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Five myths about D.C. home rule

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The District of Columbia operates a \$13 billion budget, but it can't technically spend that money without approval from Congress. District residents have been voting for their own mayors and legislators for more than 40 years, but representatives from the hinterlands are still allowed to weigh in on how the city conducts its business, thanks to language in the Home Rule Act of 1973 that treats D.C.'s budget like that of a federal agency. Voters in 2013 approved a ballot measure claiming self-determination over their local budget, which survived a court challenge and was endorsed by President Obama, clearing the way for the city to enact its first budget without federal hand-holding. But local control was dealt two setbacks this past week: A House committee passed a bill blocking the budget-autonomy measure, which Republicans say violates the Constitution. The same day, a federal judge struck down the city's concealed-carry gun laws. There may be a constitutional case for Congress's power over the District, but it's often defended with inaccurate rhetoric and myths about the city. Let's dispel some of them.

1. It's Congress's job to manage the District's finances.

Article I, Section 8 of the Constitution authorizes Congress to exercise legislative control over a plot of land "not exceeding ten miles square" to serve as the seat of government. But on Congress's role in city finances, the Home Rule Act merely says that the mayor shall not submit "a budget which is not balanced."

There was a time, in the bad old days of the late 1980s and early '90s, when the District had runaway budget deficits approaching \$1 billion. After the 1994 elections, when Republicans took control of Capitol Hill and D.C. voters brought Marion Barry back as mayor after a prison term, Congress passed (and President Bill Clinton signed) a law establishing the five-member D.C. Financial Responsibility and Management Assistance Authority — better known as the financial control board — that took over most day-to-day management of the District, similar to a panel New York state created in 1975 to run New York City after the Big Apple went broke. The D.C. board fired thousands of city workers who had been hired under Barry and former mayor Sharon Pratt Kelly, shaved hundreds of millions of dollars from the city's budget, and effectively cut short any movement toward statehood.

Since 2001, though, when the board was dissolved, the District has filed balanced budgets and improved its bond ratings, and has frequently run surpluses. Technically, the control board could be brought back if the city's finances hit the skids again, but with more strong years — fiscal 2014 ended with an extra \$204 million on the books — that seems unlikely and unnecessary. In fact, when the federal government shut down in the fall of 2013, it was the District's surplus that

allowed it to collect trash piling up at National Park Service-owned sites across the city when Congress couldn't agree on how to manage the nation's money.

2. D.C. lives off federal funds.

In 2011, when a slew of District officials — including then-Mayor Vincent C. Gray — were under federal investigation, Rep. Darrell Issa (R-Calif.), then chairman of the House Oversight and Government Reform Committee, said the District's dependence on federal money gave him the rationale to launch his own investigations into municipal affairs. "Even after the Home Rule Act, the federal government still has significant responsibilities and federal taxpayer dollars fund a large portion of the District's budget," Issa said.

This past week, Rep. Mick Mulvaney (R-S.C.), who serves on the House subcommittee that oversees D.C., even suggested that his constituents deserve as much of a say in what goes on here as they do in the Palmetto State. "This is the people's city, and the people of South Carolina have almost as much vested here as the people who live here," he said.

It's true that D.C. counts on federal funds for a big chunk of its overall budget, for Medicaid and other programs the whole country depends on — but not as much as many states do. In fiscal 2013, the last year for which a snapshot of every state's federal dependency is available, 33.3 percent of the District's general revenue came from federal funds; according to the nonpartisan Tax Foundation, 20 states were more dependent on federal money.

Mayor Muriel E. Bowser's proposed budget for the 2017 fiscal year gets about \$10 billion, or about 75 percent, of its \$13.4 billion outlay from local sources such as income, property and sales taxes, and assorted fees and fines. Meanwhile, D.C. residents pay more in federal income taxes than people in 22 states. It's true that the federal government pays for D.C.'s local court system, but no other jurisdiction in the country has its local crimes prosecuted by U.S. attorneys.

3. The District can become part of Maryland.

In 1790, the Residence Act created the federal district the Constitution describes, a plot of land hugging the Potomac River, with Virginia contributing about 31 square miles and Maryland contributing 68.3. In 1841, the land south of the Potomac was ceded back to Virginia after residents grew frustrated with a lack of attention from Congress (and partly because of fears that Congress might ban slave trading in the District). Now, 175 years later, some Republican members of Congress — especially Rep. Louis Gohmert (Tex.) — have suggested that if D.C. residents want a real voice at the federal level, most neighborhoods in the city should just become part of Maryland, leaving a small enclave under federal control.

But nobody who lives here wants that, and not just because we'd all have to learn the words to "Maryland, My Maryland." Washington has more than two centuries of tradition as an independent jurisdiction; folding it into Maryland would end that and would force the city to compete with the rest of the state for money and resources. Even if Congress somehow got Obama — a statehood supporter and future resident of a D.C. home that's not the White House — to sign off on retrocession, the Constitution gives Annapolis lawmakers the ultimate say. The sudden addition of 672,228 residents would put Maryland's center of political balance even more inside the Capital Beltway and force the state to spread its resources more thinly. It's doubtful legislators would go for that.

And for what it's worth, Marylanders don't covet Washington: An April survey by Public Policy Polling found that only 28 percent of the state's voters want D.C. back, while 44 percent don't — a greater share than those who think Joe Flacco is an elite quarterback.

4. An independent D.C. could exert undue power over the federal government.

The argument against autonomy can be traced back to 1788, in James Madison's "Federalist No. 43." "The indispensable necessity of complete authority at the seat of government, carries its own evidence with it," Madison wrote. "It is a power exercised by every legislature of the Union, I might say of the world, by virtue of its general supremacy."

In modern times, that fear has been voiced by people such as the Cato Institute's Roger Pilon, who told a Senate hearing in 2014 that statehood "would make the federal government dependent on an independent state . . . for everything from electrical power to water, sewers, snow removal, police and fire protection."

That sounds scary, but it's also fairly unfounded. Already, the District's police department exists alongside 32 federal police agencies, and its fire department is the first responder of record to the White House and the Capitol. Also, federal outposts located in the states seem to do all right: Virginia has been a fine steward of the Pentagon; Maryland is a decent host to the National Security Agency; and the Centers for Disease Control and Prevention seem to be doing well in Georgia, to say nothing of military bases spread everywhere.

Madison's argument may have been informed by the Pennsylvania Mutiny of 1783, when a protest by unpaid Revolutionary War soldiers in Philadelphia forced the Continental Congress to evacuate to New Jersey. That's certainly traumatic — but enough to strip the national capital's residents of their right to self-determination? Not even Madison went that far, writing that "they will have had their voice in the election of the government which is to exercise authority over them; as a municipal legislature for local purposes, derived from their own suffrages, will of course be allowed them."

5. D.C. can just vote to become a state.

Bowser plans to place a statehood question on this year's general-election ballot. This month, she and other D.C. officials unveiled a draft state constitution for "New Columbia," with a citywide constitutional convention to follow in June. There's no doubt the ballot referendum will pass — a Washington Post poll last November showed that 67 percent of District residents want statehood — but the whole enterprise feels a bit like Model U.N.

Ultimately, it's up to Congress to admit new states into the union, and as long as Republicans hold at least one house, there's going to be strong opposition. (Not just from the GOP: Democrats never made D.C. a state when they ran Congress, either.)

But Bowser and the D.C. Council are going to go ahead and try to enact their budget as if Tuesday's House vote never happened — and maybe they should, even with Rep. Mark Meadows (R-N.C.), the bill's author and head of the D.C. oversight panel, threatening legal action. If Meadows's bill overturning budget autonomy somehow became law, he'd have to get the Government Accountability Office to investigate local officials under the Antideficiency Act,

a law that prohibits the spending of government funds that have not been appropriated by Congress. Since its adoption in 1884, no one has ever been indicted or convicted for violating it.