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D.C.: Statehood or bust

Roger Pilon

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As we prepare for a House vote on D.C. statehood this Congress, Charles Lane trotted out the timeworn retrocession notion to return the District to Maryland, which donated the land for the city in the 18th century [“D.C.’s future is in Douglass County, Md.” Tuesday Opinion, Feb. 19]. Unlike statehood, endorsed by 86 percent of D.C. residents, the latest retrocession proponent Mr. Lane interviewed, David Krucoff, claims no backing for Douglass County, Md.

There is nothing new about this iteration of retrocession except the adoption of the name of Frederick Douglass, whose statue represents the District in the Capitol. Unlike retrocession, the D.C. statehood bill has strong support, including the endorsement of House Speaker Nancy Pelosi (D-Calif.), an upcoming hearing and markup in the Oversight Committee, and 84 percent of House Democrats as co-sponsors.

Retrocession has no constituency in Maryland or the District. Both Maryland senators have co-sponsored, and six of the eight Maryland representatives are co-sponsors of the Washington, D.C. Admission Act. In a past survey of Maryland legislators, 92 percent of state senators and 82 percent of state delegates who responded opposed retrocession.

We anticipate a favorable House vote, leaving the always difficult Senate. House passage nonetheless would represent a giant step toward statehood for D.C. residents, who rank first per capita in federal taxes. Dragging in Maryland, kicking and screaming, means unnecessary double trouble.

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The writer, a Democrat, is the District’s House delegate.

Charles Lane’s discussion of David Krucoff’s “nifty plan” to provide full congressional representation for the District’s 700,000 residents — by retroceding all but the tiny area around the Mall to “Douglass County,” Md., — would face more constitutional impediments than the need to repeal the 23rd Amendment.

Even if there were congressional interest, Congress has no power to do it, as Justice Department opinions have repeatedly held. Mr. Lane cited the 1847 retrocession of the small Virginia portion of the original District, but that offers no real support. As I testified in 2014 when a similar proposal was before the Senate, “The Supreme Court, when finally asked to rule on the question nearly 30 years later in a private taxpayer suit, declined to declare the retrocession unconstitutional because so ruling would have resulted in dire consequences given all that had transpired over those years.”

Also, Maryland would have to consent to such a retrocession, and that’s unlikely.

And, as a practical matter, this proposal would render the tiny federal enclave dependent on Maryland for all manner of services, precisely what James Madison sought to avoid by providing for a federal government seated in a District not exceeding 10 miles square.

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