

State of California  Department of Justice
OFFICE of the ATTORNEY GENERAL
KAMALA D. HARRIS

Initiatives Comments Report

All Comments for this Initiative

16-0011 Proponent: Marcus Evans

Initiative Received: 11/21/2016

11/21/2016

Insane idea. No one believes that California could, would ever secede. What Army would protect California? The Mexican army? Come on. Get real. Don't waste our time on silly ideas.

11/21/2016

March 13, 2019 (a Wednesday) is not the date specified for off-year elections in the elections code (it would be March 12 in 2019). Yes California is explicit about wanting a peaceful, negotiated separation, but this proposed ballot measure is not. What, if any, are the consequences of removing Article III, section 1? What does it mean for a vote to "constitute a Declaration of Independence"? In the context of U.S. politics, that could easily be misinterpreted as a call for war. Why vote to have a vote on something? Is it realistic to expect 50% voter turnout in a spring, off-year election? In practice, if we're going to negotiate separation from the United States, we're going to have to vote on the terms of that anyway. I recommend to the proponents that they drop the separate referendum, and instead update Article III, Section 1 with the following language, which makes explicit their stated desire for negotiation: The State of California is a part of the United States of America, and the United States Constitution is the supreme law of the land. It is the intent of the State of California to become an independent country through peaceful negotiation with the United States of America, culminating in a settlement mutually agreed upon, taking effect when adopted by the voters of the State of California as an amendment to its Constitution.

11/21/2016

This is a waste of time and money for your office and the California taxpayer. This voluntary confederation called the "United States of America" was created in 1781 with the first constitution (known as the "Articles of Confederation", and modified in 1787 with the second constitution (still in effect). However, the right to leave freely by exercising the rights confirmed by the 9th and 10th amendments to the second constitution were suppressed in 1861-1865 by executive decree and military coercion. The drafter(s) of this proposal are obviously uninformed as to the history of the secession option. Sincerely, Dennis B. Swaney

11/22/2016

The people deserve a vote on this... allow them to choose their future. Please accept this for ballot consideration. Paul Jackson Chatsworth, CA

11/23/2016

I am an American. I gave a quarter century of my life to defending this Great Nation. I am a former Marine, my job is to defend this Country against enemies foreign and domestic. If you have a problem with the recent events Madam Attorney General then you should give up your post and reside in another country. I am against this initiative, if anyone of these individuals had stood up and defended their Country this initiative would never had become an issue. Ask if they have given anything in defense of their Country, I believe they are takers, and that's all they will ever be. Calexit themselves to another Country, but don't allow the bullying that California has decided to put up with. I'm embarrassed to call myself a Californian. Shame on all of you in Sacramento.

11/23/2016

I think there are lots of problems with our political system which the past 15 years or shown has shown, and California has drifted from most of the rest of the country in its values. This state pays more to the feds than the feds pay us. We are eager to fight global warming, ensure universal health care for all citizens, and improve education, but the current state of federal law and politics makes that very difficult for us to do on our own. Increasingly, we are not wanting to fund all the wars the Washington establishment like to wage, an establishment that is located 5000 km away. (And, yes, our current political system has prevented California from fully metricating in line with nearly the entire rest of the world.) I would like to caution the initiative organizers to maintain steadfast nonviolent tactics throughout the effort and to always keep the moral high ground. We should after declaring independence, work with leaders in Washington, other states, and other countries to realize it peacefully, as an expression of our rejection of war as a policy of the state. We should also make sure that citizenship issues are clarified so Californians don't come under the extraterritorial regime of the Foreign Account Tax Compliance Act and citizenship-base taxation. We would also need to hold a constitutional convention. I look forward to working through these issues and hope we can at least get success in resolving our concerns, if not independence.

11/23/2016

Per the 10th amendment which gives states their rights to enact what isn't prohibited in the constitution, a peaceful Calexit is achievable. I'd also welcome Oregon, Washington, Hawaii and Nevada.

11/23/2016

Instead of holding a plebiscite and completely striking Section III, Article 1 of the state constitution, let us instead drop the plebiscite

and amend Article III, Section 1 to read thus: "The State of California is a part of the United States of America, and the United States Constitution is the supreme law of the land. It is the intent of the State of California to become an independent country through peaceful negotiation with the United States of America, culminating in a settlement mutually agreed upon, taking effect when adopted by the voters of the State of California as an amendment to its Constitution." This way, it doesn't seem like the American Declaration of Independence, which also served as a declaration of war. By phrasing it this way, it tells the United States that we want to be independent, and are willing to discuss a peaceful way to achieve that.

11/24/2016

Instead of outright independence in one ballot measure, why can't we have discussions and conversation to how we can slowly wean ourselves off federal things? I'd much rather get more states rights and basically be defacto independent than outright "bye USA.". That would be more popular anyways.

11/24/2016

This is treasonous.

11/24/2016

this is a proposal derived from blind ignorance and intolerance. This should serve as evidence that a particular cult of Californians are against discourse. Seldom do we all agree, but most often, the discussion from disagreement results in cultural advancement. Pick any other time in history in any geography of the planet where it was better than today. The current state of our freedom and cultural liberties are a result of discord, discussion and compelling people toward your views. End this left wing bigotry now. If you want to be somewhere with idyllic conformance, move to pakistan.

11/24/2016

The idea of this initiative runs counter to the idea of the United States. At best, it is an insult to a great many other citizens of other states, citizens whose sons and daughters have given their lives in defense of this western border, an insult to many other citizens of other states who spend their tourism and consumer dollars on California places/products, an insult to the many residents of this great state who enjoy the benefits of being part of a larger society of states while living here. At worst this initiative fails to consider the monumental task of defeating the pushback from those who believe the United States should remain united as well as the pushback from other nations who might intend to practice their ill intentions on the land mass of North America. To say nothing of the financial burden and risk of the loss of federal assistance in such a high risk of catastrophe state (fires, earthquake, etc.) there truly can be no serious positive outcome of secession/independence. Haven't we much more important issues to resolve now and forever? Thank You Jeff Svestka Rohnert Park

11/25/2016

The proposition should include a statement indicating the process for resolving the ownership of property currently owned by the U.S. federal government. This would include national parks and monuments, military bases, federal courthouses, Veterans Administration facilities and cemeteries, post offices, etc. No, the exact way this will be resolved does NOT belong in the proposition. However, minimally needed is how negotiators would receive authorization to negotiate.

11/28/2016

This is the stupidest thing I've heard of in a while

11/30/2016

Over the years, a number of initiatives including ones that amend the California State Constitution have been declared unconstitutional by federal courts including the U.S. Supreme Court. One of the recent and highly contentious examples is Proposition Eight, passed a few years ago. If California leaves the U.S., the protections afforded by the U.S. Constitution will be gone. With voters being able to easily amend the California constitution, there is a risk of the loss of civil rights whenever voters react to a "hot button" issue and do something that they will later regret. In addition, provisions still in the California constitution or laws that are unconstitutional due to a federal court decision but that have not been formally repealed may suddenly become enforceable again. This can cause all sorts of problems as individuals and businesses find that the rules have been instantly changed. This issue can be addressed in a number of ways. For example, one may "grandfather" previous federal court decisions. One might also modify the California constitution to include a bill of rights that takes precedence over initiatives with a goal of protected minorities from discrimination and, of course, the civil rights of all California citizens. Experts on constitutional law will probably be able to suggest other and maybe better or more complete solutions, but the issue should not be ignored. Finally, these comments are meant to suggest improvements to the initiative and are not meant as either an endorsement or an argument against the initiative. William T. Zaumen Palo Alto

12/01/2016

DUMB

12/05/2016

Joining China w/ the same status as Hong Kong makes more sense than independence.

12/07/2016

While I support the idea of an independent California, actually achieving that goal would require an act of the US Congress. So this would be just a first step.

12/08/2016

This is plainly a violation of the Constitution. It's an incredible to affront to those like myself who are legal immigrants to this country and are now naturalized citizens of the USA.

12/08/2016

Is this not a violation of the Constitution?

12/11/2016

lamesauce

12/13/2016

California has both the economy and population to be a country. There is, so far as I know, nothing said in the US Constitution that directly prohibits secession. If a state wishes to leave the Union, we should work with them to ensure a peaceful transition that will benefit the US as well as that state. There has to be a lot of negotiating to make sure that the exiting state will not be a burden on the US and that they will accept their share of the US debt. A referendum is a good place to start the conversation, but is not the end.

12/13/2016

I support California taking the necessary steps for a peaceful and legal separation from the United States and becoming its own nation.

12/18/2016

Who is Marcus Evans?

12/19/2016

Load Refresh Return

12/19/2016

What is the determination on the constitutionality and legality of this? Given that this is the state department of Justice.

12/20/2016

December 20, 2016 The Honorable Kamala Harris Attorney General of California P.O. Box 944255 Sacramento, CA 94244 Dear Attorney General Harris: I urge you to commence a timely and appropriate legal action seeking to be relieved of the duty to prepare a circulating title and summary for Initiative 16-0011, informally titled "Calexit: The California Independence Plebiscite of 2019." The measure is invalid. The Calexit proposal is unconstitutional on its face. It is clear that states do not have the legal authority to sever or separate from the federal Union. Circulation of the petition would deceive some people into falsely asserting that secession from the United States is actually permitted under the federal constitution. In addition, submission of an illegal measure to the voters would serve no legitimate purpose, but would be a useless waste of resources and create emotional community divisions. Nothing in the United States Constitution provides for the secession of a state or states. A previous attempt in the 1860s of several states to acquire federal assets and secede from the United States was not recognized as valid by President Abraham Lincoln and the Congress of the United States. Your office should seek advice from credentialed historians and carefully analyze the documents related to this failed secession movement to determine its constitutionality. In addition, the Calexit proposal would create emotional divisions, starting with civil unrest as residents of California considered whether to flee the potential rebellion, join it, or undermine it from within using various legal and even illegal means. "Brother Against Brother" is a figurative and sometimes even literal description of the four years of civil war in the United States during the 1860s secession movement. More than 750,000 individuals were killed or died because of this civil war, according to the latest revised estimates, and large swaths of United States territory were devastated. Your office should seek advice from credentialed historians and carefully analyze the emotional divisions caused by credible secession movements. There is recent precedent for you to be relieved of the duty to prepare a circulating title and summary for an unconstitutional measure. On March 25, 2015, you requested a order from a court to relieve the office of the Attorney General from issuing a title and summary for a proposed initiative (15-008) because it "patently violated the Constitution on its face." A judge agreed and declared on June 22, 2015 that circulating petitions for signatures would be "inappropriate, waste public resources, generate unnecessary divisions among the public and tend to mislead the electorate." You have also acted in other ways to derail unconstitutional actions initiated by the people. On March 26, 2013, you declared in a statement that "I declined to defend Proposition 8 because it violates the Constitution." This was an initiative that voters had actually enacted in a plebiscite. Finally, your decision not to circulate this initiative would NOT deprive discontented individuals of their human right to free themselves from the authority of the United States government. Those who consider the United States to have a tyrannical or unjust government can exercise their rights and powers under the United States Constitution to petition for redress of grievances. If still not satisfied, they can also choose to immigrate from the United States to other nations that provide or have the potential to provide the degree of liberty and justice they seek for themselves and their progeny. For other discontented individuals who seek to live under the authority of a tyrannical and unjust government, they can immigrate to other nations with a proven history of exercising such authority. Please terminate this unconstitutional proposal. Sincerely, Kevin Dayton [REDACTED]

12/20/2016

To All Whom It May Concern: <!--break--> This appears to be a clearly shameful and unconstitutional attempt at secession and the dissolution of the Union with the implicit and subtle backing of hostile foreign powers. <!--break--> Matters of this sort were resolved in a civil war in which hundreds of thousands of Americans died to affirm the fact that the Union is perpetual and indestructible. This was further affirmed by the ruling of the United States Supreme Court in Texas v. White, which remains binding precedent upon all federal and state courts and officials. The State of California is and will always be a vital and important part of the American nation,

as it should be. <!--break--> It should also be noted that the proponent behind this initiative is an organization called "Yes California Independence Campaign" (shortened on social media to "Yes California"). The said group's president is Louis J. Marinelli, who has a history of being on the wrong side of history (pun unintended). Marinelli has previously fought against marriage equality and has a long history of failed proposed ballot initiatives (one does wonder how many of these he funded by deceiving people into donating money for them, as he may have with the filing of this initiative). <!--break--> The group's vice president Marcus Ruiz Evans has filed the initiative and the group has been organizing interviews with China Central Television (abbreviated to CCTV, a Chinese Communist party controlled propaganda network much like the Kremlin's RT i.e. the network formerly called Russia Today) as it would appear that Marinelli is in Moscow, Russia busy fervently promoting the dissolution of the United States of America. <!--break--> This extremist secessionist group "Yes California" and its associated fringe political party called the "California National Party" or "CNP" (which is registered under the name of the Marinelli, the Putin puppet) have been making widely deceptive claims or even proclaiming outright lies in their campaign to bring about the disintegration of the Union. No thought whatsoever has been given to the consequences of their insidious proposed action, which would include the cratering of the Californian economy once trade barriers and tariffs go up as a result of secession as well as to the inevitable loss of American citizenship for all residents of California (considering that the United States will obviously not maintain American citizenship for residents of what would become a foreign country) being among the consequences and concerns which this extremist group and fringe political party have been responding to in deceptive, deceiving, and false manners. <!--break--> In conclusion, it is the duty - both constitutional and moral - of the Department of Justice of the State of California to reject the proposed initiative 16-0011 "Calexit: The California Independence Plebiscite of 2019" and disqualify this treasonous measure. <!--break--> Sincerely, American patriots in the great State of California

12/20/2016

To All Whom It May Concern: <!--break--> This is a shameful and clearly unconstitutional attempt at secession and the dissolution of the Union with the implicit and subtle backing of hostile foreign powers. <!--break--> Matters of this sort were resolved in a civil war in which hundreds of thousands of Americans died to affirm the fact that the Union is perpetual and indestructible – "one nation, under God, indivisible". This was further affirmed by the ruling of the United States Supreme Court in Texas v. White, which remains binding precedent upon all federal and state courts and officials. The State of California is and will always be a vital and important part of the American nation, as it should be. <!--break--> It should also be noted that the proponents behind this initiative is an organization called "Yes California Independence Campaign" (shortened on social media to "Yes California") and a party called the "California National Party" (mentioned in more detail in the fifth paragraph). The said group's president is Louis J. Marinelli, who has a history of being on the wrong side of history (pun unintended). Marinelli is not even a Californian in any sense and has only been resident here for a very brief time and has been – and currently is - residing in Russia for a substantial period of time. Marinelli has previously fought against marriage equality and has a long history of failed proposed ballot initiatives (one does wonder how many of these he funded by deceiving people into donating money for them, as he may have with the filing of this initiative). <!--break--> The group's vice president, Marcus Ruiz Evans, has filed the initiative and the group has been organizing interviews with China Central Television (abbreviated to CCTV, a Chinese Communist party controlled propaganda network much like the Kremlin's RT i.e. the network formerly called Russia Today) as it would appear that Marinelli is in Moscow, Russia busy fervently promoting the dissolution of the United States of America. <!--break--> This extremist secessionist group "Yes California" and its associated fringe political party called the "California National Party" or "CNP" (which is registered under the name of Marinelli, the Putin puppet) have been making widely deceptive claims or even proclaiming outright lies in their campaign to bring about the disintegration of the Union. No thought whatsoever has been given to the consequences of their insidious proposed action, which would include the cratering of the Californian economy once trade barriers and tariffs go up as a result of secession as well as to the inevitable loss of American citizenship for all residents of California (considering that the United States will obviously not maintain American citizenship for residents of what would become a foreign country) being among the consequences and concerns which this extremist group and fringe political party have been responding to in a deceptive, deceiving, and false manner. <!--break--> In conclusion, it is the duty - both constitutional and moral - of the Department of Justice of the State of California to reject the proposed initiative 16-0011 "Calexit: The California Independence Plebiscite of 2019" and outright disqualify this treasonous measure. <!--break--> Sincerely, American patriots in the great State of California

12/20/2016

I do not agree with the Calexit movement at all. We are a state and should not secede from US regardless of any political motivations. Think about the consequences of all energy, road, federal assistance, military installations, etc. Do not act on the Calexit ballot initiative.

12/20/2016

I think the idea of Calexit is interesting. However, it is my understanding that this is not to actually leave but rewrite in the option. If that is the case this gives CA bargaining leverage.

12/20/2016

No! We do not want to leave the US and tear up our constitutional rights of the land! Why is your office in Russia? Why is your first objective to join United Nations? There are unjust motives behind this! Vote NO, so we can keep our constitutional rights! Smells fishy and not because we're on the coast...

12/21/2016

Do we really need a wacko proposition on the ballot? The Civil War settled this issue. Sure, the proponents probably don't have the money to circulate it. But even given the fee they paid to get this far, more state money will be wasted dealing with this matter.

12/21/2016

This initiative is unconstitutional and a waste of public resources.

12/21/2016

This initiative should not be formalized. It is not constitutional (We fought the Civil War over this issue). It is unrealistic. The majority of COUNTIES would oppose it. It is an emotional reaction to a presidential election in which I rejoice. CA population would suffer. (NB the difficulties G.B. is having with Brexit). The DNC would lose it's largest block of support. The RED counties would have even less representation. Ralph Harder, 95685

12/21/2016

The Attorney General is required to reject this proposal. The issue of secession was fully debated in the Constitutional Convention of 1878-1879. The Convention adopted former Section 3 of the Declaration of Rights, Article I, to say that: "The State of California is an inseparable part of the American Union, and the Constitution of the United States is the supreme law of the land." The purpose of this language, now found at Article III, Section 1, which this initiative petition proposes to repeal, was to eliminate the idea of secession from the framework of the State Constitution; and its effect is to require the introduction of secession only through a revision of the State Constitution by a constitutional convention. Since 1879 the Legislature has never had the power to consider the idea of secession, it follows that the adoption of the initiative power in 1911 did not include the power to embrace such an idea. The Journal of Debates of the Convention support these conclusions. A minority of delegates opposed to the "inseparable part" language vehemently argued that the inclusion of this language would preclude the chance of secession into the distant future even when circumstances might require it. The majority agreed and held that in the wake of the Civil War, the concept of secession was inconceivable within the framework of state constitutional law. [Citations available upon request]. There are other reasons why this proposal is one of revision and not amendment, not least of which is the fact that since 1850 California case law has been interpreted as subject to the Constitution of the United States. Would secession mean that the state court decisions that have been overturned by the United States Supreme Court spring back to life and be controlling authority? The duty of the Attorney General is clear to reject this proposal. The proponents are serious let them focus their efforts on the Legislature to call a constitutional convention. Respectfully submitted, Michael T. Nolan (SBN 110961) Attorney at Law [REDACTED]

12/21/2016

The initiative, on its very face, cannot and should not be considered by the California legislature, its governor, or the people of California. The fact that the United States is "one nation, indivisible" in our Pledge is clear. Secondly, the very idea of succession was decided on May 9, 1865 at the conclusion of the Civil War. When this was questioned by a professor Eugene Volokh on February 10, 2010 stating in part, "I keep hearing the claim that the legitimacy of secession from the U.S. was 'settled at Appomattox,' and I wanted to say a few words about why I think that makes little sense." and even he states in the letter later on, "To begin with, let me stress that I think that modern talk of secession is both foolish and pretty obviously empty posturing, whether it's some liberals talking that way during the Bush Administration or some conservatives talking that way during the Obama Administration. America has profited tremendously from American union, both in terms of wealth and in terms of liberty from threats both foreign and domestic. It has profited tremendously in terms of national greatness, for those who care about such things, as I sense many conservatives and some liberals do. And its unity has greatly helped the world, especially but not only during World War II and the Cold War." This topic was answered by Supreme Court Justice Antonin Scalia to a screenwriter on a fictional screenplay about Maine succeeding from the Union. In his letter, he states, "I am afraid I cannot be of much help with your problem, principally because I cannot imagine that such a question could ever reach the Supreme Court. To begin with, the answer is clear. If there was any constitutional issue resolved by the Civil War, it is that there is no right to secede. (Hence, in the Pledge of Allegiance, "one Nation, indivisible.") Secondly, I find it difficult to envision who the parties to this lawsuit might be. Is the State suing the United States for a declaratory judgment? But the United States cannot be sued without its consent, and it has not consented to this sort of suit. I am sure that poetic license can overcome all that — but you do not need legal advice for that. Good luck with your screenplay." Even Texas, which had in its "Joint Resolution for Annexing Texas to the United States Approved March 1, 1845" cannot succeed. This resolution, which stipulated that Texas could, in the future, choose to divide itself into "New States of convenient size not exceeding four in number, in addition to said State of Texas" is often a cause of confusion about the state's ability to secede. But the language of the resolution is clear: Texas can split itself into five new states. It says nothing of splitting apart from the United States. In the case of Texas v. White in 1869, Supreme Court Chief Justice Salmon P. Chase wrote that, "The union between Texas and the other states was as complete, as perpetual, and as indissoluble as the union between the original states. There was no place for reconsideration or revocation, except through revolution or through consent of the States." The majority opinion struck down the Texas Ordinance of Secession, calling it "null," and crafted a decision that rendered all acts of secession illegal according to the "perpetual union" of both the Articles of Confederation and subsequent Constitution for the United States. Chase did leave an opening, "revolution or the consent of the States," but without either, secession could never be considered a legal act. So to even consider this initiative is a waste of time and should not even be considered.

12/21/2016

This is an absurd waste of time and money. No wonder people get turned off by the political process. California, perhaps deservedly so, is the laughing stock of the nation because of our numerous and often idiotic ballot propositions.

12/21/2016

December 21, 2016 The Honorable Kamala Harris Attorney General of California P.O. Box 944255 Sacramento, CA 94244 Dear Attorney General Harris: The California Independence Plebiscite of 2019." The measure is invalid. I urge you to commence a timely and appropriate legal action seeking to be relieved of the duty to prepare a circulating title and summary for Initiative 16-0011, informally titled "Calexit: "Calexit: The California Independence Plebiscite of 2019" is NOT legal and unconstitutional for the following reasons: It is unconstitutional on its face Its unconstitutionality is clear Its submission to voters would serve no legitimate purpose It would be a useless waste of public resources It would create emotional and unnecessary community divisions It would tend to mislead the electorate The Calexit proposal is unconstitutional on its face. It is clear that states do not have the legal authority to sever or separate from the federal Union. Circulation of the petition would deceive some people into falsely asserting that secession

from the United States is actually permitted under the federal constitution. In addition, submission of an illegal measure to the voters would serve no legitimate purpose, but would be a useless waste of resources and create emotional community divisions. Nothing in the United States Constitution provides for the secession of a state or states. A previous attempt in the 1860s of several states to acquire federal assets and secede from the United States was not recognized as valid by President Abraham Lincoln and the Congress of the United States. Your office should seek advice from credentialed historians and carefully analyze the documents related to this failed secession movement to determine its constitutionality. In addition, the Calexit proposal would create emotional divisions, starting with civil unrest as residents of California considered whether to flee the potential rebellion, join it, or undermine it from within using various legal and even illegal means. "Brother Against Brother" is a figurative and sometimes even literal description of the four years of civil war in the United States during the 1860s secession movement. More than 750,000 individuals were killed or died because of this civil war, according to the latest revised estimates, and large swaths of United States territory were devastated. Your office should seek advice from credentialed historians and carefully analyze the emotional divisions caused by credible secession movements. There is recent precedent for you to be relieved of the duty to prepare a circulating title and summary for an unconstitutional measure. On March 25, 2015, you requested a order from a court to relieve the office of the Attorney General from issuing a title and summary for a proposed initiative (15-008) because it "patently violated the Constitution on its face." A judge agreed and declared on June 22, 2015 that circulating petitions for signatures would be "inappropriate, waste public resources, generate unnecessary divisions among the public and tend to mislead the electorate." You have also acted in other ways to derail unconstitutional actions initiated by the people. On March 26, 2013, you declared in a statement that "I declined to defend Proposition 8 because it violates the Constitution." This was an initiative that voters had actually enacted in a plebiscite. Finally, your decision not to circulate this initiative would NOT deprive discontented individuals of their human right to free themselves from the authority of the United States government. Those who consider the United States to have a tyrannical or unjust government can exercise their rights and powers under the United States Constitution to petition for redress of grievances. If still not satisfied, they can also choose to immigrate from the United States to other nations that provide or have the potential to provide the degree of liberty and justice they seek for themselves and their progeny. For other discontented individuals who seek to live under the authority of a tyrannical and unjust government, they can immigrate to other nations with a proven history of exercising such authority. Please terminate this unconstitutional proposal. Sincerely, Robert P. Preston Sutter County, CA