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# SAN BERNARDINO COUNTY SECESSION MEASURE

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California State University, San Bernardino may have to rename itself Empire State University if the San Bernardino County's Board of Supervisors gets its way. On August 3, County Supervisors voted 4-0 to put a measure on the November ballot called the "Fair Share Initiative." The measure asks: "Do the people of San Bernardino County want San Bernardino County elected representatives to study and advocate for all options to obtain the County's fair share of state funding, up to and including secession from the State of California?"

In a July board meeting, Jeff Burum, a prominent real estate developer, first proposed the secession idea. The goal of the measure is to foster discussions about state and federal resource allocation, with secession as the last-resort option. The initiative "is a constructive way for the people of America's geographically largest county to be heard, not only by their local leaders, but by everyone in California and the nation," wrote Curt Hagman and Dawn Rowe, the chair and vice chair of the San Bernardino County Board of Supervisors.

According to many local leaders, the state legislature is ignoring the county's needs. Supervisors Hagman and Rowe, for example, note the county has experienced a 13% spike in violent crime as the state has pursued alternatives to incarceration, and an increase in illegal marijuana farms since the legislature downgraded illegal cannabis cultivation to a misdemeanor. They also point out that San Bernardino County ranks in the bottom third of California's 58 counties for per capita revenue from the state and federal governments despite having the fifth largest population of any county in the state.

San Bernardino County Sheriff Shannon Dicus supports the measure, citing California's prison realignment in 2011 as a particular problem. Realignment sought to address overpopulation in state prisons by transferring responsibility for low-level prisoners from the state to counties. Dicus stated in the *Los Angeles Times* that "in realignment for state prisons, this county has spent approximately \$40 million just trying to build the infrastructure and take on what was a state responsibility that was pushed down on us locally."



The SB County Board of Supervisors. Photo by Watchara Phomicinda, The Press Enterprise/SCNG, accessed 10/19/2022.

Other local leaders support further inquiry into the county's relationship with the state. "People pay high taxes and they do not believe their taxes are coming back to their neighborhoods to address the issues they care about," Supervisor Janice Rutherford said. "And there is nothing crazy about being angry about those things." Similarly, Fontana Mayor Acquanetta Warren said, "We cannot continue to beg and crawl and (grovel) ... to get resources for our county. We have millions of citizens that have needs."

As reported in the *Press Enterprise*, Supervisor Hagman asked his counterparts at a board meeting, "Do you want to spend our taxpayer dollars to do a study of what we are, or are not, getting, as a county, and then fight for that, in a way we haven't done before?"

Not all local officials support the secession measure. State Senator Connie Leyva and Assemblymembers Eloise Gomez Reyes and Freddie Rodriguez sent a letter to the county board on August 8, 2022 strongly criticizing the effort to put the secession measure on the November ballot. "[W]e are shocked with the reasoning behind this initiative, concerned about the cost to taxpayers to essentially ask local officials to do their jobs, and disappointed in the narrative being created regarding our community," they wrote. These state representatives disputed that San Bernardino County is getting shortchanged, arguing that they were responsible for bringing \$65 million in directly allocated budget funds to the Inland Empire in 2022.

In the event voters approve the measure, any further secession efforts would face high hurdles, including approval by the state legislature and by the U.S. Congress. If secession cleared those obstacles, the county would become the 51st state and the first to separate from an existing state since West Virginia left Virginia in 1863. Some say the new state should be named "Empire."

**At its core, the measure is about a study and about effective engagement with state decision-makers. Exploring secession would be a last resort.**

Source: Supervisors Hagman and Rowe

### **Secession in California**

Since California became a state in 1850, there have been many failed attempts at secession. The first secession effort to reach Congress came in 1859. That year, California State Assemblyman Andrés Pico, a former Mexican military leader who represented Southern California in the legislature, introduced a bill that would split California into two. Under the proposal, the state's

five southernmost counties would be reconstituted as the Territory of Colorado. Pico took issue with the over-taxation and underrepresentation of Southern Californians. Governor John B. Weller even signed the proposal, sending it to Congress, but the effort fizzled out after the start of the Civil War.

# PROCLAMATION OF INDEPENDENCE

*You are now entering Jefferson, the 49th State of the Union.*

*Jefferson is now in patriotic rebellion against the States of California and Oregon.*

*This State has seceded from California and Oregon this Thursday, November 27, 1941.*

*Patriotic Jeffersonians intend to secede each Thursday until further notice.*

*For the next hundred miles as you drive along Highway 99, you are travelling parallel to the greatest copper belt in the Far West, seventy-five miles west of here.*

*The United States government needs this vital mineral. But gross neglect by California and Oregon deprives us of necessary roads to bring out the copper ore.*

*If you don't believe this, drive down the Klamath River highway and see for yourself. Take your chains, shovel and dynamite.*

*Until California and Oregon build a road into the copper country, Jefferson, as a defense-minded State, will be forced to rebel each Thursday and act as a separate State.*

*(Please carry this proclamation with you and pass them out on your way.)*

**State of Jefferson Citizens Committee  
Temporary State Capitol, Yreka**

The "Proclamation of Independence" in handbill form, distributed to travelers along Highway 99.

Source: W.N. Davis, Jr. "State of Jefferson," *California Historical Society Quarterly*, June 1952.

In 1941, Northern California's Del Norte, Siskiyou, and Modoc Counties and Southern Oregon's Curry, Josephine, Jackson, and Klamath Counties, led by California State Senator Randolph Collier, joined forces and proposed the "State of Jefferson." The goal? Securing adequate federal and state funding for infrastructure projects. As W. N. Davis Jr. noted in the *California Historical Society Quarterly*, this secession effort gained only a moment of publicity, which was soon quashed by the Japanese attack on Pearl Harbor. The so-called "governor" of Jefferson, Judge John Childs, nevertheless described the movement as successful. "The State of Jefferson was originated for the sole purpose of calling the attention of the proper authorities ... to the fact we have immense deposits of strategic and necessary defense minerals and

that we need roads to develop these," he said. "We have accomplished that purpose."

In 1965, State Senator Richard J. Dolwig introduced legislation dividing California into two states. He proposed the Tehachapi Mountains as the dividing line that would create a 51-county State of North California and a 7-county State of South California. Although 25 of the 40 state senators co-sponsored Dolwig's legislation and one bill passed the Senate 27-11, the California Assembly's Interstate Cooperation Committee killed the legislation. The proposal, however, garnered enough attention for the *Los Angeles Times* to pen an editorial. Secession opens the door to "the potential for economic chaos resulting from such a whimsical creation of two smaller Californias where one mighty state now exists," the piece said.

The 21st century has also seen several notable attempts at secession. In 2013, venture capitalist Tim Draper spent more than \$5 million on the "Six Californias" plan, an initiative measure that sought to split California into six new states: Jefferson, North California, Central California, Silicon Valley, West California, and South California. The measure stated that "vast parts of our state are poorly served by a representative government dominated by a large number of elected representatives from a small part of our state, both geographically and economically." The proposal ought to allow each new state to govern itself according to its various needs. By July, supporters gathered more than 1.3 million signatures for the initiative, which appeared to be enough to qualify it for the ballot. But the measure failed to qualify when one-third of the signatures were deemed invalid.



Source: <https://slate.com/technology/2014/07/six-californias-tim-draper-s-terrible-plan-to-fix-california-s-diversity-problem.html>

Draper did not stop there, however, launching the Cal 3 initiative in 2017. This new measure again argued that California's sheer size made it difficult to govern, but this time proposed to divide the state into three parts: Northern California, California, and Southern California. Unlike the Six Californias initiative, which sought to amend the California Constitution, the Cal 3 proposal was an initiative statute, requiring only 365,880 signatures to reach the ballot (five percent of the votes cast in the 2014 governor's race). By April 2018, Draper collected more than 600,000 signatures, more than meeting the qualification requirement. But the California Supreme Court, in a unanimous decision, removed the measure from the ballot after an environmental group filed a lawsuit stating the initiative would significantly modify the framework of California governance. In response to the court's decision, Draper said, "The political environment for radical change is right now — such change is sweeping the globe. I understand that change is hard, change is scary, but change is evolution and this government is not evolving."

Most recently, Yes California, a political action committee popularly known as CalExit, launched an effort to place California secession on the 2018 ballot. In particular, CalExit pushed to remove "inseparable" from the language in the state constitution that reads, "California is an inseparable part of the United States of America." Some reports, however, suggested that the movement was supported online by bots and fake accounts linked to the Russian government. In fact, Louis Marinelli, CalExit's co-founder, previously attended secession movement conferences funded by the Kremlin and later moved to Siberia. Partly due to these controversies, the campaign eventually withdrew the measure.

### **Secession Process and Legal Challenges**

The examples above demonstrate the complexities associated with the secession process. In its analysis of the Cal 3 proposal, for instance, the California Legislative Analyst's Office highlighted several legal challenges the proposal could face, including the claim that voter approval of the initiative would not satisfy the federal constitutional requirement that the state legislature approve the plan. Section 3 of Article IV of the U.S. Constitution states that "Consent of the Legislatures of the States concerned as well as of the Congress" is required for the establishment of new states. Section 3 was construed to require consent of the Virginia Legislature and Congress when West Virginia became a state in 1863. The Legislative Analyst concluded that the West Virginia precedent remains. Backers of the Cal 3 proposal contended that a vote of the people would provide the necessary legislative consent. However, the California Supreme Court ruled that

only a vote by the legislature, not by the people directly, would satisfy the U.S. Constitution's legislative consent requirement.

More broadly, the United States Constitution offers no process for states wanting to secede from the United States of America. In *Texas v. White*, the U.S. Supreme Court stated that secession was possible only through "revolution or through consent of the States." And in 2006, Justice Scalia said, "If there was any constitutional issue resolved by the Civil War, it is that there is no right to secede." Thus, for California to secede from the Union, the U.S. Constitution would need to be amended. Such an amendment would require an arduous two-step process. First, the amendment would need to be proposed either

**New States may be admitted by the Congress into this Union; but no new State shall be formed or erected within the Jurisdiction of any other State; nor any State be formed by the Junction of two or more States, or Parts of States, without the Consent of the Legislatures of the States concerned as well as of the Congress.**

Source: United States Constitution, Article IV, Section 3.

by a two-thirds vote of both houses of Congress or by a constitutional convention requested by two-thirds of the states, and, second, it would need to be ratified by three fourths of the states (i.e., 38 states).

The path to secession—both from the union and from a state—is difficult, but not impossible. In San Bernardino County's case, the proposed split is most analogous to the Virginia-West Virginia split in 1863, whereby West Virginia left the state, but not the nation.

The question remains: what makes secession so appealing? Professor Glenn Reynolds of the University of Tennessee College of Law writes, "feeling ignored, put-upon, and mistreated, secessionists want to take their fate into their own hands." In California's case, areas outside the state's largest cities, such as inland regions and the far northern counties, often feel relegated to second tier status. As Supervisors Hagman and Rowe write, "Policies adopted at the state level often appear to reflect

the priorities and needs of the state’s major urban centers more than those of San Bernardino County and the rest of California.” After all, California’s various geographical and political divides create pockets of political cultures. And California is not alone. Professor Reynolds notes that Oregon, Washington, New York, and Illinois have seen secession movements rooted in the idea that “laws based on one worldview do not often sit well with people who entertain the other.” Finally, support for secession is not limited to one political party. A Brookings study cites a 2021 poll that found 41% of Biden supporters and 52% of Trump voters were at least somewhat in agreement with

the idea “that it’s time to split the country, favoring blue/red states seceding from the union.”

San Bernardino County is unlikely to secede from California. Secession fever, however, brings attention to the issues raised by the proponents, such as resource allocation. As Rancho Cucamonga Mayor L. Dennis Michael says, “The state continues to adopt legislation that continues to make it more difficult for local governments to do what they do best, which is to control at a local level.” ♦

**DRAFT Comparison of County capture of Federal and State Revenue (per capita)  
Released by San Bernardino County, Fall 2022**

Total Rank	Row Labels	Federal	State	Grand Total
1	Alpine	\$ 2,904.24	\$ 7431.81	\$ 10,336.05
2	Sierra	1,178.78	4,016.99	5,195.78
3	Trinity	892.00	2,253.20	3,145.19
4	Modoc	1,080.58	2,004.34	3,084.92
5	Mariposa	518.75	2,082.40	2,601.16
6	Del Norte	636.90	1,351.32	1,988.21
7	Plumas	336.51	1,638.44	1,974.95
8	Glenn	507.28	1,434.16	1,941.44
9	Inyo	434.63	1,488.16	1,922.78
10	Lassen	402.27	1,517.34	1,919.61
11	Mono	479.37	1,429.96	1,909.33
12	Mendocino	639.37	1,092.86	1,732.23
13	Colusa	198.41	1,500.14	1,698.55
14	Siskiyou	529.94	1,093.19	1,623.13
15	Lake	360.63	1,229.22	1,589.86
16	Tuolumne	497.88	1,084.80	1,582.69
17	Yuba	470.34	1,057.00	1,527.34
18	Butte	478.47	1,025.84	1,504.31
19	Imperial	358.70	1,121.91	1,480.61
20	Shasta	476.86	905.33	1,382.19
21	Kings	365.42	982.54	1,347.96
22	Tehama	357.05	982.14	1,339.19
23	Sutter	322.99	982.14	1,305.13
24	Fresno	493.22	760.82	1,254.03
25	Merced	423.56	812.68	1,236.24
26	Stanislaus	383.54	825.17	1,208.71
27	Calaveras	329.22	861.66	1,190.89
28	Los Angeles	464.50	723.89	1,188.39

Total Rank	Row Labels	Federal	State	Grand Total
29	Sacramento	\$ 420.45	766.73	1,187.18
30	Napa	264.59	916.72	1,181.31
31	Monterey	390.20	735.57	1,125.77
32	Tulare	276.81	842.12	1,118.94
33	Marin	308.23	797.56	1,105.79
34	Santa Cruz	338.88	763.74	1,102.62
35	Santa Clara	373.36	708.39	1,081.75
36	San Bernardino	346.48	724.84	1,071.32
37	Madera	338.64	723.18	1,061.81
38	Kern	369.47	686.40	1,055.87
39	Nevada	373.79	674.59	1,048.37
40	Yolo	248.85	748.58	997.43
41	San Luis Obispo	239.14	749.17	988.31
42	San Joaquin	276.30	711.17	987.47
43	Amador	176.16	810.79	986.95
44	San Benito	350.11	623.12	973.23
45	Sonoma	265.41	690.45	955.86
46	El Dorado	362.94	586.56	949.50
47	Alameda	298.59	637.80	936.39
48	Riverside	361.26	533.46	894.71
49	Contra Costa	303.26	576.03	879.29
50	San Diego	307.88	557.61	865.49
51	Solano	194.45	665.20	859.64
52	Santa Barbara	251.61	555.63	807.24
53	Ventura	278.84	512.75	791.59
54	Placer	281.94	493.22	775.16
55	Orange	254.30	513.63	767.93
56	San Mateo	199.18	554.56	753.74

Source: <https://www.scribd.com/document/598623837/California-county-revenue-per-capita-comparison>, posted by Beau Yarbrough, Southern California News Group.

## BIBLIOGRAPHY

- Bump, Philip. "So You Want to Secede from the U.S.: A Four-Step Guide." *The Washington Post*, June 27, 2016. <https://www.washingtonpost.com/news/the-fix/wp/2016/06/27/so-you-want-to-secede-from-the-u-s-a-four-step-guide/>.
- "California Independence from the United States, the 'Calexit Initiative' (2018)." Ballotpedia, n.d. [https://ballotpedia.org/California\\_Independence\\_from\\_the\\_United\\_States\\_the\\_%22Calexit\\_Initiative%22\\_\(2018\)](https://ballotpedia.org/California_Independence_from_the_United_States_the_%22Calexit_Initiative%22_(2018)).
- Chuang, Stephanie, and Lisa Fernandez. "'6 Californias' Reaches 1.3 Million Signatures, Could Head for 2016 Ballot." NBC 7 San Diego, July 15, 2014. <https://www.nbcsandiego.com/news/local/signatures-in-californias-6-states-proposal-submitted-november-ballot/2078674/>.
- "Consolidated Agenda for the San Bernardino County Board of Supervisors Regular Meeting." County of San Bernardino, August 9, 2022. <https://sanbernardino.legistar.com/View.ashx?M=A&ID=990710&GUID=8DC958F7-27BB-471A-9628-2366FFC98C85>.
- Davis, W. N. "State of Jefferson." *California Historical Society Quarterly* 31, no. 2 (1952): 125–38. <https://doi.org/10.2307/25156352>.
- Gale, William G., and Darrell M. West. "How Seriously Should We Take Talk of US State Secession?" Brookings. Brookings, March 9, 2022. <https://www.brookings.edu/blog/fixgov/2021/12/13/how-seriously-should-we-take-talk-of-us-state-secession/>.
- Hagman, Curt, and Dawn Rowe. "Opinion: For San Bernardino County, Loving California May End in Leaving It." *The Desert Sun*. CalMatters, August 31, 2022. <https://www.desertsun.com/story/opinion/2022/08/31/opinion-should-san-bernardino-county-secede-california/7952005001/>.
- "INITIATIVE MEASURE SUBMITTED DIRECTLY TO VOTERS." Six Californias, n.d.
- Lin, Summer, "State Leaders Push Back Against Ballot Measure That Would Allow San Bernardino County to Explore Secession." *Los Angeles Times*, August 12, 2022. <https://www.latimes.com/california/story/2022-08-12/state-leaders-push-back-against-ballot-measure-allowing-san-bernardino-to-potentially-secede-from-the-state/>.
- Luna, Taryn. "'Three Californias' Plan Is Dead — and Not Coming Back." *The Fresno Bee*, August 9, 2018. <https://www.fresnobee.com/news/california/article216415560.html>.
- Mandaro, Laura. "'Six Californias' Fails to Make California Ballot." *USA Today*. Gannett Satellite Information Network, September 12, 2014. <https://www.usatoday.com/story/news/nation-now/2014/09/12/six-californias-fails-ballot/15534081/>.
- Miere, Jason Le. "Calexit Is No Longer Independence or Bust." *Newsweek*, May 27, 2017. <https://www.newsweek.com/calexit-california-independence-trump-president-613679>.
- Reynolds, Glenn Harlan. "Splitsylvania: State Secession and What to Do about It." *SSRN Electronic Journal*, March 6, 2018. <https://doi.org/10.2139/ssrn.3130497>.
- "Russian Trolls' Promoted California Independence." *BBC News*, November 4, 2017. <https://www.bbc.com/news/blogs-trending-41853131>.
- Yarbrough, Beau. "San Bernardino County Secession Measure Advances to November 2022 Ballot." *MSN*, August 3, 2022. <https://www.msn.com/en-us/news/us/san-bernardino-county-secession-measure-advances-to-november-2022-ballot/ar-AA10hRH6>.
- Yarbrough, Beau, "State Legislators Blast San Bernardino County Secession Measure." *San Bernardino County Sun*, August 10, 2022, updated August 12, 2022. <https://www.sbsun.com/2022/08/10/state-legislators-blast-san-bernardino-county-secession-measure/>