

Case for D.C. Statehood

Elif Gulce Batgi

Turkey Law Review

`elifgulcebatgi33@gmail.com`

January 24, 2024

Abstract

Since its founding, the District of Columbia (D.C.) has been denied statehood, leaving its 700,000 residents without full representation in Congress despite paying high federal taxes. This article explores the long-standing struggle for D.C. statehood, dating back to the Civil Rights Movement and the efforts of political activists and residents. It examines historical milestones, including the 23rd Amendment, the Home Rule Act, and various congressional proposals, culminating in the 2016 referendum where 78% of D.C. residents expressed support for statehood. Proponents argue that D.C. should be granted statehood due to its high population, significant tax contributions, and lack of congressional representation. Opponents raise concerns about the political balance of power and the unique role of D.C. as the nation's capital. The article also analyzes the constitutional framework for admitting new states and the legal and economic feasibility of D.C. statehood, concluding that D.C. meets all necessary criteria. Ultimately, the case for D.C. statehood is framed as a matter of democratic fairness, ensuring that the residents of the nation's capital receive equal representation and the rights that should be afforded to all U.S. citizens.

Contents

1	Introduction: The Struggle for D.C. Statehood	3
2	Historical Context and Early Efforts for Representation	3
3	The Case for Statehood: Taxation Without Representation	4
4	Opposition and Constitutional Considerations	5
5	Current Debates	5
6	Conclusion: Ensuring Equal Representation for D.C. Residents	6

1. Introduction: The Struggle for D.C. Statehood

Since Alaska and Hawaii were admitted to the union in 1959, the United States encompasses 50 states. Despite its diverse population, and financial contributions of the nation; the District of Columbia (D.C.), the nation's capital, has been denied statehood since its inception in 1970. Residents of D.C. lack full representation in Congress and self-governance. Instead, the district is represented by a delegate who isn't considered a member of Congress. Paying the second-highest federal taxes among Americans, residents of D.C. have been given a say in presidential elections by the 23rd Amendment, enacted in 1961, which differentiates the district from the regions with special territory status Puerto Rico, Guam, and the Virgin Islands. However, considering high taxation without representation of a 700,000 living population, Washington, D.C. should be the 51st state.

2. Historical Context and Early Efforts for Representation

Dated from the Civil Rights Movement, Washington citizens have been fighting with political activist groups such as the American Civil Liberties Union for equal representation through attaining statehood and becoming the United States 51st state. In 1960, intensified efforts during the civil rights era led to the movement's first success: The 23rd Amendment, allowing citizens to vote in presidential elections. The District of Columbia Act of 1970, later on, allowed citizens to elect a non-voting delegate to the House, followed by the Home Rule Act of 1973 allowing them to elect their mayor, as well as a 13-member city council. Proposed by Congress in 1978, the Washington D.C. Voting Rights Amendment has given similar representation to states in the national government—representation in both the House and the Senate as well as the constitutional amendment process—passed both houses of Congress by the necessary two-thirds majority.¹ However, the measure was affirmed by 16 states, out of 38 needed to take effect.²

¹Wex Definitions Team: Washington DC Voting Rights Amendment.

²Maya Efrati: DC statehood explained, Mar. 2022.

3. The Case for Statehood: Taxation Without Representation

From the year 2000, the city has been imprinting "Taxation Without Representation" on all standard license plates, and in 2016, the message was revamped to assertively declare "End Taxation Without Representation."³ On November 8, 2016, a referendum on the statehood of the District of Columbia, the first referendum on statehood for the district, was held.⁴ Conferred the public opinion on statehood for the nation's capital, the ballot was proposed as an advisory question and was not designed to have any legally binding effect. The results clarified that citizens of D.C. support statehood by 244,134 votes(78.48%).⁵



The supporters assert that Washington D.C. has a higher population (689,545 residents) than the nation's two states—Vermont and Wyoming. Residents of the District also pay the highest federal taxes per capita in the country. Without representation in Congress, the residents pay higher total taxes than 23 states.⁶ The congressional delegate of the district, Congresswoman Eleanor Holmes Norton, cannot vote on the final passage of bills.⁷

³Lex Wang: Examining the case for statehood, history of Washington, DC, Oct. 2023.

⁴PR21-0839 - Advisory Referendum on the State of New Columbia Admission Act Resolution of 2016.

⁵Washington D.C., Statehood Referendum (November 2016).

⁶Jack Miller: Why Should Washington, D.C. Be a State? Here Are 5 Reasons, Nov. 2021.

⁷Efrati: DC statehood explained (see n. 2).

4. Opposition and Constitutional Considerations

Opponents of statehood raise concerns about the potential impact on the balance of power in Congress, arguing that granting statehood to D.C. would give Democrats an additional two senators and a House representative, potentially shifting the political landscape. Additionally, some argue that D.C.'s unique role as the nation's capital necessitates its current status as a federal district, as the Founding Fathers intended. Opponents often suggest alternative solutions, such as retrocession or reforms to ensure representation without full statehood. The issue remains complex, with differing viewpoints reflecting broader debates about democracy, representation, and the role of the federal capital in American governance.

5. Current Debates

Following the high per-capita taxation faced by D.C. residents who lack representation in Congress, the debate should be concluded by a definitive resolution: D.C. becoming the 51st state of the United States. Congress has entitled privileges such as voting in presidential elections for D.C. However, these privileges can't be asserted on behalf of opposing the statehood paying the highest federal taxes in the country. Discussed by its potential to change the political landscape, the representation of D.C. figures in making the district is heard by the Democrats.

Furthermore, the Constitution vests Congress with broad power to admit new states through legislation under Article IV, subject to two limitations: states may not be formed from existing states' territory without their consent, and jurisdictions seeking to join the Union as states must have a republican form of government. Additionally, two criteria when admitting a new state are petitions for statehood reflecting the desire of the citizens in that jurisdiction, and having a sufficient population and resources to support itself and contribute to the federal government. Through legislation, 37 non-original states were admitted between the years of 1791 and 1959. The Washington, D.C. Admission Act can't be referred to as nonvalid based on these criteria, whether in process or political effect.

The validity of the Washington D.C. Admission Act relies on its consistency with the constitutional framework. Outlined in Article IV, Section 3 of the U.S. Constitution, Congress is

granted the authority to admit new states, including Washington D.C. For instance, in 1846, when a portion of the original territory of the District of Columbia west of the Potomac River, was retroceded to Virginia. The Act respects this constitutional provision governing the admission of new states and follows the established statehood. Additionally, the Act satisfies a crucial criteria that offers an emphasis on the citizens' approach to statehood. The residents have endorsed statehood through their votes, approved a constitution for the state, affirmed a representative system of governance, and accepted the proposed territorial boundaries. Lastly, Washington D.C., if becomes a state, is capable of sustaining itself and contributing to the government to which the district meets the foundational requirements for statehood. The vibrant urban economy of Washington D.C. has a bigger gross domestic product compared to some other states. For a consecutive period spanning two decades, Washington D.C. has consistently maintained balanced budgets, and it holds a AAA bond rating, surpassing that of 35 states.

Additionally, the denial of statehood to Washington D.C. is not just a political oversight affecting the lives of approximately 700.000 citizens, but a poignant reminder of the disparities that still shadow the nation's promise of liberty and justice. Residents of D.C. lack full voting representation in Congress, which, as some argue, creates a democratic deficit that raises concerns about fairness and justice. Moreover, the D.C. statehood issue is highly politicized and deeply divided along partisan lines, which may retard any change. Opponents often frame the issue as a power grab by Democrats, while proponents see it as a matter of fundamental rights and fairness. This can exacerbate political polarization and hinder promised national unity.

6. Conclusion: Ensuring Equal Representation for D.C. Residents

In conclusion, the issue of granting statehood to Washington D.C. extends beyond mere political maneuvering; it addresses the core values of democracy and representation in the United States. The residents of D.C., subjected to high taxation and contributing significantly to the national economy, rightfully demand the privileges and responsibilities of statehood. The request for statehood is not only a pursuit of political advantages but also the representation of 700.000 citizens, who pay higher taxes than 23 states. Granting statehood would rectify a longstanding oversight in American democracy, ensuring that all citizens, regardless of their

geographical residence, are afforded the full rights and representation that are the hallmarks of a truly democratic society. Washington D.C., as the 51st state, remains a crucial step in upholding the promise of liberty, justice, and equal representation for all.

References

Efrati, Maya: DC statehood explained, Mar. 2022.

Miller, Jack: Why Should Washington, D.C. Be a State? Here Are 5 Reasons, Nov. 2021.

PR21-0839 - Advisory Referendum on the State of New Columbia Admission Act Resolution of 2016.

Team, Wex Definitions: Washington DC Voting Rights Amendment.

Wang, Lex: Examining the case for statehood, history of Washington, DC, Oct. 2023.

Washington D.C., Statehood Referendum (November 2016).