

FROM THE OFFICE OF STATE SENATOR RICHARD J. DOLWIG  
155 East Fifth Avenue, San Mateo, California  
Phone: Diamond 7-1313  
State Capitol, Room 2062  
Phone: 445-6721

CALIFORNIA  
STATE LIBRARY  
JUN 14 1965  
GOVERNMENT  
PUBLICATIONS

INITIAL REPORT REGARDING THE INTRODUCTION OF MEASURES  
DESIGNED TO DIVIDE CALIFORNIA INTO TWO SEPARATE STATES

Twenty-four Senators joined State Senator Richard J. Dolwig (R-San Mateo County) on January 14, 1965, in sponsoring three measures designed to split California into two separate states.

"I think we have an excellent chance of getting Senate approval of these measures as one answer to the whole reapportionment problem," Senator Dolwig stated in introducing the measures.

"This does not mean that we will cease to move forward in other ways towards reapportionment but, in view of the failure of Congress to offer any hope for reestablishment of the 'Federal Plan', this at least offers us a choice."

Co-authors were Senators Paul J. Lunardi of Roseville, Randolph Collier of Yreka, Carl L. Christensen of Eureka, John C. Begovich of Jackson, Robert Williams of Hanford, Donald Grunsky of Watsonville, Vernon Sturgeon of Paso Robles, Luther E. Gibson of Vallejo, Virgil O'Sullivan of Williams, John W. Holmdahl of Alameda, Samuel R. Geddes of Napa, Alvin C. Weingand of Santa Barbara, Eugene McAteer of San Francisco, William Symons of Inyo, Stanley Arnold of Susanville, Howard Way of Exeter, Harold T. Sedgwick of Marysville, Stan Pittman of Oroville, James A. Cobey of Merced, John F. McCarthy of San Rafael, Alan Short of Stockton, Stephen P. Teale of West Point, George Miller, Jr., of Contra Costa, and Hugh P. Donnelly of Stanislaus.

Introduced were:

Senate Bill 109: A Senate bill to create an act granting consent of the Legislature to the formation of two states within the jurisdiction of California.

Senate Joint Resolution 7: A Senate Joint Resolution requesting the United States Congress to consent to division of the State of California, under Section 3, Article IV, United States Constitution, and describing the boundaries of the two new states.

Senate Constitutional Amendment 5: A Senate Constitutional Amendment to add Section 3 to Article XXI of the State Constitution which would authorize the Legislature to consent to division of the State and describing boundaries of the proposed two new states (to be submitted to the electorate in 1966).

"The Tehachapi Mountains are a natural dividing line," Senator Dolwig said in introducing the three measures.

According to 1964 population figures by the State Department of Finance, the seven southern counties would have a population of 10,353,000 and would be the third largest state in the Union.

The northern state, comprised of 51 counties, would have a population of 7,881,000, and would be the seventh state in the Union.

Senator Dolwig's description of the proposed division is as follows:

Starting with the southwestern boundary of Ventura and Santa Barbara counties at the Pacific Ocean, thence northerly to the southwest boundary of Kern County, thence easterly to the boundary of San Bernardino County, thence northerly to the southern boundary of Inyo County, thence easterly to the border of the State of Nevada.

Having two states would not really change the operation of our government. Most State departments, including the Governor's office, have branch offices in both the north and the south. On the other hand, creation of two states would ameliorate the impact of Senate reapportionment on a population basis so that some balance could be retained.

The northern state could redistrict with 177,000 persons instead of 393,000 per Senate district as now required with a single state under the "one-man, one-vote rule."

There would be five million people living outside the Bay Area and three million inside. Valley and mountain counties would have twice the representation as under single-state reapportionment.

Only three and one-half Senators are allotted to the whole five million population area, as against fifteen Senators from Los Angeles.

The southern section of California would have districts of 215,000 persons under the state split, which would narrow the disparity between Los Angeles -- with its six million people, and the surrounding areas, which have some four million residents.

According to Senator Dolwig, the constitutional amendment will be amended to provide for establishment of a compact Governor's commission to work out necessary financial details of the division, such as outstanding bonds, current projects, and capital construction, including the water problem.

First step will be to pass the Senate bill providing that the Legislature consents to division of the State and outlining the proposed boundaries. The constitutional amendment must be approved by two-thirds of the Legislature for submission to the electorate in 1966. Then, the joint resolution by the Legislature will be forwarded to Congress, asking it to approve division of the State.

Presuming all of these steps are accomplished without a hitch, then constitutional conventions can be called within the two new states to approve of new constitutions and various other governmental structures.

Questioned about the water problem, Senator Dolwig feels this could be worked out through negotiated contracts as they have been in the past, with the issue removed from the political arena. Contracts now exist between the State of California and the municipal water district to provide for water until 1990. Thereafter, new contracts can be negotiated between the municipal water district for more water from the State of Northern California. There will be adjustments of the equities so neither section of the State is treated unfairly.

California is really two regions now, each with different problems and each with different solutions to joint problems.

"All I want is to get rid of some of the problems resulting from regional conflicts, to streamline our state government, to make it a more economical operation, and to eliminate the problem of having two separate population capitols," Senator Dolwig said.

#####

STATEMENT BY SENATOR RICHARD J. DOLWIG ON SOME OF THE ISSUES  
ARISING IN CONNECTION WITH DIVISION OF THE STATE LEGISLATION

While a literal reading of Clause 1, Section 3, of Article IV of the United States Constitution might lead to the conclusion that no new state could be formed from another state, the interpretation that has been placed on this is to the contrary.

The minutes of the Constitutional Convention of 1789 are of importance in the interpretation of the section. The Committee of Detail reported a provision that:

"New states lawfully constituted or established within the limits of the United States may be admitted by the Legislature, into this government; but to such admission the consent of two thirds of the members present in each house shall be necessary. If a new state shall arise within the limits of any of the present states, the consent of the legislatures of such states shall be also necessary to its admission. If the admission be consented to, the new states shall be admitted on the same terms with the original states. But the legislature may make conditions with the new states, concerning the public debt which shall be then subsisting."

After considerable debate, a substitute article was accepted:

"New states may be admitted by the legislature into this union: but no new state shall be erected within the limits of any of the present states, without the consent of the legislature of such state, as well as of the General Legislature."

Then a phrase dealing with the forming of a state from the junction of two or more states was added. The latter phrase is now seen as an afterthought and the qualifying phrase, dealing with legislative consent, was meant to apply to both of the prior phrases. Thus, the clause would read:

"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 shall any other state be formed by the junction of two or more states or parts thereof, without the consent of the legislatures of such states, as well as of the legislature of the United States."

The above interpretation is supported generally by a United States Supreme Court comment in the case of *Coyle v. Oklahoma*, 221 U.S. 599, where the following statement was reported:

"The power of Congress in respect to the admission of new states is found in the third section of the fourth Article of the Constitution. That provision is that 'new states may be admitted by the Congress into this Union.' The only expressed restriction upon

this power is that no new state shall be formed within the jurisdiction of any other states, nor by the junction of two or more states, or parts of states, without the consent of such states, as well as of the Congress."

It may be of interest to note that five states have been formed or erected within the jurisdiction of some other state with the consent of the legislatures concerned and of Congress:

Vermont from New York in 1791; Kentucky from Virginia in 1792; Tennessee from North Carolina in 1796; Maine from Massachusetts in 1820; and West Virginia from Virginia in 1863.

At the time Texas was admitted to the Union, Congress consented to the division of the state into five states if the Texas Legislature ever should so wish, but it seems never to have so wished.

It is not generally known, but California once before faced the issue of division of the State and decided in favor of the division. In 1859, both houses of the Legislature unanimously adopted a partition resolution and forwarded it to Congress and to the President. This resolution consigned San Luis Obispo, Santa Barbara, Los Angeles, San Diego, and San Bernardino counties to a territory designated as the Territory of California. Only the outbreak of the Civil War in 1860 kept Congress from acting on the partition and possibly forming two states over 100 years ago.

PROPOSED DIVISION OF THE STATE  
OF CALIFORNIA

