

Admission of the Bold

THE " TENNESSEE PLAN"

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by George Lehleitner

This is the story of what has always seemed to me to be some of the most fascinating (and exciting!) chapters of our country's history; the record of how an earlier generation of American pioneers secured their birthrights of first-class American citizenship, through the attainment of statehood, in the face of major obstacles which -- as with Alaska -- included repeated Congressional refusals to pass enabling legislation.

Tennessee -- Because this approach to statehood was first conceived and executed by the Territory of Tennessee, I shall take the liberty of referring to it as "The Tennessee Plan". The life-giving clause which the members of the Tennessee Convention wrote into their Constitution was simply the proviso that all state officials called for by that document were to be elected immediately following ratification. Because the Federal Constitution at that time provided for the choosing of U.S. Senators by the various state legislatures, Tennessee's Senators were selected by the Tennessee General Assembly which convened initially for that purpose March 28, 1796, or about one month following the election of that body's membership,

Shortly after their designation as such, Senators-elect William Cocke and William Blount departed for Washington with their credentials. Although the Senate, understandably, refused to seat them prior to Tennessee's formal admission, they must, indeed, have done an admirable job of lobbying their "State's" case as Congress, which previously had refused to consider an enabling act for this Territory, completed passage of an admission bill on May 31, 1796! President Washington signed the bill the following day, and Tennessee became our 16th State... less than four months following the spirited action of these pioneer Americans in THEMSELVES setting into motion the events that brought them statehood!

It is interesting to note that even prior to the election of their State and Federal officers the Tennesseans wished to make it clear that they were through with "the hat-in-hand approach" to statehood. Believing that, as American citizens, they were entitled to the sovereignty of statehood -- and without undue delay -- Territorial Governor William Blount (who also had served as Chairman of the Constitutional Convention) wrote the U.S. Secretary of State February 9, 1796, three days after the final draft of Tennessee's Constitution had been completed:

"As Governor, it is my duty, and as President of the Convention I am instructed, by a resolution of that body, to forward you a copy of the Constitution formed for the permanent government of the State of Tennessee, which you will herewith receive by the hands of Major Joseph McMinn...

"The sixth section of the first article will inform you that the first General Assembly to be held under this Constitution is to commence on the last Monday in March next. The object of the Convention, in determining on this early day, is a representation in the Congress of the United States before the termination of the present session...." 1

Michigan -- Thirty-nine years after Tennessee's success, the Legislative Council of the Michigan Territorial Legislature decided that this was the logical avenue for 85,816 Michiganders to take to achieve statehood, as Congress had failed to pass an enabling act for it despite the fact that the Northwest Ordinance of 1787 had indicated that statehood would follow when a population of 60,000 had been achieved.

A call was issued for the election of delegates to a Constitutional Convention and that body convened May 11, 1835. The document that resulted was ratified by the people in October, by a vote of 6,299 to 1,395. At the same election, a complete slate of State officers was chosen, as well as Isaac E. Crary, to serve as Michigan's first Representative in Congress.

Next, the State Legislature convened November 2, 1835, as ordained by the Constitution and selected two U.S. Senators. The Senators, Lucius Lyon and John Norvell, together with Representative-elect Crary, proceeded to Washington, where they presented their credentials... and began lobbying for the passage of an admission act.

Michigan's admission was delayed longer than was that of Tennessee, partly because the State of Ohio protested her entry into the Union on the grounds that Michigan's Constitution laid claim to the Toledo area, which Ohio considered to be her territory. After some delay, Michigan consented to the deletion of this area from its boundaries, and in January, 1837, Congress passed, and the President signed, a bill admitting Michigan as the 26th State.

Thus, again -- and within sixteen months of the date the American citizens of Michigan had vigorously exercised their fundamental right of self-determination by approving a State Constitution, and had selected the officials called for by that document -- **there was demonstrated the power of the people, when their object was just, and they approached it with sufficient determination.**

Oregon -- Twenty years later, in 1857, men of leadership and vision in the Territory of Oregon, impatient over Congress' failure to pass enabling acts which it had considered at two prior sessions, decided to use the "Tennessee Plan". Accordingly, following a favorable plebiscite on the subject, delegates were elected to a Constitutional Convention which sat in August and September, 1857.

The resultant Constitution contained a provision (Sec. 6) that, after ratification, there would follow, in June, 1858, a special election for State, County, and Federal officers. Further, it provided for the assembly of the State Legislature, one month thereafter, in order that that body might choose two U.S. Senators.

This Constitution was ratified by a vote of 7,195 to 3,215 on November 9, 1857, and the elections previously referred to were duly held. Lafayette Grover was elected to serve as

Representative, and the legislature chose Delazon Smith and Joseph Lane as U.S. Senators. Grover and Smith left immediately for Washington; Lane was already there in the capacity of Oregon's Territorial Delegate to Congress.

Collectively, the three labored hard and well for their cause. Carey, in his excellent work on the Oregon Constitution, states that "they diligently sought out and interviewed the members of both Houses, and were eager to get their seats and to begin drawing their pay".² Delazon Smith, in November, 1858, writing a friend back in Oregon, revealed his own activities on behalf of statehood:

"You may bet high on the admission of Oregon early in the session. I have seen every member now in the city, and you better believe I have 'labored' with them! Everybody is for us!"³

Alaskans who are nettled by the opposition to statehood expressed by some Alaskan newspapers can, perhaps, derive some comfort from the fact that Oregon also had to carry a similar cross. Senator-elect Smith wrote on this score:

"I must say, in all candor, that I derive but very little satisfaction from the perusal of our Oregon papers. It requires more labor here in Washington to counteract the influence of the Oregon press than it does to meet and vanquish all its other enemies!"⁴

Though the margin of victory (the Senate passed the bill 35 to 17, the House 114 to 103) was not as broad as Smith's previously expressed optimism, the important point is that an admission bill did pass, and was signed by President Buchanan on February 14, 1859, only eight months after the people of Oregon, under aggressive and competent leadership, elected their State and Federal officers, and in all other salient respects followed the unique path to statehood blazed by Tennessee and Michigan.

California -- But, unquestionably, the most spectacular result obtained from use the "Tennessee Plan" was the achievement- of statehood by California in 1850.

You will recall that title to California was obtained from Mexico by the treaty of peace that followed the Mexican War. Congress, however, "never got around" to organize it as a Territory; the general belief seemed to be that that area was much too removed and too lacking in potential, to justify an organic act which, by historic precedent, would give California the status of an apprentice-state. Instead, Congress was content to let this area remain an unorganized Military District, with Brig. Gen. Bennet Riley, the military commander, doubling as its civil governor.

Then, in 1848, with the discovery of gold, there suddenly began to flow into California a deluge of new settlers. But these were not the farmers, homesteaders, and restless frontiersmen who had populated the other western lands. These were gold-seekers and they came in vast numbers from the populous cities of the East and South. Shop keepers.... lawyers.... artisans.... doctors.... 'the butcher, the baker, and the candle-stick maker'...all poured into California in search of quick fortunes.

Some were irresponsible and lawless, and with their coming there developed problem in law enforcement and government which soon over-taxed the shoddy, inadequate military government provided by Washington.

Others were conscientious men of good will. And, most had this in common: Coming from the older American states they had known the benefits of stable, constitutional government, under statehood, and they were determined that no inferior form would be acceptable. It is both interesting -- and inspiring -- to note the enthusiasm and dispatch with which they acted.

In June, 1849, Gen. Riley was prevailed upon to issue a call for a Constitutional Convention. This he did (without prior Congressional authorization) and the delegates thereto were elected August 1, 1849.

The Convention convened at Monterey one month later, and sat until October 13, 1849. The document it produced provided for the establishment of a state government, and specified that a ratification election would be held thirty days after adjournment, at which time all the elective state offices would be filled, as well as those of the two Representatives to Congress.

On November 13, the people enthusiastically approved this Constitution by a vote of 12,061 to 811. The first State Legislature convened thirty days later and selected John C. Fremont and William M. Gwin as California's first Senators. Within a few days of their selection they, and the two Representatives-elect, Edward Gilbert and George W. Wright, left by stagecoach for Washington, to urge immediate admission

Their arrival created quite a stir at the Capitol -- as may well be imagined -- for it will be remembered that Congress had not been willing to grant even Territorial status to this area, and now these brash Westerners had come demanding statehood!

Bancroft, in his History of California, reported that "their presence in Washington was regarded by some of both sections, but especially by the South, as unwarranted even impertinent". 5

Pro-slavery Southerners were enraged because California proposed to be admitted a "free" state. William R. Tansill, Library of Congress analyst, states: "The South was so strong in its denunciation of the proposed admission that talk of secession was heard in more than one Southern State." 6

The Congressional debate which California's bold action precipitated lasted eight months. During its course Californians were bitterly assailed as "a group of ill-mannered adventurers and ruffians who had not bothered to wait for an enabling act", 7

But, whereas Congressional sentiment initially appeared to be against her, the weight of Justice, (and the persuasiveness of her four stellar "lobbyists"), ultimately tipped the scales in her favor, and on September 9, 1850, California was admitted.... eleven months after its Constitutional Convention had completed its labors on the document which set into motion the chain of events that led to statehood.

It seems peculiarly appropriate that the documentary section of this presentation should be concluded with an historian's forceful comment on the memorial California's Congressional delegation-elect presented to the Congress

"A state government, and such a system of measures as a state legislature, alone, could enact was imperatively necessary. The neglect of Congress had forced California to form such a government.

"They (Californians) did not present themselves as supplicants, nor with arrogance or presumption. They came as free American citizens -- citizens by treaty, by adoption, and by birth and asked only for a common share in the common benefits and common ills, and for an opportunity to promote the general welfare as one of the United States." 8

Conclusion -- The deeper this researcher has probed into the subject during the past eight years, the stronger his convictions have become that the "Tennessee Plan" offers Alaskans their most logical avenue to statehood.

Not merely because of historic precedent -- though it is certainly true that the plan has, heretofore, been followed by statehood in all seven instances 9 in which it was used. While this unbroken chain of successes is, in itself, quite encouraging, it is felt that there are other, and even more positive, advantages which may reasonably be expected to follow such an action. Among them are these:

1. Such an action by Alaskans would almost surely "capture the headlines," and if the story of Alaska and its entitlement to statehood is to be gotten across to stateside Americans, it will have to be by use of page one, for, as every editor knows, Mr. and Mrs. Average American do not read even the best written editorial page.
2. The dramatic values of such an action would also, I believe, cause Alaska 's Senators and Congressman-elect to be much sought-after for appearances on national TV and radio programs, and for articles in broadly read magazines. Here would be further opportunities to tell Alaska's story, and to enlist that measure of militant public support which, to date, has been sadly lacking.
3. This story, if told broadly and effectively, will make it clear not only to Americans, but to other peoples as well, that Uncle Sam, the leader of the Free World, would, himself, be guilty of "colonialism" were Congress to continue territorialism in Alaska and Hawaii. For in the final analysis "territorialism", as practiced in Alaska and Hawaii, is simply the American version of "colonialism". It is my deep conviction that the untenability of this position, once the floodlights of full publicity were turned upon it, would, itself, virtually guarantee that Alaska's statesmen would not be sent home empty-handed.
4. Perhaps the most positive single benefit which could reasonably be expected to stem from this action would be this: It would give Alaska three "Super- Lobbyists" to plead her just cause.

Can anyone question the salutary effect of calls upon Senators and Representatives by these, the elected representatives of the people of Alaska, who, if seated, would thereafter cast Alaska 's

VOTES on measures that come before the Congress? Including, I might add, numerous bills in which the gentlemen called upon would have a very deep interest!

While realism prompts the feeling that many Southern opponents will remain such to the end, it seems equally realistic to expect that such face-to-face conversations will surely help to allay some of the present concern of this group.

Moreover, irrespective of what one may think of the brand of arch-conservatism espoused by these men, it must be conceded that they are, indeed, astute practical politicians.

1. Finally, but surely not least in importance, would be the invigorating effect of a dynamic deed of this kind upon the people of Alaska.

Is it not reasonable to presume that this essentially American action could well provide the spark which would ignite latent public enthusiasm for statehood? That, at least, was the experience of the other statehood-seeking areas discussed.... and I do not believe Alaskans would react differently. That is, if they really WANT statehood to the degree it was desired by those earlier Americans.

I am not blind to the possibility of failure.... even though the "Tennessee Plan" has succeeded each time it has been used. Each of those successes could have been a failure, had the leadership of those areas been less astute, or were they lacking in vision, boldness, or enthusiasm. However, even had they failed there can hardly be any question but that their dynamic action would have brought their areas closer to ultimate statehood. In this respect the "Tennessee Plan" appears to be the sort of endeavor wherein Alaskans would have everything to gain... and nothing to lose!

But, subject only to the proviso that it be properly executed, it is difficult to believe that the plan would fail. Alaska's chances of success with it should be greater than were those of California or Oregon. For you, today, would have the tremendous advantage of modern communication for the task of molding public opinion.

Principally, however, the "Tennessee Plan" would provide a vehicle for an aggressive attack. No people in history ever accomplished anything worthwhile without making a commensurate effort. No nation has ever won a war by remaining on the defensive. Deeds win wars... and achieve ideals!

That there would be protests against this action, both from within and without, is a foregone conclusion. Some will perceive to see in it the seeds of anarchy; others will base their objections upon its "irregularity".

You have already seen that it is NOT irregular. Nor is it illegal. For the very first Article of our Bill of Rights, you will recall, guarantees that "Congress shall make no law.... prohibiting the right of the people peaceably to assemble, and to petition the Government for a redress of grievances".

In its very essence the "Tennessee Plan" is a forthright and logical form in which to petition the Government for the redress of a monstrous grievance. Because the grievance is real and stubborn the petition for its correction must be vigorous and dramatic. For these reasons the "Tennessee Plan" has ALWAYS succeeded in the past.

I firmly believe that it can succeed again -- for Alaska.

1. J. G.M. Ramsay, The Annals of Tennessee (Kingsport, Tenn.) 669-670
2. Charles Henry Carey, The Oregon Constitution (Salem, Oregon, 1926), 46.
3. Ibid., 47.
4. MT., 47.
5. Hubert Howe Bancroft, History of California (San Francisco, 1888), VI, 342.
6. William R. Tansill, Election of Congressional Delegations Prior to the According of Statehood (Library of Congress, 1955), 14.
7. Ibid., 14.
8. Zoeth Skinner Eldredge, History of California (New York, 1915), 278-374.
9. In addition to Tennessee, Michigan, California and Oregon, the Territories of Iowa, Minnesota and Kansas took similar action. Though they, too, were successful, their case histories have not been detailed here because of some unusual circumstance that attended their admissions. Kansas, for example, was admitted in 1861 after the Southern States had seceded.