, which I think is wonderful. Any time there's political discourse and agreement, that can only mean more government, more laws, and more oppression. So I want a complete cessation of any political discourse, because my rights are not up for discussion, let alone a vote. My property is not up for discussion, let alone a vote, so shut up and go away.

I had a friend of mine who's pretty Left and was arguing with me on Facebook about this, and I said, wouldn't you rather have a bad neighbor than a bad roommate? And when you put it in terms like that, it's an absolute no-brainer.

WOODS: That is a good way to put it. I understand what you're saying about social media, but my point is that it seems like over the past, let's say, 40 years, the Left takes some issue that's not even on the table, and within a generation everybody's on board. Now this isn't a perfect example, because not everybody's on board, but I remember back in the late '80s, somebody saying that the environment was soon going to be a major American political issue. I thought the person was joking. That wasn't even on the radar. And now the environment is all over the place. Or whether it's gay marriage or transgender or whatever —


MALICE: I really disagree, because *Silent Spring* came out in, what, '68, '69? Nixon had the EPA. I remember as a kid they were talking about acid rain and the rainforest disappearing.

WOODS: But if you go back and look at the debates between George H.W. Bush and Michael Dukakis in 1988, it's barely even a blip. Nothing. Compare that to



today when the kids are told they've got to recycle everything, and they come home and badger their parents about it.


A better example would be gay marriage or the transgender issue. These were not on the radar. People were not agitating for gay marriage in 1975, and now everybody basically supports it. I'm not sure that can work in reverse. I'm not sure that the other side can say: I know nobody likes the idea of secession, but you wait, in 20 years we'll all be clamoring for it. See what I mean? I don't think it works the other way.



MALICE: It does work the other way; it just hasn't worked the other way. One of the best, if not the best, essays I've ever read was by someone named Paul Graham. You can read it at PaulGraham.com/say.html. He argues that moral fashions among intellectuals are just like clothing fashions among people who are interested in that sort of thing. And we remember when we were younger there were AIDS ribbons. Every year you're going to have a new rollout of issues. This is a cue for people to demonstrate that they're with the program, especially on the Left, because the Left has the microphone.

For decades, at the very least since FDR, the right wing has largely been a "me too" idea. Ayn Rand was complaining about this in the late '70s, that America was turning to the right but there was no intellectual leadership, so it was a sort of vacant, wandering-in-the-desert kind of situation. It's only recently that the Right has started fighting back and forcing the Left to respond to right-wing ideas.

Four years ago in the debates, which is not that long ago at all, Candy Crowley and Barack Obama were teaming up against Mitt Romney. Now, during the primary debates, you have the Republican candidates chastising the moderators and the audience cheering. So this is the first step in having some kind of right-wing response.



And you're also wrong in this sense: things like the Castle Doctrine and things

like concealed carry, these have gone from completely not on the table to almost 50 states having passed this on a state-by-state basis. So it's —

WOODS: I'll give you that. And I guess homeschooling would be another example.

MALICE: Homeschooling is a great example. I would also say — obviously this isn't an, air quotes, "Right" idea — medical marijuana and drug legalization. The Left coopted it for decades because Nixon's the one who declared the War on Drugs. That's been a very healthy and positive issue.

WOODS: One of my favorite moments in my own life as a public speaker came a couple of years ago at a Mises Institute event on secession, where the *Washington Post* had sent a reporter because Ron Paul was going to be there. They expected Ron to talk about secession, and then they were going to say to his son, Senator Rand Paul, "Rand, your crazy old dad is talking about crazy old things." And I knew that the SOB from the *Washington Post* was in the room, so in effect I gave my talk directly to him.

And surprise, surprise, I wound up being the only speaker he decided not to write about. Because I said: how can it be that the Iraq War, one of the dumbest decisions ever, is just an innocent policy difference we have with each other, and no big deal, but simply wanting to shift an arbitrary, invisible dividing line between two geographical locations is the thing that's unthinkable? It's incredible to me that the Overton window is open so little, so to speak.

MALICE: Right. And the point I make in the piece is, is secession not legal from their perspective because the southern secession was associated with slavery? It's obviously far more complicated than that, but that's how it's painted. The northeast wanted to secede first, after all. And my all-time hero after Hamilton, William Lloyd Garrison, wanted to secede because he regarded the Constitution as a "covenant with Hell." And he said the North should secede immediately and have no partnership with this evil South. So there was clearly the idea in

the air that secession is something plausible. But it's kind of like leaving an abusive marriage. It's like the husband is hitting the wife, and she gets some self-esteem and declares, "I don't need to take this anymore," and he comes back with, "How dare you? You're beneath me. Your role is to stay here so I can hit you as much as I want." Well, she doesn't want it anymore.

So the point that people on the Left don't really have an answer to is: the reason for doing something is not necessarily of legal relevance. Do you have a right to secede, and if so, do you have to justify that right and to whom? And slavery is not the reason now, so what grounds do you have for holding these people in place? And as I talk to my friends on the Left, when I say, "Why are you trying to keep arguing with these people when there's no getting through to them?" within seconds everyone I've spoken to has come around to my point of view that this is something healthy that needs to happen. I've encountered no resistance. I'm shocked. It's the easiest of all the issues I've ever talked to people on the Left about to persuade them of.

Let me say one other thing. One of the healthiest aspects of the Trump phenomenon is that Democrats and progressives could wrap their heads around Mitt Romney, John McCain. It's familiar to them. It makes sense to them. They know those arguments. They know where they disagree with those arguments; they know where those arguments are wrong. And their reasons for why those arguments are wrong are reasons I agree with. I mean, the case against Mitt Romney, the case against John McCain, I agree with the Left largely.

The Trump phenomenon makes no sense to them. It doesn't fit in to their mental model. I think for many people on the Left, they're scared because he's a fire-breather. But they're also scared because they've realized: wait a minute, I'm missing something, because this shouldn't be happening. It's kind of like with the geocentric model of the universe. It's not adding up. Something is wrong here.

A sense of certainty is what evangelical progressivism delivers to people, especially young people and urban people. They are given this model of the world, and it's 100% true, and it's "obviously true," and anyone who disagrees with it is clearly stupid or crazy.

So when that model doesn't explain this Trump thing, or it explains it as mere "racism," yet there's clearly more to it than that for someone who's got an IQ above 85, they're confronted with: something in my mental map is wrong. So when you approach them with that perspective, that you don't understand how these people are thinking, you shouldn't be in the same house with them, they become a lot more amenable to that argument.

WOODS: Toward the end of your piece here, you make reference to that book *What's the Matter with Kansas?* It's one of these hectoring progressive books about why is everybody so stupid and backward in so-called flyover country.

MALICE: Barack Obama very famously made that off-the-record-that-was-recorded reference to how Americans cling to their guns and religion and are xenophobes, and so on. And what he was referencing was the argument in this very important book, which I haven't read, called *What's the Matter with Kansas?* The premise of the book is: given that voting Democrat and being left-wing is the correct approach for middle class and poor people, why don't especially white middle-class people and poor whites vote that way? It's basically the Marxist idea of false consciousness, that you don't know what's good for you because you've been tricked by ideology into doing what's counter to your own interest. So it's air-waving shorthand dismissiveness for: I don't know how people who are different from me think, but I know they're wrong and I know they're too dumb to realize it, so I'm going to mansplain to them that they don't really get it and that I am the enlightened one.

And again, this also harkens back to the point I make to the effect that all of this is a religion. With Christianity or ancient Greek mystery cults, you're initiated. You have this moment of finding out the truth. And for progressives,

that's the same thing. They've found their vision of the world, their utopia, and now they feel bad for heretics who haven't been saved. It's their job to bring the gospel to them. I'm friends with many born-again Christians, and none of them are as aggressive in putting forth their ideology as many of my friends on the Left are.

WOODS: If you think it's possible that secession could one day be seriously discussed among Americans — and let me say in parentheses that secession is an easy idea to grasp; it's not like we're asking them to decide Federal Reserve interest rate policy — what do you think needs to happen? What would the steps be? How do you start introducing it into the discussion? Where does this come from? The Heritage Foundation isn't going to support it. The Cato Institute would die a thousand deaths before supporting it. So where does it get started?

MALICE: It's already started, because it's getting started with the increasing breakdown of discourse in Washington. You see it with things like Obama unilaterally saying he's not going to enforce immigration policy. Even the *New York Times* found that kind of unprecedented, and thought it didn't really pass the sniff test. You see it with things like the Republicans refusing to have confirmation hearings for the Supreme Court. You saw it when the Republicans refused to raise the debt ceiling. And I was just talking about this on *Red Eye* a few nights back: Hillary Clinton explicitly said during her campaign that she was going to go to Congress first — if she's elected president — to get her ideas across on guns and on immigration. And she said: but if Congress doesn't act, I'm just going to pass the laws anyway.

So you're going to see both sides increasingly digging in their heels. Social media is more and more forcing people to pick ideological sides and having no room for the middle. You saw it last month when the Democrats sat down on the floor of the House and demanded action for guns that way. When discourse goes away, the options are either force or exit. It's fight or flight. Paul Ryan and

Donald Trump aren't talking. As long as you're seeing people refusing to talk to each other more and more, and that's been increasing at an exponential rate in the last, let's say, five years — at some point, someone in the Democratic Party (and vice versa) is going to say, to hell with the Republican Party, to hell with these people. Let them live their own barbaric, backward lives.

You want to call people barbaric and backward? It doesn't matter what you think of me, as long as you do what I want. You know what I mean? So you can call all the names you want; as long as those people are allowed to live as their culture decides, fine. Everyone gets to be happier.

CHAPTER 5

A Law Professor Speaks

with F.H. Buckley

F.H. Buckley is a Foundation Professor at the Antonin Scalia Law School, George Mason University, and the author, among other books, of American Secession: The Looming Threat of a National Breakup, which we discuss in this chapter. This chapter is drawn from episode 1575 of the Tom Woods Show.

WOODS: The very fact that I have on the line with me a law professor who speaks with something other than contempt about the compact theory of the Union – no, dare I say, even knows what the compact theory of the Union theory is – is an astonishing thing. And then of course the idea of secession, especially for Americans, is toxic. It’s unthinkable. So for you to discuss it at all is significant.

BUCKLEY: I found it a lot of fun to write the book, and it seemed to me that it made a whole lot of sense. First of all, you referred to the compact theory. That’s a theory about how the states entering the Union in 1787 and ’88 and ’89, when they ratified the Constitution, did so as separate sovereign entities who retained the right to exit from the Union if they so desired. That made perfect sense for a lot of reasons.

The ratifying convention in Virginia expressly reserved the right to exit the Union. And yet here in Virginia, when Virginia exercised that option, my city of Alexandria was occupied by federal troops, and that wasn’t right.

WOODS: Incidentally, the evidence for the compact theory of the Union, from which secession does seem to follow, is quite overwhelming. Yet most people never see that evidence. Although Thomas Jefferson was himself a compact theorist, that isn’t the context in which most people know him, and thinkers like St. George Tucker and Abel Upshur are altogether unknown to the general

public. Educated Americans may know names like Joseph Story and Daniel Webster, who defended the one-nation-indivisible nationalist theory, but almost nobody knows about Upshur's crushing point-by-point refutation of Story.

I've discussed the constitutional issues surrounding secession elsewhere, though. Let's talk about other kinds of arguments people might use to detoxify the idea of secession, or make it appear more appealing.

A lot of people seem to think that being a great big country is a self-justifying goal. In the case of the United States they think of the Union as almost a sacred thing, and that it's a kind of blasphemy even to contemplate any kind of division. To get people away from thinking in this way, and persuading them of the merits of smaller-scale political units, is a challenge.

BUCKLEY: Let's talk about who the possible secessionists might be if it came to it. On the conservative side they might include the Philip Hamburger types who say we live in a regulatory state which is lawless. The regulatory state is based on the Code of Federal Regulations. It's federal regulations that bother this group. So secession would mean deregulation in the same way that Brexit in Britain meant deregulation and an escape from the crazy rules of Brussels. That's number one.

Number two, there are people like Peter Schweizer, who rail at the corruption of American politics. They're thinking about not just the Clintons, but also the insiders in D.C., the lobbyists, people who behind the scenes create the rules we live by. We have a less corrupt government when government is closer to the people, as it would be in a smaller country. I did some number crunching: smaller countries are less corrupt. There's nothing surprising about that. That was an eighteenth-century debate, the proper size of the state. Roger Sherman said expressly that smaller countries are happier countries, and I think that's what the evidence tells us.

If you look across the world at countries that seem to be doing well, you find you're looking at the Denmarks of the world, not the Soviet Unions, not even the Russias. Just about every country in the world is staring down a secession movement. I don't know why we're the exception.

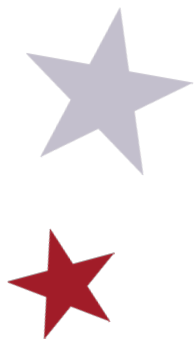
WOODS: I wonder if it's because of the unique history of the United States. Because of the Civil War, people wrongly associate secession with violence. They think secession is somehow inherently violent. Or it's un-American. They think the Union, a merely practical arrangement, is what America is all about. But the truth is: *liberty* is what America is all about.

BUCKLEY: Let's talk first of all about hostility and violence. The war was fought in 1861 and I think that to the extent it suppressed slavery, it was well fought. Of course, nobody in 1861 said it was about slavery. Anti-slavery voices in the Republican administration, William Seward and Abraham Lincoln, were prepared to concede an amendment that would guarantee the right of slavery permanently in the Constitution. No country better protected slavery. So 1861 was not about slavery. That happened later.

But violence? No, I don't think that would happen, and let me explain why. I lived in Quebec, where we had a secession crisis that nearly won in 1995. What got things going for the English speakers was Quebec separatist legislation called Bill 101. And 101 basically suppressed the English language. It was very anti-liberal. The Anglos called it Bill 401 because 401 is the name of the highway between Montreal and Toronto. So about 300,000 English speakers in Montreal just up and moved.

And we're seeing that right now in the United States. People are moving from Illinois or California to Texas. That would simply accelerate all this. So we wouldn't see a war. But the U-Haul company would make out like bandits.

Americans take a certain amount of glory in belonging to the strongest country in the world. My point is only that that kind of glory comes at a cost. A cost in



terms of lives lost in places where we didn't belong, like Iraq, and also a cost in terms of the military budget, which is bigger than the next 21 countries put together. So our national defense is not really at issue here.

We're more like we were when Washington gave his Farewell Address and said: here we are in North America, we're so lucky we're not in Europe, they fight wars all the time; we're protected by oceans, so we don't need a strong military for that reason. But we grew a strong military and with it we grew imperialistic ambitions that gave us, for example, the second Gulf War. We repudiated that as voters in 2006 and in 2016. So Americans aren't necessarily happy with the country with all the guns in the room. We have that sense of glory but we're also paying for it.

Supposing this time it were California that wanted out, and the message to California on a secession referendum was, "If you didn't have to pay your share of the military budget, that would be enough to fund national health in California," I think a lot of people in California, the non-militaristic types especially, would think that a good bargain.

WOODS: I would hope so. Here's the problem. I can at least find a tradition within American conservatism that is concerned about finite things like hearth and home and community. They're not interested in proselytizing among leftists living in San Francisco. They want to care for their own homes. Whereas I find that the progressive left tends to be more imperialistic in its ambitions for social reconstruction. It's not enough for them to say, "We'll live our way and be content." It's "We'll live our way and so will you." So secession to them would seem like an abandonment of their proselytizing mission to spread progressivism across the country. That's what I fear.

BUCKLEY: I agree with you one hundred percent, except for one thing. In 1992 Irving Kristol said that the culture wars were over and the Left won. But the Left, which had been universalist up to that point, if there are rights they have

to be rights across the country to whatever, same-sex marriage, transgender bathrooms, whatever you want, right? Well, the cultural imperialism took a hit in 2016 when the Left realized: maybe we didn't quite win the culture wars. So imagine what things would be like in an easily imagined future where impeachment has fizzled out, where Trump wins re-election, and where two or three more conservatives are appointed to the Supreme Court. At that point I think the Left would go ballistic.

To understand the craziness of our politics in the last three years I think you have to understand that the Left took a psychic wound. It thought it had property rights in American thinking and American culture and it realized that this was being contested. When they realize it's more than contested, that they might actually lose, then their cultural imperialism will dwindle and they might start thinking seriously about secession. If secession happens in the next five years, it'll be from places like Washington state or California. In short, this time around it's going to be politically correct.

WOODS: That's an interesting possibility. I definitely don't rule that out. My thinking is they would stick it out knowing that the demographics seem to be on their side. There seems to be an inevitable – I hate to say inevitable, because nothing is strictly inevitable – blue shift in the country. There are a lot of indicators suggesting that the country, either because of immigration or because the younger folks have much more left-wing views, and as they get older – sometimes they switch from left to right, yes, but I'm speaking in generalities – it does look like there's a trend toward the blue side. So they may say: sure, we have to grit our teeth for four more years, but then the future is ours. They might think: if Texas and Florida were to go out of contention for the Republican Party, we're going to win.

BUCKLEY: Well I know, I've heard that a fair bit myself, and you know what it reminds me of? It reminds me of the moment in the movie Cabaret where this young kid starts singing, "The future belongs to me." It turns out he's a Nazi.

These guys basically do have fascist-like ambitions to rule over other people. Maybe they think eventually that'll happen. The question really goes back to whether one side has lost the culture war or not. So it may well be that the resistance to the things the Left comes up with, which are more and more extreme – I mean, these guys don't have the stop impulse, they don't know when enough is enough, and that's because they're driven by an ideology where they've got rightness on their side and the enemy is the devil. It's precisely their extremism as expressed by people like Bernie Sanders or Liz Warren that would prove their undoing. If they're not willing to compromise on that – I mean, they have a choice at that point: either we realize that we're not going to go communist and we're going to have to compromise, or they'll start thinking: let's have the perfectly woke state of California do whatever we want.

WOODS: One of the problems with having this discussion in the first place is that not enough Americans have the view of the Union that Thomas Jefferson had: he cherished it, but he viewed it as a utilitarian thing to be judged by its results. If it didn't work out, then we'd try something else. Maybe we'd have three different confederations. There's no note from heaven that says, "This is the square footage of the United States and not one inch of it shall be changed." Yet I think most people do think of it as something sacred, so that makes rational discussion about it very difficult.

Also, we have a lot of people in this country, and we have a radical divide in terms of worldviews and likes and dislikes and preferences and commitments and ideologies, and to think that the only possible arrangement is for there to be one city that hands down infallible judgments that are to be followed by everyone is bizarre to me. But that is what everyone takes for granted. I consider that to be the most inhumane system. Yet if you propose, "What if you do your thing and I do mine," that's considered to be crazy talk. That goes to show how narrow the range of allowable opinion in the U.S. is. Here you have

an idea that – even if you reject it – is obviously worthy of consideration, and it's not even on the table!


BUCKLEY: And that's precisely what I end up proposing. What I wasn't doing was making a brief for secession. What I said, rather, was firstly that secession is quite possible, and secondly, given that it's possible, maybe we need to rethink our extreme positions. Maybe in particular the Left, which wants to dictate the terms by which we all live, needs to back up a little bit and concentrate only on ruling New York City and then messing that up as they will.

The other thing is this: supposing there were a secession referendum in a place like California, and suppose it's backed up by a state declaration of independence. That by itself wouldn't make California independent. That would be way of discarding a conversation. For example, California couldn't simply secede without discussions about how to bear its share of the national debt, and there'd be all sorts of related questions like: free movement of goods and people, would we need a passport to visit Disneyland, and so on. All of that would be on the table.


Secession would have to be accomplished by an agreement with the rest of the states, and through something like a constitutional convention. What that might give us is a solution to our problems in terms of a greatly renewed kind of federalism which I call home rule. The Supreme Court would inevitably get involved in all of this, and I think the originalists on the Court would take another look at the compact theory and say, "You know, the Framers at the convention, all of them conceded the right of secession pretty much," so the originalists would have to say we have to pay attention to this.

Number two, particularly if the move came from a liberal state that wanted out, the more liberal members of the Supreme Court would have to decide between an abstract right to a perpetual Union and the idea that secession is a nullity on the one hand, versus do we want to empower the president to send in the


troops on the other. I'm kind of thinking that we wouldn't see the latter. The Supreme Court at one point in 1869 ruled that secession was constitutionally impossible, but that was after the war was good and over. It'd be different if you had to look at it prospectively when secession passed, and at that point you really could get violence if the troops get sent in.



Finally, my prediction is that if any of this happened what we wouldn't see is an Abraham Lincoln in office. We would see somebody more like a James Buchanan. James Buchanan in his last State of the Union message in 1860 said: I don't get it, we're prosperous, we're doing well as a country. You southerners have everything you want in terms of slavery and you have no right to secede, but what am I supposed to do? Am I supposed to send in the troops? I don't think I should be invading, I don't think the fed should be invading the states. And by the way, neither did James Madison.



So I think both because of our reflections on what the Founders of our country were all about when they gave us our Constitution and because of a general preference for talking about the issues rather than fighting over them, I think we see a recognition that an accommodation would have to be made for a state that wanted out. The most likely accommodation would be something I call home rule, which would essentially be federalism on steroids. That would involve not merely a right on the part of the states to opt out of federal laws, but also a lot of the newly created rights that the Supreme Court has given us, like same-sex marriage or abortion.



WOODS: Let's wrap up today by considering what some listeners will think is the elephant in the room, which is civil rights. The idea of local control and home rule has been tainted by the fact that some of the American history of states' rights has involved violations of the rights of particular individuals, especially black Americans. Now if you look at the whole history of the U.S., we see states' rights and nullification being used to defend the freedom of speech, to defend against unreasonable searches and seizures at the time

of the Jeffersonian embargo, and we had Daniel Webster threatening that Massachusetts would interpose if there was an attempt to conscript troops for the War of 1812. We even see the Wisconsin state supreme court citing the Kentucky Resolutions of 1798 and '99, and saying that we could nullify the Fugitive Slave Act of 1850. So there's a huge history that Americans don't know.

Still, there is the issue of the treatment of minorities. Now if you look around the world at large centralized states, they haven't always been particularly good to the minorities within their borders. We can think of very spectacular examples of this. And as an Armenian, I wouldn't say my people fared too well in the Ottoman Empire. So it's quaintly naïve to think that large centralized states will protect minorities. But we do still have this part of American history, so how does somebody advocating for radical decentralization reckon with it?

BUCKLEY: My answer is that we're not the same country we were in 1861, or even in the 1890s. The civil rights revolution has taken hold and is not going to be undone whatever happens. When I speak of the civil rights revolution of course what I'm referring to is the rights of African Americans, as reflected in things like the Civil Rights Act of 1964. We're not going to undo that.

But the rights revolution more recently includes all sorts of contested rights. I mentioned same-sex marriage and abortion, and things like that would be more in play. For one thing African Americans are spread across the country and we're not going to change any of that, and nobody's proposing it. Nobody wants it apart from the absolutely extreme lunatic fringe, which counts for nothing, so the stakes are a lot lower than people think they are. But the more recent excesses of the rights revolution as expressed in Supreme Court opinions, those would be more on the table.

WOODS: The case we're basically making here has been made on my program a number of times before: that you could go to both the Left and the Right and say, "Right now, both of you are frustrated, and you don't get the kinds of

things you want. Well you're never going to get everything you want, but under this arrangement that we're proposing you could get a lot of it. You'd get a lot of what you want right now. You don't have to wait fifty years to transform the Supreme Court or to persuade 80 million fellow Americans to join you. You could get a lot of what you want right now just by abandoning this imperial plan of trying to rule over everybody. You could have everything, or at least a good chunk of what you want, right now." Is that basically the message?

BUCKLEY: That's the message. And the message is: that's what democracy means. Democracy means self-rule. It doesn't mean rule by some appointed judges, and it doesn't even mean rule by a Congress elected by a deeply split American people.

WOODS: What do you think the prospects for this really are? I think the case for it is strong, but it is up against a deep-seated opposition to this way of thinking. As you say, that may be breaking down. But what are the legitimate prospects for this?

BUCKLEY: Right now we're just on the cusp of thinking about these things. You hear people say, "We've never been more divided since 1865. There's basic disagreement about the most fundamental aspects of government and there may be a civil war." My answer is no, there's not going to be a civil war, but there may be political means of curing what divides us. If the Left ever concludes that there was a culture war and they just lost it, then the movement we're describing would come from the Left – and maybe that would be a good thing.

CHAPTER 6

Textit: The Case for Texas Secession

with Daniel Miller

Daniel Miller is president of the Texas Nationalist Movement. This chapter is drawn from episode 1967 of the Tom Woods Show.

WOODS: Do you agree with me that in at least our lifetimes, there has never been a better potential at least to get people to listen to the idea of secession?

MILLER: From my viewpoint it's an inevitability. If we look the period after World War II, there were about 54 recognized sovereign countries around the world. By the end of the twentieth century there were 192.

Those countries did not fall from space. The Earth did not get any bigger. What you had were people like us who wanted to reclaim their right of self-government and, consequently, raise up their specific nation-state. So maybe people are listening. What we're experiencing is a international geopolitical trend whereby people simply want the right to govern themselves. And it's happening every day.

WOODS: Those principles are important and are at the forefront of a lot of people's minds in certain parts of the world at all times. But 2020 and 2021 in particular have, I think, made as clear as could be that in the United States, anyway we are dealing with peoples who have radically incompatible worldviews. We keep trying to bash this round hole into the square peg of an indivisible Union, whereby every two or four years we continue to wage war on the half of the country that we can't stand. And it doesn't occur to anybody to think: maybe we don't have to do this. Maybe there's another approach.

If you have parties with irreconcilable differences, the humane solution is not to put them in a boxing ring until one of them collapses. The humane solution

is to send them each to their homes to live as they wish. Yet even though the idea is harmless and in fact deeply moral, you mention the word and people go berserk.

MILLER: Oh, they lose their minds.

To your point on the issue of solving these conflicts: we just need to take a look at Sudan. Sudan fought a thirty-year civil war. I can't remember how many million were killed in that thirty-year civil war. And the solution was north Sudan, south Sudan. And guess what, peace. So that is the solution. You're right when you say that it's humane.

But I want to go back to something that you talked about a moment ago, which is a concept that is playing out in the news cycle right now. And that is: we have very incompatible worldviews within this political and economic union called the United States of America. We don't have the same worldview, the same core values.

I want to mention one of the unsung heroes in recent memory of this idea of states leaving the Union, and that's Dr. Thomas Naylor.

I got to know Dr. Naylor back in the early 2000s. He was professor emeritus of economics at Duke University. He co-wrote a book called *Downsizing the USA*, and then he wrote a book on his own called *Secession*. His great heresy was to believe that tiny little Vermont should break away and become a self-governing, independent nation-state. And it was a heresy. You can imagine, even with all the natural advantages that Texas has – its size, its economy, things of that nature – the grief that we have gotten over the years. But if they thought I was Don Quixote then he was Sancho Panza. That's how they treated him. Like a leper.

But although we disagreed on a lot of things, Dr. Naylor was always steadfast in the one principle: that Vermont should govern Vermont and Texas should

govern Texas. Yet we are treated to a ridiculous Punch and Judy Show every two to four years where people fight over control of a central government that only wants to dominate us.

So when people come to us and say, “Well when is Texit going to happen?” I always tell them: “It’s happening right now; you just have to open your eyes and look.”

WOODS: Let me raise the question that’s probably in a lot of people’s minds. Let’s suppose this did happen. Maybe it’s Texas, maybe it’s another state, maybe it’s Texas *and* other states. I think the way people imagine it happening is along blue and red lines, that the people from red states will ultimately have irreconcilable disagreements with people in the blue states.

Suppose you were more sympathetic with the red-state cause than the blue-state one. The problem that somebody like you would need to address is: how do you deal with the influx of, say, Californians into Texas, who have no idea why California doesn’t work but they’re going to bring their destructive ideas to Texas?

Incidentally, right now it does not seem to me that the blue states are really considering secession. California briefly considered it under Trump, but that was just a temper tantrum until their people returned to power, at which time they were ready to start talking once again about the indivisible Union. So what do you do about the blue-ification of Texas?

MILLER: The fact is that more states than Texas are considering it, including ones that people would call blue states. That recent Bright Line survey showed just under a majority of Democrats in the Pacific states would be open to withdrawing from the Union. So we’re seeing this discontent all around. I think everyone, regardless of how they vote when they go to the polls, senses this level of discontent and how broken the federal system is.

But to your point about the shifting voting demographics, two things. Number one, what we're experiencing here in Texas is definitely historic in the sense that we're witnessing a massive influx from other states. Now there is a case to be made that a lot of this influx is – I'm not going to say outright that they're a pack of neo-Marxists, but you get the drift. They have a tendency more to vote Democrat.

That being said, what we're experiencing here in Texas is not necessarily what the perception is. What we're receiving here in Texas right now are essentially political, cultural and economic refugees from other states, where their core values are not represented in their state government. Places like New York or California. Or they're being economically hobbled. Or in some instances they just don't feel safe because of the policies that have been enacted by the government. So we're seeing an influx of political, cultural and economic refugees, as opposed to people relocating here from big-tech firms, things of that nature.

But there is a serious concern here. This red-versus-blue, I had it explained to me pretty bluntly anecdotally by a journalist with Texas Public Radio many years ago. He was a gun-owning guy who typically votes Democrat. He said that he visited some of his friends in Massachusetts. And when he told them he favored the right to keep and bear arms, they thought he was the most right-wing radical they had ever met.

So let's be honest: this red and blue thing is a ridiculous dividing line. Let's not forget that it wasn't too many years ago that everyone during a presidential election year was trying to convince us that Mitt Romney was the second coming of Ronald Reagan.

A word about the border issue. And I will tell you, from what we saw during the Brexit debate and what we've been experiencing here in Texas for over twenty years now, the border and immigration are going to be the number one drivers

for independence. And not just in Texas, but probably in many other states as well.

WOODS: In your book you deal with possible objections, or maybe not so much objections as fears about what might happen, or what problems could arise, or obstacles you're going to face if you pursue secession. And one of them is, and I've heard this a million times; "The federal government would never let you go." How do you answer that?

MILLER: It's really a throwaway question. Tell me how they won't. Because if we're following this process, a process that we have seen executed for seventy-five plus years, where the people go to the polls and vote in a referendum, a normal regular election, and they vote to reestablish our status as an independent nation, and no one fires on Fort Sumter, then what is it that they do? What is it that the federal government does? And if you get specific about that, if you require specificity, and someone gives you specifics, well you can bat those things down because they are so implausible, improbable. The moment that the United States federal government acts against any people who engage in a process like I just described, well seventy-five to eighty years of foreign policy where they've gone and sent our grandfathers, our fathers and mothers, and our sons and daughters, to fight, shed blood and potentially die for the right of self-determination for other people, all of that goes out the window.

You have have polls from noted pollsters like Zogby that show that almost half of the active duty military believe that the states have an absolute right to withdraw from the Union. When you remember that countries around the world want to trade with us, and that if the United States were to retaliate against a people who "voted wrong," if they wanted to economically embargo us, well that embargo hurts them more than it hurts anyone else.

The fact of the matter is that all of these objections, these project fear planks, are really and truly not rooted in the reality of the situation. When you look

at the reality of the situation, if we follow a very set, legal, lawful process, and execute on that process, then there's not a lot that they can do other than act like a bunch of petulant children as Brussels did after the Brexit vote.

WOODS: So what's the mechanism by which this would happen? Of course when the Constitution was ratified, there were special state ratifying conventions for that purpose, and likewise to reverse that there were state secession conventions in the South. You seem to be taking a somewhat different approach from that.

MILLER: Sure, for us, and you know it goes without saying, we don't need to cover the implications of Article I, Section Ten of the U.S. Constitution being silent on the issue of states withdrawing, or the Tenth Amendment reserving that, let's look at Texas specifically.


Article I, Section II of the Texas constitution says, "All political power is inherent in the people, and all free governments are founded on their authority, and instituted for their benefit." And the people of Texas "have at all times the inalienable right to alter, reform or abolish their government in such manner as they may think expedient." So our post-Civil War constitution reserves to the people the right to make these determinations. What that means for us is that we want this to end in a Texit referendum. We want this to be put to a vote of the people.

If you go back to Sam Houston's objections to Texas withdrawing from the Union, after the convention met and made the decision for Texas to withdraw from the United States, Sam Houston said: Texas came into the Union via referendum. If we exit, that needs to be put to a vote of the people as well.


Now some of that might have been political posturing, Sam Houston thinking the people wouldn't vote for it, but he's not wrong from a principled standpoint. Because Article I, Section II, or some form of those words, has existed in every Texas constitution since our republican constitution of 1836.

From a practical standpoint, the challenge that we have here in Texas is that there is no statutory framework to make that vote happen. So in this previous session of the Texas legislature, we were able to work with State Representative Kyle Biedermann and five other legislators to file the Texas Independence Referendum Act to create a framework for putting this to a vote of the people. It did not pass in this session, but we're moving forward on it. The opportunity actually exists for us to not only have this referendum framework placed into a statute, but also in the next session we can go the constitutional amendment route as well and make the constitutional amendment effectively the referendum.


So as long as the question is clearly put to a vote of the people of Texas and the people make the decision to Texit, then we're on solid ground.



WOODS: Can you imagine the propaganda campaign against that from all the blue checkmarks and all the respectable circles? Even when we do some small thing they go berserk. These are the sort of people who, if there's one Hollywood actor with an opinion ten percent different from the rest, they want to destroy his career. If you're actually talking about something as "extreme" as withdrawal from the Union, these people would have heart attacks. It would be absolute pandemonium.



MILLER: They need to get their story straight. Half of them would want to donate against our cause in order to keep Texas in, but frankly the other half that would be freaking out would probably want to donate to kick us out.



WOODS: I don't understand why they don't just kick you out and say, "Now the other forty-nine will have a slightly easier time of it since we're no longer saddled by Texas."

MILLER: They want to make D.C. a state, so just give them our star. Let's just go that route.

But we are not naive about how tough this campaign is. I've been at this for twenty-five years now. Our organization, the Texas Nationalist Movement (TNM), wasn't formed until 2009, and it took four years of capacity building for us to make our first engagement with the Texas legislature. So we have, as an organization, built our structure around what will eventually have to come, which is an on-the-ground campaign.

We saw the Brexit referendum. That was proof that we were moving in the right direction, but more so that structurally we were right about how we organized the TNM from day one.

Look, they're going to blow the propaganda out of the water. But Tom, here's what we know. We know that the polling shows if we go to a referendum tomorrow we win. And we don't win by a little, we win by a lot.

What I think is more important, though, beyond the poll numbers, is really the two cases that are going to be laid. We know what their case is going to be. It's going to be touchy-feely, it's going to be "better together." They're going to make the assertion that Texas will turn into the next Afghanistan with the Taliban in charge, and we'll be horrible for human rights. That's already started up a bit. They'll tell everyone that it means that they're going to cut the Social Security off and grandma will die in a ditch. Again, garbage.

So we know what their side is. Our side is is pretty straightforward. Right now we know that the backs of Texas taxpayers are being broken by the enormous tax burden foisted upon us by Washington, D.C. They're stealing from our pockets, they're taking about forty percent of our take-home pay that we never see again. We're overpaying anywhere from \$103 billion to \$160 billion annually into the federal system.

We know that the number-one top polled concern for Texas voters when combined is the border and immigration. The federal government has effectively destroyed the southern border with Mexico. We have a massive

flood of illegal immigration that is creating havoc, public safety concerns – that’s a whole other topic that we can talk about for an hour, Tom: the negative impact on Texas of federal government border and immigration policy. And Texas is disproportionately affected by it. It’s a mess. So that’s number two. And we know Texit gives us the ability to reclaim our right to manage our own border and our own immigration policy. And since we’re the ones that have to deal with it on a daily basis, who better to manage our border than us?

And here’s the final thing, Tom. Our case to the people of Texas, and I have literally crisscrossed Texas for years putting it to people this way, is this: if you imagine for a moment that Texas, or frankly any state, was currently a self-governing, independent nation in every aspect of the word – we had our own monetary system, control of our own immigration and border policy, our own military, our own defense policy, our own passports, even had our own Olympic team – and instead of talking about Texit, we were talking about whether or not our self-governing independent nation should join the United States: knowing what we know about those 180,000 pages of federal laws, rules and regulations and the two and a half million unelected bureaucrats and everything, knowing what we know about the federal government, would you vote to join the Union today?


WOODS: That’s a great question. And by the way, when you look back at the arguments that were made as to why we need the Constitution, in your textbook the Articles of Confederation is made to sound obviously stupid. It was just obvious that we needed the Constitution. If there is more than a handful of classroom teachers anywhere who take any counterarguments seriously I’d be surprised. Now it’s true, the kinds of arguments for the Constitution you heard at the time – we’d like to have a big free-trade zone, we’d like to have a better common defense, and we’d like the states to pull their weight – you could certainly understand somebody going for that. But as you imply, if you look ahead a couple of hundred years with a clear head and minus the propaganda, you might look at the absolute horror the federal government

has turned out to be and conclude: I think I'll take my chances with some of those problems I thought we needed a federal government to solve!

MILLER: There was a thought at the time when Texas joined the Union that these political unions were the way to go for these fledgling states. They needed to band together. It's a very eighteenth-, nineteenth-century solution. But in the twentieth century we began to see nation-states organizing themselves in many respects like the United States without giving up their sovereignty, without joining these absolute political and economic unions to be ruled by someone else.

Incidentally, take an issue like trade. You can look at the United States in part as a free-trade agreement. But then you realize that the United States actually has free-trade agreements with twenty-two other self-governing independent nation-states around the world that consist effectively of the same, or in some instances, better terms than the states have with one another within the Union! So you have these twenty-two other self-governing independent nations that do not have to bend the knee to two and a half million unelected bureaucrats in Washington D.C., but yet they get to benefit from free trade with the U.S.

So you look around the world and you say: these things are handled by multilateral agreements or international conventions without anyone having to give up their right of self-government. Well that's a twentieth- and twenty-first century solution, and it's one of the reasons that we see so much pushback against the European Union. The EU is wanting to become the United States of Europe. They're trying to pattern themselves after the United States of America, and in doing so they're getting a tremendous amount of pushback. That's because it's an eighteenth- and nineteenth-century solution to twentieth- and twenty-first century problems. If Texas or any state wanted to go it alone, you wouldn't have to go it alone. All you have to do is engage in the same activities that other self-governing independent nations around the



world engage in every single day on trade and travel and mutual defense and all of those things.

In effect, what the Constitution of the United States was meant to do by the Founders and the Framers could effectively be accomplished by the use of these various agreements at whatever levels we want without having to bow a knee to some city of bureaucrats who think that they are smarter than the rest of us.

WOODS: I usually like to wrap up these conversations with a big-picture question, but I'm going to do the opposite this time. Because there's something that you mentioned just now, and also is in your book, that I think the average person would be curious about. It has to do with programs like Social Security. Now regardless of how people listening to this feel about it, if you say, "In an independent Texas, all that is wiped out," you're going to get killed when you go for the referendum. So the question would be: what kind of transition do you envision for programs like that?

MILLER: There is a misconception that we go to the polls, we vote for Texit, and the day after Texit it's Mad Max, it's the Walking Dead, it's insert any apocalyptic movie that you can possibly imagine. Daniel Miller and Tom Woods road trip through the apocalyptic wasteland formerly known as Texas. That's not how it works. It kicks off a process. Many of these issues are dealt with in one of the stages of that process, either the transitional phase or the negotiation phase.

But let's take an issue like Social Security. The argument from the opposition is that Texit means you're going to let grandma die in a ditch.



But let's look at current federal policy related to Social Security. If you're receiving Social Security money right now and you move outside of the United States, as long as you don't move to North Korea, Belarus, Syria or Cuba, you still get your Social Security payments. So the question then becomes: what about those people who are sort of in between? They've got work credits here

but they're not yet ready to retire and collect their checks. The most likely scenario is the one that plays out around in many Western, civilized countries, and involves what are called totalization agreements. In essence, if you work in one country and earn in their Social Security program, and then you move to another country and you earn in their Social Security program, your work credits are totaled up through these totalization agreements and you don't lose any type of work credits that you've earned.

Now the issue then becomes: Texas doesn't have one of those systems. But Texas does have pieces of those systems. Texas already has a state retirement system that could be expanded. But more importantly, we have a model that's been played out for about twenty years now in three Texas counties. About twenty years ago you had three Texas counties opt out of Social Security for their county employees and allow them to pay into what became known as the Galveston Plan. It was Galveston, Fort Bend and Brazoria counties. And what you find is after a twenty year track record, the counties that were on the Galveston Plan outperformed Social Security by a mile as far as what the return on investment was.

So for us to be able to spin up something, we're not starting at zero. We already have the elements that we can put into place, not quite from day one, but really early in the transition process. So all of these issues that are technical and mechanical, we answer those at our website at Textnow.org, and of course the foundation for understanding how to answer those questions is in my book *Textit*.

CHAPTER 7

A Progressive for Secession

with Kirkpatrick Sale

Kirkpatrick Sale was a member of the New Left in the 1960s and the author of numerous books, including Human Scale. This chapter is drawn from episode 261 of the Tom Woods Show.

WOODS: Kirk, you remind me of my friend Bill Kauffman. You have similar outlooks on a lot of different questions and you're both hard to categorize within the American political system. That system wants to categorize people according to whether they support Hillary Clinton or Mitt Romney. You and Bill have helped to show the world that there are third and fourth and fifth and sixth categories that you might think about putting people in.

SALE: Well, let me put it this way. People who believe in a flat Earth believe that there is a left over there and a right over there, and that is how they categorize everybody. But people who know that there is a round Earth understand that up at the top that there are the authoritarians, whether they be the Stalinists on the left or the Nazis on the right, and then down at the bottom there are the anti-authoritarians, libertarians, anarchists, all of the freedom-loving people together on the bottom. So there is no left and right. It's essentially freedom or no freedom; authority or no authority.

WOODS: In the 1960s when you became politically active, were you thinking of it that way or did you think of yourself as being resolutely on the Left?

SALE: You know, I didn't think about it either way, but that's where I got put. My activism in the 1960s was motivated by the idea of participatory democracy, which is one of the slogans of Students for a Democratic Society (SDS) that really touched me. They believed, at least the early SDS, in anti-authoritarianism and power to the people. And you called that Left, I guess, at

the time, but to me it's still the same part of this anti-authoritarian political area where I work.

WOODS: And yet in recent years – a whole bunch of recent years – you have written and talked an awful lot about the idea of secession, which for whatever reason is anathema to a great many people who call themselves progressives. You wrote a book years ago called *Human Scale*. It seems to me that progressives are willing to go with you if it comes to the scale of your flower garden or the scale of the local business firm but when it comes to the scale of the political order under which you live, to question that becomes a heresy.

SALE: Indeed it does. Those progressives have never met a government they didn't like, never met a large government they didn't like. They've brought on the crisis that we face today. You may have seen a Reuters poll a couple of weeks ago [in 2014] that found that 24% of Americans believed that secession was not only legal, but they would participate in it in their state. People may skip over that as being a minority, but that's 80 million people in this country. Eighty million people. That's more than voted for the Democrats the last time out. That's a significant number of people who believe in secession and who understand that this big government is simply failing us in every way.

And it doesn't take a moment's thought to understand that the federal government is too big, it's too intrusive: the NSA, the IRS, Obamacare, TSA, you name it. And everybody knows this. This is not something that's hidden. And the inability of this huge government to operate efficiently is also daily apparent: Secret Service, Veterans' Administration, ISIS, and Benghazi, the national debt, and inability to do anything about climate change. All this failure of the federal government is obvious and yet it has led only a quarter of the public to the equally obvious conclusion that the only thing that we can do is secede from this federal government. Leave the sinking Titanic.

WOODS: I like your point that 24% in raw numbers is quite a few people, but I would also say that that percentage itself is impressive given how much the

idea of secession is demonized in our society. Certainly in the schools we're taught that the United States is one and indivisible and that this is a holy and sacred arrangement, and that only a perverse idiot would contemplate living on a smaller scale. We are taught to demonize secession all over the world – except, of course, when it serves the U.S. government's strategic interests. Otherwise the prejudice is always against secession.

And yet all secession means is that you might have some slightly greater chance of influencing the society in which you live. What is the fear? The fear can't possibly be that secession is going to mean the return of Jim Crow laws, because most progressives also oppose the secession of Vermont, where there isn't a sizable enough black population for that even to be an issue.

SALE: They are against secession in a knee-jerk patriotic way that has never really been examined by most of these people. Then they declare it illegal without having any grounds for that, unconstitutional when it does not appear in the Constitution. And among those crazy people who thought that living on a smaller scale might be better were the Founding Fathers, including James Madison and Thomas Jefferson. That idea lives inherent in the founding of this nation because, after all, we had just seceded from Great Britain, something Scotland had failed to do, but we did it and we did it with force and we did it successfully. So that was something in the mind of all these people who created this country.

WOODS: You've made quite a diverse array of friends over the years, holding the opinions you do. My view has always been that I am glad to collaborate with anybody. People don't have to be clones of me. If they get the big picture on questions like the one's you're raising, I am delighted to work with them.

I have a friend named Murray Polner [Murray passed away in 2019 – TW], who has been involved in Jewish peace activism for a long time. He's very much on the Left. But we did a very good antiwar anthology together. We took some of the best antiwar writing in U.S. history and we made it into a book (*We Who*

Dared to Say No to War: American Antiwar Writing from 1812 to Now) published by Basic Books, and it was great. We got a starred review from *Publishers Weekly*, and Ralph Nader bought 1200 copies.

But by and large I find that when I extend a hand to the Left, they try to chop it off. When I had Ralph Nader on the show, he said that it seems to him unfortunately true: libertarians are very eager to work with anybody, including people on the Left, but there isn't much reciprocation. Do you have any thoughts about why that might be, or is that your experience?

SALE: It seems to me that they don't really want to increase liberty and individual choice in this country. Because that's what they fear. They want to have a certain national consensus that is enforced nationwide. There are times when people on the Left will say that it's gone too far, but for the most part they're happy with a large government that tells people what to do. And people who want to diminish that, they don't consider friends.

Now, Ralph Nader is somebody who I would feel is in our camp, basically. He has had to make compromises doing what he does but he basically gets the same thing that we do. And Left and Right don't matter. In fact, his new book is arguing that there shouldn't be Left and Right and that the people who want smaller government, efficient government should work together for that. Of course, he still wants people to do it in national politics, which is crazy, but I'll get him around to this secession idea.

WOODS: Right. We'll give you a little time on that. In the '60s you were interested in the idea of participatory democracy and today you are talking an awful lot about secession. Do you feel like you've changed, or do you feel like you've stayed the same throughout your career?

SALE: It's the same thing. I thought participatory democracy would be difficult to obtain, but by 1980, when I wrote *Human Scale*, I realized that it *couldn't* happen on the scale that we were at then (which is worse today) and that it

had to happen on a very local, regional level. And I've always believed that. And in the last decade or so I came to the conclusion that the way to make that practical would be secession. That is to say, we're not calling for the great overhaul of everybody's ideas about the economy or democracy or anything. In fact, all that secession does is have government at a different level. I thought that was not only practical but indeed the only way we could have peaceful change in this country.

And it's a conclusion that a lot of people around the world have come to. That's what's happened in the last 50 or 60 years or whatever. The United Nations started out with 50 nations, and there are now 193. And then there are others like Taiwan and the Vatican that are not in the United Nations but are nations nonetheless. The major way that happened was through secession. So it's a very practical solution. It can be peaceful, and I think that in this day and age it almost certainly would be peaceful. That is to say, if Vermont wanted to secede and voted overwhelmingly for it, I don't see how Obama could send in the Marines. Particularly if Vermont appealed to world public opinion. Especially to those states that have been created by secession, from Norway to Belarus, Czech Republic, all those nations. I think they would put the world's eye on Vermont and forbid any bombing of Montpelier.

WOODS: Well, I think Vermont should appeal to all the countries that have been invaded by the U.S. and say, "You know what this feels like. Don't let this happen to us."


You have written for publications like *The Nation* and *Mother Jones* over the years. Let me anticipate the kind of objection that they might have to secession. It's not a stupid objection; it does need to be answered. They would pull out episodes from American history that are indeed disturbing episodes. They would pull out the Jim Crow example and say, "For all the criticism that you may have about the federal government, it can keep an eye on some of these outrages and enormities that have taken place at the local level. And if



these entities secede, how are we going to establish justice in these places?”
How do you answer that?

SALE: I don't think it's the business of any government to go around establishing justice for other people. In fact, defining what justice is and then forcing it down their throats, that's exactly what's wrong. The cost of forcing federal ideas on people is very high. It's true that a civil rights revolution did take place in the '60s, forced upon much of the South and with some measure of success, but it has been essentially a failure. If you want to know the measure of that failure you simply have to look at the schools, the public schools of America, which are not integrated, and I think never will be as long as federal law is the way that people seek integration. The schools are less integrated now than they were and it is a national disgrace. And it is true that some gains have been made for blacks, but as long as you can point to the prison system of this land, with its quite obvious racial injustice, you can't say we have gotten very far in terms of placing blacks as a normal part of our social and political system. We haven't got there and the reason is that it wasn't done in the right way. It is, I do believe, a right cause because it advances liberty for a great many people. It is a great cause, but it wasn't done in the right way.

WOODS: So you're saying that if there had been some way other than through the use of force to accomplish these ends, they might have been accomplished in a more systematic and lasting and natural way as opposed to an artificial way in which people are forced together, and then wind up separating again like oil and water?



SALE: You can't force people without getting their back up and their resistance. That's the way people are. That's the way people should be, resisting somebody coming and telling them what to do. That's exactly what's wrong with government, and that's exactly why we have to try to diminish that in any way we can. And I think that there would have been other ways to accomplish this in the '60s. For example, if you take just education, what

you would want to do is to try to see that neighborhoods are not all black. Try to increase the integration of neighborhoods. Develop policies that would encourage people as they have done in fact all over in recent years, encourage people to move into the very good housing stock where blacks lived before. It's called gentrification. But what it succeeds in doing is creating integrated communities. And therefore the local school will perforce be integrated automatically. That would be the way to integrate society. It would be integrated in schools. But we didn't choose that way and so there are more black segregated schools now than there ever were.

WOODS: Is your view on secession that secession is always morally justified and that any seceding state ought to be supported, or are there conditions on it?

SALE: Yes, absolutely. Secession is good. It does not guarantee that what you will get are smaller units that promote liberty and prosperity. I wish we could say that every seceding state brought liberty and prosperity. It will obviously increase the chance of individuals having more say over what goes on, but it doesn't guarantee that. So some seceding states might be very unpleasant ones, as I think you can find in the states that were created when the Soviet Union collapsed. You'll find some very unpleasant states there. But you'll also find some very successful and freedom-loving states – Latvia and Estonia I'm thinking of, and Czech Republic and Slovakia, in fact.

My attitude as the director of the Middlebury Institute, which is devoted to the study of separatism, secession, and self-determination, is that all secession, all separatism is good in and of itself and should be supported. It opens up the possibility for greater freedom and democracy and prosperity, but it doesn't guarantee it. But if you look around at the world at which states are the most successful economically as well as in democracy and freedom, they tend to be quite small. Almost all below seven million citizens and a great many of them below five million, which is the size of most of the nations in the world. So, there is a much greater possibility that you'll have the liberty and prosperity

that you want and a democracy – but it's not guaranteed, of course.

WOODS: I personally think that the division of the country into red and blue states as the media describes them is a ridiculous oversimplification. There are a lot of us who would not call ourselves red or blue. But for the sake of argument let's say that there is some truth to it, there are some people who conform to the stereotypes of red versus blue. And yet every four years we have a presidential election in which we're presented with the idea that the two sides are really in a kind of civil war with each other; that whoever wins is probably going to oppress the other group. It never occurs to them to say: why don't we put our arms down, stop fighting with each other like this, and say you do your thing and I'll do my thing and just leave it at that? They're both addicted to the idea that there must be one solution rammed down the throats of everyone.

SALE: The government education system obviously does not allow that possibility. People will always say that the Civil War proved that you can't do that. What the Civil War proved was that when one half of the country with a great deal of power and money wanted to destroy the other half of the country, it could use a lot of force if it wanted to do so and win a war. It doesn't prove anything about secession whatsoever.

Secession is obvious. It's obvious then and it's obvious now. In fact, that leads to the concept of states' rights, an idea which is surfacing now because of gay marriage, and I think that has to be promoted along with the idea of nullification. I think we should stress the rights of states to have their own laws and go their own way, which of course Washington and Colorado proved they would do with marijuana; which is still illegal, yet those two and another 13 states that have defied that law to say we want to do things our own way. And those states' rights are very valuable and obviously they've been terribly harmed and diminished over the years since 1865, but that's still a concept that we ought to applaud and try to reinvigorate.

APPENDIX

ADDITIONAL RESOURCES

1 *Secession, State, and Liberty* is an excellent book of essays on secession edited by the brilliant David Gordon and published by the Mises Institute. You can get a PDF of this book by [clicking here](#).

2 My podcast, the Tom Woods Show, has had nearly 2200 episodes, and we cover plenty of topics not approved by the *New York Times*. Subscribe on [Apple Podcasts](#), [Stitcher](#), or whatever platform you use for podcasts.

3 Homeschoolers: I teach several courses for the Ron Paul Curriculum, a self-taught, video-based K-12 homeschool curriculum. Not only do we teach history, economics, and related subjects the way they ought to be taught, but students also learn how to start a home business, how to speak effectively, how to manage money, and other important topics no traditional school will teach them. To get my \$160 in free bonuses when you join, use this link:

<http://www.RonPaulHomeschool.com>

4 Most adults reading this suffer from what I call educational malpractice. The American and European history we learned was either distorted, incomplete, or both. So in 2012 I created Liberty Classroom, where you can learn the history and economics they didn't teach you, all while driving your car. Want the real thing, with no p.c.? Then join me:

<http://www.LibertyClassroom.com>

ABOUT TOM WOODS

Tom Woods is the winner of the 2019 Hayek Lifetime Achievement Award, given in Vienna by the Hayek Institute and the Austrian Economics Center. He holds a bachelor's degree in history from Harvard, and his master's, M.Phil., and Ph.D. from Columbia University.

Tom is the *New York Times* bestselling author of 12 books, including *The Politically Incorrect Guide to American History*, *Meltdown* (on the 2008 financial crisis, and featuring a foreword by Ron Paul), and *Real Dissent: A Libertarian Sets Fire to the Index Card of Allowable Opinion*. His books have been translated into Italian, Spanish, Polish, Lithuanian, German, Dutch, Czech, Portuguese, Croatian, Slovak, Russian, Korean, Japanese, and Chinese. Tom is also co-editor of *Exploring American History: From Colonial Times to 1877*, an 11-volume encyclopedia.

A senior fellow of the Mises Institute, Tom has appeared on MSNBC, CNBC, FOX News, FOX Business, and C-SPAN, as well as hundreds of radio programs. His writing has been published in dozens of popular and scholarly periodicals, including the *American Historical Review*, the *Christian Science Monitor*, *Investor's Business Daily*, *Catholic Historical Review*, *Modern Age*, *American Studies*, *Intercollegiate Review*, *Catholic Social Science Review*, *Economic Affairs (U.K.)*, *Quarterly Journal of Austrian Economics*, *Inside the Vatican*, *Human Events*, *University Bookman*, *Journal of Markets & Morality*, *New Oxford Review*, *Catholic World Report*, *Independent Review*, *Religion & Liberty*, *Journal of Libertarian Studies*, and *Human Rights Review*.

Tom won the \$50,000 first prize in the Templeton Enterprise Awards for his book *The Church and the Market*, as well as an Olive W. Garvey Fellowship from the Independent Institute, the Gary G. Schlarbaum Prize for excellence in research and teaching, the George F. Koether Free Market Writing Award, and the O.P. Alford III Prize for Libertarian Scholarship.

And he is the host, of course, of the [Tom Woods Show](#).

