

NATIONAL REVIEW

Do You Want 51 or 52 States Next Year?

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“The prospects of statehood for Puerto Rico and Washington, D.C., have never been greater, but many significant obstacles loom,” *The Hill* declares.

The Constitution declares, “new States may be admitted by the Congress into this Union; but no new State shall be formed or erected within the Jurisdiction of any other State; nor any State be formed by the Junction of two or more States, or Parts of States, without the Consent of the Legislatures of the States concerned as well as of the Congress.” On paper, all it takes for a new state to be created is a majority of the House and Senate.

The push for statehood for either Puerto Rico or the District of Columbia or both could succeed in 2021, if the decisions are not perceived as a partisan power grab by a newly-elected Democratic majority.

Both eager Democrats and skeptical Republicans would be wise to remember that the current non-voting member of Congress representing Puerto Rico – sometimes called the “resident commissioner” – is Jennifer González-Colón, a Republican. Luis Fortuno, also a Republican, held the position from 2005 to 2009. If two new Senate seats were created to represent Puerto Rico, there is no guarantee those seats would both be Democrats either immediately or in the long term.

The argument for Puerto Rican statehood would have to be, “Puerto Ricans are full U.S. citizens, so why shouldn’t they have the same rights and representation as everyone else? And hasn’t being a territory and not a full state resulted in them getting unjustly ignored and shortchanged when they needed help the most?” Americans are likely to be receptive to that and there already is fairly broad public support for making Puerto Rico a state; 66 percent of Americans told Gallup they supported the idea in July 2019, including 45 percent of Republicans.

Any Democratic messaging that amounts to “this is our chance, let’s add more votes to Congress that we think will be on our side most of the time,” would turn the issue of statehood into another partisan football.

Legislation to make either Puerto Rico or the District of Columbia a state would have to pass the Senate, meaning that if the filibuster is in place, forty lawmakers could block it. As our John McCormack recently reported, some Democratic senators who once described themselves as staunch defenders of the filibuster are now leaving some wiggle room. But an effort to eliminate the filibuster, specifically to add two new states and create four new senators, would likely strike much of the public as a cynical power-grab atop another cynical power-grab. It is fair to wonder if Joe Biden wants this to be the defining fight of the first two years of his presidency; he will still be facing a coronavirus pandemic and lingering economic problems if he takes office in January.

As for the District of Columbia, the argument for statehood is weaker. For starters, geographically, the district is by no measure a state; it is a city, and really only the geographic center of a city that spills out into Virginia and Maryland. The current smallest state, Rhode Island, is 1,045 square miles; the District of Columbia is 68 square miles. It functions under a city government, not a territorial government.

The District of Columbia lacks the sorts of things you can find in just about every other state. It has no rural population and the only agriculture is some urban farms and community gardens; the aim is to expand to five acres in the “medium term.” The district has no major airport; Reagan National and Dulles International are in Virginia and Baltimore-Washington is in Maryland. It has no major port and almost no manufacturing. (Nationwide, 8.6 percent of Americans work in manufacturing; in the District, less than one tenth of one percent.)

Washington D.C. is not just a city, it is a particularly unique city because of the outsized role of the federal government in its economy. The last traditional car dealership with a large lot left the District in 2014; a downtown Tesla dealership became the only place to purchase a new car within the city limits. Quite a few industries are so small that they’re barely measurable within the district: private transportation and warehousing, building materials, landscaping services – even residential building construction employs less than 900 District residents.

Washington D.C. is a city that is particularly dependent upon its neighboring states to function. All of the water in the city goes through the Dalecarlia Reservoir on the border with Bethesda, Maryland, run by the U.S. Army Corps of Engineers. All of the city’s solid waste goes to landfills in Virginia, the recyclables go to Maryland. Almost all of the electricity that powers the District comes from other states.

Washington D.C. is a city that is particularly dependent upon the federal government to cover its operating expenses. The federal government pays for the D.C. courts system, and since 2001 all D.C. prisoners are integrated into the federal Bureau of Prisons system. The city does not have a district attorney or state attorney general; the Office of the United States Attorney for the District of Columbia prosecutes all serious local crime committed by adults in the District of Columbia.

If the District were to become a state, it would have a relationship with the federal government unlike any other, even beyond the factors above. Roughly 27 percent of all District residents work for the federal government, way more than any other state. Roughly 38 percent of all District residents work for government at some level.

Advocates for statehood can argue that their population would not quite be the smallest; with an estimated 705,000 people, Washington, D.C. has more residents than Vermont (623,000) and Wyoming (578,000). But the roughly 19 other U.S. cities that have higher populations will ask, fairly, why the District gets to be a separate state and not, say, New York City or Los Angeles.

In the Federalist Papers, James Madison argued that the nation’s capital should not be within any particular state: “The public money expended on such places, and the public property deposited in them, requires that they should be exempt from the authority of the particular State. Nor would it be proper for the places on which the security of the entire Union may depend, to be in any degree dependent on a particular member of it.” Advocates of D.C. statehood argue that the “district” of the nation’s capital would become Capitol Hill, the National Mall, and the White House, while the surrounding area became a new state.

Certain legal scholars argue reducing the size of the federal district in that manner would violate the Constitution. The Cato Institute's Roger Pilon testified before Congress in 2019:

[The proposal] would make the federal government dependent on this new independent state, "Washington, D.C.," for everything from electrical power to water, sewer, snow removal, police and fire protection, and so much else that today is part of an integrated jurisdiction under the ultimate authority of Congress. Nearly every foreign embassy would be beyond federal jurisdiction and dependent mainly on the services of this new and effectively untested state. Ambulances, police and fire equipment, diplomatic entourages, members of Congress, and ordinary citizens would be constantly moving over state boundaries in their daily affairs and in and out of jurisdictions, potentially increasing jurisdictional problems exponentially.

Interestingly, advocates for one state may not necessarily agree with advocates for others. Eleanor Holmes Norton, who represents the District of Columbia, told *The Hill*, "[Puerto Rico] is bankrupt, so the United States has had to pump money in it just to keep it going. In order to become a state, you [have] to ... show that you're fully able to support yourself."