

Appendix A - Constitutional and Historical Background
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Article IV, Section 3 of the United States Constitution provides that:

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.

Although the Constitution gave very little guidance on how states would be admitted to the United States, both prior and subsequent legislation fleshed out some of the details. Even before the drafting of the Constitution, the Continental Congress, operating under the Articles of Confederation, enacted the Northwest Ordinances between 1784 and 1787. This legislation created a process for establishing territorial governments in western lands and, once the population of a territory reached 60,000 persons, provided a mechanism by which a territory could become a state. When the first Congress met under the U.S. Constitution, it ratified this process with only slight modifications. The first state admitted under this process was Ohio, in 1803. The last two were Alaska and Hawaii in 1958 and 1959, respectively. In addition to providing for the admission of new states from the western territories, Article IV, Section 3 also envisioned the prospect of creating one or more states from within an existing state. While the Constitution authorizes a state to propose the creation of one or more new states within its existing borders, consent by Congress has been rare and granted only under unusual circumstances.

Efforts to Create New States by Dividing Existing States (Outside of California). The last time a new state was created from within the boundaries of an existing state occurred during the American Civil War, when West Virginia separated from Virginia and was granted statehood by Congress. Before that, Vermont (1791), Kentucky (1792), and Maine (1820) were carved out of existing states, but these stand apart for various reasons. Vermont and Kentucky became states under Article IV, Section 3, but the movements to create those states started before the drafting of the U.S. Constitution. Maine, part of Massachusetts until 1820, did not arise from a movement *within* an existing state to create a separate state. Rather, Congress initiated the process to make Maine a state as part of the Missouri Compromise.¹ West Virginia, therefore,

¹ Maine and Missouri became the 23rd and 24th states as part of the Missouri Compromise. With eleven free and eleven slave states in 1820, the Missouri territory petition for statehood threatened to shift the balance of power in the U.S. Senate in favor of slave states. Therefore, Congress carved the area that is now Maine out of the state of Massachusetts and admitted it as a free state to offset Missouri. Kentucky, once a county in Virginia, also took an unusual path to statehood. Virginia effectively consented to Kentucky statehood in one year before the first Congress sat, in 1789, under the new U.S. Constitution. The new Congress granted statehood to Kentucky in 1792. Presumably, Virginia's consent under the Articles of Confederation was sufficient to meet the constitutional requirement. Vermont is another example of a movement for statehood that preceded the U.S. Constitution. Vermont began as the "New Hampshire Grants" – a series of land grants given to settlers on what was then New Hampshire's western frontier. New York State also claimed some of these lands. Grant holders declared themselves the independent "Republic of Vermont" in 1777 during the American Revolution. Vermont operated as a "republic" with its own legislature while fighting alongside the thirteen colonies against the British. After hostilities with Great Britain ceased in 1781, the Continental Congress unofficially recognized Vermont's independence and promised to grant it statehood if it renounced certain lands claimed by New York. With both New York and New Hampshire consenting by 1790, the new Congress granted Vermont statehood in 1791.

represents the first and last time in the post-Constitutional period that a movement arose within an existing state with the aim of dividing that state.

West Virginia Statehood and the U.S. Constitution. Viewing the election of Abraham Lincoln in November of 1860 as a threat to the institution of slavery, South Carolina adopted an Ordinance of Secession in December of 1860, becoming the first Southern state to secede from the Union. When Confederates fired on federal Fort Sumter in Charleston Harbor on April 12, 1861 – marking the start of the American Civil War – several other states had already joined South Carolina in seceding from the Union, or were in the process of doing so.

Secession in Virginia, however, was a contested affair. On April 17, 1861, only days after the firing on Fort Sumter, Virginia called a state convention and adopted an Ordinance of Secession, subject to ratification by the voters. However, the vast majority of convention delegates from the northwestern (mostly non-slaveholding) region of the state voted *against* secession. Upon returning home, these delegates launched a movement to separate from the State of Virginia and remain in the Union. On April 22, 1861 – only five days after Virginia delegates adopted the Ordinance of Session – Unionists in northwestern Virginia adopted the "Clarksburg Resolution," which called for a convention to be held in the city of Wheeling on May 13-15, 1861. At this "First" Wheeling Convention, delegates proclaimed themselves a "provisional government" that was loyal to the Union. When Virginia voters ratified the Ordinance of Secession, Unionists from the northwestern counties convened the Second Wheeling Convention and proclaimed themselves to be the "Reorganized Government of Virginia." In effect, two governments – one in Richmond and one in Wheeling – claimed to be the "legitimate" government of Virginia. The Wheeling group requested that Washington recognize it as the legitimate government of Virginia. President Lincoln complied on July 4, 1861. Thus, from July 1861, until June 1863, the counties of northwestern Virginia were not a separate state, as such, but were the officially recognized government of Virginia (at least in the eyes of the U.S. government).

Over the next two years, however, the "provisional government" in northwestern Virginia took steps to seek admission to the Union as the new state of West Virginia. Unionist delegates drafted a state constitution, secured ratification by the voters, and petitioned Congress for statehood. Both houses of Congress quickly approved the West Virginia statehood bill, albeit subject to one condition: that West Virginia would amend its constitution to provide for the gradual abolition of slavery. West Virginia officially became a state on June 20, 1863.²

Whether West Virginia's path to statehood was constitutional subsequently became a matter of (mostly academic) debate. Article IV, Section 3 of the United States Constitution (as supplemented by federal statutes) authorized Congress to admit new states from out of the western territories. However, carving new states out of existing states, splitting states, or combining two states into one state is a more complicated matter. On this point, Article IV, Section 3 states that "no 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." In short, at a minimum, West Virginia could not become a separate state without the consent of the Virginia

² For a general overview, see Richard O. Curry, "A Reappraisal of Statehood Politics in West Virginia," *The Journal of Southern History* 28 (1962): 403-421; David Zimring, "'Secession in Favor of the Constitution': How West Virginia Justified Separate Statehood during the Civil War," *West Virginia History* 3 (Fall 2009): 23-51.

legislature. While the simplest explanation and justification of West Virginia statehood may be that the exigencies of war and disunion overwhelmed constitutional niceties, there are plausible arguments for why West Virginia statehood met constitutional requirements. First, to the extent that U.S. recognized West Virginia as the legitimate government of Virginia, one could argue that the Virginia legislature *did* consent to the division. Second, given that Virginia had left the Union, there was no way it could have consented, or at the very least by seceding it had lost its right to consent or not consent to the creation of the new state within its borders. Another possible argument is that because Virginia had seceded, West Virginia was not "within the jurisdiction of any other state [of the United States]." ³

Other scholars have offered counter-arguments claiming that West Virginia statehood did not satisfy the requirements of Article IV, Section 3. One argument hinges upon whether a semicolon, as used in the late 18th century, functioned more like a comma or a period. Once again, Article IV, Section 3 reads:

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.

Does the semicolon after "within the jurisdiction of any other State" in the second clause separate that clause from the last clause requiring consent of the concerned state legislatures and Congress? If it does, then that clause – "no new state shall be formed or erected within the Jurisdiction of any other State" – stands apart and creates an absolute bar on creating a new state within an existing state. On the other hand, if the semicolon functions more like a comma, then creating a new state from within an existing state is possible, but only with the consent of the concerned state legislatures and Congress.⁴

In *Virginia v. West Virginia* (1871), the U.S. Supreme Court considered the fate of two counties that did not clearly belong to either Virginia or West Virginia.⁵ While the Court did not need to consider the constitutionality of West Virginia statehood per se, its decision nonetheless presumed that West Virginia statehood was constitutional and that the semicolon in Article IV, Section 3 did not create an absolute bar on creating a new state from within the borders of an existing state. If it had created an absolute bar, then the constitutionality of Maine, Kentucky, and Vermont were also suspect.

While the Supreme Court implicitly settled the constitutional legitimacy of West Virginia statehood, this did not settle all legal questions caused by the creation of two states.

³ For an exhaustive (and perhaps exhausting) overview of the constitutional arguments for and against the constitutional legitimacy of West Virginia statehood, see Vasana Kesavan and Michael Stokes Paulsen, "Is West Virginia Unconstitutional?" *California Law Review* 90 (March 2002): 291-400.

⁴ *Id.* Even if one accepts that the semicolon does not create an absolute bar, there were other reasons to question West Virginia statehood. For example, no one ever seems to have questioned the logical difficulty that West Virginia was apparently simultaneously the State of Virginia and the government of that portion of the state petitioning for admission as a new state. Recognizing the Wheeling government as the State of Virginia was simply a legal fiction necessary to fulfill the constitutional requirement of legislative approval by the concerned states.

⁵ *Virginia v. West Virginia* (1871) 78 U.S. 39. The question concerned the results of elections in Berkeley and Jefferson counties at the time Unionists voted to separate from Virginia.

Litigation between the two states, as well as between private inhabitants of those states, continued at least another sixty years. The most contentious issue concerned obligations for the public debts incurred by Virginia before January 1, 1863. West Virginia recognized its obligation to assume part of that debt and, in fact, wrote this obligation into its state constitution. However, agreement on the principle that each state was responsible for a fair share of the public debt did not mean agreement on the specific apportionment. Litigation over this issue continued for more than a half-century, eventually reaching the U.S. Supreme Court in 1911, with final negotiations continuing for several years after that.⁶

The lengthy legal dispute between Virginia and West Virginia is instructive for the present initiative to split California into three states, for it illustrates that even where new states agree in principle on a particular issue, litigation owing to the separation may continue for a half-century or more. How the three new states carved out of California will apportion nearly 170 years of accumulated public debts and public assets will not be an easy matter. Even if the three new states agree as to their general rights and obligations and write them into their respective constitutions, disputes over how to interpret and administer those provisions will likely result in continuing litigation.

Prior Movements to Divide California: Efforts to divide California date to at least the Mexican period (1821-1846) prior to U.S. occupation and statehood. As the northernmost territory of Mexico, political disagreements regularly split the territory into Northern (*norteño*) and Southern (*sureño*) camps. This division first came to a head in 1825 when Governor Jose Maria Echeandia decided to reside in San Diego instead of Monterey, the recognized provincial capital under both Spain and Mexico since 1775. After a few minor military skirmishes, and a one-year period of separate Northern and Southern provisional governments, the two regions reunited under Governor Figueroa in 1832. Nonetheless, disputes over secularization of the Franciscan Missions, trade with foreign countries (especially the United States), and competition for land grants continued to divide Alta California and generate occasional calls for separation. North-South divisions were temporarily put aside when the United States occupied California during the Mexican-American War (1846-1848), but the divisions seen in Mexican California continued after the U.S. acquired California (as well as other former Mexican territories) under the Treaty of Guadalupe Hidalgo in 1848.

Efforts to divide U.S. California occurred, quite literally, at the very moment of state formation, before California's admission into the Union. In 1849 California's military governor, General Riley Bennett, called for a convention to draft either a territorial or a state constitution for submission to Congress. By this time, the gold rush had spawned a population explosion in Northern California. Delegates from the Southern part of California favored drafting a territorial constitution while the more numerous delegates from the Northern parts favored drafting a state constitution. A principle point of contention between North and South at the Monterey convention was the relative expense of a territorial versus a state government. The federal government would fund a territorial government, but a state

⁶ *Virginia v West Virginia* (1911) 220 U.S. 1. The Court held that West Virginia's state constitution required it to pay one-third of the public debt acquired before January 1, 1863, pending resolution of interest computations. However, negotiations continued and a final resolution was not reached until 1919. See Roswell Page, "The West Virginia Debt Settlement," *Virginia Law Register* New Series 5 (1919): 257-283.

government would obtain revenue from state taxation, and property taxes in particular. The delegates from Southern California – including the grant-holding and Spanish-speaking *Californios* – reasonably feared that the burden would fall disproportionately on the larger landed estates in the South for the benefit of the more populous, mineral-rich Northern parts, where most of the land was owned by the federal government and not subject to taxation. Because Northern California delegates outnumbered Southern California delegates, the convention overwhelmingly voted to draft a state constitution and seek admission as a state, bypassing territorial status altogether. The convention rejected the wishes of Southern Californians to either seek territorial status or, barring that, divide the state so that the Southern region could enter as a territory. The lopsided vote only reaffirmed the Southern delegates’ fears that the new state government would serve the interests of the North even as the South bore the financial burden.⁷

Early Legislative Efforts to Divide the New State of California. When California’s statehood proposal reached Congress, federal lawmakers also considered plans to divide the state, albeit for different reasons. While the arguments in California focused upon respective tax burdens, Congress viewed California statehood within the ongoing debate over slavery and the precarious balance of free and slave states. Congress could have extended the Missouri Compromise line (36 degrees 30 minutes latitude) to the Pacific and admitted California as two states, one free and one slave. Instead, under the Compromise of 1850, California entered as a free state; in return, the Southern slave states received a stronger Fugitive Slave Act and a promise that the remaining territory acquired from Mexico could enter as slave states.⁸

Throughout the 1850s, each California legislative session witnessed an effort by legislators from districts in Southern California to divide the state by a line that would run east from San Luis Obispo or, alternatively, along the Tehachapi Mountain range. In addition to citing an unfair tax burden and the greater political influence of Northern California, legislators from Southern California argued that the state was too large and too diverse in economic interests to be effectively governed by a single state government, a reasonable complaint given the absence of modern communication and transportation systems. Southern complaints seemed validated when Governor John McDougal, in his 1852 message to the Legislature, reported that the six southernmost counties in California had only about 6,000 people, but contributed over \$42,000 to the state treasury. Meanwhile the counties in the northern mining regions had nearly 120,000 people, but paid just over \$21,000 to the state treasury. Efforts to divide the state culminated in 1859, when the Los Angeles-area *Californio* Andres Pico introduced a bill that would split the state at the 36th parallel (San Luis Obispo county southward). The Pico Act required the approval of both houses of the legislature as well as ratification of voters in the affected southern counties. The Legislature passed the measure, the Governor signed it, and over two-thirds of the voters in the designated counties ratified it. However, California’s timing was not ideal; the petition

⁷ J. Ross Browne, *Report of the Debates in the Convention of California, on the Formation of the State Constitution, in September and October, 1849* (1850); James Rawls and Walton Bean, *California: An Interpretive History* (6th Ed. 1993), 97-100.

⁸ Leonard Richards, *The California Gold Rush and the Coming of the Civil War* (New York, 2007), chapters 4-5.

reached Washington just as the nation was heading into the Civil War. Therefore, Congress never acted on the petition.⁹

Continued Efforts to Divide the State. While the 1850s marked the most serious and nearly successful effort to divide the state, other efforts to divide the state continued with varying degrees of seriousness into the 1880s. Beginning in the 1890s, however, much greater population growth in Southern California, a corresponding increase in political representation and improvements in communication and transportation undermined the forces supporting division. Nonetheless, periodic proposals to split the state continued throughout the 20th century. For example, in 1915, Northern Californians circulated a petition to amend the California Constitution to redraw the state's southern boundary at the Tehachapi Mountains. Southern Californians responded with a counter-petition that welcomed the division but revised the boundary so that a new state of Southern California would include a swath of counties along the 233-mile aqueduct (completed in 1913) that carried water from Owens Valley to Los Angeles.¹⁰ While the proposal never gained traction, it nevertheless pointed to a serious issue: any effort to divide the state would need to account for the movement of water from North to South. If Southern Californians still had any lingering desire to form a separate state in 1915, the counter-petitioners clearly understood how the stakes had changed. As discussed in detail in the hearing background paper, the state's complex water-transfer system, which has become much more extensive than it was in 1915, constitutes just one of many infrastructure projects that affect and benefit the entire state and transcend all proposed boundaries for dividing California.

Efforts of Northern California and Southern Oregon to Form a New State. Just as the state-division efforts of the 1850s reflected a feeling of marginalization on the part of Southern Californians, later efforts to split the state appear to reflect similar feelings on the part of people in the northernmost reaches of the state. The plan to create a "State of Jefferson" began in 1941 when a handful of counties in Northern California and Southern Oregon declared their desire to break from their respective states and seek admission as a new state. Although similar ideas emerged as early as the 1850s, it was not until 1941 that an interstate alliance of six counties formed a citizen's committee to advocate separating from their respective states to form the 49th state. The six-county bloc originally included Curry, Josephine, and Jackson counties in Oregon, and Del Norte, Siskiyou, and Modoc in California, a region that was allegedly "ravaged by the neglect of Sacramento and Salem." On November 27, 1941, the "State of Jefferson" issued a "Proclamation of Independence" and established its purported state capitol at Yreka.

Like the ill-fated Pico Act nearly a century before, efforts to form the State of Jefferson were derailed because of more pressing national and international events. On December 4, 1941, the State of Jefferson convened a "territorial" assembly, apparently with intent to petition Congress at some point for statehood. Only three days later, on December 7, 1941, the Japanese attack on Pearl Harbor and the eventual declarations of war ended the movement.

⁹ William Henry Ellison, "The Movement for State Division in California, 1849-1860," *Southwestern Historical Quarterly* 17 (1913): 101-139.

¹⁰ Rockwell D. Hunt, "History of the California State Division Controversy," *Annual Publications of the Historical Society of Southern California* 13 (1924): 37-53, especially 48-50. On the rapid growth of Southern California relative to the rest of the state, see Rawls and Bean, pp. 191-196, 279-292.

Del Norte County Judge John Childs, the acting “Governor” of the territory, proclaimed that, in "view of the National emergency, the acting officers of the provisional territory of Jefferson here and now discontinues any and all activities." He went on to note that the purpose of the movement was to call attention to the need to develop the area’s mineral resources; the Governor felt confident that the point had been made and that the wartime emergency would cause the federal government to finally develop those resources.¹¹

Advocates of the State of Jefferson still maintain a Website today, but the proposed state mostly exists as an imagined community, bent on making the point that state legislatures in Salem and Sacramento are dominated by liberal and urban interests “out of touch” with rural communities.¹² In this sense, the State of Jefferson expresses sentiments not unlike those espoused by Southern Californians in the 1850s: that the more populous parts of the state dominate state governments and pursue policies that are contrary to the interests and values of residents of rural areas.

From the 1960s to Today: Although a few bills seeking to divide the state were introduced in that Legislature between the 1960s and the 1990s, most never gained much momentum and polls consistently indicated that Californians overwhelmingly opposed division of their state. Modern efforts to divide the state have not been "movements" but rather the pet projects of individual legislators or private citizens with time and money to spare.¹³ By the 1990s, proposals to split California recited a standard refrain: that California had become "ungovernable," either because of its size or diversity, or because of institutional restraints imposed through government-by-initiative.¹⁴ In 1993, Assembly member Sam Statham expressed this sentiment when he proposed a non-binding referendum that would put the question of splitting the state before the voters. The vote would not have required the Legislature or anyone else to do anything, but was rather intended to gauge public opinion on the issue. Statham, who was from Redding, believed that Sacramento – dominated by legislators from coastal California – Los Angeles and San Francisco in particular – simply did not understand the rest of the state. Statham initially proposed two states, but the final version of his bill proposed three states named Northern California, Central and Coastal California, and Southern California – with one wit proposing the names Logland, Fogland, and Smogland. One can view the entertaining Assembly Floor debate in the C-SPAN archives, with references to three new bear flags (featuring Papa Bear, Mama Bear, and Baby Bear, respectively). Several members joked (perhaps) about who would be stuck with San Francisco. Yet, for all of the laughs, the bill passed off the Assembly Floor with the support of Speaker Willie Brown. However, Senate Pro Tem David Roberti held the bill in the Senate Rules Committee.¹⁵

¹¹ W.N. Davis, “State of Jefferson,” *California Historical Society Quarterly* 31 (1952): 125-138.

¹² See the State of Jefferson website at <http://soj51.org/>, last visited May 19, 2018. The website’s “Declaration of Independence” now claims to represent the 23 counties of Northern California.

¹³ On efforts in 1960s and 1970s, see Michael Di Leo and Eleanor Smith, *Two Californias: The Truth about the Split-State Movement* (1983).

¹⁴ “The Ungovernable State,” *The Economist* (2009).

¹⁵ Vicki Haddock, “Splitsville: Californians Have Tried – and Failed – 200 Times to Divide the State,” *California Magazine*, Summer 2002. The Assembly Floor debate on the Statham bill is at <https://www.c-span.org/video/?42879-1/proposal-divide-california> .

Given the state's penchant for "direct democracy," it comes as no surprise that recent efforts to divide the state have come from outside of the Legislature and used the initiative process. Timothy Draper, the Silicon Valley entrepreneur who proposed the three-state initiative that is the subject of this hearing, launched an earlier effort to divide California into six states: Jefferson, North California, Silicon Valley, Central California, West California, and South California. In addition to requiring voter and legislative approval before the Governor would submit the plan to Congress, the measure proposed a 24-member commission to negotiate a division of California's debts and assets among the six new states. In support of the initiative, Draper relied upon the standard trope that California had become "ungovernable" due to its size and diversity, and that six smaller governments would be more efficient and more representative. Organized opposition to the proposal came from the bipartisan "OneCalifornia" organization. Opponents argued, among other things, that efforts to divide the state wasted time and money. All six proposed states would need to elect delegates to a state convention, draft a state constitution, and take other preliminary steps necessary to create the organizational infrastructure of the states before the Governor submitted a plan which Congress would almost certainly reject. Moreover, opponents pointed to the complex issues of divvying up state assets and institutions, such as the public university system, the state prison system, and the state water projects. More generally, opponents argued that we should put the same amount of time, money, and effort into improving California, rather than abandoning it.¹⁶

Conclusion: Are there any lessons to learn from the history of repeated and failed attempts to divide California?

First, the most serious efforts to divide the state came in the 1850s and reflected genuine concerns among inhabitants of the southern part of the state. They reasonably feared that that they would bear a greater tax burden of supporting state programs, while being politically outnumbered by the northern part of the state. However, this popular support for dividing California waned in Southern California as that region grew in proportion to the rest of the state and as commercial and technological developments created a more integrated economy. In later years, the political divide between Southern California and Northern California often centered on water issues. However, no matter how contentious the water debates became, the existence of a statewide water project made the task of dividing the state far more complicated. The simple north-south division of California no longer adequately captures conflict within California. Indeed, a political division between "liberal" coastal areas and "conservative" inland areas (i.e. a division between east and west) has seemingly displaced the longstanding divide between the northern and southern areas of the state.¹⁷

A second lesson from this history is that movements to divide the state have often reflected a sense that some parts of the state feel marginalized and ignored by a state government that caters to other more populous, prosperous, and politically powerful regions of the state.

¹⁶ The Legislative Analyst Office (LAO) analysis of the six-state proposal at <http://lao.ca.gov/ballot/2013/130771.aspx>

¹⁷ On the shift from a north-south to an coast-interior divided, see John Wildermuth, "New dividing line in California politics / State voters now split between east and west, not north and south," *San Francisco Chronicle*, October 6, 2002.

This was certainly true of the Southern California "cow counties" in the 1850s. This sense of marginalization may also explain the movement to create a "State of Jefferson" in the relatively isolated and northernmost part of the state. The political discourse of that movement expresses an unmistakable sense that Sacramento is "out of touch" and that "liberal" values of coastal Californians from San Francisco to Los Angeles, in the opinion of many residents of non-coastal areas, too often prevail. While economic and taxation issues concern modern-day advocates of the State of Jefferson – just as they concerned Southern *Californios* in the 1850s – the economic differences seem compounded by conflicting values on an array of social and cultural issues, from gender identity to racial politics and immigration.¹⁸ Differing viewpoints on these issues marked the 2016 presidential election in California. While California as a whole voted overwhelmingly against Donald Trump's presidential bid, the counties that constitute the proposed "State of Jefferson" voted just as overwhelmingly in support of Trump.¹⁹

Finally, the history outlined above suggests that the prospects for dividing California are slim to non-existent, because even a proposal that wins the support of voters, the Legislature, and the governor would still need approval from Congress. As we have seen, the few instances in which Congress approved the creation of a new state from within the borders of an existing state reflected unusual circumstances. Vermont and Kentucky, although officially created after the U.S. Constitution went into effect, grew out of movements that preceded the formation of the new federal government. Congress carved Maine out of Massachusetts not in response to a local movement for statehood, but because Congress was desperate to maintain the balance of free and slave states. The vexing issues of slavery, sectionalism, and Civil War compelled Congress to grant statehood to both Maine and West Virginia. There is no similarly compelling reason for Congress to recognize three new states in what is now California. Smaller states, jealous of their "equal" representation in the U.S. Senate, will not likely approve a plan that would triple the number of California Senators.

One thing seems certain, however. Despite a long history of failed efforts to divide the state, and despite the many sound arguments advanced against division of the state during the past 170 years, it seems safe to assume that the initiative considered in this joint hearing will not be the final effort to divide the great State of California.

¹⁸ The home page of the State of Jefferson focuses almost exclusively on the state's "criminal" approach to immigration. See <http://soj51.org/> (last visited on May 19, 2018.)

¹⁹ For example, over 85 percent of voters in San Francisco County favored Hillary Clinton for President. In Modoc County – one of the three California counties to launch the State of Jefferson in 1941 – 72 percent of the voters favored Donald Trump.