



D.C. Statehood: Democrats' Cynical & Unconstitutional Power Grab

Extreme States' Rights Agenda Undermines America's Founding



Constitutional Barriers, New Inequalities & Super Voters

An independent D.C. is required by the U.S. Constitution to prevent abuses from a radical states' rights agenda. D.C. statehood would also create new inequalities with super voters.



Extreme Far Left Power Grab

Radical left-wing activists are proposing D.C. statehood in a cynical and blatant power grab to take Democrat control of the U.S. Senate and add seats in the House of Representatives.



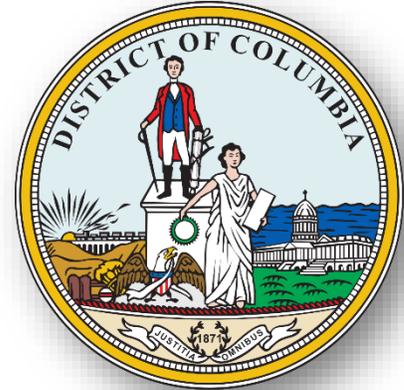
Bad for DC Residents: Massive Budget Cuts

D.C. statehood would devastate the District of Columbia's local budget, eliminate hundreds of millions of dollars in federal aid and wipe out social services, health care, transportation, and social welfare programs.

Background

Since its founding on July 16, 1790, Washington, D.C. has served as the independent capital of the United States of America. The District of Columbia holds a unique and prestigious place in American history as the central seat of the U.S. federal government.

In addition to substantial benefits for its 705,749 residents (U.S. Census Bureau, 2020), D.C. independence has remained a vital national interest to protect against extreme states' rights power grabs that could imperil the operations of American government.



History: D.C. Enfranchisement

To redress grievances from D.C. residents, substantial reforms have been implemented that grant D.C. residents additional rights and privileges. In 1961, the 23rd Amendment to the United States Constitution was ratified, thereby granting D.C. residents electoral college representation equal to “the whole number of Senators and

Representatives in Congress to which the District would be entitled if it were a state, but in no event more than the least populous state” (Rothman, 2016).



“In layperson’s terms, the Amendment means that residents of the District are able to vote for President and Vice President,” explain Georgetown Law Professors John S. Baker, Jr., and Adersono Bellegarde Francois (Baker & Francois, 2020). Today, D.C. retains 3 electoral votes in the electoral college for purposes of electing the U.S. President (Karambelas, 2016).

Later in the 1960s, D.C. also established a mayor-commissioner structure and “elected 11-member board of education consisting of three at-large members and one representing each of the city’s eight wards (electoral districts)” (National Research Council,

2011). In 1971, D.C. residents attained the right to non-voting representation in the House of Representatives (Young, 2009).

Home Rule Act & Current Representation in Congress

The most substantial reforms to D.C. governance took effect in 1973, with the passage of the Home Rule Act. Under the act, which remains in effect today, D.C. residents enjoy all the benefits of other U.S. citizens with the power to directly elect a mayor and 13-member city council, “which functions like a legislature in any other state,” according to Washington's NPR station WAMU 88.5 (Delgadillo, Kurzius, & Sadon, 2019).

H.R. 51: Constitutional Barriers

H.R. 51: D.C. Statehood Bill in 116th United States Congress

In June 2020, the Democrat-controlled House of Representatives approved H.R. 51, a simple-majority vote bill that would make Washington, D.C. the nation’s 51st state (Jones, 2020). Sponsored by Rep. Eleanor Holmes Norton, D.C.’s elected Democrat Member of Congress, the bill passed on a 232 to 180 vote, with only Democrat support (Roll Call 122, 2020). In fact, one Democrat, Rep. Collin C. Peterson of Minnesota, broke ranks with House Speaker Nancy Pelosi and opposed the bill, demonstrating bipartisan opposition to the measure (Tumulty, 2020).

The ban on D.C. statehood has been enshrined in the U.S. Constitution. Constitutional scholars point out that “Maryland could object to the establishment of a New Columbia, arguing that it ‘did not cede the land for the purpose of creating a new state on its border’” (DeBonis, 2014).



U.S. Constitution: Article 1, Section 8

As Time Magazine notes: “... the lack of statehood for the capital is enshrined in the Constitution. Article 1, Section 8, Clause 17 of the document reads, “The Congress shall have Power To ...exercise exclusive Legislation in all Cases whatsoever, over such District (not exceeding ten Miles square) as may, by Cession of particular States, and the Acceptance of Congress, become the Seat of the Government of the United States” (Berenson, 2016).

“Congress cannot change the status of the capital district simply by redefining it.”

Democrats Flout Prima Facie Constitutional Barriers

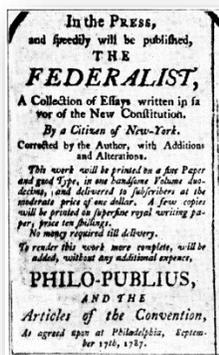
Curiously, Democrats openly celebrate the unconstitutional nature of H.R. 51 (Wolf, 2020). Rather than amend the U.S. Constitution, the bill would reduce the size of the federal district to just two square miles and then admit the remaining territory of D.C. as a new state, the State of Washington, Douglass Commonwealth (MacFarlane, Bensen, & Staff, 2020). The federal-controlled district would include the White House, the Capitol, the Supreme Court and the principal federal monuments, while the state would consist of 66 of the 68 square miles of the present-day District of Columbia (Norton, 2020).

Historical Context: Why Framers Established Independent District

The Founding Fathers enshrined the District’s special status in the U.S. Constitution to ensure an effective ability for the federal government to operate. As columnist Cal Thomas cleverly notes, “The Founders specifically prohibited the District from becoming a state, but who listens to them anymore as rioters deface and pull down some of their statues and liberal judges rewrite the Constitution to conform to the spirit of the age?” (Thomas, 2020). Nevertheless, there are substantial benefits to reviewing the Framers’ intentions for an independent capital.

Federalist 43: “Indispensable Necessity” of Independent Capital

In Federalist Paper 43, future President James Madison argued that an independent capital district was necessary to ensure smooth operations of a federal government. He wrote:



“The indispensable necessity of complete authority at the seat of government, carries its own evidence with it. It is a power exercised by every legislature of the Union, I might say of the world, by virtue of its general supremacy. Without it, not only the public authority might be insulted and its proceedings interrupted with impunity; but a dependence of the members of the general government on the State comprehending the seat of the government, for protection in the exercise of their duty, might bring on the national councils an imputation of awe or influence, equally dishonorable to the government and dissatisfactory to the other members of the Confederacy” (Federalist 43).

His concern focused on practicalities: to prevent a state from engaging in a form of blackmail by shutting off “everyday needs of utilities, roads, traffic, and safety” (Rajasekar, 2019). “Madison was particularly concerned that a single state could impose control over Congress by managing its security needs and other accommodations” (Lopez, 2016).

1783: Mutinous Mob Drives Continental Congress from Philadelphia

The Framers’ concern for state vs. federal confrontation was informed by an incident involving the proceedings of the Continental Congress, then held in Philadelphia. During the summer of 1783, the Congress was driven from Independence Hall by “a mutinous mob of unpaid, armed militiamen from Lancaster and Philadelphia after Pennsylvania’s Executive Council and its president, John Dickinson, refused Congress’s demand to mobilize loyal militia and quash the mob” (Leggette, 2019).



Democrat George Wallace’s Racist Stand in the Schoolhouse Door

Indeed, the fears that a state official might engage in direct and physical resistance to the federal government’s operations have come to fruition in the modern era.



In 1963, Democrat George Wallace, the racist Governor of Alabama, infamously attempted to block integration at the University of Alabama by standing in the schoolhouse door “in a symbolic attempt to block two black students, Vivian Malone and James Hood, from enrolling at the school” (Elliott, 2003)

Wallace’s push for the Democrat states’ rights agenda proved unsuccessful when President John F. Kennedy who federalized the Alabama National Guard to resolve the dispute.

Summer 2020: Violent Antifa Takeover of Seattle: Multiple Shootings & 2 Murders in Autonomous Zone

The potential of a violent mob to temporarily control a small area of U.S. soil has played out during the summer of 2020. Violent antifa terrorists mobilized the takeover of Seattle’s Capitol Hill. On June 8, Seattle police were ordered to abandon their Eastern Precinct building, giving way to the Capitol Hill Autonomous Zone (CHAZ), or Capitol Hill Occupied Protest (CHOP) (Britschgi, 2020).

For three weeks, as violence raged with multiple shootings and at least two murders, Seattle’s Democrat leaders at the local and state level demurred (Samuels, 2020). Washington Governor Jay Inslee, a Democrat, was completely ignorant to the chaos, calling the zone “largely peaceful” (Darcy, 2020). Democrat Seattle Mayor Jenny Durkan defended the police retreat as necessary “to proactively de-escalate interactions between protestors and law enforcement” (Mazza, 2020).

“If a similar commune were proclaimed in the nation’s capital, it would be a threat to the whole country,” notes Kyle Sammin, a lawyer from Pennsylvania and a senior contributor to The Federalist. “...Seattle’s mayor decided to let the mob tire itself out like toddlers throwing a tantrum, but that is not a realistic option in the nation’s capital” (Sammin, 2020). Federal business, during the COVID-19 pandemic, would have ground to a halt with key staff unable to regain control of federal buildings necessary for conducting the people’s business.





Unintended Consequences: Severe Inequalities with Super Voters, Unfair Representation & American City-States

Democrats push for D.C. statehood ignores serious unintended consequences that could create severe inequalities with new “super-voters”, unfair representation, and a destabilizing partisan series of American city-states.

Creates Severe Inequalities with “Super Voters”

Democrats’ plan for D.C. statehood would create severe inequities in electoral representation with the creation of “super voters.” In order to bypass the U.S. Constitution, H.R. 51 preserves a capital district of just two miles (Lefrak, 2016). However, this district – under the 23rd Amendment to the U.S. Constitution— would retain its 3 electoral votes (Hewitt, 1993).

“As long as the 23rd Amendment is in force, the District of Columbia is guaranteed at least three votes in the Electoral College,” points out columnist Jeff Jacoby. “Under the House bill, those votes would be controlled by the microscopic population of the drastically shrunken district, making them far and away the most influential voters in the nation. Such an outcome would obviously be absurd, yet it would be unavoidable unless the 23rd Amendment were repealed” (Jacoby, The Constitution says no to DC statehood, 2020).

Constitutional amendments are a lengthy and cumbersome process requiring BOTH a two-thirds approval of both houses of Congress AND ratification by three-fourths of the states (Erickson, 2017). Therefore, if or until such an amendment was approved, voters within this two square mile area would hold tremendous control over the selection of the U.S. President.

“It’s a company town, and the company is government. That’s not a state”
– Roger Pilon, Cato Institute

Unfair Representation of City-States in Company Town

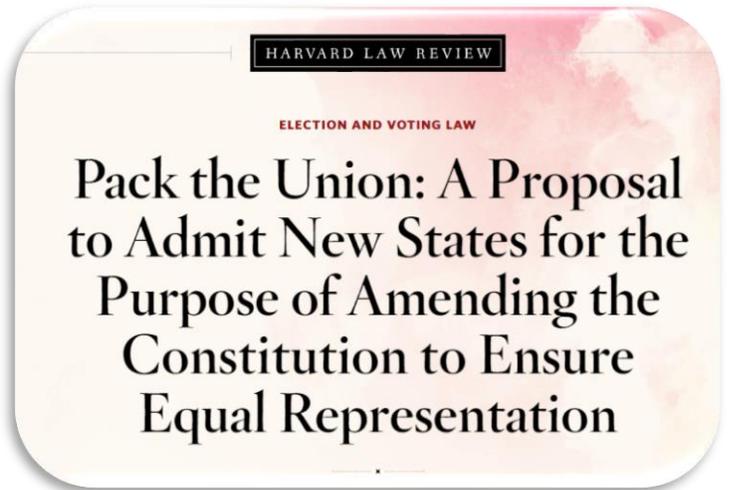
Supporters of D.C. statehood argue that the District’s population exceeds two states, Vermont and Wyoming (Paunescu, 2019). However, John S. Baker, Jr., a visiting professor at Georgetown Law School, establishes the important distinction between cities and states. “The District of Columbia lacks the status of statehood ... because it is a city. The United States, unlike medieval Europe, does not have city-states” (Baker J. S., 2020)

Through a larger geographic footprint, states represent a multiplicity of interests. Historian John Steele Gordon says: “Every large state has a multiplicity of interests that must be balanced: agricultural, mining, fishing, banking, insurance, etc. But the District of Columbia has only one interest: the care and feeding of the federal government. It is the ultimate company town.” (Jacoby, 2019)

Radical Far Left Agenda: 127 Neighborhoods as States

Perhaps more disturbing than the D.C. statehood effort is a radical far left plan to split Washington, D.C. into 127 different states. The proponents of this agenda themselves describe it as “radical.” Think such an idea is preposterous? It was promoted in the Harvard Law Review as a way to subvert the U.S. Constitution. Under the Harvard proposal, the United States would consist of 177 states, and therefore require 133 states to agree on new constitutional amendments (Millhisser, 2020)

“Congress should pass legislation reducing the size of Washington, D.C., to an area encompassing only a few core federal buildings and then admit the rest of the District’s 127 neighborhoods as states,” an unsigned Harvard Law Review article argued. “Radical as this proposal may sound, it is no more radical than a nominally democratic system of government that gives citizens widely disproportionate voting power depending on where they live.” (Harvard Law Review, 2020)



Destabilizing Rise of U.S. City-States

Even if Republicans lost control of the White House, U.S. Senate and U.S. House of Representatives in the 2020 election, the Grand Ole Party is likely to retain control of a majority of state houses. Currently, according to the National Conference of State Legislatures, Republicans maintain a commanding advantage in total control over 21 state governments (National Conference of State Legislatures, 2020). If D.C. statehood via a simple majority vote of Congress were deemed constitutional, GOP-controlled states could respond in kind with GOP-controlled city-states. And nothing would prevent other states from creating new Republican-controlled city-states ala the Democrats’ D.C. statehood playbook.

	Republicans	Democrats	Other
Legislators (7,383 total)	3,834 / 52%	3,442/ 47%	107 (Independent, Other or Vacant)
Chambers (98 total)	59 / 60%	39 / 40%	
Legislatures (49 total)	29 / 59%	19 / 38%	1 divided legislature
State Control (49 total)	21 / 43%	15 / 31%	13 divided states

Extreme Far Left Power Grab

2010: Democrats Controlled Both Houses of Congress & White House, Yet Failed to Pass D.C. Statehood

Far left radical publications, such as Mother Jones, claim that opposition to D.C. statehood is racist (Murphy, 2020). Yet, from 2009-11, Democrats controlled both the House of Representatives and U.S. Senate for the 111th Congress under Democrat President Barack Obama and failed to enact change for D.C. statehood (Office of the Historian, 2020).



“When President Barack Obama and a Democrat-controlled Congress took office in 2009, advocates were hopeful that statehood could become reality. But the issue never garnered much support in the politically tense environments of the time, and the opportunity slipped” (Lopez, 2016).

D.C. statehood stalled with the blessing of none other than D.C.’s own Congressional Representative, who now complains of lack of representation. In April 2010, Democrat House Majority Leader Steny H. Hoyer “abandoned” a D.C. voting rights bill “with the blessing of Del. Eleanor Holmes Norton (D-D.C.), who had pushed for the measure” (Pershing & Ann, 2010).

Democrats Would Likely Gain 2 U.S. Senate Seats

Based on current voting trends and political party registration, Washington, D.C. would almost certainly elect two Democrats to the United States Senate. More than three-quarters of voters in Washington, D.C. are registered Democrats (Cochrane, 2020).



“The only reason Democrats favor the nation’s capital becoming a state is that it would gain two senators, who would almost certainly be Democrats and its “delegate,” Eleanor Holmes Norton, could then vote in the House” (Thomas, 2020).

This one-party rule is not beneficial for real democracy. “Power in the District rests in the hands of a relatively small group of like-minded Democratic politicians, notes Washington Post columnist Colbert King. “There is no viable opposition party to hold the D.C. government accountable” (King, 2018).

Democrats Dismiss Alternative Proposals

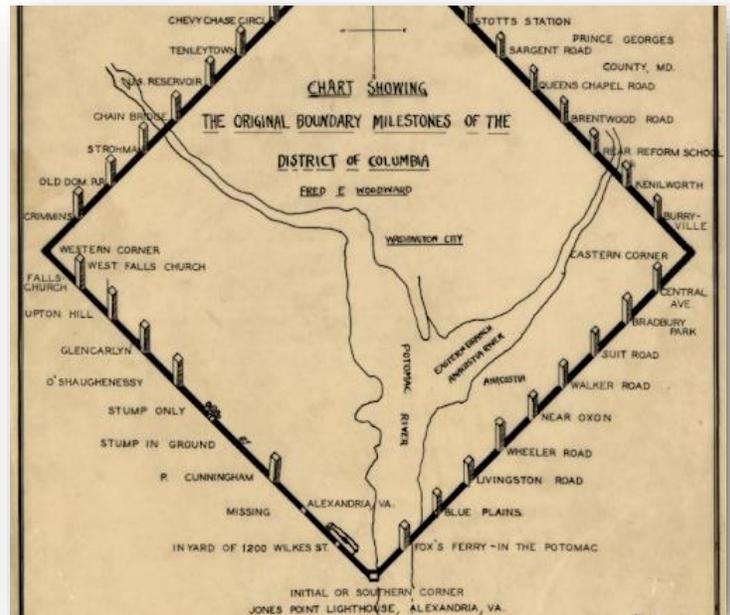
Democrats’ cynical power grab is exposed by the far left’s unwillingness to consider or even debate less cumbersome alternative proposals. Indeed, numerous proposals that do not require an amendment to the U.S. Constitution could address the perceived problems of the status quo arrangement.

Alternative #1: Retrocession to Maryland

The Capital District area could be reduced and the current land area of D.C. “would become part of the state of Maryland — the state to which it initially belonged” (Fredman, 2014). Under such a proposal, D.C. would gain representation “without increasing the number of senators, as Maryland’s senators would represent former D.C. citizens” (Fredman, 2014).

Alternative #2: Apportion D.C. Residents to Maryland for Congressional Voting

A simple solution to claims of D.C. disenfranchisement has been proposed by Boston Globe columnist Jeff Jacoby.



“Let the city’s residents be counted, for federal voting purposes, as citizens of Maryland (the state from which D.C. was carved out in 1791). What could be simpler? While Congress would continue to exercise exclusive rule in Washington, voters living there would be considered Marylanders in House, Senate, and White House elections. Presto! No more disenfranchisement, no more taxation without representation, and no more cynical talk of turning a medium-sized city into the 51st state.” (Jacoby, 2019)

Alternative #3: Exempt D.C. Residents from Federal Income Tax

Cato Institute scholar Roger Pilon has offered a federal income tax exemption as a libertarian solution to the D.C. statehood question. Such an exemption would address claims that D.C. residents face “taxation without representation” (Hughes, 2014).

“As everyone knows, what they really crave are the three additional Democratic seats in Congress that would come with a new state.”

- Jeff Jacoby, Boston Globe



Bad for DC Residents: Massive Budget Cuts

In fact, the most strident opposition to D.C. statehood is likely to come from D.C. residents themselves – once they calculate the real and substantial costs to statehood. D.C. statehood would devastate the District of Columbia’s local budget, eliminate hundreds of millions of dollars in federal aid and wipe out social services, health care, transportation, and social welfare programs.

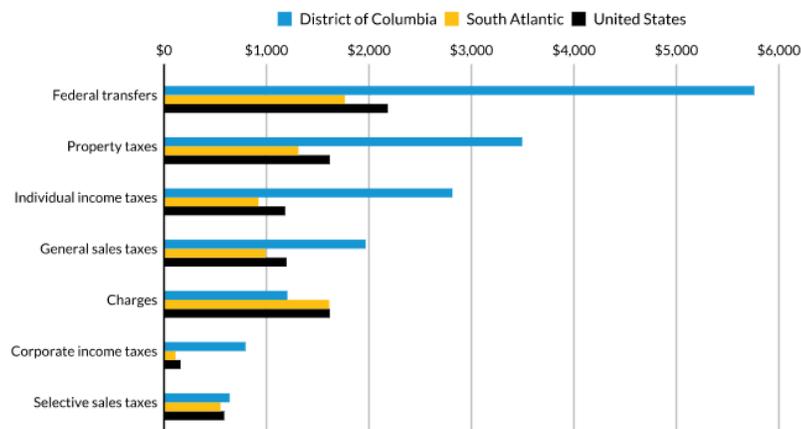
“Like most things, life in Washington involves tradeoffs: D.C. residents are closer to the levers of federal power than anyone else, they have free access to many of the nation’s foremost cultural treasures, and they have some of the highest average household and individual incomes in the country,” contends Boston Globe columnist Jeff Jacoby (Jacoby, The Constitution says no to DC statehood, 2020).

Left-Leaning Urban Institute: D.C. #1 in Federal Support

On a per capita basis, D.C. residents enjoy federal payments that are orders of magnitude greater than residents of other states. Even the left-leaning Urban Institute is forced to acknowledge that “the District of Columbia’s per capita spending exceeded all states” (Urban Institute, 2020).

- Number #1 in Welfare at \$265 per DC resident.
- Number #1 in K-12 spending per capita at \$3,466 per DC resident.
- Number #1 in Medicaid spending per capita at \$3,669 per DC resident.
- Number #1 in Housing spending per capita at \$814 per DC resident.
- Number #1 in Parks spending per capita at \$285 per DC resident.
- Number #1 in Public Transit per capita at \$2,145 per DC resident. (Urban Institute, January 2017)

The District of Columbia's State and Local Per Capita Revenue, Fiscal Year 2017
Compared with national and regional averages



Source: US Census, Fiscal Year 2017.

Note: Census's definition of the South Atlantic region includes the District of Columbia, Delaware, Florida, Georgia, Maryland, North Carolina, South Carolina, Virginia, and West Virginia.

URBAN INSTITUTE



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Net Federal Expenditures Per Capita: D.C. \$37,457 vs. -\$1,181 for Ohio

For decades, Washington, D.C. has experienced incredible net federal expenditures compared to other states. According to federal budget data for the Fiscal Year 2004, net federal expenditures per capita, after subtracting taxes paid, showed D.C. on top at \$37,457. That was nearly 5x greater than second place Alaska at \$8,005. Meanwhile, residents of Ohio lost - \$1,181 on a per capita basis, with Delaware at a shocking -\$7,010 (MacEwan, October 11, 2016).

By 2010, the gap had expanded even further. D.C. residents were receiving \$72,292 on a per capita basis, a figure nearly 7x greater than second place Alaska at \$11,123. Meanwhile, residents of Ohio remained in the negative on a per capita basis, with Delaware at -\$8,019 (MacEwan, October 11, 2016).

2017 Council of State Governments Report: DC Funding at \$82,508 Per Capita

A 2017 Council of State Governments report, which analyzed \$3.4 trillion in federal spending in five categories: retirement benefits; nonretirement benefits; salaries and wages; grants; and contracts, concluded that D.C. residents received \$82,508 per capita, compared to \$17,052 for second place Virginia. Residents of Utah, meanwhile, received a meager \$7,327 on a per capita basis (Hopkins, 2017).

PER CAPITA FEDERAL SPENDING, FY2015

5 Lowest Per Capita Spending		5 Highest Per Capita Spending	
Utah	\$7,327	District of Columbia	\$82,508
Illinois	\$8,701	Virginia	\$17,052
Wisconsin	\$8,839	Maryland	\$17,025
Nebraska	\$8,961	Alaska	\$15,806
Minnesota	\$8,979	New Mexico	\$14,743

\$10,567
PER CAPITA
spending in the U.S.

Spending at the federal level varies significantly across states. Total spending was highest in California, Texas and Florida and lowest in Vermont, North Dakota and Wyoming. On a per capita basis, spending was highest in D.C. (\$82,508), Virginia (\$17,052) and Maryland (\$17,025) and was lowest in Utah (\$7,327), Illinois (\$8,701) and Wisconsin (\$8,839).

D.C.: \$102,904 Per Capita In Total Federal Expenditure

According to federal U.S. Census data, the District of Columbia received \$102,904 per capita in total federal expenditure as of 2010, compared to less than \$18,000 for Alaska (U.S. Census Bureau, September 2011).

Curiously, mainstream media outlets have begun to employ a policy of willful ignorance of this uneven redistribution of wealth. However, the last report from CNN in 2005 confirmed D.C.'s \$68,000 per capita return on federal expenditures, compared to an average of nearly \$13,000 for Alaskans (CNN Money, 2005).

\$274 Million Federal Subsidy of D.C. Courts

D.C.’s courts would be unable to function without federal assistance. “In fiscal year 2016, the federal government paid for the costs of running D.C.’s court system, a total of \$274 million” (Lefrak, 2016).

Because the District lacks a state-level economic system, it has resorted to junk bonds and accounting gimmicks. In 1995, President Bill Clinton authorized the financial control board, officially called the District of Columbia Financial Responsibility and Management Assistance Authority, to rescue D.C. from its \$518 million structural deficit (Delgadillo, Kurzius, & Sadon, 2019).

Conclusion

Given the totality of evidence, it is no wonder that a 2019 Gallup poll found that 64 percent of Americans opposed D.C. statehood (Asmelash, 2019).

An independent D.C. is required by the U.S. Constitution to prevent abuses from radical states’ rights agenda. Democrats’ push for D.C. statehood ignores serious unintended consequences that could create severe inequalities with new “super-voters”, unfair representation of city-states, and a destabilizing partisan series of American city-states.

Radical left-wing activists are proposing D.C. statehood in a cynical and blatant power grab to take Democrat control of the U.S. Senate and add seats in the House of Representatives.

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USJF published studies and reports on topical issues and distributes them free of charge to opinion leaders, students and the general public.

USJF has contributed directly and indirectly to legal defense efforts in many celebrated cases involving fundamental conservative principles.

USJF shall not, directly or indirectly, intervene, or participate, in a political campaign on behalf of, or in opposition to, any candidate for public office.

USJF shall not endorse any candidate or contribute money to any candidate for political office.

USJF shall not provide goods or services to a candidate's campaign, raise funds from others in support of or in opposition to a candidate, distribute statements for or in opposition to a candidate, or conduct any other activity that favors or opposes a candidate for political office.

This policy being adopted reflects the practice of USJF throughout its history, since its founding in 1979.