



Written by [Joe Wolverton, II, J.D.](#) on June 8, 2017

Is Proposed “State of Liberty” Constitutional?

Any people anywhere, being inclined and having the power, have the right to rise up and shake off the existing government, and form a new one that suits them better. This is a most valuable, a most sacred right — a right which, we hope and believe, is to liberate the world. Nor is this right confined to cases in which the whole people of an existing government may choose to exercise it. Any portion of such people that can may revolutionize, and make their own of so much of the territory as they inhabit. —
Speech by Abraham Lincoln in the House of Representatives, January 12, 1848



In December 2016, Washington State Representatives Matt Shea, Bob McCaslin, and David Taylor sponsored [House Joint Memorial 4000, which would create the “State of Liberty,”](#) the 51st state, out of the portion of Washington State east of the Cascades. Opponents are saying such a move would be unconstitutional.

Shea’s bill explains the impetus for the proposed partition: “Since statehood, the lifestyles, culture, and economies of eastern and western Washington have been very distinct and dramatically different, while the urbanization and rapid growth in the western portions of the state has progressively heightened this divergence of cultural and economic values between the western and eastern portions of the state.”

Culturally, the area of the proposed State of Liberty, eastern Oregon, Idaho, Montana, and Wyoming are all similar, and have been termed derisively by the Left as the “American Redoubt,” a land of ignorant bigots, homesteaders, Bible-thumpers, preppers, gun nuts, and the like. But some residents of this cultural region are proudly adopting the term “Redoubt,” noting that liberals have their “redoubts”: socialist havens such as San Francisco, Los Angeles, Seattle, Portland, Chicago, New York, etc.

Conservative journalist Sheri Dovale explained the popularity among constitutionalists of the area that includes the proposed State of Liberty in a [May 27 article for redoubtnews.com](#). Calling the American Redoubt “a great place to live and to raise a family,” she said, “the weather is comfortable, it is not too crowded, and it is not overblown with government regulations.” “We can share our Conservative views and not be incarcerated for them. We can garden and preserve the fruits of our labors. We can raise livestock and provide meat for our families. We can go to church and share the word of God without fear,” she added.

In an exclusive statement to *The New American*, Representative Shea reveals not only the popularity of the proposal, but the prospect for prosperity such a separation would bring: “Liberty State is hugely popular — of over 10,000 people polled there is 74% support in eastern Washington. Seattle continues to disparage us on this side of the state and say we are a bunch of ‘welfare freeloaders’ because we get more money expenditures than we raise in taxes. If we are such a burden then why not let us go then?”



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This is not going away. Ultimately we will have success in this endeavor and keep pushing until we do.”

An article published in *Liberty Hangout* lays out the plan, highlighting obstacles and opportunities:

If the bill succeeds, this would be an important domino for the secession movement, and help inspire other disaffected communities across the nation to secede. As governments decentralize, power is restored to the individual, and communities can appropriately govern themselves as they see fit, without outside influences. As even our founders recognized, the government which is closest to home is easiest to control.

Should the bill fail, communities ought to learn from their efforts and push forward with their own secession movements anyway. For if their voices are not being heard in the federal and state governments anyway, then what do they have to lose? They only have everything to gain.

Strictly speaking, should a new star be added to the flag of the United States for the State of Liberty, secession from the Union would not be involved (though this would involve secession from the state of Washington). Despite the fact that articles and blog posts by many supporters describe the proposal as act of secession, logically a state cannot leave the Union (secede) and be the 51st state!

In a [recording posted to SoundCloud last week](#), Representative Shea refuted the assertion put forth by some opponents that the division of a state into two or more states is unconstitutional.

“That’s simply ridiculous!” Shea exclaims, referring to the charge of constitutional violation.

Shea cites Article IV, Section 3 of the U.S. Constitution which reads, “New states may be admitted by the Congress into this union; but no new states 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.”

In other words, should lawmakers in the states parts of which would be ceded to form the State of Liberty agree to allow the division and should Congress do likewise, there is nothing in the Constitution that would prevent the proposal from being enacted.

In fact, this precise procedure has been followed a few times in American history: first, with the formation of the state of Kentucky. In 1789, the state legislature of Virginia approved the creation of the state of Kentucky, followed two years later by the constitutionally mandated approval by Congress; second, the state of Maine was formed in a similar fashion having separated from Massachusetts; and in 1861 — in a manner much less constitutionally compliant — West Virginia separated from Virginia.

Shea believes that separating from the other states and forming one where people share customs, beliefs, and values is the “proper way to protect and preserve those beliefs for generations to come.”

Classically, of course, the idea of restraining republics to territories wherein the residents share fundamental values was accepted as a given. In *The Spirit of the Laws*, Montesquieu asserts that “the public good is better felt, better known, lies nearer to each citizen.” In this, the celebrated Frenchman was advocating a small size and the State of Liberty, should it be formed, is certainly not small.

The spirit of Montesquieu’s observation is present in the proposal, however. Those who would choose to become citizens of the State of Liberty would be those who, as explained above by Sheri Dovale, share a vision of the proper size and power of government, as well as more fundamental values, including the importance of religion, family, and self-sufficiency in a well-functioning, peaceful society.

As of now, there seems to be little movement on the part of the Washington State Legislature toward



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approving the separation. After all, proposals to form a new state out of Eastern Washington were put forth in 2015, 2005, 1991, 1985, and even as far back as 1915; none of which, obviously, succeeded.

Such lack of movement for separation is not not true globally, however, as evidenced by Brexit and the efforts by Scotland and Catalan to break away from the larger societies with which they are close geographically, but historically and culturally very distant. Perhaps these events are portents of a zeitgeist supportive of separation and decentralization and that spirit will sweep across the Cascades and across the State of Liberty.

Representative Shea is undeterred, and told me in a text message, "Liberty is not just a proposed state, it's a state of mind ... and the more we spread liberty the more successful we are."



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