



Written by [Joe Wolverton, II, J.D.](#) on September 13, 2015

Ron Paul: Right of Secession ‘Destroyed by Civil War’

In response to a question posed to him by a  viewer of his September 11 “Liberty Report” video podcast, Ron Paul said he supports a state’s authority to secede from the union.

“Ron Paul, do you favor the rights of states, communities, and individuals to secede?” the viewer asked, according to the statement read by Paul. “The answer is yes,” Paul answered. “I think the founders of this country believed that states should be able to secede. They went together voluntarily, it’s a voluntary contract and they should leave. But, of course, that principle was destroyed with the Civil War.”

Paul is referring to the belief that while secession may have been an accepted principle of constitutional interpretation before the War Between the States, the victory of the Union over the Confederacy settled that question once and for all, forcing states to forever forfeit the ability to remove themselves from the union, regardless of the will of the people within them.

The Civil War made one thing clear: The federal government believes (and the Confederacy was forced to concede) that might makes right. The Union armies defeated the armies of the Confederacy, therefore, so the thinking goes, secession is no longer a constitutional remedy available to states. Might makes right.

Only it doesn’t. Think of it this way. Assume my neighbor and I disagree over the exact location of the boundary line between our properties. One day, while I’m out building a shed that my neighbor believes encroaches on his property, we start arguing and the argument escalates to a full-fledged fist fight and I knock out my neighbor. Does that mean that the location of our mutual property line has been settled? Does the pummeling of my neighbor make my opinion of the location of that line the legal boundary? Of course not. Might, it seems, does not make right, neither in boundary disputes regarding land nor in similar conflicts over state sovereignty.

Paul, a former congressman and presidential candidate, said it would be “real nice” if the concept and practice of secession were still possible, but he regrets that it is likely merely a wish now as the “authoritarians” in control of government would never accede to such an action on the part of a state or group of states.

“If every individual who seceded took care of themselves, it would be a wonderful world,” Paul said in the video. “You wouldn’t have to take care of them. There’d be no welfare state. There would be no militarism around the world. Under those circumstances that would be very good.”

In a now classic comment on the subject of secession, Thomas DiLorenzo reminds readers that the Civil War-era Confederacy was not the first attempt by Americans to secede from the federal government:

America’s second generation of secessionists were not the Southern Confederates but the New England Federalists who so loathed the idea of a Jefferson presidency that they plotted to secede for the next fourteen years. Their efforts culminated in the Hartford Secession Convention of 1814 (See James Banner, *To the Hartford Convention: The Federalists and the Origins of Party Politics in Massachusetts*). Much of the discussion of the New England secessionists is contained in Henry Adams, editor, *Documents Relating to New-England Federalism*. In it one learns that the leader of the New England Yankee secessionists was United States Senator Timothy Pickering, who had



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previously served as George Washington's adjutant general and quartermaster during the Revolution, and later as secretary of state and secretary of war in the Washington administration.

In 1803 Pickering announced that with New England seceding from the union "I will rather anticipate a new confederacy, exempt from the corrupt and corrupting influence of the aristocratic Democrats of the South." United States Senator James Hillhouse agreed that "The Eastern States must and will dissolve the union and form a separate government." George Cabot, Elbridge Gerry, John Quincy Adams, Fisher Ames, Josiah Quincy, and Joseph Story, among others, voiced similar opinions in the first years of the nineteenth century.

Governor Roger Griswold of Connecticut proclaimed that because of the political clout of the Southern states, "there can be no safety [from political plunder] to the Northern States without a separation from the confederacy [a.k.a. the union]." Senator Pickering explained that secession was THE principle of the American Revolution when he said that "the principles of our Revolution point to the remedy — a separation. [Emphasis in original.] That this can be accomplished, and without spilling one drop of blood, I have little doubt." And he was right: President Jefferson considered New Englanders to be an integral part of the American family, and the last thing in the world he would have done was to launch an invasion of New England, bombing Boston, Providence, and Hartford and turning them into a smoldering ruin to "save the union."

The New England Federalists eventually decided in 1814 at the Hartford Secession Convention to remain in the union and work within the system. All during this fourteen year ordeal the predominant view of the New England Federalists as well as the Jeffersonian Democrats was that of course the American union was voluntary, and of course the states therefore have a right to secede without asking for or being given permission by anyone or by any other government.

As was written in a Wisconsin newspaper in 1861, "Secession is the very germ of liberty,,,, The right of secession inheres to the people of every sovereign state."

Despite the frequent violations of the terms of the contract (Constitution) by the federal government, states and people are not left with the only option of voiding the contract and seceding from the union.

In fact, those state lawmakers and governors committed to forcing the federal beast back into its constitutional cage are better served by nullifying each and every congressional act or presidential decree that violates the agreed-upon terms in the Constitution.

At this stage, nullification is preferable to secession for several reasons, principally because it preserves the union, and demonstrates state allegiance to the principles of freedom that undergird the Constitution, and by extension, to our Founders.

Nullification is also a better choice because it is a less radical reaction than secession. It is a flexible and potent weapon in the war against unconstitutional federal acts (acts that exceed the enumerated powers) that solves the sovereignty issue without dissolving the union.

That isn't to say, however, that secession should be taken off the table. No sovereign entity can by definition be compelled to continue association with any league, confederacy, or union that goes from being advantageous to despotic.

If states decided that the federal authority has become destructive of the very ends it was created to protect, then it is the prerogative of that state or states to — as someone once said of another formerly



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free government — “dissolve the political bands which have connected them with another, and to assume among the powers of the earth, the separate and equal station to which the Laws of Nature and of Nature’s God entitle them.”

The laws of nature are immutable and cannot be altered simply by one party’s assumption of power which does not legally appertain to it. It was so in 1776 and it is so now. Might does not make right.

The federal government may be stronger, richer, better armed, and possessed of monopolistic control of the press that prints all the money, but it nevertheless has no right and no authority to impose its will on the states and the people, particularly when that will is set on aggrandizing itself and impoverishing and enslaving its creators.



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