

The Nth State - Rural Coloradans want to break with their city neighbors

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October 28, 2013

The United States of America was born after a group of reckless colonial traitors added their signatures and "sacred honor" to a declaration of political separation and backed it up with force. That document, whose most famous lines have been transubstantiated into American scripture and learned by rote by all and sundry, is now the revered cornerstone of the republic. But, in becoming so, it has in some ways been ossified. We grasp readily the abstract truth that sometimes in the course of human events it is necessary for political bands to be dissolved. But we balk at the notion of that time being now. Separationists wear wigs and tricorner hats, we think. They do not drive trucks and have smartphones.

One man, however, hasn't gotten this memo. Jeffrey T. Hare, a tall, balding, middle-aged, and mild-mannered accountant from Weld County, Colo., is heading up the 51st State Initiative, an umbrella group for a collection of disgruntled rural Coloradans who are seeking to create a new state, "North Colorado." This is Hare's second foray into statewide politics, after a failed attempt at securing the Republican nomination for a seat in the state's house of representatives in 2012, and he is doing rather well. Thus far, eleven of Colorado's 64 counties have put separatist initiatives on their November ballots -- and Hare hopes that many more will be on board by the time of the "Declaration Convention" in January. Seven other counties "look likely to join the working group," Hare reports, and citizens in another 28 have "shown some interest." Unsurprisingly, neither Boulder nor Denver -- the state's two most densely populated urban areas -- has been enticed to join the fray.

Despite the curiosity about his project, Hare will have his work cut out for him. Separation, in truth an ideologically neutral procedure, has been tainted by the one tragic time in American history when it was tried in earnest. Americans are unusually friendly toward the advocates of self-determination in other countries, but surprisingly hostile to them here at home. Fair or not, to say "secessionist" is, in the imagination of the majority, to say "Confederate." And "Confederate" is inseparable from "slavery."

Nevertheless, Hare sees himself as conservative of the American way. "We are not revolutionary but restorationary," he explains to me over dinner at Nordy's, a barbecue joint by the side of the highway near Fort Collins. "We are restorationists. We seem to be forcing change, but we're really not." He rejects "secessionist" as a slur. "I had a very interesting interview with Mike

Rosen," he tells me. "He's one of the big talk-show hosts in the morning. He had a guy from the Heritage Foundation on, and they were talking about the separatist movement and the 51st-state idea. And Rosen was not understanding the difference between our seceding from the union and our forming our own state under Article 4, Section 3. So I called in."

"Five minutes into the conversation Rosen says, 'Well, if this doesn't work out, are you prepared to take up arms and fight your federal government?' He was mocking the movement, of course. I kinda laughed because it was such a ridiculous comment. If he was really respectful of the right to self-government and of self-determination, then he wouldn't have been mocking."

The Supreme Court's 1869 *Texas v. White* decision confirmed that states do not have the power unilaterally to secede from the Union, but there is, of course, no prohibition on the creation of new states. Hare's advocacy is therefore of something quite legal. I ask him how he and his associates have been driven to this point. "The genesis really started around the gun-control bills that were being considered," Hare says. "A group of Second Amendment patriots in Weld County wanted to go to the commissioners and see if the county could do something to nullify the state laws." They couldn't, of course. But one thing led to another, and before long they were discussing leaving the state.

"This is not a 'normal' part of the country," Hare continues. "We are very liberty-minded. And it's not about parties." I ask him what he means. "George Bush was just a progressive with an 'R' after his name! The tea-party groups around here put up a sign with his face on it: 'Do you miss me yet?' Well, I don't, no. If it hadn't been for 9/11, I think people would characterize him differently." How so? "For his trashing of the Constitution and massive expansion of Medicare." Hare pauses. "And for the PATRIOT Act."

"There's a plethora of issues that have been piling on," Tom Gilley, president of the 51st State Initiative's non-profit board, adds. "Seems to me," Gilley says, "that since 2012, the Democratic movement has had a ton of political capital in Colorado. They're not only spending that, but they don't care and don't respect what other people think. They had an agenda and they forced it upon people." Moffat County's commissioner, Tom Mathers, expressed this sentiment more bluntly in an interview with the *Craig Daily Press*: "If we had a governor that was actually a governor and not a mayor of Denver," Mathers repined, "then this secession wouldn't be happening."

The new gun-control law, which recently led to the removal of the state-senate president and another state senator in the first recall election in Colorado's 137-year history, is a driving factor. But rural residents are also seething about a new fuel mandate that commissioners complain increases electricity costs in the parts of the state that produce Colorado's renewable energy while protecting ratepayers in urban areas from feeling the pinch. Sean Conway, the Weld County commissioner who first suggested separation at Colorado's annual county commissioners' conference earlier in the year, considers this to be the most important issue.

To explain his vision for North Colorado and the United States in general, Hare has created a diagram. On it, there are three triangles, each representing a level of government: The federal government has the biggest triangle, followed by the state government, and, finally, the local government. At the bottom is a picture of people being crushed by all three. "The model going

forward," Hare says, "is We the People being in charge of a strong and powerful local government, relative to the state and federal governments." By flipping the model on its end, the 51st Staters hope that they can win over some unlikely blue-state allies who will come to see the virtues of localism. "Maybe they want marijuana legalized, for example," Hare suggests. "That's not my thing, but social issues are supposed to be done locally."

Hare has also drawn up a "roadmap" that confirms a few of his key principles. "The government exists only to protect the individuals' right to life, liberty, and the pursuit of happiness," it says. Moreover, any new state must "avoid federal entanglements, where possible." "I don't know if there's a state that has a model that even comes close to what we envision," Hare tells me. "At least not in the modern era."

The road ahead would be almost impossible to navigate successfully, but Hare is confident. "Everyone always focuses on the endgame -- on what's going to happen when we get to Congress," he tells me. "The response we've been giving is that there will probably need to be a modern-day Missouri Compromise, whereby we exchange our statehood for the creation of two senators from a Democratic area. Puerto Rico, for example, or potentially a blue city in a red state. So that's more than likely what's going to have to happen. Unless, of course, when we get there in 2016 or '17 or '18 or whenever it is, there is a Republican majority."

Despite his enthusiasm, I suspect that the plan as written is dead on arrival. It is just about feasible that Democrats in Colorado could be convinced to back the scheme. Certainly, removing the conservative counties in the north would be an attractive proposition, ensuring as it would that the state would retain its unified Democratic government, and also that it would consistently go blue in presidential elections. "If progressives can concentrate their power, we think they will be more than likely to support it," Hare says. "As long as they can convince themselves that the urban folks subsidize the rural folks. That isn't really the case, but we'll let them believe that."

But even if the 51st Staters were to succeed in convincing the locals, national Democrats would probably be staunchly opposed to the deal, because it would mean the creation of two new reliably Republican -- or, at least, conservative -- senators in the national Congress. Hare's hope that this could be offset by the introduction into the Union of Puerto Rico is unlikely to appeal to national Republicans who hope that they can turn Colorado red again in presidential elections, and who would be wary of losing seats in the House of Representatives. Puerto Rican statehood would be unlikely to change the total number of members in the House (the Permanent Apportionment Act of 1929 being apparently indestructible). The new state of North Colorado would likely be allocated only one or two House seats, while Puerto Rico would yield at least five. If the analysis of Dudley Poston and Demetrea Nicole Farris of Texas A&M is correct, this means that the new arrangement would not only represent a net win for Democrats, but would lead to the removal of the most recently allocated representatives in Florida, Washington, Texas, California, and Minnesota -- another roadblock, in and of itself, to congressional approval.

In anticipation of these objections, Hare and his colleagues have a handful of other plans. The backup plan, which seems, from the offhand way Hare discusses it, to be an afterthought, strikes me as the most promising: to have northern neighbor Wyoming annex a series of northern-Colorado counties. Such a move has already been proposed independently by Moffat County,

which is nestled in the farthest northwestern corner of Colorado and borders both Wyoming and Utah. Wyoming's governor, Matt Mead, did not greet Moffat County's offer with enthusiasm.

Mead's unwillingness notwithstanding, the Wyoming option would undoubtedly upset the smallest number of people. No new national senators would be created by the move; the northern-Colorado counties would fit nicely into Wyoming politically and geographically; Democrats would retain control of Colorado and Republicans would solidify their control of Wyoming. The move would be unlikely to change the partisan make-up of the national Senate or the House much, either. Meanwhile, most of the locals would benefit from the deal -- except, that is, for conservatives in Colorado's urban and southern areas, who would then lose their ideological allies in the rural parts of the state. But, Hare informs me, a statewide initiative could probably pass over the objections of these people.

Hare's third suggestion is to remove from the state the progressive cities of Boulder and Denver. This strikes me as wishful thinking.

Occasionally, Hare ranges onto highly eccentric ground. If the separation initiatives have no luck, he explains, he hopes to try the "Phillips County proposal." This would change representation in the state senate from a system determined by population into a system in which each county in Colorado got to elect a senator regardless of its number of inhabitants. Hare admits to me that he knows full well that it has been unconstitutional for states to have such an arrangement since the Reynolds v. Sims Supreme Court decision in 1964, but says that he doesn't agree with the decision and thus doesn't care. In fact, he adds, he might even try to sneak such a structure into the proposed state constitution of North Colorado to see if he can get away with it.

Writing for the majority in an 8-1 decision in the Reynolds case, Chief Justice Earl Warren argued that while the U.S. Senate was intended to be the states' representation in Congress, "legislators" in states "represent people, not trees or acres," and thus their politics may not violate the principle of "one man, one vote." In response to this ruling, an outraged Senator Everett Dirksen of Illinois scrambled to pass an amendment to the federal Constitution that would have allowed unequal legislative districts within states. If the Reynolds case were allowed to stand, Dirksen contended, "the 6 million citizens of the Chicago area would hold sway in the Illinois legislature without consideration of the problems of their 4 million fellows who are scattered in 100 other counties," and "California could be dominated by Los Angeles and San Francisco." Dirksen's idea got nowhere, but it is undeniable that what he predicted has come to pass.

This, it seems, is the root cause of Hare's dissatisfaction, and a great challenge for the future of the United States. Whether his strategy turns out to be viable or not, the combination of a growing feeling that America's urban areas are riding roughshod over their rural counterparts and of the growth of government in general is creating real political problems in a country predicated on the principles of individual rights and self-determination. The Cato Institute's David Boaz famously observed that "the difference between libertarianism and socialism is that libertarians will tolerate the existence of a socialist community, but socialists can't tolerate a libertarian community." He might well have been discussing Colorado, for while residents of Weld County do not appear to care one way or another how the denizens of Denver and Boulder live, the same cannot be said the other way around.

America's cities, most of which are packed to the rafters with people who want to expand government, tend to export a view of the role of federal power that goes far beyond the carefully delineated federalism of the Founders' Constitution. Witness, for example, the brazen manner in which New York City's mayor, Michael Bloomberg, argues that the whole nation should live under new gun-control laws in order to help him reduce crime in an area that is home to just under 3 percent of the national population.

It should come as no surprise that rural areas are pushing back. Separatist efforts are currently under way in Michigan's Upper Peninsula, in western Maryland, and in Northern California's Siskiyou County, in which commissioners have apparently not given up on the old plan to join forces with rural areas in the south of Oregon and to finally create the state of Jefferson. Meanwhile, a recent University of Vermont poll discovered that 13 percent of Vermonters would like the state to establish itself as an independent republic.

After a couple of hours at Nordy's, Jeffrey Hare has to leave. "I have to get up early in the morning to drive down to some counties in the south," he tells me. "They're holding meetings to discuss the idea, and we want to be there." He gives me a copy of his statement of principles, shakes my hand, and then speeds off into the distance. As his huge pickup truck moves down the unpaved road, kicking up the dust, I take out my iPhone from my pocket and snap a picture -- of the car, the road, the fields. This will probably always be Colorado, I think. And Hare will probably always be pushing against the grain. But I want a photograph to show my children. Just in case . . .