



WHITE PAPER ONE

The Blue-Ribbon Commission

What California's inquiry mechanism is, what Scotland did before each of its referendums, and the published scholarship a commission would draw on.

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California convenes formal commissions of inquiry several times a year, on subjects ranging from wildfire liability to prison health care. This paper sets out what that mechanism is, what it can and cannot produce, what Scotland did with comparable bodies before each of its two constitutional referendums, and the body of published scholarship a California commission would have available to it.

SECTION 1

Summary

The Joint Resolution before the California Legislature asks for one thing: a commission to study whether independence would serve Californians, and to report what it finds. It does not declare independence, authorize a referendum, or commit the state to any outcome. It asks a question and funds the work of answering it.

Three claims organize this paper.

First, the mechanism is ordinary. A blue-ribbon commission is a standard instrument of California governance. The Legislature creates them by resolution or statute routinely, on contested and uncontested subjects alike, and no rule limits the subjects they may examine. What is unusual here is the topic, not the tool.

Second, the precedent is Scottish and it is close. Scotland held two constitutional referendums in the modern era, in 1997 and 2014. Each was preceded by years of formal, published, deliberative work: the Scottish Constitutional Convention, which reported in 1995, and the Scottish Government's 670-page white paper of November 2013. In both cases the document came first and the vote came later, in one case by two years and in the other by ten months.

Third, the expertise already exists. The questions a commission would put are questions on which serious scholars have already published: on the international law of separation and recognition, on the constitutional position in the United States, on representation and apportionment, and on the fiscal architecture of a subnational government. Section 6 sets out that record.

SECTION 2

What a blue-ribbon commission is

In California usage, a blue-ribbon commission is a temporary body created by the Legislature or the Governor to examine a defined question, take evidence in public, and deliver a written report by a stated deadline. Membership is typically drawn from outside government: academics, practitioners, former officials, and representatives of affected industries or communities.

Four features distinguish the instrument from ordinary legislative work.

It takes sworn or on-the-record testimony. Witnesses appear in public session. Their statements are transcribed and become part of a permanent record that anyone may consult afterward, including people who disagree with the conclusions.

It has a defined scope and a deadline. The enabling instrument states what the commission is to examine and when it must report. That constrains the body and makes its failure to answer a question visible.

It reports rather than legislates. A commission has no power to change law. It produces findings. The Legislature may act on them, may act on part of them, or may do nothing at all. This is the feature most often mistaken for a weakness, and Section 7 addresses it directly.

Its report is a public document. The findings are published, which means they are available to opponents on the same terms as to supporters.

None of this is exotic. California created a commission on the future of the state workforce, one on wildfire cost and recovery, and one on police officer standards, among many others. The mechanism carries no presumption about the answer. It is a way of establishing a record where none exists.

SECTION 3

What the Joint Resolution asks for

The Resolution now drafted asks the Legislature to establish a commission to examine California independence across a defined set of domains, to take evidence from people qualified to give it, and to report to the Legislature and the Governor within twelve months of its first meeting. Two provisions deserve attention.

The report must carry **both majority and minority findings**. A commission whose report could only reach one conclusion would persuade nobody who was not already persuaded. A dissent printed alongside the majority is what makes the majority worth reading.

The Resolution **names no figure and creates no appropriation**. A commission that convened, took testimony and published would require a budget line, and that number is the Legislature's to set in the budget act. Anyone who tells you the cost today is estimating without a basis.

The Resolution has been drafted. It has no author yet, so it carries no bill number and has not been introduced. Its text and current status are at /the-resolution (<https://calexitnow.com/the-resolution>).

SECTION 4

The Scottish precedent

Scotland is the closest available comparison, and the comparison is more useful than it first appears. Scotland did not arrive at a referendum by acclamation. It arrived by way of documents, produced over years, by bodies convened for the purpose.

4.1 The Scottish Constitutional Convention, 1989 to 1995

The Convention was established in 1989 following the Claim of Right for Scotland. It brought together political parties, local government, churches, trade unions and civic bodies to design a devolved Scottish legislature. It was not a government department and it had no legislative power. It deliberated and it published.

Its final report, *Scotland's Parliament, Scotland's Right*, appeared in November 1995. It set out a blueprint for a Scottish Parliament: its powers, its electoral system, its relationship to Westminster. Two years later, in September 1997, Scotland voted on devolution and approved it. The Scottish Parliament sat for the first time in 1999.

The sequence is the point. A deliberative body did the design work in public and published a document. The referendum followed the document by two years, and the institution followed the referendum by two more. Nobody voted on an abstraction.

4.2 *Scotland's Future*, November 2013

The second referendum was preceded by a second document, and this one is a white paper in the strict sense. On 26 November 2013 the Scottish Government published *Scotland's Future: Your Guide to an Independent Scotland*, running to roughly 670 pages.

It attempted to answer, in advance and in writing, the practical questions an independence vote raises: currency, pensions, defense, European Union membership, borders, broadcasting, citizenship, the division of assets and debt. It was an official government publication, and it was contested immediately and in detail by people who disagreed with it.

That contest is what makes it valuable as a precedent. The document gave opponents something specific to argue with, which is the condition of a real debate. Ten months later Scotland voted, and voted no, 55 percent to 45 percent.

4.3 What the precedent does and does not establish

Two honest observations. Scotland is not California: it is a nation within a union that has no written constitution, and its legal route to a referendum ran through an agreement with Westminster that has no American analogue. And the 2014 referendum was lost, which anyone citing Scotland has to say out loud.

What the precedent establishes is narrower and still useful. In both 1997 and 2014, the serious public argument began when an authoritative document existed. Before that there were positions. Afterward there was a text that could be checked, costed and attacked. A California commission report would occupy the same position in the same sequence.

SECTION 5

What a commission would examine

The Resolution directs the commission across seven domains. Each is a live question with a scholarly literature and no California-specific answer on the record.

5.1 Constitutional and legal position. The United States Constitution is silent on how a state might leave. *Texas v. White* (1869) held that the Union is indissoluble except through revolution or through consent of the States. What satisfying that condition would require has never been decided, because no state has tried. Constitutional scholars divide on whether a majority vote of Congress would suffice or whether an amendment under Article V would be needed, and those two readings describe very different undertakings. The full argument is at [/the-case/law](https://calexitnow.com/the-case/law) (<https://calexitnow.com/the-case/law>).

5.2 Fiscal position and public finance. In eight of the nine years from 2015 to 2023, federal taxes paid by Californians and California businesses exceeded everything Washington spent in the state. In 2022 the gap was \$101 billion. A commission would need to establish what an independent California would collect, what it would spend, what it would inherit, and what it would owe.

5.3 Federal benefits and earned entitlements. In December 2025 the Social Security Administration was paying 6,813,640 Californians. The United States maintains 31 bilateral totalization agreements governing benefit payment across borders. What would apply, and on what timetable, is a question of treaty practice rather than speculation.

5.4 National security and defense. California hosts major installations and a large share of the country's advanced weapons research. What an independent California would spend on its own defense, what it would inherit and what it would have to build are open questions.

5.5 Trade, currency and economic transition. California produced \$4.3 trillion in output in 2025, roughly 14 percent of the American economy. The mechanics of trade relations, currency arrangements and market access are the subject of an established literature on state formation.

5.6 International recognition and treaty status. Recognition is a political act by other states before it is a legal one. The conditions under which new states have been recognized in the modern era are documented and studied.

5.7 Transitional arrangements. The division of assets, debt, personnel and obligations, and the timetable over which any of it would occur.

SECTION 6

The published record a commission would draw on

A NOTE ON THE NAMES IN THIS SECTION.

The scholars below have not been approached, have not agreed to serve on any commission, and have expressed no view on California independence unless a specific statement is quoted. They appear here because their published work bears directly on questions the Resolution puts, and because a commission would be expected to engage with that work. Several of them argue positions this movement does not hold. Listing a scholar is a statement about their scholarship and nothing else.

The claim that these questions are unstudied is wrong. They are studied, in university presses and law reviews, by people whose work is citable and checkable.

6.1 The law and theory of separation

Timothy William Waters, Professor of Law at the Indiana University Maurer School of Law, published *Boxing Pandora: Rethinking Borders, States, and Secession in a Democratic World* with Yale University Press in 2020. Waters argues that the greater danger to peace lies in the capacity of existing states to resist separation by force, and proposes a democratically constrained right of secession. His work is the most direct scholarly treatment of the procedural question a commission would face.

F.H. Buckley, Foundation Professor at the Antonin Scalia Law School at George Mason University, published *American Secession: The Looming Threat of a National Breakup* with Encounter Books in 2020. Buckley examines the American case specifically and argues for what he calls a lighter form of separation short of full independence. His conclusion is not ours, which is precisely why a commission should hear it.

Erwin Chemerinsky, Dean of the UC Berkeley School of Law, is among the most frequently cited constitutional scholars in the United States. In 2017 he said that a simple majority vote of Congress could be sufficient to admit a state's departure. Other scholars read Article V and conclude that only a constitutional amendment would do. That disagreement is unresolved and is one of the seven questions.

6.2 Recognition and state formation

Bridget L. Coggins, Associate Professor of Political Science at UC Santa Barbara, published *Power Politics and State Formation in the Twentieth Century: The Dynamics of Recognition* with Cambridge University Press in 2014. The book examines the international politics of diplomatic recognition during secession, which is the empirical core of question 5.6.

Kal Raustiala, Promise Institute Professor of Comparative and International Law at UCLA School of Law and Director of the UCLA Burkle Center for International Relations, works on international law and international relations, including the treaty architecture that questions 5.3 and 5.6 turn on.

6.3 Representation and apportionment

Bernard Grofman, Professor Emeritus of Political Science at UC Irvine, works on representation, apportionment and voting rights, and has served as a court-appointed special master in redistricting cases. The Senate arithmetic set out in */the-case/representation* (<https://calexitnow.com/the-case/representation>) is the kind of question his field exists to assess.

6.4 What this list is not

It is not a proposed membership. It is not exhaustive, and it is weighted toward law and political science because those are the disciplines where the separation question has been studied most directly. A commission examining fiscal capacity, defense, energy, water and transition would need economists, defense analysts and public administration scholars alongside these. Selecting members would be the Legislature's task, not ours.

SECTION 7

What a commission cannot do

The most common objection to the Resolution is that a commission is a way of doing nothing. The objection deserves a direct answer rather than a reassurance.

A commission cannot make California independent. It cannot call a referendum, bind the Legislature, or compel Washington to do anything. Its report can be received and shelved. Commissions have been ignored before and this one could be.

What it can do is narrower. It can establish a record where none exists, produced by a body with the standing to produce one, on questions currently argued from assertion on both sides. Today, nobody can say what independence would cost, what would happen to a pension, or what Congress would require, because no official body has ever been asked. That absence is not neutral. It favors whoever is most confident.

A study commissioned privately would not close the gap. However rigorous it was, findings paid for by an advocacy organization would be read as advocacy, and the people who most need convincing would be right to discount them. The authority has to come from the institution, which means it has to come from the Legislature.

SECTION 8

References

1. *Texas v. White*, 74 U.S. (7 Wall.) 700 (1869), opinion of Chase, C.J. Full opinion.
2. Commission on Scottish Devolution (the Calman Commission), *Serving Scotland Better: Scotland and the United Kingdom in the 21st Century*, June 2009. Summarized by the House of Commons Library, Standard Note SN04744. Cited here for completeness: Calman examined further devolution within the United Kingdom and led to the Scotland Act 2012. It is a separate exercise from the two described in Section 4.
3. Scottish Constitutional Convention, *Scotland's Parliament, Scotland's Right*, November 1995.
4. The Scottish Government, *Scotland's Future: Your Guide to an Independent Scotland*, 26 November 2013.
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