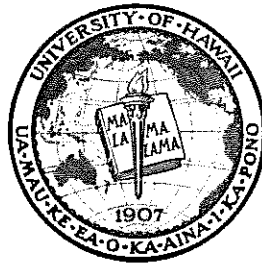


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"STATE" ELECTIONS PRIOR TO ADMITTANCE INTO THE UNION



REPORT NO. 1 -- 1951

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"STATE" ELECTIONS PRIOR TO
ADMITTANCE INTO THE UNION

by

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Research Assistant

-- Report No. 1, 1951 --

(Request Nos. 1494 and 1497)

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STATE OF HAWAII

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Robert M. Kamins, Acting Director
Legislative Reference Bureau
University of Hawaii

FOREWORD

The people of Hawaii, increasingly desirous of statehood since the Republic of Hawaii was annexed as an organized Territory of the United States more than fifty years ago, took significant steps toward their goal in 1950. In response to widespread popular demand, the Territorial legislature had provided in 1949 for election of delegates to a constitutional convention, which met from April 4 to July 22, 1950. The proposed state constitution drafted by this convention was approved both by the legislature and by the electorate in October and November of last year.

Hawaii's petition for membership in the federal Union was rejected, however, by the Senate of the 81st Congress. Following passage of H. R. 49 by the House of Representatives and favorable consideration by the Senate Committee on Interior and Insular Affairs, opposition by a small group of Senators, strengthened by the apathy of other members of the upper house, or their intense concern with international affairs, was sufficient to prevent a vote on this enabling act during the final days of the second session.

Repeated failure of Congress to take final action on Hawaii's claim to statehood and the demonstrated difficulty of attracting the attention of many Congressmen to the merits of her case now constrain the Territory to explore alternative approaches to the achievement of statehood. Consequently, the Legislative Reference Bureau was requested to examine the procedures whereby several jurisdictions organized state governments without the sanction of enabling acts prior to their admittance into the Union.

The following report was prepared in response to this request. It does not purport to be a complete history of the statehood movement in each of the areas considered. It does seek, however, within limits imposed by the brief time available for research, to trace the chief developments in this interesting but somewhat obscure phase of America's political history, and, where the lessons of that history are easy to read, to point out factors still pertinent to our time.

January 8, 1951

Robert M. Kamins, Acting Director
Legislative Reference Bureau

Summary

Seven states have elected "state" officials and legislators prior to their admission to the Union. Consideration of the experiences of Vermont and Texas is omitted from this study because of their unusual positions prior to statehood: the latter was a republic; the former a state government pre-existing the federal Union. The people of the other five states--Tennessee, Michigan, California, Oregon, and Kansas--all previously organized as territories, with the exception of California, adopted constitutions and elected "state" officers, legislators, and Congressmen without prior congressional authorization.

The "state" officers and legislators, upon election, proceeded to cause new "state" governments to function with plenary powers in Tennessee, Michigan, and California. In Oregon and Kansas, these "state" organizations assumed standby roles until statehood was granted. However, they made significant contributions to the statehood drives by indicating their readiness to function. United States senators were selected in all five states prior to statehood and, although they were not seated until after admission, they served as aggressive leaders of the statehood movements. Only two of these ten senators were forced by Congress to stand for reelection.

The procedures used by the five states studied, which may collectively be termed "force action," were never seriously questioned by Congress. All were admitted to the Union without protracted delay.

This "force action" program developed by these states has lacked explicit constitutional or statutory authority. However, it has been a political procedure repeatedly approved by Congress over a span of seventy years. As a result, it has assumed a cloak of legality and, strengthened by accumulated precedents, may well be considered an established thoroughfare to statehood.

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"STATE" ELECTIONS PRIOR TO ADMITTANCE INTO THE UNION

I.e Introductione

Fifteen states have joined the Union without prior authorization of Congress in the form of enabling acts.¹ Seven of these states--California, Kansas, Michigan, Oregon, Tennessee, Texas, and Vermont--elected state officials and legislators prior to their admission. Vermont functioned as an independent state for more than thirteen years prior to her admission and Texas as an independent republic for almost ten years. Four² of the other five states, having earlier achieved territorial status, proceeded to the drafting of a state constitution; the electing of state officers, legislators, and Congressmen; and petitioning Congress for admission to the Union. California, following its cession by Mexico, set about framing a state constitution, electing state officers, and then asking Congress for admission, while still under a military government.

Among these seven states the first "state" officers and legislators assumed authority over the people of their respective areas in Tennessee, Michigan, and California. This was not the case in Oregon, where prior to formal admission state officials and legislators continued voluntarily to respect territorial authorities, nor in Kansas where pre-admission "state" officials and legislators fought a continuing struggle for recognition and achieved only a partial authority preliminary to capturing control of the territorial machinery, later utilized to speed statehood.

The five above-mentioned states whose experiences are reviewed below

¹Arkansas, California, Florida, Idaho, Iowa, Kansas, Kentucky, Maine, Michigan, Oregon, Tennessee, Vermont, Texas, West Virginia, and Wyoming.

²Kansas, Michigan, Oregon, and Tennessee.

elected United States senators prior to admission. The senators of Michigan, California, and Oregon were duly seated by the Senate immediately upon admission. The Tennessee senators were forced to return home and stand for reelection before being seated. The Kansas "free-state" senators were never recognized or seated. It is interesting to note that the senators from Oregon were seated before Oregon had accepted the conditions imposed by Congress.

Several major substantive issues, one of great national importance, clouded congressional debates over admission of these self-initiated states. The Republican-Federalist arguments hindered statehood for Tennessee. A boundary dispute retarded the admission of Michigan. Boundary disputes and the slavery issue delayed granting statehood to California and Oregon. In Kansas, the grave slavery issue provoked physical conflict and delayed statehood until the eve of the Civil War.

Procedural arguments were heard in Congress prior to the admission of each of these states. The election of pre-statehood congressmen by Michigan was questioned in Congress and thus delayed her admission, which, however, was advanced generally by the early formation of a "state" government. In the other four states, certain corollary techniques, e.g. the election of a territorial official to a key "state" office, the local role assumed by elected "state" officers, the extent of authority exercised at a crucial stage, may have reduced the net advantage of the pre-statehood procedures. Nevertheless, in each instance, the advance organization of "state" government undoubtedly hastened admission.

II.d Pre-Statehood Procedures Followed by Five States

Detailed discussion of the experiences culminating in statehood for Vermont, admitted to the Union in 1791, and for Texas, admitted in 1845, is

not included here because of the unusual positions occupied by these areas prior to statehood.

The events leading to the admission of Vermont were structurally similar to those of the original thirteen states. Although Vermont was not one of the original thirteen states, it was admitted to the Union shortly after the new federal government began to function, and its pre-statehood experiences, in particular the drafting of a state constitution and electing state officers and legislators, closely paralleled such early activities of the original states. An outline summary of the events leading to statehood for Vermont is given in Appendix I A below.³

The dramatic events in Texas prior to statehood have no parallel in American history. For ten years, Texas functioned as an independent republic and elected full slates of national officers and legislators. Following passage of a joint resolution by Congress on February 28, 1845 which provided for the annexation of Texas by the United States, a convention called by President Anson Jones of the Republic drafted a state constitution which was approved by the people on October 13, 1845. State officers and legislators were elected on the third Monday in December, 1845, but they did not begin to exercise authority until February 19, 1846, the de facto date of annexation. An outline summary of events leading to statehood for Texas is given in Appendix I D below.⁴

The experiences of the other five states⁵ which held elections prior to admission to the Union are reviewed in greater detail below in the order of

³Infra, p. 30.

⁴Infra, pp. 34, 35.

⁵Tennessee, Michigan, California, Oregon, and Kansas.

their admission to the Union and in tabular form in Appendixes II and III.⁶

A. Tennessee (admitted 1796)

The formal drive for statehood in Tennessee extended over a period of fourteen months. With sentiment mounting for admission to statehood, territorial Governor William Blount on April 25, 1795 called an early session of the general assembly for June 29. In keeping with the sentiment favorable toward statehood expressed in the assembly, the legislators ordered a census of the state's population to be taken and a plebiscite to be held to determine whether the people wished the drive for statehood to continue if the population were less than 60,000 persons. Since the census returns reported over 77,000 inhabitants, the question put to the people required no answer. However, the favorable election returns did demonstrate the popularity of the statehood cause.

On November 28, 1795 Governor Blount issued a call for a constitutional convention which convened on January 11, 1796, following an election of delegates the preceding December 19. Professor Abernethy, in his study of Tennessee's history, notes the basic thinking behind this procedure.

North Carolina had ceded her western territory under an agreement that it was to become a separate state. In taking the census and calling the convention, Blount had assumed that in case the required population were found to exist, the people of the Territory had the right to acquire statehood without previously consulting Congress on the subject. In 1795 James Winchester had written to Blount from Philadelphia that Congress would hardly make any move toward admission until the Territory itself had taken the initiative. So firm and general was the conviction on this point that the convention also acted under the theory that statehood would be assumed without previous recognition by Congress.⁷

⁶Infra, pp. 42, 43.e

⁷Thomas P. Abernethy, From Frontier to Plantation in Tennessee (Chapel Hill: The University of North Carolina Press, 1932), p. 137.

Without waiting for congressional authority or submitting the constitutional document to the people for ratification, the convention ordered elections to be held under the new instrument.

Conceiving that by adoption of the constitution a state had been brought into being capable of acting before and regardless of admission into the Union, the president of the Convention (William Blount) was directed to issue writs for the election of a governor and members of a general assembly. John Sevier was elected governor and the first general assembly met at Knoxville on March 28, 1796. William Blount and William Cocke were elected by the general assembly as Senators in the Federal Congress. Two districts were laid off from which two representatives in the lower house of Congress should be elected in August following. Four presidential electors were chosen: Joseph Greer, Daniel Smith, Hugh Neilson and Joseph Anderson. A number of statutes of a general and permanent nature were passed, and a corps of state officials were elected. The session lasted twenty days and covered a part of the period in which Congress had under consideration the admission of the state.⁸

On April 8, 1796 President Washington sent a copy of the constitution and the census returns to Congress with comments favorable to the admission of Tennessee. Opposition to admission came largely from the Federalists who feared defeat of John Adams in the forthcoming presidential election. However, they framed their opposition on constitutional and technical grounds: (1) Congress alone was competent to form a state; (2) the census returns were improper and of no effect; (3) the constitution of the state was faulty and in some respects ran counter to the federal Constitution and laws. Major opposition developed in the Senate, a Federalist-controlled body.

On May 9, 1796 senators-elect Blount and Cocke presented their credentials to the Senate and asked to be seated. They were refused, but were admitted as spectators until a final decision should be made on the statehood issue.

⁸Samuel C. Williams, The Admission of Tennessee into the Union (Nashville: The Tennessee Historical Commission, 1945), p. 13.

After considerable debate, a compromise was eventually effected between the two houses of Congress and Tennessee was admitted with only one representative and three presidential electors (until the 1800 national census). Approval of admission on this basis by the Congress came on May 31, 1796. The following day President Washington approved this action.

Admission did not solve the problem of senators-elect Blount and Cocke. On June 1 they were refused seats by a vote of 11 to 10 and were compelled to return home and to seek reelection by the state legislature. The following August, they were reelected and became the first United States senators from Tennessee. Presidential electors were reelected except Joseph Anderson, who was dropped because of the reduction in Tennessee's representation in the House of Representatives. Andrew Jackson became the first United States representative from Tennessee on August 15, 1796, in a state-wide election.

B.e Michigan (admitted 1837)e

The formal movement for admission of Michigan to the Union extended over a period of almost five years. On June 29, 1832 the territorial Legislative Council authorized the holding of an election to determine whether the people ought to form a state government. The plebiscite that followed on October 2 produced a small vote--3,007--with only a slender majority in favor of statehood. Given this poor showing at the polls, agitation for admission diminished until after the 1834 census, which in November showed 85,816 persons in the lower peninsula.

Encouraged by this evidence of population growth, the Legislative Council on January 26, 1835 passed an act calling for the election of delegates to a constitutional convention. The Council acted entirely upon its own

authority, unless the plebiscite of October, 1832 could have been considered such authority. However, it was argued that basic sanction for this action was present in the Northwest Ordinance of 1787, which provided for the eventual creation of ". . . not less than three nor more than five states. . . .," guaranteed a gradual extension of local self-government, and declared that, ". . . whenever any of the said states shall have sixty thousand free inhabitants therein, such state shall be admitted, by its delegates, into the Congress of the United States, on an equal footing with the original states, in all respects whatever; and shall be at liberty to form a permanent constitution and state government. . . ." A literal interpretation of this document by the "dissenters" who controlled the constitutional convention, which rejected in September, 1836 the conditions imposed upon the state by Congress, later slowed down the drive for Michigan's statehood.

Delegates to the constitutional convention were elected on April 4, 1835. The convention itself convened on May 11 and continued until June 24. The document was ratified by the people the following October by a vote of 6,299 to 1,359. At the same time, a complete slate of "state" officers and legislators was selected. Stevens T. Mason was elected governor, and Isaac Crary, representative to Congress.

The "state" legislature which convened for the first time on November 2, 1835, elected Lucius Lyon and John Norvell United States senators from Michigan; then followed the advice of Governor Mason and adjourned after a short session during which little business of importance was transacted. However, even this attitude could not undo the political damage that accrued from the election of "state" officials. Governor Mason was the incumbent territorial governor and his election and subsequent actions, as one writer

puts it, ". . . so displeased the President that he felt compelled to place someone else in immediate charge of territorial affairs."⁹ According to one author, Congress was also displeased by this effort of Michigan to form a state government entirely on her own initiative.

And finally, before the close of the year (1835), an already difficult situation had been further complicated by the attempts to organize the state government in advance of congressional authorization. Although the facts were not then generally recognized, this course of events had so prejudiced Michigan's case that Congress, when it convened in December, 1835, did not feel under obligation to press for either an immediate or a favorable settlement.¹⁰

Michigan's cause was further embarrassed by Ohio's congressional delegation which, in addition to insisting upon a given boundary settlement with its would-be neighbor state, openly criticized Michigan's course of action toward statehood. The appearance of Michigan's representative and senators

⁹Harold M. Dorr, The Michigan Constitutional Conventions of 1835-1836 (Ann Arbor: The University of Michigan Press, 1940), p. 34. Mr. John S. Horner, the appointed successor of Stevens T. Mason, experienced difficulties upon assuming his duties. At Detroit, the following resolution was passed: "RESOLVED, that if our present Secretary of the Territory should find it beyond his control, either from the nature of his instructions, his feeling of tenderness toward those who had for a long period of time set at defiance as well the laws of the Territory as those of the United States, or any feeling of delicacy entertained towards the executive of a neighboring state, who has in vain endeavored to take a forcible possession of a part of our territory, to enable him to properly carry into effect the existing laws of this Territory, it is to be hoped he will relinquish the duties of his office, and return to the land of his nativity."

See James V. Campbell, Outlines of the Political History of Michigan (Detroit: Schober and Company, 1876), pp. 467, 468. Campbell noted: "After the State officers assumed their functions, General Jackson directed him [Horner] not to recognize them. The result of this was that he soon found it pleasant to remove to that part of the former Territory of Michigan over which no state government had been asserted. He settled in Wisconsin, where he has always been respected for his personal worth and many virtues. It is much to be regretted that so worthy a gentleman was put into a false position, which exposed him to many difficulties and some indignities."

¹⁰Harold M. Dorr, op. cit., p. 34.

before Congress requesting recognition, which was denied them, complicated matters. Since Michigan had neglected electing a territorial delegate at the last election, the "state" found itself at a critical period without an official representative in Congress. This and the boundary dispute with Ohio likely delayed Michigan's admission by an entire calendar year.

Finally, on June 15, 1836 Michigan was admitted to the Union and her "state" government recognized, provided that the state would recognize Ohio's right to the boundary territory disputed and would assent to this condition ". . . by a convention of delegates elected by the people of the said state, for the sole purpose of giving the assent herein required."¹¹

Reaction to these conditions in Michigan was not uniform. The Whigs and the more conservative Democrats (the party then in power in Michigan) resisted the imposition of the conditions. The less conservative Democrats, particularly those holding office, were prepared to submit to congressional demands. They were willing to ignore the argument that Michigan's basic "right" to statehood, without additional congressional demands, had been guaranteed by the Northwest Ordinance. Members of this latter group, not wanting to acknowledge openly their past mistakes and desiring to validate their positions, were anxious for the state to share in general governmental affairs, to participate in the coming national election, to profit from the distribution of public lands, and to qualify Michigan's banks as national depositories.

In July, 1836, the "state" legislature met to consider calling a constitutional convention to consider the conditions imposed by Congress. Such a call was voted, and the convention met during the last few days of

¹¹ U. S. Statutes at Large 49, 50, sec. 3.e

September at Ann Arbor. The conditions were rejected, thus apparently further delaying the admission of the state.

Office-holders and other proponents of immediate statehood objected fiercely to this decision and sought a program that would insure early admission. In furtherance of the declarations of several county groups urging such action, the governor on November 13 declared:

The proposition contained in the act of Congress of June 15, 1836, is made to the people of Michigan--to the people in their original capacity. It is not a proposition to the legislature, or any other department of the government of Michigan, or all the departments of the government combined. It is made to the people alone. . . . If the people of Michigan are adverse to the decision of the late Ann Arbor Convention, they possess the right and power to reverse it.

The following day an informal "Circular" was abroad advising the people to follow a prescribed course of action that would hasten statehood.¹² As a direct result of this circular, shortly after its appearance candidates to a new convention were nominated in county conventions, and elections were held in the several townships in accordance with laws governing the election of state legislators.

The "dissenters" questioned the legality of these proceedings and refused to participate in the elections. Professor Harold Dorr has this to say about the methods used.

A great deal has been written about Michigan's 'frost-bitten convention.'³ It has generally been characterized as

¹²Concerning this "Circular" Professor Dorr notes, " . . . a 'Circular' appeared recommending that the qualified voters of the several counties in the state meet on the fifth and sixth days of December to elect delegates; and that the delegates, thus elected, meet in convention at the village of Ann Arbor, on Wednesday, the 14th day of December, and then and there proceed to take into consideration the expediency of giving the assent of the people of Michigan to the fundamental conditions prescribed by Congress for their admission into the Union; reserving, in act of assent, all the rights which appertain to the state under the constitution of the United States." Harold M. Dorr, op. cit., p. 48.

wholly extra-legal, little more than a party caucus. But, regardless of the legal status of the convention, the decision rendered there reflected the opinion of a large majority of the inhabitants at that time. Gradually the people had tired of the unrest and indecision and, by December, 1836, they were ready to accede to congressional demands and to come into the Union on the proffered terms.¹³

The new convention met on December 14 and approved the conditions.

The results reached the President of the United States on December 24 and, because of the confusion surrounding them and because Congress was in session, he declined to admit Michigan upon his own authority and submitted the results to Congress on December 27, 1836.

The Senate after considerable discussion moved to allow admission of Michigan on January 5, 1837 by a vote of 25 to 10. On January 25, the House passed the measure 132 to 43. Accordingly, the President signed the measure and Michigan was admitted to the Union on January 26, 1837.

James V. Campbell in 1876 explored the question concerning the date when Michigan became a state and the validity of the actions of state officials and legislators from the time of their election to Michigan's final admission into the Union. In his opinion:

The State was recognized, when admitted, as having existed as such since November, 1835, when the Senators and Representatives came into office; and such has been the uniform ruling of all departments. The last act of the Territorial Judges, on the first day of July, 1836,--three

¹³Ibid., p. 49. Campbell comments upon the same assembly, as follows: "It would be very difficult to maintain the legality of this convention, on any principle which would not lead to the subversion of all constitutional government. But Congress acted upon it; and the question was one political and not judicial, on which their action was final." James V. Campbell, op. cit., p. 478.

days before the Territory of Michigan lost its remaining jurisdiction by the organization of Wisconsin,---was in their capacity as a land board. They conveyed a lot of land in Detroit to the Detroit Young Men's Society,---a corporation created by the State some months before. This deed was held valid on the ground that the Territory survived until July 4th, although a part of its domain had been severed and transformed into a State.¹⁴

C. California (admitted 1850)n

Citizens of California, dissatisfied after three years under a military government¹⁵ with the failure of Congress to establish a territorial government,¹⁶ began agitation for statehood several years before their goal was achieved. Prior to 1849 organization for this purpose was localized, but there is evidence that such efforts were encouraged from outside the area. For example, Missouri's influential Senator Benton wrote in August, 1848:

Having no lawful government, nor lawful officers, you can have none that can have authority over you except by your own consent. Its sanction must be the will of the majority. I recommend you to meet in convention--provide for a cheap and simple government--and take care of yourselves until Congress can provide for you.¹⁷

At length, the military governor, General Riley, called a constitutional convention, for which delegates were elected on August 1, 1849 without

¹⁴James V. Campbell, op. cit., pp. 478, 479. Although this statement appears to be internally contradictory, closer examination of the jurisdictional question might well reveal that it is not. Such an examination lies outside the scope and purpose of this study.

¹⁵The period of military rule extended from 1846 to 1850. Formal activity for statehood began in earnest in 1849.

¹⁶On three separate occasions during 1848 and 1849, Congress failed to act to establish a territorial government for California. Meanwhile, tremendous problems of government arose as a result of the discovery of gold in 1848.

¹⁷David Y. Thomas, A History of Military Government in Newly Acquired Territory of the United States (New York: Columbia University Press, 1904), p.n258.n

prior authorization from the Congress. On September 3, 1849, the convention was organized and after six weeks of labor a constitution for the "state" of California was framed. This document was approved by the people on November 13, 1849 by a vote of 12,061 to 811. At the same election Peter H. Burnett was elected governor and Congressmen Gilbert and Wright were chosen to represent the "state" in the House of Representatives. A complete slate of "state" officers and legislators was elected also.

The first "state" legislature met at San Jose on December 15, 1849 and proceeded to designate John C. Fremont and William Gwin as United States senators. Then, without waiting for congressional approval, the legislature set about the business of enacting laws. Thus, the new California government was organized and began to function exactly as though it were a part of the Union. The would-be California senators, joining other statehood supporters, journeyed to Washington to urge the admission of California.

In November, 1849 the military governor, General Riley, appraising the delicate and difficult situation, notified Washington of his intention to relinquish his authority. On November 28, 1849 Secretary of War George W. Crawford replied to General Riley as follows:

As the arrangements contemplated by you may already have been made, any instructions from this department contrary to your views on the subject might militate against the peace and quiet of the community and be productive of evil. The first consideration is a due observation of law and order; and this, it is hoped and believed, will be attained under the new state of things. It is not doubted that Congress will either recognize the constitution which it is supposed the people of California have formed and adopted or provide a territorial government for them. In either event the officers of the army will be relieved of the necessity of participating in civil matters, so inconsistent with their appropriate public duties, and under circumstances so embarrassing, by the absence of legislative authority to guide and control.¹⁸

¹⁸Ibid., p. 275.

Shortly after receipt of this letter, General Riley formally yielded authority over California to the elected officials and legislators who acted as a "state" government until admission of the state.

Almost nine months elapsed until California was formally admitted to the Union. In the interim there was some public discussion of declaring California an independent nation. However, this sentiment was not wide-spread, and such a course was apparently never considered seriously. President Taylor consistently favored statehood and aided in the congressional battle. Major arguments advanced opposing statehood were: (1) The people of California had no authority to frame a constitution; (2) the boundaries were too extensive and could only be fixed by Congress; (3) the election was irregular and unlawfully conducted; and (4) the President of the United States had brought improper influence to bear upon the drafting and adoption of the constitution. Even these arguments, however, three of them bearing directly upon the procedure adopted by California, were subverted to the national "balance of power" argument then prominent in congressional debate, and California was granted admittance, as a non-slave state, on September 9, 1850.

D.e Oregon (admitted 1859)e

No sooner had Oregon become a territory (1848) than a drive for statehood began. In the first territorial legislature a bill was offered on August 20, 1849 "to take the expression of the people for and against a convention to form a state government." However, no action was taken. Agitation continued to grow and finally the legislature ordered an election which was held on June 5, 1854 and resulted in a negative vote: 3,210 for a convention and 4,079 against. The opposition insisted that the expense of statehood would be excessive, and some local elements expressed a desire for a

geographical division of the territory.

The Democratic party immediately began a new drive for statehood, but again at a territorial election on June 4, 1855 the proposal was defeated, this time by a vote of 4,420 to 4,835. Meanwhile, an enabling act passed the national House of Representatives on January 29, 1855, but was lost in the Senate. Again in April, 1856, a third plebiscite was taken in Oregon, with the result once more in the negative--4,185 to 4,435.

On February 11, 1857 the new territorial Republican party also endorsed statehood, and, after a statement by the governor in December, 1856 favoring statehood, the opposition waned. Consequently, a new election was held on the first Monday of June, 1857 with a favorable result. This time the vote was 7,617 for a convention and 1,679 against. (In nine years, the legislature had voted upon the question nine times, the people four times, and Congress had considered statehood bills at two sessions.) The House on January 31, 1857 passed an enabling act, but again the Senate delayed favorable action, because of the eastern boundary question and an effort to apply the enabling act to Kansas as well.

The constitutional convention met at Salem on August 17, 1857. The resulting document was accepted by the people on November 9, by a vote of 7,195 to 3,215. At the same time, a referendum permitting slavery in the proposed state was defeated 2,645 to 7,727. On a third question, 1,081 votes favored permitting residence of free negroes with 8,640 against. The results were announced by Governor George L. Curry on December 9, 1857 and were forwarded to Congress.

Notwithstanding the favorable vote on the constitution the ninth, and next to the last, regular session of the territorial legislature met on

December 7 and memorialized Congress for admission.

Section 6 of the schedule of the new constitution, anticipating early congressional approval of statehood, provided that if the constitution were ratified a special election would be held on June 7, 1858 for the purpose of electing state and county officers, state legislators, and a United States representative. The constitution also provided that the first session of the state legislature would convene on the first Monday of July, 1858 to complete the organization of state government.

Accordingly, on the June date John Whiteaker was elected governor and Lafayette Grover was elected representative to Congress. The pro-slavery faction of the Democratic party was able to elect its entire "state" slate and most of the "state" legislature.

The "state" legislature met at Salem on July 5, 1858 and elected Joseph Lane and Delazon Smith United States senators. The session lasted only four days, and, although the validity of its action in selecting senators was never challenged, the session has never been officially recognized as one of the numbered sessions.¹⁹ A first regular session was attempted on September 13, 1858, but a quorum was lacking and the houses adjourned. This effort, too, has not been counted as a numbered session of the state legislature.

As was to be expected, the question arose as to which governor, the "state" or territorial, was in authority. Since congressional action had been deferred until at least December, 1858 (see below), Governor Whiteaker and the "state" office-holders decided to bow to the authority of the territorial officials. Consequently, the territorial legislature met on

¹⁹Charles H. Carey (ed.), The Oregon Constitution (Salem: State Printing Department, 1926), p. 43.

December 6, 1858 and remained in session until January 22, 1859. Territorial Governor Curry maintained that the Organic Act amounted to an inviolable guarantee that Oregon would be admitted as a state when it had sufficient population and that the people ought to insist upon fulfilment of the terms of that compact.

Meanwhile in Congress, the State after prolonged debate had passed the Oregon admission bill by a vote of 35 to 17 on May 18, 1858. However, the House did not act, and the matter was carried over to the December session. Senate opposition had questioned (1) the sufficiency of the population of the territory; (2) unjust discrimination against the Chinese; and (3) the stringent prohibition against residency by free negroes. House action did not come until February 12, 1859. The opposition there opposed admission on the grounds of (1) discrimination against free negroes; (2) insufficiency of population; and (3) permitting unnaturalized citizens to vote for members of the legislature.²⁰ When put to a vote, the House approved admission, 114 to 103, and the bill was signed by President Buchanan on February 14, 1859. Certain usual conditions were attached which demanded the approval of the Oregon legislature.²¹ This was given on June 3, 1859.

Senators Lane and Smith, both of whom had been in attendance in Washington since August, 1858, were sworn in by the Senate on February 14, 1859 and assigned seats.²² The long term, by lot, went to Lane, whose term

²⁰Ibid., p. 51.

²¹These conditions prescribed acceptance of slightly different boundaries from those established by the people of Oregon in their constitution and certain propositions patterned after similar conditional clauses used in admitting other states. See Charles H. Carey, op. cit., p. 52.

²²Joseph Lane had been in Washington since 1850 as territorial delegate from Oregon. Delazon Smith and Lafayette Grover left for Washington immediately after their election early in July, 1858. See Charles H. Carey, op. cit., pp. 8 and 42.

expired on March 3, 1861; Smith's term expired on March 3, 1859.

The "first extra session" (official) of the state legislature convened on May 16, 1859 and continued until June 4. A conflict among the Democrats prevented the reelection of Senator Smith and, since neither faction could elect a successor, Oregon continued with only one senator until March 4, 1861.

It is interesting to note that at the "first regular session" (official) of the state legislature, which met September 10, 1860, a resolution was offered to surrender statehood and return to a territorial status. The resolution did not pass, and as a result Oregon decided to forego joining the secession movement and continued on within the Union.

E. Kansas (admitted 1861)

Kansas, from the day it became a territory in 1854 to the date of its admission to the Union in 1861, experienced a stormy and violent history. Statehood proponents, both pro-slavery and anti-slavery groups, though seldom in harmony, utilized virtually every device available in an effort to obtain statehood at an early date.

Shortly after Kansas attained territorial status on May 30, 1854, agitation for statehood began in earnest, led in particular by persons who protested the strong pro-slavery influence in the territorial government and who were interested in Kansas becoming a free state. Immediately following the election of territorial legislators on March 30, 1855, an election marked with fraud and violence, certain groups of free-staters led by Dr. Charles Robinson publicly repudiated both the territorial legislature and governor. Dr. Robinson, drawing upon a broad experience in California when that area was pressing for statehood in 1849 and 1850, became the leader of the pro-statehood groups in Kansas which repeated in many salient features the actions of similar

groups which had pressed for California's statehood.

By July 2, 1855, Dr. Robinson's misgivings relative to the pro-slavery territorial government were substantiated when nine of the eleven "free-state" members of the territorial legislature were unseated and replaced with pro-slavery law-makers. Laws enacted by this legislature were copied almost verbatim from neighboring slave-state Missouri's statutes and, in a defiant vein, a portion of the governor's power of pardon and reprieve was omitted from the territory's official copy of the Organic Act.²³ Shortly thereafter, on August 15, 1855, territorial Governor Andrew H. Reeder of Pennsylvania was removed by the national administration. Reeder later joined the "free-state" cause.

Such a turn of events prompted formal organization of a Free-state Party at Big Springs, Kansas on September 5, 1855, with Robinson at its head. One Kansas historian notes:

The line of policy adopted--repudiation of the territorial legislature as an illegal, usurping, 'bogus' concern, and organization forthwith of a state government and application to Congress for admission to the Union--emanated from Robinson. This scheme, an outgrowth and suggestion in part of the California struggle, began to shape itself in his thoughts on the very day that Reeder handed over the territorial legislature to the Philistines. The rise of a state government, independent of the territorial government, severing all friendly relations with it and aiming to effect its overthrow . . . was an event of capital importance in Kansas history.²⁴

²³"In 'the statutes of the Territory of Kansas,' printed at Shawnee Mission in 1855, the congressional act of organization is republished, and from design or accident the clause is made to read--the governor 'may grant pardons and respites for offenses against the laws of the United States, until the decision of the president can be known thereon.'" (The pardon and reprieve power with respect to territorial laws was omitted.) "Free-state men charged that the mutilation was intentional. . . ." Leverett W. Spring, Kansas, the Prelude to the War for the Union (New York and Boston: Houghton Mifflin Company, 1913), pp. 58, 59.

²⁴Ibid., pp. 59, 60.

At its first session the new party adopted a resolution approving the establishment of a "state" government. Accordingly, on September 19, 1855 a "delegate-territorial" convention was held at Topeka, and holding a constitutional convention was approved as a feasible action. As a result of this meeting, delegates to a constitutional convention were elected on October 9, as well as a territorial delegate to Congress,--Andrew H. Reeder, who received 2,849 votes. However, this election was held subsequent to an election on October 1, 1855 ordered by the territorial legislature, at which time J. W. Whitfield was elected territorial delegate by a vote of 2,721 to 17. As was expected, Whitfield was certified by the territorial governor as the territory's delegate over the protest of Reeder and the Free-state Party.

The Free-state sponsored constitutional convention met on October 23, 1855 and continued until November 11. It drafted a free-state constitution which was ratified by (a portion of) the people on December 15, 1855 by a vote of 1,731 to 46.

The first election under the new "state" constitution was held on January 5, 1856 when a complete state of "state" officers and legislators was elected. Dr. Robinson was chosen as governor. The first session of the "state" legislature convened on March 4, 1856 at Topeka. Andrew H. Reeder and James H. Lane were elected United States senators, and a petition requesting the admission of Kansas as a state was approved for forwarding to Washington.

Care was taken, however, to avoid overt conflict with the territorial government. Governor Robinson indicated this course in his opening address.

The governor was careful to say that he recommended no course to be taken in opposition to the general government or to the territorial government while it shall remain with the

sanction of Congress. Collision with either is to be avoided.²⁵

The program of the free-state group was fumbled in Washington on April 7, 1856, when an allegedly fraudulent memorial from the "state" legislature, bearing signatures admittedly copied by the bearers, was presented to Congress. In spite of the uncertainty concerning the legitimacy of this document that developed, especially in Senate, the House of Representatives approved the Topeka (free-state) constitution and voted the admission of Kansas. Professor Spring observed:

The Topeka movement could show but little backing of precedents. State governments had repeatedly come into existence without enabling acts, but never before in defiance of territorial authorities.²⁶ If the people of Kansas chose to supplement memorials to Congress with a state constitution under which officers had been provisionally elected and laws provisionally passed--all a dead organism until federal inspiration should breathe into it the breath of life--they were only exercising the primal rights of American citizens. . . .

. . . Whatever savage declarations and threats it may have uttered, it took care to do nothing illegal. The crafty scheme drew the pro-slavery fire and held the free-state men together until they could get possession of the legitimate legislature.²⁷

During the remainder of 1856 and the first half of 1857, both the "state" and territorial legislatures met against a backdrop of disorder and violence. The "state" legislature was faced with the problem of what to do next; the territorial body, with the problem of how to maintain its waning authority.

In spite of a gubernatorial veto, the territorial legislature went ahead

²⁵Ibid., p. 74.

²⁶It is probable that Professor Spring erred here. The conflict between territorial officials and "state" officials in Michigan afforded some precedent for such an action program in Kansas.

²⁷Spring, op. cit., p. 77.

with plans for a constitutional convention of its own which finally convened at Lecompton on September 7, 1857, only to adjourn after four days until October 19. In the meanwhile, territorial elections were held with the free-staters participating. The result gave the free-staters firm control of the regular territorial legislature (9-4; 24-15). Thus, the last hope of the pro-slavery forces was bound to their earlier authorized constitutional convention.

The Lecompton Convention continued in session from October 19 to November 7 and produced a pro-slavery document. However, only the pro-slavery clause of the constitution was submitted to the electorate. This clause was adopted in an election boycotted by the free-staters. Accordingly, "state" elections under the pro-slavery Lecompton Constitution were held on January 4, 1858.

The election results were contested, but despite this protest and in spite of the fact that this constitution had not been submitted to the people of Kansas for ratification, President Buchanan transmitted the Lecompton document to the Senate and recommended admission of Kansas as a state under its terms. In the face of this complex situation, Governor Denver of Kansas recommended passage of an enabling act and a fresh start, but the President had already submitted the document. On March 23, 1858 the Senate approved the admission of Kansas under the Lecompton document by a vote of 33 to 25.

The third territorial legislature, now under free-state control, convened on January 8, 1858, quickly passed a bill calling a constitutional convention, and, amid much confusion, reiterated its call for this action by passing the measure over the governor's veto. Delegates to this convention were elected on March 9, and the assembly convened on the 23rd at Mineola and then transferred its meeting place to Leavenworth. The subsequent vote on the constitution

it drafted was small, totalling only some 4,000, with one-fourth of the vote tallied being in the negative. Meanwhile on March 4, 1858, the final meeting of the Free-state Party was held.

By this time, the congressional dilemma concerning the admission of Kansas opened the road for compromise, the result of which was a fresh start on the road to statehood. A conditional act of admission, the so-called English compromise, passed both houses and was signed by the President on May 4, 1858. This act gave to Kansas the usual land grants and directed resubmission of the Lecompton Constitution to the people. This was done on August 2, 1858 and resulted in the defeat of the document by a vote of 1,788 to 11,300.

The fourth territorial legislature convened on January 3, 1859 and during this session issued a call for another constitutional convention. Subsequently, on June 7, 1859, delegates were elected to the convention, which met at Wyandotte on July 5.²⁸ The resulting constitution was ratified on October 4 by a majority of 4,891; a total of 15,951 votes were cast. On December 6, 1859 a slate of "state" officers and legislators was elected. Dr. Charles Robinson became governor and M. F. Conway, representative to Congress.

Kansas was finally admitted to the Union on January 29, 1861, on the heels of the secession of Alabama, Florida, and Mississippi.

Carried along by the turbulent political activity of the period immediately preceding the Civil War, the Free-state Party finally achieved success, using both the unusual and more orthodox approaches to statehood. Professor Spring sums up the movement well:

²⁸Professor Spring notes that "Few of the leaders who figured at Topeka, or Lecompton, or Leavenworth were at Wyandotte." Leverett W. Spring, op. cit., pp. 263, 264.

The career of the free-state party, under the lead of Governor Robinson, who projected and inspired the whole tactical plan of its operation, has no parallel in American history. Composed of heterogeneous, clashing, feverish elements; repudiating the territorial legislature and subsisting without legislation--and intermediate condition of virtual outlawry--from the settlement of Lawrence until 1858, the party was not only successfully held together during this chaotic period, but by a series of extraordinary expedients, by adroitly turning pro-slavery mistakes to account, and by rousing Northern sympathy through successful advertisements of its calamities, rescued Kansas from the clutch of Missouri, and then disbanded.²⁹

²⁹Ibid., p. 267.

III.e Conclusione

Activities directed to attainment of statehood by the five states reviewed here may be collectively termed "force action." Tennessee and Michigan felt assured, on the basis of their political status, that they had a positive right to statehood and sought to enforce that "right,"^e believing that Congress would not voluntarily act to admit them to the Union without positive steps on their part. California, disappointed by three unsuccessful attempts to achieve territorial status, launched an alternative statehood drive and was presently successful. The evidence is strong that Oregon and Kansas decided upon "force action" as a result of agitation by groups concerned in a partisan manner with the slavery issue.

Each of these states which experimented with the "force action" policy was successful in achieving its goal within a short period of time.³⁰ Even in Kansas, where the longest delay occurred due to the complexities of the slavery struggle, statehood resulted within five years after the Free-state program was developed. As each such state succeeded in attaining its goal, the precedent that developed became stronger. In no instance did its development suffer a set-back.

The "force action" policy encountered little difficulty as applied in Tennessee, California, and Oregon. However, difficulty was experienced in Michigan where, one authority notes, the pre-statehood election of "state" officers and particularly their assumption of authority antagonized Congress and delayed final action on statehood for almost a calendar year. Whether the period of delay could have been shortened by continued recognition of

³⁰See Appendix II, p. 42.

territorial authorities, would involve considerable speculation in retrospect. Likewise, trouble arose in Kansas where the "force action" policy did not result directly in statehood, but was used adroitly by the free-staters as a device for capturing control of the territorial government--a preliminary step to the achievement of statehood.

Significant conflict between territorial and state officials occurred only in Michigan and Kansas. Such difficulties were generally minimized as the leading political personalities uniformly adopted a policy of caution in exerting the authority of the new "state" government and thereby avoided serious conflict. This was true for the most part even in Kansas, where two "constitutions" competed in their claims for legitimacy. This delicate situation could easily have resulted in far more serious trouble, had the embryonic "state" government attempted to exercise power.

The new "state" governments were seldom reticent to assert boldly an expanded authority in areas where territorial officials were sympathetic, or powerless to contradict such assertion. Yet, they usually moved cautiously in an effort to avoid pitched conflict with territorial authorities which might have jeopardized the statehood objective.

"Force action" in these states followed a rather uniform, if loosely-defined, course of action which may be briefly summarized. (1) A decision to seek statehood was made by the people, their representatives, or self-appointed spokesmen for "the people." (2) A constitutional convention of elected delegates was convened and a constitution drafted. (3) Popular approval of the state constitution was sought and obtained.³¹ (4) "State" officers and legislators were elected simultaneously with popular approval

³¹A plebiscite on the new constitution was not held in Tennessee.

of the constitution, or shortly thereafter. (5) United States senators were selected by the "state" legislature, many becoming top-level lobbyists for the statehood program. (6) Insofar as local conditions permitted, the "state" officials and legislators began operating as governments of their respective areas. (7) Congress, presented with a fait accompli, debated, then admitted these states after a relatively short delay and without lengthy deliberation of the methods employed by the self-nominated candidates for statehood.

The call for a constitutional convention came from territorial officials in all states reviewed here except in California, where the military governor issued the call. The early constitutional convention of the Free-state government in Kansas lacked any territorial sanction. Pre-statehood "state" elections were, in all instances, ordered by the proposed constitution, usually in the schedule. However, all of the states except Michigan continued to retain their elected territorial delegates to Congress. Michigan did not and found herself in the embarrassing position of lacking such official representation in Washington at a critical time. At least one territorial delegate, Joseph Lane of Oregon, became a pre-statehood senator, while retaining his office.³² Senators were selected by the "state" legislature, once it convened, according to the constitutional practice of the times. Senators and congressmen were not actually seated until acts of admission had been passed, but only the Tennessee and the early Kansas Free-state senators were not allowed their seats upon admission.

Elected "state" officials served prior to admission of the state in Tennessee, Michigan, and California, but did not so serve in Oregon and Kansas.

³²Lucius Lyon of Michigan was territorial delegate immediately prior too his election as a pre-statehood senator.

At least two territorial chief executives were elected to important state posts. Tennessee's Governor William Blount became one of the first two senators from that state and territorial Governor Stevens T. Mason became the first governor of Michigan.³³

There is some evidence noted here that each succeeding state which followed the "force" policy benefited from the experience of the states that had adopted such a course earlier. For example, one of the leading personalities in the Kansas Free-state movement had participated in the earlier California struggle. Further study might well uncover additional instances of overlapping leadership. However, there is little indication that any would-be state studied with meticulous care the experiences of earlier "force action" states. Each was motivated by the compulsion of its own "manifest destiny" of full-fledged membership in the Union.

It is significant, if not surprising, to note that the personal ambitions of leading statehood proponents gave much vitality to the "force action" programs. Without such motivation, statehood for many states might have been further delayed.

It is eminently clear that the entire "force action" procedure has lacked constitutional or explicit statutory authority. However, it has been a political procedure repeatedly approved by Congress over a span of seventy years. As a result, it has assumed a cloak of legality and, strengthened by accumulated precedents, may well be considered an established thoroughfare to statehood.

Detailed consideration of the political activities involved in the

³³Former territorial governor of Kansas, Andrew H. Reeder, was elected territorial delegate to Congress by the Free-state Party in 1855. Later in 1856, he was elected United States senator by that group. James H. Lane, the other Free-state senator elected in 1856, later became one of Kansas' first senators.

statehood drives of these several states is beyond the scope of the present study. This brief historical sketch has merely recognized the existence of the "force action" precedent. Further research, including a detailed examination of the history of the procedural question in Congress, the jurisdictional problem (legal and political) within the state, and the functions of the pre-statehood United States senators and representatives as lobbyists for the statehood program, would probably reveal more precisely the devices and methods used in these several states as they resolved complex problems merely noted here.

APPENDIX I

CHRONOLOGICAL TABLES OF EVENTS LEADING TO STATEHOOD

A. VERMONT

<u>Date</u>	<u>Event</u>
January 15, 1777	New state named "New Connecticut."
June 4, 1777	Name changed to "Vermont."
July 2-8, 1777	State constitution adopted.
March 3, 1778	First election under the constitution; Thomas Chittenden elected governor.
March 12, 1778	First legislative session.
January 10, 1891	Vermont adopted federal Constitution.
March 4, 1891	Vermont admitted to the Union.

APPENDIX I (cont.)

B. TENNESSEE

<u>Date</u>	<u>Event</u>
April 25, 1795	Special session of territorial legislature called by Governor Blount.
June 29, 1795	Special session of legislature convened.
November 28, 1795	Call by governor for constitutional convention.
December 19, 1795	Election of delegates to convention.
January 11, 1796	Constitutional convention convened.
February or March 1796	State officers and legislators elected.
March 28, 1796	First "state" legislature convened; William Blount and William Cocke elected United States senators; Joseph Greer, Daniel Smith, Hugh Neilson, and Joseph Anderson, presidential electors.
April 8, 1796	President Washington sent copy of constitution and census returns to Congress with favorable view toward admission.
May 9, 1796	Credentials of Blount and Cocke presented to Senate; received as spectators only.
May 31, 1796	Both houses agreed upon admission of Tennessee.
June 1, 1796	President Washington approved admission bill.
June 1, 1796	Blount and Cocke refused Senate seats by Senate; Vote: 10 yeas, 11 nays.
June 8, 1796	Presidential proclamation of admission.
August 15, 1796	Andrew Jackson elected first representative.
August, 1796	Blount and Cocke reelected senators; presidential electors reelected, except Joseph Anderson who was dropped because only 3 electors were allowed Tennessee.

APPENDIX I (Cont.)

C. MICHIGAN

<u>Date</u>	<u>Event</u>
June 29, 1832	Legislative Council authorized the holding of an election to determine whether the people ought to form a state government.
October 2, 1832	Election: 3,007 votes; very small vote and only slender majority in favor of statehood.
November 11, 1834	Census returns available: 85,856 persons in the lower peninsula.
January 26, 1835	Act passed by Legislative Council calling for election of delegates to a constitutional convention; Council acted upon its own authority.
April 4, 1835	Election of delegates to convention.
May 11, 1835	Constitutional convention convened.
June 24, 1835	Constitutional convention adjourned.
October 5, 1835	Election to vote on constitution; result: For-- 6,299; against--1,359. Stevens T. Mason elected governor; Isaac Crary elected representative to Congress; other "state" officers and legislators elected.
November 2, 1835	"State" legislature convened for first time.
November 10, 1835	Lucius Lyon and John Norvell elected United States senators; George W. Jones of Wisconsin elected territorial delegate for part of Territory beyond the "state" of Michigan.
December 2, 1835	President of United States sent Michigan constitution and supporting documents to Congress.
February 1, 1836	"State" legislature reconvened.
June 15, 1836	Michigan admitted into Union upon acceptance of conditions.
July 4, 1836	Wisconsin became a Territory.

APPENDIX I (Cont.)

C.e MICHIGAN (Cont.)e

<u>Date</u>	<u>Event</u>
July 11, 1836	"State" legislature met to consider calling a constitutional convention per act of Congress to consider conditions.
September 26, 1836	Constitutional convention convened.
September 30, 1836	Congress' conditions of admission rejected by convention.
November 14, 1836	Informal "circular" requesting selection of delegates to a new constitutional convention appeared.
December 5 and 6, 1836	Delegates to constitutional convention selected.
December 14, 1836	Convention met and approved conditions.
December 27, 1836	President referred statehood bill to Congress.
January 5, 1837	Admission bill passed Senate, 25 to 10.
January 25, 1837	Admission bill passed House, 132 to 43.
January 26, 1837	President signed admission bill; Michigan admitted as a state.

APPENDIX I (Cont.)

D. TEXAS

<u>Date</u>	<u>Event</u>
October 1, 1832	Convention held at San Felipe de Austin asking certain Mexican reforms.
April 1, 1833	Convention held at San Felipe de Austin; new state constitution drafted and petitions to Mexico City for reforms adopted.
October 2, 1835	First battle of the Texas Revolution at Gonzales.
November 3, 1835	Representative colonials met at San Felipe and established a provisional government; Branch T. Archer and William H. Wharton selected to go to Washington and ask assistance of United States; Henry Smith elected provisional governor.
March 1, 1836	Convention met at Washington-on-the-Brazos; constitution framed by this body.
March 2, 1836	Declaration of Independence by Texas; Daniel G. Burnett named provisional president by convention.
May 14, 1836	Treaty of Velasco with Mexico.
September, 1836	First national election; Samuel Houston elected President; constitution ratified by voters; large majority of voters favored annexation by the United States.
October, 1836	First Congress of Texas met at Columbia.
September 3, 1838	Second national election; Mirabeau B. Lamar elected President.
September, 1841	Third national election; Samuel Houston elected President.
September 2, 1844	Fourth and last national election; Anson Jones elected President.

APPENDIX I (Cont.)

D.o TEXAS (Cont.)o

<u>Date</u>	<u>Event</u>
February 28, 1845	United States Congress passed joint resolution providing for annexation of Texas.
July 4, 1845	Texas constitutional convention convened upon call of President of Texas.
October 13, 1845	State constitution accepted by the people.
December 15, 1845	State officers and legislators elected; J. Pinckney Henderson elected governor.
December 29, 1845	Congress of the United States accepted the new state constitution of Texas; declared legal date of annexation by United States Supreme Court.
February 16, 1846	State legislature assembled upon call of President Jones.
February 19, 1846	First governor, J. Pinckney Henderson, took office; <u>de facto</u> date of annexation.
February 21, 1846	Samuel Houston and Thomas J. Rush became first United States senators from Texas.

APPENDIX I (Cont.)

E. CALIFORNIA

<u>Date</u>	<u>Event</u>
August 27, 1848	Senator Benton's letter encouraging formation of state.
August 1, 1849	Election of constitutional convention delegates.
September 3, 1849	Constitutional convention organized.
November 13, 1849	"State" constitution adopted by the people; 2 representatives, and "state" officers and legislators elected.
December 15, 1849	First "state" legislature convened; John C. Fremont and William Gwin elected United States senators.
December 20, 1849	Military governor yields control of the area to "state" officers and legislators.
September 9, 1850	California admitted as a state; date of approval by President of act of admission.

APPENDIX I (Cont.)

F.t OREGONT

<u>Date</u>	<u>Event</u>
January 29, 1855	Enabling act passed by House; failed in the Senate.
April 11, 1855	Resolution of territorial Democratic party calling for statehood.
June 4, 1855	Plebiscite recorded against statehood.
January 31, 1857	Enabling act passed House; failed in Senate.
February 11, 1857	Territorial Republican party declared itself in favor of statehood.
June 1, 1857	Voters favored called constitutional convention, 7,617 to 1,679.
August 17 to September 18, 1857	Constitutional convention.
November 9, 1857	Constitution ratified by people, 7,195 to 3,215; slavery proposition defeated, 2,645 to 7,727.
December 7, 1857	Ninth session of territorial legislature, little action pending new "state" organization; memorial to Congress begging admission.
May 18, 1858	Senate voted to admit Oregon; House failed to act before June 16 adjournment.
June 7, 1858	Special election of officers per section 6 of the schedule of the constitution; "state" and county officers, legislators, representative elected; John Whiteaker elected governor; Lafayette Grover elected United States representative; pro-slavery "sweep" of "state" offices.
July 5, 1858	First (unofficial) special session of "state" legislature; Joseph Lane and Delazon Smith elected United States senators.
September 13, 1858	First (unofficial) regular session of "state" legislature; an abortive attempt, no quorum.

APPENDIX I (Cont.)

F. OREGON (Cont.)

<u>Date</u>	<u>Event</u>
December 6 to January 22, 1859	Last session of territorial legislature.
February 12, 1859	House voted to admit Oregon, 114 to 103.
February 14, 1859	Admission bill signed by President.
February 14, 1859	Senators from Oregon seated. Lot gave Lane term expiring March 3, 1861, Smith's term expiring March 3, 1859.
May 16 to June 4, 1859	"First extra session" of legislature. Smith not reelected or replaced. Oregon had only one senator until March 4, 1861.
September 10, 1860	"First regular session" of legislature; resolution to surrender statehood defeated.

APPENDIX I (Cont.)

G. KANSAS

<u>Date</u>	<u>Event</u>
May 30, 1854	Kansas became a Territory.
October 7, 1854	Andrew H. Reeder of Pennsylvania arrived at Fort Leavenworth as first territorial governor.
November 29, 1854	Election of first territorial delegate.
March 30, 1855	Election of territorial legislature; fraud and violence evident; Reeder ordered supplementary elections; Charles Robinson, leader of Free-state movement, repudiated both the legislature and the governor.
April and May, 1855	Rifles imported by Free-staters.
May 22, 1855	Supplemental election resulted in Free-state victory.
July 2, 1855	First territorial legislature met; later, Free-state minority unseated.
July 16, 1855	Legislature moved to Shawnee Mission from Pawnee; quarrel with governor developed.
August 14-15, 1855	Preliminary Free-state party meeting at Lawrence; informal discussion of statehood.
August 15, 1855	Governor Reeder removed by Washington.
September 5, 1855	Free-state party organized at Big Springs; party approved establishment of "state" government move.
September 19, 1855	Topeka convention; constitutional convention deemed feasible.
October 1, 1855	J. W. Whitfield elected territorial delegate at election ordered by territorial legislature.
October 9, 1855	Delegates elected to Free-state constitutional convention; Reeder elected delegate to Congress.
October 23 to November 11, 1855	Constitutional convention.

APPENDIX I (Cont.)

G. KANSAS (Cont.)

<u>Date</u>	<u>Event</u>
December 15, 1855	Free-state constitution ratified.
January 5, 1856	Election under Free-state constitution; Charles Robinson elected governor.
March 4, 1856	First session of "state" legislature convened at Topeka; Meader and Lane elected senators; Congress memorialized for admission.
April 7, 1856	Memorial on statehood presented to Senate by Lane, authenticity challenged.
(May ?) 1856	House of Representatives passed Free-state constitution and approved admission of Kansas.
June 3-4, 1856	Meeting of "state" legislature.
August 18, 1856	Governor Shannon resigned.
September 10, 1856	John W. Geary appointed governor.
January 6, 1857	Session of the "state" legislature.
January 12, 1857	Second territorial legislature convened at Lecompton.
March 16, 1857	Governor Geary left the Territory.
May 26, 1857	Governor Walker reached Lecompton.
June 9, 1857	Meeting of "state" legislature; grappled with problems of continuing.
July 15, 1857	"State" officers nominated.
September 7, 1857	Lecompton constitutional convention convened; after 4 days, adjourned to October 19.
October 5, 1857	Election of territorial legislature; free-staters gained control of both houses (9-4; 24-15).
October 19 to November 7, 1857	Lecompton constitutional convention.
December 21, 1857	Pro-slavery article of Lecompton constitution voted upon; free-staters did not vote.

APPENDIX I (Cont.)

G. KANSAS (Cont.)o

<u>Date</u>	<u>Event</u>
January 4, 1858	Elections under the Lecompton constitution; defeat for Lecompton forces.
January 8, 1858	Third territorial legislature convened; free-staters in control.
February 1, 1858	Lecompton election returns contested.
February 2, 1858	Lecompton constitution submitted to Congress by President Buchanan.
March 4, 1858	Final meeting of "state" legislature at Topeka.
March 9, 1858	Election of delegates to a constitutional convention sponsored by legislature.
March 23, 1858	Constitutional convention convened at Mineola; later moved to Leavenworth.
March 23, 1858	Admission of Kansas under Lecompton constitution approved by Senate (33 to 25).
May 4, 1858	English compromise passed by Congress and signed by President (House vote: 112 to 103; Senate, 31 to 22).
May 18, 1858	Constitution (sponsored by territorial legislature) supported by vote of approximately 3,000 to 1,000.
August 2, 1858	Lecompton constitution defeated 1,788 to 11,300 by electorate.
January 3, 1859	Fourth territorial legislature convened; new constitutional convention called during session.
June 7, 1859	Delegates to constitutional convention selected.
July 5, 1859	Constitutional convention convened.
October 4, 1859	Constitution ratified by voters; 15,951 votes cast, majority 4,891.
December 6, 1859	Charles Robinson elected governor; J. P. Root, lieutenant governor; M. F. Conway, representative to Congress.
January 29, 1861	Kansas admitted to the Union by a Congress from which members from Alabama, Florida, and Mississippi had withdrawn.

"STATE" ELECTIONS HELD PRIOR TO ADMISSION OF STATES

<u>State</u>	<u>Status Prior To Admission</u>	<u>Date Constitution Adopted</u>	<u>Date State Officers Were Elected</u>	<u>Date State Was Admitted</u>	<u>Did State Officers Serve Prior To Admission?</u>	<u>Elapsed Time Between Election Of State Officers and Admission</u>	<u>Date Senators Selected</u>	<u>Were Senators Seated Immediately upon Admission?</u>
VERMONT	State	July 8, 1777	Mar. 3, 1778	Mar. 4, 1791	Yes	156 mo.	----- ^a	----
TENNESSEE	Territory	Jan., 1796	Feb.-Mar., 1796	June 1, 1796	Yes	3 mo.	Mar. 28, 1796	No
MICHIGAN	Territory	Oct. 5, 1835	Oct. 5, 1835	Jan. 26, 1837	Yes ^b	16 mo.	Nov. 10, 1835	Yes
TEXAS	Republic	Oct. 13, 1845	Dec. 15, 1845	Dec. 29, 1845 ^c	No	14 days	Feb. 21, 1846 ^c	----
CALIFORNIA	Mil. govt.	Nov. 13, 1849	Nov. 13, 1849	Sept. 9, 1850	Yes ^d	10 mo.	Dec. 15, 1849	Yes
OREGON	Territory	Nov. 9, 1847	June 7, 1858	Feb. 14, 1859	No ^e	8 $\frac{1}{4}$ mo.	July 5, 1858	Yes
KANSAS	Territory	Dec. 15, 1855 ^f	Jan. 5, 1856 ^f	----- ^f	No ^f	61 mo. ^f	Mar. 4, 1856 ^f	No ^f
		Oct. 4, 1859	Dec. 6, 1859	Jan. 29, 1861	No	2 mo.	Apr. 4, 1861 ^g	Yes

a.e Senators selected after admission.e

b.e Territorial government moved to Wisconsin territory.e

c.e Legal date of annexation.e

d.e Military governor relinquished authority.e

e.e "State" officials allowed territorial government to continue in authority.e

f. "Topeka constitution" of Free-state movement; not accepted by Congress.

g.e Date seated.e

APPENDIX III

DATA RELATIVE TO THE ADMISSION OF CERTAIN STATES TO THE UNION WITH PARTICULAR REFERENCE TO THE FIRST LEGISLATION INTRODUCED IN CONGRESS FOR THAT PURPOSE

<u>State</u>	<u>Organic Act</u>	<u>First Bill</u>	<u>Act of Admission</u>	<u>Time Lapse Between Bill and Act of Admission</u>
TENNESSEE	May 26, 1790	May 18, 1796	June 1, 1796	$\frac{1}{2}$ month
MICHIGAN	January 11, 1805	May 12, 1834	June 15, 1836	25 months
CALIFORNIA	----- ^a	December 11, 1848 ^b	September 9, 1850	21 months
OREGON	August 14, 1848	April 18, 1854	February 14, 1859	58 months
KANSAS	May 30, 1854	March 17, 1856	January 29, 1861	58 $\frac{1}{2}$ months

Source: Adapted from table, prepared by the Legislative Reference Service, appearing in
Congressional Record, November 29, 1950, p. 16102.

a.1 California never became a territory.1

b.1 Congressional Globe, 30th Congress, 2d. session, p. 21.1

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