

AN ANALYSIS OF D.C. STATEHOOD AND S. 51: NAVIGATING PATHWAYS
FOR ACHIEVING AUTONOMY, EQUITY, AND REPRESENTATION FOR
D.C. RESIDENTS

by
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A capstone project submitted to Johns Hopkins University in conformity with the
requirements for the degree of Master of Arts in Public Management

Baltimore, Maryland
May 2021

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Abstract

D.C. residents contribute significantly to the American economy, maintain the same civic responsibilities that other American citizens have, and outnumber residents in states with votes in both the Senate and the House of Representatives, yet they continue to be denied both representation in Congress and autonomy over their local affairs. Despite meeting, and in many cases exceeding, the historically applied thresholds for statehood, D.C. remains without congressional representation, equity, and admission into the Union. The lack of representation and local governmental control for D.C. affects all of its over 700,000 residents, but the Black community bears a particular brunt. Given the history of D.C. as a historically Black city and the current population being majority-minority, District residents' disenfranchisement is inextricably linked with the oppression of Black people in America.

This paper explores the history and background of D.C. statehood movements, beginning in 1801 through today, providing context to the legislative and political analysis of present-day policy solutions. This memorandum, written to Senator Kyrsten Sinema (D-AZ), ultimately concludes that support for D.C. statehood is not only politically advantageous for Sen. Sinema, but a long-overdue policy solution to the inequity and lack of representation and autonomy D.C. residents have too long been subjected to.

Advisor: Paul Weinstein Jr.

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MEMORANDUM

TO: U.S. Senator Kyrsten Sinema (D-AZ)

FROM: Nicole McAllister

DATE: April 13, 2021

SUBJECT: Support for S. 51, *Washington, D.C. Admission Act*

I. Action Forcing Event

On January 26, 2021, Senator Tom Carper of Delaware, along with 38 Democratic and Independent United States Senators, introduced legislation to admit Washington D.C. as the 51st state.¹ While mobilization around D.C. statehood has been a decades-long campaign, recent developments have launched the issue into the political zeitgeist. The recent inauguration of President Joseph R. Biden, who previously made campaign commitments expressing support for D.C. statehood, instills promise and a new pathway for admission.²

II. Statement of The Problem

Like their fellow citizens in recognized states, Washington D.C. residents are responsible for paying federal taxes. In fact, they contribute more in taxes than the residents in 22 states and pay more per capita to the federal government than any other state in the U.S.³ With its over 700,000 residents, Washington D.C. has a greater

¹ Congressional Research Service. (2021, January 26). Summary: S.51 - A bill to provide for the admission of the State of Washington, D.C. into the Union.

² Murillo, Mike. 2015. "Joe Biden On D.C.: 'You Should Be A State' | WTOP." *WTOP*. <https://wtop.com/dc/2015/01/joe-biden-d-c-state/>.

³ *Why Statehood for DC*. (n.d.). Government of the District of Columbia. Retrieved February 20, 2021, from <https://statehood.dc.gov/page/why-statehood-dc>

population than both the states of Vermont and Wyoming.⁴ Moreover, while D.C. residents contribute significantly to the American economy, maintain the same civic responsibilities that other American citizens have, and outnumber residents in states with votes in the Senate and the House of Representatives, they continue to be denied both representation in Congress and control over their local government.

For over 200 years, Washington, D.C. residents have been denied the full rights of citizenship and voting representation accompanying statehood. Residents of D.C. are taxed without representation in Congress, meaning unlike the residents in states like Wyoming and Vermont, where their members of Congress can vote against or for changes in tax policy affecting their constituency, D.C. residents have no voting members of Congress to which they can appeal.

This problem is multi-pronged. In addition to the lack of representation in the federal legislative making bodies, D.C. residents also lack control over their local government. Unlike their peers in every state of the Union, D.C. residents do not have control over their tax revenues, budget, the selection of their judges, or the implementation of the policies they pass.⁵

This lack of local control is a persistent problem for D.C. residents but became a matter of national security during the insurrection and attack on the U.S. Capitol on January 6, 2021, highlighting a new element in the D.C. statehood debate. Unlike other National Guard units, which are under gubernatorial control, D.C. National Guard can

⁴ U.S. Census Bureau QuickFacts: District of Columbia. (2020). Census Bureau QuickFacts. <https://www.census.gov/quickfacts/DC>

⁵ *Issues*. (2020, February 7). 51 for 51. <https://www.51for51.org/issues/>

only be mobilized by the White House because D.C. is not a state.⁶ D.C. Mayor Muriel Bowser's powerlessness to expeditiously mobilize the National Guard during the attack has been referenced as a deadly misstep, resulting in the loss of life and property. In the weeks following the attack, there was increased urgency and national attention in the conversation around D.C. statehood.

In addition to the security challenges that accompany D.C.'s lack of local control, there have been numerous impacts of the District's subjection to the political whims of Congressional members whom they do not elect. One example can be seen in the passage of the Coronavirus Aid, Relief, and Economic Security (CARES) Act in March of 2020. The CARES Act was one of the federal government's methods of providing relief to states and citizens in the COVID-19 pandemic. The legislation promised pandemic aid, including a minimum of \$1.25 billion allocated to states.⁷ Despite having a population larger than both Vermont and Wyoming, which received CARES Act funding for their citizens, Congress decided to treat the District as a U.S. territory instead of a state and initially denied them CARES Act funding. The District was denied \$755 million in emergency funds, which was the amount provided to the least populous state through the Coronavirus Relief Fund.⁸

The lack of representation and local governmental control for D.C. affects all of its over 700,000 residents, but the Black community bears a particular brunt. To discuss

⁶ Segers, Grace. 2021. "Senate Democrats Introduce Bill To Make D.C. The 51st State". *Cbsnews.Com*. <https://www.cbsnews.com/news/washington-dc-51st-state-bill-senate-democrats/>.

⁷ Portnoy, J. (2020, May 13). *House Democrats' covid-19 relief bill would give D.C. funding it was previously denied*. Washington Post. https://www.washingtonpost.com/local/dc-politics/house-democrats-covid-19-bill-relief-would-give-dc-funding-it-was-previously-denied/2020/05/12/f3feee98-9473-11ea-82b4-c8db161ff6e5_story.html

⁸ *Why Statehood for DC*. (n.d.). Government of the District of Columbia. Retrieved February 20, 2021, from <https://statehood.dc.gov/page/why-statehood-dc>

the Congressional rule of Washington D.C. and the persistent denial of equal rights and representation without mentioning the District's past as a historically Black city and presently as a majority-minority city, with Black people making up 47% of its population.⁹ Given the history of D.C. and the current population distribution, District residents' disenfranchisement is inextricably linked with the oppression of Black people in America. D.C. highlights the actuality of Senate malapportionment, which has resulted in the average Black person in America having only 75 percent as much voting power as the average white American.¹⁰

III. History and Background

Between 1783 and 1789, five cities were home to the U.S. Capital; Philadelphia, Princeton, Annapolis, Trenton, and New York City. The Founders at the Constitutional Convention deliberated the need for a stable national capital, free from undue influence, and agreed upon granting Congress the ultimate authority over the new Capital. Defined in Article I, Section 8, the U.S. Constitution empowers Congress 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 Government in the United States..."¹¹ This statute, which has come to be commonly referred to as the District Clause, has been used by Congress to exercise broad control over the District's municipal affairs, tax revenue and expenditures, and government, as they deem fit.

District of Columbia Organic Act of 1801

⁹ Ibid.

¹⁰ Melendi, J. (2020, September 17). *Defining Democracy: The Senate*. Renew Democracy Initiative. <https://rdi.org/defining-democracy/2020/9/17/defining-democracy-the-senate/>

¹¹ U.S. Const. art. I, § 8, cl. 17

Per Article 1, Section 8 of the U.S. Constitution, Congress enacted the Organic Act of 1801, which incorporated the counties of Washington, ceded from former Maryland land, and Alexandria, ceded from former Virginia land, to create the District of Columbia.¹² Through this legislation and the authority provided through the U.S. Constitution, Congress assumed jurisdiction and control over the newly formed District of Columbia.

While the District of Columbia Organic Act of 1801's 16 enumerated sections laid the foundation for the District's governance, it did not grant voting representation for residents. With the passage of the Organic Act of 1801, the nation's new Capital's incorporated residents had their rights to representation revoked. Because they were no longer considered Virginia or Maryland residents, the new District residents no longer had voting representation in Congress, the Electoral College, or in the ongoing Constitutional amendment process.¹³

In May of 1802, following the passage of the District of Columbia Organic Act of 1801, Congress granted the City of Washington its first municipal charter.¹⁴ Voters were defined narrowly as white, tax-paying males who lived in the city for at least a year. These voters received the right to elect a twelve-member council, the head of which was a mayor appointed by the President. Congress amended this charter in 1820 to replace the

¹² An Act concerning the District of Columbia, 6th Congress, 2nd Sess. § ch. 15 (1801). <http://memory.loc.gov/cgi-bin/ampage?collId=llsl&fileName=002/llsl002.db&recNum=143>

¹³ History. (n.d.). Douglass County MD. <https://www.douglasscountymd.org/history/>

¹⁴ Lesson Plan - D.C. Voting Rights Historical Timeline - Two Pages. (2014, February 28). DCVote. <https://www.dcvote.org/lesson-plan-teachers/lesson-plan-dc-voting-rights-historical-timeline-two-pages>

President's appointment of the Mayor with the direct election of the position by eligible District resident voters.¹⁵

The 1846 Retrocession of Alexandria

Within a couple of years, after Congress created the District of Columbia through land cession, bills were proposed in Congress to return inhabited parts of the District to the states from which they were ceded.¹⁶ The District of Columbia continued to be a matter of national debate and interest, especially during the war of 1812, where divisions and tension around slavery continued to mount. The tension between abolitionists, who wanted the District of Columbia to be free of slavery, and proponents of slavery fueled the advocacy around retrocession.

In 1846, after the Virginia General Assembly passed a bill for the retrocession of Alexandria and Alexandria County, the House Committee on the District approved the Retrocession Act, which passed 96-65 in the House of Representatives and 32-14 in the U.S. Senate.¹⁷ Signed into law by President James Polk, the legislation returned 36 miles of land to Virginia and restored Congressional representation and rights to the residents.

¹⁵Washington, DC - Historical Timeline of the Nation's Capital. (2014, February 28). DCVote. <https://www.dcvote.org/fight-equality/washington-dc-historical-timeline-nations-capital>

¹⁶W. (2016, July 8). The Alexandria Retrocession of 1846. Boundary Stones: WETA's Washington DC History Blog. <https://boundarystones.weta.org/2016/07/08/alexandria-retrocession-1846>

¹⁷ Ibid.



Figure 1: Current map of D.C. with land ceded back to Virginia in 1847 highlighted

While slavery and the balance between pro-slavery representation in Congress and abolitionist representation were factors in the deliberation, historical records show that the strongest motivator for the retrocession was Constitutional neglect experienced by residents under the federal rule over the District of Columbia.¹⁹ There are numerous primary source materials, including news articles and town meeting transcripts documenting growing anger and frustration by District residents in Georgetown and Alexandria over this Constitutional negligence. One committee report noted that Congress denied District residents laws that were "necessary to their happiness and prosperity, and such as exist in every State in this Union, and thereby failed to discharge their solemn duty, wantonly and wickedly exposing the people of this District to ruinous embarrassment and distress."²⁰

¹⁸ The Economist. (2020, August 11). *Residents of Washington, DC could once vote for Congress*. <https://www.economist.com/united-states/2020/08/08/residents-of-washington-dc-could-once-vote-for-congress>

¹⁹ W. (2016, July 8). *The Alexandria Retrocession of 1846*. Boundary Stones: WETA's Washington DC History Blog. <https://boundarystones.weta.org/2016/07/08/alexandria-retrocession-1846>

²⁰ Richards, Mark. (2004). *The Debates over the Retrocession of the District of Columbia, 1801–2004*, Washington History, Spring/Summer 2004.

The Organic Act of 1878

With newly established borders, the District of Columbia continued operating under a version of "home rule" or self-governance until the 1870s. In 1871, Congress consolidated the District's remaining municipal governments, which included Georgetown, Washington City, and Washington County, into one government led by a president-appointed Governor and Council and a non-voting delegate to Congress.²¹ Shortly after, due to a budget shortfall and poor stewardship of funds, Congress moved to reform the District of Columbia's government structure.

The Organic Act of 1878 established a new form of government in the District of Columbia that persisted until the 1960s.²² For almost one hundred years, the District of Columbia was governed as a municipal corporation by three commissioners appointed by the President, with Congress serving as the District's legislature. A departure that removed what marginal influence or direct voting power D.C. residents had on those responsible for governing them.

According to the Congressional Research Service, since 1889, more than 150 proposals have been introduced that would use a constitutional amendment to address voting representation for residents of the District of Columbia.²³ All of these proposals, including others that utilized different authorizing mechanisms outside of a constitutional amendment, failed.

²¹Washington, DC - Historical Timeline of the Nation's Capital. (2014, February 28). DCVote. <https://www.dcvote.org/fight-equality/washington-dc-historical-timeline-nations-capital>

²² Ibid.

²³ District of Columbia Voting Representation in Congress: An Analysis of Legislative Proposals. (2010, April 19). Congressional Research Service. <https://www.everycrsreport.com/reports/RL33830.html>

The Civil Rights Era and District of Columbia Home Rule Act

The Civil Rights Movement of the 1950s and 1960s brought attention to the District of Columbia's disenfranchisement. As mentioned previously, D.C. has historically been and remains today a majority-minority city. In 1961, the 23rd Amendment to the Constitution, which states that "The District constituting the seat of Government of the United States shall appoint in such manner as the Congress may direct: A number of electors of President and Vice President equal to the whole number of Senators and Representatives in Congress to which the District would be entitled if it were a State, but in no event more than the least populous state..."²⁴ The presidential election of 1964 became the first time in the District of Columbia's over 150 year history that residents were given the right to vote in a presidential election.

In 1967 the Presidentially-appointed commissioner-led government outlined in the Organic Act of 1878 was replaced by a mayor-commissioner and nine-member city council, both still appointed by the President.²⁵

In 1973 Congress finally passed the District of Columbia Self-Government and Governmental Reorganization Act, commonly referred to as the "Home Rule Act," as a direct result of District residents' ongoing advocacy for more control and autonomy in local affairs.²⁶ The legislation created the most comprehensive implementation of self-governance since establishing the District as the seat of the federal government. The District of Columbia would now be able to directly elect their own Mayor and Council, as well as an Advisory Neighborhood Commission that would advise the Council on more

²⁴ U.S. Const. Amend. XXIII.

²⁵ D.C. Home Rule •. (2018, November 19). Council of the District of Columbia. <https://dccouncil.us/dc-home-rule/>

²⁶ Ibid.

localized affairs. On November 5, 1974, Walter E. Washington became D.C.'s first elected Mayor under the new home rule system.

Home rule as established in the 1973 bill persists as the current policy for D.C. governance. The bill provided for a popularly elected mayor and a 13-member Council with restricted legislative and budgetary authority. Significant barriers, both physical and de jure, block the D.C. Council from effective and meaningful self-governance. For example, all legislation passed by the D.C. Council and signed by the Mayor cannot become law until physical copies are delivered to Congress. Congress enacts a 30-day legislative review, which becomes a 60-day review if the legislation affects the criminal code.²⁷ No other state in the United States has to go through this oversight mechanism for enacting democratically passed legislation. Due to safety concerns related to the COVID-19 pandemic and the erected fences as a response to the January 6, 2021 insurrection at the U.S. Capitol, D.C. Council staff were unable to deliver roughly 60 pieces of legislation, delaying enactment, simply because of an antiquated oversight mechanism that required staffers to hand off legislation physically.²⁸ In addition to the above, The District of Columbia's budget requires approval from Congress and the President of the United States before it can be enacted, a level of oversight with which no other citizen in a U.S. state has to abide. Moreover, unlike their peers across the country, District residents have no control over the selection of their judges.²⁹

²⁷LeFrak, M. (2021, February 2). Some 60 D.C. Laws Were In Limbo Because Officials Can't Hand-Deliver Them To Congress. National Public Radio. <https://choice.npr.org/index.html?origin=https://www.npr.org/local/305/2021/02/02/962885976/some-60-d-c-laws-were-in-limbo-because-officials-can-t-hand-deliver-them-to-congress>

²⁸ Ibid.

²⁹ Issues. (2020, February 7). 51 for 51. <https://www.51for51.org/issues/>

The Modern DC Statehood Movement

On the significant swing of the newly established Home Rule in Washington D.C., Congress passed the District of Columbia Voting Rights Amendment with bipartisan support.³⁰ This constitutional Amendment would have given the District of Columbia full voting representation in both the House of Representatives and the U.S. Senate. There was a seven-year time limit on ratification, which sunset in 1985, at which point only 16 of the required 38 states had ratified the Amendment.

D.C. began electing shadow members of Congress in the 1990s. These positions are not to be confused with the one non-voting delegate that D.C. has consistently had since 1971. Where the non-voting delegate is recognized by the federal government, maintains an office in the Capitol complex, and is able to vote in committee (but not allowed to take part in legislative floor votes), the shadow members of Congress are not recognized by the federal government and hold even less power than the non-voting delegate.

In 1993 the *New Columbia Admission Act*, a statehood bill for the District of Columbia, was cosponsored by 81 members of Congress. The bill was defeated in the House of Representatives by a vote of 153-277, despite Democratic control of both chambers of Congress and the White House.

Throughout the aughts, there were several pieces of legislation aimed at granting D.C. residents congressional voting representation. This legislation includes the *District of Columbia House Voting Rights Act of 2007* and its Senate companion, the *D.C. House*

³⁰Washington, DC - Historical Timeline of the Nation's Capital. (2014, February 28). DCVote. <https://www.dcvote.org/fight-equality/washington-dc-historical-timeline-nations-capital>

Voting Rights Act. Unlike other measures that returned parts of D.C. to their original states, these failed attempts provided for an additional Congressional seat for residents of Utah. The legislation failed to address the lack of Senate representation for D.C. residents, and instead offered a compromise of 1 voting representative for D.C. and one at-large Utah representative, in addition to the representatives already afforded Utah. This raised concerns regarding the constitutionality and practicality of bestowing Utah an additional at-large seat in the House of Representatives, as well as concerns about the short-sighted and partisan nature of the compromise. Ultimately, the bill failed.

Recent legislative attempts to secure voting representation for D.C. residents have experienced increased popularity and relative success. Where its predecessors in the decades past rarely received floor time or attention, recent bills like H.R. 51, the *Washington D.C. Admission Act*, has infused the statehood movement with new hope as it passed the House of Representatives in the 116th Congress. In the 117th Congress, companion bills, H.R. 51 and S. 51 have both been introduced and have 212 and 40 cosponsors, respectively.³¹

Today, several groups around the country promote and advocate for increased autonomy, local control, and voting representation for residents of Washington D.C. One of the most prominent being 51 for 51, a coalition of D.C.-based and national groups that include Indivisible, DC Vote, Color of Change, and Stand Up America.³²

³¹Related Bills - H.R.51 - 117th Congress (2021-2022): Washington, D.C. Admission Act. (2021). Congress.Gov | Library of Congress. <https://www.congress.gov/bill/117th-congress/house-bill/51/related-bills>

³²Partners. (2020, February 7). 51 for 51. <https://www.51for51.org/issues/>

IV. Policy Proposal

The goal of D.C. statehood is to grant residents of the District of Columbia the same civil rights and civil liberties that U.S. citizens residing in states enjoy, namely voting representation in both houses of Congress and control over local government affairs.

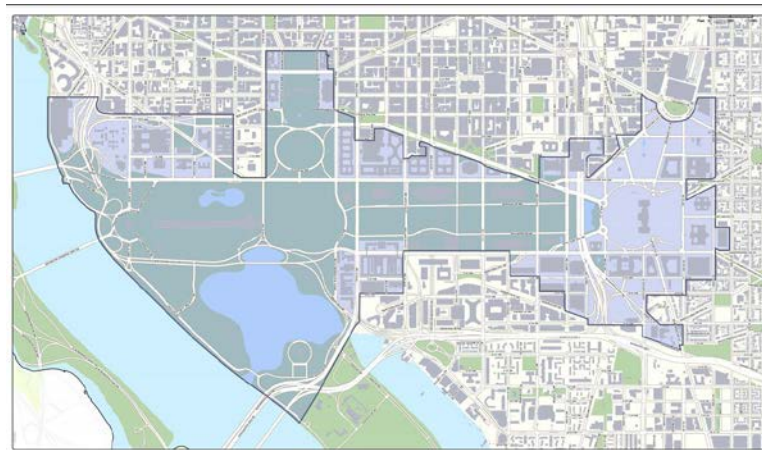
Policy Authorization Tool

While there are multiple avenues for approaching the goal of representation and local control for District residents, including constitutional Amendment, the prevailing policy approach is Congressional legislation. The *Washington, D.C. Admission Act*, introduced in the House of Representatives under H.R. 51 and in the Senate as S. 51, is the latest legislation introduced by D.C. Statehood supporters. The bills provide that "the commonwealth shall be admitted to the Union on an equal footing with the other states."³³

The legislation proposes to admit territory of the existing Washington, District of Columbia into the admitted state of Washington, Douglass Commonwealth, a nod to Black abolitionist, writer, statesman, and former D.C. resident, Frederick Douglass. Upon passage, the commonwealth would consist of all current District territory, with specified exclusions for federal buildings and monuments. Notably, it includes the White House, the Capitol Building, the U.S. Supreme Court Building, the Capitol Building, and the federal executive, legislative, and judicial office buildings adjacent to the National Mall and the Capitol Building. S. 51 specifies that the commonwealth may not impose taxes on

³³ Congressional Research Service. (2021, January 26). Text: S.51 - A bill to provide for the admission of the State of Washington, D.C. into the Union.

federal property, except as permitted by the U.S. Congress. Below is a map highlighting the federal enclave proposed by the legislation, aptly named the Capital, which would serve as the federal government's seat, with all authority and responsibility maintained by Congress.



Proposed Federal District 34

Figure 2: Outline of the proposed federal enclave named the Capital that would remain under Congressional control

In addition to D.C.'s admission as a state, the legislation provides that, not more than 30 days after enactment, elections must be held for two U.S. Senators and one Representative of the commonwealth into Congress who will then be granted equal power to current members of Congress.³⁵

Achieving statehood via congressional action is not a revolutionary approach. D.C. would by no means be the first state admitted into the United States via Congressional action; in fact, 37 other states were admitted into the Union by Congressional authorization. The Admissions Clause of the U.S. Constitution expressly gives Congress the authority to grant statehood by simple majority, so the approach for

³⁴https://statehood.dc.gov/sites/default/files/dc/sites/statehood/page_content/attachments/ProposedFederalEnclaveMarkup.pdf

³⁵Congressional Research Service. (2021, January 26). Text: S.51 - A bill to provide for the admission of the State of Washington, D.C. into the Union.

representation and local control for D.C. residents through Congressional action is grounded not only in the constitutionally granted powers and responsibilities of Congress but is rooted in American history and precedent.

Policy Implementation Tool

In June of 2020, D.C. mayor, Muriel Bowser, wrote in a Washington Post Op-Ed, "It is no coincidence that Washington— affectionately known as Chocolate City — is also the only Capital of a democratic nation that denies its residents a vote in the federal legislature. To think these two truths are not related is to be willfully ignorant of our nation's history."³⁶ This statement echoes the sentiments of others who have couched the fight for D.C. statehood and efforts to end the disenfranchisement of District residents in the broader struggle for civil rights and racial equality in America. The recent rise of the Black Lives Matter Movement and global social and political uprising related to systemic racism and oppression that began in 2020 has continued to dominate the public sphere.

Where D.C. statehood and enfranchisement might not have previously received widespread public attention, remaining a niche topic discussed inside of certain geographic and political circles, engagement is more widespread now. In addition to the media campaigns and national coalitions raising awareness about the social and racial implications of the continued disenfranchisement of D.C. residents, the white supremacist insurrection and attack on the U.S. Capitol on January 6, 2021, amplified the need and infused a sense of urgency given the national security implications of policy inaction.

³⁶Bowser, M. E. (2020, June 14). Muriel Bowser: The protests show why D.C. statehood matters. Washington Post. <https://www.washingtonpost.com/opinions/2020/06/14/muriel-bowser-protests-show-why-dc-statehood-matters/>

Implementation Timeline and Costs

Within 90 days of enactment, S. 51 would require the establishment of a Statehood Transition Commission. This bipartisan appointed body, composed of 18 members; three appointed by the President, three by the Mayor, and three by the D.C. Council. Two appointees will be designated by each the Speaker of the House, the Minority Leader of the House, the Majority Leader of the Senate, and the Minority Leader of the Senate. The Chief Financial Officer of the District of Columbia is also designated as a member of the Commission.³⁷ The Commission is responsible for overseeing the transition of D.C. from a territory to a state, certifying that the newly established state has sufficient resources, policies, and laws in effect to maintain continuity of service for residents. It is expected that this transition will not pose a substantial difficulty, given the federal government's de facto treatment of D.C. as a state for many federal programs and benefits. The bill includes a sunset provision, giving the Statehood Transition Commission 2 years after the date of admission to conclude their work.

While the Congressional Budget Office (CBO) has not published an analysis specific to S. 51, there is an available report for a provisionally identical H.R. 5803, the *Washington, D.C. Admission Act*, introduced in the 116th Congress.³⁸

³⁷ Congressional Research Service. (2021, January 26). Text: S.51 - A bill to provide for the admission of the State of Washington, D.C. into the Union.

³⁸ Congressional Budget Office, H.R. 5803, *Washington, D.C. Admission Act* (June 2020), p. 1-5, www.cbo.gov/publication/43012.<https://www.cbo.gov/system/files/2020-06/hr5803.pdf>

At a Glance			
H.R. 5803, Washington, D.C. Admission Act			
As ordered reported by the House Committee on Oversight and Reform on February 11, 2020			
By Fiscal Year, Millions of Dollars	2020	2020-2025	2020-2030
Direct Spending (Outlays)	0	2	3
Revenues	0	0	0
Increase or Decrease (-) in the Deficit	0	2	3
Spending Subject to Appropriation (Outlays)	0	39	76
Statutory pay-as-you-go procedures apply?	Yes	Mandate Effects	
Increases on-budget deficits in any of the four consecutive 10-year periods beginning in 2031?	No	Contains intergovernmental mandate?	No
		Contains private-sector mandate?	No

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Figure 3: At a glance cost estimates to the federal government of D.C. Admission provided by the CBOI

Based on their analysis, D.C.'s admission as a state would increase direct spending by \$3 million and spending subject to appropriation by \$76 million over ten years. While the transition of the District of Columbia's non-voting delegate is estimated to be cost-neutral since the delegate's salary is already included in the budget, the addition of two Senators would incur \$74 million over ten years. This estimates no change in the \$4 million annual budget allocated to each Senator for official and representational duties and staffing costs.

The CBO estimates that the Statehood Transition Commission described above would cost \$2 million over a two-year period, which would be subject to the availability of appropriated funds. Cost estimates for updating references to D.C. as a new state fall under \$500,000 for the following few years after admission.

The estimated costs associated with the passage of S. 51 pale in comparison to the amount the federal government spends on operating the District of Columbia as a territory. According to the CBO, in FY20 alone, Congress appropriated more than \$700

³⁹ Ibid.

million to provide D.C. with public defenders, courts, and education grants, in addition to mandatory pension costs of almost \$500 million. While the admission of D.C. as a state might not immediately address all of the above expenses, comparing the current price of maintaining D.C. as a territory with the projected costs of statehood raises the possibility of federal cost savings of admission. The cost savings to the government could be a potential marketing approach to tax-conscious constituents throughout Arizona.

While the cost to provide emergency services, water, transportation and infrastructure, and other public services for the federal enclave remains unknown, there are multiple avenues for addressing those needs. The federal government could contract with the state of D.C. to meet those needs, or they could use the cost savings projected in D.C. statehood to provide those services themselves. In the case of the latter, it can be assumed that there will be a transition period to allow the federal government to become self-sufficient.

V. Policy Analysis

While issues of racial justice and equity are core American policy formation and implementation goals for several involved stakeholders, the primary goal is to grant the residents of Washington D.C. the same civil rights and liberties that U.S. citizens who reside in recognized states enjoy; namely voting representation in both houses of Congress and control of their local government affairs. In this regard, the *Washington, D.C. Admission Act*, introduced in the Senate as S. 51, and provides that "the commonwealth shall be admitted to the Union on an equal footing with the other states." has a high likelihood of accomplishing those goals, though not without consequence.⁴⁰

⁴⁰ Congressional Research Service. (2021, January 26). Text: S.51 - A bill to provide for the admission of the State of Washington, D.C. into the Union.

Policy Effectiveness

Under S. 51, D.C. residents would elect two Senators and at least one Representative to the House of Representatives, giving them equitable representation in both houses of Congress. In addition, legislative enactments would no longer be subject to congressional review, thereby granting residents control of their local government affairs.

As mentioned previously, many policy approaches and negotiations could happen around statehood and the enfranchisement of D.C. residents. One of the arguments made against S. 51 and D.C. statehood has been that retrocession is a less politically disruptive policy alternative. On January 25, 2021, Representative Dustin "Dusty" Johnson (R-SD-At Large) introduced H.R. 472, *The District of Columbia-Maryland Reunion Act*.⁴¹ The bill, which currently has less than a dozen cosponsors, proposes to create a federal district similar to the enclave outlined in S. 51 and would cede the remaining land to the state of Maryland. This retrocession would provide residents in what would be the former Washington, D.C., representation in both houses of Congress through Maryland's two Senators and a seat in the House of Representatives under the Maryland delegation. As proposed in H.R. 472, retrocession would also provide residents of the former Washington, D.C., with the ability to control their local affairs in the same manner in which other localities in Maryland operate.

Proponents of policies that would cede land back to the state of Maryland often cite the retrocession of Alexandria in 1846 as a case study. Aside from being rooted pro-

⁴¹ <https://www.congress.gov/bill/117th-congress/house-bill/472>

slavery and white supremacist activism, many factors differentiate Alexandria's retrocession in 1846 from the situation today. A primary factor being support. While in 1846, retrocession was first passed by the state of Virginia and then by Congress, demonstrating a bilateral agreement, H.R. 472 and other retrocession efforts have not been supported by residents of D.C. nor by the Maryland legislature or Governor's office.⁴² When D.C. statehood was placed on the ballot in 2016, 86% of residents voted in support of statehood.⁴³

Advocacy around statehood is not new or foreign to American history by any means. As mentioned previously, 37 states, all those outside of the original 13, have had their own journey to statehood, culminating in their admission to the Union by Congressional authorization. Below is a graph of the years elapsed between annexation by the United States and the recognition of statehood of 25 states, with the hypothetical of D.C. included in red. If D.C. were to be granted admission into the Union in 2021, it would receive statehood 220 years after its annexation in 1801, nearly four times as long as Arizonans, highlighted in yellow, had to wait.

⁴²*Norton Calls Retrocession Bill Proof of Republican Fear of D.C.* (2021, February 10). Congresswoman Eleanor Holmes Norton. <https://norton.house.gov/media-center/press-releases/norton-calls-retrocession-bill-proof-of-republican-fear-of-dc-statehood>

⁴³ Ibid.

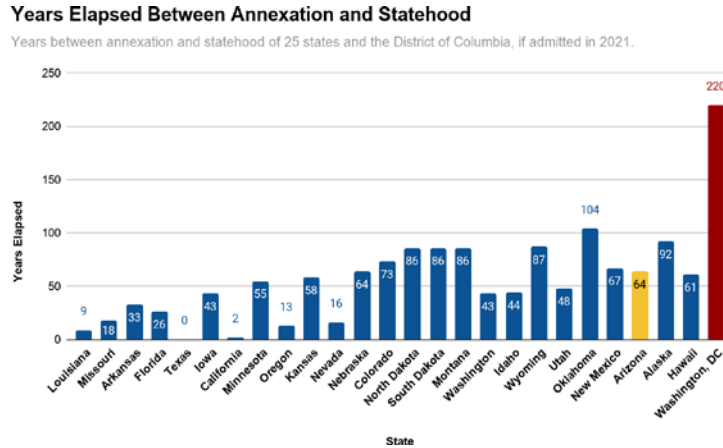


Figure 4: Years elapsed between annexation and statehood for 25 states and the District of Columbia, if admitted

Historically, the government has viewed the status of territory as a form of governmental adolescence, from which, with increasing population, the area would eventually grow into adult statehood.⁴⁴ This idea has been at the core of modern statehood movements in the United States, cited most recently in the literature regarding Alaska's admission to the Union. Historical precedent shows us that every state west of the Alleghenies, except Texas and California, went through a territorial stage of development and matured to statehood once they reached a population of about 60,000.⁴⁵ While Article IV of the Constitution provides Congress the power to admit new states into the Union, it does not prescribe a method or establish parameters for determining readiness for statehood. Historically, three principles have been considered in determining readiness for statehood 1) the residents can demonstrate a belief in the

⁴⁴ Sundborg, G. & Alaska Statehood Association. (1946, August). *The Issues Involved and the Facts about the Issues*. The University of Alaska. <https://www.alaska.edu/creatingalaska/downloads/Statehood-for-Alaska.pdf>

⁴⁵ Ibid.

principles of republican government, 2) the majority of residents express support for statehood, and 3) the establishment of sufficient population and resources.⁴⁶

Despite D.C. meeting all three of the above criteria, it has not followed that same trajectory as other territories, as evidenced in the chart above. In addition to growing calls for self-government and electoral representation, the data above demonstrates an inequity that some see as a demand for action. For opponents, however, that is not necessarily the case. For them, the refusal of recognition of statehood to D.C. for over 200 years is not injustice but rather due diligence on the part of Congress.

Over the decades, arguments from opponents to D.C. statehood have ranged from concerns regarding constitutionality and Founders' intent to a claim from Senator Tom Cotton (R-AR) that states like Wyoming are "more deserving than D.C. of statehood" because it is a "well-rounded working-class state."⁴⁷

Recent arguments have cited D.C.'s lack of car dealerships, landfills, and airports as reasons against statehood. Others, including Senate minority leader Mitch McConnell (R-KY), have characterized efforts to provide D.C. residents representation and local control "full-bore socialism."⁴⁸

Since being granted the right to vote for the President of the United States by the passage of the 23rd Amendment in 1961, citizens in the District of Columbia have exercised their right to vote, maintaining relatively high voter turnout in every

⁴⁶ District of Columbia Voting Representation in Congress: An Analysis of Legislative Proposals. (2010, April 19). Congressional Research Service. <https://www.everycrsreport.com/reports/RL33830.html>

⁴⁷ *D.C. Not Having Car Dealership Is Latest GOP Argument Against Statehood*. (2021, March 22). DCist. <https://dcist.com/story/21/03/22/dc-statehood-hearing-congress-car-dealership/>

⁴⁸ Mitch McConnell Calls D.C. Statehood 'Full-Bore Socialism' (2019, June 18). DCist. <https://dcist.com/story/19/06/18/mitch-mcconnell-calls-d-c-statehood-full-bore-socialism/>

presidential election since. Furthermore, while the establishment of D.C. as a state and the electoral privileges that accompany that status will have consequences on the partisan makeup of Congress, characterizing an advocacy campaign that has been ongoing since the early 1800s, with the latest resurgence having begun in the 1950s, as a new Democratic power grab is logically and factually unsound.

Policy Efficiency and Cost Analysis

An analysis to determine the efficiency of D.C. Statehood is complex, and there are many factors and decisions that will remain variables until the D.C. Statehood Transition Committee is established. A CBO report discussed in the Policy Proposal section of this memorandum details cost savings to the federal government if D.C. were to become a state. However, that does not address the issue of the costs that the District of Columbia will incur.

Current District of Columbia Chief Financial Officer (CFO), Fitzroy Lee, former D.C. CFO Natwar M. Gandhi, and Alice Rivlin, renowned American economist, former Director of the White House Office of Management and Budget, and founding Director of the CBO have expressed with confidence that the narrative that D.C. would be underfunded and unable to assume the duties of a state is unlikely and not supported by the data.⁴⁹ Rep. Eleanor Holmes Norton (DC-At Large) has stated that “The District is more than ready for statehood. There is a transition period during which the state figures

⁴⁹ Rivlin, A. M. (2016, July 28). If the District of Columbia becomes a State: Fiscal Implications. Brookings. <https://www.brookings.edu/testimonies/if-the-district-of-columbia-becomes-a-state-fiscal-implications/>

out what the cost will be and then, gradually the state takes over all of the costs over time until it absorbs them all.”⁵⁰

Currently, the District of Columbia's status limits its ability to raise revenue. D.C. is obligated to perform the functions of both a state and a city government, providing services such as schools, law enforcement, fire services, motor vehicle services, Medicaid and mental health services, and other functions generally under the purview of a state, such as operating its own business tax system, workers' compensation, and unemployment systems.⁵¹

By congressional decree, D.C. is expressly prohibited from taxing the income earned within its borders by non-residents, a power that all states have.⁵² In testimony to the Council of the District of Columbia in 2009, former D.C. Deputy CFO Robert Ebel discussed the financial implications of D.C. statehood. In his testimony, he identified five potential fiscal impacts: 1) federal grants, 2) federal payments, 3) the taxation of non-resident income, and 4) the return of state services from the Federal government, and 5) budget autonomy.⁵³

D.C. currently receives federal grants and ad hoc federal payments or earmarks similar to other states. The Statehood Transition Committee will need to decide how or if

⁵⁰ Marnin, J. (2021, March 23). D.C. Officials Say They're Financially Prepared for Statehood Despite Undetermined Cost. Newsweek. <https://www.newsweek.com/dc-officials-say-theyre-financially-prepared-statehood-despite-undetermined-cost-1578237>

⁵¹ Public Oversight Roundtable on The Economic and Financial Impacts of District of Columbia Statehood, DC Council (2009) (testimony of Robert Ebel) https://cfo.dc.gov/sites/default/files/dc/sites/ocfo/release_content/attachments/17626/Fiscal%20Impact%20of%20Statehood%20Testimony.pdf

⁵² Rivlin, A. M. (2016, July 28). If the District of Columbia becomes a State: Fiscal Implications. Brookings. <https://www.brookings.edu/testimonies/if-the-district-of-columbia-becomes-a-state-fiscal-implications/>

⁵³ Public Oversight Roundtable on The Economic and Financial Impacts of District of Columbia Statehood, DC Council (2009) (testimony of Robert Ebel) https://cfo.dc.gov/sites/default/files/dc/sites/ocfo/release_content/attachments/17626/Fiscal%20Impact%20of%20Statehood%20Testimony.pdf

these funds will continue to be distributed. For example, D.C. currently receives the Community Development Block Grant's local component, but not the state component. D.C.'s eligibility to receive both portions of the grant would be discussed and addressed by the D.C. Statehood Transition Committee.⁵⁴

A transition to statehood would also require a closer look at the Federal Medical Assistance Percentage (FMAP) base assigned to D.C. The FMAP for D.C. is 76.2%, which would potentially be adjusted based on the allocation formula applied to other states. If D.C.'s FMAP is lowered to the statutory minimum of 50%, it would result in an estimated \$310 million in additional state expenditures for Medicaid.

This shortfall could be addressed once the prohibition on taxation of non-resident income is lifted by S. 51. One of the proposed options for increasing revenue for D.C. is to apply current D.C. tax rates to the broadened tax base, which according to 2006 estimates, would raise \$2.26 billion in revenue annually. Tax exemptions for Federal government property in the District could also become the basis for a payment-in-lieu of taxes agreement by the Federal government, consistent with existing arrangements with many other states and localities around the country.

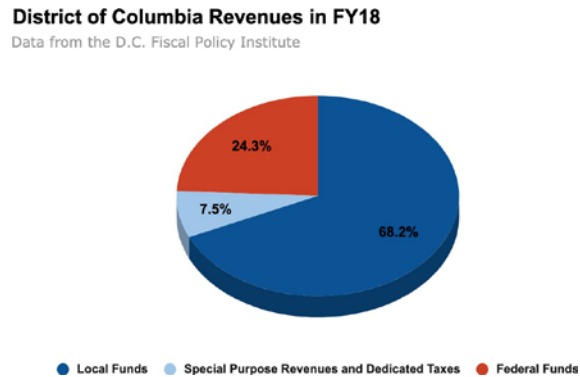
In 1997, when D.C. was in recovery from a fiscal crisis, the federal government phased out annual federal payments and assumed responsibility for the District's courts. In 2009, if D.C. had regained both administrative and fiscal responsibility for the Federal government's judicial services, the potential impact on the District's budget would have been an estimated \$685 million in operating expenditures and \$76 million in capital expenditures.⁵⁵ While economists and D.C. elected officials have reviewed and discussed

⁵⁴ Ibid.

⁵⁵ Ibid.

additional expenditures, these are significant additional costs that remain worthy of concern.

Below is a graph of D.C. revenues in FY18 with the percentage of revenue provided by the federal government highlighted in red.



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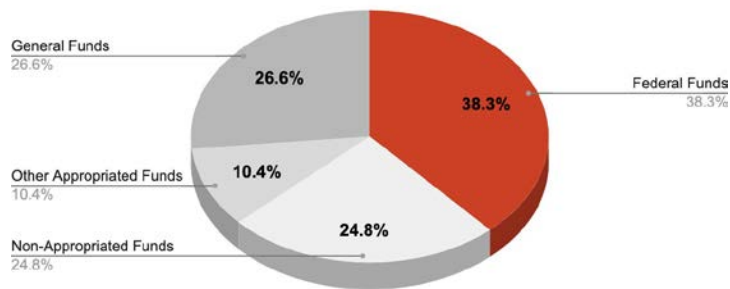
Figure 5: District of Columbia FY18 revenues

While D.C. does have vital components of its operations under the federal government's jurisdiction, comparatively, it is not as dependent on federal dollars as other states, like Arizona. Where D.C. received 24.3% of its FY18 revenues from the federal government, Arizona received 38.3% of its FY20 revenues from federal funds. Arguments around D.C.'s financial preparedness for statehood are often based on a mischaracterization that conflates statehood with complete financial independence.

⁵⁶ D.C. Fiscal Policy Institute. (2021, January 11). A Resident's Guide to the D.C. Budget. <https://www.dcfpi.org/all/a-residents-guide-to-the-dc-budget-2/>

State of Arizona Revenues in FY 2020

Data from Arizona Center for Economic Progress



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Figure 6: State of Arizona FY20 revenues

A successful transition to statehood as provided in S. 51 would require D.C. to raise taxes, likely on the income of non-residents, to sustain operations. This will have a negative impact on those non-residents who will not vote or have representation in D.C.'s new government but will be subject to increased taxation.

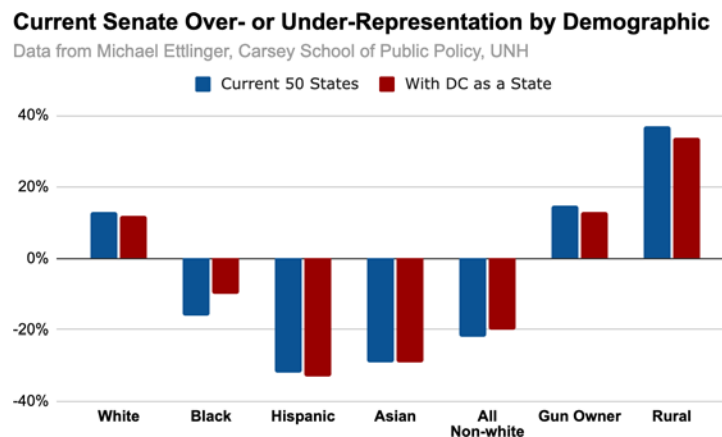
Equality and Liberty

The lack of full Congressional representation and control over local governmental affairs has been called an inexcusable inequity and burden placed on the over 700,000 majority-minority residents of D.C. Given the history of D.C. and the current population distribution, District residents' disenfranchisement is inextricably linked with the oppression of Black people in America.

One data point that supporters of D.C. statehood often cite is the effect on Senate malapportionment. As stated previously, the average Black person in America has only

⁵⁷ State Budget 101. (2021, January 7). The Arizona Center for Economic Progress. <https://azeconcenter.org/state-budget-101/#:~:text=Federal%20funds%20make%20up%2043,the%20national%20average%20of%2032%25.>

75 percent of the voting power in the Senate as the average white American.⁵⁸ In June of 2020, Michael Ettliger, Director of the Carsey School of Public Policy at the University of New Hampshire, analyzed the impact D.C. statehood would have on Senate malapportionment. The data are displayed in the graph below. A negative number indicates that the demographic is represented in the Senate by that percent less than if all demographics were represented equally. A positive number indicates that the demographic is represented more than would be equal.



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Figure 7: Current over- or under-representation in the U.S. Senate, by demographic

As seen above, if D.C. were to be granted two Senators, there would be a pronounced effect on Black under-representation, which would shift from 16% to 10%. The analysis also illustrates that if D.C. gained two Senators, while all non-white Americans would increase in representation by 2%, Hispanic Americans would decrease in representation by 1%.

⁵⁸ Melendi, J. (2020, September 17). *Defining Democracy: The Senate*. Renew Democracy Initiative. <https://rdi.org/defining-democracy/2020/9/17/defining-democracy-the-senate/>

⁵⁹ Ettliger, M. (2020, September 15). Effect of D.C. Statehood on Black Under Representation in the Senate. Medium. <https://mettlinger.medium.com/effect-of-dc-statehood-on-black-under-representation-in-the-senate-eccd7d21f5e7>

One of the most significant political hurdles for S. 51 to overcome is the diminished electoral power of white and rural voters. As seen in the graph above, white voters would decrease their over-representation and political influence by 1%, and rural voters would see a reduction in their over-representation in the Senate by 3%. Neither demographic descends below the equality line, but both have become accustomed to a heightened, albeit inequitable, amount of power and influence on the government. A policy that requires relinquishing power is not typically palatable and brings up similar arguments introduced during debates on the 1965 Voting Rights Act.

In addition to the changes in representation by demographic, the Senate's shift from 100 to 102 seats would mean that each state would go from having 2% control to 1.96% control.

D.C. has also elected a Democrat in every Presidential election since residents were granted the right to vote for President by the 23rd Amendment. To discuss the consequences of S. 51 without addressing the political implications would be a disservice. As such, this shift's partisan implications will be discussed in more detail in the political analysis section of this memorandum.

The 23rd Amendment

S. 51 provides for "expedited procedures for consideration of a constitutional amendment repealing the 23rd amendment" to address one of the most pressing issues facing D.C. statehood. The 23rd Amendment, which grants the District three electoral votes, would automatically be applied to the new federal enclave. Meaning residents of the enclave, likely only to include occupants of the White House, would be able to vote for the President and be awarded three electoral college votes. This would create an

inequity in power distribution if the repeal of the Amendment were not expedited as the bill provides.

VI. Political Analysis

The policy debate around D.C. statehood cannot be decoupled with its political and partisan implications. While the inauguration of a supportive Biden Administration and the ushering in a Democratic Senate majority in 2021 infused D.C. statehood advocates with new hope for the movement, they are still faced with numerous political challenges. The primary contenders of these political challenges involved in D.C. statehood include the Biden Administration, the Democratic and Republican Parties, specifically those elected in the Legislative Branch, the D.C. government, and the public, which consists of the citizens residing in D.C.

Both President Joe Biden and his running mate, Vice President Kamala Harris, expressed strong support for D.C. statehood on the campaign trail.^{60,61} On March 18, Jen Psaki, the White House Press Secretary and spokesperson for President Biden, publicized the Biden Administration's official support for D.C. statehood for the first time since the President took office.⁶² This public support for D.C. statehood came ahead of a nearly four-hour congressional hearing the following week in the House Committee on Oversight and Reform.

⁶⁰ Biden, Joe [@JoeBiden]. (2020, June 25). *D.C. should be a state. Pass it on.* [Tweet]. Twitter. <https://twitter.com/joebiden/status/1276285377595281408?lang=en>

⁶¹ Harris, Kamala [@KamalaHarris]. (2020, June 26). *Washington, D.C. has 700,000+ residents—more than some states—but they are denied full representation in Congress. It's time to grant D.C. statehood.* [Tweet]. Twitter. <https://twitter.com/kamalaharris/status/1276569418202591233?lang=en>

⁶² Staff, N. W. (2021, March 19). Biden White House Backs DC Statehood: 'They Deserve Representation.' NBC4 Washington. <https://www.nbcwashington.com/news/local/biden-white-house-backs-dc-statehood-they-deserve-representation/2612755/>

The Democratic Party is expected to gain political power should D.C. become a state. Since the ratification of the 23rd Amendment in 1961, granting D.C. residents electoral votes in Presidential elections, no Republican has won an electoral vote in D.C.⁶³ To achieve this political gain, the Democrats will need to contend with tradeoffs and challenges such as hyper-partisanship and the modification or elimination of the filibuster.

Senate Majority Leader Charles E. Schumer (D-NY) has publicly stated that D.C. statehood is a top priority. In 2019⁶⁴ and again in 2020⁶⁵, he counted statehood among his top 3 policy solutions to bolstering voting rights. Majority Leader Schumer has publicly stated on numerous occasions that he has not ruled out the modification or elimination of the filibuster. He is among the current 42 cosponsors of S. 51, signing on with the original 38.

Where Democrats have largely framed D.C. statehood as a civil rights and racial equity issue, the messaging Republicans have employed is along the common themes of D.C. statehood being a Democratic power grab that is inconsistent with the intent of the Founders. Despite D.C. statehood efforts reaching back to its inception in 1801, in July 2020, Senator Lindsey Graham of South Carolina stated, “This is about expanding the Senate map.”⁶⁶ Zach Smith of the Heritage Foundation, an organization that has taken a

⁶³ District Of Columbia Presidential Election Voting History. (n.d.). 270toWin.Com. https://www.270towin.com/states/District_of_Columbia

⁶⁴ Nirappil, F. J. P. (2019, March 7). Charles Schumer says D.C. statehood is a priority, a first for Senate Democrats. Washington Post. https://www.washingtonpost.com/local/dc-politics/chuck-schumer-says-dc-statehood-is-a-priority-a-first-for-senate-democrats/2019/03/07/4b490ea2-4107-11e9-a0d3-1210e58a94cf_story.html

⁶⁵ Schumer Statement On House Passage Of D.C. Statehood Legislation | Senate Democratic Leadership. (2020, June 26). Senate Democrats. <https://www.democrats.senate.gov/newsroom/press-releases/schumer-statement-on-house-passage-of-dc-statehood-legislation>

⁶⁶ Nirappil, F. J. Z. (2020, July 1). Senate GOP critics of D.C. statehood call for a floor vote to put Democrats on record. Washington Post. <https://www.washingtonpost.com/local/dc-politics/senate-gop->

stance against D.C. statehood, said that residents of D.C. “already enjoy significant benefits by the very nature of living in the seat of federal government...district residents can even make their views on this or any other subject known to virtually every member of Congress with a simple act such as placing a sign in their yard.”⁶⁷ His equating of a yard sign with votes and congressional representation was heavily criticized from the left but echoed in testimony from other members of Congress who also cited D.C.'s lack of car dealerships, landfills, and airports as reasons against statehood.

While the partisan implications are top of mind for the major political party establishments, those in D.C. are eager to have a vote, no matter the party that would ultimately be elected to represent them. When D.C. statehood was placed on the ballot in 2016, an overwhelming 86% of residents voted in support of statehood.⁶⁸ In addition to the support of residents, D.C. statehood is supported by current Mayor Muriel Bowser and delegate to the House of Representatives, Eleanor Holmes Norton.

Current Legislative Landscape

H.R. 51, the companion bill to S.51, is currently with the House Committee on Oversight and Reform. Given the legislative history of the Democrat-controlled House of Representatives and the energy around D.C. statehood, it is expected that H.R. 51 will pass the House of Representatives and then be referred to the U.S. Senate.

Opponents of D.C. statehood often discuss alternative policies that would cede land back to the state of Maryland and cite the retrocession of Alexandria in 1846 as a

critics-of-dc-statehood-call-for-floor-vote-to-put-democrats-on-record/2020/07/01/c39785aa-bbb3-11ea-bdaf-a129f921026f_story.html

⁶⁷ Smith, Z. (n.d.). D.C. Statehood Requires a Constitutional Amendment, and I'll Put That on My Yard Sign. The Heritage Foundation. <https://www.heritage.org/the-constitution/commentary/dc-statehood-requires-constitutional-amendment-and-ill-put-my-yard-sign>

⁶⁸ Ibid.

case study. Aside from being rooted pro-slavery and white supremacist activism, many factors differentiate Alexandria's retrocession in 1846 from the situation today. A primary factor being support. While in 1846, retrocession was first passed by the state of Virginia and then by Congress, demonstrating a bilateral agreement, H.R. 472 *The District of Columbia-Maryland Reunion Act* and other retrocession efforts have not been supported by residents of D.C. nor by the Maryland legislature or Governor's office.⁶⁹

In addition to the lack of bilateral agreement for retrocession and the overwhelming sentiment of those governed supporting another policy approach, the likelihood of retrocession passing is lower than other policy solutions. Where H.R. 51, the companion bill for S. 51, has 215 cosponsors, which amounts to 98% of the Democratic delegation, H.R. 472 has ten cosponsors or 4% of the Republican delegation. Failing to gain even significant partisan support, retrocession as a policy solution for D.C. residents would need a considerable increase in congressional support from both Democrats and Republicans and support from residents in D.C. and Maryland to be an effective policy solution or relevant argument against D.C. statehood.

Challenges Repealing the 23rd Amendment

As mentioned in the previous section, the repealing of the 23rd Amendment is a significant obstacle in the passage of S.51 and the induction of D.C. as a state. If the 23rd Amendment is not repealed, those living within the designated federal enclave, which likely would only consist of those residing in the White House, would be granted three

⁶⁹*Norton Calls Retrocession Bill Proof of Republican Fear of D.C.* (2021, February 10). Congresswoman Eleanor Holmes Norton. <https://norton.house.gov/media-center/press-releases/norton-calls-retrocession-bill-proof-of-republican-fear-of-dc-statehood>

electoral college votes. This would create an imbalance of power that would give the President and their family unfair influence on presidential elections.

There are two methods in which a Constitutional amendment can be repealed, and both require affirmation from state legislatures. It is within the realm of possibility and a worthy consideration that state legislatures would refuse to ratify the Amendment as a method to block H.R. 51 and S. 51. This sentiment has already been displayed in the state of Arizona. In March of 2021, the Arizona House of Representatives voted on a resolution to oppose D.C. statehood. The legislation passed on party lines, with 31 representatives voting to support the resolution to oppose D.C. statehood and 29 voting against the resolution.⁷⁰ Should the 23rd Amendment not be repealed or otherwise contended with, there would be severe electoral ramifications and undoubtedly test the already weakened perception of democracy in the United States.

Impact on Senate Apportionment

If D.C. were admitted as a state, the Senate would shift from 100 to 102 seats. This would mean that each state would go from having 2% control to 1.96% control with the addition of D.C.'s voting Senators. Given D.C.'s history of voting Democratic in every Presidential election since residents were granted the right to vote for President by the 23rd Amendment, it is a safe assumption that in the near term, the two Senators would be Democrats. The slight percentage decrease in power each state would see seems minuscule until it is placed into context. Currently, we are in the 117th Congress. In this Congress, there are 50 elected Republicans, 48 Democrats, and 2 Independent Senators, Angus King (I-ME) and Bernie Sanders (I-VT), who both caucus with the Democratic

⁷⁰ Arizona HCR2035 | 2021 | Fifty-fifth Legislature 1st Regular. (2021). LegiScan. <https://legiscan.com/AZ/votes/HCR2035/2021>

Party. If D.C. were a state, the partisan divide would shift to 52 Senators caucusing with the Democratic Party and only 50 with the Republican Party. This shift is still not enough to render the filibuster moot. However, it would give the Democratic Party an increase in political power in the Senate and helps to solidify their position in the majority.

The Senate cloture rule requires at least 60 members to end the debate and move to a vote. Given this rule, the simple majority the Democrats currently have would be insufficient for D.C. statehood to pass.⁷¹ Given the challenge of having insufficient voting power to get beyond the filibuster and acknowledging that the policy could not move forward through reconciliation, the D.C. statehood movement must prepare to climb significant political and bureaucratic hurdles.

The filibuster remains a political hurdle, not just for D.C. statehood but also for the perpetual partisan gridlock plaguing the Senate. According to the Brookings Institute, more cloture motions have been filed in the last two decades than in the 80 years prior.⁷² There are currently several policy solutions being discussed to address the gridlock created by the filibuster, ranging from modification to elimination. And while Minority Leader Mitch McConnell (R-KY) is presently opposed to eliminating or reforming the filibuster in a Democrat-controlled Senate, stating that if Democrats modify or eliminate the filibuster, they will "turn the Senate into a sort of nuclear winter."⁷³ The nuclear option that Minority Leader McConnell refers to is one he employed in 2017 when he led

⁷¹ Flynn, M. T. A. (2021, January 9). *Could D.C. become a state? Explaining the hurdles to statehood*. Washington Post. <https://www.washingtonpost.com/dc-md-va/2021/01/08/washington-dc-statehood-faq/>.

⁷² Reynolds, M. E. (2021, February 26). What is the Senate filibuster, and what would it take to eliminate it? Brookings. <https://www.brookings.edu/policy2020/votervital/what-is-the-senate-filibuster-and-what-would-it-take-to-eliminate-it/>

⁷³ Pengelly, M. (2021, March 23). Senate filibuster reform would produce "nuclear winter," says Mitch McConnell. The Guardian. <https://www.theguardian.com/us-news/2021/mar/23/mitch-mcconnell-senate-filibuster-reform-nuclear-winter-democrats-republicans>

a charge to reduce the number of votes needed to end debate on a Supreme Court nomination from 60 to a simple majority of 51.⁷⁴

Public Opinion on D.C. Statehood

Public opinion around D.C. statehood indicates some of the more challenging to approach hurdles for recognizing D.C. as a state. In 2019, a Gallup poll found that 64% of Americans do not think the nation's Capital should attain statehood, in comparison to the 29% who support the idea.⁷⁵ Since 2019, we have seen a shift in public opinion that continues to evolve. Recent national polls asking if respondents support or oppose granting D.C. statehood found the public more evenly divided. In a Fortune survey conducted in January 2021 after the attack on the U.S. Capitol, 49% of Americans favored statehood, but that support was mainly on partisan lines, as seen below.⁷⁶

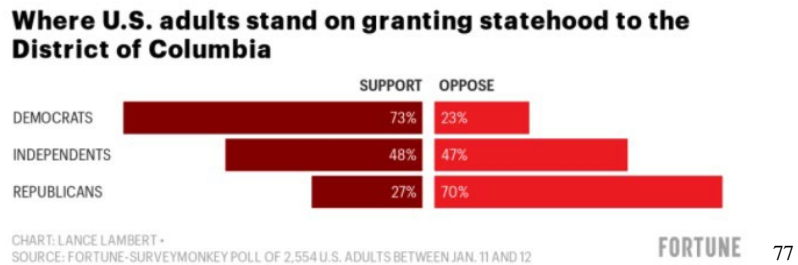


Figure 8: National poll on statehood for the District of Columbia, displayed by party affiliation

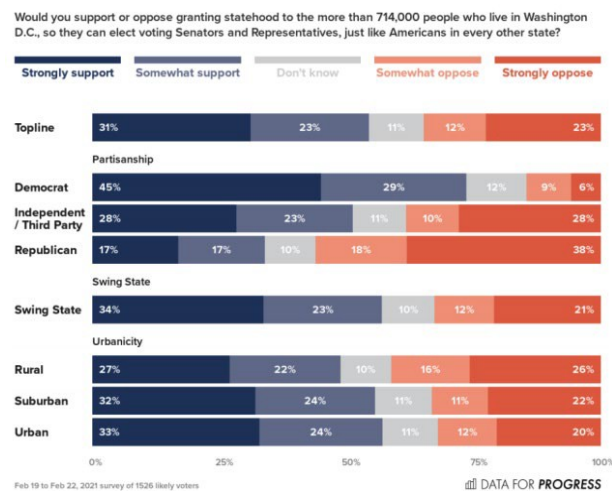
⁷⁴ Reynolds, M. E. (2021, February 26). What is the Senate filibuster, and what would it take to eliminate it? Brookings. <https://www.brookings.edu/policy2020/votervital/what-is-the-senate-filibuster-and-what-would-it-take-to-eliminate-it/>

⁷⁵ Portnoy, J. S. C. (2019, July 15). Most Americans say no statehood for the District of Columbia, poll shows. Washington Post. https://www.washingtonpost.com/local/dc-politics/most-americans-say-no-statehood-for-the-district-of-columbia-poll-shows/2019/07/13/d053f350-a4c1-11e9-b8c8-75dae2607e60_story.html

⁷⁶ Skelley, G. (2021, March 26). What Americans Think About D.C. Statehood, Anti-Asian Discrimination And LGBTQ Rights. FiveThirtyEight. <https://fivethirtyeight.com/features/what-americans-think-about-d-c-statehood-anti-asian-discrimination-and-lgbtq-rights/>

⁷⁷ Ibid.

Another poll conducted by Data for Progress (DFP) found that 54 percent of likely voters supported D.C. statehood.⁷⁸ In conducting their research, DFP tested different ways of framing the question to tease out what resonated with likely voters. Results from their baseline question, "Would you support or oppose granting statehood to the more than 714,000 people who live in Washington D.C., so they can elect voting Senators and Representatives, just like Americans in every other state?" can be found below.⁷⁹ When pollsters presented the question in a way that framed the taxation without representation that D.C. residents are subjected to, the percent that approved of D.C. statehood rose to 58%.



80

Figure 9: National poll on statehood for the District of Columbia, displayed by demographic

Political Impact for Senator Kyrsten Sinema

Senator Kyrsten Sinema (D-AZ) has positioned herself to carry the legacy of the moderate and bipartisan-minded Senators who came before her. As recent political history has shown us, this is a heavy burden to bear. In an increasingly partisan Congress,

⁷⁸ Ibid.

⁷⁹ Data for Progress (2021). *A Record Number of Voters Support D.C. Statehood*. <https://www.filesforprogress.org/datasets/2021/3/DFA-DFP-DC-Statehood.pdf>

⁸⁰ Ibid.

there is a fine line between maverick and obstructionist that can be hard to straddle while living up to promises to "get things done for everyday Arizonans."⁸¹

An early March survey of registered voters in Arizona conducted by OH Predictive Insights (OHPI) showed that some of Senator Sinema's recent decisions have cost her Democratic support.

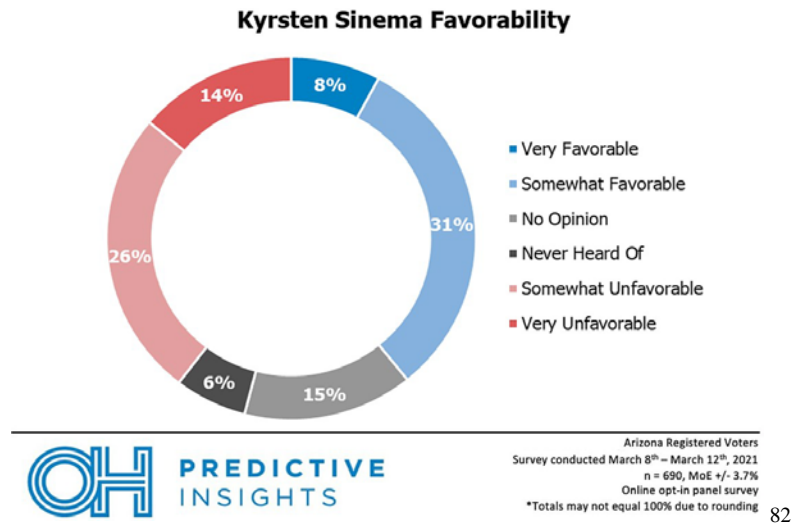


Figure 10: OH Predictive Insights 2021 poll on Senator Kyrsten Sinema's favorability among Arizona voters

In the analysis, pollsters found that Senator Sinema was viewed favorably by 50% of Democratic voters and just 22% of Republican voters. Younger voters between 18-34 years old favored her at just 25%, while 35% viewed her unfavorably.⁸³ For context, in the same survey, Mark Kelly (D-AZ) had a favorability rating of 79%, with just 11% of

⁸¹ Roberts, Laurie, The Arizona Republic. (2021, March 25). Sen. Kyrsten Sinema should beware of losing the independent voters she needs to survive. Arizona Republic. <https://eu.azcentral.com/story/opinion/oped/laurieroberts/2021/03/24/kyrsten-sinema-should-rethink-filibuster-press-minimum-wage/6987305002/>

⁸²Lollman, Laura, AZFamily.com. (2021, March 22) *New poll shows Kyrsten Sinema's moderate approach has weakened democratic support.* https://www.azfamily.com/news/politics/arizona_politics/new-poll-shows-kyrsten-sinemas-moderate-approach-has-weakened-democratic-support/article_1382a9d2-8b2a-11eb-932c-638572f0a9a6.html

⁸³ O.H. Predictive Insights. (2021). *Arizona Public Opinion Pulse (AZPOP) Arizona's Senators.* <https://ohpredictive.com/press-releases/sinemas-independence-costs-democratic-support/>

Democrats finding him unfavorable.⁸⁴ The data in the survey, which asked questions on Sinema's policy positions, pointed to her opposition of the \$15 minimum wage, displayed with a curtsy on the Senate floor that many took as a mockery of working-class Americans, and her opposition to eliminating the Senate filibuster.⁸⁵

On April 13, 2021, a coalition of 35 Arizona groups and organizations, led by Indivisible of Arizona, sent a letter expressing support for D.C. statehood and urged Senator Sinema to become a cosponsor.⁸⁶ Among the groups were the Arizona Advocacy Network, the Arizona Students' Association, and the Arizona AFL-CIO, each representing a different but relatively large constituency in Arizona.

Politically, supporting S. 51 would provide Sen. Sinema with a tangible example of her dedication to civil rights and liberties, improving her decreasing favorability ratings among Democrats and Independents. Her continued opposition and entangling of support for D.C. statehood with the filibuster are to the detriment of an opportunity to improve her public image.

VII. Recommendation

Since their disenfranchisement in the Organic Act of 1801, District of Columbia residents have been denied the same civil rights and civil liberties afforded other tax-paying citizens across the United States. The lack of full Congressional representation and control over local governmental affairs is an inexcusable inequity and burden placed on the over 700,000 majority-minority residents of D.C.

⁸⁴ Ibid.

⁸⁵ Ibid.

⁸⁶ Coconino Democratic Party joins Arizona Groups to Call for Passage of D.C. Statehood Bill (S. 51) – Coconino County Democratic Party. (2021, April 13). Coconino Democratic Party. <https://coconinodemocrats.org/coconino-democratic-party-joins-arizona-groups-to-call-for-passage-of-d-c-statehood-bill-s-51/2021/04/13/>

Given the racial justice and civil rights framing around D.C. Statehood, Senator Sinema's approval of S. 51 would signal to Democratic and Independent voters in Arizona that she cares about those issues. Support for S. 51 does not necessitate support for eliminating the filibuster. Senator Sinema would still maintain her position as a maverick and staunch supporter of the filibuster while supporting civil rights and voting rights, two predominant social and political issues among the American electorate.

The argument that D.C. does not need voting representation in Congress or control over their local affairs, the equating of votes and representation in Congress with the "privilege" of lawn signs, and the (false⁸⁷) suggestion that D.C. does not deserve to be a state because it does not have car dealerships are becoming insufficient as more Americans nationally learn of the over 700,000 people living under taxation without representation. As the recent polling discussed in previous sections has shown, the number of Americans supporting D.C. statehood, especially when framed as a civil rights and voting rights issue, is growing. D.C. has met and exceeded the criteria used for admission historically, and the public is beginning to take notice.

The argument of the intention of the Founders to create a federal district is answered in the creation of the federal enclave, which will remain under the control of the federal government. If we still operated this country according to the founder's intentions, Senator Sinema would not be in the Senate, and I, as a Black woman, would not be writing this memo.

The cost of D.C. statehood remains a relative unknown. Nevertheless, that has historically been the case when new states are admitted. Negotiating the financial

⁸⁷ DMV Active Dealers. (n.d.). DMV. <https://dmv.dc.gov/publication/dmv-active-dealers-list>

relationship between the federal government and the states under its umbrella is ever-evolving. As noted in previous sections, D.C. already relies on the government at a rate less than other states like Arizona. If given the same power that other states enjoy to raise revenue, it can be expected that this reliance would not be an issue. While my economics background is limited, I am inclined to trust the analysis conducted by the current District of Columbia Chief Financial Officer (CFO), Fitzroy Lee, former D.C. CFO Natwar M. Gandhi, and Alice Rivlin, renowned American economist. The cost of running the federal enclave remains worthy of concern. There are currently no estimates available for how much it will cost the federal government to operate public services throughout the federal enclave. However, it is conceivable that a contract relationship could be arranged with the state of D.C., or the federal government could use some of the projected savings to establish the necessary service infrastructure in the federal enclave. I would expect a transition period as D.C. allows the federal government to grow into self-sufficiency.

The strongest argument against D.C. statehood that does not revolve around the false narrative of a Democratic power grab and car dealerships is the 23rd Amendment. There would be significant political pressure should the 23rd Amendment not be repealed. However, if it remains in place, it would do so on a partisan line. Meaning that Republicans would be responsible for providing the family in the White House, currently Democrat Joe Biden, equal voting power to a state. While this concern is quite real, the threat of not repealing the Amendment should S. 51 pass would be politically unwise for Republican state legislatures, and I suspect it is more bark than bite.

Amending or eliminating the filibuster is one of the only avenues for the passage of S. 51. However, as mentioned earlier, support for the bill does not necessitate support

for eliminating the filibuster. Despite 61% of Arizonans saying that passing major bills is more important than keeping the filibuster, Sen. Sinema has gone on record saying, "She is not open to changing her mind about eliminating the filibuster."⁸⁸ An internal analysis of filibuster reform, including additional polling of Arizonans, should be conducted but does not preclude Senator Sinema from supporting S. 51.

I recommend that Senator Sinema sign on to S. 51 as a cosponsor and publicize her commitment to leveraging her cross-party relationships and experience working across the aisle to address the disenfranchisement of D.C. residents.

⁸⁸ Zhou, L. (2021, March 9). Poll: Most Arizonans are open to filibuster reform, despite Kyrsten Sinema's objections. Vox. <https://www.vox.com/22320606/arizona-kyrsten-sinema-poll-filibuster>

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Biography

Nicole McAllister was born in Solano County, CA in October of 1992. After completing her K-12 education in the Fairfield-Suisun Unified School District, she pursued her undergraduate studies at California State University, Chico.

While at CSU Chico, Nicole participated in a number of academic and civic pursuits, including serving as a student representative on the Academic Senate and other university advisory committees, being elected to the California State Student Association, creating a Student Academic Senate, and orchestrating campus voter registration efforts.

In the Fall of 2014, Nicole joined the ranks of Washington D.C. residents subjected to taxation without representation.

Education

MA, Public Management | Johns Hopkins University, Baltimore, MD | Spring 2021

BA, Political Science, Social Sciences, and Multicultural and Gender Studies | California State University, Chico, Chico, CA | Spring 2015

Work History

Impact Justice, The National PREA Resource Center

Program Manager

August 2020 - Present

Program Manager for Online Learning and Engagement. Align and implement data and research-driven strategies to advance online learning and engagement across the projects of the National PREA Resource Center.

Manage the development and implementation of PREA Academy, a nationwide online learning program consisting of several courses for PREA-related education.

Lead multi-functional and cross-organizational teams through the entire course development process, from conceptualization through development, implementation, and management. Independently define and track timelines, budgets, deliverables, and milestones across the PREA Academy program. Analyze and utilize learner assessments to ensure a data-informed approach to course development and program growth.

Program Specialist

July 2019 - August 2020

Program Associate

April 2017 - June 2019

U.S. House of Representatives, Office of Rep. John Garamendi (CA-03)

Legislative Assistant and Scheduler

December 2014 - April 2017

Responsible for in-depth policy analysis, developing legislative priorities and strategies, and preparing both internal and external policy briefings, one-pagers, and white papers. Conducted legislative research on Education, Civil Rights, Arts and Humanities, Women's Issues, and Family and Children's Issues. Regularly represented Congressman Garamendi in meetings with community stakeholders and with other member offices.

Frequently prepared constituent and stakeholder correspondence relating to policy, in the form of newsletter content, letters, and social media posts.

Directed all scheduling operations for a member of Congress. This included researching and reviewing requests, balancing dynamic daily requests and long-term priorities, being accountable for the Member's personal files and correspondence, arranging for both domestic and international travel and maintaining positive external relations with constituents, stakeholders, other congressional offices, and federal agencies.

Panetta Institute for Public Policy Intern

August 2014 - November 2014

Nominated by the President of CSU Chico and chosen by both the Chancellor of the California State University system and the Panetta Institute of Public Policy to participate in the highly selective Panetta Institute for Public Policy Congressional Intern Program.

Conducted legislative research and created memorandums for staff and the Congressman in the areas of Veterans Affairs, Women's Issues, issues of religious and cultural intolerance, Higher Education, and Foreign Affairs.

Provided assistance and correspondence to constituents with issues concerning the district, legislation, and current events, over the phone, in writing, and in person.

Honors and Awards

After Chico Award, April 2020

The After Chico Award recognizes that the proof of a good education is what you do with what you've learned. In this award, CSU Chico honors Chico alum's outstanding contributions in the field of diversity activism, service, education, and/or celebration.

Graduation Commencement Student Speaker, CSU Chico, May 2015

Chosen to deliver the 2015 Student Commencement Speech for the College of Behavioral Sciences and College of Engineering, Computer Science, and Construction Management.

Graduated Magna Cum Laude in 3 majors, CSU Chico, May 2015

First student in the history of California State University, Chico, College of Behavioral and Social Sciences to earn magna cum laude honors in three majors.

Conference Presentations

"Gender Differences in the Effects of Alternative Custody Supervision: An exploration of the relationship between Gender and Recidivism in Butte County after the passage of AB 109"
College of Behavioral and Social Sciences Symposium, CSU Chico, Spring 2014