

How to Sign on Under the Equal Footings Act

Each settled state can sign on via the,

Equal footing

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The Equal footing doctrine, also known equality of the states, is the principle in United States constitutional law that all states admitted to the Union under the Constitution since 1789 enter on equal footing with the 13 states already in the Union at that time. The Constitution grants to Congress the power to admit new states in Article IV, Section 3, Clause 1, which states:

New States may be admitted by the Congress into this 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.^[1]

Beginning with the admission of Tennessee in 1796, Congress has included in each state's act of admission a clause providing that it enters the Union "on an equal footing with the original States in all respects whatever".^[1]

Background

At the 1787 Constitutional Convention, a proposal to include the phrase, "new States shall be admitted on the same terms with the original States", was defeated. It was feared that the political power of future new western states would eventually overwhelm that of the established eastern states. Once the new Constitution went into effect, however, Congress admitted Vermont and Kentucky on equal terms and thereafter formalized the condition in its acts of admission for subsequent states, declaring that the new state enters "on an equal footing with the original States in all respects whatever." Thus the Congress, utilizing the discretion allowed by the framers, adopted a policy of equal status for all newly admitted states.^[2] With the growth of states' rights advocacy during the antebellum period, the Supreme Court asserted, in *Lessee of Pollard v. Hagan* (1845), that the Constitution mandated admission of new states on the basis of equality".^[1]

Cases

Coyle v Smith

Main article: Coyle v. Smith

In *Coyle v. Smith*, 221 U.S. 559 (1911), the Supreme Court ruled that even if Congress mandates a unique limitation be put in a prospective state's constitution, and the state residents agree, this unique mandate is not enforceable.

Facts

On December 29, 1910, the state of Oklahoma enacted a statute which removed the state capital from Guthrie to Oklahoma City, W.H. Coyle, owner of large property interests in Guthrie, sued the state of Oklahoma, arguing that the move was performed in violation of the state constitution's acceptance of the terms of the 1906 Oklahoma Enabling Act which mandated that a temporary capital be located in Guthrie until the year 1913.

Supreme Court Findings

The Court noted that the power given to Congress by Art. IV, § 3, of the Constitution is to admit new States to this Union, and relates only to such States as are equal to each other in power and dignity and competency to exert the residuum of sovereignty not delegated to the Federal Government.

The Supreme Court held that preventing the state of Oklahoma the right to locate its own seat of government deprived it of powers which all other states of the Union enjoyed, and thus violated the traditional constitutional principle that all new states be admitted "on an equal footing with the original states". As a result, the provision of the enabling act which temporarily restricted Oklahoma's right to determine where its seat of government would be was unconstitutional.