



Written by [Joe Wolverton, II, J.D.](#) on November 18, 2012

## Call to Strip Citizenship of Those Who Sign Secession Petitions

Every day, thousands of citizens of all 50 states add their names to the [petitions posted on the White House's "We, the People"](#) website calling for secession from the union.

The "We, the People" program includes a "create a petition" tab on the White House website. The explanation of the site claims that "if a petition gets enough support" — more than 25,000 signatures within 30 days — the "White House staff will review it, ensure it's sent to the appropriate policy experts, and issue an official response."



Not everyone thinks these people are simply exercising their right of expression, however. There are many — even some conservatives — who consider the act of calling for secession an act of treason.

"We here at RedState are American citizens. We have no plans to secede from the union," [wrote RedState founder Erick Erickson](#). "If you do, good luck with that, but this is not the place for you."

In response to [previous articles](#) written by this reporter, readers have argued that to call for secession is an act of treason and should any elected official propose such a measure, he should be tried for treason and summarily removed from office.

Additionally, a few thousand (as this is being written, on Friday) Americans have signed a competing "We, the People" petition demanding that citizenship be stripped from anyone who has signed one of the secession petitions.

"Mr. President, please sign an executive order such that each American citizen who signed a petition from any state to secede from the USA shall have their citizenship stripped and be peacefully deported," the full petition reads.

[The title of the petition is](#), "WE PETITION THE OBAMA ADMINISTRATION TO: Strip the Citizenship from Everyone who Signed a Petition to Secede and Exile Them."

As of this writing, 14,328 people have virtually signed the petition; 10,672 short of the number of signatures required before the issue is eligible to be addressed by the White House.

While this may seem to be an extreme and arguably unconstitutional reaction to the expression of another's right to redress and the ultimate right of self-government, the concept that secession has been abolished is supported by constitutional scholars who insist that the issue of the right to secede from the union was revoked by the Union's victory in the Civil War and the adoption of the 14th Amendment.

"The 14th creates a national model of citizenship and how it is enforced, and it's not been seriously questioned since [the Civil War]. The notion of citizenship is state-driven, but the 14th, in law and in constitutional thought, and the Civil War in action, really settled the question," says James Henson,



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director of the Texas Politics Project at the University of Texas in Austin, as [quoted in Christian Science Monitor](#).

The *Christian Science Monitor* article supports this thesis, stating, “Of course, no state would launch a plan to secede on the whim of signatories to an online petition. Besides, the 14th Amendment, crafted after the Civil War, forbids states from declaring independence from the Union. A state cannot “abridge the privileges or immunities of citizens of the United States,” it states.”

Indeed, it is nearly unimaginable that the state legislature of any state would initiate a secession procedure prompted solely on the popularity of an online petition. That said, the argument that the [14th Amendment](#) revoked the right to leave the union is tautologous.

In the act of seceding, a state separates itself from the union, reclaiming the grant of authority given to the federal government in 1787. Inherent in that decision is the renouncing of the Constitution, as the historical and legal verities of the creation of the United States of America preclude a state from treating the Constitution as a buffet, accepting some articles while rejecting others.

Therefore, if a state were to secede, the 14th Amendment would be of no more legal force than any other amendment or article of the Constitution.

As for the claim that the Civil War “settled” the issue of the right of separation from the union, that is a modern recasting of an historical event that is not supportable when the event is viewed through the lens of constitutional law.

That is to say, when the federal army defeated the army of the Confederacy, there was no legal settling of the issue. The issue was settled by force of arms, not force of law.

As [Ryan McMaken wrote on LewRockwell.com](#):

The Civil War did not “settle” the issue. Well, it settled the issue in the way that I settled the matter of ownership of that Steve Garvey baseball card when I beat up that other kid and took it. (OK, that never happened, but you get my point.) Secession was never settled beyond the federal government’s assertion that it has the right to kill people who try to exercise their rights protected by the Tenth Amendment.

Might does not make right.

Next, to argue against the right of secession is to argue against the formation of the very union that those opposing this movement are so fond of defending. It is an inarguable historic fact that the Declaration of Independence was a declaration of secession from the British Empire.

In fact, so many of the conservatives who are mocking those decrying the “[long train of abuses](#)” committed by the federal government, on other occasions call for the annual reading of the Declaration of Independence. In that there seems to be a disconnect between word and deed.

Finally, while we at *The New American* accept secession as a right of all sovereign states, we prefer that states fed up with federal consolidation of power and intrusion into every corner of personal liberty and state sovereignty choose to exercise the “rightful remedy” of nullification.

Simply stated, nullification is a concept of legal statutory construction that endows each state with the right to nullify, or invalidate, any federal measure that a state deems unconstitutional. Nullification is founded on the assertion that the sovereign states formed the union, and as creators of the compact, they hold ultimate authority as to the limits of the power of the central government to enact laws that



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are applicable to the states and the citizens thereof.

If the people will not allow deviance from the terms of the compact, then legislators at last will be disabused of their commonly perceived illusion that the people can be easily lulled into a lethargic stupor rendering them unwilling and eventually unable to withstand the steady herding of our nation into the corrals of despotism.

As opposed to secession (which, remember, once resulted in a civil war), nullification is not necessarily confrontational. There can be an understanding that there will be no talk of secession or revolution. Nullification will (must) be used in a surgical, sparing way to remove malignant tumors of tyranny, not as a chainsaw indiscriminately and brutally butchering healthy and diseased tissue.

Simply, states need not secede to rid themselves of this repugnant federal overreach; they may simply nullify all acts of the central government that exceed its constitutional authority.

Regardless of the response of states to the despotism of the federal government, it is good that the filing of these petitions is sparking conversation regarding the appropriate way to resist the centripetal consolidation of power toward Washington, D.C. and the associated eradication of state borders and sovereignty, as protected by the [Tenth Amendment](#).

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