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ADMISSION OF STATES INTO THE UNION AFTER THE ORIGINAL THIRTEEN:  
A BRIEF HISTORY AND ANALYSIS OF THE STATEHOOD PROCESS

Peter B. Sheridan  
Analyst in American National Government  
Government Division  
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## ABSTRACT

The authority for admitting new States into the Union is vested in Congress by Article IV, Section 3, of the Constitution of the United States. Article IV, however, does not define the procedure by which a territory becomes a State. Accordingly, there has been considerable variation in the methods used in acquiring statehood. Congressional action in granting statehood has also varied.

This report describes the process followed by each of the thirty-seven States since 1790 in achieving statehood. Also included is an account of the problems and difficulties encountered by some States in entering the Union.

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I. BACKGROUND

The authority for admitting new States into the Union is vested in Congress by Article IV, Section 3, of the Constitution of the United States, as follows:

New States may be admitted by the Congress into the 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.

The Congress shall have Power to dispose of and make all needful Rules and Regulations respecting the Territory or other Property belonging to the United States; and nothing in this Constitution shall be so construed as to Prejudice any Claims of the United States, or of any particular States.

Although Article IV does not further define the procedure by which a territory becomes a State,

the usual procedure for admission is (1) the people of the territory through their territorial assembly petition Congress; (2) Congress passes an "enabling act" that, when signed by the President, authorizes the territory to frame a constitution; (3) Congress passes an act of admission approved by the President. Though Congress and the President may insist upon certain conditions for admission to the Union, a state, once admitted, is equal with all other states . . . . <sup>1/</sup>

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<sup>1/</sup> Plano, Jack, and Milton Greenberg. The American Political Dictionary. New York, Holt, Rinehart and Winston, 1979. p. 32.

(continued)

One such "condition" is that a State have a "republican" form of government. The U. S. Constitution guarantees to every State a "republican" form of government (Article IV, Sec. 4), and this provision became one of the few constant elements in subsequent enabling acts and acts of admission.

While this has been the "usual" procedure for admission to statehood, <sup>2/</sup> some States have followed different procedures. Seventeen territories, for example, gained statehood without enabling acts (see Appendix I). Four other States (Kentucky, Maine, Vermont, and West Virginia) were admitted by simple congressional acts of admission without undergoing a preliminary stage of territorial organization; all four areas had been parts of other States before admission. California and Texas similarly were not organized territories before admission. California had been administered by the American Army, and Texas had been an independent republic before it was annexed. In seven cases (Tennessee, Michigan, Iowa, California, Oregon, Kansas, and Alaska), the United States Congress was presented by the respective "States" with "Senators" and

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(continued) It should be noted that under this "usual" procedure the State constitution is approved by Congress. This approval may be accomplished by one of two methods.

"First, Congress passes an act of admission which either expressly or by implication finds that the conditions precedent to admission have been met; [sic] second, Congress may direct the President to look into the facts. If the President finds as a fact that the conditions previously fixed by Congress have been complied with, the President is authorized and directed to issue a proclamation of admission. However, the state comes in under Congressional action, for the President here is acting but as part of an administrative process." Park. Lawrence N. Admission of States and the Declaration of Independence. Temple Law Quarterly, v. 33, 1960. p. 405.

Some States were admitted through a Presidential proclamation as authorized by the enabling act, without a subsequent act of admission. (See Appendix I).

<sup>2/</sup> In 1303 Ohio became the first State to enter the Union following this "usual" procedure (2 Stat. 201).

"Representatives" from these areas before statehood was granted. This procedure, known as the "Tennessee Plan," was first adopted by Tennessee in 1796, when a constitution was drafted and representatives were elected, all without any authorization from Congress. 3/

In most instances, States were admitted into the Union without any great difficulty, regardless of the procedure used. In some cases, however, statehood, because of various political, social, and economic reasons, was achieved only after a long and protracted struggle. Before the Civil War, for example, the question whether a new State would be free or slave delayed entrance into the Union. At other times, partisan politics in Congress deferred admission of new States. Thus, the time between organization of a territory and admission into the Union varied from almost three years in the case of Alabama to sixty-one years for New Mexico (see Appendix A).

In addition to the procedural patterns described above, certain "traditionally accepted requirements" for statehood have been noted:

- (1) That the inhabitants of the proposed new State are imbued with and are sympathetic toward the principles of democracy as exemplified in the American form of government and have proved their political maturity . . .
- (2) That a majority of the electorate wish statehood.
- (3) That the proposed new State has sufficient population and resources to support State government and at the same time carry out its share of the cost of the Federal Government. 4/

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3/ U.S. Library of Congress. Congressional Research Service. Admission of States Into the Union: A Brief Summary of Procedures. Report No. 70-156 GGR, by William R. Tansill. Washington, 1970. p. 4-5.

4/ U.S. Congress. Senate. Committee on Interior and Insular Affairs. Providing for the Admission of Alaska Into the Union. Report with Minority Views to Accompany H.R. 331. Senate Report No. 1929, 81st Cong., 2d Sess. Washington, U.S. Govt. Print. Off., 1950. p. 7. This appears to be the first time that these "traditional" requirements were enumerated in a congressional document.

The requirement that a State "carry out its share of the cost of the Federal government," however, "has never been required of any state upon its admission to the Union. Research has failed to produce a single instance or congressional debate in which this additional economic 'criteria' [sic] was raised or required in the statehood process of any aspiring entity." <sup>5/</sup> With this exception, this has been the historical pattern under which 37 States have been admitted, although these "requirements" are not legally or constitutionally mandated.

## II. STATEHOOD HISTORIES

### Alabama

On March 3, 1817, Alabama Territory was created by the Congress from the eastern part of Mississippi Territory (3 Stat. 371). By 1819, the population of the new territory had increased enough that Congress, at the request of the territorial legislature, passed an enabling act on March 2, 1819, which authorized the drafting of a State constitution, and that this constitution "to be transmitted to Congress, for its approbation." (3 Stat. 489). A constitutional convention met at Huntsville for that purpose from July 5 to August 2, 1819, and a constitution was duly forwarded to Congress, which found the constitution to be "republican." On December 14, 1819, a congressional resolution admitting Alabama into the Union was signed by President James Madison (3 Stat. 608).

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<sup>5/</sup> Davila-Colon, Luis R. Equal Citizenship, Self-Determination, and the U.S. Statehood Process: A Constitutional and Historical Analysis. Case Western Reserve Journal of International Law, v. 13, Spring 1981. p. 360.

There were no obstacles to the admission of Alabama and there were no debates in Congress on the admission of the new State.

### Alaska

Alaska was purchased from Russia in 1867 (15 Stat. 539), and was granted territorial government by the organic act of 1912 (37 Stat. 512). The first bill for Alaskan statehood was introduced in 1916 by delegate James Wickersham, who was also the author of the organic act of 1912. Opposition to Alaskan statehood immediately, and for years afterward, focused on several aspects of the territory's economy and geography. It was claimed, for example, that the population of the territory was too small to support statehood. More interesting was the argument that Alaska was not contiguous to the United States. Nevertheless, contiguity was never a requirement for statehood. More telling, perhaps, were arguments that Alaska possessed insufficiently developed resources and that statehood would increase the cost of government in Alaska.

By 1946, many of these arguments seemed to lack validity because Alaska had, during the war years 1941-1945, experienced an increase in population (civilian and military) caused by the construction of such things as roads, airfields, and docks needed in the war effort. These improvements in communications and transportation helped end Alaska's isolation and contributed to Alaska's economic improvement.



The campaign for statehood for Alaska received an added boost when President Truman, in his first State of the Union Message in January 1946, recommended statehood for Alaska "as soon as it is certain that this is the desire of the people of that great Territory."

In October 1946, the voters of Alaska approved statehood for the territory by three to two, or 9,620 to 6,822. While not overwhelming, the vote nevertheless encouraged the Delegate from Alaska, E. L. Bartlett, to introduce a statehood bill. At the same time, the territorial legislature sent a memorial to Congress requesting statehood. Hearings were held (the first on any Alaskan statehood bill), and a subcommittee of the House Committee on Public Lands approved the legislation. In 1949, however, the measure was blocked by the House Rules Committee. In 1950, an enabling bill was passed by the House, but failed in the Senate. In 1954, a proposal for Alaska-Hawaii statehood passed the Senate, but not the House.

Proponents of statehood did not remain idle, and in April 1956 a State constitution was approved by Alaskans. In October 1956, two "Senators" and a "Representative" were elected, ready to assume office. <sup>6/</sup> President Dwight D. Eisenhower announced his support for statehood in January 1958, and legislation to that end was introduced and passed both Houses of Congress. On July 7, 1958, President Eisenhower signed the Alaska Statehood Act (72 Stat. 339). In

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<sup>6/</sup> The Alaskans followed the "Tennessee Plan" in seeking statehood. This tactic, first followed by Tennessee in 1796, calls for the incipient State to draft a "State" constitution, convene a legislative body and choose two "Senators," (before the 17th amendment to the U.S. Constitution provided for the direct election of United States Senators) and to elect by popular vote "Representatives" to the United States Congress. These actions were done without congressional authorization. The "State" delegation would then lobby for statehood in Congress. Since 1796, six States (Michigan, Iowa, California, Oregon, Kansas, and Alaska) have followed the same procedure. These States are known as "Tennessee Plan States."

August, statehood was approved by an overwhelming majority of Alaskans. Finally, on January 3, 1959, Alaska was formally admitted as a State by Presidential proclamation (73 Stat. cl6).

### Arizona

The territory of Arizona was created on February 24, 1863, from the western part of the territory of New Mexico (12 Stat. 664). In 1891, the territorial legislature of Arizona authorized a constitutional convention (without a congressional enabling act). The constitution produced by this convention encountered opposition in Congress when it was submitted because it declared silver as legal tender. Many congressmen at this time supported the gold standard. Nevertheless, a statehood bill was introduced in 1892 by the territorial Delegate. This bill was passed by the House but died in the Senate because, as one historian noted, "Republicans in the Senate feared the admission of a state that obviously would be Democratic in politics." <sup>7/</sup>

In 1902, a statehood bill for New Mexico, Oklahoma, and Arizona was introduced. This bill was opposed by Republican Senator Albert Beveridge of Illinois who, after a three-day visit to the territory, proposed instead the admission of Arizona and New Mexico as a single State.

This action was protested by the residents of both Arizona and New Mexico. Eventually, an amendment to the bill was offered providing for a referendum in the two territories on joint statehood (34 Stat. 267). In November 1906, joint statehood was defeated by the Arizonans, and each of the two territories pursued statehood on an individual basis.

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<sup>7/</sup> Faulk, Odie B. Arizona: A Short History. Norman, University of Oklahoma Press, 1980. p. 189.

In his first annual message to Congress in December 1909, President William Howard Taft recommended admission of Arizona and New Mexico as separate States. At the same time, President Taft urged the territories to exercise care in the selection of delegates to their respective constitutional conventions. Congress, following Taft's recommendation, enacted an enabling act for Arizona on June 20, 1910 (36 Stat. 557).

The Arizona constitutional convention finished its work on December 10, 1910, and submitted the document for popular approval on February 9, 1911. Arizona's constitution included provisions for such features as initiative, referendum, and recall of public officials. The constitution was approved by the people and submitted to Congress. In August, Congress passed a joint resolution admitting Arizona and New Mexico.

President Taft, however, vetoed the bill because he objected to the section of the Arizona constitution concerning the recall of judges. On August 21, 1911, Congress passed another joint resolution admitting Arizona but requiring the territory to exempt members of the judiciary from recall (37 Stat. 39). This was done, and on February 14, 1912, President Taft declared statehood for Arizona by Presidential proclamation (37 Stat. 1728).

At the first State election after statehood, the people of Arizona voted to reinstate a recall of judges provision to their constitution.

#### Arkansas

Arkansas was organized as a territory on March 2, 1819 (3 Stat. 493) from part of Missouri territory, which in turn, had been formed from the Louisiana Purchase (8 Stat. 200).

Arkansas's efforts to acquire statehood were initially hampered by internal regional social, political, and economic schisms. The southeastern part of the territory, for example, consisted predominantly of slaveholding cotton planters. The northwestern part of the territory, on the other hand, was made up of small farmers (predominantly non-slaveholding) growing a variety of agricultural products. The interests of both sections, therefore, did not generally coincide on a number of issues, not the least of which was statehood.

In 1831, Ambrose H. Sevier, the territorial Delegate, suggested delaying statehood because of the increased taxation which he felt would be necessary after statehood. Two years later, however, with the increase of pro-Jackson sentiment in the territory, and with the move by Michigan for statehood, Sevier and other Democrats changed course and began to push for statehood. Considering Michigan's application for admission as a free state, Sevier stated: "Should she go into the Union as such, the happy balance of political power now existing in the Senate, will be destroyed, unless a slave state go in with her." 8/

In Washington, Sevier's efforts to obtain an enabling act for the territory proved unavailing because of the opposition of abolitionist Whigs. Arkansas statehooders therefore decided to hold a constitution convention without congressional authorization. This was done in January 1836, and by the end of the month a constitution was on its way to Washington in time to have statehood for Arkansas considered at the same time as statehood for Michigan.

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8/ Scroggs, Jack B. Arkansas Statehood: A Study in State and National Political Schism. Arkansas Historical Quarterly, v. 20, Autumn 1961, p. 235. Scroggs maintains that the opposition to statehood for Michigan and Arkansas "revealed a conflict between opposing political forces on the national scene," and that both factions, Jacksonians and Whigs, attempted to "manipulate the entrance of the two states as to best serve party purposes." Ibid., p. 243. Both States gave their electoral votes in the next presidential election to the Democrat, Martin Van Buren.

In the Senate, there was little opposition to the admission of Arkansas as a slave State, and the measure passed the Senate on April 4, 1836. In the House, however, anti-Jacksonians, led by John Quincy Adams, engaged in strong opposition to Arkansas statehood. Finally, on June 12, admission bills for Michigan and Arkansas were passed by the House. President Andrew Jackson signed the measure admitting Arkansas into the Union on June 15, 1836 (5 Stat. 50).

### California

California was part of the area ceded to the United States by Mexico in the Treaty of Guadalupe Hidalgo in 1848 (9 Stat. 922). Congress, however, made no provisions for a civil territorial government in California, and the area was, for a time, governed by the American Army.

The discovery of gold in California in 1848 resulted in one of the greatest mass migrations in American history (the "Forty-niners"). The population soon reached a stage where President Zachary Taylor found it expedient to suggest that California become a State. At the same time, Californians were demanding a more effective government. Congress had been slow to act, so the military governor, Brigadier General Bennet Riley, called a constitutional convention, which met at Monterey in September 1849 and drafted a constitution prohibiting slavery. This constitution was ratified by the people of California on November 13, 1849. On the same day, the people elected a full slate of government officials, including two "Representatives." At the first session of the California State legislature, two United States "Senators" were appointed. On December 20, 1849, the military governor

resigned. California, in effect, had proclaimed itself a State. In so doing, California followed the precedent established by Tennessee in 1796.

In his annual message to Congress on December 4, 1849, President Taylor recommended the immediate admission of California. There were, at this time, fifteen slave States and fifteen free States. Southerners in Congress immediately protested the admission of a new free State, and a long and vehement debate ensued. <sup>9/</sup>

In the midst of the debate, Senator Henry Clay of Kentucky, on January 29, 1850, proposed a series of resolutions to settle the differences between the North and the South. The resolutions called for the admission of California as a free State, the organization of New Mexico and Utah as territories without any mention of slavery, the enactment of a new and more effective fugitive slave law, the abolition of the slave trade in the District of Columbia, and the adjustment of the boundary between Texas and New Mexico, with the Federal Government assuming the Texas national debt.

Clay's proposals resulted in the enactment of five laws between September 9 and September 20, 1850, known collectively as the "Compromise of 1850." The first of these, on September 9, admitted California as free State (9 Stat. 452). <sup>10/</sup> Subsequent legislation established a territorial government

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<sup>9/</sup> Senator John C. Calhoun of South Carolina, for example, on March 4, 1850, spoke against the California action as having usurped the "authority of Congress" in legislating for the territories. California, of course, did not have any territorial status before admission. Calhoun further believed that California's action was "revolutionary and rebellious in its character, anarchial in its tendency, and calculated to lead to the most dangerous consequences." Congressional Globe, 31st Congress, 1st Sess., v. XXII, part 1, p. 454.

<sup>10/</sup> The "Senators" and two "Representatives" from California, who had lobbied for statehood, were seated on September 10 and 11, respectively.

in Utah and New Mexico with no mention of slavery, amended the fugitive slave law, abolished the slave trade in the District of Columbia, and adjusted the boundary of Texas and New Mexico without mention of slavery.

### Colorado

Colorado was organized as a territory on February 28, 1861 (12 Stat. 172).

In 1858, discovery of gold in what is now Colorado resulted in a rush of settlers into the region. The next year, in a move for self-government typical of several other frontier settlements in American history, the residents of the area created "Jefferson Territory," an unofficial political entity. In September 1859, these residents voted on the question whether to seek territorial status or statehood. Statehood was rejected by a close margin because many felt that the region was not ready for elevation to statehood. Two years later, in 1861, Colorado was organized as a territory including those lands which make up its present boundaries, that is, parts of the territories of Utah, Kansas, Nebraska, and New Mexico. "Jefferson Territory," of course, came to an end when the territory of Colorado was created.

In 1863, the territorial Delegate introduced a bill for statehood. This bill died in committee, but Congress did enact, on March 21, 1864, an enabling act for Colorado (13 Stat. 32). In accordance with the provisions of this act, a constitutional convention was called. The constitution drafted by this convention, however, was rejected by the people of the territory in September 1864. Advocates of statehood, assuming the enabling act of 1864 to be still in force, called another convention in 1865, and in September of that

year succeeded in gaining popular approval of the constitution. The subsequent "State" officials and "Senators" were, however, rejected by President Andrew Johnson on the grounds that the proceedings of the convention were at variance with the provisions of the enabling act. Congress, nevertheless proceeded to pass a statehood measure for Colorado. On May 15, 1866, President Johnson vetoed this measure because he believed the population of the territory insufficient to support a State government and because the vote for statehood in the territory was too small.

Statehooders were successful in having a bill passed by Congress in 1867, but this too was vetoed by President Johnson for the same reasons. President Johnson added, however, two new reasons for his veto: a territorial law which excluded blacks and mulattoes from voting, and a protest against statehood submitted by the House of Representatives of the territory.

In the decade after organization, the territory of Colorado had Governors who were anti-statehood and who were instrumental in forming public opinion against statehood. By 1870, however, much had changed. Three factors now served to spur a new influx of settlers: the end of the Civil War, the settlement of the Indian problem, and the arrival of the railroads. In 1873, Governor Samuel H. Elbert led the statehood struggle and petitioned Congress for a new enabling act. Governor Elbert was supported by President Ulysses S. Grant, who, in his message to Congress in December 1873, recommended admission of Colorado as a State.

On March 3, 1875, a new enabling act was passed by Congress (18 Stat. 474). In December of that year a constitutional convention met at Denver. The document was subsequently ratified by the people of the territory in July 1876,



and on August 1, 1876, Colorado was admitted into the Union by Presidential proclamation (19 Stat. 665). 11/

The admission of Colorado in 1876 is considered by some historians to be a case of political expediency. The Democrats in Congress generally opposed statehood for Colorado because they foresaw, correctly, another Republican State. The Republicans, on the other hand, by 1875 "felt the need for Colorado's electoral vote as its leaders realized that the contest of 1876 was going to be close." 12/

#### Florida

Florida was ceded to the United States by Spain in the Adams-Onis Treaty of 1819 (8 Stat. 252), and was organized as a territory on March 30, 1822 (3 Stat. 654).

Settlement and development of Florida were initially hampered by a series of wars with the Seminole Indians (1835-1842). Moreover, any political development of the territory was hindered by regional differences: West Florida was attracted by the idea of annexation to Alabama; Middle Florida favored statehood; and East Florida was opposed to both ideas.

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11/ Colorado's enabling act provided that when the constitution was approved by the people of the territory, "it shall be the duty of the President of the United States to issue his proclamation declaring the State admitted into the Union on an equal footing with the original States, without any further action whatever on the part of Congress." In enabling acts for eight States, passed between 1861 and 1906 (Nevada, Colorado, North Dakota, South Dakota, Montana, Washington, Utah, Oklahoma), the President was specifically authorized to issue a Presidential proclamation without the necessity for an act of admission.

12/ Athearn, Robert G. The Coloradans. Albuquerque, University of New Mexico Press, 1976. p. 102.

By 1837, however, a referendum held by the territorial legislature showed a majority of the populace in favor of statehood. A constitutional convention was accordingly held in December 1838, and a constitution was adopted in January 1839. This constitution was approved by the people of the territory in September 1839.

No substantive action was taken on statehood for Florida until 1845, when, following the custom of admitting free States and slave States in pairs, a bill was introduced for the admission of Florida and Iowa. There was no enabling act for either territory. In February 1845, the House passed this bill. In the Senate, some objections were made concerning clauses in the Florida constitution which prohibited emancipation and the emigration of free blacks and mulattoes into the State. An amendment was proposed deleting these clauses, but it was defeated and the bill was passed by the Senate on March 1, 1845. The measure admitting Florida into the Union was signed by the President on March 3, 1845 (5 Stat. 742).

### Hawaii

Hawaii was annexed to the United States by a joint resolution of Congress in 1898 (30 Stat. 750), and was made an incorporated territory of the United States in 1900 (31 Stat. 141). As early as 1903, the territorial legislature passed a resolution favoring statehood. In 1938, a congressional investigation reported that Hawaii fulfilled all the requirements necessary for statehood, and in 1940 a plebiscite in the islands showed the people supported statehood by a margin of two to one.

The entrance of the United States into World War II in 1941 brought a temporary halt to the statehood drive, and it was not until 1946 that any

legislative activity was taken by Congress (although there had been numerous hearings and investigations). In that year, a subcommittee of the House Territories Committee urged consideration of Hawaiian statehood legislation.

Numerous arguments against the admission of Hawaii as a State were advanced, however. There was, for example, the old argument against adding noncontiguous territory. The racial composition of the islands, mostly Japanese and Chinese, worried others. After the attack on Pearl Harbor in 1941, this argument was especially strong, as the loyalty of the Japanese was suspect. This opposition was dispelled only after the war, during which the 442nd Regimental Combat Team and the 100th Infantry Battalion, composed of Nisei (Americans of Japanese ancestry), became two of the most decorated units in the American Army. A third argument against statehood was the alleged Communist influence in Hawaii, especially in the International Longshoremen's and Warehouse Union (ILWU). 13/

In any event, the House in 1947 passed legislation providing for statehood for Hawaii, but the Senate killed the measure. As happened before in American history, statehood for a territory "had become a political football. Since Hawaii was predominantly Republican, the Democrats refused to vote for its admission unless Alaska, a Democratic stronghold, was granted statehood also." 14/

After Alaska became a State, Hawaii's prospects improved. On March 12, 1959, Congress passed the Hawaiian statehood bill. President Eisenhower signed the measure on March 18 (73 Stat. 4), and on June 27, 94 percent of

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13/ Pro and Con Discussion: Statehood Now for Hawaii and Alaska? Congressional Digest, v. 29, November 1950. p. 275-285.

14/ Thomas, Dana Lee. The Story of American Statehood. New York, Wilfred Funk, Inc., 1961. p. 257.

Hawaii's registered voters approved statehood. On August 21, 1959, President Eisenhower proclaimed Hawaii a State (73 Stat. c74).

### Idaho

Idaho was organized as a territory on March 3, 1863 (12 Stat. 808). The subsequent creation of the territories of Wyoming and Montana out of the area comprising the original Idaho Territory reduced the area of Idaho Territory to its present size.

For many years, Idaho had a small population, and sentiment for statehood was slow in gaining approval. The coming of the railroads and the resultant influx of settlers changed this situation.

In February 1889, Congress enacted an enabling act for North Dakota, South Dakota, Washington, Montana (the so-called "Omnibus" States). <sup>15/</sup> This action spurred the Governor of Idaho to take the initiative and call a constitutional convention. A constitution was drafted and was approved by the people in November 1889.

Idaho's admission, however, encountered some opposition in Congress because it was alleged that the territory had insufficient population to support a State government. Moreover, some objected to the irregularity of calling a constitutional convention without congressional authorization (there was no enabling act), and others objected to a provision in the proposed constitution which disfranchised men for their religious beliefs (Mormons who practiced polygamy were denied suffrage). Finally, opponents also faulted the apportionment of the legislative districts as unfair. In

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<sup>15/</sup> By the end of the year, all four of the States had entered the Union. (See p. 31-32).

other respects, Idaho's constitution was considered progressive as it established labor arbitration boards, an eight-hour day on public works, state control of various water projects, and prohibited child labor in mines. <sup>16/</sup>

Eventually, the constitution was approved by the House in April, and by the Senate in July, 1890, and on July 3, President Benjamin Harrison signed the admission bill (26 Stat. 215).

### Illinois

Originally part of the Territory Northwest of the Ohio River, Illinois was created from part of Indiana Territory and was organized on February 3, 1809 (2 Stat. 514).

After the War of 1812, land cessions by the Indians helped make the territory of Illinois attractive to settlers, especially from nearby Southern States. The statehood movement grew slowly, and early petitions for statehood were ignored by Congress. On January 16, 1818, however, the territorial delegate, Nathaniel Pope, presented a memorial from the Illinois legislature requesting admission into the Union.

An enabling bill authorizing a State constitution was introduced in Congress. This measure encountered some opposition in the Senate, however, which expressed doubts about the size of the population of the territory, and about a provision in the enabling bill which set aside a percentage of the proceeds from the sale of Federal lands in Illinois for education in the new State. Nevertheless, an enabling act was passed on April 18, 1818

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<sup>16/</sup> Admission of Idaho. Congressional Record, 51st Cong., 1st Sess., July 1, 1890, vol. 21, part 7, p. 6832-6834. See also Peirce, Neal R. The Mountain States of America. New York, W.W. Norton & Co., Inc., 1972. P. 125.

(3 Stat. 428). Congress made it clear in the enabling act that Illinois would not be admitted with less than 40,000 inhabitants. The Illinois legislature was therefore required to conduct a census. 17/

A constitutional convention met in Illinois in August, and a constitution for the new State was submitted to Congress in November. On November 23, the constitution was debated in the House, where opponents--Representatives from the New England States, New York, New Jersey, and Pennsylvania--questioned provisions in the Illinois constitution regarding slavery. (The Illinois constitution provided for the maintenance of the status quo regarding slaves and indentured servants.) Provisions were made for gradual emancipation and further introduction of slavery was prohibited. Eventually, the House approved the admission of Illinois. The Senate approved on December 1, and President James Monroe signed the admission act on December 3, 1818

(3 Stat. 536).

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17/ Congressional doubts about the size of the Illinois population were apparently justified. According to one historian, the census conducted by Illinois was "a series of frauds." Originally scheduled to end on June 1, the census was extended to December 1, during which time "overzealous commissioners were counting some settlers two or three times and even listing families repeatedly as they crossed the state on the way to Missouri. The counties reported more people than they had when the federal census was taken two years later. Round-figure estimates based 'on good information' were entered for distant forts and the Madison County census included an estimate of six hundred residents at Prairie du Chien, far outside the boundaries of the proposed state. Eventually the count reached 40,258 and was reported at face value. Later, when it didn't make any difference, a federal report said Illinois had 34,620 when it was admitted as a state." Howard, Robert P. *Illinois: A History of the Prairie State*. Grand Rapids, Michigan, William B. Eerdmans Publishing Company, 1972. p. 102. The same author claims that "on a population basis Illinois has the distinction of being the smallest state ever admitted into the Union." *Ibid.*, p. 98.

Indiana

Indiana was part of the Territory Northwest of the Ohio River ceded to the United States by Great Britain in the Treaty of Paris in 1783 (8 Stat. 80). In 1800, the territory was divided (2 Stat. 58), and the territories of Ohio and Indiana created, the latter consisting of present areas of Wisconsin, Michigan, Illinois, and Indiana. Later divisions reduced Indiana Territory to approximately its present size. The division of the Northwest Territory was largely the work of William Henry Harrison, Delegate from the territory and the first Governor of Indiana Territory.

In 1811, the Indiana territorial legislature sent a memorial to Congress requesting statehood. The next year, Congress proposed an enabling act for Indiana when the population of the territory reached 35,000. The War of 1812, however, postponed any further action by either Congress or the inhabitants of the territory, who were preoccupied with Indian problems. After the war, and with the Indian problem settled, Indiana experienced a wave of settlers into the territory. In 1815, a census revealed that the population of the territory was 63,897. Accordingly, in December of 1815 the territorial legislature petitioned Congress for admission as a State. On January 5, 1816, Jonathan Jennings, the territorial Delegate, introduced a bill for an enabling act for the territory of Indiana. This was passed by the Congress, and the territory was authorized to form a constitution and a State government. (3 Stat. 289). A constitution was drafted by the territory in July 1816, and was sent to Congress where statehood for Indiana encountered no opposition. Indiana was admitted as a State on December 11, 1816 (3 Stat. 399).

Iowa

Iowa was organized as a territory from a portion of Wisconsin Territory on June 12, 1838 (5 Stat. 235).

Statehood was proposed by the first two territorial Governors but was rejected by the people of the territory (1840, 1842). By 1844, however, the territory had grown in population and sentiment for statehood had increased. In October of that year, a constitution was drafted and sent to Washington where a statehood bill for the admission of Iowa and Florida was introduced. Free state advocates in Congress managed to have the size of Iowa Territory reduced. The act of admission, therefore, contained a provision requiring the assent of the people of the territory to the new boundaries (5 Stat. 742, March 3, 1845).

On two occasions in 1845, the people of Iowa Territory rejected the new boundaries. A second constitutional convention was held in May 1846, during which the present boundaries were drawn. In the meantime, on August 4, 1846, Congress accepted new boundaries proposed by the territorial Delegate (9 Stat. 52), which were the same as those of the convention, and on December 28, 1846, Iowa was admitted into the Union (9 Stat. 117).

Before admission, Iowa had elected a Governor and two "Representatives" to Congress (October 1846). Iowa is thus considered a "Tennessee Plan" State. Party divisions in the Iowa legislature prevented the election of Senators until 1848.

Kansas

In January 1854, Senator Stephen A. Douglas, Chairman of the Senate Committee on Territories, introduced a bill for the organization of the Kansas



and Nebraska territories. A key feature of this bill was the provision that "popular sovereignty" should prevail. In other words, the people of the territories should decide for themselves whether slavery should be permitted or not, thus repealing the Missouri Compromise of 1820, one provision of which banned slavery in territories north of 36 degrees 30 minutes. (See p. 30).

Douglas' bill passed after three months of bitter debate (10 Stat. 277). This was followed by a lengthy conflict during which Kansas endured a particularly nasty civil war ("Bleeding Kansas") as both North and South sent settlers to the territory in an effort to achieve a majority. Separate legislatures were soon formed, and rival constitutions were submitted to Congress, itself the scene of several violent episodes arising from debates on the "Kansas Question." Indicative of this turmoil in Kansas is the summary of one historian:

In seven years six governors and five acting governors came and went, the Territorial capital was moved about like a chessman, and three State constitutions were written and rejected. Martial law prevailed intermittently, and Free State leaders were indicted and imprisoned for high treason." 18/

By 1859, the Free State Party was in the majority, and a proposal to call another constitutional convention was approved. This convention, held at Wyandotte in July, produced a constitution for a free State, and was ratified by the people of the territory on October 4. In December, "State" officers, a "State" legislature, and a "Representative" to Congress were elected. Senators, however, were not selected until after Kansas became a State. Thus, Kansas is classified as a "Tennessee Plan" State. A bill for admission was submitted in Congress, was passed by both Houses of Congress

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18/ Kansas, A Guide to the Sunflower State. Compiled and Written by the Federal Writers' Project of the Work Projects Administration for the State of Kansas. New York, Hastings House, 1949. p. 52.

in January 1861, and was signed by President James Buchanan on January 29, 1861 (12 Stat. 126). 19/

### Kentucky

Kentucky, part of the original area of the State of Virginia, became a county of that State in 1776, following a request for that action by a group of settlers who desired protection from the Indians and recognition by Virginia. In 1776, the area known as Kentucky was frontier land, inhabited by few settlers in widely scattered settlements. After the American Revolution, Kentucky experienced a rush of settlers from Virginia, Pennsylvania, North Carolina, and Maryland. It was not long before these settlers, chafed by rules and regulations which they believed were unsuitable to a frontier environment, and which were enacted by a faraway legislature considered to be largely unresponsive to the needs of the frontiersmen, began to develop separatist sentiments. Between 1784 and 1791, nine conventions were held in Kentucky to consider various political alternatives. The Virginia legislature responded to these actions by proposing four successive acts of separation.

Nothing came of these proposals until the fourth act of separation in December 1789, when Virginia removed most of the conditions objected to by the Kentuckians and consented to the creation of a new State. Virginia did require, however, that Kentucky share the expenses of the 1786 expedition against the Indians. These conditions were accepted in a ninth convention

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19/ A previous act of admission passed both Houses and was signed by the President on May 4, 1858 (11 Stat. 269). This compromise measure, however, provided for a popular vote on the pro-slavery "Lecompton constitution." On August 2, 1858, Kansas voters rejected this constitution.

(July 1790) held in Kentucky. This convention also petitioned Congress for admission as a State and called for a meeting in April 1792 to draft a constitution.

In February 1791, on the recommendation of President Washington, Kentucky was admitted as a State (1 Stat. 189) effective June 1, 1792, at the request of the people of Kentucky.

Kentucky, the first State west of the Appalachian Mountains, was one of four areas (Vermont, Maine, and West Virginia were the others) formed from parts of other States, and admitted as separate entities by simple acts of admission.

#### Louisiana

Louisiana was organized from part of the Louisiana Purchase as the Territory of Orleans on March 26, 1804 (2 Stat. 283).

As early as December 1804, the polyglot population of the territory petitioned Congress for admission as a State. By 1810, the population of the territory was 76,556, and in 1811, despite the objections of the Governor, William C. C. Claiborne, who believed that the territory was not ready for statehood, an enabling Act was passed by Congress for the territory (2 Stat. 641). In November 1811, a constitutional convention was held in New Orleans.

Statehood for Louisiana encountered some opposition in Congress as some members distrusted the allegiance of the "foreign" element (the majority of inhabitants were French) in the territory. Others argued against admission on the grounds that the territory had never been part of the original United States. As one historian noted:

The U.S. Congress had to ponder the fact that in the proposed new State of Louisiana, with its Creoles, Acadians, Canary Islanders, Spaniards, Germans and Dominicans, a great majority of the population could not speak a coherent English sentence. Congress overlooked this detail and made Louisiana a state in 1812. The terms of statehood gave striking evidence of the Creoles' tenacity. Louisiana came into the Union trailing the French judicial system, the Code Napoleon, which remains the basis of Louisiana law to the present day. 20/

Eventually, an act of admission for Louisiana was passed on April 8, 1812 (2 Stat. 701), to become effective April 30, 1812.

### Maine

Before admission into the Union, Maine had been a District of Massachusetts. Residents of the area, however, were dissatisfied with this arrangement, and during the War of 1812, intensified separatist movements, which had been present since the end of the American Revolution. Finally, in 1820, Massachusetts consented to the separation and the creation of a new State.

Maine's request for admission into the Union, however, became entangled in the debate over the admission of Missouri. Alabama had been admitted into the Union in 1819, and admission of Missouri would upset the prevailing balance between North and South in the Senate. Eventually, a compromise (Missouri Compromise of 1820) was reached whereby Missouri would be admitted as a slave State and Maine as a free State. (See p. 30) Congress declared Maine a State, effective March 15, 1820, by an act approved on March 3, 1820 (3 Stat. 544).

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20/ Goodwyn, Lawrence, et al. The South Central States. New York, Time Incorporated, 1967. p. 38

Michigan

Michigan was organized as a territory on January 11, 1805 (2 Stat. 309).

No significant move for statehood occurred until 1833 when the territory petitioned Congress for authority to form a State government. Congress rejected the petition in 1834, largely because of the opposition of the Ohio delegation. At this time, Ohio and Michigan were in dispute over an area of land known as the "Toledo strip."

In 1835, statehood advocates in the territory, realizing that the territory had more than the population specified in the Northwest Ordinance for admission of a territory to statehood, and knowing of the objections in Congress to statehood, decided to follow the example of Tennessee in 1796 (see page 3). 21/

Accordingly, a constitutional convention was called (May-June) in Michigan. On October 5, 1835, the constitution was ratified by the people of the territory. At the same time, the people elected a Governor, a State legislature, and a "Representative" to the United States Congress. At the first session of the State Legislature, two "Senators" were elected. Congress was thus presented with a de facto State government.

This action was denounced by some in Congress. Statehood for Michigan was again opposed by the Ohio delegation, together with Southern members who objected to the admission of a free State, which Michigan would be under the terms of the Northwest Ordinance of 1787. (See note 32, p. 39). Slavery was

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21/ Statehood advocates in Michigan, in an effort to justify their action in following the example of Tennessee, published a small pamphlet entitled: Proceedings of Congress in 1796, on the Admission of Tennessee as a State, into the Union, Upon a Footing with the Original States, a case in point, so far as regards our present position, in the State of Michigan.

prohibited by the Northwest Ordinance in States formed from the Northwest Territory.

Eventually a compromise was reached. Arkansas, which had applied for admission at the same time, would be admitted as a slave State, and Michigan would be admitted as a free State. Michigan's admission, however, was contingent on the recognition of Ohio's claim to the "Toledo strip" (5 Stat. 49. June 15, 1836)

In September 1836, a Michigan convention ("Convention of Assent"), met at Ann Arbor and refused acceptance of this condition (set by Congress) for admission. Statehood Democrats therefore called a new convention, from which most Whigs abstained, which accepted the conditions of admission on December 15, 1836. Michigan was thereupon admitted as a State on January 26, 1837 (5 Stat. 144). As compensation for the loss of the "Toledo strip," Michigan was given the Upper Peninsula, which had been part of Wisconsin Territory.

### Minnesota

Minnesota Territory was created from the Northwest Territory and portions of the Louisiana Purchase. The territory was organized on March 3, 1849 (9 Stat. 403).

After the conclusion of the Sioux treaties in February 1853, the territory experienced a land boom as settlers from other areas and immigrants from Northern Europe poured into the new lands. By 1857, the population of the territory was 150,037.

In February 1857, the territorial Delegate, Henry M. Rice, succeeded in gaining passage of an enabling act authorizing the territory to form a constitution (11 Stat. 166). A constitution was drafted in July, and was

accepted by the voters of the territory on October 13. At the same time, assuming that statehood would soon be granted, the Minnesotans proceeded to elect a Governor, other "State" officials, and three United States "Representatives." On December 2, 1857, this "State" legislature met and on December 19, elected two United States "Senators." 22/

In 1858, however, statehood for Minnesota encountered considerable opposition in Congress. Some members objected to the provisions in the Minnesota constitution extending suffrage to aliens and Indians who had "adopted the customs and habits of civilization." Other members questioned the validity of creating a sixth State from the Northwest Territory when the Northwest Ordinance of 1787 specified that no more than five States were to be created. The question of how many Representatives should be accorded Minnesota was discussed in the Senate for several days. Eventually, two Representatives were allowed. The Senate also debated at length the "irregular" proceedings in forming the constitution and questioned the legitimacy of the "State" government. Complicating the admission of Minnesota was the discussion at the same time of admitting Kansas under the pro-slavery Lecompton constitution. 23/

Despite these objections, Minnesota was admitted into the Union on May 11, 1858 (11 Stat. 258).

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22/ Minnesota's action contained elements of the "Tennessee Plan" in that "Senators" and "Representatives" were elected before statehood, but differs because an enabling act had been passed for Minnesota.

23/ One historian has termed the extensive debate on the admission of Minnesota "needless palaver," which "covers nearly three hundred columns on the Congressional Globe, averaging almost a thousand words each." Fowell, William Watts. A History of Minnesota. Vol. II. St. Paul, Minnesota Historical Society, 1961. p. 18.

Mississippi

Mississippi was organized as a territory on April 7, 1798 (1 Stat. 549) from lands ceded to the United States by Spain in 1795. Subsequent annexations and cessions of lands (Georgia, Spain, and Indian tribes) enlarged the territory to the present area of Alabama and Mississippi. The eastern part of Mississippi territory became the State of Alabama in 1819.

As early as 1810 efforts were made by the territorial Delegate, George Poindexter, to have Mississippi admitted as a State. These efforts met with little success, however, because Congress doubted whether the territory had sufficient population. Objections were also raised concerning the size of the proposed State. Before its division, Mississippi territory was double the size of Pennsylvania.

The War of 1812 brought a halt to these efforts. With the end of the war in 1815, the suppression of an Indian uprising, and the arrival of new settlers, the statehood drive was renewed. Again opposition rose concerning the size of the new State. This problem was solved in 1817 by the division of the territory, which not only removed an objection to statehood, but also restored, when Mississippi was admitted as a State, the balance in the Senate between North and South.

On March 1, 1817, an enabling act for Mississippi was signed by President James Madison (3 Stat. 348). A constitutional convention was held in the territory in July, and on August 15, a constitution was adopted. The constitution of Mississippi was then sent to Congress, which accepted the document as republican and in conformance with the Ordinance of 1787. On December 10, 1817, President Madison signed the measure admitting Mississippi into the Union (3 Stat. 472).



Missouri

Missouri was organized as a territory from part of the original Louisiana Purchase on June 4, 1812 (2 Stat. 743).

From 1802 to 1819, a delicate balance had been maintained between the North and the South by the alternate admission of slave and free States. This tacit arrangement resulted, with the admission of Alabama in 1819, in eleven of each. The State balance in the Senate was, of course, even. In the House, however, the slave States, even with the three-fifths ratio (according to the constitutional provisions then in effect, Article I, Section 3, three-fifths of the slave population were counted in apportioning Representatives), had only 81 votes as opposed to 105 votes held by the free States. Moreover, the population of the North was growing at a rapid rate. The South, therefore, looked to the Senate to preserve the sectional balance.

This balance was threatened in 1819, when Missouri applied for admission. An amendment to the Missouri enabling legislation prohibiting slavery in Missouri (introduced by Representative James Tallmadge of New York) was passed by the House but rejected by the Senate. In the meantime, Maine had formed a constitution and had requested admission as a free State. The Senate joined the two measures but did not restrict slavery in Missouri, whereupon an amendment was added by Senator James B. Thomas of Illinois providing for the admission of Missouri as a slave State, but with slavery prohibited in the remaining portion of the Louisiana Purchase north of 36 degrees and 30 minutes north latitude. The Senate bill was rejected in the House, which had its own version, admitting Missouri as a free State. After several months of debate (December 1819-March 1820), a compromise was effected: Maine was admitted as a free State, Missouri was authorized to form a constitution with no restriction on slavery, and

slavery was prohibited in that part of the Louisiana Purchase north of 36 degrees 30 minutes (3 Stat. 545. March 6, 1820). <sup>24/</sup>

Missouri's constitution, however, contained a provision prohibiting entrance into the new State of free blacks and mulattoes. This caused another debate in Congress and another compromise: admission of Missouri was made contingent on the Missouri legislature agreeing not to abridge the privileges and immunities of United States citizens (3 Stat. 645. March 2, 1821). Missouri agreed, and on August 10, 1821, was admitted into the Union (3 Stat. 797. Appendix II).

#### Montana

Montana was organized as a territory on May 25, 1864, from part of Idaho territory (13 Stat. 86).

Montana's early days as a territory were concerned with internal development, solution of the Indian problem, and gold and silver rushes. By 1883, however, completion of the Northern Pacific railway was followed by a rush of farmers, cattlemen, and miners to the territory.

In January 1884, a constitutional convention was called in Helena, and on February 9, a constitution was completed. The document was subsequently approved by the people and was sent to Congress, but no action was taken.

In January 1889, William Springer, a Democrat and Chairman of the House Committee on Territories, offered an omnibus bill for the admission of New Mexico, Washington, Montana, and Dakota. Springer's measure passed the

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<sup>24/</sup> The "Missouri Compromise" was that portion of the Missouri Enabling Act (3 Stat. 545) which provided "that in all territory ceded by France to the United States . . . which lies north of 36 degrees and 30 minutes north latitude, not included within the limits of the state [of Missouri] . . . slavery . . . shall be, and is hereby, forever prohibited."

House, but was blocked by the Senate. A conference committee resulted in a deadlock as the Republicans opposed the admission of New Mexico (which was Democratic), and the Democrats opposed the admission of Dakota (which was Republican). The election of 1888 resulted in a Republican sweep of the White House and both Houses of Congress, facilitating an eventual compromise: New Mexico was eliminated from the measure, and both North and South Dakota were admitted without waiting for a vote of the people on division of the territory. One enabling act, therefore, was passed for North Dakota, South Dakota, Montana, and Washington (25 Stat. 676. February 22, 1889). 25/

July 4, 1889, was set as the date for the meeting of constitutional conventions in the respective territories, and on that date Montana's delegates met in Helena to begin drafting a constitution. The Montana constitutional convention finished its work on August 17, and on October 1 the new constitution was ratified in a special election. On November 8, President Benjamin Harrison proclaimed the admission of Montana into the Union (26 Stat. 1551).

### Nebraska

Nebraska was organized as a territory on May 30, 1854 (10 Stat. 277). The creation of the Dakota and Colorado Territories in 1861 reduced Nebraska to approximately its present size.

In January 1854, Senator Stephen A. Douglas of Illinois, chairman of the Senate Committee on Territories, introduced a bill to organize the Great

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25/ These four "omnibus" States were Republican. When Idaho and Wyoming were admitted in 1890, the Republicans could claim twelve new Senators and seven Representatives. As one historian observed: "The admission of new states has nearly always been a matter of political adjustment." Paxson, Frederick L. The Admission of the 'Omnibus' States, 1889-90. Proceedings of the State Historical Society of Wisconsin at its Fifty-Ninth Annual Meeting, October 26, 1911. Madison, Wisconsin, 1912. p. 94.

Plains as the Territory of Nebraska. In order to gain Southern support, which had been lacking in previous efforts to form the territory, Douglas included in the bill the doctrine of "popular sovereignty." That is, the people of the territory would decide whether the territory would be admitted with or without slavery, thus repealing the Missouri Compromise of 1820 (since the Nebraska Territory was above the line drawn between slave and free States). Douglas also agreed to divide the territory into two territories: Kansas and Nebraska. After three months of debate, the bill to organize the territories of Kansas and Nebraska was passed in May 1854. 26/

Statehood for Nebraska was not immediately supported by the people of the territory, and was rejected in a popular referendum in 1860. In 1864, the territorial legislature sent a memorial to Congress requesting statehood. An enabling act was then passed on April 19, which authorized the territory to form a constitution (13 Stat. 47). In the election for delegates to the constitutional convention, the majority elected opposed statehood because they believed statehood would mean an increase in taxation.

In 1865, the Governor of the territory suggested that the legislature prepare a constitution and submit it to the people for approval. This was done, and in a very close election the constitution was approved in June 1866.

The constitution aroused some debate in Congress because it allowed only free white males to vote. An amendment was therefore attached by Congress providing for the removal of the restrictive provision and for the agreement by the territorial legislature to this condition. An admission bill was

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26/ Some congressmen, most notably Senator Sam Houston of Texas, objected to organization of the territory because the area had been set aside for the Indians. Subsequent negotiations removed Indian title to much of the area.

then passed by both Houses of Congress, but was pocket vetoed by President Andrew Johnson, the Congress having adjourned.

In December 1866, a similar bill was introduced and passed by Congress. but was vetoed in January 1867 by President Johnson on constitutional grounds. Congress overrode the veto, (14 Stat. 391), the territorial legislature negated the restrictive provision, and President Johnson signed a proclamation admitting Nebraska on March 1, 1867 (14 Stat. 820).

### Nevada

Nevada was organized as a territory on March 2, 1861 (12 Stat. 209) from the western part of Utah Territory, which had been part of the area ceded to United States by Mexico in 1848.

The discovery in 1859 of rich gold and silver ores in the Comstock Lode resulted in thousands of settlers moving into the territory. By 1863, the statehood movement was strong enough that the territorial legislature called for a plebiscite to ascertain public sentiment regarding statehood. A plebiscite held in September 1863 showed that the voters favored statehood and the creation of a State government by a vote of four to one. A constitution was drafted in November, but was rejected by the electorate in January 1864 because of claims that the cost of a state government would be prohibitive.

Statehood advocates persisted, however, and succeeded in gaining passage of an enabling act on March 21, 1864 (13 Stat. 30). In the meantime, events on the national scene began to influence the admission of Nevada. The Civil War by this time was well underway, and the North needed the economic and political support of pro-Union Nevada. Republicans especially desired the admission of a new pro-North State to buttress their position in Congress and in the

coming elections President Lincoln needed a pro-North State to ensure passage of the 13th Amendment.

In the territory of Nevada, events similarly gathered momentum. A constitutional convention was held in July and the constitution drafted by this second convention was approved by the people of the territory on September 7, 1864. 27/

Statehood for Nevada encountered little opposition in Congress, the smallness of its population being dismissed as a temporary condition. 28/ On October 31, 1864, Nevada was admitted into the Union by Presidential proclamation (13 Stat. 749).

#### New Mexico

New Mexico was part of the territory acquired from Mexico under the terms of the Treaty of Guadalupe Hidalgo in 1848 (9 Stat. 922). In 1850, even before the territory was officially organized, the people of the territory made application for statehood. In the meantime, Congress passed the Compromise of 1850, one part of which was the organic act for the territory of New Mexico (9 Stat. 446). In succeeding years, New Mexico tried many times to be admitted as a State, either alone or in conjunction with the efforts of one or more other territories, but each attempt failed.

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27/ In order to expedite approval of the constitution, Nevadans telegraphed the document in its entirety, at considerable expense, to Washington.

28/ The population of Nevada in 1860 was 6,857. In 1870, the Census reported a population of 42,491. The fact that the "territory at most had less than a sixth of the population then required for single representative in Congress was brushed aside by the advocates of Statehood." Nevada, A Guide to the Silver State. Compiled by the Writers' Program of the Work Projects Administration in the State of Nevada. Portland, Oregon, Binford and Mort, 1940, p. 43.

One notable struggle occurred in 1902-1903 during the debates on the Omnibus Statehood bill for Oklahoma, Arizona, and New Mexico (see p. 7). The opposition to the admission of New Mexico was led by Senator Albert Beveridge, Chairman of the Senate Committee on Territories. During the long debate, Beveridge and several members of a subcommittee went to New Mexico to investigate local conditions. On their return, a report was released which stressed several points of opposition to statehood. New Mexico, according to the report, was not large enough, and its character was "un-American," that is, the inhabitants were not English-speaking Anglo-Saxons. Moreover, the subcommittee reported a high illiteracy rate and extensive use of the Spanish language. Other arguments against admission of New Mexico centered on its small population, lack of economic development, and arid lands. 29/

In 1910, an enabling act for Arizona and New Mexico provided that constitutions for each territory be approved by Congress and the President (36 Stat. 557). This new effort had the support of President Taft; moreover, Senator Beveridge had lost a bid for reelection in 1910. On August 15, 1911, however, President Taft vetoed the admission of Arizona and New Mexico, objecting to the recall of judges provision in the Arizona constitution. A second enabling act was therefore passed by Congress, which required that New Mexico revise the amending procedure in its constitution and that Arizona remove its judicial recall provisions (37 Stat. 39). New Mexico made the required

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29/ De La Cruz, Jesse. Rejection Because of Race: Albert J. Beveridge and Nuevo Mexico's Struggle for Statehood, 1902-1903. *Aztlan*, v. 7, Spring 1976, p. 84. See also Ellis, Richard N. ed. *New Mexico, Past and Present: A Historical Reader*. Albuquerque, University of New Mexico Press, 1971. p. 206.

changes and was admitted as a State on January 6, 1912 (37 Stat. 1723), sixty-two years after passage of the New Mexico organic act. 30/

Historians and political scientists have pondered why New Mexico was denied admission for such a long time. Many of the arguments against admission (small population, lack of economic development, arid lands) were, after all, used against other Western territories and yet they were admitted as States in much shorter time. The consensus in the case of New Mexico seems to be that

New Mexico was never considered in the same light as the other territories. The unique population of New Mexico profoundly separated the territory from most of the remainder of the west where Anglo pioneers had slowly filled the frontiers with a fairly homogeneous population of Western European stock. In the long years between 1846 and 1912, frequent newspaper articles and speeches by congressmen indicated a strong prejudice toward the Spanish-speaking, Roman Catholic people of New Mexico. Nativism in America, sometimes concealed and at other times brought out into the open, was thus the major obstruction to the territory's statehood aspirations. 31/

#### North and South Dakota

The Territory of Dakota was organized on March 2, 1861, from portions of Minnesota and Nebraska Territories (12 Stat. 239).

In 1871, the territorial legislature requested a division of the territory by Congress, and petitions for division became almost an annual event. Congress, however, took no action on any of these proposals.

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30/ Ellis, New Mexico, p. 198-201.

31/ Ellis, New Mexico, p. 206. See also De La Cruz, Rejection Because of Race, p. 79-97.



Gold was discovered in the Black Hills in 1874 and in 1876, and the Indians relinquished their claim to the lands (19 Stat. 254, February 28, 1877). It was not long before the railroads came and the territory experienced a land rush. In 1880, the population of the Dakota Territory was 135,000.

In 1883 and 1885, the people of the territory prepared constitutions and petitioned Congress for division and statehood. Little action was taken on these proposals, primarily because the Democrats were in control of Congress and did not favor the admission of two new Republican States. The Democrats did, however, support admission of the territory as one State, together with the admission of New Mexico, a Democratic territory. The deadlock in Congress was broken by the Republican victory of 1888, and opponents in Congress were persuaded to yield to the admission of North and South Dakota as separate States. <sup>32/</sup> An enabling act dividing the territory into North and South Dakota was accordingly signed on February 22, 1889, which authorized constitutional conventions on July 4 (25 Stat. 676). Constitutions were subsequently formed and approved by the people in both territories. North and South Dakota were admitted into the Union by Presidential proclamation on November 2, 1889 (26 Stat. 1548, 1549).

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<sup>32/</sup> In 1889, four Republican States were admitted (North Dakota, South Dakota, Montana, and Washington), leading one historian to comment: "Political maneuvering defeated its own end. At any time between 1883 and 1888 the Democrats might probably have bargained New Mexico and Arizona against the inevitable Dakotas: now they had held out so long that they had nothing to offer and no strength with which to withstand the bludgeon of Republican success at the polls in 1888." Paxson, The Admission of the "Omnibus" States, 1889-90, p. 92.

Ohio

Ohio was organized as a territory in 1787. <sup>32/</sup> Sentiment for statehood developed early in Ohio, but encountered the opposition of Arthur St. Clair, Federalist Governor of the territory. St. Clair favored delaying statehood and proposed a further division of the territory so as to slow the growth of the statehood movement. <sup>33/</sup> Most of the population of the territory at this time were Democrat-Republicans (Jeffersonians), and by 1802, the Jeffersonian majority in both houses of Congress looked forward to Ohio's two Republican Senators and Representative.

In January 1802, a congressional committee investigated the possibility of statehood for Ohio and reported that although the population of the territory was less than that stipulated in the Ordinance of 1787 (60,000), the territory should be admitted because the population was growing so fast that it soon would reach the required number. In March 1802, a majority of the residents of the territory petitioned Congress for statehood, and in

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<sup>32/</sup> The Northwest Territory was composed of Western lands ceded by Virginia and other States to the government established under the Articles of Confederation. In 1787, the Congress of the Confederation enacted the Northwest Ordinance which provided a civil government for the ceded lands. The Ordinance also provided for the division of the territory and the creation of not less than three nor more than five States from these divisions whenever the population reached 60,000 free inhabitants, although this requirement could be waived. The Ordinance further provided that the government and constitution of any new State should be "republican," and prohibited slavery in the new States. The Northwest Ordinance of 1787 was confirmed in an act (1 Stat. 50. August 7, 1789) of the new Congress established after the ratification of the Constitution of the United States.

<sup>33/</sup> The Jeffersonians in the territory tried to have St. Clair removed but were unsuccessful. At the Ohio constitutional convention in 1802, however, St. Clair "denounced as a nullity the Ohio enabling act of Congress. He was thereupon removed from office by Jefferson." See Malone, Dumas, ed. Dictionary of American Biography. New York, Charles Scribner's Sons, 1935, v. 8, p. 295.

April, Congress passed an enabling act for Ohio, authorizing the territory to hold a constitutional convention (2 Stat. 173). The Ohio constitutional convention completed its work in November 1802 and submitted the document to Congress, where it was first considered in the Senate and found to be republican in nature and in conformance with the principles enunciated in the Ordinance of 1787.

On February 19, 1803, Congress approved an act "to provide for the due execution of the laws of the United States within the State of Ohio" (2 Stat. 201). While this act implied approval of the Ohio constitution, and stated that "the said State became one of the United States of America," Congress never officially accepted the constitution of Ohio and never passed an official act of admission, thus giving rise to some confusion as to exact date of the admission of Ohio. <sup>34/</sup>

#### Oklahoma

Oklahoma was organized as a territory on May 2, 1890 (26 Stat. 81), having been created out of the western part of Indian Territory, which had been organized in 1834 (4 Stat. 729).

Between 1889 and 1906, Oklahoma Territory, and portions of Indian Territory, experienced a series of land rushes which greatly increased the

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<sup>34/</sup> In 1953, Congress passed a joint resolution (67 Stat. 407) establishing March 1, 1803 as the date for the admission of Ohio into the Union because it was on that date that the Ohio legislature was seated, the first Governor took office, and Ohio began functioning as a State. It should be noted that Ohio was the first State formed from the Northwest Territory and was the first State admitted by an enabling act. Three previous States—Vermont, Kentucky, and Tennessee—were admitted by simple acts of admission. From 1803 on, all enabling acts and admission acts (except those for Maine and Michigan) contained an express condition that the constitution of the new State must provide for the establishment of a republican form of government.

population of the territory. In 1890, for example, the population of Oklahoma Territory was 258,657; by 1900, the population, together with that of the Indian Territory, had increased to 790,391. One reason for this rush of settlers was the enactment of Congress of a series of laws pertaining to Oklahoma Indian tribes--including the Curtis Act of 1898 (30 Stat. 495)--which had as their purpose the individual allotment of reservations and the diminution of the tribal governments of the Five Civilized Tribes (Cherokees, Chickasaws, Creeks, Choctaws; and Seminoles). As a result, a large portion of Indian lands became subject to sale and to settlement by whites. 35/

After 1890, statehood advocates began to initiate moves for statehood. These moves were complicated by the question whether to admit Oklahoma and the Indian Territory as one State or as separate States. In 1902, for example, a report on a bill to admit New Mexico, Arizona, and Oklahoma stated that the proposal to admit Oklahoma

as a single State is not tenable. Its size is much below that of any Western State. It must not be forgotten that originally Oklahoma was taken piecemeal from the Indian Territory. Its boundaries are unscientific, accidental, and grotesque. And above all, the committee are convinced that a majority of its people are opposed to statehood at present except by a union with its natural complement, the Indian Territory. 36/

An attempt was also made in 1905 by the residents of the Indian Territory for separate statehood. A constitutional convention was held in August of that year and a constitution for the state of "Sequoyah" was adopted by the people. Congress, however, took no action on this proposal.

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35/ Pierce, Neal R. *The Great Plains States of America: People, Politics, and Power in the Nine Great Plains States*. New York, W. W. Norton & Company, Inc., 1973. p. 250-251. In 1901, Congress made the Indians in Indian Territory United States Citizens (31 Stat. 1447).

36/ Omnibus Statehood Bill. Remarks in the Senate. *Congressional Record*, v. 36, Dec. 10, 1902. p. 193.

In 1905, in his annual message to Congress, President Theodore Roosevelt recommended the admission of Oklahoma and the Indian Territory as one State. In 1906, Congress enacted an enabling act which united the territory of Oklahoma and the Indian Territory and authorized admission of the two territories as one State (34 Stat. 267). There is some evidence that political expediency played a part in the Presidential and congressional decision to admit the two territories as one State. The growth of the Democratic Party in Oklahoma Territory had decreased the Republican majority in several elections. By 1904, it was conceded that the Indian Territory was Democratic. If the two territories were admitted separately, there was the distinct probability of four Democratic Senators from the two States. On the other hand, if they were admitted as one State, there would be only two Democratic Senators. As one historian concluded, "Territorial Democrats were too numerous to permit consideration of Oklahoma as a reliably Republican area. Separate statehood was too dangerous to Republican Party interests." <sup>37/</sup>

A constitutional convention, composed of Indians and whites, was held in Guthrie, Oklahoma, in March, April, and July. The constitution formed by this convention was approved by the electorate on September 17, 1907, and on November 16, Oklahoma was admitted into the union by Presidential proclamation (35 Stat. 2160).

#### Oregon

Oregon country was acquired in 1846 by a treaty with a Great Britain following a period of joint occupancy of the disputed area by Great Britain

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<sup>37/</sup> Ellinger, Charles Wayne. Political Obstacles Barring Oklahoma's Admission to Statehood, 1890-1906. Great Plains Journal, v. 3, Spring 1964. p. 80.

and the United States (9 Stat. 869). Oregon was organized as a territory on August 14, 1848 (9 Stat. 323).

The drive for statehood started almost immediately after Oregon was organized. On three occasions between 1854 and 1856, statehood and the creation of a constitutional convention were rejected by the Oregonians in plebiscites, although in each instance opposition declined, owing at least partially to party squabbles among Democrats, Whigs, and Republicans. In 1857, the Oregonians voted for statehood and the establishment of a constitutional convention. As one historian of Oregon noted:

In the seven years of territorial existence the question had been voted upon by the territorial legislature in one form or another nine times, and by popular vote four times, while Congress had considered Oregon statehood bills at two sessions." 38/

A constitutional convention was held in the fall of 1857, and the constitution was approved by the voters in a special election in November. Other special elections were held in 1858 for a pro forma Oregon congressional delegation—a "Representative" was elected, and two "Senators" chosen by the new legislature (Oregon followed the "Tennessee Plan"). In Congress, the Oregon statehood measure passed the Senate on May 19, 1858 by a vote of 35 for and 17 against. Opposition to the admission of Oregon centered on the alleged lack of population, unjust discrimination in the Oregon constitution against the Chinese, and a stringent prohibition against the admission of free blacks into the State. 39/

In the House a similar opposition arose. The insufficiency of population was again cited, as was the discrimination against free blacks. Added to

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38/ Carey, Charles H. The Creation of Oregon as a State. Oregon Historical Society, v. 26, December 1925, p. 303.

39/ Carey, Charles H., ed. The Oregon Constitution. Salem, State Printing Dept., 1926. p. 45.

these, however, was a strong stand against a provision of the Oregon constitution providing for extension of the suffrage to unnaturalized citizens. 40/

There was another reason for opposition to Oregon statehood. With the election of 1860 in the offing, many Republicans feared a Democratic Oregon might vote against the Republican candidate. Eventually, enough Republicans switched support to Oregon and, after lengthy debate, the Oregon statehood measure passed the House on February 12, 1859 by a vote of 114 for to 103 against. 41/ President James Buchanan signed the Oregon statehood bill on February 14, 1859 (11 Stat. 383).

#### Tennessee

In 1796, William Blount, the Governor of the "Territory of the United States, south of the river Ohio" (1 Stat. 123), reacting to popular sentiment favoring statehood, called a constitutional convention which met at Knoxville on January 11, 1796, and finished its work on February 6, 1796. The constitution drafted by this convention claimed the right of admission into the Union of "a free and independent State by the name of the State of Tennessee." The legislative body convened under this constitution chose two "Senators" and provided for the election of two "Representatives" to the United States Congress. These actions were taken without congressional authorization. 42/

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40/ Ibid., p. 50-51.

41/ Bancroft, Hubert Howe. History of Oregon. V. II. San Francisco, The History Company, Publishers, 1890. p. 439, 441.

42/ Tennessee was the first State to enter the Union by this method. For a fuller explication of the philosophy behind Blount's tactics, see Williams, Samuel C. The Admission of Tennessee Into the Union, The Tennessee Historical Commission, 1945. p. 31.

On April 8, 1796, President George Washington sent a message to Congress regarding the effort of the territory to acquire statehood. Washington also submitted a copy of the Tennessee constitution and Governor Blount's report on the territory's census returns, which claimed more than 70,000 inhabitants. In May 1796, the Tennessee delegation arrived in Philadelphia, then the capital of the United States, and in conjunction with the territorial Delegate already present, they lobbied for statehood. Tennessee was admitted as a State on June 1, 1796 (1 Stat. 491).

Opposition to the admission of Tennessee came largely from the Federalist-controlled Senate, which feared support of the new State for the Jefferson ticket in 1796. This opposition, however, was based on the following constitutional and technical grounds: "Congress alone was competent to form a state . . . the census returns were improper and of no effect . . . the constitution of the state was faulty and in some respects ran counter to the federal Constitution and laws." 43/

Blount and Cocke, the two "Senators," were refused admission, but were later reelected by the State legislature. Andrew Jackson won the popular election in August 1796 and became the first United States Representative from Tennessee.

### Texas

In 1821, Spain encouraged American settlement of the province of Texas. This encouragement was continued by Mexico after gaining its independence

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43/ Tuttle, Daniel W., Jr. "State" elections prior to admittance into the Union. Report No. 1, Legislative Reference Bureau, University of Hawaii, Honolulu, 1951. p. 5



from Spain in the same year, but various cultural and political difficulties soon arose between the American settlers and the Mexicans. In 1836, for example, General Santa Anna abrogated the liberal constitution of 1824. It was not long before armed clashes occurred between the Americans and the Mexicans. On March 2, 1836, the Texans declared their independence from Mexico and subsequently defeated Mexican forces sent against them.

Almost immediately, the newly formed Republic of Texas sought annexation to the United States. If annexation failed, the goal was recognition as an independent Republic. On March 3, 1837, President Andrew Jackson extended recognition to the Republic of Texas. Annexationists in Texas and in the United States still sought union with the United States. It was not until 1844, however, that a treaty of annexation was introduced in the United States Senate, where it encountered strong opposition because annexation was considered as extending the territory open to slavery. In June 1844, the treaty of annexation was defeated in the Senate.

In the Presidential campaign of 1844, the Democratic Party platform called for the "reannexation" of Texas.- At this time, a new doctrine of expansion--manifest destiny--emerged, which held that it was the destiny of the United States to occupy the entire continent.

The victory of the Democratic candidate, James K. Polk, an avowed expansionist, was therefore interpreted as a mandate for annexation. When Congress convened in December 1844, however, the departing President, John Tyler, recommended annexation by means of a joint resolution, which required only a majority in each House, thus avoiding the more difficult two-thirds vote needed to ratify a treaty in the Senate.

The ensuing long debate in both Houses centered chiefly on the following five points:

(1) the constitutionality of annexing a foreign state, (2) the extension of slave territory, (3) the amount and disposition of the debt of Texas, (4) whether Texas should be annexed as a territory or as a state, and (5) the possibility of a war with Mexico if annexation were accomplished. 44/

Eventually, the annexation resolution was approved by the House in January, and by the Senate in February 1845. On March 1, 1845, President John Tyler signed the resolution authorizing the annexation of Texas (5 Stat. 797). 45/

The resolution authorized the admission of Texas into the Union, the retention of all public lands in Texas by the new State, and the right of the State to divide into not more than four new States, in addition to Texas. 46/ Texas would also pay her own debt, and the Missouri Compromise line would be extended to Texas territory.

A Texan convention approved the annexation resolution in July 1845. The resolution was ratified by the people in October, and in December, the Texan constitution was accepted by Congress. Finally, on December 29, 1845, Texas was admitted into the Union (9 Stat. 108).

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44/ Lewis, Sarah Elizabeth. Digest of Congressional Action on the Annexation of Texas: December, 1844, to March, 1985. Southwestern Historical Quarterly, v. 50, October 1946. p. 264.

45/ This was the first instance of the use of a joint resolution to acquire foreign territory. See Bailey, Thomas A. A Diplomatic History of the American People. New York, Appleton-Century-Crofts, 1964. Seventh edition. p. 246.

46/ From time to time, various proposals were made in Texas and in Congress for division of the State, but none of these proposals materialized.

Utah

Utah, settled by the Mormons in 1847, became a territory in 1850 (9 Stat. 453).

Utah presents an unusual case in the admission of States into the Union because of the presence of unique political and religious factors attendant upon Utah history. <sup>40/</sup> Statehood was delayed for years, despite several attempts, because of intense political strife in the territory (there were Mormon and anti-Mormon political parties in Utah), and because of the practice of polygamy by the Mormons.

Polygamy, which became known as the "Mormon problem," was denounced by both the Republicans and the Democrats. Indeed, several Federal laws made polygamy punishable by a fine and imprisonment, and disfranchisement. In 1887, an even more severe law, The Edmunds-Tucker Act (24 Stat. 635), applied stringent provisions to the Territory of Utah: This Act disincorporated the Mormon Church, confiscated church property, abolished female suffrage, and required a test oath of citizens before they could vote, hold office, or serve as jurors.

Between 1887 and 1890, the Mormons sought accommodation with the Federal Government. To that end, free public schools, emphasizing the separation of church and State, were established in Utah. "Gentiles" (non-Mormons) were admitted to chambers of commerce, the Mormon People's party was dissolved, and its members instructed to participate in both Republican and Democratic parties, thus demonstrating that a genuine two-party system existed

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<sup>47/</sup> In 1849, for example, the Mormons established the "State of Deseret," drafted a constitution, elected various officials, and petitioned Congress for admission into the Union. Congress replied by creating the Utah Territory in 1850.

in Utah. Finally in October 1890, polygamy was abandoned as a tenet of the Mormon church.

These actions prompted President Benjamin Harrison in January 1893 to grant amnesty to polygamists, and Congress to return confiscated property to the Mormon church. Even more favorable was the response to legislation, introduced by the Utah Delegate, John L. Rawlins, on September 6, 1893, to enable Utah to become a State. In 1894, Congress passed an enabling act permitting Utah to hold a constitutional convention (28 Stat. 107). The following year, a constitution was ratified, and on January 4, 1896, President Grover Cleveland proclaimed Utah a State (29 Stat. 876).

#### Vermont

From 1749 to 1777, the area now known as Vermont was called the "New Hampshire Grants" because the Governor of New Hampshire had granted lands to settlers in territory also claimed by New York. A New York protest resulted in a decision by King George prohibiting further grants by New Hampshire. An attempt by New York to regrant lands encountered organized resistance by the Green Mountain Boys led by Ethan Allen. The Green Mountain Boys successfully defied both the British and New York.

During the American Revolution, the New Hampshire Grants declared their independence and became known as New Connecticut. In 1777, the name Vermont was adopted, and a constitution for the independent republic was drafted.

Efforts by Vermont to obtain statehood, however, were thwarted by New York and other States which still had claims on the territory. By 1790, it became apparent that Kentucky would soon seek admission as a

State. Although sectional rivalries were not yet fully developed, some thought was now given to the admission of Vermont, a northern free State, in order to offset the admission of Kentucky, a southern slave State. After some negotiation between commissioners from New York and Vermont, agreement on land claims, boundary lines, and compensation was reached, and in 1790, New York consented to the admission of Vermont as a State. In January 1791, Vermont ratified the Constitution of the United States and petitioned Congress for admission as a State. Congressional action was swift; in February 1791, both houses approved an admission bill which declared simply that "the State of Vermont" shall be received and admitted into the Union as a new and entire member of the United States of America." On February 18, 1791, President George Washington signed the bill admitting Vermont, to become effective March 4, 1791 (1 Stat. 191).

#### Washington

Washington was organized as a territory on March 2, 1853 (10 Stat. 172) from part of Oregon Territory.

As early as 1867, the territorial legislature petitioned Congress for admission into the Union. It was not until 1878, however, that the territorial legislature, on its own initiative and without congressional authorization, issued a call for a constitutional convention. A convention was held in Walla Walla during June and July. The constitution produced by this convention was approved by the people of the territory in November 1878, but was ignored by Congress.

Statehood proponents persisted, and from 1877 on, were able to have at least one enabling act introduced in every Congress. Statehood for Washington encountered opposition in Congress, largely from the Democrats, who were reluctant to admit a Republican State unless a Democratic State was admitted at the same time.

In 1876, the Democrats supported the admission of Colorado in the mistaken belief that the new State would vote Democratic. In the election of 1876, Colorado's three electoral votes were cast for the Republican presidential candidate, Rutherford B. Hayes. As one historian observed: "Little wonder that for decade after the Democrats were leery of consenting to the creation of any additional new states, except strictly on a quid pro quo basis." 48/

In the meantime, the population of Washington Territory had increased rapidly, largely because of the expansion of the Northern Pacific Railroad. In 1880, for example, the population of the territory was 75,116. The census of 1890, taken a few months after statehood was granted, revealed a population of 357,232.

In November 1888, the Republican Party broke the political deadlock by electing a Republican President and majorities in both Houses of Congress. In February 1889, an enabling act (25 Stat. 676) for the territories of North Dakota, South Dakota, Montana, and Washington (the "Omnibus" States), was signed and the territories were authorized to hold constitutional conventions.

The Washington constitutional convention met at Olympia on July 4, and on October 1 the voters approved the constitution drafted by this convention.

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48/ Beckett, Paul Louis. From Wilderness to Enabling Act. Pullman, Washington State University Press, 1968. p. 78.

Finally, on November 11, 1889, President Benjamin Harrison signed a proclamation admitting Washington into the Union (26 Stat. 1552).

### West Virginia

On April 17, 1861, Virginia seceded from the Union. The western part of Virginia, always at odds with the eastern part of the State, opposed secession, and in May, 1861, representatives from counties in the western areas formed a new "State" called "Kanawha." In June a "Restored General Assembly," loyal to the Federal Government, was formed. A constitutional convention was held from November 1861 to February 1862, during which time the name West Virginia was chosen. The constitution formulated by the West Virginia convention, however, failed to provide for the elimination of slavery. In the meantime, Confederate efforts to restore the area to southern control were thwarted by Union forces.

In May 1862, the "Restored General Assembly," that is, the loyal, Federally recognized legislature of Virginia, gave its approval to the formation of a new State, West Virginia, thus complying with the provisions of the United States Constitution (Article IV, section 3) that no new State be formed within the jurisdiction of an existing State without the consent of that State's legislature.

The admission of West Virginia caused an extensive debate in Congress where it was opposed on the grounds that the government created was "irregular" and of dubious constitutionality. Moreover, the constitution of the new State was faulted because of its omission of any kind of emancipation provisions. Supporters of statehood countered the "irregular" charge by citing the precedents of Kentucky, Vermont, and Maine, and

solved the slavery problem by attaching an amendment to the State's constitution providing for gradual emancipation. Eventually, an admission act was passed on December 31, 1862, providing for admission on condition that the people of West Virginia accept the amended constitution (12 Stat. 633). The amended constitution was accepted by the people of West Virginia in March 1863, and West Virginia was admitted into the Union by Presidential proclamation on April 20, 1863, to become effective sixty days later, i.e., June 19, 1863 (13 Stat. 731).

### Wisconsin

Wisconsin Territory was formed from part of Michigan Territory, and was organized as a territory on April 20, 1836 (5 Stat. 10). The area of Wisconsin Territory was later reduced to approximately its present size by the creation of Iowa Territory in 1838 (5 Stat. 235).

In the 1840s, statehood was supported by the leaders of both majority parties in Wisconsin Territory, and voting on the issue became almost an annual event. None of these early plebiscites was successful. By 1846, however, the combined pressures of growth in population and dissatisfaction with the amount of congressional appropriations for the territory caused a reversal of public opinion regarding statehood, and a recommendation by the Governor for another plebiscite was endorsed by the legislature. In April 1846, voters in the territory supported statehood by a large majority.

An enabling act was accordingly passed by Congress authorizing the drafting of a State constitution (9 Stat. 56). The constitution subsequently



formed by a convention in Wisconsin was rejected by the people in April 1847. <sup>49/</sup> In the meantime, an admission act had been passed by the Congress on March 3, 1847 (9 Stat. 178). Admission was contingent on the acceptance of a constitution by the people of the territory. If a constitution were approved, admission would be completed by a Presidential proclamation. In March 1848, a second constitution was accepted by the people, and Wisconsin was admitted into the Union by Presidential proclamation on May 29, 1848 (9 Stat. 233).

There was little or no debate in Congress on the admission of Wisconsin into the Union. Admission was supported by the Northerners, and Southerners acquiesced inasmuch as Florida and Texas had been admitted in 1845. The sectional balance was thus, for the moment, restored.

### Wyoming

Wyoming was organized as a territory on July 25, 1868, from areas previously included in the Dakota, Idaho, and Utah Territories (15 Stat. 178).

In the late 1860s, the Union Pacific railroad opened the territory for settlement by the cattlemen and the homesteaders. Statehood sentiment was slow in developing because of range wars, Indian problems, and political differences. <sup>50/</sup>

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<sup>49/</sup> Many voters may have been dissuaded by the constitution's liberal provisions: married women were allowed to hold property, and the judiciary were to be elected, for example.

<sup>50/</sup> Pierce, *The Mountain States*, p. 68-71. See also Eblen, Jack Ericson. *The First and Second United States Empires: Governors and Territorial Government, 1784-1912*. Pittsburgh, University of Pittsburgh Press, 1968. p. 219-220.

In 1889, however, Wyoming, like Idaho, was left out of the enabling bill for Washington, North Dakota, South Dakota, and Montana (the "Omnibus States"). The Governor of the territory, Francis E. Warren, then took the initiative and called a constitutional convention. A constitution was drafted and approved by the residents of the territory in November 1889.

There was little opposition in Congress to statehood for Wyoming. What opposition there was centered on the territory's small population and the women suffrage provision in the territory's constitution. 51/

Wyoming was admitted into the Union by act of Congress on July 10, 1890 (26 Stat. 222).

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51/ In 1869, the first territorial legislature granted equal rights to women.

## APPENDIX A: SELECTED DATA ON ADMISSION OF STATES

TABLE 1. Key Dates in the Admission of the 37 States Admitted After the Original 13 States

State	Date of territorial act	Date of enabling act	Date of admission act	Effective admission		Years elapsed between territorial status and statehood	Estimated population at time of admission
				Date	Order		
Alabama	Mar. 3, 1817	Mar. 2, 1819	Dec. 14, 1819	Dec. 14, 1819	9	2.8	144,317
Alaska	Aug. 24, 1912	None	July 7, 1958	Jan. 3, 1959	36	46.4	211,000
Arizona	Feb. 24, 1863	June 20, 1910	Aug. 21, 1911	Feb. 14, 1912	35	49.0	216,639
Arkansas	Mar. 2, 1819	None	June 15, 1836	June 15, 1836	12	17.3	52,240
California	None	None	Sept. 9, 1850	Sep. 9, 1850	18	c/	107,000
Colorado	Feb. 28, 1861	Mar. 3, 1875	d/	Aug. 1, 1876	25	15.4	150,000
Florida	Mar. 30, 1822	None	Mar. 3, 1845	Mar. 3, 1845	14	22.9	54,477
Hawaii	Apr. 30, 1900	None	Mar. 18, 1959	Aug. 21, 1959	37	59.3	211,000
Idaho	Mar. 3, 1863	None	July 3, 1890	July 3, 1890	30	27.3	84,385
Illinois	Feb. 3, 1809	Apr. 18, 1818	Dec. 3, 1818	Dec. 3, 1818	8	9.8	34,620
Indiana	May 7, 1800	Apr. 19, 1816	Dec. 11, 1816	Dec. 11, 1816	6	16.6	63,897
Iowa	June 12, 1838	None	Mar. 3, 1845	Dec. 28, 1846	16	8.5	81,920
Kansas	May 30, 1854	None	Jan. 29, 1861	Jan. 29, 1861	21	6.7	107,206
Kentucky	None	None	Feb. 4, 1791	June 1, 1792	2	a/	73,677
Louisiana	Mar. 26, 1804	Feb. 20, 1811	Apr. 8, 1812	Apr. 30, 1812	5	8.1	76,556
Maine	None	None	Mar. 3, 1820	Mar. 15, 1820	10	a/	298,335
Michigan	Jan. 11, 1805	None	June 15, 1836	Jan. 26, 1837	13	32.0	200,000
Minnesota	Mar. 3, 1849	Feb. 26, 1857	May 11, 1858	May 11, 1858	19	9.2	150,042
Mississippi	Apr. 7, 1798	Mar. 1, 1817	Dec. 10, 1817	Dec. 10, 1817	7	19.7	75,512
Missouri	June 4, 1812	Mar. 6, 1820	Mar. 2, 1821	Aug. 10, 1821	11	9.2	66,586
Montana	May 26, 1864	Feb. 22, 1889	d/	Nov. 8, 1889	28	25.5	112,000
Nebraska	May 30, 1854	Apr. 19, 1864	Feb. 9, 1867	Mar. 1, 1867	24	12.8	60,000
Nevada	Mar. 2, 1861	Mar. 21, 1864	d/	Oct. 31, 1864	23	3.7	40,000
New Mexico	Sep. 9, 1850	June 20, 1910	Aug. 21, 1911	Jan. 6, 1912	34	61.3	338,470
N. Dakota	Mar. 2, 1861	Feb. 22, 1889	d/	Nov. 2, 1889	26	28.7	460,000

See notes at end of table.

TABLE 1. Key Dates in the Admission of the 37 States Admitted After the Original 13 States--Continued

State	Date of territorial act	Date of enabling act	Date of admission act	Effective admission		Years elapsed between territorial status and statehood	Estimated population at time of admission
				Date	Order		
Ohio	July 13, 1787	Apr. 30, 1802	Aug. 7, 1953 <u>e/</u>	Mar. 1, 1803	4	15.6	41,915
Oklahoma	May 2, 1890	June 16, 1906	<u>d/</u>	Nov. 16, 1907	33	17.5	1,414,177
Oregon	Aug. 14, 1848	None	Feb. 14, 1859	Feb. 14, 1859	20	10.5	52,465
S. Dakota	Mar. 2, 1861	Feb. 22, 1889	<u>d/</u>	Nov. 2, 1889	27	28.7	<u>f/</u>
Tennessee	May 26, 1790	None	June 1, 1796	June 1, 1796	3	6.0	77,262
Texas	None	None	Dec. 29, 1845	Dec. 29, 1845	15	<u>b/</u>	250,000
Utah	Sep. 9, 1850	July 16, 1894	<u>d/</u>	Jan. 4, 1896	32	45.3	241,000
Vermont	None	None	Feb. 18, 1791	Mar. 4, 1791	1	(a)	85,539
Washington	Mar. 2, 1853	Feb. 22, 1889	<u>d/</u>	Nov. 11, 1889	29	36.7	273,000
W. Virginia	None	None	Dec. 31, 1862	June 19, 1863	22	<u>a/</u>	376,683
Wisconsin	Apr. 20, 1836	Aug. 6, 1846	Mar. 3, 1847	May 29, 1848	17	12.1	210,000
Wyoming	July 25, 1868	None	July 10, 1890	July 10, 1890	31	22.0	60,705

a/ Was never a territory but formed from an existing State.

b/ Went from independent Republic to statehood without territorial status.

c/ Was an unorganized area under military rule and did not have a territorial act prior to statehood.

d/ Admitted through a Presidential proclamation as authorized by the enabling acts.

e/ Congress took this action in order to clarify the date of Ohio's admission into the Union, which had remained uncertain for 150 years.

f/ The 460,000 represents combined population for North and South Dakota.

Source: U.S. General Accounting Office. Experiences of Past Territories Can Assist Puerto Rico Status Deliberations; Report to the Congress of the United States by the Comptroller General. GGD-80-26, March 7, 1980. Washington, 1980. p. 8, 19. Elapsed years column recomputed by CRS.