

Should Washington, D.C. Achieve Statehood?

Introduction

In light of what has happened in our nation's capital in January 2021, it seems appropriate to address the voting rights and statehood of Washington, D.C. The League of Women Voters of the United States (LWVUS) has a position that was adopted in 1982 and updated in 2000, *DC Self-Government and Full Voting Representation*. Congress again will be given the opportunity to vote and help provide a pathway to statehood for DC's citizens. We will be called upon to lend our support for securing those voting rights.

Establishment of the District

President George Washington established Washington, DC (DC) to be the United States capital on July 16, 1790. The states of Maryland and Virginia each ceded land to create a ten square mile federal city that was to be distinct and different from the states. For the ten years that Congress was preparing its move to its permanent location, Washington residents voted in either Maryland or Virginia elections depending on what part of the city they resided. In 1801, Washington became the official United States capital, and by order of the *Organic Act*, DC citizens were no longer allowed to vote for congressional representatives. Three commissioners appointed by the President governed the federal district.

In 1801 the federal district encompassed five units: Washington City, Georgetown, Washington County in Maryland, and Alexandria and Alexandria County in Virginia. Citizens in Washington City who favored self-government organized protests, and in 1802 petitioned Congress for a municipal charter. The charter granted by Congress made Washington an incorporated city and gave voters the right to elect a six-member council that could pass laws and levy real estate taxes to pay for city services. Soon policymakers realized that there was inherent inequity, "taxation without representation." Only three thousand people lived in Washington at that time, far fewer than the minimum required to become a state.

The population increased substantially during the Civil War, and infrastructure issues intensified. The *Organic Act of 1871* reorganized the five units into the District of Columbia (Alexandria and Alexandria County had been retroceded to Virginia in 1846). The Act established a territorial government with a governor and a bicameral legislature and one non-voting representative to Congress. This structure lasted one hundred years, during which District residents had no say in their national governance. It would not be until 1964 that District residents would be able to vote in a presidential election. In 1973 Congress passed the Home Rule Act, and DC voters approved it in a referendum in 1974.

Under the *Home Rule Act* the elected Council holds powers and duties comparable to those held by state, county, and city legislatures, including the authority to adopt laws and to approve the District's annual budget submitted by the elected mayor. The Council is a co-equal branch of government, part of a system of checks and balances similar to any other state government.

Congress would maintain the right to:

- Review all legislation passed by the Council before it can become law.
- Retain authority over the District's budget.
- Disband the District government at any point.

The President of the United States holds the authority to appoint the District's judges.
The residents of the District of Columbia have no voting representation in Congress.

(The Changing Face of DC Governance Over Time. Fixing the Hole in Our Democracy. League of Women Voters Education Fund (LWVEF), August 2018)

Renewed Efforts to Apply for Statehood and LWVLC Advocacy

In 1920 the League of Women Voters of the District of Columbia (LWVDC) called for full rights for Washington, D.C. citizens. Repeatedly, from 1938 through 2020 the LWVUS has supported self-government for the District. In 2016, the DC Mayor launched a new effort to apply for statehood. The New Columbia Statehood Commission was developed to draft a constitution, establish proposed boundaries for the new state, and write the referendum to appear on the November 2016 ballot. Delegates from the League of Women Voters of the District of Columbia presented a resolution to the LWVUS Convention, which passed, calling for the League to strongly support statehood for the people of DC. On November 7, 2016 DC citizens voted overwhelmingly to support the referendum for DC statehood.

More recently, the United States House of Representatives passed HR51 on June 25, 2020, but the measure did not go to a vote in the Senate. The League again came out in support of the passage of the legislation. The bill to make DC a state has enough support in the House to pass in 2021, and Majority Leader Steny Hoyer has pledged to bring it for a floor vote in the Senate. It faces obstacles in the Senate. *(Could D.C. become a state? Explaining the hurdles to statehood, The Washington Post, January 8, 2021)*

Today's Washington D.C. Government

Since the passage of the DC Home Rule Act on December 24, 1973, the District has been governed much like any state in the US. There are three separate, co-equal branches of government: legislative, executive, and judiciary, each providing checks and balances. There are, however, a few important areas in which the District government cannot operate with the same autonomy that governments in the 50 states do. States generally have the power to make and enforce laws, to create their own agencies, and to manage their affairs free from interference from the federal government. They also have voting representation in both houses of Congress. This is not the case for DC.

National Level of Representation

DC residents elect a non-voting delegate to the US House of Representatives, two shadow Senators, and one shadow Representative whose task is to petition Congress for statehood. District residents have no voting representation in the House of Representatives. DC residents have no representation at all in the Senate.

Legislative

The District Council is the legislature for the District of Columbia. All races for council are partisan, with two seats reserved for members who are not from the majority party. Of the 13 council members, four are elected at-large, as is the chair, and eight are elected from the District's eight wards. Members serve for four-year terms. The council enacts legislation and has the power to create, abolish or organize any District agency. The body is unicameral.

The District also elects Advisory Neighborhood Commissions (ANCs). The system was designed to bring the government closer to the people and allow the people to get closer to the government. Today there are 40 ANCs. Commissioners are elected to two-year terms in a nonpartisan election and serve without pay.

Lack of Autonomy: The Home Rule Charter mandates the composition of the Council in two ways. First, the number of legislators is restricted to 13 with no provision for growth in population or complexity of governing. Second, no more than two of the four at-large positions can be nominated by the same party. Most importantly, all legislation enacted, including the annual budget, must be submitted to Congress. Congress has 30 legislative days (days Congress is in session) to review the legislation, 60 days in the case of certain laws related to criminal proceedings. There are no exceptions, and any piece of legislation may be amended or overturned.

Executive

The chief executive of the District is the mayor. The mayor has the responsibility to enforce all city law; administer and coordinate city departments, including the appointment of a city administrator and heads of the departments (subject to confirmation by the Council); to set forth policies and agendas, and to prepare and submit the DC budget to the Council at the end of each fiscal year. The mayor either approves or vetoes bills passed by the DC Council; submits drafts of legislation to the Council; and can propose federal legislation or action directly to the president and/or Congress. Mayors can draft and enact executive orders relative to the departments and officials under their jurisdiction and reorganize any entities within the executive branch (except in the case of formal disapproval by the Council). The mayor is elected to a four-year term in the same year as mid-term elections take place. There are no term limits in the District. If the mayor is unable to serve, the chair of the District Council acts until a new mayor is elected.

The District's agencies mirror those in most of the 50 states. Agencies include Planning and Economic Development; Public Schools; Health; Public Safety and Justice, which includes the Metropolitan Police Department and the Department of Human Resources; Policy and Legislative Affairs; and General Counsel. The District now elects its attorney general. There is also a number of independent agencies, which include the DC Public Library, the University of DC, and the Criminal Justice Coordinating Council.

Lack of Autonomy: Like a governor, the mayor signs bills before they become law. Unlike a governor, she must await Congressional approval before a law takes effect.

Judiciary

The District has two courts: the DC Court of Appeals, which is the equivalent of state supreme courts, and Superior Court, which is the trial court for DC. In addition, four other bodies form the Judiciary branch. The Joint Committee on Judicial Administration handles various administration and personnel issues, including audits, annual budget requests, and liaison with other court systems. The Commission on Judicial Disabilities and Tenure is the judicial disciplinary agency that has the power to censure, reprimand or remove judges from either the DC Court of Appeals or the Superior Court. The seven-member Judicial Nomination Commission selects and recommends candidates for judgeships. Members are appointed by the US President, DC Mayor, DC Council, Chief Judge of the US District Court, and the DC Bar. The Sentencing and Criminal Code Revision Commission develops recommendations for sentencing standards and code revisions; they also maintain statistics, do training, and create guidelines.

Lack of Autonomy: The 50 states generally use one of five different methods for selecting their judges: 1) appointment by the governor; 2) appointment by the state legislature; 3) merit selection by a legislative committee based on past performance (some states also employ retention elections after judges have been in place); 4) partisan elections; 5) non-partisan elections. The common thread is that judges for any state are selected by some state action. However, Judges in the DC Court of Appeals and DC Superior Court are appointed by the President of the United States. DC is the only jurisdiction without the power to appoint its own judges.

(How does the World View Violations of Equal Political Participation for DC Citizens? Fixing the Hole in Our Democracy .LWVEF, August 2018)

Who Lives in our Nation's Capital?

Today there are over 700,000 residents in Washington, DC—more than the states of Vermont and Wyoming and rivaling the population of North Dakota. Just about every ethnic group is represented: 48% Black, 44% White, 4% Asian, and 11% Hispanic. Most residents (69%) work in the private sector, not government. The vast majority work in various professional, scientific, or technical services. A sizeable majority work for trade, professional, nonprofit, and other associations. The population has grown by 100,000 in the past ten years. Nearly 40% of DC residents were born in the District. Many families date their connection to the District to the Civil War and earlier.

There are 123 public schools, including 52 public charter schools and 92 private schools, seven major universities and one public university, the University of the District of Columbia, and 25 public libraries. Dc has over 900 acres of athletic fields and playgrounds, 40 swimming pools and 73 recreation centers, and major professional men's and women's sports teams.

Just like all American citizens, the citizens in DC raise their families, pay their taxes, serve on juries, fight for our country, and work together to create strong communities. They deserve the rights and representation enjoyed by Americans who live in the 50 states. (*Who Lives in DC. Fixing the Hole in Our Democracy. LWVEF, August 2018*)

Resource: Archives of League of Women Voter Education Fund. Prepared by Linda Ferdowsian. Edited by Sue Boyd and Merle Bottge.

Discussion Questions

- Do you think residents in Washington, D.C. deserve statehood? If so, why?
- Is "taxation without representation" enough to warrant statehood?
- Do you think DC is too small by area to be a state? by population?
- If DC gets 35% of its funding from the federal government, do you think DC could support its own state government?
- Considering the recent occurrence of January 6 at the Capitol, could a DC state governor have had better control over the situation?
- The LWVUS supports DC statehood. What further action could be taken to influence Congress to pass the legislation? If a Constitutional amendment is required, what further action should be taken?