



D I S T R I C T O F C O L U M B I A B A R
District of Columbia Affairs Section

Statement of the District of Columbia Affairs Section of the District of Columbia Bar on S. 132 -- the New Columbia Admission Act -- Presented to the United States Senate Committee on Homeland Security and Governmental Affairs

The District of Columbia Affairs Section of the District of Columbia Bar (the “Section”) commends **Senator Tom Carper** (D-DE) for holding a hearing on S. 132 – The New Columbia Admission Act (the “Bill”) -- on September 15, 2014 before the Senate Homeland Security and Governmental Affairs Committee.¹ The Section respectfully submits the following statement in support of the Bill which, if enacted, would grant Statehood to the residents of the District of Columbia.²

The Section consists of D.C. Bar members who are concerned about issues relating to the laws and government of the District of Columbia. The legislation falls within the Section’s special expertise and jurisdiction over Home Rule issues and relates closely and directly to the administration of justice. The Section has consistently advocated for full and equal citizenship rights for District of Columbia residents through budget and legislative autonomy, Congressional voting rights, and full Home Rule.

Nothing compromises the administration of justice in the District of Columbia more than denying its residents the equal rights of self-determination enjoyed by the residents of the 50 states. District residents pay federal taxes like all other Americans and do not have a vote in the federal legislature that determines whether to tax and how to spend those taxes. District residents have fought in every war since the Revolution and

¹ The views expressed herein represent only those of the D.C. Affairs Section of the District of Columbia Bar and not those of the D.C. Bar or of its Board of Governors.

yet do not have an elected representative who can vote on whether to go to war. Residents of the District have no vote in Congress on federal measures that would overturn laws duly enacted by the Council of the District of Columbia; and the District's local budget containing its own taxpayer-raised revenue (over \$6 billion in recent years) cannot become law until Congress affirms it. District residents have no vote on riders that Congress proposes to add to the District budget, even if those riders would undo decisions made by local legislators accountable to District residents. There is no legitimate reason why federal budget impasses should force a shut-down of the District of Columbia, alone among the 50 states, and prevent it from spending its own locally-raised tax dollars. These undemocratic constraints on District self-determination (and many others) negatively impact upon the administration of justice in the Nation's Capital.

If adopted into law, the Bill would remedy these injustices by admitting into the Union as the 51st state the State of New Columbia on an equal footing with the other 50 states. Admission would occur upon approval by the voters of the District of Columbia of the State Constitution and joining the Union. Among other things, the Bill provides that the State of New Columbia would hold elections for two Senators and one Representative in Congress; and the Mayor and members of the Council and the Chair of the Council at the time of admission would be deemed the new state's Governor, members of the House of Delegates, and the President of the House of Delegates, respectively. A portion of the existing District of Columbia, to include the White House, the Capitol Building, the United States Supreme Court Building, other Federal buildings, monuments and military

² This statement was approved by the Section's Steering Committee on September 19, 2014, by a vote of eight of its nine members voting in favor, one abstaining.

property would remain in the new District of Columbia and thus remain under Federal control for purposes of serving as the seat of the government of the United States.

The Bill is Constitutional. Under the Constitution's Admission clause, Article IV Section 3, Congress may admit new states into the Union. Although the Constitution's District clause, Article 1 Section 8, limits the size of the District of Columbia to ten miles square, there is no minimum size. The Bill does not eliminate the District of Columbia; it reduces its size. Indeed, the Constitution's Article IV Section 3 permits Congress "to dispose of and make all needful rules and regulations respecting the territory or other property belonging to the United States." The Bill also includes conforming statutory and Constitutional changes. The Bill strikes Title 3, United State Code section 21 considering the existing District of Columbia to be a state for purposes of the election of the President and Vice President of the United States, and provides for expedited repeal of the 23rd Amendment which allows the District to appoint electors as if it were a state.

The Bill would put District residents on an even playing field with other Americans and is a substantial remedy for self-determination because Statehood would guarantee to the residents of the District of Columbia full Congressional voting representation, budget and legislative autonomy, and all of the rights that the people of the 50 United States enjoy.

As the United States continues to bring democratic values and ideals to nations historically governed by tyrants, the Section urges Congress to correct a lingering injustice in its own shadow, namely, the denial of equality and full democracy to the more than 640,000 residents who live in the Nation's Capital.

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