



# D.C. Statehood

## 7 Things You Should Know About It

Statehood is often cited as a solution to D.C. residents’ “taxation without [congressional] representation” problem. But is D.C. statehood constitutional? Here are some things you should know about our capital city and the current campaign for D.C. statehood.

### **The Seat of Government of the United States Cannot Be Part of a State**

The framers of the U.S. Constitution never intended for the seat of the federal government (the “District”) to be contained within a state. Article I, Section 8, Clause 17 states that the District was to be comprised of *ceded* land. This means the state(s) providing the land for the creation of the District gave up all claims of ownership and authority over said land. Soon after the ratification of the Constitution, Maryland and Virginia each ceded land that would comprise the District (although land ceded by Virginia was later ceded back).

### **Congress Has Exclusive Legislative Authority Over the District**

Article I, Section 8, Clause 17 of the Constitution gives Congress the power to “exercise exclusive Legislation” over the District. This means Congress has the authority to govern the District’s laws,

including its budget. Without this authority, the federal government could be endangered or rendered ineffective in its duty of serving the entire nation.

In Federalist Paper No. 43, James Madison declared Congress' complete authority at the seat of government an "indispensable necessity." He and his fellow constitutional theorists knew from personal experience the dangers of the federal government being in any way dependent on a single state. At the time of the Pennsylvania Mutiny of 1783, Congress was situated in the Pennsylvania State House (now Independence Hall). When a mob surrounded the State House and demanded payment for the military service they had rendered during the American War for Independence, the Pennsylvania state government refused Congress' requests for protection. This led to Congress fleeing Philadelphia and eventually choosing a locale for the national capital that would not be contained within a state or surrounded by one state.

## **D.C. Residents Do Not Currently Have Voting Representation in Congress**

Article I, Sections 2 and 3 of the Constitution designate that each state is to have two senators and at least one representative. No provision is given for the District, which is neither a state nor part of a state. This means the District's approximately 500,000 registered voters currently do not have voting representation in Congress, despite being U.S. citizens and paying federal taxes. Some argue that this state of affairs is not in keeping with the American colonists' revolutionary rallying cry of "no taxation without representation."

Some of the Founding Fathers supported the idea of congressional representation—sans statehood—for the District's residents. For example, during New York's ratifying convention in 1788, Alexander

Hamilton proposed a provision for “District Representation in that Body [Congress].” However, no method of representation was ultimately prescribed in the Constitution upon its ratification.

Over the years, Congress has taken steps to enable District residents’ participation in the federal government. The 23<sup>rd</sup> Amendment, ratified in 1961, granted the District electoral college votes. In 1970, Congress passed the District of Columbia Delegate Act, which allowed residents to elect one non-voting delegate to the U.S. House of Representatives.

Many policy proposals seek to secure congressional voting representation for District residents. Statehood is one such proposal.

## **The D.C. Admission Act Would Dramatically Reduce the Size of the District**

The *Washington, D.C. Admission Act* (or the *D.C. Admission Act*) currently being debated is one measure designed to try to make D.C. a state. It would carve out a smaller federal District, consisting of and limited to the U.S. Capitol Building, White House, Supreme Court, and federal buildings and monuments surrounding the National Mall. By dramatically reducing the size of the District in this way, the Act seeks to circumnavigate the need for a constitutional amendment by only admitting part of D.C. as a state, leaving behind a District that would theoretically still be independent of a state.

However, shrinking the federal District in this way would render congressional authority over the seat of government (in the truest sense) impossible. In such a scenario, the tiny federal District would be entirely surrounded by a “state of D.C.,” and Congress would not even have authority over the streets, necessary public services, and other elements on which it is dependent. The Constitution gives Congress authority to govern the federal District’s laws, including its budget. If the majority of

Washington, D.C. were to become a state, it would no longer be subject to this congressional authority. The federal government and foreign embassies would be directly affected by the new state's budgetary decisions and dependent upon the state for public services. The state of D.C. could grow inordinately powerful and might impose an "awe or influence" over the federal government that Madison, in Federalist Paper No. 43, called "equally dishonorable to the government and dissatisfactory to the other members of the confederacy."

## **A Constitutional Amendment Would Be Needed to Make D.C. a State**

Even with the *D.C. Admission Act's* reapportioning of the "seat of government," a constitutional amendment would still be necessary before admitting D.C. as a state. The 23<sup>rd</sup> Amendment would need to be repealed—or it would simply be rendered nonsensical. If D.C. were to become a state and the federal District reduced in size without first repealing the 23<sup>rd</sup> Amendment, then the District's few remaining residents (presumably the first family) would retain three electoral college votes.

## **D.C. Statehood Would Have Legislative Implications for the Entire Country**

Knowing what we know from past budgets and laws proposed by the D.C. City Council, a "state of D.C." would almost certainly support policies that undermine the sanctity of human life and are detrimental to the American family. A state of D.C. would most likely contribute two more votes for such policies in the U.S. Senate (as well as a yet undetermined number of votes in the House), directly impacting millions of Americans nationwide.

## **Statehood Isn't the Only Possible Solution for D.C. Voting Rights**

Proponents of D.C. statehood like to claim that statehood's opponents are opposed to D.C. residents' voting rights. But this is simply not the case. There are other possible paths to securing congressional voting representation for D.C.—ones that would honor the Founders' intent to keep the federal seat of government non-dependent on a single state. By rejecting these other paths, the backers of the *D.C. Admission Act* favor a statehood campaign that threatens the federal government's indispensable authority over its seat of governance while benefitting their own political ends.

While D.C. citizens' desire for representation is understandable, the *Washington, D.C. Admission Act* is not a solution that the Constitution permits.