



Written by [Steve Byas](#) on February 4, 2024

Haley Waffles on Texas Secession

“No,” Republican presidential hopeful Nikki Haley said Sunday on CNN’s “State of the Union” program, when host Dana Bash asked her if Texas could, if it wished, secede from the Union.

“According to the Constitution, they can’t,” Haley said. Haley did defend the right of Texas to defend itself from the hundreds of thousands of illegal aliens streaming across the southern border, in what has been accurately described as an “invasion.”

“What I do think they have the right to do is have the power to protect themselves and do all that. Texas has talked about seceding for a long time. The Constitution doesn’t allow for that,” Haley claimed. “Where’s that coming from? That’s coming from the fact that people don’t think that [the federal] government is listening to them.”



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While Haley is now saying that Texas lacks the constitutional authority to secede from the Union, just a week ago she told radio host Charlamagne tha God on “The Breakfast Club” that “if Texas decides they want to do that, they can do that. If the whole state says ‘We don’t want to be part of America anymore,’ I mean that’s their decision to make.”

It is not unusual for Haley to reverse her opinions on such issues. When she was governor of South Carolina, she initially defended the flying of the Confederate flag at the state Capitol in Columbia, but later supported its removal. Then, just last month, Haley failed to mention slavery in response to a question about what caused the Civil War, then later asserted it was all about slavery.

But what about the question of Texas secession? What does the Constitution say about the issue?

Since 1865, Americans have been taught the Triumphant Union Theory — which asserts that the American people formed the United States, which then, in turn, created the 13 states, and as such, no state has a right to secede from the Union.

The seeds of the Civil War — which was fought over the issue of whether a state can legally secede — were actually planted in the Colonial period. Each Colony was formed separately, each with its own charter, and they were quite independent of each other. In 1754, in reaction to the threat of the French in the French and Indian War, the Albany Congress met, made up of representatives from the British Colonies. Despite the very real fear of the French, this congress rejected Benjamin Franklin’s Albany Plan of Union, which would have created a common government for all the colonies.

Over the course of the Colonial period (1607-1775), the Colonists had developed a new way of life, somewhat different from that in Britain. John Adams said that the American Revolution was not the War for Independence, but rather the new way of life that had developed, and by the time the first shots of



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the war were fired at Lexington and Concord, the revolution was “complete” in the minds of the people. The Colonists did not seek to overthrow the British Union, but rather to *secede* from it. The Treaty of Paris was signed with the United States as a whole, but also — by name — with each of the 13 separate and *sovereign* states.

When the Articles of Confederation created a “perpetual union of states,” it created a league of friendship, not a *permanent* union of states — much like marriage is intended to last for life, but doesn’t always do so.

The Constitution dissolved this “perpetual union” established by the Articles of Confederation via the *secession* of nine states, leaving North Carolina, Rhode Island, Virginia, and New York free to either join the seceding states, or form their own separate union, or become independent states.

In the ordinances of ratification, the states individually reserved the right to secede — had it been stated then that they had no right of secession, they would not have joined.

William Rawle, in his *A View of the Constitution*, an 1825 textbook used at West Point from 1825 to 1840, discussed the conditions in which a state could unilaterally and legally secede. The Northwest Ordinance of 1787 clearly established that the United States did not want colonies (as they had been), but rather states. The argument often made by those who claim that the federal government created the states and therefore these states had no right to secede was the same put forth by King George III in 1776.

In 1825, Thomas Jefferson referred to the Colonies as having *seceded* from the British Empire.

The New England states had threatened secession after the Louisiana Purchase of 1803, as they feared this would increase the power of the southern states. In 1807-1809, they again raised the possibility of secession in reaction to the Embargo Act, which had cut off their trade with Britain. In 1814 New England Federalists almost seceded in opposition to the War of 1812.

When the Mexican War broke out in 1846, several northerners who opposed adding Texas to the Union again considered secession. Many abolitionists openly advocated secession, so as to distance themselves from the practice of slavery.

When a young Frenchman, Alexis de Tocqueville, visited America in the 1830s, the experience led him to write in his famous *Democracy in America*, “The Union was formed by a voluntary agreement of the states.... If one of the states chooses to withdraw from the compact, it would be difficult to disprove it the right of doing so.”

John Quincy Adams, a staunch unionist, declared in an 1839 speech celebrating the Constitution, “The indissoluble link of union between the people of the several states of this confederated nation is, after all, not in the right but in the heart. If the day should ever come (may Heaven avert it!) when the affections of the people of these States shall be alienated from each other; when the fraternal spirit shall give way to cold indifference, or collision of interests shall fester into hatred, the bands of political associations will not long hold together parties no longer attracted by the magnetism of conciliated interests and kindly sympathies; and far better will it be for the people of the disunited states to part in friendship from each other, than to be held together by constraint.”

And then there is the man who “saved” the Union by force of arms — Abraham Lincoln. In January 1848 he said, “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.”



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Of course, there are those with a contrary view, who hold that states have no such right. One foreigner who expressed this view wrote, “The states that make up the American Union are mostly in the nature of territories ... formed for technical administrative purposes. Those states did not and could not possess sovereign rights of their own. Because it was the Union that created most of these so-called states.” That, of course, was Adolf Hitler, writing in *Mein Kampf*.

Of course, Nikki Haley is wrong, and all those who today argue that a state has no *right* of secession are likewise wrong and are essentially rejecting the whole theory found in the Declaration of Independence, written when America seceded from the British Empire.

This is not to say that secession would be a wise idea. Just because the Congress has the right under the Constitution to declare war, it does not follow that they should do so. As Jefferson said in the Declaration of Independence, secession is not an action to be taken for “light or transient causes.”

Besides that, there is a better alternative, known as nullification. Under this doctrine, developed by Jefferson (the author of the Declaration of Independence) and James Madison (the father of the Constitution) in response to the federal government jailing Americans for exercising their rights of free speech and free press, a state can simply refuse to follow unconstitutional edicts from the U.S. government.

President Joe Biden’s refusal to do his duty and protect Texas from invasion has resulted in Texas putting up barriers to stem this invasion. Before the Civil War, northern states refused to cooperate in returning runaway slaves to their owners in the South. In modern times, local sheriffs have refused to cooperate with federal agents who ignore the Second Amendment.

Haley was right the first time, but she buckled to the pressure.



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