

H.R. 51: MAKING D.C. THE 51st STATE

HEARING
BEFORE THE
COMMITTEE ON
OVERSIGHT AND REFORM
HOUSE OF REPRESENTATIVES
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H.R. 51: MAKING D.C. THE 51st STATE

Monday, March 22, 2021

HOUSE OF REPRESENTATIVES,
COMMITTEE ON OVERSIGHT AND REFORM,
Washington, D.C.

The committee met, pursuant to notice, at 11:03 a.m., in room 2154, Rayburn House Office Building, Hon. Carolyn B. Maloney [chairwoman of the committee] presiding.

Present: Representatives Maloney, Norton, Lynch, Connolly, Krishnamoorthi, Raskin, Khanna, Mfume, Tlaib, Porter, Davis, Wasserman Schultz, Welch, Johnson, Sarbanes, Kelly, DeSaulnier, Gomez, Pressley, Comer, Jordan, Gosar, Foxx, Hice, Grothman, Cloud, Higgins, Norman, Sessions, Keller, Biggs, Clyde, Franklin, Fallon, Herrell, and Donalds.

Chairwoman MALONEY. The committee will come to order.

Without objection, the chair is authorized to declare a recess of the committee at any time.

I now recognize myself for an opening statement.

Last Congress, I was proud to preside over the first markup of legislation to grant D.C. Statehood since 1993. And for the first time ever, the House passed legislation in 2020 that would have made D.C. a state. But the Republican-controlled Senate refused to even have a hearing or consider that bill.

Even though we are only a few months into the new Congress, H.R. 51 already has 215 cosponsors. After years of stagnation and indifference to the rights of thousands of D.C. residents, there is real and sustained momentum behind this effort.

This legislation would fulfill the promise of democracy for more than 712,000 Americans who call Washington, DC, their home.

D.C. residents are American citizens. They fight honorably to protect our Nation overseas. They pay taxes. In fact, D.C. pays more in Federal taxes than 22 states and more per capita than any state in our Nation.

D.C. residents have all the responsibilities of citizenship, but they have no congressional voting rights and only limited self-government.

These fundamental disparities for hundreds of thousands of Americans conflict with the core principles of our Republic. Our country was founded on the belief that no people should be subjected to taxation without representation or be governed without the consent of the governed.

Representative government only functions properly when all people have a voice in the laws that govern them. Our honorable colleague, Congresswoman Norton, represents her constituents excep-

tionally well, but is denied the opportunity to vote on the very laws that her constituents must follow.

Congress has the responsibility to live up to the Constitution's goals. Statehood will finally grant D.C. residents full and equal democratic rights.

D.C. residents themselves overwhelmingly support statehood. In 2016, an astonishing 86 percent voted in favor of becoming a state.

Unfortunately, there is not one Republican cosponsor of this bill. In July 2020, Senator Lindsey Graham of South Carolina stated, and I quote, "This is about expanding the Senate map," end quote.

He misses the point entirely. The sad truth is that most of my Republican colleagues oppose D.C. Statehood simply because they believe it would dilute their power.

In 2016, then Ohio Governor John Kasich was very blunt about this. He said, and I quote, "What it really gets down to, if you want to be honest, is because they know that's just more votes in the Democratic Party," end quote.

Adding D.C. Statehood and adding a state should not be about politics. It's about equality. It's about democracy. It is the responsibility of Congress to ensure that Americans are given their full rights demanded by the Constitution.

My colleagues across the aisle are so concerned about maintaining the status quo that they are willing to make claims with no basis in fact in an effort to continue disenfranchising 712,000 Americans.

Just last week, in a press release about this hearing, Ranking Member Comer claimed that H.R. 51 doesn't address the financial burden on the new state. This is simply incorrect. The bill specifically includes transition assistance to the new state, something Congress has historically done when admitting new states into the Union.

The simple truth is that the right to democracy should not be contingent on party registration.

Today, I urge all members of this panel to rise above partisanship. I encourage everyone to have a respectful and robust debate with the fundamental goals of our Founders in mind. As President Abraham Lincoln declared in the Gettysburg Address, a true democracy is government of the people, by the people, and for the people.

I thank all of our witnesses for being here today.

I also thank the people of the District of Columbia for your patience, dedication, and fierce will to secure the rights for the people that they deserve.

I now recognize the distinguished ranking member, Mr. Comer, for an opening statement.

Mr. COMER. Thank you.

Let's be very clear. Today's hearing is all about creating two new Democratic Senate seats.

If you don't believe me, then listen to what our colleague across the aisle, Mr. Jamie Raskin, told The Washington Post, and I quote: "But there's a national political logic for it, too, because the Senate has become the principal obstacle to social progress across a whole range of issues."

H.R. 51, D.C. Statehood, is actually plan B of the Democrat political power grab. Plan A was to eliminate the filibuster in the Senate. But since it appears Joe Manchin isn't going to play these dirty Democratic games, now Speaker Pelosi is stepping in with an unconstitutional bill to make Washington, DC, a city smaller than Columbus, Ohio, and a city that just happens to be 90 percent Democratic, the 51st state.

D.C. Statehood is a key part of the radical leftist agenda to reshape America, along with the Green New Deal, defunding the police, and packing the U.S. Supreme Court.

Many problems exist with H.R. 51. The first is that it is flatly unconstitutional.

But don't take my word for it. Take the word of civil rights champion Robert F. Kennedy, who said 60 years ago that granting D.C. Statehood, absent a constitutional amendment, was inconceivable and would produce an absurdity.

Take the word of all the Justice Departments from President Kennedy's to President Obama's.

Take the word of John Dingell, a liberal titan, the longest-serving Member of Congress, who supported every single civil rights measure that passed before Congress for 40 years.

Take the word of the late Senator Ted Kennedy, who dismissed what he called the statehood fallacy.

Take the word of the former Delegate from D.C., my colleague Eleanor Holmes Norton's predecessor, who had opposed statehood and recognized the constitutional problem.

Take the word of the Democratic-controlled Congress in 1960, which explicitly rejected statehood and instead passed the 23rd Amendment, which gave D.C. three votes in the electoral college.

Democrats even acknowledged the unconstitutionality of the bill by inserting language trying to fix it. Of course this language is meaningless, because the only way to fix it is by a constitutional amendment.

The second problem is that this bill goes flatly against what the Founding Fathers wanted for our Capital City. The Founding Fathers were smart. They knew D.C. would grow as large as it is today. They envisioned it to be the size of Paris, which at the time is roughly equivalent to the size of D.C. today. They envisioned a thriving Capital City, with residential communities, green space, ports, and close access to America's leaders.

The Founding Fathers knew this is what D.C. would become, everything that it is today, and they didn't want it to be a state. In fact, they overwhelmingly rejected it. They had other options, New York, Philadelphia, Trenton. Instead, they created D.C.

Every Democrat who supports this bill should be asked one simple question: Is it their contention that the Founders did not anticipate all the arguments that are currently being made for D.C. Statehood?

If they believe the Founders did not anticipate the arguments, they are wrong. Alexander Hamilton, in fact, proposed granting representation in the House to the District, and it was rejected while ratifying the Constitution.

If Democrats believe the Founders did anticipate the arguments that they are making, they should be asked how we modify the

Constitution for any other radical departure from the Founders' interpretation. The answer is simple, a constitutional amendment.

I will not address the practical negative ramifications of D.C. Statehood, but will let me colleague from Georgia present those, and there are many.

Liberal progressives supporting this bill support stealing billions from their very own constituents to send it straight to D.C. It's no wonder statehood for D.C. is so unpopular. For years, support for statehood across the country hasn't even reached 30 percent. Today, well over half of Americans reject D.C. Statehood.

The Democrats arrogantly say that is because the American people don't understand what statehood means. But my constituents in Kentucky's First congressional District know exactly what it means, consolidating Speaker Pelosi's power in Washington to enact radical policies that have consistently been rejected by the American people.

The Democrats want you to ignore the issues I've addressed, but we aren't going to let that happen. If Democrats were serious about D.C. becoming a state, they would introduce a constitutional amendment, like the U.S. Constitution implies must happen in not one but two places.

But Democrats are not serious. Instead, they are setting aside the Constitution in order to give progressives a quick win so they can achieve their goals of defunding the police and enacting a Green New Deal.

There is zero chance this bill would pass judicial review. The courts know better. The Senate knows better. All of our constituents, who Democrats prefer to call ignorant, even though they understand basic civics classes, know better.

H.R. 51 is an unconstitutional and unworkable bill and is rejected by the American people. Congress must reject this proposal. Congress knows better.

With that, Madam Chair, I yield back.

Chairwoman MALONEY. The gentleman yields back.

I now recognize Congresswoman Norton for her opening statement.

Ms. NORTON. Thank you very much, Chairwoman Maloney.

Let me say at the outset that this hearing will refute each of the contentions just raised by the ranking member.

Along with the residents of the District of Columbia, I greatly appreciate and thank you, Chairwoman Maloney, for this hearing today.

This has been a historic year for D.C. Statehood. I introduced H.R. 51 with 202 original cosponsors. Today, the bill has 215 cosponsors, which virtually guarantees passage in the House, even with cosponsors alone.

The Senate version, S. 51, was introduced with 38 original cosponsors and now has 41 cosponsors. We are particularly grateful to our Senate sponsor, Senator Tom Carper, who has gathered the largest number of original cosponsors ever. That speaks to mounting support for H.R. 51.

When the House passed the D.C. Statehood bill last Congress, it was the first time in history that a Chamber of Congress had

passed the bill. With Democrats controlling the House, the Senate, and the White House, we have never been closer to statehood.

Under H.R. 51, the state of Washington, DC, which would consist of 66 of the 68 square miles of the present day Federal District. The reduced Federal District over which Congress would retain plenary authority would be two square miles and consist of the Washington that Members of Congress and visitors associate with the Nation's Capital, including the U.S. Capitol complex, the White House, the Supreme Court, the principal Federal monuments, and the National Mall. It would be called Capital.

H.R. 51 has both the facts and the Constitution on its side. The Constitution does not establish any prerequisites for new states, but Congress generally has considered a prospective state's population and resources, support for statehood, and commitment to democracy.

D.C.'s population of 712,000 is larger than that of two states. Indeed, the state of Washington, DC, would be one of seven states with a population under 1 million.

D.C. pays more Federal taxes per capita than any state, any state already in the Union already with statehood, and pays more Federal taxes than 22 states. D.C.'s budget is larger than that of 12 states.

Eighty-six percent of D.C. residents voted for statehood in 2016. In fact, D.C. residents have been petitioning for voting rights in Congress and local autonomy ever since the District became the capital. That's 220 years ago.

The Constitution's Admissions Clause gives Congress the authority to admit new states, and all 37 states have been admitted by an act of Congress. The Constitution's District Clause, which gives Congress plenary power or authority over the Federal District, sets a maximum, not a minimum size of the Federal District.

Congress previously has reduced the size of the Federal District by 30 percent. The 23rd Amendment to the Constitution does not establish a minimum geographic or population size of the District.

Conservative legal scholar and practitioner Viet Dinh, who served as an Assistant Attorney General in the George W. Bush Administration, has opined that the state of Washington, DC, can be admitted by an act of Congress.

D.C. residents have fought and died in every American war, including the war that led to the creation of the Nation itself, the Revolutionary War. The servicemembers from our Nation's Capital have helped get voting rights for people throughout the world, but continue to come home without those same rights or even the same rights of those with whom they served.

My own family has lived through almost 200 years of change in the District of Columbia, since my great-grandfather, Richard Holmes, as a slave walked away from a plantation in Virginia and made his way to the District.

Today, it is my great honor to serve in the city where my family has lived without equal representation for almost two centuries.

Congress can no longer allow D.C. residents to be sidelined in the democratic process, watching as Congress votes on matters that affect the Nation, with no say of their own, or watching as Con-

gress votes to overturn the laws of the duly elected D.C. Council with no say of their own.

Full democracy requires much more. D.C. residents deserve full voting representation in the Senate and House and complete control over local affairs. They deserve statehood.

Congress has two choices. It can continue to exercise undemocratic, autocratic control over the American citizens who reside in our Nation's Capital, treating them, in the words of Frederick Douglass, as aliens, not citizens, but subjects. Or it can live up to this Nation's promise and ideals, end taxation without representation, and pass H.R. 51.

Again, Madam Chair, thank you for your leadership for D.C. equality.

I yield back.

Chairwoman MALONEY. The gentlelady yields back.

The chair recognizes Mr. Hice for his opening statement.

Mr. HICE.

Mr. HICE. Thank you, Madam Chair.

This bill is not the answer to voting rights in D.C.

If D.C. were to become a state, the Founding Fathers recognized that it would be the first among states, and that is because the district where our Federal Government resides would be reliant upon the surrounding state, in this case D.C., for basic things like security, sewage, water, and a host of other needs.

It would require foreign governments to negotiate with that state for embassies and other international matters.

And, quite frankly, the Founding Fathers wanted none of this. They wanted Congress to have oversight over the District, something that Congress must retain to protect Federal interests.

And it has worked for over 230 years. In fact, it has worked well. It's our duty as Representatives for all Americans that we safeguard their capital.

But that's not good enough for progressives on the left, which leads me to some of the major practical problems with this bill.

First of all, it is written to maximize the benefit of a new state of D.C. while burdening the American taxpayer. The lines, for example, of this newly envisioned state of D.C. are completely gerrymandered to maximize tax revenue. They do not include some of the Federal property contiguous with the map, but they do include others.

Well, why did they do this? Well, the answer is simple: It's all about money. D.C. wants to become a state so it can levy taxes on people who are working in D.C.

So, this means, if you live in Maryland, or Virginia, or West Virginia, Pennsylvania, wherever, but you work in D.C., your taxes are likely to go way up.

This is going to result in stolen tax revenue from those states and potentially cripple their economies and their budgets, so that every time an American comes to Washington for spring break, for vacations, or whatever, and they cross one of the iconic bridges coming from the airport, they are likely going to be paying

[inaudible].

But it gets worse than that even. D.C. currently relies on hundreds of millions of dollars in Federal funding each year. The last

time D.C. had full responsibility for its budget, the Federal Government had to step in and rescue D.C. from financial ruin. Currently, the Federal Government pays for the court system in D.C.

That's right, one-third of D.C.'s entire government is paid by the American taxpayers.

D.C. also currently doesn't have a prison. The Federal Government pays for thousands of D.C. prisoners in the Federal system to the tune of hundreds of millions of dollars every year.

But D.C. doesn't want to build a prison. For decades the District has rejected a federally funded prison because D.C. officials, including our own colleague, Eleanor Holmes Norton, have said that the city is too small for a prison. So, under this bill the Federal Government would continue to pay for those prisoners to the tune of hundreds of millions of dollars each year.

D.C. wants to continue to receive their special benefits for schools, for colleges, for roads, billions of dollars in Federal funds, in pensions, things that none of the other states get.

We asked the District government for plans to pay for the likely major budget shortfalls if it were to become a state. Not surprisingly, they didn't provide any answers.

Why not? Well, because they expect the Federal Government to continue funding it in the way that it has for the past 25 years.

So, under this bill, not only would D.C. become a state, but it would be the only state in the entire country to have the Federal Government pick up billions and billions of annual dollars in expenses each year.

In other words, anybody supporting this bill as it is written is basically saying to their constituents that we think the people living in D.C. are entitled to more benefits than you are.

D.C. wants the benefits of a state without actually having to operate like one. They want to be treated differently. They want to be treated better than all other states.

D.C. wants to keep all these special perks, plus gain two more Democratic U.S. Senators. This would effectively shift the power to the left-wing progressives so that they can enact their radical agenda that Americans have rejected time and again.

Under this bill, D.C. would, in fact, become the first among states, which is exactly what our Founders sought to avoid.

D.C. would be the only state—the only state—without an airport, without a car dealership, without a capital city, without a landfill, without even a name on its own, and we could go on, and on, and on.

But who would be left to provide all these services while it continues to receive billions of dollars for special programs? Well, we know the answer to that: The American people would.

D.C. Statehood would mean a money grab from neighboring states and a power grab for the U.S. Senate, all done in an impractical and unconstitutional fashion.

I yield back.

Chairwoman MALONEY. The gentleman yields back.

I would now like to introduce our witnesses.

Our first witness today is the Honorable Muriel Bowser, who is the Mayor of the District of Columbia.

Next, we will hear from the Honorable Phil Mendelson, who is the Council Chairman for the District of Columbia.

Then, we will here from Mr. Fitzroy Lee, who is the interim Chief Financial Officer for D.C.

Next, we will hear from Ms. Mainon Schwartz, who is the Legislative Attorney with the nonpartisan congressional Research Service.

Then, we will hear from Wade Henderson, who is the interim president and CEO of the Leadership Conference on Civil and Human Rights.

Next, we will hear from Harry Wingo, who is a District of Columbia veteran.

Last but not least, we will hear from Zack Smith, who is a legal fellow at the Heritage Foundation.

The witnesses will be un-muted so we can swear them in.

Please raise your right hand.

Do you swear or affirm that the testimony you are about to give is the truth, the whole truth, and nothing but the truth, so help you God?

Let the record show that the witnesses answered in the affirmative. Thank you.

Without objection, your written statements will be part of our record.

With that, Mayor Bowser, you are now recognized for your testimony.

Please, your mic, your mic.

STATEMENT OF MURIEL BOWSER, MAYOR, DISTRICT OF COLUMBIA

MAYOR BOWSER. Thank you, Chairman Maloney, Ranking Member Comer, Congresswoman Norton, and members of this esteemed committee. On behalf of 712,000 residents of the District of Columbia, I thank you for convening this hearing on H.R. 51, the Washington, DC. Admission Act.

In particular, we thank you for shepherding this measure to passage during the 116th Congress and we respectfully ask you to do it again.

I want to especially thank our Congresswoman, Eleanor Holmes Norton, who has championed equality for Washington, DC, throughout her tenure, while skillfully delivering jobs, opportunity, and greater self-determination.

I am Muriel Bowser, I am Mayor of Washington, DC, and I'm honored to come before this committee to ask this Congress to right the wrong that happened 220 years ago when the residents of the District of Columbia were stripped of their full congressional representation.

Two years ago, in the 116th, I came before this committee under the leadership of the late Elijah Cummings to dispel erroneous arguments against D.C. Statehood. These are bad faith arguments, and I'm sure we will hear them time and time again this morning.

They say Washington, DC, Statehood is unconstitutional, even though constitutional experts have refuted this claim. Article 1 of the Constitution is not an obstacle. As H.R. 51 makes clear, a "Federal district" will remain for the Federal Government, its buildings,

and its workings, and the rest of the area where people live will become the 51st state.

They say Washington, DC, is too small, our economy is not diverse enough, even though we are bigger by population than two states and pay more per capita than any state. We pay more in total Federal taxes than 22 states.

They say Washington, DC, can't take care of itself. This is simply not accurate. In fact, by many objective measures, D.C. is a better-governed jurisdiction than most states. We have balanced our budgets for 25 times in the last 25 years.

And we already operate as a state and perform the same functions as states do. During the coronavirus pandemic, for example, we have led COVID-19 testing, contact tracing, and vaccination efforts, just as states do. And we are treated like a state in more than over 500 citations in Federal law.

Again, two years ago, we debunked those claims as thinly veiled attacks on our political leanings and, quite frankly, on our diversity and history of Black political power.

Today, I come to urge this committee and this Congress to move beyond the tired, nonfactual, and, frankly, anti-democratic rhetoric and extend full democracy to the residents of the District of Columbia as the Founding Fathers saved for a later day.

I was born in Washington, DC, and generations of my family, through no choice of our own, have been denied the fundamental right promised to all Americans, the right to full representation in Congress.

The simple fact is denying American citizens a vote in the body that taxes them goes against the founding principles of this great Nation.

The disenfranchisement of Washingtonians is one of the remaining glaring civil rights and voting rights issues of our time. Even as the Constitution was being drafted, several members foresaw the situations that Washingtonians face today, a Capital city of second class citizens.

When White residents were the only population to be affected, as they were the only ones with suffrage at the time, the Founding Fathers pledged to correct the wrong, and the Continental Congress was eager to offer amendments to correct it.

But, ultimately, the Constitution did not resolve the concerns around the future Federal District's congressional representation or self-governance.

Why did the motivation to right the wrong disappear? As time passed, the District became majority African American. The drive to correct the wrong was replaced by racist efforts to subvert a growing and thriving Black city.

Historic records abound with statements of successive Members of Congress referencing the "Negro problem" or the "color problem" within D.C. as a justification to withhold congressional representation. This was their way of saying African Americans are unable to govern themselves, or vote for their best interests or, I dare say, be the face of the Nation's Capital.

Surely, in 2020, this body cannot associate themselves with that view.

Next month, we will celebrate President Lincoln signing the Emancipation Act that freed the slaves in the District of Columbia, April 16, 1862, months before the Emancipation Proclamation freed other enslaved people in our country.

I hope to remind this Congress that District residents are still not free as we remain disenfranchised by this body. I urge all of you to do what over two centuries of lawmakers have failed to correct and grant full democracy to D.C. residents through statehood.

The incremental enfranchisement of the District, limited enfranchisement, has historically been a bipartisan effort, but it is in no way a substitute for full representation in this Congress.

Washington, DC, has been a true partner to the Federal Government in every aspect, even though Congress and Presidents have been sporadic partners to us. We have supported continuing the critical operations of this body and other Federal agencies within our borders.

The Federal Government leaned on our health department to process coronavirus tests and administer vaccines to Federal employees and contractors. However, several provisions of Federal aid to respond to the coronavirus pandemic denied us state-level funding, shortchanging us \$755 million in fiscal relief, even though we operate as a city, county, and state.

We now thank you, Madam Chair, Speaker Pelosi, Leader Schumer, our Congresswoman, and your Democratic colleagues and President Biden, for righting that wrong last week with the American Rescue Plan.

The events of January 6, where Congress was overtaken by insurrectionists, show that Congress need not fear the new state of Washington, DC, as it does not currently fear the states of Maryland or Virginia. Rather, the new state will be a necessary partner to securing the Federal interests, not a detractor.

Arguing that Washingtonians must remain disenfranchised to protect the interests of the Federal Government is dangerous, outdated, and downright insulting.

After years of disinvestment and disinterest when Congress did exercise full exclusive jurisdiction over the District and ran all of District governance, my predecessors and I, with Council Chair Mendelson and his colleagues and their predecessors, have worked hard to develop the fastest improving urban schools, invest in housing, healthcare facilities, recreational facilities, as well as a sports and entertainment and meetings based economy.

We have proven our sound leadership, and there is no reason for this Congress not to right this wrong.

Thank you again for allowing us to speak. And I'm happy to answer your questions.

Chairwoman MALONEY. Thank you.

Chairman Mendelson, you are now recognized for your testimony.

**STATEMENT OF PHIL MENDELSON, CHAIRMAN, COUNCIL OF
THE DISTRICT OF COLUMBIA**

Mr. MENDELSON. Thank you, Chairwoman Maloney, Ranking Member Comer, our congressional Representative, Eleanor Holmes Norton, and members of the committee.

I am Phil Mendelson, Chairman of the Council of the District of Columbia. I am pleased to be testifying today on behalf of the Council in support of H.R. 51.

Full and fair representation of the over 700,000 citizens residing in the District of Columbia is only possible through achieving statehood. And so I urge this committee and this Congress to move favorably and expeditiously on this measure.

I want to make two fundamental points.

First, it is time to recognize that the citizens of the District are citizens of the United States with all the responsibilities of citizenship, but they do not have the full rights of U.S. citizenship.

We send our sons and daughters to war, we pay more in Federal taxes than 22 states, we pay more per capita than any state. There is nothing asked of citizens of the 50 states that is not asked of the citizens of the District of Columbia.

And we step up. We pay our dues. But we do not have the most important privilege of United States citizenship. We do not have a vote in Congress, nor do we have sovereignty like the 50 states.

That is what we demand, that Congress give us what it has given to the citizens of 37 other states, full citizenship, statehood.

We have sought incremental gains since the 1973 Home Rule Act, but the incrementalism leaves us short. Statehood is the only way to give to our citizens locally elected Representatives to enact purely local laws that will not be subject to national debates over divisive social issues.

It is the only way to ensure a judicial system that is sensitive to community values. Statehood is the only way to give residents a full, guaranteed, and irrevocable voice in the national legislature.

Statehood means the United States citizens of the District of Columbia will have the same rights and privileges enjoyed by the United States citizens of the 50 states.

My second point is that opponents give lots of arguments, lots of arguments against statehood, but none of them overcome the basic principle that there should be no taxation without representation.

Many Americans believe, incredibly, that the District government is still an agency of the Federal Government, existing on Federal appropriations. Therefore, they say, we should not have statehood.

Well, they are wrong. As you know, we are not a Federal agency. In fact, less than one percent of our budget, \$138 million, is a discretionary Federal payment.

Yes, we receive formula funds, but as a proportion of our budget, it is less than what other states receive in formula funds.

In fact, our citizens contribute more in Federal taxes than 22 other states. We are a so-called donor state.

Many opponents have argued that the District is not capable of governing itself in a fiscally responsible manner.

Well, today the District's financial status is the envy of jurisdictions across the country. Our revenues are growing—outside of the pandemic—our spending stays within budget year after year, both our pension and our other post-employment benefit funds are fully funded, using conservative actuarial assumptions.

No other state, no other state can boast this. For the last two years, our rainy day reserves equaled 60 days operating costs, a best practice.

We are more than capable of governing ourselves.

Some have argued that population size is a disqualification. Population size should not be a condition predicate to democracy. Nevertheless, the District's population is greater than that of Vermont or Wyoming and only slightly smaller than North Dakota and Alaska.

And then some argue that retrocession is a better alternative and that it makes historical sense. This is unpopular with the citizens in both the District and Maryland.

You may say, "So what?" to the citizens of the District, but you cannot say that to the citizens of Maryland. Congress cannot force retrocession on Maryland, so the idea is impractical.

Some argue that there is too much federally owned land in the District. That is not a reason to disenfranchise over 700,000 people. Nevertheless, as a percentage of total land, the District ranks 13th among states. We rank behind such states as Alaska, Arizona, Montana, and Wyoming.

Another argument is that the Constitution intended it to be this way. I disagree. I don't believe the Founding Fathers actually intended this. There is no evidence, no evidence in Madison's notes or the Federalist Papers of discussion about disenfranchising the citizens of the Federal District.

Rather, James Madison in Federalist 43 wrote that the citizens of the Federal District "will have had their voice in the election of the government which is to exercise authority over them." Well, without statehood, we don't have that voice.

Moreover, even though the Constitution is a great document, it is not perfect, as evidenced by its 27 amendments. The original method for electing the President and Vice President was flawed. The method for electing Senators has changed.

Civil rights have changed radically, such as the 13th Amendment abolishing slavery and the 19th Amendment giving suffrage to women. Indeed, the issue before us is about civil rights, about the civil rights of District citizens to full citizenship.

If you want to argue originalism, what was of concern to the Founding Fathers in creating a Federal District was to protect the government from riots, like Shays' Rebellion.

But rather than the District of Columbia being the facilitator of the recent January 6 riots, the District came to your rescue. Yet we were impeded in trying to send the D.C. National Guard because we are not a state.

Self-governance is the essence of democracy and freedom. The only option to gain both voting representation and full self-governance is to adopt H.R. 51 and grant statehood to the District.

Not only are we not an agency of the Federal Government existing off its Treasury, but even if we were, that is not a reason to deprive over 700,000 individuals full sovereignty and representation in Congress.

Not only are we small, but that is irrelevant to whether over 700,000 individuals should enjoy full citizenship.

Not only do we run our government well, but we run it better than other states, and they have statehood. But how well people run their government has nothing to do with whether they should be treated as United States citizens.

The Council appreciates the committee's consideration of this matter and urges the adoption of H.R. 51 by the committee and the House.

Thank you for hearing us.

Chairwoman MALONEY. Thank you.

Mr. Lee, you are now recognized for your testimony.

Mr. Lee.

**STATEMENT OF FITZROY LEE, INTERIM CHIEF FINANCIAL
OFFICER, DISTRICT OF COLUMBIA**

Mr. LEE. Good morning, Chairwoman Maloney, Ranking Member Comer, and members of the House Committee on Oversight and Reform. I am Fitzroy Lee, interim Chief Financial Officer of the District of Columbia.

The Office of the Chief Financial Officer is an independent agent charged with ensuring the District's long-term financial health and viability. I am pleased to provide testimony today on the District's finances, the current relationship between the District's budget and the Federal Government, and how the District of Columbia can transition to statehood.

Like many jurisdictions, the District of Columbia's economy faces challenges as a result of the COVID-19 public health emergency. The pandemic caused an estimated \$2.6 billion in lost revenues through the year 2025, hitting the District's budget as hard as any state.

Through careful recession planning, prudent use of our reserves, and responsible decision-making by its elected leadership, the District has weathered this unprecedented challenge while still funding its budget priorities.

The District of Columbia concluded its most recent Fiscal Year with a positive general fund balance of over \$3.2 billion.

The District's triple-A credit rating, an important indicator of overall financial health, is an accomplishment achieved by only 10 of the 25 largest cities and a rating higher than 32 other states.

The bond rating is a testament to the sound financial management practices that have been established in law and continue to be enhanced by the Office of the Chief Financial Officer and the District's elected leadership.

These practices include a balanced budget and multiyear financial plan, a six-year capital improvement plan, quarterly revenue estimates, a self-imposed debt limit to restrict borrowing, and the best practice level of cash reserves, including six days of operating revenues.

The District has implemented a capital asset inventory system and long-range capital financial plan to bring all assets or infrastructure to a state of good repair by the year 2031. No other city or state has developed an implementable program to reach this goal.

The District also is unique in having fully funded its public safety and teacher pension trust funds, as well as its retiree healthcare benefits trust funds.

Finally, the District has received 24 consecutive years of clean independent audits.

A common misperception is that the District is strictly a government town. Yet, only 25 percent of the work force are Federal Government employees. From 2010 to 2019, while Federal Government employment declined by 15,000, private sector jobs grew by 95,000.

The District has developed into a vibrant and dynamic jurisdiction with a diversifying economic base. Some of the fastest growing private sector industries over the last several years include professional services, hospitality, sports, and entertainment.

The District is a destination where people choose to live, work, and play, with five major sports teams, world class restaurants, and thriving neighborhoods.

The District's population has grown 25 percent over the last two decades and now stands at over 700,000, making it the 20th largest city.

This economic diversity increases our resilience and financial dexterity, and we expect that robust private sector growth will continue to anchor the District's solid economic performance.

In many respects the District already functions as a state. The District collects income taxes, administers worker's compensation and unemployment insurance, and runs a Department of Motor Vehicles. In addition, the District funds and provides services such as police, public works, and education to residents, businesses, commuters, and visitors.

The District does not receive an annual Federal payment to cover its operations. Over 75 percent of District revenue is generated from our local taxes and fees. The District budget is comparable to other states in its reliance on Federal dollars for Medicaid, education, other human services, and transportation.

With transition to statehood, we expect that certain functions currently managed by the Federal Government will fall to the new state.

The true financial impact of statehood will depend on policy decisions yet to be made by Congress and the newly elected state government, as District policymakers adopt future budgets to take over responsibilities that are currently Federal.

My office stands ready to advise on the policies being considered to accommodate new state functions.

In conclusion, the fiscal foundation of the District is extremely strong, even in the face of the global pandemic. The District is more than capable of transitioning to statehood and will work with the Federal Government to ensure a smooth transition.

Thank you for allowing me the opportunity to provide testimony. I'm happy to answer any questions you may have.

Chairwoman MALONEY. Thank you.

Ms. Schwartz, you are now recognized for your testimony.

Ms. Schwartz.

STATEMENT OF MAINON SCHWARTZ, LEGISLATIVE ATTORNEY, CONGRESSIONAL RESEARCH SERVICE

Ms. SCHWARTZ. Chairwoman Maloney, Ranking Member Comer, and distinguished members of the Committee on Oversight and Reform, my name is Mainon Schwartz, and I am a Legislative Attorney in the American Law Division of the congressional Research Service. Thank you for inviting me today to discuss Congress' con-

stitutional authority to enact H.R. 51, the Washington, DC. Admission Act.

H.R. 51 would, if enacted, confer statehood on a portion of what is currently the District of Columbia pursuant to the Admissions Clause found in Article IV, Section 3 of the U.S. Constitution. That clause gives Congress the sole authority to admit new states into the Union, subject to the condition that new states may not be formed within the jurisdiction of an existing state, nor by combining other states or parts of states without those states' consent.

The new state, Douglass Commonwealth, created by H.R. 51, would not be formed within the jurisdiction of an existing state nor by combining others. However, it would be the first state to be formed from land previously designated as the seat of Federal Government, pursuant to the District Clause found in Article I, Section 8, Clause 17 of the Constitution.

This clause gives Congress the authority, quote, "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 of the United States."

Scholars disagree over whether the District Clause poses a constitutional barrier to Congress' ability to exercise its Admissions Clause powers over a portion of the District of Columbia.

Those who oppose statehood argue, for example, that once the District had been established it became permanent, or that a minimum size is necessary to carry out the functions that the Framers envisioned.

Those who support statehood point out that those restrictions are not found within the text of the Constitution and may reflect policy judgments rather than constitutional objections.

A separate challenge may arise under the 23rd Amendment, ratified in 1961, which directs, quote, "the District constituting the seat of Government of the United States," close quote, to appoint electors who will be considered as electors appointed by a state for the purpose of electing the President and Vice President in the electoral college.

Although H.R. 51 provides for expedited consideration of a constitutional amendment to repeal the 23rd Amendment, that cannot be effectuated by simple legislation and requires the votes of three-fourths of the states to ratify the new constitutional amendment. Congress, of course, cannot guarantee that that will happen, even with the expedited consideration of the bill to do so.

In short, novel legislation, like H.R. 51, is likely to invite legal challenges raising issues of first impression. The interplay among these constitutional provisions has rarely been raised in Federal courts, so there is very little judicial guidance.

One of the only pieces of judicial guidance we have comes from the 1875 case of *Phillips v. Payne*, which raised constitutional objections to the retrocession of what was the western portion of the District of Columbia that had been ceded by the state of Virginia.

However, because the retrocession was effectuated in 1846, but the case did not make its way to the Supreme Court until 1875, the Supreme Court declined to examine the constitutional issues on the merits and refused to disturb what was by then the settled sit-

uation with Virginia having accepted back the portion of land that it had originally ceded to the District. As such, that case does not provide much guidance on the constitutional issues at play today.

So, whereas here, with H.R. 51, reasonable minds can differ, the outcome of any constitutional challenge to H.R. 51 cannot be predicted with any certainty.

In fact, there is a substantial possibility that courts would decline to hear a constitutional challenge altogether pursuant to the Court's justiciability doctrines. As such, Congress should carefully consider these issues when deciding what action to take on H.R. 51.

I look forward to your questions. Thank you again.

Chairwoman MALONEY. Thank you.

Mr. Henderson, you are now recognized for your testimony.

Mr. Henderson.

STATEMENT OF WADE HENDERSON, INTERIM PRESIDENT AND CHIEF EXECUTIVE OFFICER, THE LEADERSHIP CONFERENCE ON CIVIL AND HUMAN RIGHTS

Mr. HENDERSON. Good morning, Chairwoman Maloney, Ranking Member Comer, and members of the committee. Thank you for the opportunity to speak before you today regarding the Leadership Conference's strong support for H.R. 51, the Washington, DC. Admission Act.

The Leadership Conference is the Nation's premier civil and human rights coalition, with over 220 national organizations working to build an America as good as its ideals.

I would like to speak about this bill, both as a lifelong civil and human rights advocate, as well as a native Washingtonian.

Throughout my career I have seen and fought for changes that have made our Nation a more perfect Union, a Nation more fully aligned with its founding principles of justice, fairness, and inclusion.

I have seen this progress in Washington, DC, as well. When I was born in the old Freedman's Hospital on Howard University's campus, the city's hospitals were segregated along racial lines by law. That is no longer the case.

Bloomingtondale, where I grew up and where I now own a home, was once a segregated neighborhood by law and by custom. Today, however, people of all races live in the area as my neighbors and friends.

Gone, too, are the remnants of de jure separate schooling that sent me to an all-Black elementary school despite the fact that I started grade school after the landmark ruling in *Brown v. Board of Education* that outlawed racial segregation.

Yet one thing still has yet to change for me as a lifelong resident of Washington. In spite of all the progress we have seen and in spite of all my efforts to speak out on Capitol Hill on behalf of other Americans, I have never had anyone meaningfully represent me on Capitol Hill.

For more than 200 years, my hundreds of thousands of neighbors and I have been mere spectators to our democracy. Even though we pay Federal taxes, fight courageously in wars, and fulfill our obligations of citizenship, we still have no voice when Congress makes

decisions on matters as important as taxes and spending, healthcare, justice reform, education, immigration, and the environment.

From a broader civil and human rights perspective, the disenfranchisement of D.C. residents stands out as the most blatant violation of the most important civil right that Americans have—the right to vote—and it only perpetuates the underlying animus that has been present since the District’s founding.

For example, when Congress was deliberating the question of voting rights for D.C. residents toward the end of the 19th century, Alabama Senator John Tyler Morgan argued that rather than grant political power to the District’s Black population, Congress should, and I quote, “deny the right of suffrage entirely to every human being in the District.” He said it was necessary to, quote, “burn down the barn to get rid of the rats,” unquote.

More than 100 years later, this stain of racial voter suppression persists. In the past year, D.C. residents have been subjected to several humiliating reminders of our second class status.

Last March, Congress shorted the District by \$755 million in COVID–19 assistance because it treated the District as a territory rather than as a state, even though its residents pay Federal taxes just like residents of every other state.

Last summer, the former administration called in Federal law enforcement and National Guard troops from other states over the objection of our Mayor to disrupt peaceful protests against police brutality and racism, including violently clearing a street to allow for a Presidential photo-op in front of St. John’s Church.

And on January 6, the same administration dragged its heels for hours, again over the objections of our Mayor, before finally deploying D.C.’s National Guard to quell the deadly attack of right-wing militia on the U.S. Capitol.

We simply cannot be the democracy we say we are when the lives of more than 700,000 people are at the mercy of political whim.

Our Nation has made great progress throughout its history in expanding the right to vote. In the process, it has become a model for the world. Yet, it remains painfully clear that the right to vote is meaningless if we can’t put anyone into office.

Washingtonians have been deprived of this right for more than two centuries, often on grounds that had nothing to do with constitutional design and everything to do with matters of race. Until statehood is achieved, the efforts of the civil rights movement will remain incomplete.

Extending representation and self-governance to D.C. residents is one of the highest legislative priorities of the Leadership Conference, as it is for me on a very personal level. D.C. residents should not have to abandon our homes and move elsewhere to secure the rights of citizens enjoyed by others.

H.R. 51 will move us closer to our shared ideals for which District residents have fought and died. I am grateful that you brought the D.C. Statehood bill up for discussion, and I look forward to working with you to make it a reality.

Thank you for the opportunity to speak before the committee today. Thank you.

Chairwoman MALONEY. Thank you.
Mr. Wingo, you are now recognized for your testimony. Mr. Wingo.

STATEMENT OF HARRY WINGO, D.C. VETERAN

Mr. WINGO. Thank you, Chairwoman Maloney, Ranking Member Comer, Congresswoman Norton, and other members of the committee. I appreciate the opportunity to testify in support of H.R. 51, legislation to finally grant statehood to the 712,000 residents of Washington, DC.

I am Harry Wingo, a D.C. veteran. I work for the U.S. Department of Defense, but the views I express today are my own and do not reflect the official policy or position of my employer, the National Defense University, DOD, or the U.S. Government. I only speak for myself and for those many D.C. veterans who support D.C. Statehood.

I'm not here today to discuss constitutional law, even though I'm a Yale law grad. Today, I simply ask that as you consider D.C. Statehood, you pause to take into account the sacrifice of the over 30,000 veterans who live in Washington. I'm one of those veterans.

I'm a third-generation military veteran, in fact. My grandfather served in the trenches and survived the horrors of poison gas in World War I. My father, Harry Wingo, Sr., served 35 years in the Army and Army Reserve, rising from the rank of private to the rank of chief warrant officer three. I personally spent 6-1/2 years in the U.S. Navy SEAL teams, after graduating from Annapolis. After graduating with BUD/S class 157, I earned my Trident.

As a Navy SEAL officer, I focused first on underwater demolitions with SEAL Delivery Vehicle Team ONE, locking out of nuclear submarines with mini subs. Next, I spent several years leading men in the conduct of counter-drug operations throughout Latin America, including being a military adviser in the jungles of Colombia. That was with Special Boat Unit 26, reporting to Naval Special Warfare Unit 8 and U.S. Southern Command. Then I came home to attend law school and began a career in technology, law, and policy, that led me to where I currently serve at the National Defense University at the College of Information and Cyberspace.

I saw firsthand, before that, as CEO of the D.C. Chamber of Commerce, the contributions that D.C. veterans make to the vibrant economy of Washington. The business leaders, the businesses large and small. In 2015, Mayor Bowser selected me to be chairperson of the Advisory Board on Veterans Affairs for the District of Columbia, a role that I was honored to fulfill.

No taxation without representation has been a worthy rallying cry for D.C. Statehood. D.C. veterans have more to say. We should not have to sacrifice without representation. According to a July 2020 report by the congressional Research Service, the number of D.C. veterans who have given their lives in combat compares honorably to other states, perhaps remarkably given our disenfranchisement. According to that report, 202 D.C. servicemembers died in combat in World War I; in World War II, 1,449 were killed in action; in the Korean War, 158 from D.C. died, a number greater than the deaths for 10 other states. In Vietnam, 242 from D.C. died in combat, surpassing the number from 10 other states.

More recently, publicly available DOD information from the Defense Casualty Analysis System lists five D.C. veterans among the fallen from Operation Iraqi Freedom and lists four from Operation Enduring Freedom. These grim statistics demonstrate the price D.C. veterans have paid and continue to pay for the inalienable rights of others, even though we are denied those rights ourselves.

To those who oppose D.C. Statehood, I respectfully ask: How can you ask D.C. veterans to keep carrying the burden of disenfranchisement when we have shouldered the burden of defending our country, having D.C. veterans earn no less than the full represented democracy that comes only with statehood?

Before this hearing, I listened to the stories of fellow D.C. veterans, including members of Veterans United for D.C. Statehood, led by Hector Rodriguez. I listened to Ms. Antoinette Scott, the first female member of the D.C. National Guard to be awarded the Purple Heart after being wounded in an IED attack in Operation Iraqi Freedom. I spoke with D.C. native Dr. Howard Clark, a Marine, who during combat deployments to Iraq and Afghanistan wondered why some in Congress supported giving residents of Baghdad and Kabul the right to vote for their national legislature but denied this very right to Americans, much less military veterans in our own capital.

It was only after my naval service and law school that I ventured routinely in the Federal court downtown D.C. to clerk for the late Honorable Judge James Robertson, a Navy veteran, and as service counsel to the late great Senator Ted Stevens of Alaska, then chairman of the Senate Commerce Committee and a World War II veteran, an aviator. Now I live in northwest D.C. with my wife and daughters, and like so many D.C. veterans, we are for statehood because of our sacrifice.

Since the founding of the Nation, the people of D.C. have since grown to share a unique culture for its common experience and tradition, including the sacrifice of military service. Congress should choose freedom and equality for all Washingtonians and especially for D.C. veterans.

Thank you for your consideration. I look forward to any questions you may have.

Chairwoman MALONEY. Thank you.

Mr. Smith, you are now recognized for your testimony. Mic, please.

**STATEMENT OF ZACK SMITH, LEGAL FELLOW, MEESE
CENTER, HERITAGE FOUNDATION**

Mr. SMITH. Thank you.

Good afternoon. We're here today to answer one simple question: Does Congress have the power to transform our Nation's capital into our Nation's 51st state by simple legislation for historical, practical, and, most importantly, constitutional reasons? The answer is resoundingly no.

Now, while some have said that the objections I plan to discuss today are specious legal arguments, are bad-faith arguments, as Mayor Bowser has previously said, this just isn't true. Both Republican and Democratic Justice Departments who have looked at the issue have said that a constitutional amendment is required for

D.C. Statehood. More troublingly, some have said or implied that race or racism is behind these objections. Again, that's just not true.

These objections are based on the text and structure of the Constitution. Delegate Norton's predecessor, Walter Fauntroy, did not favor statehood for the District of Columbia because he said it would be in direct defiance of the prescriptions of our Founding Fathers. Even Mayor Bowser's predecessor, Walter E. Washington, the District's first home-rule mayor, for practical reasons opposed statehood for the District of Columbia. He said that the Federal interest in this city goes beyond Pennsylvania Avenue, it goes beyond Constitution Avenue, and that the Federal interest and the city's interest are intertwined; that to tear them apart would rip the city at the seams and would threaten its continued viability.

So, what are the constitutional objections to D.C. Statehood? Well, the first and most significant involves the 23rd Amendment. Now advocates for H.R. 51 certainly recognize that the existence of the 23rd Amendment poses a constitutional problem for them. Unfortunately, H.R. 51 seeks to deal with this problem in a wholly inadequate and itself unconstitutional manner. It seeks to nullify the clear commands of the 23rd Amendment that the District, constituting the seat of government, shall appoint electors for President and Vice President, and it proposes to nullify this by simple legislation. It does propose a constitutional amendment and hopes and encourages Congress and the states to pass it in order to avoid the absurd result where only a handful of people living in the new Nation's rump capital would control three electoral votes.

It should be clear to everyone that Congress cannot, Congress should not nullify a constitutional provision by simple legislation.

Now, we've also heard the argument that the Admissions Clause, Article IV, Section 3 of the Constitution, allows Congress to take this action and that, in fact, Congress has previously taken this action 37 times in our Nation's history. Well, fair enough, but for our purposes here today, the Admissions Clause is constitutionally irrelevant because none of those other 37 states owe their very existence to a separate constitutional provision. The District owes its existence to the District Clause, Article I, Section 8, Clause 17. But even if Congress could transform the District into a new state by simple legislation, we have to ask the question whether it should. And, again, the answer is no.

The Framers of our Constitution wanted a separate Federal District to preserve the safety and security of the Federal Government. We've heard some mention of that here today, but it doesn't take much imagination to imagine a different mayor or a different city government disagreeing with the Federal Government over essential security functions. In fact, we saw some of that this past summer.

The Framers also wanted to avoid one state having undue influence over the Federal Government. There's no question that D.C. residents already impact the national debate. For the members here today, how many of you saw D.C. Statehood yard signs or bumper stickers or banners on your way to this hearing today? I certainly did. Where else in the Nation could such simple actions reach so many Members of Congress?

And then there are practical reasons why the District should not become our Nation's 51st state. It would be our Nation's only city-state. It'd be 17 times smaller than our next smallest state, and would lack many amenities and resources found in nearly every other state. Unfortunately, H.R. 51 takes a grant statehood now, work out the details later approach, especially with regards to funding for courts and prisoners.

There's no question that years of litigation, nearly every law or action passed by the new state or the Federal Government could be called into question and that even a future Presidential election could be called into question if the 23rd Amendment is not resolved. Advocates for D.C. Statehood do no one, not themselves, not the District residents, not our Nation any favors by seeking D.C. Statehood in this manner. Because if we stretch and bend the Constitution, even for what we may perceive to be laudable purposes, where would we turn in the future when we may need its protections.

Thank you. I welcome any questions.

Chairwoman MALONEY. Thank you for your testimony.

Ms. NORTON. Madam Chair, I would like to ask unanimous consent to enter several items into the record.

Chairwoman MALONEY. So granted.

Ms. NORTON. The testimony of former George W. Bush Administration Assistant Attorney General Viet Dinh in support of the constitutionality of the D.C. Statehood bill; the ACLU analysis in support of the constitutionality of the bill; a list of 111 organizations, including 84 national organizations that have endorsed the bill; and a letter from a D.C. resident, Andrea Renee Reed, in support of statehood.

Chairwoman MALONEY. Without objection.

Chairwoman MALONEY. Thank you.

The chair now recognizes herself for five minutes for questions.

The United States is the only democratic country that denies voting representation in the national legislature to the residents of its capital. In the year 2021, we should not need to discuss the importance of voting rights in a democracy, but Republican opposition to H.R. 51, as well as the voting restrictions Republican legislators are trying to impose across the country, requires us to revisit first principles.

Now, I have heard today and I've heard in discussions when we discussed this issue from my friends on the other side of the aisle, and they try to frame that the support, that the push for D.C. Statehood is a power grab from the Democrats. And I would say that the real power grab is denying 712,000 taxpaying American citizens the right to vote.

This is not about politics; it is a fundamental voting and civil rights issue. And it is outrageous that Republicans would play a partisan politics just to block 712,000 Americans from having full equality in our democracy. Every American deserves a voice in their own government. Taxation without representation was the battle cry of our revolution, and it is still a battle cry.

I would like to direct my first question to Mr. Henderson, who is the CEO of the Leadership Conference on Civil and Human Rights, and he speaks with some authority on these issues. In the

last year, we lost several giants of the civil rights movement, including the former chair of this committee, Elijah Cummings, and also our dear colleague, John Lewis, a civil rights hero. And they were both strong supporters of D.C. Statehood.

So, my question to you is that you said that until D.C. residents have a voting Congress, and I'm quoting you, "the efforts of the civil rights movement will remain incomplete," end quote. Can you elaborate on your statement? Why do you view this as a continuation of the civil rights movement? Mr. Henderson.

Please unmute, Mr. Henderson.

Mr. HENDERSON. So sorry. Thank you, Madam Chair.

As you described our Nation's contribution to the world, it is quite clear that we are the most significant representative democracy the world has ever seen, and yet we are burdened by contradiction, even as we attempt to bring democratic values to the rest of the world. We deny 700,000—over 700,000 citizens of our Nation's capital, citizens of the country, the right to participate meaningfully in our national legislature and in our democratic debate, while seeking to bring that same level of protection to the residents of Kabul, Afghanistan, or Baghdad, Iraq.

That is noble; however, that contradiction simply cannot stand. It makes us look weak. It makes us look fearful of the contributions that others have. I heard arguments this morning that suggest, well, Congress created this enclave known as the District of Columbia to ensure that it was not dependent on the support of surrounding states to protect its interest. That argument is absolutely laughable, having seen the insurrection of January 6 in which our Congress of the United States was virtually overthrown the first time since the war of 1812 by individuals who had absolutely no respect for the rule of law or the interest that Congress purports to represent.

It is quite clear that the decision to deny voting rights to D.C. residents has been influenced by issues of race and concerns about the population of the District as, at one time, a majority Black population coming into our Union. I quoted from an Alabama senator who previously recognized this dilemma and spoke openly about his hostility to providing coverage to—citizenship coverage to the residents of the District because of race.

All of these reasons taken together suggest that, indeed, the deprivation of rights to D.C. residents is one of the greatest denials of the most fundamental rights that citizens of the United States enjoy.

And one last point. It is, you know, arguable that someone has said that D.C. residents getting citizenship is a power grab. But let me suggest to you that in the state of Maryland, which is traditionally seen as, quote, a democratic bastion, we have a very popular Republican Governor who enjoys widespread support of all citizens of Maryland.

We also have had advocates in the past, including Frederick Douglass, but also more recently, Jack Kemp and Senator Bob Dole, who have been strong advocates for D.C. Statehood. Far be it for me to suggest to any member of a political party that they are unable to compete for the votes of D.C. residents simply by vir-

tue of their political affiliation. I think there is much evidence to suggest that is simply not true.

Chairwoman MALONEY. Thank you. My time is up.

I just want to answer and complete with, as Republican Dwight Eisenhower said in his 1954 State of the Union, and I quote: "In the District of Columbia, the time is long overdue for granting national suffrage to its citizens and also applying the principle of local self-government to the Nation's capital," end quote. I could not agree more.

And I yield back.

And I now recognize Ranking Member Comer.

Mr. COMER. Thank you, Madam Chair.

And I'm going to direct my questions to Mayor Bowser. But, first, a couple of my colleagues and a couple of the Democrat witnesses have mentioned that Republicans are playing partisan politics with D.C. Statehood. I just want to clarify for the record. This Congress, the House of Representatives' two priority bills that have passed are H.R. 1, the election—the Federal election takeover bill, as I call it, and the \$1.9 trillion stimulus bill. Both those bills passed the House of Representatives without a single Republican vote. So, when we look at partisanship, I think that the Democrats thus far in this Congress have displayed partisanship at unprecedented levels and I hope that we can change that.

But, Mayor, is it accurate to say that you think statehood is necessary to ensure D.C. residents are on equal footing with every other American? If D.C. were to become a state and receive all the benefits, shouldn't it have the same obligations as well?

MAYOR BOWSER. Congressman, yes. If your question is, do D.C. residents expect to participate fully in our American democracy, the answer is yes. Just as we do today, paying our fair share—some would argue more than our fair share—of Federal taxes without representation or full autonomy.

Mr. COMER. So, it should have the same obligations as well, correct, with respect—let me further elaborate. D.C. has a legislative, executive, and judicial branch, but with respect to the judicial branch, how is that funded?

MAYOR BOWSER. The judicial branch is part of the Federal Government, and D.C. residents look forward to having a judiciary that is accountable to its citizens.

Mr. COMER. So right now, the Federal Government provides funding for over \$600 million per year for the D.C. judicial branch. Under H.R. 51, the D.C. Statehood bill, if D.C. were to become a state, would Washington, DC, pick up that \$600 million tab?

MAYOR BOWSER. Our courts, our prosecutor's office, our Federal parole board would become state departments.

Mr. COMER. With respect to Medicaid, the Medicaid rate for Washington, DC, paid for by the Federal Government, is 73.5 percent. You have mentioned previously that D.C. has a state population higher than Vermont and Wyoming.

Do you know the current Medicaid rate paid for by the Federal Government for those states, by any chance?

MAYOR BOWSER. I do not.

Mr. COMER. Wyoming, it's—the Federal Government pays for 52.6 percent of their Medicaid, and Vermont's 59.3 percent, but in Washington, DC, it's 73.5 percent. And, again—

MAYOR BOWSER. But, Congressman, I have to tell you, it's not the same in each state. In fact, I'm not sure what it is in Kentucky or in other states, but we actually think that we would make the argument for rates that are commensurate with our health statistics.

Mr. COMER. I wonder, if Washington, DC. were to become a state—and we will repeatedly make the point through this hearing, the minority will, that that will require a constitutional amendment. But if that were to happen, I wonder, Mayor, do you think this would lead other states to split and try to create their own states?

For example, in California, there's been a movement for many, many years to create the 51st state there. A lot of—in fact, the majority of the map of California feels disenfranchised because so much of the population lives in San Francisco, Los Angeles, San Diego, and they don't feel like the representation in Sacramento or their Representatives in Washington represent their values. And, oh, by the way, conservatives would like it because that would bust up California's electoral college number and potentially elect one or two Republican Senators.

Now, I just wonder if you feel like that would lead to a movement among other states to do the same thing?

MAYOR BOWSER. Congressman, the people of the District sent me here for a singular purpose, and that was to advocate for them. And we know that the only way to achieve full quality as American taxpayers is through statehood. And the people of California who you mention have two Senators. We do not. So, the situations are not analogous. We are here to demand that the 220-year history of us not being represented in the capital of our country be corrected, and this Congress has within its full authority to do that.

Mr. COMER. Should every city have two U.S. Senators? Would Washington consider rejoining Maryland as a state—

MAYOR BOWSER. Every American, Congressman, who pays taxes deserves representation. Our Congresswoman should have a vote and we should have two Senators. Citizens of other cities and states in the United States of America have two Senators. We do not.

Mr. COMER. Well, we're going to make the argument, Madam Chair, that many Democrat Presidents, many Democrat attorneys general have made in the past, and we look forward to a vibrant discussion on this. But I will conclude by saying, H.R. 51 is an unconstitutional bill. I think most people here realize that. I think this is another political game that the Democrats are playing, but, hopefully, we can get to a point this Congress where we can work together in truly bipartisan ways to do the things that the American people sent us up here to do.

So, Madam Chair, I yield back.

Chairwoman MALONEY. The gentleman yields back.

The gentlewoman from the District of Columbia, Ms. Norton, is recognized for five minutes.

Ms. NORTON. It's interesting, Madam Chair, that the gentleman cites a small movement in California to succeed from the state. The District is asking for the opposite, to join the Union, with full equality, with the states.

My questions are for Ms. Schwartz of the congressional Research Service. I'd like to look at three issues that have been mentioned here: that H.R. 51 violates the District Clause, the Admissions Clause, and the 23rd Amendment. That would be three violations, but the way to look at this issue is to look at the statute itself as the primary reference.

So, Ms. Schwartz, how many numbers are used in the District Clause?

Ms. SCHWARTZ. I'm sorry. Your question is how many numbers are used in the District Clause?

Ms. NORTON. Yes.

Ms. SCHWARTZ. There's a provision that the District may not exceed 10 miles square.

Ms. NORTON. That's the number that's important to focus on here. Remember, I'm looking at statutory construction. Is that number, 10 miles square, preceded by words "not exceeding" or "not less than"?

Ms. SCHWARTZ. Not exceeding.

Ms. NORTON. The District Clause says Congress shall have the power to, quote, exercise exclusive jurisdiction in all cases whatsoever over the District, and the Supreme Court has held this phrase means Congress has plenary authority over the Federal District.

Ms. Schwartz, for the nine lawyers watching this hearing, and I'm trying to settle on exactly what the statute says here, statutory construction, Ms. Schwartz, the text of—watching this hearing—does the term primary mean—what does the text plenary—I'm sorry—plenary mean in this context?

Supreme Court has held that the phrase means Congress has plenary. That's technical language. What does that mean?

Ms. SCHWARTZ. Plenary means very close to absolute.

Ms. NORTON. All right. The text of the District Clause is clear. Congress has complete, and the witness has testified, absolute authority over the district, and there is a maximum, not a minimum size of the Federal District. The Congress has used its complete authority over the Federal District to previously reduce the size of the Federal District by 30 percent. Now, some argue that the state of Washington, DC. would be too small. We've heard that argument here, and does not have diverse industries or enough amenities.

Ms. Schwartz, does the text of the Admissions Clause describe any characteristics of the new state, such as geographical or population size, industries, amenities, or anything of the kind?

Ms. SCHWARTZ. It does not.

Ms. NORTON. I will read the relevant part of the Admissions Clause, and I'm quoting: "New states may be admitted by the Congress into this Union."

Now, it says nothing. Those are the words. It says nothing about characteristics of the new states.

Let's turn to the assertion that the Admissions Clause requires Maryland to consent to the admission of the state of Washington, DC.

Ms. Schwartz, does Maryland, which gave the land that constitutes today's District of Columbia to the Federal Government, own that land today?

Ms. SCHWARTZ. It does not.

Ms. NORTON. Does Maryland have any jurisdiction over the District of Columbia today?

Ms. SCHWARTZ. It does not.

Ms. NORTON. Isn't it true that Ohio came from lands partially ceded by Connecticut to the Federal Government from the Northwest Territory?

Ms. SCHWARTZ. I—

Ms. NORTON. And did Connecticut have to consent to the admission of Ohio?

Ms. NORTON. I have not looked at the specifics of where Ohio originated, but I do know that there were states that came from the Northwest Territory, and there was not a separate question about whether the states that had formerly ceded that territory would consent, again, when the new states were created.

Ms. NORTON. Thank you.

I will read the text of the Admissions Clause. No new state shall be formed or erected within the jurisdiction of any other state, et cetera.

The District Clause is not within the jurisdiction of Maryland, so Maryland's consent is not required to admit the state of Washington, DC, as some argue the 23rd Amendment, which gave the Federal District electoral votes, precludes admission of the state of Washington, DC. Mr. Smith said that.

Does the text of the 23rd Amendment describe the geographical or population size of the Federal District?

Ms. SCHWARTZ. It does not expressly do so.

Ms. NORTON. The text only refers to, and I'll quote: "The district constituting the seat of government." It says nothing about the geographical or population size of the District of Columbia. Those of us who believe that H.R. 51 is Constitution only need to do what I have just done, read the words written into the Constitution.

I thank you, Madam Chair.

Voice. May I respond to that?

Chairwoman MALONEY. The gentlelady yields back.

The gentleman from Arizona, Mr. Gosar, is recognized for five minutes.

Voice. May I respond to that?

Chairwoman MALONEY. Pardon me?

Mr. GOSAR. Thank you, Madam Chairwoman.

Mayor Bowser, in what section is the District of Columbia mentioned in the Constitution specifically?

MAYOR BOWSER. I'm sorry. Was that for me, Madam Chair?

Mr. GOSAR. Yes, Mayor Bowser.

MAYOR BOWSER. What was your question again, sir?

Mr. GOSAR. In what section is the District of Columbia—

Chairwoman MALONEY. Turn your mic on.

Mr. GOSAR. Can you hear me?

MAYOR BOWSER. Yes.

Mr. GOSAR. OK. In what section is the District of Columbia mentioned in the Constitution?

MAYOR BOWSER. Are you referring to the District Clause, sir?

Mr. GOSAR. I'm asking, the District of Columbia, where is it mentioned in the Constitution?

MAYOR BOWSER. The District Clause.

Mr. GOSAR. It is not mentioned. It is not mentioned. It does mention the Federal District, but it does not mention specifically the District of Columbia. But the Constitution—and that's Article I, Section 8.

In what context is the Federal District mentioned in Article I, Section 8?

MAYOR BOWSER. I'm happy to go and refer to your references, but I'm not—I don't have the cites off the top of my head.

Mr. GOSAR. Well, it's to exercise exclusive legislation in all cases whatsoever over such district as may become the seat of the Government of the United States.

What—that same section says the Congress will have the authority to purchase places for the erection of forts, magazines, arsenals, dockyards, and other needful buildings for the District. Your proposal makes the National Mall, the White House, and the Capitol complex the new district in the Constitution. Where are the forts going to be and where are the dockyards going to be?

MAYOR BOWSER. The forts? There is a system of forts around the District of Columbia currently, as you know, and those forts remain. I do think that your question may be somewhat outdated, sir. And when we think about the threats to our Nation, we see it not in the form of people descending on the District where we need to be on high ground to defend. What we've seen, actually, in our most recent history, that our threats are domestic; that we have to be concerned about how the national intelligence apparatus can keep our Nation safe. I think what we've also seen is that—

Mr. GOSAR. Reclaiming my time. You're going beyond—

MAYOR BOWSER.—the new state will be a supporter of the national security and not a—

Mr. GOSAR. You're going beyond our scope here, and if you'd like to get into that, I'd be happy to get into that. Because if you're bringing up insurrection, were there any weapons confiscated on the 6th?

MAYOR BOWSER. Yes, sir, there were. And there were weapons confiscated leading up to the 6th.

Mr. GOSAR. No. That's not what we've heard.

MAYOR BOWSER. And there was also—there were also an explosion—an incendiary device that was located very close to this Congress—

Mr. GOSAR. I think you made—I think you made my point.

MAYOR BOWSER.—and where lawmakers were put in grave danger.

Mr. GOSAR. I think you made my point.

MAYOR BOWSER. Yes.

Mr. GOSAR. Now, it sounds like the Constitution clearly contemplates the District to be an actual city, doesn't it? Were the Founding Fathers just wrong in wanting a separate district controlled by Congress?

MAYOR BOWSER. Could you repeat that, sir?

Mr. GOSAR. Yes. It sounds like the Constitution clearly contemplates that the District be a separate city, doesn't it? Were the Founding Fathers just wrong in wanting a separate district controlled by Congress? Were they just wrong?

MAYOR BOWSER. I think that the Founding Fathers recognized that they were stripping the people of the District of Columbia at the time, only White men at the time could vote, and that they recognized that that was an issue that was going to have to be dealt with, both for the representation in the national legislature and for self-government.

Mr. GOSAR. So, now, just going back to the size of the city. You said it's about 700,000. Do you think that the size of Paris at the time that we considered this district was taken into consideration for the design of the District? What was the size of Paris in 1801?

MAYOR BOWSER. I'm not sure what the size of Paris was in 1801.

Mr. GOSAR. It was about 630,000. So, I think they took that well into consideration.

Can you tell me when the District came under congressional authority?

MAYOR BOWSER. The District—1801 Organic Act, is that what you're referring to, when the residents of the District of Columbia were stricken of voting representation in the national legislature?

Mr. GOSAR. You're right. Yes.

MAYOR BOWSER. Yes. 220 years ago.

Mr. GOSAR. Can you tell me—can you tell me from what states the district received its territory originally and when?

MAYOR BOWSER. Congressman, I'm happy to go over a history lesson with you at the appropriate time. We, as you know, the states of Maryland and Virginia granted to the Federal Government lands that now comprise the District of Columbia.

Mr. GOSAR. One last question to Mr. Smith. In the fact of the retrocession, House made it illegal—passed a bill finding it illegal. Mr. Smith, do you actually hold that that argument you heard from the delegate, Ms. Norton Holmes, in regards to being owned by Maryland suffices?

Mr. SMITH. I think there are three points to make—

Chairwoman MALONEY. Put your mic on, please, Mr. Smith.

Mr. SMITH. Thank you.

I think there are three points to make in response to that. The first is the Supreme Court has never ruled on whether that retrocession was constitutional. They—at the time they were asked to consider it, they said too much time had passed. So, certainly a timely challenge today would raise many of the same issues that that retrocession raised.

Additionally, it was a much smaller area that was being retrocessed at the time, only about a third of the District. And, most importantly, Virginia consented to that retrocession. And so it only makes sense that Maryland would need to consent to a different use of the land today.

Additionally, there's also the issue of the 23rd Amendment, which even if a specific size wasn't specifically—for the District wasn't contemplated under the District Clause, I think there's a very compelling argument that the 23rd Amendment, when adopted, certainly contemplated the District being a certain size with a

significant population. And that's a view that Attorney General Robert Kennedy also shared.

Mr. GOSAR. I thank the gentlewoman.

I yield back.

Chairwoman MALONEY. Thank you. The gentleman yields back. The gentleman from Massachusetts, Mr. Lynch, is recognized for five minutes.

Mr. LYNCH. Thank you very much. Can you hear me?

Chairwoman MALONEY. Yes, we can.

Mr. LYNCH. OK. That's great.

I think it's important to remember that the residents of the District of Columbia have been giving their blood and treasure to a country that still denies them voting representation in Congress and full self-government.

As the chair has pointed out and Ms. Norton has pointed out, D.C. residents do pay Federal taxes, which contributes to fund our military operations. They register for Selective Service, they enlist in America's Armed Forces, and they bravely deploy abroad in defense of our Nation, yet they do not share in the full rights and privileges of American citizenship.

D.C. residents have no vote in the Senate on confirmation of its military leadership, and until a recent act of Congress, the military was not even required to display the D.C. flag when it displayed state flags. Over the course of America's history, hundreds of thousands of D.C. residents have served in the military. Today, there are 30,000 living D.C. residents who are veterans.

D.C. residents have fought in every single American war. D.C. has suffered more war casualties than many states. In World War I, nearly 26,000 District residents served and 635 made the ultimate sacrifice, with D.C. suffering more casualties than 10 states. More than 89,000 D.C. residents served in World War II, which witnessed about 3,900 D.C. casualties and more, more casualties than four states. And, again, in the Vietnam war, D.C. suffered 243 casualties, more casualties than 10 states. Nearly 40 D.C. servicemembers have received the congressional Medal of Honor, our Nation's highest military award for bravery.

Mr. Wingo, I want to thank you for your service and your testimony, and the testimony of all the witnesses today. Thank you for trying to help Congress do its work. Mr. Wingo, you're a native Washingtonian, you're also a graduate of the Naval Academy, a former Navy SEAL, and you served in both the Federal and legislative branches. I think you offer a very unique perspective, an important one.

I want to ask you, as a veteran and a military professor, how do you reconcile the fact to people that we actually have, and have for a long time, we have residents of D.C. stepping up, joining the military, deploying overseas to fight for and defend the rights of foreign citizens to have basic rights that you are denied when you come back to your own Nation's capital? How do we reconcile that? Help me with that.

Mr. WINGO. Congressman Lynch, I can't reconcile it. We should not have to sacrifice without representation. And I think that, as a veteran, I hear from so many other veterans that, as you say, we have honorably served and we've died in these wars. And, in fact,

thank you for sharing those numbers. For the Vietnam war, 243 total deaths. It turns out, and this is a grim statistic, for Vermont, there were 100; for Wyoming, there were 119.

So, the calculus of proportionality, it has been—we've honorably served. So, I cannot reconcile that we are denied our inalienable rights and we should not be.

Thank you.

Mr. LYNCH. Thank you, sir. I think your testimony and your perspective are extremely important here, and it gets right to the crux of this question.

And I want to thank Chairwoman Maloney for holding this hearing. I also want to thank Ms. Holmes Norton for her persistence and her resilience, and the fact that this bill has gotten this far and got this far in the previous Congress is largely due to her representation. So, I want to thank her for trying to right this injustice.

And I yield back the balance of my time. Thank you.

Chairwoman MALONEY. The gentleman yields back.

The gentlelady from North Carolina, Ms. Foxx, is now recognized.

Ms. FOXX.

Ms. FOXX. Thank you, Madam Chairman.

My first question is for Mayor Bowser. Where would you place the ideological makeup of D.C. relative to other cities in the country? Is it slightly Democratic, very Democratic, very Republican?

MAYOR BOWSER. It's more than slightly Democratic, Congresswoman.

Ms. FOXX. Thank you. Mayor Bowser, if Democrats eliminated Washington, DC. and instead created a state of Washington, Douglass Commonwealth, what political affiliation do you anticipate the two new Senators would be?

MAYOR BOWSER. I don't know. That will be up to the people of the District of Columbia.

Ms. FOXX. OK. But with a very Democratic population, you can't anticipate what that would be?

MAYOR BOWSER. I can anticipate that there will be a lot of very capable Washingtonians running to elect their fellow citizens.

Ms. FOXX. Well, thank you. Thank you. Let's assume that those would be Democrats who would be elected. So, do you think that they would be moderate Democrats or liberal Democrats?

MAYOR BOWSER. I think that the people of Washington, DC. have elected moderate Democrats and very progressive Democrats.

Ms. FOXX. Thank you very much.

MAYOR BOWSER. And they've also elected Independents and Republicans.

Ms. FOXX. Why thank you, Mayor Bowser.

Madam Chairman, from what I'm hearing, this Democrat-led Congress is attempting to use a razor-thin majority that it has to entrench itself in power by passing measures such as H.R. 1 to nationalize our elections, then moving to add two additional Democrats to the Senate by attempting to make D.C. a state. D.C. is a pawn being used by congressional Democrats to gain power, all without regard to the constitutional and practical issues that making the district a state presents.

The opinions being offered here today by the witnesses that the Democrats have brought show me that there is an attitude of little respect for the Constitution, and how people have convoluted things that have happened in the past to negate the clear language of the Constitution is truly a 1984 experience to me.

Mr. Smith, are there alternatives to D.C. Statehood that would provide representation to D.C. residents in Congress without violating the Constitution?

Mr. SMITH. There are alternatives—thank you. There are alternatives, Congresswoman, and they've certainly been explored in the past. There was previously a constitutional amendment in the 1970's that would have treated the District as though it were a state for voting purposes and representation in Congress, and certainly those alternatives would be available today as well.

Ms. FOXX. Well, thank you. Was district representation in Congress for the Federal District ever contemplated by any of the Founding Fathers?

Mr. SMITH. Well, the time the District was established, it was not. It's a clear decision the Founding Fathers made. It was controversial. At the time, it was immediately debated. The decision was clear, and some such as James Madison thought the tradeoff of living close to the seat of the Federal Government would be sufficient compensation. And to quote the Carter Justice Department, if that balance has changed today, the appropriate way to deal with that change is through a constitutional amendment.

Ms. FOXX. Well, I completely agree with you. If the District of Columbia wishes to become a state, I believe that we must pass a constitutional amendment. I swear to uphold the Constitution every time that I am sworn in and I think about it every day that I am on the floor. Thank you very much.

Thank you Madam Chairman. I yield back.

Chairwoman MALONEY. The gentleman from Virginia, Mr. Connolly, is now recognized for five minutes.

Mr. CONNOLLY. Thank you, Madam Chairwoman. And thank you, Eleanor Holmes Norton for your implacable support for righting a wrong.

This issue today is really about Democratic unfinished business. It's not—it's not really about so much of what has been discussed. My friend Jody Hice criticizes D.C. as not being viable because it doesn't have car dealerships—not true, by the way; it does—and it doesn't have a landfill. So, now we're going to have a new test of statehood: Do you have a landfill? The absurdity of the arguments being propounded on the other side of the aisle are all subterfuge.

And I'm grateful for our last questioner on the Republican side, my friend, Ms. Foxx, for actually letting the cat out of the bag. This is about race and partisanship and affiliation. She asked a series of questions of the Mayor of the District of Columbia that I think are profoundly inappropriate. To characterize how people might vote were they granted the right of statehood to have two Senators and what kinds of particular philosophical attitudes those two Senators might have.

We have never made partisanship a condition of statehood. And I might add, the danger of that assumption is that things change. In 1959, when Alaska and Hawaii were paired in statehood, cre-

ating the 49th and 50th state, Alaska was assumed to be a Democratic state and Hawaii was assumed to be a Republican state. And, indeed, initially, that's how they performed.

Today, nobody would think that way. Hawaii is clearly a strong Democratic state and Alaska is clearly a strong Republican state. Assumptions are dangerous. Behavior changes. We can't make decisions on that basis.

Ms. Schwartz, I want to make sure I understood your answer to Ms. Norton. The Admissions Clause in the Constitution grants near absolute power to the Congress in terms of admitting a new state into the Union. Is that not correct?

Ms. SCHWARTZ. That is correct.

Mr. CONNOLLY. Are there conditions? Is there conditionality in the Admissions Clause?

Ms. SCHWARTZ. Yes. The conditions are that no new state can be formed within the jurisdiction of another state, nor by the joining two states together or parts of states together without the consent of the legislators of those states.

Mr. CONNOLLY. Right. So, Mr. Comer's question to somebody about, how about we split up California, would actually be in violation of the very provision, without the consent of Californians, you decided?

Ms. SCHWARTZ. Yes. California's consent would be required.

Mr. CONNOLLY. And Congress—somebody asked you earlier about Ohio. The Northwest Territory at the time, in fact, was created by the cession, the voluntary cession of a number of states, including my own, Virginia, out of which Ohio was fashioned. Do you recall that?

Ms. SCHWARTZ. Yes.

Mr. CONNOLLY. And when Texas was admitted, which was very controversial—took a while, but when Texas was finally admitted to the Union, Congress insisted on boundary changes that actually added territory to what is now New Mexico and took it away from Texas. Do you recall that?

Ms. SCHWARTZ. I am not familiar with the specifics of the boundaries of Texas at the time of statehood, unfortunately.

Mr. CONNOLLY. Trust me on that. In other words, Congress exercised broad power, not only to admit a state, but to decide on the physical configuration of that state.

You know, let me just say, Madam Chairwoman, I grieve at what's happened to the party of Lincoln, the party of emancipation, the party of 13th, 14th, and 15th Amendments. You have to look at what we're discussing in a context, and the context on the other side of the aisle, tragically, is about voter suppression. 200 bills have been introduced in 43 states since the election last November to restrict, repress, suppress the vote, the ability of people to vote early and with facility.

In fact, in Mr. Hice's home state of Georgia, we have seen some of the most repugnant bills since Jim Crow to do just that, restrict the vote. And I think we have to be looking at this issue of whether we continue to restrict the vote in D.C. in that context. We're either about empowerment and winning elections fairly and squarely by competing or we're not. We are either the world's greatest de-

mocracy or we cherry pick who enjoys the benefits and blessings of that democracy.

This is a wrong based in race, based in very sorted history that is long overdue to be righted. Let's do the right thing. Let's stop arguing about false history, let's stop the subterfuge, and let's empower the 712,000 fellow Americans to exercise their American right to make their choice any way they wish in a free election that empowers them as a state.

I yield back.

Chairwoman MALONEY. The gentleman yields back.

The gentleman from Georgia, Mr. Hice, is now recognized for five minutes.

Mr. HICE. I thank the Chairwoman. And I thank Mr. Connolly, my friend from Virginia, for just letting the cat out of the bag himself. He stated very clearly that what this is all about is unfinished Democratic business. That's exactly what this is all about, the Democratic Party attempting a political power grab of obtaining more Senators. That's entirely what this is all about, and my comments that he referenced have nothing to do with a new test for admission. They're based on reality.

If D.C. became a state, it'd be the only state that has no airport. If there's a car dealership in D.C., I apologize for being wrong, I have no idea where it is, but it'd be a state without a capital city. It would not have a landfill, and we could find a ton of other issues that are just matters of fact that would be absent here.

Mayor Bowser, let me ask you, is D.C. Statehood a bipartisan issue, in your opinion?

Please turn your mic on.

MAYOR BOWSER. I'm sorry, Congressman. My response was it should be. We never—

Mr. HICE. That's not the question. That's a good answer, but that's not the question.

MAYOR BOWSER. OK.

Mr. HICE. Would you consider it a bipartisan issue?

MAYOR BOWSER. Congressman, it is a bipartisan issue and here's why.

Mr. HICE. What Republicans do you know that support it?

MAYOR BOWSER. Oh, I'm quite sure there are Republicans who support it.

Mr. HICE. That's not my question, again. Let me go to Mr. Smith.

Mr. Smith, let me ask you, in the past when other states have been admitted, this whole concern that many have that this is about Democratic Senators, in the past when states have been admitted, isn't it true that most of the time, if not all the time, they were admitted in pairs?

Mr. SMITH. That's certainly been the practice for the 20th century. Alaska and Hawaii came in as a pair. Also, Arizona and New Mexico came in as a pair as well. And even prior to that, states would often come in in pairs or groupings in order to balance partisan considerations.

Mr. HICE. How is that balanced? Describe the balance.

Mr. SMITH. I'm sorry. I couldn't hear your question, Congressman.

Mr. HICE. Mr. Smith, when you say to balance, what do you mean?

Mr. SMITH. That political considerations have always been a part of admitting new states to our Union. And so when the states have been admitted in pairs, it has traditionally been, in part, to balance those political considerations. And so there would typically be a pairing of a presumed state of one party with a presumed state of another party.

Mr. HICE. So, there was an attempt in the past, then, to avoid a potential party getting the upper hand on another party. And so when we admitted states, we did it in pairs with both sides coming in at the same time. Is that what you're saying?

Mr. SMITH. Correct, but I think it's important to note as well, none of those other states faced the significant constitutional issues that the District faces in coming in as a state by simple legislation.

Mr. HICE. Yes, I get that.

Mayor Bowser, are you aware of any movement afoot that would create a state to counterbalance D.C.?

MAYOR BOWSER. Congressman, we don't accept the notion that our enfranchisement is dependent on anybody else or the readiness—

Mr. HICE. OK. Please answer my question. I'm not interested in what your assumptions are. I ask you, are you aware of any other movement afoot for another state to be admitted that would be a counter to D.C.?

MAYOR BOWSER. I'm not sure if this Congress has any other bills like H.R. 51 and the D.C. Admissions Act. We are, of course, familiar with—

Mr. HICE. OK. Well, I can tell you there's not.

MAYOR BOWSER. We can—

Mr. HICE. There's not.

Let me ask you this. If there was another—

MAYOR BOWSER. Excuse me, Congressman. I want to completely answer your question. I—

Mr. HICE. You did. You completely answered my question, so please don't continue.

If there was another movement to admit another state, would you be in favor of that? If there was a Union pair, would you be in favor of it?

MAYOR BOWSER. I can only answer your question this way, Congressman. The people of Washington, DC, have voted to endorse statehood. We have approved a constitution. We have approved our state boundaries. Our Congresswoman has introduced a bill that has a historic number of sponsors. And this committee should advance that bill to approval in the House of Representatives.

Mr. HICE. Thank you, Mayor Bowser, but that's, again, a great question—all due respect, a great answer to a question that I did not ask.

D.C. residents have been voting in Presidential elections since 1961. There have been, what, at least 15 Presidential elections since that time until now. The most that any Republican President has ever received over that period of time is 20 percent coming out of Washington, DC, and that 20 percent was when the Republican President won with 520 electoral votes, and yet D.C., the most

ever, voted Republican 20 percent in that election, clearly out of step with America.

And that, combined with the fact that our history as a Nation admits states that are paired together so it does not throw off balance the political structure of our country.

Mr. Smith—

MAYOR BOWSER. Well, Congressman—

Mr. HICE [continuing]. Let me just finish with you. Can you briefly explain, Mr. Smith, why adding a state to the Union for the sole purpose of gaining political advantage, as seems to be the case here, is not the intention of our structure and why it is potentially dangerous?

Chairwoman MALONEY. This is—the gentleman's time has expired. The gentelady, the Honorable Bowser, can answer the question.

MAYOR BOWSER. Thank you—

Mr. HICE. What about the one I addressed the question to, Madam Chair?

Chairwoman MALONEY. Oh, it was to Mr. Smith? It was to Mr. Smith. OK.

Mr. SMITH. Thank you.

Chairwoman MALONEY. You can answer the question.

Mr. SMITH. Yes, Congressman, I think admitting the District of Columbia in this way sets a dangerous precedent because of the many constitutional issues that are unique to the District.

It is certain that years of litigation would follow this decision. Potentially every act of the new state and of the Federal Government during that time period before these issues are resolved could be called into question. And, certainly, if the 23rd Amendment issue is not resolved before a future Presidential election, even that Presidential election could itself be called into question.

Chairwoman MALONEY. The gentleman from Maryland, Mr. Raskin, is now recognized for five minutes.

Mr. RASKIN. Thank you, Madam Chair. Can you hear me now? Madam Chair, can you hear me?

Chairwoman MALONEY. Yes, we can.

Mr. RASKIN. OK. Thank you. Thank you, Madam Chair, for calling the hearing.

Thank you, Ms. Norton, for your hard work on this.

I want to thank Mr. Wingo and the tens of thousands of veterans in Washington, DC, who've served the country.

I also want to thank all of the 712,000 American citizens who you represent, Mayor Bowser and Chairman Mendelson, for having a very strong and legitimate grievance about being disenfranchised and not represented in Congress and yet never attacked the U.S. Congress, broke our windows, stormed our chambers, or caused the deaths or injuries of more than 100 of our police officers. So, I want to thank you for following the nonviolent and constitutional path to political equality in America, which is set forth in the Constitution itself.

Under Article IV of the Constitution, we have the power to admit new states. We started with just 13 states, and we've admitted 37 new states, which means that nearly three-quarters of the states have been admitted by Congress, none of them by constitutional

amendment. And no statehood admission has ever been invalidated by any court in the land, including the Supreme Court of the United States.

And it is simply false to assert that there were not constitutional objections made to numerous state admissions. It was said Texas could not be admitted because it used to be its own country and there was no provision for admitting a foreign country as a state. It was said that Utah and Arizona were too Mormon or too Catholic, and New Mexico was too Catholic; therefore, it was theocratic. Kentucky used to be part of Virginia. West Virginia used to be part of Virginia. Tennessee used to be part of Virginia.

I mean, come on. Like, learn about American history and you will understand that all of the fraudulent arguments being made against the admission of Washington, DC, as a new state have been made against almost every state in the past. They were too big; they were too small. Everyone knew you couldn't admit Hawaii and Alaska because they weren't contiguous to the Union, right? Like, this is what the history is.

Now, the argument that they are trying to make seriously is that somehow Article I, Section 8, Clause 17, the District Clause, should be read as a kind of straitjacket on Congress and a straitjacket on hundreds of thousands of taxpaying, draftable citizens who live there.

But it's already been established that Congress can modify the boundaries of the Federal District. When the question was asked before, is the District of Columbia—is the map in the Constitution, the answer is no. In fact, the Federal District could be relocated to a different part of the country. It's up to Congress to decide. It is a political question for Congress to decide in all cases whatsoever, including the modification, the shrinking of the District or the enlargement of the District within the 10-mile square maximum. But there is no minimum, there is no floor.

So, could Congress decide, for the purposes of enfranchising a new state and guaranteeing political equality, to cede the lands to a new state? Of course it could. In 1846, it shrunk the boundaries of the District to retrocede Alexandria, Arlington, and Fairfax County back to Virginia because the slave masters were rightfully afraid that Congress was about to abolish the slave traffic in the District of Columbia.

Which, actually, was the main political agenda of a great Republican Member of the House of Representatives named Abraham Lincoln, who spent his time in his one term in the House trying to abolish slavery in the District of Columbia. That is a Republican we should all look up to for his determination to bring justice to people in Washington, DC.

So, a couple of other stray points here.

You know, it was said at a couple of points there's no car dealership in the District of Columbia. Of course, that's not a constitutional restriction. It turns out there is a car dealership in the District of Columbia. At that point, now, do all the Republicans say, "OK, at this point, we agree that people in D.C. should enjoy equal political rights"? Of course not, because they are simply trying to gin up whatever arguments they can think of.

Someone said there's no bowling alley in the District of Columbia. These are frivolous arguments. This is—you know, this is just flotsam and jetsam floating around, reflecting the fact that people are actually—while invoking partisanship as a problem, you guys are creating partisanship as the problem. And I know partisanship is in the eye of the beholder, but you are the ones constantly trying to create a political and ideological test for admission to the Union.

It is simply, I think, unconstitutional and un-American to be asking how people are going to vote once they're admitted. The question is, are these taxpaying, draftable American citizens who are subject to all the laws of the country who deserve equal rights? And of course they are. It's way too late in the day to be manufacturing these kinds of phony arguments to keep other people down. It's wrong.

And let me just say finally, there is another potential state that may be seeking admission to the Union, Puerto Rico. And that has been in the Republican platform for many decades. So, where are my friends there? Are they arguing for Puerto Rico?

You want a deal? You want to trade? You want to bring in two states together, the way Kansas and Nebraska came in, or Hawaii and Alaska? Why aren't you fighting for Puerto Rican admission? It's been in the Republican Party's national platform for several decades. So, let's see you step up to the plate there and say, that's the deal.

Some people want to look at it as a political deal. That's not the way the Mayor sees it, and I understand exactly why. But if there are people in Congress who look at it that way, then stand up for what the Republican Party has said. Say you are going to support statehood for Puerto Rico and let's admit Washington, DC, and Puerto Rico together. Let's get the engines of democratic progress moving again in our country.

Thank you. I yield back, Madam Chair.

Chairwoman MALONEY. Thank you.

The gentleman yields back.

The gentleman from Wisconsin, Mr. Grothman, is recognized for five minutes.

Mr. GROTHMAN. Thank you for having me.

I've always felt the answer here is relatively obvious: Because Washington is a city, not a state, and that's why, when our forefathers created it, they didn't make it a state.

I have a good friend, and he talks about, you know, what it takes to build a good economy, and he says we either have to manufacture it, we have to grow it, or we have to mine it. Of course, you can milk it too. I guess what he's saying is, wealth is created by manufacturing, agriculture, or natural minerals. And those are things that I think every state has in some degree.

I'd like to ask anyone up there if they have an idea as far as the number of manufacturing jobs in Washington, DC. I mean, usually with a big city—Milwaukee, Chicago—it's substantial. Talk a little bit about the agriculture in Washington, DC, and talk about the mining or drilling in Washington, DC.—all three of which have to be very tiny compared to that what we get in a normal state.

So, I'll ask, oh, I guess anybody who wants to take a stab at that. Because we have people talking about the work force of Washington, DC.

MAYOR BOWSER. Thank you, Congressman. This is Mayor Bowser speaking.

And let me just say, you referred to us as just a city and not really a state, when the truth is we function as a city and a county and a state right now. So, in fact, what we are is special. We're different. And we're different in a lot of good ways, and the way that we're different that is un-American is that we don't have two Senators.

You say, what does it take to build—

Mr. GROTHMAN. Well, I only have five minutes. I'm sorry, I only have five minutes, and I wish you'd—

MAYOR BOWSER. Well, let me answer your question about our good economy. We have a great economy, even—

Mr. GROTHMAN. No, I—

MAYOR BOWSER.—in the face of COVID—

Mr. GROTHMAN. Your economy is based on government, and your economy is based on tourism, which is a different thing—in other words, retail—which is a different thing other than manufacturing, agriculture, or mining or drilling. And there might be some little manufacturing I'm not aware of, but, compared to even other cities—you know, a Chicago, a Milwaukee, a Detroit—I have a feeling—

MAYOR BOWSER. Well, there may be states who rely on manufacturing, and I would argue that their economies aren't as good as ours.

And you heard our chief financial officer already tell you that the makeup of our jobs is, in fact, 25 percent Federal Government—

Mr. GROTHMAN. You're not answering my question, and I only have five minutes. Could you talk—manufacturing is so important for creating wealth of the country, in a way that retail or tourism is not. Can you tell me about the manufacturing or agriculture or mining in your district?

I think, normally, when a congressman or, even more, a senator weighs the bills that are out there, they have to address how they will affect manufacturing, agriculture, and mining, which is where the wealth of the country comes from. And I'm not aware—

MAYOR BOWSER. Sure. Well, let me—

Mr. GROTHMAN [continuing]. Of virtually any of that in your city.

MAYOR BOWSER. We do not have any mines, Congressman.

Mr. GROTHMAN. OK.

MAYOR BOWSER. But we are investing in other energy sources. For example, we believe that a way to create jobs and employ Washingtonians is to invest in solar energy, for example.

Mr. GROTHMAN. OK.

MAYOR BOWSER. We are also, Congressman—

Mr. GROTHMAN. OK. I—

MAYOR BOWSER.—very focused on how we attract—I'm trying to answer your question, sir. You asked me about manufacturing.

Mr. GROTHMAN. OK.

MAYOR BOWSER. And we're very intent on how we attract businesses who are investing in creating solar panels and employing D.C. residents.

Further, our hospitality sector—and I ask you not to not take it—

Mr. GROTHMAN. OK.

MAYOR BOWSER.—very seriously, because it employs people, it—

Mr. GROTHMAN. I'm sorry. You're dodging the question, so let me ask somebody else a question.

MAYOR BOWSER.—contribute—I have to finish. It—

Mr. COMER. Madam Chair—

MAYOR BOWSER.—helps us contribute—

Chairwoman MALONEY. The time belongs—

Mr. COMER. Madam Chair—

Chairwoman MALONEY.—to the gentleman from—

Mr. COMER [continuing]. Let the questioner—

Mr. GROTHMAN. I'd like to go on to another question because she won't answer these, and I think it's because there really is none.

MAYOR BOWSER.—for me to answer your question—

Mr. GROTHMAN. A general question as to—

Ms. NORTON. Madam Chair—Madam Chair, the members on the other side have repeatedly kept our witnesses, especially the Mayor of the District of Columbia, from fully answering questions, even though you have been—

Mr. COMER. Madam Chair, your side does that every time. Debbie Wasserman Schultz—

Chairwoman MALONEY. Regular order. Regular order. The time belongs to the gentleman—

Mr. COMER. The five minutes—

Chairwoman MALONEY. Regular order.

Mr. COMER [continuing]. Belong to Mr. Grothman.

Ms. NORTON. She has been generous in—

Chairwoman MALONEY. The time belongs—

Ms. NORTON [continuing]. Allowing time. So, she has allowed time for the other side—

Mr. COMER. You all—

Ms. NORTON [continuing]. To ask their questions.

Mr. COMER [continuing]. Do this every session. You have so much—

Chairwoman MALONEY. Regular order. Regular order.

Mr. COMER [continuing]. Memory on that side.

Chairwoman MALONEY. The time belongs to the gentleman from Wisconsin to ask his question. And we will recognize the gentlelady from the District of Columbia, Mayor Bowser, to give an answer that she feels that she—at the end of his questioning.

OK. Congressman, you're recognized. The time is yours right now.

Mr. GROTHMAN. OK.

I guess the point I'm making is, the electorate in Washington is very different from other electorates, and, as a result, they make strange decisions.

The District of Columbia has the second-highest per-pupil spending in the United States, at over \$22,000 a pupil, compared to

around \$15,000 for Maryland and \$12,000 for Virginia. Nevertheless, the District of Columbia ranks last in the country in fourth- and eight-grade reading assessments and worst in the Nation in writing assessments.

This concerns me, in that, insofar as they right now have control of certain things, on education you could arguably say, given the cost and the results, they're the worst in the country.

And I wondered if somebody would care to comment on, given it's such a wealthy district in the first place, largely because the seat of government is there, what conclusions we can draw, in that we have the second-highest-spending district state in the country, if it were a state, and arguably the worst test scores in the country.

MAYOR BOWSER. Well, I would disagree with that assessment, Congressman. I don't know what you're pointing to, but if you look at what is frequently called the "Nation's Report Card," also known as the NAEP scores, it has shown for the level several years that the District of Columbia is among the fastest improving urban school districts in the country.

We—and I know I speak for Chairman Mendelson when I say this—regard our investments in education as our top priority in Washington, DC.

Chairwoman MALONEY. OK. The gentleman's time has expired.

The gentleman from Maryland, Mr. Mfume, you are now recognized for five minutes.

Mr. MFUME. Can you hear me OK?

Chairwoman MALONEY. We can hear you.

Mr. MFUME. OK. Then I won't proceed [inaudible] still showing, so I didn't know.

Chairwoman MALONEY. We can hear you. We can—try to unmute yourself.

Mr. MFUME. Can you come back to me, Madam Chair?

Chairwoman MALONEY. Yes. You are recognized.

Mr. MFUME. Every time I—

Chairwoman MALONEY. OK. All right. We will come back to you. There's a technical problem.

OK. The gentleman from Georgia, Mr. Johnson, you are now recognized for five minutes.

Mr. JOHNSON. I thank the gentlelady for holding this historic hearing today.

And I want to commend Congresswoman Eleanor Holmes Norton the Great for the Herculean work that she has done to get us to this moment. The District of Columbia has a fierce advocate in Congress who will never stop fighting for their representation, and I believe that there has been no better champion for democracy to be afforded to D.C. residents than my distinguished colleague Mrs. Norton.

I'm a proud Washingtonian. I'm a proud Washington, DC, native. I was born at Freedmen's Hospital. I attended the D.C. school system, which prepared me for college, law school, and adulthood. And I'm honored to have been elected to return to Washington, DC, to represent the citizens of Georgia's Fourth congressional District.

And it's not lost upon me that I was once one of the citizens of D.C. who have been denied the basic and fundamental right to participate in American democracy like the people I represent in Geor-

gia. And that's not fair. It's not right. It's anti-democratic. And it's past time for the people of Washington, DC, to be afforded equal rights, to be represented by fully empowered legislators in Congress.

The people of D.C. pay taxes, so they deserve equal representation. "No taxation without representation" is more than a political slogan for the people of Washington, DC.; it is the cruel reality of their citizenship.

Mr. Smith, you are a well-studied lawyer, and you and other opponents of D.C. Statehood argue that D.C. Statehood requires a constitutional amendment and cannot be accomplished by simple legislation like H.R. 51. Isn't that correct?

Mr. SMITH. That is correct, Congressman.

Mr. JOHNSON. And, Attorney Smith, having thoroughly studied the issue, can you cite a single case where the Supreme Court has held or even suggested in dicta that Congress does not have the authority to admit new states by simple legislation?

Mr. SMITH. Respectfully, Congressman, this issue is unique because the District of Columbia—

Mr. JOHNSON. Well, can you cite me a single case, Attorney Smith, where the Supreme Court has ruled that Congress does not have the authority to admit new states by simple legislation?

Mr. SMITH. No, because no other state owes its very existence to a separate provision of the Constitution like the District of Columbia does.

Mr. JOHNSON. Well, let me ask you this, Mr. Smith. How many new states have been admitted to the Union by way of a constitutional amendment?

Can you answer that question?

Mr. Smith, can you answer that question?

Ms. Schwartz, can you answer the question?

Ms. SCHWARTZ. Yes. Your question was, how many other states have been admitted by constitutional amendment?

Mr. JOHNSON. Yes, ma'am.

Ms. SCHWARTZ. The answer is none.

Mr. JOHNSON. And how many facts have been—oh, excuse me—how many states have been admitted by simple legislation?

Ms. SCHWARTZ. Thirty-seven.

Mr. JOHNSON. And isn't it a fact, Ms. Schwartz, that H.R. 51 follows the more-than-200-year precedent our Nation has followed in admitting new states?

Ms. SCHWARTZ. I have to say that, although it does follow precedent in terms of being simple legislation, it is true that it would also be the first state to be formed out of the land set aside for the Federal District.

Mr. JOHNSON. Well, let's talk about that a little bit. You and—many—or some—there are some who argue that Maryland's consent would be necessary for the admission of D.C. because the new state would consist of land ceded by Maryland to the Federal Government to establish the Federal District.

And the argument is that this Maryland statute that ceded land requires that Maryland give its consent—it still requires, even though the statute that ceded the land has no reversionary clause and it states that the land is, quote, "forever ceded and relin-

quished to Congress and Government of the United States, in full and absolute right.”

Ms. Schwartz, what is your response to the argument that Maryland’s consent is required before Congress can admit Washington, DC, as a new state?

Ms. SCHWARTZ. So, that—as you say, the cession of land from Maryland to the Federal Government does not contain an explicit reversionary interest or a provision saying that if it ever fails to become the seat of government that it would automatically go back to Maryland. There’s no explicit text addressing that.

It does, however, provide that the cession is for the seat of the Federal Government. So, the argument comes from, if the Federal Government is no longer using it for the purpose for which it was ceded, that it would need to seek Maryland’s permission.

I don’t have a view on that because it’s a novel question and we don’t have guidance from the judiciary about how they would view that argument.

Mr. JOHNSON. So, that’s just an argument that some would make but it would have to be decided by the courts.

But you must recognize the fact that, when the statute was passed in Maryland that ceded the land, it had no reversionary clause. Is that correct?

Ms. SCHWARTZ. That is correct. There’s no——

Mr. JOHNSON. And it stated——

Ms. SCHWARTZ [continuing]. Explicit reversionary clause.

Mr. JOHNSON. And it stated in its terms that the land is, quote, “forever ceded and relinquished to Congress and the Government of the United States, in full and absolute right,” end quote.

That would support the argument that the land was ceded without any interest, reversionary or otherwise. It’s a very strong argument. Would you not admit that?

Ms. SCHWARTZ. That is the language that would be cited in support of the argument that there was no reversionary interest.

Mr. JOHNSON. And, I mean, it means what it says and it says what it means. Isn’t that correct?

Ms. SCHWARTZ. It does say what it says, sir.

Mr. JOHNSON. And it means what it says.

Is Mr. Smith back on the line yet? Those were some tough questions I was asking, and he went out as soon as——

Mr. SMITH. I am, Congressman.

Mr. JOHNSON. Sir?

Mr. SMITH. I am back on the line, Congressman.

Mr. JOHNSON. OK. Well—so you can’t cite to us a single case where the Court has ruled—the Supreme Court has ruled that a state must be created by way of a constitutional amendment, correct?

Mr. SMITH. No, Congressman, because no other state has a unique status or owes its very creation to a separate constitutional provision like the District of Columbia does.

Mr. JOHNSON. Well, what constitutional provision would prohibit the Congress from admitting Washington, DC, as a state?

Mr. SMITH. Well, certainly the biggest impediment is the 23rd Amendment, Congressman. And Attorney General Robert Kennedy——

Mr. JOHNSON. Well, in the 23rd Amendment—the 23rd Amendment has to do with electoral college votes, correct?

Mr. SMITH. It does, but Attorney General Robert—

Mr. JOHNSON. Well, what does that have to do with—what does that have to do with admission of Washington, DC, as a state to this Union—

Mr. SMITH. Respectfully—

Mr. JOHNSON [continuing]. And Congress's ability to pass legislation just like it has done in 37 other instances? What factors would distinguish Washington, DC, from the other 37 instances where Congress has passed legislation to admit those 37 states as states into the Union?

Mr. SMITH. Well, respectfully, Congressman, if I may finish my answer, I'm happy to answer your question.

Again, the first is that no other state was created as a result of Article I, Section 8, Clause 17, the District Clause.

Then again, the 23rd Amendment also certainly envisioned a district of a specific size with a significant population. And Attorney General Robert Kennedy, when delivering his opinion to Congress, said, quote, "A persuasive argument can be made that the adoption of the 23rd Amendment has given constitutional status to the existence of a federally owned district, constituting the seat of government of the United States, having a substantial area and population, so that a constitutional"—

Mr. JOHNSON. Well, I'm going to interrupt you there, sir. I'm going to interrupt you there, because that is simply not a persuasive argument against the ability of Congress to propound and pass legislation that would admit Washington, DC, as a state.

You're talking about the opinion of others. And, of course, you have to respect the contrary opinions of others who happen to be among those who have propounded this legislation in the form of H.R. 51 that we stand ready to pass in Congress shortly. I mean, so two sides—

Chairwoman MALONEY. The gentleman's time has expired, but—

Mr. JOHNSON [continuing]. Two sides of the coin.

Chairwoman MALONEY.—may answer the question.

Mr. JOHNSON. Thank you. I yield back.

Mr. SMITH. Thank you, Congresswoman Maloney.

Again, respectfully, no other state is in the unique position of the District of Columbia or owes its existence to a separate constitutional provision.

And as to your earlier point, Congressman, about Maryland and the land that it granted to the District, it explicitly said it was for the purpose of—to be used as the seat of government. And certainly no one would have contemplated that Congress could have immediately turned around and used the land for a different purpose or created a new state. And so what Congress could not immediately have done it cannot do today simply with the passage of time.

Chairwoman MALONEY. The gentleman's time has expired.

The gentleman from Louisiana, Mr. Higgins, is recognized with additional time. Because of the technical difficulties, we gave Mr. Johnson extra time, so, Mr. Higgins, you are also entitled to extra time.

Mr. Higgins, you are now recognized.

Mr. HIGGINS. That's very kind of you, Madam Chair. I appreciate you holding this hearing.

My, goodness gracious. My fellow citizens watching right now, let me help to clarify this, and for my respected colleagues on both sides of the aisle but especially my friends across the aisle in the Democratic Party.

D.C. is unique because it was expected to be unique. It was envisioned to be forever unique. It's built upon land ceded by sovereign states at the exact location chosen by President George Washington.

James Madison articulated in Federalist 43 that if a capital city was situated within a state, the Federal Government would be subject to undue influence of the host state. The Founders wanted the capital separate from any state.

Additionally, the original tenor of the Founders was clear: The Federal District was intended to not simply be the seat of government for the Republic, but expected to be a thriving Federal city, separate from the control of any single state.

Article IV, Section 3: New states may be admitted by the Congress into this Union, but no new states shall be formed or erected within the jurisdiction of any other state, nor any state be formed by the junction of two or more states or parts of the states without the consents of legislatures of the states concerned as well as the legislation by Congress.

In the case of D.C. Statehood, my colleagues across the aisle, respectfully, you just can't get past the uniqueness of D.C. and the legal and constitutional debate, legitimate debate, surrounding D.C. Statehood.

My friend and colleague Representative Raskin compared it to "Let's Make a Deal" with Puerto Rico and D.C. Statehood. Respectfully, good sir, that's not a deal. We're not looking for a deal. We're only trying to follow the Constitution and the law. That's the bottom line.

And to my veteran brothers and sisters, Representative Lynch, my colleague and friend, asked you, how do you reconcile your service as a citizen of D.C., in these United States and our Republic, how do you reconcile your service? And surely, my veteran brothers and sisters of D.C., surely you would support reconciliation within the parameters of the Constitution and the laws of our Republic. That's what we're discussing today.

So, let me lay this out. If you want to make D.C. a state, this is what you have to do. We don't have to argue about, you know, whether or not it's a good idea or what the politics are or the money of the state and the financial sustainability of a 51st state in the form of D.C.

The land was originally ceded by Maryland—that was originally ceded by Maryland—Virginia got its land back long ago. The land now we're talking about was ceded by Maryland—must be returned to the people of Maryland. This would require a constitutional act, legislation. You can't get past that. Whether or not there was a specific provision in the original cession does not negate the fact that the spirit of the ceded land was to form the land upon which the Nation's capital would be built.

So, in the spirit of that original agreement and cession of land, it'd have to be returned to the people of Maryland. Then the Maryland state legislature would have to pass new legislation ceding the land to a proposed 51st state.

So, Congress would have to pass legislation giving the land back to Maryland; then Maryland would have to pass legislation allowing the land to be ceded to a proposed 51st state. Good luck with both of those. But the reality is, that's what would have to be done.

Then the 23rd Amendment—you can't get past this. The 23rd Amendment will have to be repealed by an additional amendment to the Constitution. There's no guarantee that that would happen. That would have to be done first.

And then, finally, every one of these clearly required legislative actions at the Federal and state level will no doubt be challenge via Article III. These court challenges will have to be defeated in Congress in order to move forward with any intent to make D.C. a state.

So, Mr. Smith, I ask you, please, in my remaining time, sir, just as briefly as you can, just comment on whether or not there is a path forward for D.C. Statehood? And does it not require legislative action in Congress, at the state level in Maryland, and then by constitutional amendment?

And I thank Madam Chair for her kindness regarding our time. Mr. Smith?

Mr. SMITH. Thank you, Congressman.

Yes, there is a pathway to D.C. Statehood, and it's through the Article V amendment process. That way would certainly remove any questions, would remove any doubt, about the status of the District of Columbia.

Additionally, if other voting rights want—if Congress wanted to give other voting rights to the residents of the District of Columbia, again, they could certainly do that without making the District a state through a constitutional amendment.

Any litigation, doubts, questions could be resolved by invoking the Article V amendment process.

Chairwoman MALONEY. The gentleman's time has expired.

Mr. HIGGINS. Thank you, Madam Chair.

Chairwoman MALONEY. The gentleman from Maryland, Mr. Mfume—and we apologize for the technical problems we had. Mr. Mfume, you're now recognized.

Mr. MFUME. Thank you very much, Madam Chair. And thanks again for holding this hearing.

The "mute" button wouldn't let me mute, so I couldn't get off of the screen to do that. But, anyway, now that we're back in operation, I want to go back to Mr. Smith's testimony, if I might.

Mr. Smith, you were naming a number of significant people, elected and appointed, who were opposed to statehood, and you mentioned former Congressman Fauntroy. What was his opposition, do you know?

Mr. SMITH. I do, Congressman. Delegate Fauntroy was advocating for other voting rights legislation for District residents, but he was saying that he—he wanted to be clear with other Members of Congress that he was not advocating for D.C. Statehood—

Mr. MFUME. Well—

Mr. SMITH [continuing]. Because, in his words, that would be in direct defiance of the—

Mr. MFUME. I'm going to reclaim my time on that, Mr. Smith. I'm not trying to figure out where Mr. Fauntroy was in the 1970's but, rather, where he was all along since then. And he was a big, strong advocate of D.C. Statehood. In fact, we took a train, he and I and a number of Members of Congress, from New York back down to Washington, with each stop having a rally for D.C. Statehood. So, I think you probably want to check your facts on that, because Walter Fauntroy was not against statehood.

Now, on the other side, I want to just go back, if I might. I think I might be, Madam Chair, one of the only three or four Members of Congress that voted in 1993 in favor of statehood and voted last year the same way. And I remember the argument then from my colleagues on the other side of the aisle. It was not "this is a power grab," as we continue to hear now, but it was that D.C. couldn't handle its own finances, so go show us and prove to us that you can run a city and be financially responsible and then come back and then we'll consider statehood.

Well, 28 years later, here we are. And I want to go to Mr. Lee for just a few questions.

Mr. Lee, what is the percentage of revenue generated locally, not by the Federal Government?

Mr. LEE. About three-quarters of the revenue are generated locally.

Mr. MFUME. Thank you. And for how many years have you had a clean audit?

Mr. LEE. Twenty-four years.

Mr. MFUME. And that's been consecutive, correct?

Mr. LEE. Consecutive. That's correct.

Mr. MFUME. And are your pension funds fully funded?

Mr. LEE. Yes, Congressman.

Mr. MFUME. Thank you. And in terms of capital reserves, are you at a level that most banks and other such institutions consider to be proper?

Mr. LEE. That's correct. And our triple-A credit rating that was granted a few years ago is a reflection of that.

Mr. MFUME. Thank you.

So, I think the notion now is no longer can you handle your own financial business but whether or not this is going to be a power grab.

Madam Chair, I don't have any other questions. I want to yield my time to the Mayor of the District of Columbia and thank her again for her testimony.

MAYOR BOWSER. Thank you. Thank you, Congressman, for focusing on the District's healthy finances, and we want to thank our Office of the Chief Financial Officer.

I also want to recognize the work of the Council of the District of Columbia and Council Member Chair—Council Chairman Phil Mendelson. The council has undertaken a number of measures that we have imposed on ourselves, that are in our local law, that will help us maintain those healthy finances.

I also just want to say, Madam Chair, there have been a number of statements about this power grab by Democrats in the Congress.

And I have to say, our quest for statehood has nothing to do with the current Congress. Our quest for statehood is longstanding, and it's really rooted in our values—in the values of both parties. We talk about fairness and democracy and justice, but we also support the principles of liberty and freedom and local autonomy. And that is what H.R. 51 embodies for the residents of the District of Columbia.

So, we stand ready to work with you on the passage. We know that the issues that have been raised have been roundly refuted. Our Congresswoman put on the record the testimony of Viet Dinh, who is a conservative constitutional scholar who squarely deals with the issues related to the 23rd Amendment.

Your colleague Congressman Raskin, in our last hearing, squarely dealt with the issues of Maryland's interest—or Maryland's no longer interest in what makes up the District of Columbia.

And H.R. 51 squarely deals with the issue of the Federal District. The Congress will continue to exercise plenary authority over the Federal District.

Chairwoman MALONEY. OK. Thank you very much.

The gentleman yields back.

The gentleman from South Carolina, Mr. Norman, is recognized for five minutes.

Mr. Norman, you're now recognized.

Mr. NORMAN. Thank you, Madam Chairman.

Let me just bring up some things that we've been discussing here for the last, I guess, hour and a half. The fact that, you know, this is simply a power grab. And the reason it's a power grab is the fact that the 23rd Amendment gets in the way of what the Democrats are trying to do without any Republican support.

The things that had been brought up about—D.C. would not have an airport, which most states have, if not all. The dealership—I will tell you that the only dealership now is a Tesla dealership, which is, I think, a high-end car. The only way the solvency of Mayor Bowser is because of Federal subsidies that subsidize the city. They have no source of income. In South Carolina, we have farming. In South Carolina, we have manufacturing. In South Carolina, we have mining. This new state, if it's formed, will have none of that.

And, Mr. Smith, let me ask you, getting back—the crux of this issue is the 23rd Amendment. You acknowledge, in the Constitution, the seat of government is right now in Washington, DC, correct?

Mr. SMITH. Correct, Congressman.

Mr. NORMAN. The 23rd Amendment provides D.C. residents participation in the Presidential elections. It appoints a number of electors of President/Vice President equal to the whole number of Senators and Representatives as if it were a state, and it shall be no less than the least populous state.

What is the least populous state in this country?

Mr. SMITH. I am not sure of that right now, Senator.

Mr. NORMAN. It's Wyoming. It's Wyoming. They have three.

How many electors in the District entitled—which are entitled under the 23rd Amendment are there?

Mr. SMITH. Three electors, Congressman.

Mr. NORMAN. Three electors. So, it's of the least populated state, which is Wyoming.

And under if H.R. 51 is passed, the 23rd Amendment would still stay intact, correct?

Mr. SMITH. That is correct, Congressman.

Mr. NORMAN. And under the bill proposed, all of D.C. would become a state, except a tiny sliver, which is the size of a park, which would become the Federal District, correct?

Mr. SMITH. That is correct, Congressman.

Mr. NORMAN. So, that means the 23rd Amendment and Article I, Section 8—this tiny new area would become the Nation's capital or the new seat of power. It would still have the three electoral votes for President and Vice President, correct?

Mr. SMITH. Under the terms of the 23rd Amendment, that is correct.

Mr. NORMAN. OK.

And the new seat of power under this scheme would only have within it the White House, the U.S. Capitol, and some other Federal buildings and the National Mall and some monuments. Is that right?

Mr. SMITH. That is my understanding. It's a very small area.

Mr. NORMAN. So, really, the only permanent residents in this new created seat of power would be the President, occupied by Mr. Biden. Is that right?

Mr. SMITH. It is certainly conceivable that the First Family would be the only residents or one of only a handful of residents of this new area.

Mr. NORMAN. Sir, is it your understanding the—Mr. Biden would become electors and would be voting in the electoral college in the 2024 election and would be still entitled to three electoral votes? Is that correct?

Mr. SMITH. Well, H.R. 51 purports to deal this situation by saying, essentially, anyone who lives in this new rump capital area would be entitled to cast their ballots in their previous state of residence if they would otherwise be qualified except for living in this new capital area. And, unfortunately, that doesn't deal with the constitutional issues and creates some of its own as well.

But it is conceivable under the 23rd Amendment that, yes, the First Family would potentially control three electoral college votes.

Mr. NORMAN. So, under this plan, the only residents in the new D.C. would be the President and his or her cronies. Is that right?

Mr. SMITH. They would—I'm not sure if they would be the only residents, Congressman, but they would certainly be, if not the only residents, one of only a handful of other residents of this new area.

Mr. NORMAN. Because you only have the Capitol, some Federal buildings, the National Mall, and then, from my understanding, some monuments.

Mr. SMITH. That is correct, Congressman. I'm not sure if other living arrangements are interspersed to some degree throughout there. But, again, the First Family would certainly play an outsized role in the selection of three Presidential electors.

Mr. NORMAN. So, in your opinion, this is not voter suppression, this is not restricting voters, it's not racially motivated, it's not dis-

enfranchisement. It's about the 23rd Amendment, which this partisan Congress is trying to avoid and get around without changing the Constitution.

Mr. SMITH. Well, this is a constitutional issue, Congressman. And a previous Justice Department report that looked at this issue explicitly said this is not a racial issue, this is not a civil rights issue, this is a constitutional issue that goes to the very core of our Federal system of government.

Mr. NORMAN. And it's being dismantled by the Democrats.

Mr. SMITH. Well, this—H.R. 51 certainly has serious constitutional issues with it, in my opinion, Congressman.

Chairwoman MALONEY. The gentleman's time has expired.

The gentlewoman from Michigan, Ms. Tlaib, is now recognized for five minutes.

Ms. TLAIB. Thank you so much, Chairwoman.

And thank you all so much for this critically important hearing. And really appreciate the partnership and leadership of Congresswoman Norton on our committee for constantly bringing this to our attention.

I think it's important to note that D.C. Statehood should not be a partisan issue. I know that's what you hear here. I think the messaging on the part of my colleagues on the other side of the aisle would be different if it was a predominantly Republican district. I mean, we truly are literally talking about democracy versus, you know, being able not to have democratic access to making sure that you are represented at all levels of government. And we also can't claim to support self-determination and democracy and oppose D.C. Statehood. It's that simple.

So, since my friends across the side of the aisle love to talk about taxation, local control, and Federal overreach whenever it happens in their states, I'd like to focus on these topics as they impact D.C. residents.

Congress has always required D.C. residents to pay all Federal taxes while denying D.C. residents a vote in Congress on how the money is spent. D.C. residents have no vote on the Federal laws that govern them and no vote on the Federal executive branch and judicial branch officials who enforce and interpret those laws.

In fact, we here in Congress, who come from places like Idaho, Texas, California, have the final says on the local laws that govern D.C. residents and on the local executive branch and judicial branch officials who enforce and interpret those laws.

So, Mr. Henderson, other than the United States, how many democracies deny the residents of their capital voting representation in the national legislature?

Mr. HENDERSON. To my knowledge, Congresswoman, no countries deny their national capital's votes in the national legislature.

Ms. TLAIB. That's right, Mr. Henderson, and I appreciate that. None. That's the answer. This represents an extraordinary violation of a democratic principle America claims to represent, right? Our country claims to represent the importance of representation.

So, now let's look at taxation. In Fiscal Year 2019, we continue to hear that D.C. paid \$27.5 billion in Federal taxes. That's more than 22 other states and territories. In fact, D.C. paid more taxes

than Montana, Alaska, Wyoming, Vermont, all the U.S. territories, and all the U.S. foreign-deployed servicemembers combined.

Put simply, if you oppose D.C. Statehood, you support taxation without representation. Do you hear me? If you oppose D.C. Statehood, then you support taxation without representation.

And let's not forget that people of D.C. have always answered the call to serve whenever their country needed them, right? Including Mr. Wingo, who is with us today. And many of the National Guard who have protected our Capitol since January 6 come from the D.C. community.

In opposing D.C. Statehood, which is overwhelmingly supported by the people of Washington, these Representatives and their dark-money backers over at The Heritage Foundation—that's right—are telling over 700,000 Americans to sit down, shut up, and enjoy this authoritarian system implemented by a bunch of elites who thought it was OK to enslave people for their selfish monetary gain hundreds of years ago.

It is shameful that anyone would claim to support democracy and freedom and oppose statehood.

Thank you, and I yield back.

Chairwoman MALONEY. The gentlelady yields back.

And the gentleman from Pennsylvania, Mr. Keller, is now recognized.

Mr. Keller?

Mr. KELLER. Thank you, Madam Chair.

When our Republic was founded, both New York City and Philadelphia had been the capital city of the United States, but in July of 1790, Washington, DC, became the permanent capital.

The Founders' reasoning for this was, as James Madison stated in Federalist No. 43, that if the capital city were situated within a state, the Federal Government would be subject to undue influence by the host state.

Even discounting the continuous shortfalls in the D.C. budget on an annual basis, the burden that this new state would likely put on surrounding states through devices like commuter taxes, and the alarmingly large unfunded pension liabilities that would become the responsibility of the American taxpayer, the fact remains that, without nullifying the 23rd Amendment, D.C. Statehood is unconstitutional.

I'm sure we've all seen the quote on the D.C. license plate. It reads, "End taxation without representation."

So, Mayor Bowser, thank you for being here today. And I thank all the witnesses. Is statehood the only way to end taxation without representation?

MAYOR BOWSER. Thank you, Congressman. It is, Congressman, because that's the only way the people of Washington, DC, would be able to elect two Senators.

Mr. KELLER. OK. So, the answer is the only way we can do it is without—without granting them a state.

What if D.C. were to retrocede back Maryland, allowing D.C. citizens representation in both the House and the Senate? Wouldn't that give them representation?

MAYOR BOWSER. We are not residents of Maryland, Congressman. We're residents of Washington, DC.

And I'm reminded of a similar——

Mr. KELLER. OK——

MAYOR BOWSER.—question being posed to the people——

Mr. KELLER. Is this about——

MAYOR BOWSER.—of the territory of Arizona. And they——

Mr. KELLER. Excuse me. I'm going to claim my time back. Mayor, I claim my time back.

The point is that the citizens of Washington, DC, can be able to vote on representation and Senators. But your point is that they're Washington, District of Columbia. And I know the bill, at least in the last Congress, actually renamed Washington, DC. So, I guess the point I would make is, there is a pathway to have people in D.C. be able to vote for Senators and Representatives.

And I know there's been a lot of talk about the District's current unfunded pension liabilities and what might change as a result of the new statehood being stood up. So, I know there was testimony for the pension liabilities, but did the Federal Government put any money into the D.C. pensions?

MAYOR BOWSER. The Federal Government contributed to D.C. pensions in early—are you talking about in the Reorganization Act? Is that what you're referring to?

Mr. KELLER. Well, what I'm saying is, it was mentioned that D.C. was in such good financial standing and their pensions were fully funded. Do you know how much over, I'll say, the last 24, 25 years has been contributed to the pension fund from the Federal Government?

MAYOR BOWSER. Well, Congressman, I could get back to you and get you a number on the negotiations around the District Reorganization Act.

Mr. MENDELSON. Madam Mayor?

Mr. KELLER. Well——

MAYOR BOWSER. I think the chairman has a specific——

Mr. MENDELSON. Well, I have—Congressman, this is Phil Mendelson. I have oversight over the retirement board, so I'm quite familiar with this.

Since 1997, the Federal Government has not contributed to the District's share of the pensions. Not at all. Not one——

Mr. KELLER. Excuse me.

Mr. MENDELSON [continuing]. Cent. There are——

Mr. KELLER. I——

Mr. MENDELSON [continuing]. A number of Federal Government employees who are part of the pension program, and the Federal Government does pick up their share. But the District has 100 percent paid its pension obligations since 1997.

Mr. KELLER. The Federal Government did not, over the last 24 years, contribute \$4.5 billion to bail out the pension fund?

Mr. MENDELSON. No. And not—no, it did not.

Mr. KELLER. That's the number—that's the numbers that I was actually given.

So I guess, Mayor Bowser, do you support—I guess you don't support retrocession.

MAYOR BOWSER. I do not support retrocession, and neither do the residents of Maryland.

Mr. KELLER. Well—and, again, this is about giving people the opportunity to vote on Senators and Representatives. And it's clear to me that D.C. was never intended to become a state and has not shown it's ready for statehood.

In any case, we have the things that have happened since the beginning of our Nation. The fact that in Pennsylvania, in Philadelphia, in New York was at a point in time the seat of Federal Government, but it was chosen to be Washington, DC, so that the Federal Government would not be contained within a single state that would have any undue influence over the Federal Government.

I just look at this—there are ways to do this that would be constitutional. And just looking at that, I think that we should be looking at those items if we're really serious about making sure people have that opportunity.

Thank you, and I yield back.

Chairwoman MALONEY. The gentleman yields back.

The gentleman from Illinois, Mr. Davis, is recognized for five minutes.

Mr. Davis?

Mr. Davis, can you please unmute?

We're having technical problems. Mr. Sarbanes is now recognized. We'll come back to Mr. Davis when the technicalities are fixed.

Mr. Sarbanes, you're now recognized.

Mr. SARBANES. Thank you very much, Madam Chair. Can you hear me OK?

Chairwoman MALONEY. Yes, we can. Yes, we can.

Mr. SARBANES. Great. Thank you.

Well, first of all, let me thank Congresswoman Holmes Norton for her amazing leadership over so many years.

[Audio interruption.]

Mr. SARBANES. I think we've got somebody who's not muted.

Chairwoman MALONEY. Mr. Keller, can you please mute?

OK. Mr. Sarbanes, you're recognized.

Mr. SARBANES. Can we give me another 15 seconds maybe? I'd appreciate it.

Anyway, I want to thank Congresswoman Holmes Norton for her really indefatigable—that means she never got fatigued—leadership over so many years, certainly over the last two Congresses, in pushing this legislation forward. It's a credit to her, the coalition, and the District of Columbia, and all of those who've stepped forward.

I want to thank Mayor Bowser for her testimony and all who've been part of the panel today.

Mayor Bowser, when you were speaking, I was taking notes, because you were capturing the essence of what this is about. There's been a lot of back-and-forth on, sort of, the constitutional questions, and I'll probably get to some of those myself, but here are some of the phrases that you shared with us.

The need to extend full democracy to the residents of the District of Columbia.

The right to full representation in Congress.

The fact that the disenfranchisement of Washingtonians is one of the most glaring remaining civil rights issues of our time. That's

not an overstatement; that's an accurate recognition of the situation.

You pointed out the fact that, in the early days, there was high interest in correcting this wrong, but somehow, over time, that interest began to wane. What changed? Well, you put your finger on it. You called it out. What changed is the population of the District changed from White to Black. And then the standard began to change as well, in terms of this imperative.

You said District residents are still not free, as we remain—i.e., the residents of the District of Columbia—disenfranchised by this body, by Congress, which can do things to fix the situation.

And we keep hearing that this is not the way to do it, that we should have the property go back to Maryland and then Maryland should turn around and create the state and so forth.

Mr. SARBANES. That's not a viable option. Republicans know it's not a viable option. So, if you keep proposing that, what you're really saying is you're comfortable with the fact that 700,000 residents of the District of Columbia will continue to be disenfranchised.

This is a problem that we have to solve, and what Eleanor Holmes Norton has put forward is that solution: statehood for the District of Columbia. We just need to get it done.

Now, let me turn briefly to a couple of questions here. These are things that I've sort of gleaned from the minority report from last Congress, the views that Republican colleagues put forward suggesting that this proposal is for clearly partisan purposes, to abandon the fundamental notion of a United States by rewriting the very definition of statehood to include a municipal-level government.

Well, Ms. Schwartz, I'm not aware that a municipal-level government is not eligible for this kind of change. Does the Admissions Clause of the Constitution describe particularly what types of states may be admitted into the Union? Does it get into that detail?

Ms. SCHWARTZ. No. The text of the Constitution is silent on that, which means it's left to the discretion of Congress.

Mr. SARBANES. The minority views have also said that the Founders deliberately designed the Constitution so the seat of the Federal Government would not be within any state.

Mr. Mendelson, under H.R. 51, would the Federal District be solely within the borders of the state of Washington, DC, or is it actually going to border on two states when we're done with this?

Mr. MENDELSON. It would be—it would border on Virginia and border on the new District state.

Mr. SARBANES. So, that's not a problem.

And last, in the last 30 seconds, Mayor Bowser, there's been a suggestion that somehow the local government wasn't equipped to shoulder the burden of statehood, especially in times of crisis, but you were ready to step up recently and before Federal intervention. And they were suggesting that somehow the Metropolitan Police Department is not up to the job in terms of handling violence in the District, but you were able to do that.

Was D.C. capable of handling the civil unrest that occurred recently or did it require some unique Federal intervention?

MAYOR BOWSER. Yes, Congressman, the District is more than capable of supporting its homeland security, its local policing, and to be a part of the support for the Federal District.

And likewise, Congressman, just like we were able to step up, the residents of Maryland and Virginia and their state police and National Guard also will step up to support the Federal District.

Mr. SARBANES. Thank you very much. I yield back.

Chairwoman MALONEY. The gentleman yields back.

The gentleman from Arizona, Mr. Biggs, is now recognized.

Mr. Biggs.

Mr. BIGGS. Thank you, Madam Chair. I assume you can hear me OK?

Chairwoman MALONEY. Yes, we can.

Mr. BIGGS. Great. Thank you.

So, like many of my colleagues, I strongly believe it's unconstitutional to create a state out of the District of Columbia by means of H.R. 51 or any similar legislation. But leaving the constitutional questions aside and turning from Washington, DC, I think it is a bad, potentially dangerous policy, and I think many of the Founders understood this very well.

Here's James Madison writing on the topic of the Federal District in Federalist 43, which was published in January 1788 as ratification of the Constitution was actually under way.

Quote: "The indispensable necessity of complete authority at the seat of government, carries its own evidence with it. It is a power exercised by every legislature of the Union, I might say the world, by virtue of its general supremacy. Without it, not only the public authority might be insulted and its proceedings interrupted with impunity; but a dependence of the members of the general government on the state comprehending the seat of the government, for protection in the exercise of their duty, might bring on the national councils an imputation of awe or influence, equally dishonorable to the government and dissatisfactory to the other members of the Confederacy."

Madison understood very well that it would be dangerous to subject the national capital to the jurisdiction of any one state in the country as diverse as the new United States.

In fact, Madison had seen that danger firsthand. On June 21, 1783, Madison was serving in the Confederation Congress in Philadelphia in what is now known as Independence Hall when a rowdy mob of unpaid soldiers surrounded the building and prevented delegates from leaving.

Alexander Hamilton, who was also present in Independence Hall that day, tried to appeal to the Pennsylvania government to quash the mutiny, but Pennsylvania's President, John Dickinson, demurred.

The Confederation Congress was subsequently compelled under considerable pressure to decamp to Princeton, New Jersey.

Now, move back to the present, and I've heard that Mayor Bowser believes that statehood would have made the events of January 6 easier to contain. But given that Democratic proposal to shrink the Federal capital district to little more than the size of The Mall, I'm not sure I understand how adding yet another layer of jurisdiction would lead to more efficient law enforcement.

Even worse, the tiny new Federal District envisioned by Democrats would be completely dwarfed and surrounded by a new state over which Congress would have no authority. And this new state, in turn, could easily bully the tiny Federal enclave into dependence on all matters of basic functioning related not just to security matters, but also infrastructure.

Who would be providing electrical power to the new Federal District, or water, or even snow removal? Now, it's kind of weird to ask those questions, but I think they're pertinent.

And I want to turn to something else that law professor John Baker said with regard to the 23rd Amendment, which has been much discussed today.

He said the 23rd Amendment is clearly the proverbial camel's nose in the tent, with the tent being statehood for the District of Columbia. The amendment treats the District of Columbia as if it were a state for purposes of the electoral college.

Both the amendment and the argument for D.C. Statehood are founded on the false premise that failure to accord the District equality with states discriminates against U.S. citizens living in the District. That premise is false for at least four reasons, and these are the reasons he gives.

One, until the 23rd Amendment, citizens of the District were treated on an equal basis with U.S. citizens who live in Puerto Rico or a foreign country. After the 23rd Amendment, citizens of the District have under weight in the electoral college.

Three, as the capital of the country, the District enjoys advantages not possessed by any state.

And four, no one state should be home to and legislate for and have power over the capital of all the states.

And even breaking the District of Columbia into its new state, if that were to happen under H.R. 51, his fourth provision is really prescient.

It says, and I'm going to expand on it here, he says in his piece, the provision for a Federal town in the Constitution addresses the need for the Federal Government to be separate from and not dependent on any state. It reflects the experience in the Philadelphia mutiny of 1783, which I've just referred to. And I won't go any further into that.

Before I ask my question to you, Mr. Smith, I want to just say that Utah might have had the problem with being considered too Mormon, but in the multiple decades that came after it, when Arizona came into the United States with New Mexico, that was not the issue at all. And when someone condescendingly says we should learn our history, maybe they should reflect on that a bit before that say that.

With regard to that, Mr. Smith, do you worry about the vulnerability of a Federal District under the conditions that are currently proposed in H.R. 51?

Mr. SMITH. Well, I certainly think one of the reasons the Founding Fathers created a separate Federal District was exactly for the reasons you stated. They'd been through the experience of Philadelphia in 1783. They were concerned for the physical security of the national capital. They wanted to be sure they weren't reliant on any one state for that security.

And even though the Mayor here today has said that her goals are to better protect and cooperate with the national government for that purpose, it's a laudable goal, but, again, we don't have to use much imagination for a different mayor and a different set of circumstances who might disagree with necessary safety precautions that the Federal Government would need to take.

And, again, I think we certainly saw some of that disagreement last summer outside of the White House. And we even saw some of that disagreement more recently with some disputes over the fencing around the Capitol complex. So, there certainly is an inherent conflict that could percolate there.

Mr. BIGGS. Thank you. I yield back, Madam Chair.

Chairwoman MALONEY. The gentleman yields back.

Hopefully, the challenges with Mr. Davis have been resolved.

The gentleman from Illinois, Mr. Davis, is now recognized.

Mr. Davis.

Mr. DAVIS. Thank you, Madam Chairman, for a very informative hearing.

And I also want to commend our colleague Delegate Norton, because for as long as I can remember, long before I ever came to Congress, Eleanor Holmes Norton was pushing and keeping D.C. Statehood in front of Congress and in front of the American people. And so I commend her for that.

I have to admit that I've heard some of the most intellectually dishonest absurdity that I've ever been privileged to hear in terms of some of the rationale that I've heard as to why there should not be statehood for the District of Columbia.

I've been a proponent of statehood for D.C. since elementary school when we were taught this notion that there ought not be any kind of situation where you paid taxes and did not have the opportunity to be fully represented.

And so this notion of taxation without representation has always stuck with me. And I've always been amazed that people in the District of Columbia were paying taxes, but could not be represented.

Mr. Henderson, I want to thank you for your testimony, as I thank all of the witnesses for their testimony and enlightenment that we have been able to get today. But I've been impressed, I've been listening to you for a number of years as you have been a principled advocate for many issues that you have testified before Congress about.

So, what I'd like to ask you, this notion of small states, large states when people deal with this, are they talking about geography or are they talking about population?

Mr. HENDERSON. Well, Mr. Davis, thank you for your question.

They're clearly referring to geography in the sense that they're talking about, when they talk about states like Wyoming, which has a far smaller population than the District of Columbia, and yet is welcomed into the statehood ambit without criticism. It's clearly about the geography that Wyoming represents, not its population.

But the truth is many of the arguments that you've cited from those on the panel really undermine the basic notion that we're really talking about voting rights for American citizens.

Now, voting is the language of democracy, Mr. Davis. If you don't vote, you don't count. And that is, unfortunately, the history of our country. We have 700,000 disenfranchised citizens of this country who are denied the right to have a voting representative in our national legislature.

And one last point that I have to make. Those who cite the insurrection, the Philadelphia insurrection of 1783, as the justification for creating a national center like the District of Columbia to protect the interests of Congress, flies out of the window in the face of the January 6 insurrection.

We have a national capital in the District of Columbia and yet our Mayor was denied the right to protect the Representatives in our Congress from the worst insurrection that they have experienced since the war of 1812. That argument has no meaning in the 21st century as we have seen most recently.

Mr. DAVIS. Thank you so much.

I've still got a few seconds left, and if Hank Johnson is still with us and would like the time—if I ever need a lawyer, Hank would be my guy—I'd give him the additional time that I've got.

I think Hank may be gone.

So, at that rate, Madam Chairman, I thank you again and yield back the balance of my time.

Chairwoman MALONEY. Thank you.

The gentleman from Georgia, Mr. Clyde, is recognized for five minutes.

The gentleman from Georgia.

Mr. CLYDE. Thank you, Madam Chair.

While this issue is not new to Congress, this is my first hearing on D.C. Statehood. And so I have questions regarding the practicality of D.C. Statehood, including financial repercussions, how the mapping would work out, giving the map—I've seen actually it leaves out several of the Federal buildings, like the GSA, the FAA, and the FBI buildings.

But, more importantly, I have serious constitutional concerns about the push for D.C. Statehood. And on that note, I must commend my colleague from the good state of Louisiana, Representative Clay Higgins, for his very persuasive constitutional argument on the constitutional concerns.

So, my first question is for Mr. Zack Smith.

We know that all of D.C. is on Maryland's land that was originally ceded from Maryland. We've also heard about the 23rd Amendment and the need for it to be addressed.

But can you go over, again, what say Maryland should have in the District's push for statehood.

Mr. SMITH. Sure. Thank you for the question, Congressman.

So, one of the issues is the original grant from Maryland to the Federal Government to create the Federal District said that it was for the purpose of creating the new seat of government, for the purposes outlined in Article I, Section 8, Clause 17 of the Constitution.

And so we've heard a lot today said about Article IV, Section 3 of the Constitution, the Admissions Clause. And the Admissions Clause says that no state can be carved out from a portion of another state or by combining portions of other states without the

consent of those states' legislatures. So, that constitutional provision is certainly implicated.

But more to the point, again, at the time everyone understood that Maryland was donating this land, was giving it in return for it becoming the seat of the Federal Government, and certainly no one would have understood that Congress could then immediately turn around and create a new state out of that land.

So, what Congress could not do immediately, it cannot do today simply by the passage of time.

Mr. CLYDE. All right. That sounds perfectly logical to me.

Now, turning to Mayor Bowser.

Mr. Smith just outlined some of the Founders' intention for the Federal District. Do you agree that the Founders' original intent was to have the district be only a Federal city and not a state? And can you answer that yes or no?

I believe your mic is not on.

MAYOR BOWSER. The Founders required a Federal District of a maximum size. They did not limit the size. And so I think they specifically did not—they said that the Federal District could only be a certain size large, but they left open the possibility of it being smaller.

So, the Federal District would persist—

Mr. CLYDE. Right. That's not my question. My question is not the size of it. My question was, do you agree that the Founders' original intent was to have the district be only a Federal city and not a state? Do you agree with that, yes or no.

MAYOR BOWSER. I do not agree that the Founders didn't contemplate that this district would have self-governance, representation, or function as a city, county, and a state, because that's how we function.

Mr. CLYDE. But they didn't make it a state, OK, and I think that was quite intentional.

All right. So, let's talk about representation that you just mentioned, all right? Let's go back to Mr. Smith for a minute.

There are some alternatives to D.C. Statehood which would provide representation to D.C. residents in Congress without violating the Constitution. Is that correct?

Mr. SMITH. That is correct, Congressman. And, in fact, those proposals have been put forward before in the 1970's. An amendment was proposed that would treat the District as though it were a state for congressional representation without actually making the District itself a state.

Mr. CLYDE. Or it could be those residents could also vote in Maryland. Is that not correct?

Mr. SMITH. If the appropriate constitutional amendment process was followed, they could do that as well, Congressman.

Mr. CLYDE. OK. All right.

So, back to Mayor Bowser.

Is the intent for representation or is the intent for eliminating taxation?

MAYOR BOWSER. The District is proud to pay its fair share of taxes, Congressman. What we are here to ask you to correct is to make sure that we have representation for those taxes. Our Constitution—

Mr. CLYDE. OK. So, what we could do instead, then, is we could say, all right, what if the residents of D.C. were exempt from Federal taxes?

Now, you have representation already when it comes to Presidential elections. And also you have representation in the Congress with Delegate Norton. Though she doesn't have a direct vote, she can certainly introduce bills, because she introduced H.R. 51.

So, if the residents of D.C. were exempted from, say, 50 percent of Federal taxes because they have some representation already, would that be acceptable?

MAYOR BOWSER. It is not acceptable, nor do I think it would be acceptable to the residents of your district if they were asked to not get full representation.

Mr. CLYDE. But your residents would not pay Federal taxes, just like Puerto Rico does not pay Federal taxes or Guam or Mariana Islands or American Samoa. They're not a member of a state, they're a district, they're a territory, similar to a territory. So, I think that would be fair.

MAYOR BOWSER. Well, I'm not aware of a bill before the Congress that would take away billions of dollars from the Federal Treasury, the billions that we contribute to the Federal Treasury each year.

Mr. CLYDE. But that would change the taxation without representation, correct?

MAYOR BOWSER. I think that it is—it would take away us paying taxes.

Mr. CLYDE. OK.

MAYOR BOWSER. And I think that that would be a detriment to the Union.

What we're saying—we're not trying to shirk our responsibilities as Americans, Congressman. We are demanding—

Mr. CLYDE. But it would put you in exactly the same place as Puerto Rico, Guam, the Mariana Islands, and American Samoa. Is that not correct?

Chairwoman MALONEY. The gentleman's time has expired.

The gentlelady may answer.

Mr. CLYDE. Thank you, Madam. I yield back, Madam Chair.

MAYOR BOWSER. Thank you, Madam Chair.

As I mentioned earlier to the ranking member, the residents of the District of Columbia sent me here for one purpose. They have voted. Eighty-six percent of our electorate says they want to be full Americans. They want to be full taxpaying Americans. They're not interested in shirking their responsibilities as they have done for the history of our Nation, served our Nation, paid our taxes.

And all we are asking you today is to correct an anomaly of our history to make sure that we have full representation, with our Congresswoman getting a vote and having two United States Senators.

That is what is before this Congress, and that is what is in the complete power of this Congress to do, to grant D.C. Statehood.

Chairwoman MALONEY. Thank you.

The gentlewoman from Illinois, Ms. Kelly, is recognized for five minutes.

Ms. KELLY.

Ms. KELLY. Thank you, Madam Chair.

I, too, want to thank our Delegate from D.C.

And thank you to the Mayor for your patience with all of these questions and the other witnesses.

The Admissions Clause of the Constitution gives Congress the authority to admit new states. However, the Supreme Court's "equal footing" doctrine prohibits Congress from imposing conditions and limitations on new states that Congress cannot impose on existing states.

I want to clarify that H.R. 51 imposes no such conditions or limitations on the state of Washington, DC. The bill expressly declares that the state would be, quote, "admitted into the Union on an equal footing with the other states in all respects whatever."

In *Coyle v. Smith* the Supreme Court struck down a condition Congress imposed on the new state of Oklahoma, saying, quote, "The constitutional equality of the states is essential to the harmonious operation of the scheme upon which the Republic was organized."

During the markup of H.R. 51 last Congress our Republican colleagues filed many amendments that would have imposed policies on the new state as a condition of admission, including on guns, reproductive health, and collective bargaining.

Ms. Schwartz, does H.R. 51 comply with the equal footing doctrine?

Ms. SCHWARTZ. I have not encountered anything in the bill that would lead me to suspect that it does not comport with the equal footing doctrine.

Ms. KELLY. Thank you.

Mayor Bowser, does the state of Washington, DC, seek to enter the Union on anything other than an equal footing with the other states?

MAYOR BOWSER. That is exactly how we would like to enter, Congresswoman.

Ms. KELLY. Thank you.

The state of Washington, DC, is simply seeking to enter the Union in the same way that every other state entered the Union. It is asking for equal treatment, not special treatment.

And I yield back.

Chairwoman MALONEY. The gentlelady yields back.

The gentleman from Texas, Mr. Fallon, is now recognized.

Mr. FALLON.

Mr. FALLON. Yes, Madam Chair. Can you hear me all right?

Chairwoman MALONEY. Yes, we can.

Mr. FALLON. Thank you so much for having the hearing. I find all this interesting. Fascinating, in fact.

I want to thank all the witnesses for coming and sharing their time with us.

I had a quick question, then some comments.

Mayor Bowser, thank you for coming today. You've answered lots of questions and you've heard lots of opinions and facts thrown out by colleagues, both Democrats and Republicans. I had a quick question for you, because this has been alluded to, not so much by you, but by others, and you're the Mayor of the city.

Do you believe that Washington, DC, has been historically denied statehood based on racial grounds? Do you think that that has been a premise?

MAYOR BOWSER. I think it certainly contributed.

Mr. FALLON. OK. So, what I find interesting is, I like—and thank you for your answer—I like data. And so what we did was, we looked up the census data from 1800. In Washington, DC, at the time it was 10,666 White residents and only 4,027 African-American residents. In 1830, 30 years later, there was still a White majority with 27,563 and only 12,271 African-American residents.

Fast-forward 120 years, there's still a White majority in Washington, DC, 517,865, according to the census, and only 280,803 African-American residents, almost a two-to-one White majority. Then it did change in the 1950's.

So, I found it disheartening and, quite frankly, insulting that one of my colleagues, not the Mayor, but one of the colleagues, congressional colleagues, said that there was great momentum and interest in D.C. Statehood and then it changed and then it waned.

Well, for 150 years there was a White majority in the District and it never became a state. And I'm unawares of any hearings in Congress to that effect back during those 150 years. There may have been, but I've never seen any reference to it and I fancy myself an amateur historian and a history minor in college. So, it doesn't seem like that is, actually, factually historically accurate at all.

And then, furthermore, we've heard today for hours about the concern with 700,000 folks not having full rights of a citizen of these United States. But we don't seem to have a lot of concern, and, in fact, H.R. 51 was the first bill that we've heard for any statehood for any of our territories, and yet there are 3 million residents of Puerto Rico, that's four times the population of Washington, DC, and we're not having a hearing on that.

Now, why is that? And is this partisan? Because I've only been here for three months and I left a state legislature that prided itself on bipartisanship, but now I'm in a hyperpartisan environment that, again, is very disheartening, but we'll hope to change the culture some time and some day.

But in 2012, 91 percent of D.C. residents voted for the Democratic candidate for President. Only seven percent—seven percent—voted for the Republican candidate. In 2016, it was 91 percent to 4 percent. And in 2020, it was 92 percent to 5 percent. That is complete and utter dominance.

To say that we don't know what the partisan makeup of the delegation of Washington, DC, would be is farcical and it's laughable.

Puerto Rico, on the other hand, while probably we would agree leans Democrat, they have had Republican governors recently. So, I suspect that is why we're not hearing a bill about Puerto Rican Statehood right now but rather Washington, DC.

And then, last, what is the intent, what was the intent of the Founders? That clearly was that this would be a Federal city. There's almost no doubt. And we came here, having a serious discussion, but of course it was.

And then we have a constitutionality issue with the 23rd Amendment.

So, there is a way to make Washington, DC, a new state, but it's not through simple legislation introduced by this Chamber. Retrocession is an interesting idea because then all 700,000 residents of Washington would have a say in Congress, both the House and the Senate, and that would solve the no taxation without representation issue.

Madam Chair, thank you for the time. I yield back.

Chairwoman MALONEY. The gentleman yields back.

The gentleman from Vermont, Mr. Welch, is now recognized for five minutes.

Mr. WELCH. Thank you very much.

I want to, of course, thank the Mayor, and I want to thank the folks from Washington for your assistance on behalf of the people you represent.

And, Chair Maloney, I want to thank you for following through on this.

And, of course, to our wonderful Delegate, Eleanor Holmes Norton, thank you.

Just one comment to start with. The January 6 issue—"issue" is hardly the right word—but my total understanding from reading the reports is that the Mayor and city of Washington was ready to respond. And keep in mind, this Federal District, the folks who came here did so at the invitation of the person who lived at 1600 Pennsylvania Avenue.

So, I don't see how statehood for D.C. would have interfered with the ability of Washington to, in fact, protect Congress when, in fact, it was the resident of 1600 Pennsylvania Avenue who invited folks to come here.

I am totally in support of the right of citizens in Washington to be able to have representation through elected Representatives.

And now what I would like to do is yield the balance of my time to my colleague, Jamie Raskin.

Mr. RASKIN. Thank you very much, Mr. Welch, for that. I appreciate it.

We've just heard from several of our colleagues on the other side of the aisle about how Democrats win elections in the District of Columbia by 90 percent or 92 percent or what have you, as if we should all understand that the implication of that is constitutionally relevant; that because it's lopsided in favor of one party, that those people shouldn't be represented in Congress.

The Supreme Court rejected precisely this logic in a decision called *Carrington v. Rash* in 1965 where military servicemembers were disenfranchised, actually in Texas, on the theory that they did not know, they were stationed in Texas for several years, they didn't really know the local political culture.

And the Supreme Court said nothing could be more in tension with the Constitution than the idea that we keep people from voting by virtue of the way we expect them to vote, that we try to gerrymander the electorate to keep people from voting based on the predicted ideology of how they would vote.

Perhaps I could go back to Mr. Wingo, who fought for the country and is working with veterans apparently to fight for statehood.

What do you make of all these arguments that the District of Columbia is too Democratic to be admitted into the Union?

Mr. WINGO. Thank you, Congressman Raskin.

Well, what I make of it is, I agree with you, just is irrelevant as far as the Constitution is concerned.

And, one, I want to thank Representative Holmes Norton for her tireless fight and, as a fellow Yale Law grad, what she said about the Constitution.

What I think is the Founders would point to the fact that veterans, for those who wanted to fight for their Nation, as happened out of Maryland. The history of the Baltimore Independent Company, 400, who Washington, George Washington himself said, we must not forget what these 400 men did.

And so what I would say, sir, is that the party affiliation, it's more about people and about those who are committed to serve democracy and are willing to die for that.

Mr. RASKIN. In the Declaration of Independence Jefferson spoke of the consent of the governed as being an organizing principle for the country, along with the unalienable rights of the people, but the consent of the governed is at the heart of it. The first three words of the Constitution are "We the people," and that, of course, included people who lived in the area that is now the District of Columbia, although it was not that when the Constitution was written.

Why do you think we're getting all of these arguments that are doing everything that they can to run away from the consent of the governed?

You know, there are no car dealerships in Washington, DC. The last set of hearings we had they were talking about parking privileges and how Members of Congress might not have the same parking privileges if the new state were created?

I was just chastised by one of our colleagues, who I'm not quite sure I totally understood the argument, but he was basically saying that it is illegitimate to record the actual history of race and religion and partisanship being used against people trying to attain the level of political equality through statehood admission.

Mayor Bowser, would you agree, from your study of it, that race and religion and partisanship have almost always been turned into factors against the major principle which should be in play, which is the consent of the governed?

MAYOR BOWSER. Absolutely, Congressman, and thanks for that question. And I was interested in the earlier question about the role of race in the history of D.C. suffrage, self-government, and now the movement for statehood.

In fact, two historians have written about it extensively, and I commend it to the committee, to read "Chocolate City." It's a big volume.

If you don't have the time to read that, you can read a recent report by D.C.'s Federal City Council, and the Federal City Council is one of our preeminent business organizations. But they commissioned a report as well called "Democracy Deferred: Race, Politics, and D.C.'s Two-Century Struggle for Full Voting Rights."

The truth is that over 220 years we've had various experience with suffrage for Black men, with Black men being able to run for office, to it all being stripped away, to having appointed officials,

to now the situation where we're at, which is wholly, wholly inadequate, which is limited home rule.

And what we know with limited home rule, that we don't have representation here in this House. Our Congresswoman cannot vote for a final bill. And when Democrats aren't in power she hasn't been able to vote in committee. So, that's important.

But what we've also seen in the last year is that we don't have complete autonomy; that the whims of a leader can impose his will on the people of the District of Columbia, squashing the voices of their elected officials and squashing their laws.

That's anti-democratic, and it's un-American, and it has to be fixed now.

Mr. RASKIN. Thank you, Mr. Welch.

I yield back, Madam Chair.

Chairwoman MALONEY. The gentleman's time has expired.

The gentleman from California, Vice Chair Gomez, is recognized for five minutes.

Mr. GOMEZ. Thank you, Madam Chair.

Real quick, I just want to go remind people that the Constitution does not establish any prerequisite for new states. However, Congress has generally considered three.

First, residents must have a commitment to democracy, and I think that applies to Washington, DC.

Second, residents must support statehood. Each time D.C. has voted overwhelmingly to support statehood.

Third, the state must have the population and resources to support itself.

D.C. satisfies all three prerequisites.

First, residents have been petitioning for over 200 years for local self-government.

Second, D.C. residents supported statehood, and I believe it was 86 percent in 2016.

Third, D.C. has a larger population than Wyoming and Vermont, and it has a larger budget than 12 states. D.C. pays more in Federal taxes than 21 states and more Federal taxes per capita than any other state. D.C. has a triple bond rating, and I think most states would be envious of that.

Finally, Federal funds comprise a lower percentage of D.C. government revenue than the national average for state governments. For example, the Federal Government provides 39 percent of the state government revenue in Kentucky and only 23 percent of the D.C. government's revenue.

Dr. Lee, in 2014, the late Federal and D.C. budget expert Alice Rivlin testified that D.C. has the population and resources to support itself.

Do you agree with Ms. Rivlin's assessment?

Mr. LEE. Yes, I do, Congressman Gomez. And as I've testified, we have demonstrated that through 24 consecutive years of audits that shows a balanced budget each of those years. And so I completely agree with Dr. Rivlin's analysis.

Mr. GOMEZ. Thank you.

Mayor Bowser, Senator Tom Cotton has said the following about D.C. Statehood, and I quote: "Washington also doesn't have the 'diversity of interests and financial independence' that Madison ex-

plained were necessary for a well-functioning state. Yes, Wyoming is smaller than Washington by population, but it has three times as many workers in mining, lodging, and construction—and ten times as many workers in manufacturing. In other words, Wyoming is a well-rounded, working-class state. A new state of Washington would not be.”

Senator Cotton does not seem to think the right type of people live in Washington, DC.

Mayor Bowser, what is your response to Senator Cotton’s statement?

MAYOR BOWSER. It’s absurd, but we’ve heard a lot of absurd things from him.

And I would just go back to your statements, Congressman, in your introduction. The Constitution does not set out types of industry that have to be in a state in order to be admitted to the state. That is the entire province of this Congress.

And what we have laid out, also importantly, is that we can support ourselves, that we do support ourselves, that the Federal interest in the District is no different than it is for any other state, save for the reimbursement you provide us for the security that we provide for Federal functions. So, we can support ourselves.

More than that, you heard from our Chief Financial Officer that the makeup of our work force, unlike most people think, is not entirely Federal Government employees. In fact, that’s only a quarter of our work force. And we’ve seen over the last 10 to 15 years growing diversification of our jobs.

We’ve also grown, and a lot of the smaller states that you’ve mentioned don’t have the type of growth that we have and the type of economic development that we forecast that is going to allow us to continue to invest in our new state in the functions that we need to handle.

Mr. GOMEZ. Mayor Bowser, I graduated from graduate school in 2003 and I moved to Washington, DC, with a lot of my classmates, and these folks were committed to public service, but wanted to do it at the Federal level. And a lot of them actually live in Washington, DC, and they’re so committed that they’ve been involved in local politics, they ran for the school board, help people get elected to City Council.

So, these are folks that are committed, and I know that there’s people that are long-term residents of Washington, DC, have even greater commitment.

So, I don’t understand why we wouldn’t allow these folks who have committed themselves to not only the betterment of their community, but also the betterment of their country, not have representation at the Federal level. That’s why I support D.C.’s petition to form a state.

With that, I yield back.

MAYOR BOWSER. Thank you, Congressman.

Chairwoman MALONEY. The gentleman yields back.

The gentlewoman from Massachusetts, Ms. Pressley, is now recognized for five minutes.

Ayanna Pressley? Ayanna?

I think we lost her. OK.

Before we close, I want to offer the ranking member an opportunity to offer any closing remarks he may have.

Ranking Member Comer, you are now recognized.

Mr. COMER. Well, Madam Chair, let me begin by sincerely thanking you for holding this hearing today. We appreciate that, because a lot of bills that we voted on, on the floor this year, have had no committee hearings.

So, this is a major piece of legislation, H.R. 51, and I think it's really important that we try to resemble some form of regular order in the House of Representatives, and having committee hearings like this is a step in the right direction. So, I want to thank you for that.

But let's be realistic about this bill. This bill is only here because there's a desire from the left to create two new U.S. Senate seats, for various reasons. This bill is all about two new U.S. Senate seats.

This is plan B of Nancy Pelosi's political power grab. Plan A was elimination of the filibuster in the Senate. That has gone down in flames. So, plan B is to make Washington, DC, a state, to add two new U.S. Senate seats.

Plan C will be to stack the Supreme Court to ensure plan B doesn't get thrown out in the courts because it's unconstitutional.

So, I think that both sides have done an admirable job of presenting the facts. But the fact of the matter is very simple: This is another example of partisan political power grab that we've seen since the beginning of this Congress.

So, I will remind everyone that there's not a single Republican in Congress, in the House or the Senate, that supports this bill.

And I think that, hopefully, in the future we can hold hearings on things that are a little bit more pressing at the time, like the border crisis, or we still have a number of schools that haven't reopened, and the issues that the working Americans care about.

So, Madam Chair, again, thank you for holding this hearing. I appreciate the Mayor's attendance.

And I yield back the balance of my time.

Chairwoman MALONEY. The gentleman yields back.

And in recognition of the Representative from the District of Columbia, I would like to recognize her for a closing statement and thank her for her selfless work over 30 years of achieving this goal of representation.

Ms. NORTON. Thank you very much, Madam Chair. Thanks really is owed to you for giving us this early hearing.

I'd just like to clarify two technical points.

One has to do with the 23rd Amendment, which kept being raised. It is true that the District has three electoral votes. If we got statehood, there would be three more.

May I predict that once that occurred, lightning fast, you will see an amendment go through the Congress to repeal the 23rd Amendment giving us, the District of Columbia, three electoral votes. The first to vote, the first perhaps even to lead it, would be the Members on the other side of the aisle.

Second, on the question of retrocession, which kept being raised, Maryland gave the land in perpetuity. The issue of statehood at that time was never raised, so you couldn't deny it or be for it.

There is no remaining interest left if you look at the words that Maryland used in giving the land to the District of Columbia.

But isn't it interesting, Madam Chair, that in mentioning Maryland, my friends on the other side did not mention, even though Maryland has supported statehood, did not mention what does Maryland want.

Maryland has only one large city, Baltimore. If, in fact, somehow the District could be retroceded, if that were even constitutional, to Maryland, then, of course, Maryland would be dominated by Baltimore and the District of Columbia.

Therefore, I think, before you go talking about Maryland, you ought to ask Maryland. I think Maryland has spoken, because every member of its delegation supports D.C. Statehood except for one Republican member.

I thank you very much for this very important hearing, Madam Chair. I think we're on our way to statehood for the District of Columbia.

Chairwoman MALONEY. Thank you so much.

And before my closing statement, I want to recognize Ayanna Pressley from Massachusetts. She was having some technical difficulties. She's now back on with us. And I'd like to recognize her for her statement, her five minutes.

Ms. Pressley, you're recognized.

Ms. PRESSLEY. Thank you, Madam Chair. Thank you for holding this hearing and continuing to prioritize this fight to establish the state of Washington, DC.

And in this fight, there certainly has been no greater champion or stalwart than my sister in service, Representative Eleanor Holmes Norton. You've organized, you've advocated, you've legislated, and, might I add, you've tolerated some condescending and, I would add, microaggressions.

Thank you for the grace and thought leadership as a Yale alumni, law school alumni, that you've brought to this space today and this work. I'm very honored to serve alongside you.

For many years, D.C. was affectionately known as Chocolate City. The vibrant Black community defined this town and provided a professional and cultural scene rich in Black joy, love, and excellence. But Congress continuously denied D.C. a locally elected government for much of its history.

Now, today, the state of Washington, DC, would be 46 percent Black, which would make it the state with the highest percentage of Black people in the entire country, and its congressional district would be a majority-minority jurisdiction.

I represent the Massachusetts Seven, a majority-minority District in my home state. These districts are critical for making the needs of people of color, for ensuring our voices are heard in the policymaking process, and for diversifying the Halls of Congress.

Now, in the Senate today there are only three Black Senators and not a single Black woman in the entire body. The structure of the Senate gives disproportionate power to small, predominantly White states. It has been estimated that the Senate gives the average Black person in America only 75 percent of the representation of the average White person in America.

In the midst of our national reckoning on racism and those who are quick to quote Dr. King and John Lewis but obstruct things like D.C. Statehood, uplifting Black political power must be a part of the conversation. We cannot allow electoral justice for the people of Washington, DC, to be denied any longer.

Now, last year, the day before the House of Representatives passed H.R. 51, Senator Cotton said the following about the bill, quote: “Would you trust Mayor Bowser to keep Washington safe if she were given the powers of a governor? Would you trust Marion Barry?”

Now, both Bowser and Barry, who died in 2014, are Black, and even on the floor of the U.S. Senate Senator Cotton apparently felt compelled to communicate to a certain audience. That wasn’t a dog whistle; that was a bullhorn. His objection to statehood was related to the possibility of an African-American governor.

Now, he said this with full knowledge of the role White supremacy has played in our democracy. There have been only two Black elected governors in the history of this country. Massachusetts had one of them, Deval Patrick. Now, more than 230 years, only two Black governors.

I’m going to make it plain: D.C. Statehood is a racial justice issue. And racism kills. And I don’t just mean police brutality and hate crimes and food apartheid systems and transportation deserts and unequal access to healthcare. I mean all of that, too. But racism kills our democracy.

Mr. Henderson, as someone who was both born and raised in D.C. and has been a national civil rights leaders for many years, what role did race play in that denial and what role does race play in the opposition to H.R. 51?

Mr. HENDERSON. Thank you, Representative Pressley, for the question.

You know, American history is replete with examples of race interfering with our democracy in the worst possible way.

I’ve devoted my career and the organizations that I’ve worked for, including the Leadership Conference on Civil and Human Rights, to building an America as good as its ideals, to helping to develop a more perfect Union. It means coming to terms with issues of race and juxtaposing those issues with American democracy in the fullest sense of that.

We are striving now to achieve the ideals that the Founding Fathers set out for the country but have never been fully accomplished. That’s where we are today. That’s what we’re struggling to accomplish. The racial reckoning that you mentioned in your introductory comments is a very important part of that.

Hopefully, the D.C. Statehood issue will be seen both as a democratic issue, but also as a racial justice issue for those who have so long been denied the opportunity of having full representation in the District.

Thank you.

Ms. PRESSLEY. Thank you, Mr. Henderson. Thank you.

Do I still have time?

Your Leadership Conference has more than 200 civil and human rights organizations as members. Could you tell me why D.C. Statehood is a priority for this broad and diverse coalition?

Mr. HENDERSON. Of course. It is because we are committed as a coalition to the fullness of American democracy in all aspects of what we do. And struggling to accomplish the voting rights and democracy for the 712,000 representatives or citizens of the District is an important part of that effort to build the more perfect Union we've talked about.

Ms. PRESSLEY. And, Mayor Bowser, can you elaborate on how naming the future state of Washington, Douglass Commonwealth, is an act of racial justice?

Chairwoman MALONEY. The gentlelady's time has expired, but the Honorable Mayor may answer.

Ms. PRESSLEY. I yield.

MAYOR BOWSER. I'll answer quickly, because, Congresswoman, you laid it out and made it plain. I had forgotten those comments of Senator Cotton.

But it is very clear that we are proud of our diversity. We believe that our diversity makes us stronger. And we're proud of our history of Black political power.

And in no way do we think that that should prevent us from what should be our rights as Americans and as taxpayers in this Nation.

We believe very strongly that it is a civil rights and a voting rights issue that suppresses the voices of thousands of African Americans in the Nation's Capital.

Ms. PRESSLEY. Thank you.

Chairwoman MALONEY. The gentlewoman's time has expired. Thank you. Thank you.

The gentleman from Florida, Mr. Donalds, is now back on, is recognized.

Mr. DONALDS.

Mr. DONALDS. Thank you so much, Chairwoman.

And to the witnesses, thank you. I've been listening to this hearing for, obviously, the last several hours on the road.

I really just have one question. This is actually quite simple. And this is, I guess, for Mayor Bowser.

Seeing that the layout of the proposed state is essentially the city limits of Washington, DC, as it is today, are there plans to dissolve your City Council? Because if you have essentially a state legislature and a governor, then what is the purpose of the D.C. City Council at that point?

MAYOR BOWSER. Well, thank you for that question, Congressman.

And we have, our voters and our Council, which is our legislature, has approved the Constitution for our new state, and our Constitution contemplates making our current Council of the District of Columbia the state legislature for the state of Washington, DC. And we would expand that Council by, I think, seven—eight seats, to expand it by eight seats, to be a 21-person state legislature.

Mr. DONALDS. That's all I got.

I yield back. Thank you, Madam Chair.

Chairwoman MALONEY. The gentleman yields back. The gentleman yields back.

And that concludes our hearing.

And I now would like to recognize myself.

I'd like to thank all the members for a strong debate and thank the witnesses for their insight and participation on this critical civil rights issue.

As has been said many times today, statehood for D.C. is about fairness and equality. Our Nation is founded upon the idea that all people should have a voice in their government. But without voting representation in Congress, the people of D.C. are denied that most basic right.

The demand for D.C. residents to be given their equal rights, that they are the very foundation of our democratic Republic, is not a political ploy. It is an effort to right the wrong of more than 200 years of disenfranchisement.

D.C. residents are American citizens. They fought, they fought honorably to protect our Nation overseas. They pay taxes. They deserve representation. I want to, again, thank them for their patience and their dedication to securing the rights they deserve.

And a very special thank you to Eleanor Holmes Norton today.

In closing, I want to thank our panelists for their remarks, and I want to commend my colleagues for participating in this important conversation.

With that, and without objection, all members will have five legislative days within which to submit additional written questions for the witnesses to the chair, which will be forwarded to the witnesses for their response. I ask our witnesses to please respond as promptly as possible.

And this hearing is adjourned.

[Whereupon, at 3:01 p.m., the committee was adjourned.]

