



GOP lawmaker: D.C. statehood bill fails constitutional test

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Legislation passed by the U.S. House last week to grant statehood to the District of Columbia doesn't pass constitutional muster. That's according to one of the Republicans who voted against it.

Voting along party lines with minority Republicans in opposition ([216-208](#)), the House approved H.R. 51 to create a 51st state with one representative and two senators. A tiny sliver of land including the White House, the U.S. Capitol, and the National Mall (*pictured*) would remain as a federal district.

During an appearance on Fox News, Congresswoman Claudia Tenney (R-New York) said Democrats have failed to read the Constitution.

"Maybe if the Democrats were serious about ... giving a voice and ability to vote on the floor to the current D.C. delegate, Eleanor Holmes-Norton, they would make D.C. a state and use a constitutional amendment process, which is required by law," Tenney stated. "The bill that they introduced [and passed] in Congress is not constitutionally vetted in order for it to become a state."

The two-term congresswoman argues Democrats need to redraft the legislation as a proper constitutional amendment. "Submit it and get a two-third's vote in both the House and the Senate and have it signed by the president," she suggested. "They haven't even tried to get the procedure right, which just shows it's political messaging."

An alternative, according to the New York Republican, would be to add the district to the state of Maryland – "which is a solution that the Republicans have supported," she added.

Tenney's constitutional argument against H.R. 51 is supported by Roger Pilon, director of the Cato Institute's Center for Constitutional Studies. "It's not likely that this bill is going to pass the Senate to begin with," he said during an interview on WUSA9, "but even if it did and it were signed by the president, you'd need then to have a constitutional amendment."

Pilon outlined constitutional – and practical – objections to H.R. 51 in his testimony before a House committee in March.

The proposal faces a far tougher fight in the Senate, where simple Democratic control of the chamber won't be enough.

Senator Ted Cruz (R-Texas) told Fox News on Friday that unless the Senate does away with the filibuster rule, H.R. 51 has "zero chance" of moving forward in the upper chamber. But he warned that if the filibuster rule is blown up by Democrats, not only would D.C. become the 51st state, Democrats would also pack the Supreme Court.