



6 questions about Washington, DC, statehood you were too disenfranchised to ask

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Bernie Sanders wants to turn Washington, DC, into a state. As he said on Thursday, "I am strongly in favor of DC statehood."

Why is he bringing this up now, especially since the Democratic primary election is effectively over? Part of it is that there is actually still one primary election left — and it's in Washington, DC, where statehood is, as one can imagine, fairly popular. But it's unlikely it will have much of an impact on the race in DC — Hillary Clinton, Sanders's opponent, also supports DC statehood.

But it also might be part of Sanders's plan to get DC statehood on the Democratic Party platform, something DC's mayor and other statehood advocates have called for. And this all comes at a critical time: DC residents may vote on statehood in November.

DC's lack of statehood affects every single law, even the budget, passed by the DC Council and voters. It also means the roughly 650,000 people living in DC — more than the population of Vermont or Wyoming — don't have full congressional representation, since only states get voting representatives in the US House and Senate.

This is, to be blunt, a form of disenfranchisement. So it's little surprise that Sanders and others are calling for change.

1) What's the case for DC statehood?

Statehood would give DC residents full representation, which they currently lack, in Congress. It would also prevent Congress from interfering in local laws that don't typically fall under congressional jurisdiction in any other US city or state.

DC currently votes for delegates to Congress, but the representatives are largely symbolic figures with no voting rights in the legislative chambers. But DC residents still have to, for example, pay federal taxes, even as they have no voice in the legislative body that sets those tax rates.

(Statehood advocates have criticized this with the motto "taxation without representation," which appears on DC license plates and is a twist of the Revolution-era rallying call against the British Empire.)

DC residents also have limited say in who will be in the president's Cabinet, head any federal agency, or serve on any federal court, because it's ultimately up to the Senate, where DC delegates have no voting power, to approve those appointments.

Statehood would also remove what many advocates characterize as Congress's needless meddling in DC's local affairs. Statehood advocates want DC, like any other city or state in the country, to be able to set its own laws and budgets without getting any form of congressional approval. They point to numerous examples in which Congress held up local laws for marijuana policy, gun control, and even combating HIV/AIDS.

"We want to be treated just like any other state," Eleanor Norton, the district's nonvoting delegate in the House, previously told me. "To understand statehood, you have to understand what it means to be unequal in your own country."

2) What's the case against DC statehood?

Opponents of statehood argue the Founding Fathers always intended Washington, DC, to remain under federal control. Article I of the Constitution states, "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."

"It's a company town, and the company is government," Roger Pilon of the libertarian Cato Institute told the Washington Post. "That's not a state."

James Madison, one of the founders, argued in the Federalist Papers that the federal government needs control of the nation's capital so it can maintain policies that fit federal lawmakers' needs. Madison was particularly concerned that a single state could impose control over Congress by managing its security needs and other accommodations.

Opponents claim DC is very reliant on federal funds, so the federal government should have a larger say in the district's local affairs. (But 21 states relied on more federal funding as a percentage of their state budgets in 2013.)

Opponents also argue that many of the issues addressed by statehood could be fixed if, alternatively, a bulk of the nation's capital was absorbed into neighboring Maryland or Virginia. That would give Washington, DC, residents congressional representation through Maryland or Virginia, and it would stop congressional intervention into local laws.

There are also various political arguments against statehood. Statehood would very likely net Democrats two senators and one representative in Congress, because the District of Columbia is a Democratic stronghold. Since which party holds the majority in the Senate can often be decided by one or two senators, DC statehood is a politically risky endeavor for Republicans.

(Some of this has racial connotations, since DC is dominated by Democrats largely due to its majority-black makeup.)

But there's a simple mathematical reason for all sitting representatives and senators, even Democrats, to oppose statehood. If another state were allowed into the union, it would dilute the vote of currently serving federal lawmakers — and therefore make it slightly more difficult for these lawmakers to pass laws that favor the states they represent. Under the current setup, each senator makes up 1 percent of the Senate. If another state joined the US, that would tick down to slightly less than 1 percent.

3) Why does DC have a local government if it's a federal district?

Washington, DC, currently has a sitting local government, composed of a council, mayor, and other local agencies. But this has only been the case for slightly more than four decades — since Congress passed the Home Rule Act of 1973.

Prior to the Home Rule Act, Congress set DC's laws. The Home Rule Act made it so the local government could approve its own laws, although only after 30 or 60 days of congressional review depending on the type of policy. Congress can also block DC's laws through budgetary requirements.

"Congress can intervene at any time in the district's business," Norton explained. "The worst part of that is intervening in our budget affairs when they're local only."

4) What are some examples of congressional intervention in DC?

1. Congress used the District to test out what would become war on drugs policies such as mandatory minimum sentences, no-knock raids, and methadone clinics, according to historian Kathleen Frydl's *The Drug Wars in America, 1940-1973*. After these programs were piloted in DC in the mid-20th century, they would later be tied to federal drug prohibition laws.
2. For nearly 12 years, Congress stopped DC from establishing medical marijuana dispensaries.
3. Congress has blocked DC from legalizing marijuana sales even after voters overwhelmingly voted to legalize possession.
4. Congress has repeatedly blocked DC from using local tax dollars to fund abortion services.
5. From 1998 to 2007, Congress banned a clean needle exchange program, meant to reduce the risk of spreading HIV or hepatitis with dirty needles, preventing the establishment of a program that literally saves lives.

5) What would a DC state look like?

Statehood for Washington, DC, means carving most of the current city out of what's considered the federal District of Columbia and turning the remaining area into a new state.

A popular plan embraced by advocates for statehood, called New Columbia, would leave the US Capitol, White House, Supreme Court, National Mall, and nearby national parks and monuments as the federal District of Columbia. The rest of the current district would be fashioned as a new state, known as New Columbia. It would look something like this, with the red space representing the new state and the white space representing the new District of Columbia:

This scheme would grant New Columbia residents full congressional representation and eliminate the need for a congressional review of local laws.

6) Is statehood really going to happen?

Probably not. Statehood would need to get majority approval from both chambers of Congress, and Republicans, who are largely opposed to the concept for political reasons, currently control both. (Some critics, like Pilon of the Cato Institute, argue statehood would also require a constitutional amendment, since, among other reasons, DC is mentioned in the 23rd Amendment.)

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 by after Republicans took over the House of Representatives in 2011.

But Aaron Davis reported for the Washington Post that on top of pursuing a vote on the ballot in November to put political pressure on Congress, Mayor Muriel Bowser also hopes to pursue the "Tennessee model" for statehood:

Aides to Bowser said a broader push for statehood would follow a process known as the "Tennessee model." When Tennessee was admitted to the union as the 16th state, it was a federal territory, much like the nation's capital. Congress agreed to allow Tennessee to become a state without ratification by the existing states. Instead, it required a vote of residents in the territory to approve a state constitution and a pledge to form a republic-style government.

Since Republicans generally oppose the idea of DC statehood, this likely has no chance of passing the current Congress. But with an election this November, statehood advocates may see another potential opening — although only if Democrats, in an unlikely scenario, keep the White House and take the House and Senate.