

# Admission of New States into the Union

## On the issue of Creating New States

- Article IV, Section 3 of the Constitution deals with the relationship between states, Congress and the power to admit new states.
- The Constitution is vague on any specific the process, saying only “New states may be admitted by the Congress into this Union.”
- It forbids a new state from being created out of the territory of an existing state, without the consent of both that states’ legislature and of the Congress.

## Generally accepted process:

1. Organized government of a territory would make it known that a majority of its population favored statehood. (usually by a vote)
2. US Congress would direct them to organize a Constitutional Convention, for the purpose of writing a proposed State Constitution
3. Upon its acceptance of the State Constitution, the US Congress will vote on whether or not to admit the territory as a state.



# Congress is under no obligation to accept a territory (even if the population favors statehood)

- ↪ Republic of Texas requested annexation of the US in 1836; fears of conflict with Mexico and over the spread of slavery delayed statehood for 9 years.
- ↪ Utah territory was denied admission for decades due to the practice of polygamy. Becomes a state in 1896
- ↪ Sequoyah was a proposed state to be established from the Indian Territory in eastern Oklahoma. In 1905 they had a convention, created a constitution and petitioned Congress. In 1906 Congress rejects it, and President Roosevelt proposes merging the Indian and Oklahoma territory into one state. In 1907 Congress accepts Oklahoma as a state.



Indian Territory and Oklahoma Territory

## Why is statehood important?

- States are required to give “full faith and credit” to the acts of one another.
- State judicial opinions, legal contracts, marriage recognition, validity of state-issued identification, and criminal judgments
- The new states can be recipients/beneficiaries of money from Congressional decisions.
- Protection from foreign aggressors.
- Credibility in conducting agreements with other nations.

## A sampling of reasons for accepting statehood

- It widens the number of tax payers.
- Political advantage – one of the major parties will be strengthened in the near term by their addition to Congress.
- If carved out of an existing state, it would reduce the political influence of that state.
  - ↪ For instance, to break California in half would minimize its importance in presidential elections.

## A sampling of reasons for rejecting statehood

- More states dilute the power of existing states.
- Political balance – in the short term – would it appear to be leaning Democratic or Republican.
  - ↪ For instance, Republicans have resisted granting Washington DC statehood as, being liberal, it would benefit the Democrats by strengthening that party’s vote in Congress.
- If that territory would be geographically in a predictable area of disaster, then it may not be prudent.
  - ↪ Puerto Rico is in the path of hurricanes and may regularly need disaster relief.

## On the issue of Succession from the US Constitution

- The permanence of the United States changed significantly when the Articles of Confederation were replaced by the adoption of the Constitution.
  - ↪ This action “signaled its decisive break with the Articles’ regime of state sovereignty.” (Akhil Amar, Constitutional scholar)
  - ↪ By creating a constitution instead of some other type of document it made clear that the US was:
    - ↪ not a “league”, however firm
    - ↪ not a “confederacy” or a “confederation”
    - ↪ not a compact among “sovereign states”
      - ↪ All these above high profile and legal-loaded words from the Articles were conspicuously absent from the Preamble and every other operative part of the Constitution. The new text proposed a fundamentally different legal framework.
- ↪ **The Constitution makes no provision for succession of a state from the Union.**
- ↪ Texas v. White, 1869
  - ↪ The US Supreme Court ruled that a state cannot secede from the United States
- ↪ Williams v. Bruffey, 1877
  - ↪ In a decision regarding civil war debts, the Court wrote regarding acts establishing an independent government that "The validity of its acts, both against the parent state and the citizens or subjects thereof, depends entirely upon its ultimate success; if it fail to establish itself permanently, all such acts perish with it; if it succeed and become recognized, its acts from the commencement of its existence are upheld as those of an independent nation."

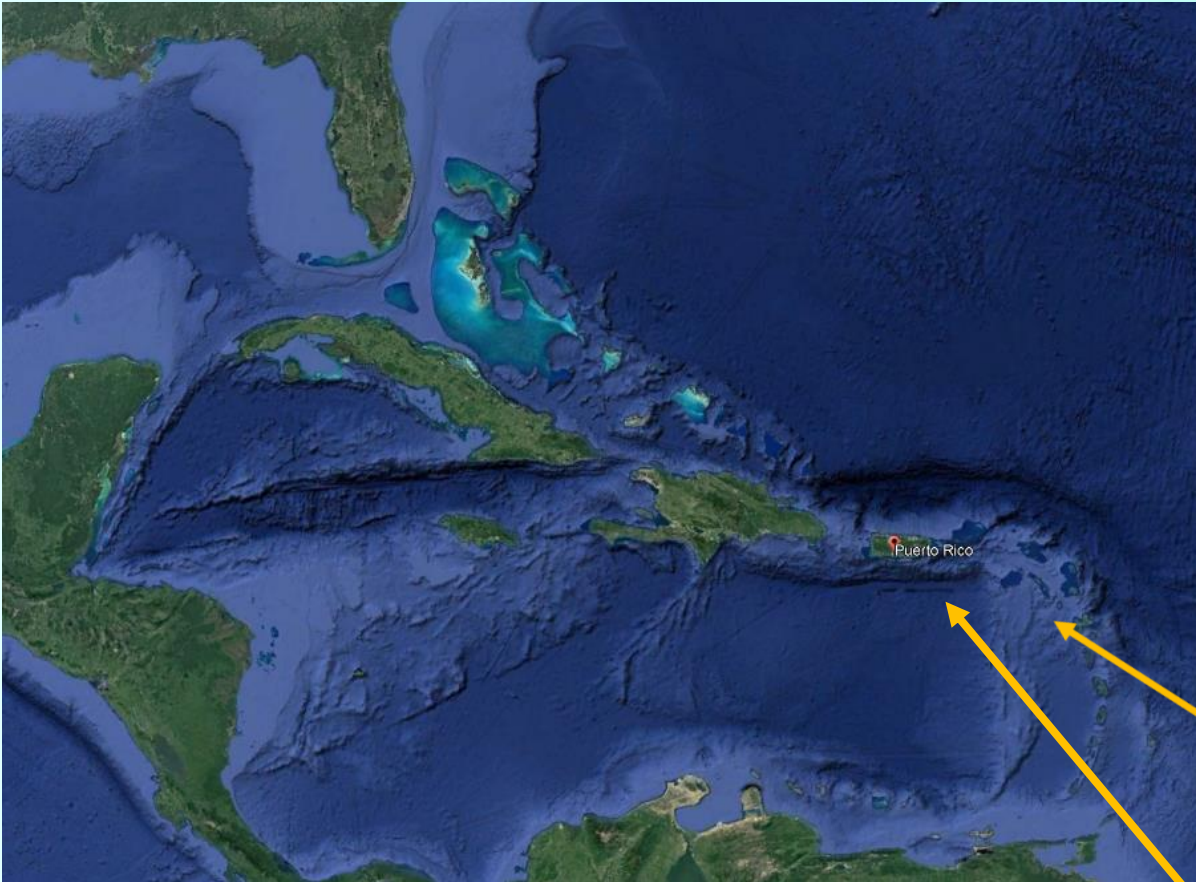
Today there are few US territories left which are discussed as potentially become new states

## ➤ Puerto Rico

- ↪ Puerto Rico became a territorial possession of the US following the Spanish-American War of 1898.
- ↪ Voting on the topic has been consistently, though narrowly, unsuccessful, save for the most recent vote (2020).
- ↪ In a 2020 referendum, 52% of the 655,505 voters favored statehood (only 24% of eligible voters participated)
- ↪ Its' population is larger than about 20 states, and is similar to Connecticut

US Virgin Islands

Puerto Rico



## ➤ Washington DC

- ↪ It was the founders' intention that the nation's capital be a neutral site, not giving favor to any existing state.
- ↪ The district's left-leaning politics make the idea of its admission as a state unpalatable to Republicans in Congress.
- ↪ Moreover, questions persist about the district's ability to successfully manage its finances
- ↪ Most residents support statehood in some form
  - ↪ 702,000 live there. Larger than Vermont and Wyoming, and comparable to Alaska, Delaware and both Dakota's.
  - ↪ Proposal: leave the federal district unattached to any state, but encompass the residential areas in a state.



## ➤ US jurisdictions in the South Pacific (US Virgin Islands, Guam, Commonwealth of the Northern Mariana Islands and American Samoa)

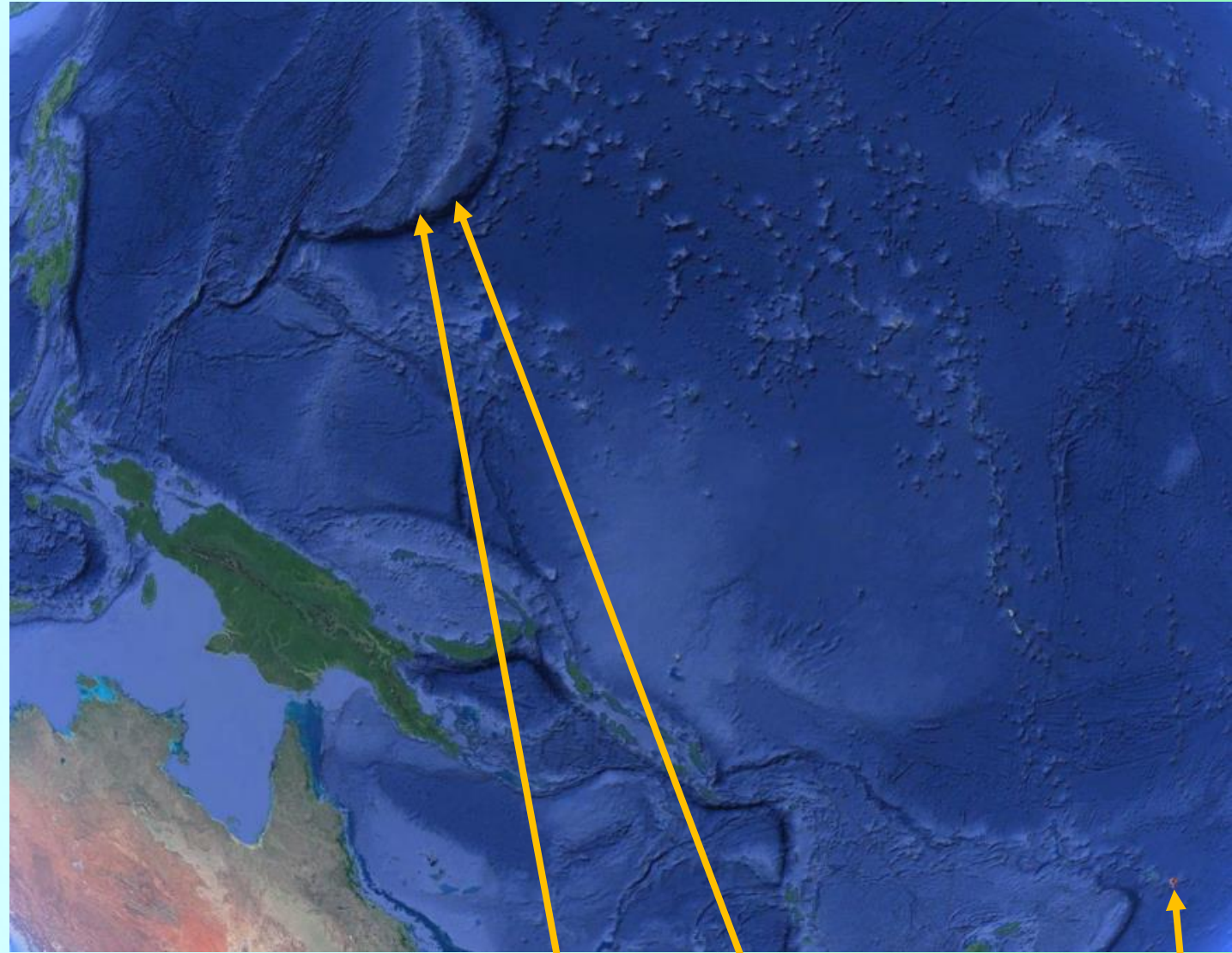
As unincorporated territories of the United States, only select parts of the US Constitution apply to its residents. Individuals born in here are considered either US nationals (American Samoa; no representation) or US citizens (Guam, Virgin Islands, N.Mariana; have non-voting representative in the House). Neither citizens nor nationals of U.S. territories vote in Federal elections (they may vote in the primaries) nor do they pay Federal taxes. Anyone considered a citizen can move freely to and from the US

- ↪ All have governments which are heavily reliant on US federal funding.
- ↪ Prospects for statehood appear remote.

↪ All have relatively small populations

↪ Guam, with the most inhabitants, has a population less than 35% of that of Wyoming, the least populous state.

↪ If given admission, the small population means they would be over represented in Congress (even by 1 House Representative!)



Guam

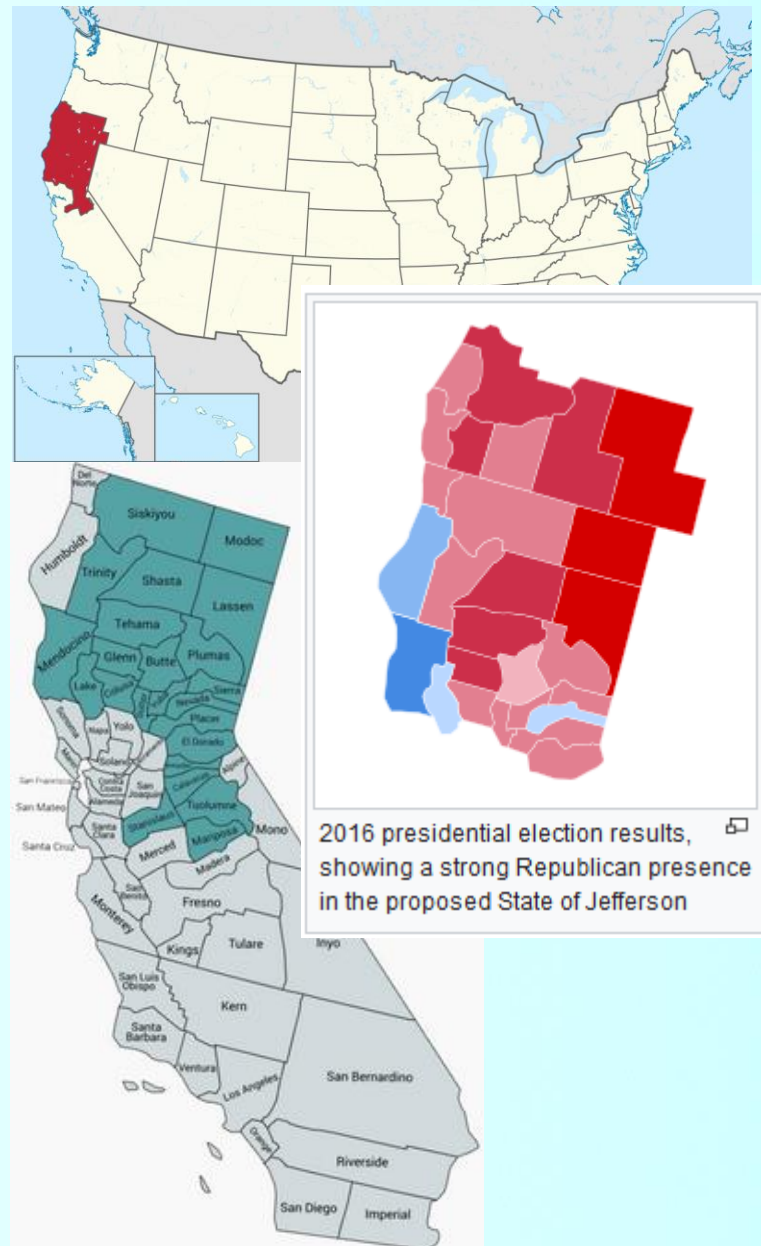
North Mariana Islands

American Samoa

# Current Realignment Movements

These efforts have absolutely no chance of succeeding. Explain why...

## “State of Jefferson”



## “Greater Idaho”

