

# There's Never Been A Good Argument Against D.C. Statehood

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By Travis Waldron and Paul Blumenthal May 7, 2021



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Josh Burch remembers the exact moment he realized how absurd it is that Washington, D.C., isn't a state. In 2011, during a tense round of negotiations over federal spending, then-President Barack Obama gave in to Republican demands and agreed to ban the city government from funding abortions in the nation's capital.

"John, I'll give you D.C. abortion," Obama reportedly told then-House Speaker John Boehner in a move that incensed the city's political leadership and residents like Burch. More than 90% of the District voted for Obama, and residents overwhelmingly supported abortion rights. Now their rights were being traded away, and they didn't even have a representative in Congress who could try to stop it.

"It felt like a betrayal," said Burch, a statehood activist with the local group Neighbors United for D.C. Statehood. "That put me over the edge."

Over the last decade, Burch and a litany of local activists have reinvigorated the decadeslong movement to win statehood for D.C. His group and others have taken the fight from the streets of D.C. to Congress, while newer groups of activists have launched a nationwide movement to increase awareness of the District's plight and ramped up pressure on lawmakers to do something about it.

The District is now closer to statehood than it ever has been before. In April, for just the second time in history, the House of Representatives approved legislation that would make D.C. the 51st state. Unlike the previous effort, which was dead on arrival in a GOP-controlled Senate, this one at least has a fighting chance in an upper chamber controlled by a slim Democratic majority. Although the odds are still long, President Joe Biden

has backed the push, throwing the weight of the White House behind statehood for the first time ever.



Drew Angerer via Getty Images D.C. residents rallied this year for the passage of H.R. 51, the statehood bill that the House approved in April. The bill faces longer odds in the Senate, thanks to Republican opposition, the filibuster and a lack of support from at least one Democratic holdout — Sen. Joe Manchin of West Virginia.

In response, opponents of D.C. statehood have recycled the same old arguments against it and come up with new ones. Congressional Republicans argued during House hearings this year that D.C. is not worthy of statehood because the founders didn't intend for the capital to be a state; because the District does not have landfills, car dealerships or an airport; or because it is too small to warrant full representation in our government.

Many of these arguments are easy to refute: The founders have all been dead for two centuries, and many things about the United States, including the abolition of slavery and the enfranchisement of women and Black people, are different from what they initially enshrined in the Constitution. The current bill would carve out a federal district that includes the Capitol, White House and National Mall to meet constitutional requirements. D.C. has landfills and car dealerships. And its 700,000-person population is larger than Wyoming's or Vermont's.

"They have no good argument against D.C. statehood," Burch said recently. "Period."

But those and other arguments persist, even as they fail the most basic test: None of them address why D.C. residents, nearly half of whom are Black, are undeserving of statehood and the full rights to representation that it brings.

## 'It's Just A Political Ploy For Democrats To Gain Senate Seats'

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Jamal Holtz also remembers when he reached the tipping point. A D.C. native, he watched the fight over the Affordable Care Act play out in Congress more than a decade ago, hoping the bill would pass so his uninsured mother would have easier access to health care. But as Democrats and Obama urged Americans to push their representatives to vote for the controversial bill, Holtz realized that his family didn't have anyone to call.

"My advocacy ended at the mayor's office," Holtz, an organizer with the 51 for 51 campaign for D.C. statehood, said. (51 for 51, a coalition of D.C. and national voting rights groups, advocates for changes to Senate rules that would allow D.C. to gain statehood through a simple majority vote, bypassing the 60-vote filibuster threshold that would currently block it.)

"I was disenfranchised from our democracy, from having a voice in the Senate, and a voice in the government that's supposed to represent me," he said.

Were D.C. to become a state, its residents would almost certainly elect two Democratic senators and a Democratic representative (D.C. currently has one nonvoting delegate, Eleanor Holmes Norton, a Democrat and one of the District's fiercest statehood advocates). For that reason, Republicans have cast the statehood push as a purely partisan ploy meant to bolster Democratic majorities in Congress.

Statehood is truly, at its core, a racial justice and voting rights issue. You have American citizens in a country that preaches democracy but doesn't practice democracy. Jamal Holtz, 51 for 51 campaign

Even if it were such a scheme, the Constitution does not say that only one political party's voters are worthy of representation. Other states were also created for purely partisan reasons. And Republican opposition to D.C. statehood is just as partisan, if not more so, than Democrats' support for it.

But the worst part about that argument is that it ignores the real underpinnings of the statehood movement. D.C. residents do not support statehood because of whom they'd elect. They support statehood because they want the right to elect someone, period. They want full political representation in the democracy in which they live and the basic rights that come along with it.

"Statehood is truly, at its core, a racial justice and voting rights issue," Holtz said. "You have American citizens in a country that preaches democracy but doesn't practice democracy."

Roughly 46% of D.C.'s residents are Black. Another 11% are Hispanic or Latino, meaning that the District's second-class status disenfranchises a majority-minority population. The arguments Republicans have made against statehood, Senate Majority Leader Chuck Schumer said after the House vote, boil down to "bigotry, bigotry, bigotry." It's for this reason that advocates like Holtz and 51 for 51 want the Senate to reform filibuster rules, which have historically been used to thwart civil rights legislation, at least to exempt a statehood bill from its 60-vote threshold.

D.C. residents are currently excluded from the political fights that take place in Congress, whether they're over health care, gun laws, affordable housing or any number

of issues that affect the District as much as they do the rest of the nation. But the disenfranchisement runs even deeper than a lack of representation in Congress or the District's routine use as a convenient bargaining chip, as it was for Obama and Boehner.

In 1973, D.C. wrestled some control away from Congress through the Home Rule Act, which allowed for the formation of a city council and the election of a mayor. Still, the elected representatives Washingtonians do have lack full governing authority, since the Home Rule Act also gives Congress the ability to block any law the District's government passes.

In 2014, for instance, D.C. residents voted overwhelmingly to legalize marijuana possession and use, but Congress blocked its full implementation, leaving D.C. in an odd purgatory – marijuana is legal to possess, but not to sell at dispensaries or otherwise – solely because Republicans exercised the sort of control over D.C. that they cannot in states that have passed similar laws.



DANIEL SLIM via Getty Images A D.C. license plates bear the phrase “Taxation Without Representation,” repurposing the popular rallying cry of the American Revolution to note that D.C. residents pay more in federal income taxes than residents of 22 states, but do not enjoy the representation that comes with statehood.

The view that statehood is all about Senate control also obscures the work D.C. activists like Burch and Holtz have done simply to make *Democrats* care about statehood. The party that had filibuster-proof control of the Senate and a huge House majority under Obama barely put any effort into getting D.C. congressional representation, much less statehood. And a decade ago, when an outraged Burch began pushing statehood in

meetings with lawmakers on Capitol Hill, he couldn't find a single Senate Democrat willing to put his or her name on a bill.

In 2012, former Sen. Joe Lieberman (I-Conn.) agreed to introduce legislation that would allow D.C. residents to approve the creation of a new state via ballot referendum. But it was a largely symbolic gesture – Lieberman introduced it two weeks before the end of the congressional session and his subsequent retirement. Just three Senate Democrats joined him as co-sponsors.

While Burch's group and other statehood advocates were busy trying to boost support among lawmakers in Washington, Holtz and 51 for 51 took the movement onto the campaign trail. During the 2020 Democratic presidential campaign, 51 for 51 held events in early primary states to bolster support for statehood not just among Democratic candidates but among rank-and-file voters, too.

The strategy was simple: If they could get ordinary Democratic voters to support statehood, they could push it to the top of the party's agenda. The dueling pressure campaigns worked. Nearly every major Democratic presidential candidate, including Biden, supported statehood during the 2020 primary, and when Sen. Tom Carper (D-Del.) introduced legislation to make D.C. a state this year, 44 other Democrats eventually signed on as co-sponsors. (51 for 51 has also organized campaigns targeting some of the five Democratic holdouts in their home states.)

In the process, the activists also attracted a new coalition of supporters, including local and national voting rights groups that have taken up the cause. D.C. statehood, they have argued to lawmakers, voters and anyone else, is part and parcel of Democrats' broader effort to protect and expand voting rights, a fundamental aspect of improving and protecting American democracy – especially for the Black and brown voters most vulnerable to Republican efforts to curtail voting rights nationwide.

“The reason why the Democrats are pushing it now is because people in D.C. have organized and demanded it,” Burch said. “The movement is what's created this opportunity, not the national Democratic Party.”

## **‘Just Give D.C. Back To Maryland’**

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An increasingly popular “compromise” among Republicans is for the residential neighborhoods of Washington, D.C. to simply join Maryland.

The retrocession of D.C. to Maryland has been promoted by the likes of Sens. Susan Collins (R-Maine) and Mitt Romney (R-Utah), the libertarian activist group FreedomWorks and a number of GOP congressmen, including Maryland's lone Congressional Republican, Andy Harris.

The argument here is that retrocession of residential D.C. would fulfill the goal of providing its residents with the congressional representation that they are currently denied. D.C. citizens would become Maryland citizens and, therefore, gain the representation of Maryland's two senators and, based on the size of the city, their own congressman.

Retrocession proponents tout this solution as a natural return of the land Maryland gave up to create the Federal District. They argue that it is no different than when Congress

passed a law to retrocede one-third of the District's land to Virginia in 1846. But the comparison to the 19th-century retrocession of Alexandria to Virginia only serves to highlight the differences between the two situations – and the one similarity in both calls for retrocession.

Retrocession equals suppression. It would be whitewashing us. Jamal Holtz

What is different from the Virginia retrocession is that this time, D.C. doesn't want to become a part of Maryland, nor does Maryland want D.C. to join it. D.C. residents have voted twice, in 1980 and 2016, in support of referenda to join the union as its 51st state. One 2016 poll found just 28% of Marylanders supported D.C. joining the state.

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“[D.C. residents] don't particularly want to do that, and Maryland doesn't particularly want to do that. It's not what they want. They want their own autonomy, which they are entitled to, and Maryland ... doesn't want to impose itself,” Maryland Sen. Ben Cardin, a Democrat, told the Washington Examiner in January.

Established in 1790, Washington, D.C., has existed and built its own unique culture for longer than many of the states represented by those who seek its retrocession into Maryland. Collins' home state of Maine was a part of Massachusetts for 30 years after the District was founded. Romney's Utah did not enter the union until 1896 – and was part of Mexico when the District came to be.

“The last time D.C. was a part of Maryland, Florida belonged to Spain,” Burch said.

Beyond respecting the wishes of District residents, the vast majority of Maryland's politicians do not want D.C. to join the state as it would transform the state's politics, which are dominated by the suburbs that surround D.C. and Baltimore. The admission of D.C. would introduce a second major city to the state and tilt the state's politics away from the suburbs and toward D.C. and Baltimore, the latter of which is often in conflict with state politicians from both parties who direct resources toward rural, suburban and exurban areas.

Most recently, the Baltimore Sun accused Republican Gov. Larry Hogan of waging a “War on Baltimore” as he attempted to redirect funds away from the city's planned new public transit project and toward highways.

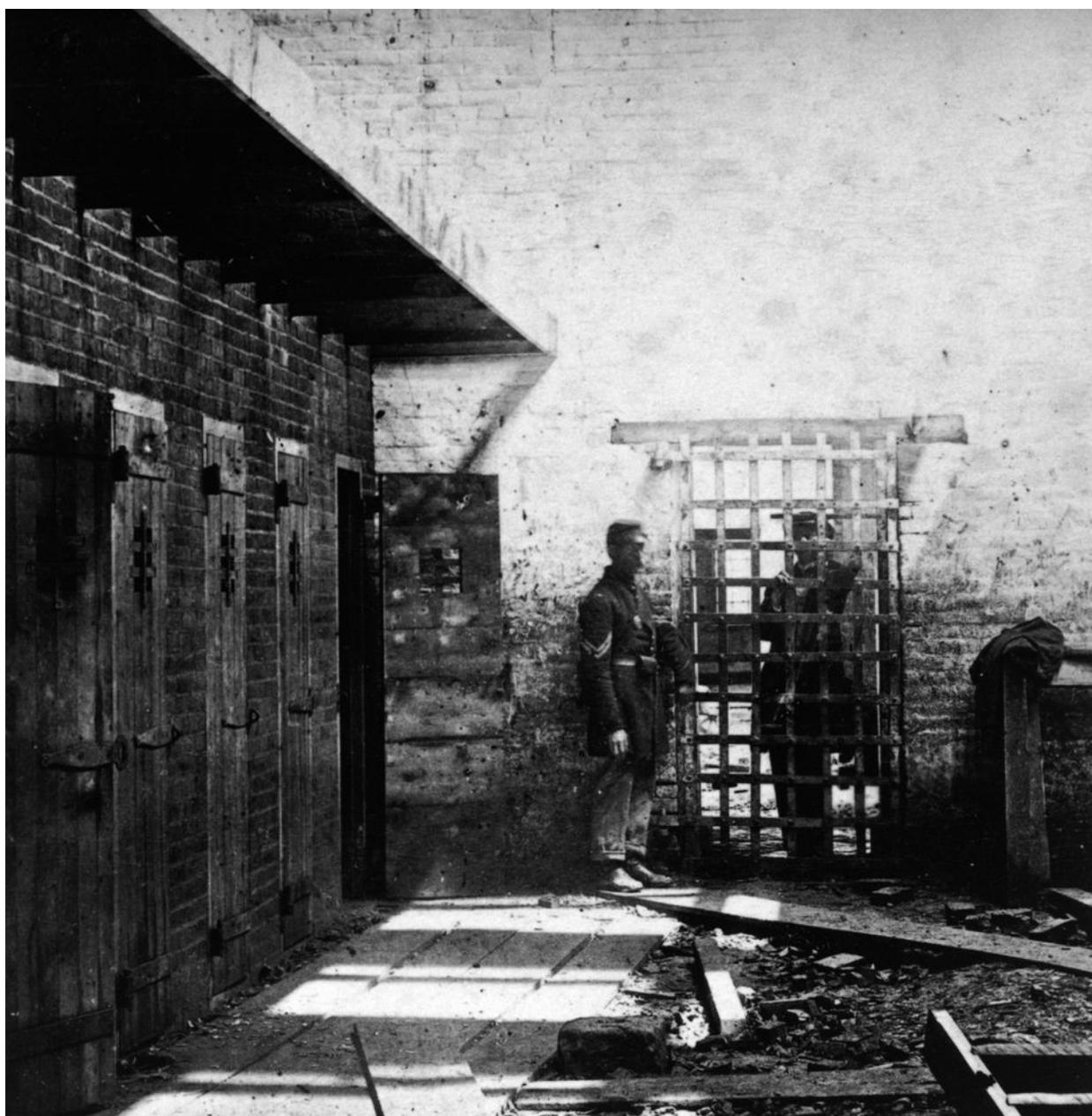
This is the opposite of what happened when Congress retroceded the city of Alexandria from the District back to Virginia. That only happened after the Alexandria Common Council voted for retrocession in 1840 and the Virginia legislature voted unanimously to readmit the parcel of land previously ceded to the District in 1846. This was a mutually accepted agreement, not an edict from the federal government.

Well, sort of. The city of Washington voted against retroceding its land on the Virginia side of the Potomac River. And, most importantly, free Black residents throughout the District, in any of its three cities of Alexandria, Georgetown or Washington, were not allowed to vote.

At the time, the District was a Southern slave city with increasingly strict Black codes, which placed apartheid restrictions on free Black residents, open slave markets and a police force that frequently arrested Black people, free or enslaved, and sold them into slavery. But in the 1830s, a movement of freed Blacks and white abolitionists, including some members of Congress, began a campaign to end slavery in the District.

It was this abolitionist effort that led Alexandria's white population to seek retrocession back to Virginia so they could preserve slaveholding there. The abolitionist alliance's efforts were eventually quashed when Congress banned the acceptance of any abolitionist pamphlet or letter from the public and forbade any member of Congress from freely speaking such positions on the floor of the House or Senate.

Nonetheless, the white residents of Alexandria saw that their power to enslave could be threatened in the District and they did not want to take any chances of losing what they believed to be their right to own human beings.



Archive Photos via Getty Images Two soldiers stand beside cells where enslaved Black people were confined in Alexandria, Virginia, circa 1861.

Alexandria's Black residents, who were not allowed a say in the matter, understood the grim situation of retrocession best.

"We expect that our school will all be broken up [and] our [privileges] which we have enjoyed for so [many] years will all be taken away," Moses Hepburn, a free Black businessman, wrote at the time.

Hepburn was right. The Black schools in Alexandria closed within a year of the city's retrocession.

"In-migration of free black people essentially stopped, and many longtime residents left the city," historians Chris Myers Asch and George David Musgrove write in "Chocolate City: A History of Race and Democracy in the Nation's Capital," adding that "by 1850, Alexandria's free black population had dropped by almost 30% from its 1840 high."

Where Alexandria's retrocession to Virginia aimed to protect white power by escaping the growing movement to end slavery, efforts to retrocede the District to Maryland today, against both of their wills, would deny the creation of the only Black plurality state in the country.

One action sought to protect white power by allowing Alexandria to leave the District; the other abolishes the District in a manner that would prevent Black power.

"Retrocession equals suppression," Holtz said. "It's just an opportunity to avoid truly giving D.C. residents the representation they deserve. Retrocession is only furthering the more than 200 years of erasure of the 700,000 mostly Black and brown D.C. residents who have their own culture and their own history. It would be whitewashing us."

## **'D.C. Statehood Requires A Constitutional Amendment'**

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Sen. Lisa Murkowski, one of the few Republicans whom statehood advocates believe could be sympathetic to their cause, has not taken a position on the current effort. But in the past, she has backed a separate plan: Rather than granting D.C. full statehood, Murkowski previously proposed a constitutional amendment that would give it a voting member of the House of Representatives.

That was a popular strategy in 2009 when Murkowski first introduced such an amendment. That year, the Senate passed – and Obama, congressional Democrats and many D.C. lawmakers backed – legislation that would have given the District congressional representation. The bill never received a vote in the House because the coalition supporting it fell apart, thanks to an amendment to the Senate legislation restricting D.C.'s ability to limit gun possession and ownership in the District.

This is the dynamic D.C. faces: Even when it comes close to gaining new rights, others are curtailed.

All 37 new states were admitted by Congress, and there has never been a successful constitutional challenge to the admission of a state. Del. Eleanor Holmes Norton (D), D.C.'s delegate to Congress

Representation without statehood isn't as popular an idea anymore, but it's a lens into other problems with other anti-statehood arguments: Much like retrocession, granting

D.C. a congressional representative was seen as a compromise meant to address some of the potential pitfalls of statehood that opponents have dreamt up, like the possibility that D.C. would exert undue influence on the federal government.

And as with Murkowski's original push, arguments persist today that statehood requires a constitutional amendment rather than simple congressional legislation. Following the amendment process, the theory goes, would bulletproof statehood efforts against any legal problems, including those Sen. Joe Manchin (D-W.Va.) cited in coming out against the current push.

But constitutional amendments weren't required to form other states, including those whose founding – like Manchin's West Virginia – were legally and constitutionally dubious.

“All 37 new states were admitted by Congress, and there has never been a successful constitutional challenge to the admission of a state,” Holmes Norton, D.C.'s delegate to Congress, noted in an April statement that also deals with the other constitutional issue in question: what to do with the 23rd Amendment, which grants Electoral College votes to the Federal District. (It could easily be repealed or its votes awarded to the overall election winner, Holmes Norton said, while adding that some scholars believe statehood itself would nullify the amendment.)



Tom Williams via Getty Images D.C. Mayor Muriel Bowser and Del. Eleanor Holmes Norton (right) speak at a rally for D.C. statehood in 2021.

Forcing D.C. to navigate the amendment process, which has produced just one new addition to the Constitution in the last half-century, is just another way for statehood opponents to derail the effort. The idea that D.C. might exert improper influence on the federal government, meanwhile, falls apart for many reasons, not least of which is that

Maryland surrounds the Federal District on three sides and has never faced similar accusations.

But more importantly, the current statehood movement received a shot in the arm last year for precisely the opposite reason: In multiple instances, a lack of statehood made it far easier for the federal government and President Donald Trump to exert the sort of influence on Washington, D.C., that it cannot in the 50 states.

On June 1, 2020, federal law enforcement officers acting at Trump's behest tear-gassed Black Lives Matter protesters so he could stage a photo-op near the White House. Seven months later, on Jan. 6, the riotous insurrection at the U.S. Capitol lasted longer than it should have because the federal government refused to mobilize the National Guard.

Unlike governors in the 50 states, D.C. Mayor Muriel Bowser does not control the way National Guard troops are used in her jurisdiction. During the racial justice protests, this led to overzealous crackdowns on peaceful demonstrators solely so a racist president could score political points. And for nearly a week, D.C. essentially became occupied territory, a military police state in which its residents and lawmakers had no say. In January, it meant Bowser lacked the authority to deploy the National Guard ahead of or during the attack on the Capitol.

In both cases, D.C. residents bore the brunt of the response, or the lack of one. The tear gas burned the eyes of protesters with no voice in the federal government; the ensuing occupation was the act of government almost entirely unaccountable to the people who were occupied. The Capitol riot laid siege not just to a symbol of American democracy, but to the city surrounding it. It was D.C. law enforcement officers who responded to bolster the Capitol Police response. It was D.C. residents who were placed under curfew. It was D.C. residents who lost out on wages and work because the city shut down.

These are the "real Americans" who don't exist in the common view that D.C. is a "swamp" populated solely by corrupt political elites: the bank tellers and bus drivers, waiters and waitresses, dentists and doctors, house cleaners and homemakers, and, yes, the political activists, lobbyists, journalists and congressional staffers who call the nation's capital home.

The Senate may not give them what they have clearly demanded, especially not if Manchin, whose support is necessary for the 51-vote strategy to work, maintains his opposition. Even if the bill fails in the Senate this year, the D.C. statehood movement has made this issue one the Democratic Party cannot ignore. If the party wins a larger Senate majority, it could obviate Manchin's opposition.

District residents, however, will still be forced into the subaltern position they have held for D.C.'s entire existence. Throughout the District's history, they have seen Congress eliminate their autonomy, force Jim Crow segregation upon them and override their laws, and the President of the United States sic federal forces on them and foment a violent insurrection inside the District's boundaries. Who knows what could lie in the future?

"We can't continue to wait, and lose out on giving D.C. residents, Black and brown people, the representation that they deserve," Holtz said. "We can't wait any longer."