

Franklin Statehood Enabling Act

A step by step walk-through of your MPT method

The task: you work for the **Counsel to the Governor** of Franklin. The 1876 **Statehood Enabling Act** admitted Franklin on conditions. You write an internal **persuasive memo** arguing the governor's position on **three constitutional issues** about those conditions, and refuting the other side.

THE THREE ISSUES (THE GOVERNOR'S POSITIONS)

1 Amend the state constitution to shrink the Assembly: the 1876 no-amendment condition has **no** force.

2 Splitting off East Franklin: cannot be done on the 1876 Act alone; it **needs a current act of Congress**.

3 A tax on Olympia timber on the Franklin River: the Act's no-tax-on-navigable-waters provision is **valid, so the tax fails**.

The unifying key + format: all three turn on **Coyle v. Smith** and the **equal footing doctrine**. Write an objective-but-persuasive memo, a heading per issue, argue the governor's side and refute the other, and cite the Constitution, the Enabling Act, and *Coyle*.

YOUR METHOD The six moves, applied to this file

Structure first, rules second, facts last, matched to the rules, then write the memo.

- 1 Read the task memo twice:** the three issues and the governor's position on each.
- 2 Work the Library and pull the rules:** the Constitution, the Enabling Act, the law review article, and *Coyle*. Tag each with a color.
- 3 Anchor your client and matter:** Franklin, admitted 1876 on an equal footing, with three conditions.
- 4 Find the unifying framework:** *Coyle* asks whether a condition is referable to a federal power. That decides Issues 1 and 3.
- 5 Work the File and match facts to each issue:** the almanac + news articles supply the facts under each rule.
- 6 Outline, then write the memo:** one heading per issue, state the law, argue, refute, conclude.

STEP 1 Read the task memo twice for the structure

The assignment lists the three issues and the governor's position on each. Lock this spine first:

WHO YOU ARE associate in the Office of the Counsel to the Governor of Franklin.

WORK PRODUCT an internal memo that persuasively supports the governor and refutes the other side.

ISSUE 1 the Assembly-size amendment is lawful despite the 1876 condition.

ISSUE 2 dividing the state needs a current act of Congress, not just the 1876 Act.

ISSUE 3 the timber tax is barred by the Act's valid navigable-waters provision.

STEP 2 Work the Library: pull the rules

Four sources. Read for the black letter, then color-tag; reuse the colors in Step 5.

The authorities

- › **U.S. Constitution:** Art. I, § 8 (the Commerce power) and Art. IV, § 3 (division of a state needs the consent of the legislatures AND Congress).
- › **Franklin Statehood Enabling Act (1876):** admitted Franklin on an equal footing (§ 1); § 12 fixed representation at one member per 15,000 and barred amendment until 2026.
- › **Coyle v. Smith** (U.S. 1911): Oklahoma could move its capital despite an Enabling Act condition, because determining internal matters is a power of state sovereignty; a condition referable to no federal power cannot bind, but Congress may impose conditions when exercising a granted power.
- › **Law review article** (Geber): on the division question, it supplies the punctuation, legislative-history, precedent, and staleness arguments (which favor allowing division) and the contemporaneous-approval analysis.

STEP 3 Anchor your client and matter

THE STATE Franklin, admitted 1876 on an equal footing; conditions accepted by irrevocable ordinance.

CONDITION 1 Assembly representation fixed (1 per 15,000), unamendable until July 4, 2026; now 433 members.

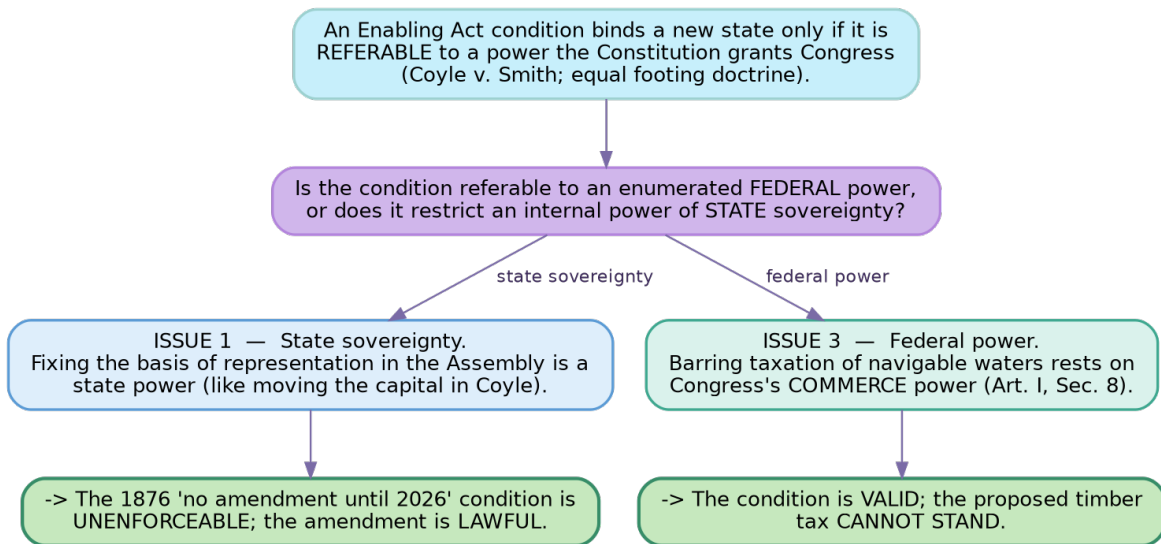
CONDITION 2 Franklin may divide into two states by act of its legislature.

CONDITION 3 navigable waters under federal control; no state tax on their traffic.

STEP 4 Find the unifying framework (Coyle cuts both ways)

The elegant move: **Coyle** asks a single question, and it decides Issues 1 and 3 in opposite directions.

- › If a condition restricts a power of state sovereignty (moving the capital; the basis of representation), it is **unenforceable** under equal footing. → Issue 1 wins.
- › If a condition rests on a power the Constitution grants Congress (the Commerce power over navigable waters), it is **valid**. → Issue 3 wins.
- › Issue 2 is different: it is an Art. IV, § 3 question about whether Congress's consent to a division can be given in advance.



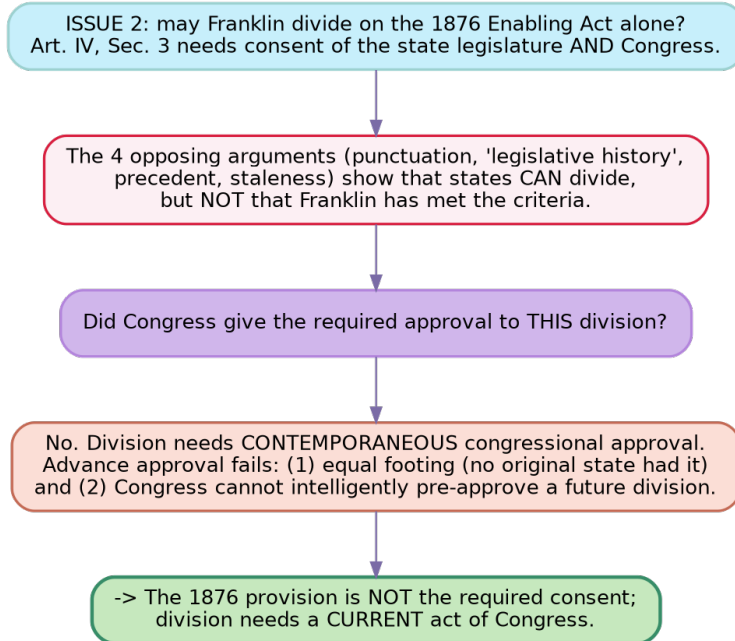
One question from Coyle, referable to a federal power or not, resolves both the Assembly amendment and the timber tax.

STEP 5 Work the issues: match law to the governor's argument

Take each issue, snap it to the governing law, and build the governor's argument (and the refutation).
Same color = one issue's thread.

equal footing Coyle Issue 1 Art. IV § 3 Issue 2 point refuted args Issue 3 Commerce power

ISSUE + GOVERNING LAW (LIBRARY)	THE GOVERNOR'S ARGUMENT (THE FACTS)
Issue 1 (Coyle; equal footing): a state's internal powers survive Enabling Act conditions.	Setting the basis of representation is a state power, like Oklahoma's capital. The 1876 no-amendment condition has no force; the amendment is lawful (and a nonpartisan commission keeps the balance).
Issue 2 (Art. IV, § 3): division needs the consent of the legislatures and Congress.	Refute the punctuation, history, precedent, and staleness arguments (they only show states CAN divide); the winning point is that approval must be contemporaneous, not given in advance in 1876.
Issue 3 (Coyle; Commerce power): a condition resting on a granted federal power is valid.	Barring taxes on navigable waters rests on the Commerce power; the Olympia-to-Franklin timber tax affects interstate commerce, so the provision is valid and the tax cannot stand.



Issue 2: the four arguments show states may divide, but the required congressional consent must be contemporaneous.

STEP 6 Outline, then write the memo

Each issue is a **heading** stating the governor's position, then the **law**, the **argument**, and a **refutation** of the other side.

HEADING *The Proposed Amendment Reducing the Assembly Is Lawful Because Fixing Representation Is a Power of State Sovereignty.*

LAW Under equal footing, a new state holds every power the original states held; *Coyle* voided a capital-move condition as beyond a granted federal power.

ARGUE **Here**, determining representation is a state power, so the 1876 condition cannot bind, and the amendment is lawful.

REFUTE + REPEAT Answer the 'irrevocable ordinance' point with *Coyle*, then run the same block for Issues 2 and 3.

BEFORE YOU HAND IT IN Point-losers on this file

- › Missing that *Coyle* cuts BOTH ways. **Issue 1 the condition fails; Issue 3 it holds**, on the same referable-to-federal-power test.
- › Treating the **irrevocable ordinance** as decisive. *Coyle* says a state may still amend its constitution on matters of sovereignty.
- › On Issue 2, forgetting to **refute all four arguments** and then win on **contemporaneous approval**.
- › On Issue 3, not naming the **Commerce power** as the source that makes the condition valid.
- › Skipping the refutations. **The memo must identify and rebut** the opposition's arguments.

