

# [***Supreme Court Border Decision Bolsters Calls for an Independent Texas***](https://advance.lexis.com/api/document?collection=news&id=urn:contentItem:6B5J-NJ71-JBR6-90M0-00000-00&context=1516831)

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**Byline:** James Bickerton

**Highlight:** Campaigners want a 'Texit' referendum on the ballot in the Lone Star State. But is a return to being a republic just a pipe dream?

**Body**

The [*Supreme Court*](https://www.newsweek.com/topic/supreme-court?utm_source=Synacor&utm_medium=Attnet&utm_campaign=Partnerships) decision to allow [*federal officials to remove parts of a razor-wire barrier*](https://www.newsweek.com/supreme-court-gives-joe-biden-major-win-over-greg-abbott-1862970?utm_source=Synacor&utm_medium=Attnet&utm_campaign=Partnerships)Texas had erected along the border with Mexico—a case of [*D.C. overruling Austin's wishes*](https://www.newsweek.com/greg-abbott-vows-not-over-supreme-court-border-loss-1863032?utm_source=Synacor&utm_medium=Attnet&utm_campaign=Partnerships)—has [*sparked further calls for the Lone Star State*](https://www.newsweek.com/texas-independence-supreme-court-border-ruling-texit-1863124?utm_source=Synacor&utm_medium=Attnet&utm_campaign=Partnerships) to declare independence from the United States, in a movement called Texit.

Its de facto leader Daniel Miller remembers as though it were yesterday when he concluded Texas should leave the United States: Saturday, August 24, 1996, at approximately 2 p.m., in the hall of a hotel in the eastern Texan city of Tyler. Such was the impact of that moment that the technology consultant compares it to the "line in the sand" that lore recalls was drawn by his fellow Texan, William Travis, at the Alamo, shortly before it was stormed by Mexican troops in 1836. That legendary siege led to the Republic of Texas, an independent state for nine years before joining the American Union in 1845. Miller, now 50 and the president of the Texas Nationalist Movement (TNM), is hoping to reverse that transition.

Yet despite increased support, the movement has faced several recent setbacks, not least failing to get a referendum vote on Texan secession on the upcoming Republican primary ballot. Critics have also labeled the independence crusade a fantasy that has no chance of success, at least peacefully. But this has not deterred Miller, who remains convinced of his campaign's eventual success.

Miller said: "I think the trajectory the federal government is on, the trajectory that Texas is on, I think we are headed in that direction so whether by conscious decision or collapse of the federal system in its inability to meet its basic requirements, I think Texas becomes an independent nation definitely inside of 30 years."

**Fight for a Referendum**

By any measure Texan nationalists have had a busy couple of years. In December the TNM delivered what it claimed was a 139,456-strong petition to the Republican Party of Texas in Austin. This called for an advisory referendum on Texan independence to be included on the March 2024 primary ballot.

According to the Texas election code, the minimum number of signatures needed for a referendum to be considered is "five percent of the total vote received by all candidates for governor in the party's most recent gubernatorial general primary election." The most recent Republican gubernatorial primary was in 2022, when 1,954,172 votes were cast, electing incumbent State Governor [*Greg Abbott*](https://www.newsweek.com/topic/greg-abbott?utm_source=Synacor&utm_medium=Attnet&utm_campaign=Partnerships). A total of 97,709 signatures are therefore needed for a referendum to be considered. However, the Texas GOP rejected the petition, with chair Matt Rinaldi claiming it had been submitted late, and that even if this hadn't been the case, "the vast majority of petition signatures were invalid." Specifically, he claimed many lacked crucial information such as "the residence address, county of registration, and date of birth/voter registration number" or had been signed electronically, rather than by hand.

This sparked a furious response from Texan nationalists, with Miller announcing on his Texas News podcast that his group was "going to war with the Texas GOP." On January 10, the TNM filed an emergency petition to the state Supreme Court vowing to "fight for your right of self-government," though this was rejected almost immediately.

Texas secessionists have also taken the legislative route, with then-State Representative Bryan Slaton in March 2023 introducing a bill calling for a referendum on "whether or not the State should investigate the possibility of Texas independence," though it failed to pass the legislature's state affairs committee. It came after the Republican Party of Texas approved calls for a referendum on whether the state "should reassert its status as an independent nation" at its June 2022 convention in Houston.

These moves have sparked growing interest in what would happen if Texas did vote to become an independent republic again. In an interview with *Newsweek*, TNM's Miller argued Texit is the antidote to a failing federal system.

Miller said: "The federal system is broken and Texans are paying the price. It makes more sense for Texans to govern Texas." He blamed the federal government for the rising price of gas and groceries, along with the increasing national debt, adding: "If it could be fixed, it would have been fixed."

**What an Independent Texas Looks Like**

Miller envisages a successful independence referendum leading to a process of negotiation between Austin and Washington, ending with two independent but closely linked countries. He said: "Once the vote comes back in the affirmative, nothing changes immediately. Texans will begin a process to move toward independence that involves changes to our state constitution, statutes that follow the constitutional changes, evaluation and execution of international covenants, treaties, and agreements and the negotiation of issues with the federal government.

"If the federal government follows its near-centurylong policy of respect for the right of self-determination, we would expect the relationship with the remaining United States to be cordial and cooperative."

On its website the TNM argues an independent Texas should initially continue using the U.S. dollar to provide "economic stability," meaning interest rates would continue to be controlled by the Federal Reserve. In the longer term they call for Texas to seek "a negotiated currency union with the United States," similar to the euro, which is the currency of 20 European countries. If this isn't on offer, "Texas will want to explore moving toward a currency of its own as soon as possible."

Miller told *Newsweek* Texas would have "no obligation to pay a portion of the debt accumulated by the federal system" and suggested that whether an independent Texas accepts a share would depend on negotiations with Washington over current government assets, including what it would receive from the [*U.S. military*](https://www.newsweek.com/topic/u.s.-military?utm_source=Synacor&utm_medium=Attnet&utm_campaign=Partnerships). The TNM claims that after independence Texas would be ruled as a "unitary nation-state," than be subdivided into smaller provinces. Citizenship requirements would be determined by the Texas legislature but "will likely mirror many of the requirements to be a citizen of any other self-governing independent nation," while "Texans who are already legally living within the state when it becomes independent will automatically gain Texas citizenship."

The TNM program also calls for the establishment of an independent Texan military.

According to Miller, the TNM wants "the United States and Texas to maintain a frictionless movement of people and goods between the two" should they split. On its website, the group points to the U.S. relationship with Mexico as a model and states Texas would "readily qualify" for America's federal Visa Waiver program, which allows citizens from 41 countries to enter the U.S. for 90 days without requiring a visa.

Tensions surged in January between Texan and federal authorities over immigration, with Governor Greg Abbott blocking Customs Border and Protection (CBP) officials from patrolling Shelby Park in Eagle Pass, a hotspot on crossings from Mexico.

On January 12 a woman and two children drowned while trying to cross the Rio Grande River opposite Eagle Pass. Two days later, the [*Department of Homeland Security*](https://www.newsweek.com/topic/department-of-homeland-security?utm_source=Synacor&utm_medium=Attnet&utm_campaign=Partnerships) sent a cease-and-desist letter to Texas Attorney General [*Ken Paxton*](https://www.newsweek.com/topic/ken-paxton?utm_source=Synacor&utm_medium=Attnet&utm_campaign=Partnerships) giving state authorities until January 17 to allow federal access to the site, or face possible legal action. In response, Paxton refused to back down, with his office vowing: "Texas will not surrender to Biden's destructive open-border policies."

**The Battle to Break Free**

Any bid at secession would almost certainly result in intense legal disputes, with the Supreme Court ruling in the 1869 Texas v. White case that a state leaving the union is unconstitutional. Miller disputes this view, saying: "Article 1 Section 10 of the U.S. Constitution lists all actions that are prohibited to the states. Withdrawing is not in that list. Therefore, under the 10th Amendment to the Constitution, the lack of an explicit constitutional prohibition means it is a right reserved to the states and the people."

Professor Matt Qvortrup, a political scientist and lawyer, told *Newsweek* that Texas v. White "is based on somewhat shoddy jurisprudence" and could be overturned by the Supreme Court.

The British academic, author of the 2022 book *I Want to Break Free: A Practical Guide to Making a New Country*, has studied independence movements across the globe and interacted extensively with Texan nationalists, including addressing the TNM's TEXITCON three-day conference in Waco last November.

During an interview with *Newsweek* about Texan nationalists, Qvortrup admitted he'd initially "sort of written them off as being on the far right." However, he was pleasantly surprised when a man at an event in Dallas who asked the native Londoner whether he was "terrified to live in a city that is run by a Muslim" was shown the door.

Asked about the Texan secessionist campaigners' chances, Qvortrup said the Lone Star state is "probably the only place in America that has that sense of identity" typically associated with an independent state. For a referendum to take place, the academic argued there would need to be "a political change probably within the Republican Party," followed by a legal battle that could well end up in the Supreme Court. Qvortrup admitted this would be very tough, but added: "100 years ago I think there were about 35 countries in the world. Now it's 195. It's actually not completely impossible to see how countries could establish themselves."

Notably, a number of prominent Texan [*Republicans*](https://www.newsweek.com/topic/republicans?utm_source=Synacor&utm_medium=Attnet&utm_campaign=Partnerships) have toyed with, if not outright endorsed, secession from the Union. [*Chip Roy*](https://www.newsweek.com/topic/chip-roy?utm_source=Synacor&utm_medium=Attnet&utm_campaign=Partnerships) may not have a reputation for mincing his words, but even by the House Republican's standards his statement on January 2 was extraordinary. The United States, he argued, had entered "a constitutional crisis" with central authorities either unable, or unwilling, to "defend our borders from invasion." He added: "My fellow Texans rightly ask whether Texas and similarly minded Americans should remain part of a federal government forsaking their well-being, safety, and security in violation of the compact under which we entered the union."

When asked about Texan independence in November 2021, Senator [*Ted Cruz*](https://www.newsweek.com/topic/ted-cruz?utm_source=Synacor&utm_medium=Attnet&utm_campaign=Partnerships) said he's "not ready to give up on America yet," but "if the [*Democrats*](https://www.newsweek.com/topic/democrats?utm_source=Synacor&utm_medium=Attnet&utm_campaign=Partnerships) end the filibuster, if they fundamentally destroy the country, if they pack the Supreme Court, if they make D.C. a state, if they federalize elections, if they massively expand voter fraud, there may come a point where it's hopeless." Should this happen, "then I think we take [*NASA*](https://www.newsweek.com/topic/nasa?utm_source=Synacor&utm_medium=Attnet&utm_campaign=Partnerships), we take the military, we take the oil," he said.

**'Divorced From Reality'**

However, James Henson, director of the Texas ***Politics*** Project at the University of Texas at Austin, argued that the debate over Texan independence is more about internal Republican ***politics*** than a serious project in its own right.

He told *Newsweek*: "Texas nationalists calling for something akin to a Texit represent some combination of fantasy and symbolic gesture, each divorced from reality...The GOP party apparatus has become the favored dwelling place of extreme and esoteric elements, where such factions are treated much more seriously than they are among the general public.

"In some areas, they sometimes succeed in moving the center of the party to the right, and in attracting attention to ideas and proposals that have little relation to reality—like the idea of an independent Texas."

Miller bitterly contests the suggestion that Texan nationalism is a right-wing cause, arguing: "For independence movements to be successful they must be trans-partisan in nature." Before co-founding the TNM in 2005, he spent two years studying secessionist movements worldwide, including those in Scotland, Catalonia and Quebec. He attributes Scotland's vote to remain part of the United Kingdom—by 55 percent of the vote to 45 percent—to independence being intertwined with the left-leaning Scottish National Party, and he believes secessionists must "really cut across all those normal ways that ***politics*** seeks to divide us" to succeed.

**'There Is No Plausible Scenario'**

Joshua Blank, an expert in state ***politics*** at the University of Texas at Austin, and research director of the Texas ***Politics*** Project, argued any Texit is unlikely to be peaceful and would require a greatly expanded state capacity of the type that would repel many Republicans. In an interview with *Newsweek*, he said: "I think history has made clear that there is no plausible scenario in which Texas could peacefully extract itself from the United States, even were that the will of its populous—which there is no indication of to my knowledge."

Blank continued: "When you start to think about the mechanics of Texas withdrawing from the United States, the ridiculousness of the proposition quickly makes itself apparent. As much as Texas prides itself on the notion of independence, like most states, Texas relies on federal dollars—especially in recent years—to help provide a relatively low baseline of state services. For Texas to withdraw from the U.S., the state would have to significantly increase its revenue through both taxes and fees to make up for lost federal dollars, but also, to begin providing funding for the many, often very expensive, services no longer provided by the federal government.

"A central element of Republican orthodoxy in Texas is a government model based on low taxes and few services. Filling in the gaping financial and service-providing role of the federal government would require a dramatically different, significantly expanded model of government in Texas, one that I would suspect most GOP voters would detest more than Texas' ongoing participation in the United States."

The debate over Texan independence comes amid a broader discussion about the unity, and indeed viability, of the U.S. in the face of current political tensions. In February 2023, House Republican [*Marjorie Taylor Greene*](https://www.newsweek.com/topic/marjorie-taylor-greene?utm_source=Synacor&utm_medium=Attnet&utm_campaign=Partnerships) sparked a fiery discussion by calling for a "national divorce" which would see the country "separate by red states and blue states and shrink the federal government."

A subsequent YouGov/*Economist* poll found 23 percent of Americans agreed with the proposal, versus 62 percent who disagreed and 15 percent who were unsure.

After the Colorado Supreme Court in December ruled [*Donald Trump*](https://www.newsweek.com/topic/donald-trump?utm_source=Synacor&utm_medium=Attnet&utm_campaign=Partnerships) constitutionally ineligible to serve a second term as president, due to 14th Amendment restrictions on those engaged in "insurrection," Greene repeated her call on X, formerly [*Twitter*](https://www.newsweek.com/topic/twitter?utm_source=Synacor&utm_medium=Attnet&utm_campaign=Partnerships).

The Georgia Republican wrote: "America is in a constitutional crisis. The admin is enabling a full scale border invasion and harboring illegal migrants. The courts are engaging in judicial tyranny. The government is politically weaponized against the people. Soon national divorce may be our only option."

Miller told *Newsweek* it was "helpful" that Greene sparked the discussion but rejected the idea that the U.S. can be divided between Democrats and Republicans. He said: "This is a union of 50 sovereign states...There is no dividing the United States by political affiliation. It's up to each individual state to determine whether or not they want to continue in this relationship because it is ultimately a voluntary union."

Any effort to divide the United States between Democrats and Republicans would have to contend with the fact there is no obvious geographical split, with conservative-leaning states also containing more liberal pockets, usually around the main cities, and vice versa for some rural areas in Democratic-controlled states.

**Growth in Freedom Movements**

But this hasn't stopped any number of secessionist movements from laying out their case, particularly when there is geographically concentrated anger over national political events. In the aftermath of Trump's November 2016 election victory, Calexit—like Texit, a play on the term Brexit, used to describe Britain's June 2016 vote to leave the European Union—became a trending topic on Twitter.

A subsequent poll from the [*University of California*](https://www.newsweek.com/topic/university-california?utm_source=Synacor&utm_medium=Attnet&utm_campaign=Partnerships), Berkeley's Institute of Governmental Studies found 44 percent of Democrats in the state would support a "proposed statewide ballot initiative that calls for California to declare its independence from the United States and become a separate country," a position held by 32 percent of Californians as a whole.

Carla Gericke is acting president of the Foundation for New Hampshire Independence and a spokesperson for the Free State Project (FSP), a movement which encourages libertarian-leaning individuals to "move to New Hampshire for liberty."

To join the FSP, which it claims more than 20,000 people have already done, individuals are required to "state my solemn intent to move to the State of New Hampshire" then "exert the fullest practical effort toward the creation of a society in which the maximum role of civil government is the protection of individuals' life, liberty and property."

Justifying the policy, the FSP states: "By concentrating our numbers in a single state, we are maximizing our impact as activists, entrepreneurs, community builders, and thought leaders." While not all FSP activists support outright independence for the Granite State, Gericke certainly does, telling *Newsweek*: "It's an idea whose time has come and a reflection of the frustration everyone on the political spectrum is feeling."

On January 3, Representative Jason Gerhard, a Republican in the New Hampshire legislature, introduced a bill stating that should the federal debt ever reach $40 trillion, around $6 trillion more than at present, the state "shall declare independence and proceed as a sovereign nation."

An apocalyptic take on secession is offered by the upcoming Alex Garland movie Civil War, starring Kirsten Dunst and Nick Offerman, the trailer for which dropped in December. In this play on America's intense political divides, 19 states have left the union, forming factions such as Florida Alliance and what Offerman's three-term U.S. president improbably calls the "so-called Western forces of Texas and California," sparking open war with the American military.

In one clip, militants hold a group of journalists and civilians at gunpoint, one of whom says: "We're American, OK?" One of the armed men, played by Dunst's real-life husband Jesse Plemons, asks: "OK, but what kind of American are you?"

If tensions turn to crisis there are plenty of factions, including Texan nationalists, ready to transform the political geography of North America. The great irony may be that the only force strong enough to bring down the United States, surely the most potent political entity in human history, is itself. As for Miller, when asked about the probability that Texas will be an independent state in 30 years, he didn't show a flicker of doubt. The campaigner simply replied: "100 percent."

[*Link to Image*](https://d.newsweek.com/en/full/2338923/man-wearing-black-hat-boots.jpg)

**Graphic**

A man wearing black hat and boots

Mark A Paulda/Getty/Mark A Paulda/Getty

A man wearing black hat and boots, covered by the Texas flag, stands on a sand road, looking to the distant hills ahead. More ahead of him, a fence and many dried shrubs. CREDIT: Mark A Paulda/Getty

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