

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

HEARING
BEFORE THE
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OVERSIGHT AND REFORM
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H.R. 51: MAKING D.C. THE 51st STATE

Thursday, September 19, 2019

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

The committee met, pursuant to notice, at 10:10 a.m., in room 2154, Rayburn House Office Building, Hon. Eleanor Holmes Norton presiding.

Present: Representatives Norton, Maloney, Clay, Lynch, Cooper, Connolly, Krishnamoorthi, Raskin, Rouda, Hill, Wasserman Schultz, Sarbanes, Kelly, DeSaulnier, Plaskett, Khanna, Gomez, Ocasio-Cortez, Pressley, Tlaib, Jordan, Foxx, Massie, Meadows, Hice, Grothman, Gibbs, Norman, Higgins, Roy, Miller, Armstrong, Steube, and Keller. Also present: Representative Hoyer.

Ms. NORTON. The committee will come to order. Without objection, the chair is authorized to declare a recess of the committee at any time.

I want to say good morning to everyone. I hope that those who are out in the hall and cannot get into this room will find their way to the two overflow rooms that we have put aside for them.

I want to welcome everyone to this historic hearing on H.R. 51, legislation that would make Washington, DC, our Nation's 51st State. Unfortunately, Chairman Cummings is not able to be here today. So he asked me to chair today's hearing and to read his opening statement.

With that, let me recognize myself at this time.

For Chairman Cummings, "I am extremely proud that our committee is holding the first hearing on D.C. Statehood in the House of Representatives in more than 25 years. Neither chamber of Congress has ever passed a Statehood bill. I hope ours will be the first.

"H.R. 51 now has 220 cosponsors, which is a record for any previous D.C. Statehood bill. For the first time in a generation, there is real and sustained momentum behind this effort. This legislation would fulfill the promise of democracy for more than 700,000 Americans who call Washington, DC, their home.

"D.C. residents are American citizens. They fight honorably to protect our Nation overseas. They pay taxes. Not many people know this, but D.C. pays more in total Federal taxes than the residents of 22 states. And it pays more per capita than any state in the Nation.

"D.C. residents have all of 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 are inconsistent with the core principles embodied in our Constitution.

“When our Nation was founded, it was based on the belief that no people should be subjected to taxation without representation or be governed without their consent. The Boston Tea Party was one of the most famous illustrations of this fight, refusing to accept laws and taxes in which they had no say.

“Everyone on this panel, in this room, and across the country should be able to agree with this core value. Even our colleagues today in the modern-day Tea Party movement continue to pay homage to this bedrock principle.

“There is nothing more fundamental in a democracy than the right to vote. As the Supreme Court has said—and I am quoting the Court—‘No right is more precious in a free country than that of having a voice in the election of those who make the laws under which, as good citizens, we must live. Other rights, even the most basic, are illusory if the right to vote is undermined.’

“In President Dwight D. Eisenhower’s 1956 State of the Union address, he said this. ‘Once again, I ask the Congress to join with me in demonstrating our belief in the right of suffrage. I renew my request that the principle of self-government be extended and the right of suffrage granted to the citizens of the District of Columbia.’

“Today, more than 60 years after President Eisenhower said those words, D.C. residents overwhelmingly support Statehood. In 2016, an astonishing 86 percent voted in favor of becoming a state.

“The Congress now has an opportunity to live up to the Constitution’s goals. Statehood will give D.C. residents full and equal democratic rights. Unfortunately, there is not one Republican cosponsor of this bill. In June, Senate Majority Leader Mitch McConnell called D.C. Statehood ‘full-bore socialism.’ I don’t know what this means.

“We have 50 states now, and no one has ever claimed that adding one to our Union and giving the representatives in Congress a vote was somehow evidence of socialism. The truth is that most of my colleagues on the other side of the aisle oppose statehood because they believe it could dilute their power.

“In 2016, then-Governor John Kasich was very blunt about this. He said—and I am quoting the Governor—‘What it really gets down to, if you want to be honest, is because, you know, that is just more votes for the Democratic Party.’

“The right to democracy should not be contingent on party registration. Today, I urge all members of this panel to rise above our partisan differences and think through this issue on the merits. I urge everyone to have a respectful and robust debate with the fundamental goals of our Founding Fathers at the forefront of our debate.

“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 our witnesses for being here today. I also thank the people of the District of Columbia, who have shown so much drive and determination, many of whom are watching today’s historic hearing with great interest.”

I now recognize the distinguished ranking member for his opening statement.

Mr. JORDAN. Madam Chair, thank you for today’s hearing.

I want to thank our witnesses. I appreciate you all being here. Appreciate the folks that serve in the District government. And Mr. Miller, appreciate your service to our country.

I hope we can have a frank discussion about the future of the District of Columbia. Any discussion about the future of D.C. would not be complete without a discussion about the District's current challenges. 1995, due to a financial crisis brought about by corruption and mismanagement, the Federal Government had to take control of the D.C. budget. I wish I could say the situation has improved, but this is simply not the case.

For Fiscal Year 2020, the District requested \$15.5 billion from Congress, a burden borne by taxpayers in Virginia and Maryland, Ohio and California, taxpayers all across the country, frankly. In fact, local revenue sources only account for half of D.C.'s funding sources. The District is simply not yet self-sustainable.

Taxpayers nationwide currently foot the bill for the D.C. courts, unfunded pension liabilities, and the care and custody of D.C. prisoners. The District also receives other subsidies from the Federal Government, including \$45 million for the improvement of D.C. public school system.

And we cannot ignore the elephant in the room, ladies and gentlemen. The District government currently faces serious allegations of misconduct. We hope to have an honest conversation about some of these issues this morning, which is why we asked Chairman Cummings to invite D.C. councilmember and former Metro chairman Jack Evans to testify today. However, the chairman denied that request.

Instead, he asked the inspector general for the Metro to examine Mr. Evans' misconduct. But just yesterday, in the same room when we asked that the Metro inspector general testify at the subcommittee hearing, we were denied. We were denied because the Democrats said the Metro inspector general wasn't a true inspector general. He wasn't part of the inspector general community. The hearing yesterday was the head of the inspector general association, but we were denied our witness.

Here is what we do know from the documents we have obtained. Mr. Evans tried to obstruct an internal Metro investigation into his misdeeds, threatening the jobs of Metro employees who actually cooperated with the internal investigation. He had a consulting relationship with companies that were Metro vendors or sought to do business with the Metro. Evans did not disclose these conflicts of interest to the Metro board.

Mr. Evans attempted to exploit his position on the Metro board for his own personal benefit. He even urged—and this is probably the one that bothers me the most. He even urged the inspector general, an inspector general investigation into a vendor that competed with his consulting client, tried to sic the authority of government on someone to benefit his own personal client. Evans planned to sell his government access and connections to private companies for his own personal gain.

And recognize, too, that the Jack Evans scandal does not appear to be an isolated incident. The same documents we have obtained show that another D.C. representative on the Metro board helped

Evans to obstruct the internal investigation by harassing staff and preventing the board from having a quorum to meet.

Sadly, the allegations against Mr. Evans are just the latest in a series of local D.C. political scandals. Mr. Barry, Mr. Gray, Jim Graham, Kwame Brown, Michael Brown, Harry Thomas Jr.—all recent elected D.C. officials with a cloud of scandal. Some are actually serving time in jail.

We cannot and should not ignore these unpleasant facts. I understand that supporters of H.R. 51 believe that much of the current District of Columbia should become the 51st state, but this is not what the Founding Fathers intended. They understood and they carefully crafted the Constitution so that the seat of the Federal Government would purposely and specifically not be within a state.

Let us look at what the Constitution says. Article I called for the creation of a Federal District to serve as the permanent seat of the national government and granted Congress the power “to exercise exclusive legislation in all cases whatsoever, over such district not exceeding 10 square miles as may, by cession of particular states and the acceptance of Congress, become the seat of the Government of the United States.”

In fact, James Madison in Federalist No. 43 articulated that if the capital city were situated within a state, the Federal Government would be subject to undue influence by the host state.

Under H.R. 51, the Federal Government would be entirely dependent upon the new state of Washington, DC, for water, for utilities, for infrastructure, communications, even police and fire services. By virtue of this relationship, this new state would have incredible power over the other states. That is why this issue deserves an honest discussion.

Of course, I support voting rights. But let us be clear. H.R. 51, even if signed into law, could not turn Washington, DC, into a state. In order for the District to become the 51st state, Congress needs to pass and the states need to ratify an amendment to the Constitution.

The Constitution does not distinguish between the seat of the Federal Government and the district where the government is seated, meaning the Constitution would, in fact, need to be changed. In fact, Justice Departments of both parties going back to 1963 have determined that Congress cannot admit D.C. as a state legislatively.

The chair, in her opening statement, said our opposition is about power. That is just not the truth. That is not the case. It is about the Constitution. If you want to change it, there is a remedy, and it requires amending the Constitution of the United States.

Madam Chair, finally, we had asked for transcribed interviews for certain witnesses. We had asked for witnesses to be present at both yesterday’s hearing and today’s hearing. All of those requests were denied. So pursuant to clause 2(k)(6) of Rule XI, I move the committee subpoena Jack Evans of the D.C. Council and ask that we take this matter up now.

Madam Chair, with that, I yield back. But we have a motion, obviously, on the table.

Mr. CONNOLLY. Madam Chairman?

Ms. NORTON. I thank the gentleman for his motion. And we will attend to his motion presently.

First, I want to correct for the record, the Federal Government provides 23 percent of the District's revenue. Nationally, the Federal Government provides 32 percent of state government revenue.

Mr. MEADOWS. Point of order.

Ms. NORTON. I am correcting for the record.

Mr. JORDAN. Madam Chair, but we have got—

Mr. MEADOWS. Point of order, but—

Mr. JORDAN. We have got a motion on the table. We have got a motion that we have offered. Clause 2(k)(6) of Rule XI provides that at hearings, the chair shall receive and the committee shall dispose of requests to—

Ms. NORTON. All right. We have checked with the parliamentarian, and we are able to place this motion in abeyance and dispose of it before the hearing's conclusion. I indicated that we would, in fact, deal with the motion. This will be done out of courtesy to all of the witnesses and to give adequate notice to all members.

We know that members have obligations in other committees today. We will consult with the other committees and announce at a time certain to return and to consider this motion. You will be heard.

The gentleman—

Mr. JORDAN. Madam Chairman, are you suggesting our motion is not in order?

Ms. NORTON. I am suggesting that we will hear the motion, and I have said when we will hear the motion. And that is the end of that.

Mr. JORDAN. Madam Chair, if our motion is in order, it has to be dealt with immediately.

Ms. NORTON. You are incorrect. We have checked with the parliamentarian.

Mr. JORDAN. So have we.

Ms. NORTON. It has to be dealt with. It does not have to be dealt with when you say. It has to be dealt with before the end of this hearing.

We are going to move on. As to Jack Evans, the minority has a witness today, Mr. Roger Polin of the Cato Institute. On Monday, the ranking member requested a second minority witness, Jack Evans, who is subject to an ongoing Federal criminal investigation.

As we understand it, the purpose of asking Mr. Evans to appear before this committee is to answer questions about allegations that he engaged in unethical conduct relating to the Washington Metropolitan Area Transit Authority. The allegations against Mr. Evans have nothing to do with D.C. Statehood and the fundamental suffrage of 700,000 American citizens.

The voting rights of American citizens and their representatives Congress have never been and never will be contingent on state and local officials never engaging in misdeeds. Certainly, officials in Ohio, if I may say so, have been the subject of multiple political scandals for many years, including one from 2018 that I won't go into in detail. But no one suggests that Ohio ought to lose its state

or status, and nobody has seriously questioned Ohio's fitness to be a state.

Chairman Cummings has already addressed this witness issue in a September 18, 2019, letter, which I am entering into the record.

Ms. NORTON. And Chairman Connolly will have a subcommittee hearing on this issue because his subcommittee hearing will be on WMATA, and he will take this issue up at that hearing.

Now to move forward, I didn't finish. I want to simply name who the witnesses will be and then ask to hear from them. The Honorable Muriel Bowser, the Mayor of the District of Columbia; the Honorable Phil Mendelson, the chairman of the Council of the District of Columbia; Jeffrey S. DeWitt, the Chief Financial Officer for the District of Columbia; and Kenneth R. Thomas of the congressional Research Service; Kerwin E. Miller, a veteran of the District of Columbia; and Mr. Roger Pilon, who is B. Kenneth Simon Chair of Constitutional Studies at the Cato Institute.

If you would please all rise and raise your right hands?

Mr. MEADOWS. Madam Chairman, point of order.

Ms. NORTON. The gentleman will state his point of order.

Mr. MEADOWS. Yes. So Rule 2(k)(6)—well, actually, clause 2(k)(6) of Rule XI is—states that we are entitled to those minority witnesses. And while I appreciate the chairwoman's suggestion that Mr. Evans comes at a future hearing, it is this hearing that we think that it would be critical to have his input on.

So I would raise that point of order, suggesting that it is this hearing where he would be required to testify.

Ms. NORTON. The gentleman has not stated a valid point of order.

Mr. MEADOWS. Well, then I will rephrase it because it is a valid point of order, and I will challenge the parliamentarian on that. I am raising clause 2(k)(6) of Rule XI, and in that, it is a critical component that the minority is allowed witnesses.

Ms. NORTON. The minority has a witness. You have not stated a valid point of order.

Mr. MEADOWS. Witnesses, plural. Witnesses, plural. I mean, you know, I guess you could have 40 witnesses, and we could have 1. That is not what the rule states.

Ms. NORTON. You will have a vote on your motion. You have been granted a vote on your motion.

Mr. MEADOWS. Today?

Ms. NORTON. Today. Before the end of the hearing.

Mr. MEADOWS. All right. I will withdraw—

Ms. NORTON. Will you raise your right hand—

Mr. MEADOWS. Well, I will withdraw my point of order.

Ms. NORTON. I appreciate that, sir.

Do you swear to tell the truth, the whole truth, so help you God?
[Response.]

Ms. NORTON. Please be seated.

We will begin with Mayor Muriel Bowser.

STATEMENT OF HON. MURIEL BOWSER, MAYOR, DISTRICT OF COLUMBIA

MAYOR BOWSER. Madam Chair, Ranking Member Jordan, and all members of this esteemed committee, thank you for hosting this

historic hearing on H.R. 51, the Washington, DC, Admission Act, to make Washington, DC, the 51st state.

I want to especially thank you, Congresswoman Norton, for championing equality for D.C. for your entire tenure while skillfully delivering jobs, opportunity, and greater self-determination.

I am Muriel Bowser, Mayor of Washington, DC, and I am honored to be here today to ask Congress to act upon the request of my residents to admit Washington, DC, to join the United States of America as the 51st state. I want to be clear. I am not here to talk about one person, but about 702,000 Americans who deserve full representation in this House.

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 the Congress guaranteed by statehood. Over the years, there have been a lot of arguments against statehood. You're too small, they say. But we're bigger by population than two states, bigger than all states but Oklahoma at the time they were admitted to the Union.

What's more, we pay more Federal taxes per capita than any state, and we pay more Federal taxes total than 22 states.

You're badly governed, they say. In fact, we do a better job than most states. We have a budget of \$15.5 billion, which we have balanced 24 times in the last 24 years. And we already do the things that states do. We operate our own schools. We manage state Medicaid programs. We receive Federal block grants.

Like states, we issue driver's licenses, license plates, and birth and death certificates. We regulate banks and insurance companies, operate our state-based affordable care marketplace, and we enforce environmental regulations. For the purposes of thousands of Federal laws, we act as a state, and we do it well.

The Constitution forbids it, they say. That one is simply false, as constitutional experts have repeatedly proclaimed. Or D.C. can't be a state because the Constitution requires a Federal District. The Constitution sets a maximum size of 10 miles square for the Federal District, but it does not prescribe a minimum size to qualify for a Federal District or statehood.

I am sure we'll hear some of that again this time, but let's face it. These are bad faith arguments by people who really oppose statehood because they think it will mean two Democratic Senators. The fact is denying American citizens a vote in this body that taxes them goes against the very founding premise of this Nation.

Yes, it is true that we are more brown and more liberal than some of you. But denying statehood would be unfair no matter who was affected. It would be unfair if we were conservatives from a rural district built around agriculture or an industrial city in the heartland. This is America, and Americans are entitled to equal protection under the law. That's why we are demanding statehood.

It should not matter what our politics are or what yours are. That's beside the point. The point is that to continue to deny statehood to 702,000 residents of Washington, DC, is a failure of the Members of this body to uphold their oath of office.

I would likewise fail to do my duty by not forcefully advancing our statehood petition. The lack of statehood deprives us of more

than just full representation in this Congress. It has practical and dire consequences.

Our men and women register and are subject to the draft, but we have no congressional vote on whether to go to war. Since World War I, Washington, DC, has sent nearly 200,000 brave men and women to defend and fight for democracy abroad. Tragically, 2,000 of those patriots never made it home.

The Supreme Court and other Federal judges render judgments binding on us, but we lack Senators who can vote on their confirmations. We pay Federal taxes, but we have no vote on how those taxes are appropriated. The prosecutors of our criminal laws are Federal officials, not elected by the residents of Washington, DC.

Worse, we are abused by Congress in ways that would be unconstitutional if we were a state. If I may, I wish to point you back to the civil rights era. Neither the emancipation of this country's formerly enslaved people nor the reconstruction amendments meant to finally guarantee them their constitutional rights brought about the promise of liberty on which this country was founded.

Instead, it took decades of struggle, the bravery of thousands, and the leadership of singular voices in this country to force that change. Among those leaders were elected representatives from this very House of both political parties who banded together and put politics aside for higher principles and simple fairness.

In the past, granting self-government and voting representation to D.C. residents has garnered bipartisan support. There is no doubt that opponents of statehood have turned it into a partisan question. But ultimately, it comes down to fairness.

So I leave you with this question. Does Congress truly believe that the promise of democracy extends to all Americans, as outlined in the United States Constitution? Women and men, north and south, blacks and whites, Latinos and Asians, born here and from other lands, Democrats and Republicans.

Will Congress rise above temporal partisan considerations and act like the statesmen and women that you are, to grant us the statehood we overwhelmingly endorsed at the polls.

I thank you, Madam Chair, for having me here and welcome any questions.

Ms. NORTON. Thank you very much, Mayor Bowser.

We will hear next from Chairman Phil Mendelson, who is chairman of the D.C. City Council.

STATEMENT OF HON. PHIL MENDELSON, CHAIRMAN, COUNCIL OF THE DISTRICT OF COLUMBIA

Mr. MENDELSON. Thank you, Chairwoman Norton, Ranking Member Jordan, and members of the committee.

I am Phil Mendelson, chairman of the Council of the District of Columbia, and joining me in this room are other councilmembers, Councilmembers Allen, Bonds, Gray, Grosso, McDuffie, Nadeau, Silverman, Todd, Robert White, and Trayon White.

I am pleased to be testifying today on behalf of the council in support of H.R. 51. Full and fair representation for the 703,000 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 of the responsibilities of citizenship, but they don't 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 in the 50 states that is not asked of citizens of the District of Columbia.

And we step up. We pay our dues, but we do not have the most important privilege of U.S. citizenship. We do not have a vote in Congress, nor do we have sovereignty like the 50 states. That is all we ask, that Congress give us what it has given the citizens of 37 other states—full citizenship, statehood.

We have sought incremental gains since the 1973 Home Rule Act, but the incrementalism still leaves us short. Statehood is the only way to give 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 representative of community values.

Statehood is the easiest 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 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, operating with Federal appropriations, meaning Federal dollars. Therefore, they say we should not have statehood.

They are wrong. We are not a Federal agency. Seventy-seven percent of our total budget is local dollars. Twenty-four percent—excuse me, 22.4 percent is Federal formula spending that includes Medicaid and Federal grants available to all the states. And less than one percent, less than one percent is Federal payments unique to the District.

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 fundamentals are solid. Our population is growing. Our revenues are growing. Our spending stays within budget year after year.

Both our pension and other post-employment benefits funds are fully funded, using conservative actuarial assumptions. No other state, no other state can boast this. Our reserve soon will be equal to 60 days operating costs, a best practice.

Some have argued that population size is a disqualification. While we are small, population should not be a disqualification. Indeed, the District's population is greater than that of Vermont or Wyoming—and Wyoming. And given our population growth, it is realistic to say we may surpass other states in size.

And then some argue that retrocession is a better alternative and that it makes historical sense. But 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 it is impractical.

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 of discussion—of discussion about disenfranchising the citizens of the Federal District.

Rather, James Madison in Federalist No. 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.”

Additionally, the Constitution is a great document, but it was 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 has changed radically, such as the Thirteenth Amendment that abolished slavery and the Nineteenth Amendment expanding suffrage to women.

Indeed, the issue before us is about civil rights, about the civil rights of District citizens to full citizenship, except that Congress can accomplish this by adopting H.R. 51. Not only can each of these arguments be countered, but actually, they fail to overcome the fundamental principle that there should be no taxation without representation.

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 703,000 individuals full sovereignty and representation in Congress. Not only are we small, but that is irrelevant to whether 703,000 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. Because how well people run their government has nothing to do with whether they should be treated as United States citizens.

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

Thank you.

Ms. NORTON. Thank you very much, Chairman Mendelson.

Mr. Jeffrey DeWitt, the Chief Financial Officer for the District of Columbia.

STATEMENT OF JEFFREY S. DeWitt, CHIEF FINANCIAL OFFICER, DISTRICT OF COLUMBIA

Mr. DEWITT. Good morning, Chairwoman Norton, Ranking Member Jordan, and members of the House Committee on Oversight and Reform.

I am Jeffrey S. DeWitt, Chief Financial Officer of the District of Columbia. The Office of the Chief Financial Officer is an independent agency charged with ensuring the long-term financial health and viability of the District of Columbia.

I am pleased to provide testimony today on the strength of the District’s finances and economy, the current relationship between

the District's budget and the Federal Government, and how the District can transition to statehood.

The District of Columbia has made a remarkable journey to its strongest financial position in its history, with a positive general fund balance of exceeding \$2.8 billion. Today, the District sits at the highest-possible credit rating of AAA, an accomplishment achieved by only 10 of the 25 largest cities and a rating higher than 35 other states.

This turnaround is a testimony to the financial practices put in place that continue to be enhanced by the District's elected leadership and key stakeholders. The District's financial practices include a balanced budget, a multiyear financial plan, a six-year capital improvement plan, quarterly revenue estimates to ensure spending stays on track, a self-imposed debt limit to restrict excessive borrowing, and best practices when it comes to cash reserves.

District law sets a cash reserve policy of 60 days of operating revenues, as compared to the federally mandated requirement of only approximately 22 days. The District has implemented a comprehensive capital asset inventory system and a long-range financial and capital plan to bring all assets or infrastructure to a state of good repair within the next 10 years.

No other city or state in the United States has developed an implementable plan to reach this goal. The District has also fully funded its public safety and teacher pension trust funds, as well as its retiree healthcare trust funds, a level no other state can claim.

Finally, the District has achieved 23 consecutive years of clean audits, as verified by outside independent auditors. The District and the Washington Metropolitan Area have developed into a vibrant and dynamic economic region with diversifying economic base and a fast-growing private sector.

Attached to my testimony are graphs to show the growing influence of the private sector on the District's economy. Continued solid economic performance, population growth, and a stable housing market mean that future revenue forecasts will remain strong to fund both the necessary programs and to bring the District's infrastructure to a state of good repair.

In many respects, the District's economy already functions as a state. The District collects personal and business income taxes, administers workers' unemployment compensation programs, and runs a Department of Motor Vehicles. Additionally, it provides local services to its businesses and residents that include police, fire, public works, and it operates a school district.

The District is similar to many states in that we receive Federal grants, mostly for Medicaid, education, human services, and transportation. The District's budget is comparable to states, and its reliance on Federal dollars is a part of total revenue.

A 2016 study estimated that the 50 states average 32 percent of their state revenue from Federal grants in aid. In the District, only 23 percent of the Fiscal Year 2020 revenue will come from Federal sources. This illustrates that the District relies less on Federal dollars to balance its budgets than a considerable number of states.

The District's population is approximately 700,000, making it the 20th largest city in the United States, according to the Census. However, roughly an equal number of workers from Virginia and

Maryland, many of them Federal, come to the District every day to work, doubling the population served during business hours.

Services, operations, and infrastructure must be sized to handle this large level of commuter population. In addition, approximately 30 percent of our total commercial property is owned by the Federal Government. Foreign mission buildings are another category of nontaxable property disproportionately located in the District.

Between the diplomatic and federally owned buildings, we estimate that the District foregoes annually about \$640 million in real property tax revenues. With the transition to statehood, we expect certain functions managed by the Federal Government will fall to the new state. The true financial impact of the District of Columbia statehood will depend on policy decisions yet to be made by Congress and the newly elected government.

It is also expected that a negotiated compact between the Federal Government and the District will clarify many of these necessary details. My office stands ready to advise on the policies being considered, the revenues that could be generated, and the effects of budget allocations to accommodate these new state functions.

In conclusion, the fiscal foundation of the District is extremely strong. By working with the Federal Government on a smooth transition, the District is capable of transitioning to statehood and overcoming any potential fiscal challenges that may lie ahead due to its strong financial condition and institutionalized best management practices.

I thank you for the opportunity for me to testify today, and I am happy to answer any questions you may have.

Ms. NORTON. Thank you very much, Mr. DeWitt.

Kenneth R. Thomas of the congressional Research Service, you may proceed.

**STATEMENT OF KENNETH R. THOMAS, LEGISLATIVE
ATTORNEY, CONGRESSIONAL RESEARCH SERVICE**

Mr. THOMAS. Chairwoman Norton, Ranking Member Jordan, and members of the committee, my name is Ken Thomas. I'm a legislative attorney with the American Law Division of the congressional Research Service.

I'd like to thank you today for inviting me to testify regarding H.R. 51, the Washington, DC, Admission Act. My testimony today will be directed to the issue of whether Congress has the constitutional authority to implement H.R. 51, which would create a state called Washington, Douglass Commonwealth, out of a portion of the existing District of Columbia.

H.R. 51 would admit the populated portions of the District of Columbia as a state, leaving behind the Federal enclave of governmental buildings and land. This proposal raises a variety of novel constitutional issues. The three constitutional provisions that are most obviously implicated are the admissions clause, the district clause, and the Twenty-Third Amendment.

I'd first like to address the admissions clause, which provides that Congress can admit states to the Union, but it cannot create a state from portions of another state without that state's permission. Now the argument has been made that because the District of Columbia was created from lands that were ceded from Mary-

land, that Maryland would be able to reclaim that land if it is no longer being used for the Federal District.

If Maryland does have this reversionary interest, it arguably must consent to that land being used to make a state because of the requirements of the admissions clause. Now if Maryland does consent to the creation of the new state, this would avoid any constitutional concern. On the other hand, it's not clear there is a reversionary interest in the land.

The Maryland statute that ceded the land to the Federal Government does not contain an explicit reversionary implication—reversionary interest. So if a reversionary interest does exist in this land, it would be by implication. Maryland state property law, which would appear to be an analogous law for this situation, does not generally favor implied reversionary interest in land transfers.

Next I'd like to address the district clause, which authorizes Congress to establish the District of Columbia. Now an argument has been made that the Founding Fathers intended that once the District of Columbia was established, its size or location could not be changed. Under this argument, Congress cannot implement H.R. 51 because it would reduce the size of the District. However, the only explicit language, as Mayor Bowser pointed out, in the district clause regarding the size of the district is that "it shall be no larger than 10 miles square."

Further, Congress has previously reduced the size of the District of Columbia, retroceding land on the west side of the Potomac back to Virginia in 1856.

Another argument has been made that even if the district clause does not contain an explicit minimum size requirement, it contains an implicit minimum size requirement. Under this theory, the Founding Fathers wanted the District to be sufficient in size and population so that it does not need to rely on any other state for its safe and efficient operation.

The concern is that the passage of H.R. 51 would leave the Federal Government dependent on the infrastructure and services of the newly established state.

Now an evaluation of the infrastructure and services that the proposed state would provide the Federal Government is beyond the scope of my testimony today. However, the flexibility provided to Congress under the admission clause to choose not only the location, but also the size of the District suggests that the Founding Fathers intended to leave at least some of this determination to the Congress.

Thus, even if there is an implied size requirement found to exist in the Constitution, the courts might well defer to Congress' decisions regarding whether the size of the remaining district is sufficient for the safety and operation of the Federal Government.

The final concern that has been expressed is that having a Federal District with little or no population is inconsistent with the Twenty-Third Amendment, which authorizes the District to appoint three Presidential electors. Arguably, H.R. 51 as statute would either make the Twenty-Third Amendment a dead letter, or it would empower a very small number of people still living in the District, such as the President and his family who reside in the White House, to exercise three electoral votes.

Well, now in general, properly authorized Federal statutes that results in a constitutional provision falling into disuse does not, by itself, run afoul of the Constitution. On the other hand, if the persons who remained in the Federal District were to try to exercise their right to three electoral votes, it's not clear how the courts would respond.

Thank you for this opportunity, and I would be happy to answer any questions.

Ms. NORTON. Thank you very much.

And we go to our final—not our final witness, actually, but to our next witness, Mr. Kerwin Miller, who is a veteran and a District of Columbia resident.

STATEMENT OF KERWIN E. MILLER, VETERAN AND DISTRICT OF COLUMBIA RESIDENT

Mr. MILLER. Good morning, Chairwoman Norton, Ranking Member Jordan, distinguished members of the committee, and guests.

I am attorney Kerwin Miller, a Washington, DC.-born third-generation D.C. resident and third-generation military veteran.

As a 1975 Naval Academy graduate and retired Naval Reserve commander with 28 years of military service, I am particularly honored and privileged to be able to testify on behalf of our 702,000 residents, especially our 30,000 D.C. military veteran residents.

Joining me this morning along with our other proud D.C. patriots is Ms. Jan Adams, president and CEO of JMA Solutions, a D.C. veteran who is 24-year retired Air Force chief master sergeant, and also my fellow 2019 D.C. Hall of Fame inductee for business.

I am also joined this morning by Mr. Eliot Tommingo, the current director of the Mayor's Office of Veterans Affairs, a 14-year D.C. veteran, and a currently serving U.S. Marine Corps Reserve major.

Together, we urge this Congress to enact H.R. 51 to provide for the mission of state of Washington, DC. into our Nation's union.

With the enactment of H.R. 51, Congress has the perfect opportunity to demonstrate definitively to our deserving military veterans and all of our deserving D.C. residents that our grateful nation appreciates and thanks our D.C. military veterans.

If I may speak to my fellow veterans on this committee—Congressmen Higgins, Green, Steube—with your support, Congress can thank our D.C. military veterans by standing up for them now and doing the honorable and, quite frankly, the only right thing and vote yes to approve H.R. 51.

Your yes votes will unequivocally demonstrate that D.C. military veterans have more than earned this basic right to have a voice in the election of those who make our laws.

D.C. military veterans have fought and died in every American war since the American Revolution, and as the mayor say, almost 200,000 D.C. veterans have served in the military since World War I.

During Vietnam, 243 D.C. veterans were casualties of war and that is a greater number of military veterans than 10 U.S. states whose military veterans have the right of congressional representation.

My fellow D.C. military veterans are tremendous patriots who have earned all of the rights to which other Americans are entitled.

As the first director of the Mayor's Office of Veterans Affairs, I had the distinct honor to present a D.C. Mayor's Resolution at the funeral honoring the incredible military service of Trooper First Sergeant Mark Matthews, the oldest living original Buffalo Soldier and the oldest living D.C. military veteran when he passed away and was laid to rest in Arlington Cemetery with full military honors.

Congress, stand up for Trooper Mark Matthews, who honorably served but still didn't have the right to congressional representation.

On several occasions, I visited the District of Columbia's VA Medical Center and one of its assisted living residents, Corporal Alice Dixon, a D.C. World War II veteran who served in the all-black female 6888 Central Postal Directory Battalion of the Women's Army Corps.

Congress, stand up for Corporal Dixon, a D.C. veteran who lived for 108 years without ever having the right to voting representation in Congress.

President Trump said in his July 4 Independence Day speech on the steps of the Lincoln Memorial, and I quote, "We are one people, chasing one magnificent dream," unquote.

Congress, you have the responsibility to stand up for our D.C. residents and make sure that part of the one people emphasized in the president's speech comes to fruition.

Congress must fulfill its duty to stand up for our Nation's D.C. residents, who have earned the right to full citizenship that is afforded to all U.S. citizens.

Finally, there is but one conclusion—that D.C. military veterans have a fundamental right and earned benefit to have a voice in the election of those representatives who make our laws.

D.C. Statehood is the only means by which our D.C. residents can have equal citizenship. Congress must now do the only right thing and stand up and be counted for our D.C. military veterans who have stood up for you and were counted for you.

This concludes my testimony. Thank you in advance for standing up for our D.C. veterans and residents and enacting H.R. 51 to make D.C. our 51st state.

I look forward to responding to any questions that you may have. Thank you.

Ms. NORTON. Thank you very much, Mr. Miller, for that testimony. We are proud of you as a graduate of the Naval Academy and I want to thank you for your service and the veterans from the District of Columbia who stood with you just now.

Finally, we want to hear from Dr. Roger Pilon. He is B. Kenneth Simon Chair of Constitutional Studies at the Cato Institute.

Mr. Pilon?

**STATEMENT OF ROGER PILON, B. KENNETH SIMON CHAIR,
CONSTITUTIONAL STUDIES, CATO INSTITUTE**

Mr. PILON. Thank you, Ms. Norton, and let me join you in thanking Mr. Miller for his service.

I want to thank the committee for the invitation to testify and thank Mr. Jordan in particular for the opportunity to offer a discordant note to—and to—at least you got one.

In my oral testimony I am going to touch on only the few points in my written testimony before getting into the constitutional issues. However, let me take a moment to put this bill in political context.

Even if it were to pass the House, there is little chance, I think we will all agree, that it would even come up in the Senate, much less get to the president's desk.

In fact, the last time a similar bill was voted in the House in 1993 it lost 277 to 153. I realize that is a different posture today, but the Senate and our president remain as I said.

What is more, as a constitutional matter, that question won't be settled here, of course, but in the Supreme Court. So we are engaged here in mere speculation.

On that constitutional question, I fully grant that there is a credible case on either side of the question, although, obviously, I am of the view that the better argument is that it will take a constitutional amendment to turn the District of Columbia into our 51st state.

My reasons for believing that start with the sheer history given the failure of attempts like this one, to say nothing of the more than 200 years during which the District has existed in its present state, save for the small retro session in 1847. There must at this point in time be a strong presumption against the kind of radical changes envisioned by this bill.

In a word, it strains credulity to believe that the Framers, when they drafted the Constitution's enclave clause, imagined the tiny enclave contemplated by this bill.

As I read it, however, the twist in this bill as opposed to the Senate bill of a few years ago, is that with several noteworthy exceptions this bill is patterned after the process through which Federal territories have been admitted as states to the Union.

If that is the case, while the Federal district may have been a territory for a brief period before the government moved here, we are long past that.

More to the constitutional point, the District of Columbia is a sui generis entity expressly provided for by the Constitution in clear contemplation of its becoming the seat of the new Federal Government, which it has been for more than two centuries.

It is provided for by Article 1 Section 8 Clause 17 of the Constitution, the enclave clause, not by Article 4 Section 3, which provides for the admission of new states from territory and prior to any admission the regulation of Federal territory.

This proposal bootstraps its procedures under Article 4. I don't think that will fly in any court, not, certainly, in the Supreme Court.

Regarding the reduction of the District to a tiny enclave or on the National Mall, to be sure, the Framers did not set a minimum size for the District.

But their mention of 10 miles square, together with Congress's nearly contemporaneous 1790 creation of the District from land 10 miles square, makes for—ceded from Maryland and Virginia is

strong evidence of what they intended, strong evidence too against this enclave scheme.

But beyond this plain language and its implications, this bill would strip Congress's present authority over today's District of Columbia simply by redefining the District.

Most important, perhaps, there is the core constitutional principle at issue here—the doctrine of enumerated powers.

Congress has only those powers that people have delegated to it as enumerated in the Constitution, mainly, in Article 1 Section 8.

There is a power to create the District, no power to do what is contemplated here. Now, I know proponents of this bill draw all manner of implied powers from those granted. But I find those arguments strained and conclusory, as every Justice Department has found that has looked at similar or related proposals since the time of Attorney General Robert Kennedy.

Then again, the consent of Maryland would seem to be required and the implications of that are in my written testimony.

Finally, even my co-panelist, Mr. Thomas, has written that the Twenty-Third Amendment presents, quote, “a significant question for this bill.”

To return, finally, to a political point, as a June Gallup poll showed, not even Democrats support D.C. Statehood. Among Americans generally, 29 percent support D.C. Statehood. Sixty-four percent oppose it. I don't see this bill going anywhere.

Thank you.

Ms. NORTON. Thank you very much, Mr. Pilon.

I note that the House majority leader has joined us. Without objection, Mr. Hoyer is authorized to participate in today's hearing.

I now recognize Mr. Hoyer for five minutes.

Mr. HOYER. Thank you very much, Madam Chair.

There is a red light. We are on.

[Laughter.]

Mr. HOYER. Does anybody out there want to hear what I have to say?

[Laughter.]

Mr. HOYER. Is it working? Okay.

Madam Chair, thank you very much, and Madam Mayor and Chairman Mendelson and others who are here at the table, thank you very much for your presence.

I want to thank Chairman Cummings and Ranking Member Jordan and, certainly, Eleanor Holmes Norton, my dear colleague and very close friend who has been a champion of this issue for her entire life as well as her career in the Congress of the United States.

I strongly support statehood for people—for the people of the District of Columbia. I have been a strong proponent, as I think everybody, hopefully, in this room knows of representation in the House for the residents of Washington, DC. for my career.

In fact, I have said around the country that one of the greatest blots on our democracy is having 700,000 of our citizens unable to be fully represented in the Congress of the United States.

And I have come to the conclusion that the only way to remove that blot is to be for statehood. As the previous speaker said, this was Maryland. It is now the District of Columbia.

But the fact of the matter is if it were still Maryland those 700,000 would have all of the voting rights and, therefore, we must make the District of Columbia, larger than two other states in the Union, a member of the United States with full rights—a pertinent thereto, as the degrees says.

I view this as one of the most important civil rights and voting rights issues of our day. As I said, more than 700,000 Americans live here without full rights. That is wrong, and we in Congress need to fix it.

The citizens have a wonderful advocate in this House in Eleanor Holmes Norton. But she is still prohibited from voting on passage of legislation affecting her constituents.

Now, we have extended to the extent we could the right to vote in the Committee of the Whole. But that is not nearly enough. Full citizenship, full statehood is required.

Even if it had been successful that D.C. residents would still have a vote in the House, it would not be enough. If the District were to become a state, it would be a larger population than Vermont and Wyoming, as I have pointed out and as you have pointed out, Madam Mayor.

Statehood would also allow District residents the full measure of self-government afforded the rest of the states, removing the intrusion of congressional rule, which often runs counter to the wants and needs of Washingtonians.

A great Marylander and a citizen of the District of Columbia as well, Frederick Douglass, said, “Power concedes nothing without a demand.”

Madam Chair, what we see here is the representatives of the people of Washington demanding full participation in the rights of their country.

The hard work over the years by Congresswoman Norton and others—advocates for D.C. representation—provides the demand to which power, in this case Congress, must concede.

Madam Chair, I hope today’s hearing will provide additional clarity on how a statehood process might play out and how best to achieve the goal of providing full and equal representation to the people who live in Washington, DC, many of whom serve our Nation ably in government as Federal employees or contractors. But all are fellow citizens.

For their sake and for the sake of justice, for the sake of our Constitution, for the sake of the principles that we hold sacred, extending statehood to the District of Columbia must be our objective and our result.

I thank you for this opportunity.

Ms. NORTON. Thank you very much, Majority Leader Hoyer. I thank you for coming. I thank you for co-sponsoring H.R. 51.

I want to go now to Mr. Hice for five minutes.

Mr. HICE. Thank you, Madam Chair. I appreciate all our witnesses being here.

The issue really today comes down—there are several issues but at the end of the day we are dealing with a constitutional issue and therein a constitutional problem.

I think our Founders wisely gave us a Federal city for the purposes of the Federal Government, and when that is mixed up with

and intertwined with state government, it is going to get messy and our Founders had the wisdom to give us a Federal city in which to do Federal business.

If we have issues like problems with D.C. having a voice for voting, it required an amendment to change that, to provide that—the Twenty-Third. Is that correct, Dr. Pilon?

Mr. PILON. Absolutely—

Mr. HICE. I didn't hear you.

Mr. PILON. There is—no one on this side is opposed to voting. It is just that you have got to bring the vote about the right way—the constitutional way.

Mr. HICE. That is right. It is a constitutional issue.

Mr. PILON. Absolutely.

Mr. HICE. And when it became an issue of elections, making sure D.C. had a voice, it required a constitutional amendment to correct that and we have it. It is the Twenty-Third Amendment.

And Congress, in the Constitution, has been granted the exclusive authority in all matters whatsoever in this Federal city—in the District of Columbia.

So let me—let me just ask you. I have got you, Dr. Pilon. Let us go on. Does Congress have any authority to change the Constitution apart from the amendment process?

Mr. PILON. None whatsoever. You cannot change the Constitution by a mere statute.

Mr. HICE. None whatsoever. So is what we are—what brings this discussion today would the admission of the District of Columbia as a state require a constitutional amendment?

Mr. PILON. As I read the Constitution it would because it is sui generis. It is unique. It is provided for in Article 1 Section 8 Clause 17.

The idea that you can bootstrap the argument over to Article 4 just simply strains credulity. It is a sleight of hand argument.

Mr. HICE. I read it exactly the same way you do. So does Congress have the authority to alter the status of the District through legislation?

Mr. PILON. No.

Mr. HICE. Just want that to be made very, very clear.

So if, somehow, this body violates the Constitution, in my opinion, in yours and that of many others, and proceeds with statehood, do you think that statehood status for the District would affect the Federal Government's ability to operate and for our own security, for that matter?

Mr. PILON. This body violates the Constitution on a daily basis. Let us start with that.

Mr. HICE. Alrighty. Fair enough.

Mr. PILON. Okay. And, in fact, none more so than with the demise of the doctrine of enumerated powers. Congress legislates in vast areas that it has no authority in under Article 1 Section 8 of the Constitution.

Now, your question about how it would affect relationships, with this tiny enclave constituting the District of Columbia, you would have the Federal Government, in this tiny sense, surrounded by a single state.

That is precisely what James Madison feared, recalling what happened in Philadelphia under the old Articles of Confederation, and he spoke of dependency and interdependency.

The Federal Government would be dependent upon the state for all manner of goods and services and the District of Columbia—excuse me, this new 51st state would be, first of all, our first and only city-state.

It has none of the characteristics that Madison set forth that would describe a state. So we will have it also dependent on the Federal Government in ways that it is not currently because the Federal Government would then lose plenary authority over the District, which it enjoys now, because ultimately the control of the District is through the Senate when the Senate has—the Congress—when the Congress has to step in.

Mr. HICE. Thank you.

In the few seconds I have left, and I agree, we violate the Constitution. We have 17 enumerated powers. Everything else is to be left to the states.

Mr. PILON. Eighteen.

Mr. HICE. Eighteen, depending on how you count.

The Twenty-Third Amendment—how is it in jeopardy with this movement to statehood? And will yield back with that.

Mr. PILON. Well, under the Twenty-Third Amendment, you would—under this proposal you would still have some people with their rights under this amendment—under this proposal to select electors.

But their power to do so, being so few in number, would be vastly greater than those of any citizens in the rest of the country. And so that would pose a problem right there.

But, again, the core issue is that they are attempting to get around the Twenty-Third Amendment by merely redefining the District and that is, certainly, inconsistent with the spirit and probably the letter of the Twenty-Third Amendment.

Ms. NORTON. Thank you very much, Mr. Hice. Don't worry about the Twenty-Third Amendment. I think without—with great alacrity that amendment would be repealed.

No one wants to give the District more electoral votes than it is entitled to. We just want the vote we are entitled to.

I will recognize myself for five minutes.

The Constitution doesn't even describe what it takes to become a state. There are some so-called—I will call them qualifications that have been used and, by the way, in light of what the gentleman, Mr. Hice, said, there is nothing in the Constitution that bars the Nation's capital from becoming a state.

It should be noted that the capital of every country in the world, in the democratic world, has the same rights as everybody else.

The qualifications that have been used have been commitment to democracy. Residents have to support it and the state must be able to support itself.

So I am going to ask, I suppose, Mayor Bowser and Chairman Mendelson, perhaps Mr. DeWitt, just do you think that the District has met those qualifications—commitment to democracy, support for statehood, and resources to support the state?

Mayor BOWSER. Thank you, Congresswoman, and the answer to all of those questions is yes.

As you know, in 2016 there was an advisory referendum on the ballot where residents of the District of Columbia were asked those questions—do you support statehood, do you endorse the boundaries of the new 51st state of the United States of America, are you committed to representative government—and there was a overwhelming vote yes.

Eighty-six percent of the people advised the Council to approve our new Constitution, to approve the boundaries of the new state, and petition this Congress for statehood.

Ms. NORTON. Mr. DeWitt, the District for more than 200 years paid for all state functions. That is really quite extraordinary.

Then it went through a tough patch. So I think it is fair to ask you whether you think that the District has the resources necessary today to pay for all state functions.

Mr. DEWITT. Congresswoman Norton, the District is in the best financial state it has been in its history. We have reserves that are higher than they have ever been and we have the ability, as we have shown, coming through the Revitalization Act of the mid-'90's to do what is necessary to balance our budget every year, and as the CFO of the District I would be required to make sure that that would happen in any budget that went forward that could handle the responsibilities of statehood.

So yes, we would be able to do that.

Ms. NORTON. I think you are—we don't have—I think the District's chief financial officer is different from any post in the United States.

Would you describe how your relationship to the budget of the District of Columbia could the mayor and the city council give us a budget that was not balanced and claim it is balanced the way some state governments do? How does—how do we know that your budget is balanced?

Mr. DEWITT. Under Federal law, I am required to certify that the budget that is sent to Congress every year in terms of revenues and expenditures, looking at the Federal contributions, the local revenues, and all the things that are together to ensure that it is balanced before it comes to Congress.

So that is what we have done for—

Ms. NORTON. So suppose the District's budget was not balanced. You are not an elected official. What could you do if the mayor and the city council put together a budget that looked like it was balanced on paper, but when you put your eagle eyes to it, it didn't seem balanced? What could you then do?

Mr. DEWITT. I am required to certify it by law. So it could not go forward. It could not be approved without certification by the District's chief financial officer.

Ms. NORTON. You know, I have heard of nothing like that in any other state. Would the District be willing to keep a chief financial officer with that kind of power if it became the 51st state? The kind of power that no state up here has? Would you leave that in place?

Mr. MENDELSON. Madam Chairwoman, the constitution that we adopted as part of our petition to Congress—

Ms. NORTON. Would you speak up, please?

Mr. MENDELSON. The constitution that we adopted as part of our petition to Congress maintains the independence of the chief financial officer. We recognize the value of the relationship the way it is.

Ms. NORTON. Thank you very much. Appreciate those answers. I next call upon Mr. Norman.

Mr. NORMAN. Thank you, Madam Chair. I want to thank the panelists.

Mr. DeWitt, you are the chief financial officer. Is that right?

Mr. DEWITT. Yes, sir. That is correct.

Mr. NORMAN. And you say the budget is in good shape. Is the budget for 2020 still \$15.5 billion?

Mr. DEWITT. Yes, that is correct.

Mr. NORMAN. Okay. I have got a pie chart that I just broke the percentages down, and if you take the local provided by the District of Columbia it is 55 percent.

When you add up all of the others, you come up to, roughly, 33 percent, which only gives you 88 percent of the budget. Of that, Medicaid—Federal grants and Medicaid is 22.4 percent.

Now, if this is—if statehood is granted, which I agree with Representative Hice, this is a constitutional malfeasance if it is done.

But if it is, how are you going to make up the Medicaid, which is based on a per capita, which, if it becomes a state, you are going to have to go to the—right now, you do it from the your Act that was passed in 1977, I think. How are you going to make up the difference?

Mr. DEWITT. Congressman, just like every other state, when we became a state Medicaid is a benefit provided to every state. The District would continue to get Medicaid from the Federal Government.

As I mentioned in my testimony, we are currently—23 percent of our total budget comes from the Federal Government. The average for the states is 32 percent.

Medicaid would not go away when we become a state. We would—

Mr. NORMAN. It wouldn't go away but the dollars coming into the state are going to be reduced. Would you not agree?

Mr. DEWITT. I would—I would say that would be up to discussion because one of the things that you look at are those states that receive the higher Medicaid match.

It is the percent of the—the percent of people in poverty of some of those states. Like Arizona and places like that get a 70 percent match.

So I would argue we will continue to get the same match that we do now.

Mr. NORMAN. Yes, but you are getting 70 percent now. It would drop to 50 if you do away with the Act of 1977, wouldn't it?

Mr. DEWITT. I would argue that it should stay at 70 through the discussions. But even if it didn't, it would be in the \$400 million range and we could manage that through making choices in the budget that went forward by my office. It would require the decision to certify to do that.

Mr. NORMAN. So then if you get to—

Mr. DEWITT. So we could handle it if it did go down.

Mr. NORMAN. If you get the approval for that, it is going to be in violation of what every other state's match is.

Mr. DEWITT. Even if we don't, we could—we could balance the budget with that.

Mr. NORMAN. All right. Let me ask this. If it is in such good shape, why, according to a 2019 study, did the District of Columbia 150th out of 150 of the largest cities for its operating efficiency?

Mr. DEWITT. I do not—I wouldn't know what that study is and I would have to disagree with it based on what I know.

Mr. NORMAN. So the study is wrong?

Mr. DEWITT. I don't know what—you would have to tell me what the study is, Congressman.

Mr. NORMAN. Okay. I can provide you the study. But, basically, they—it is a nonbiased study. Out of 150 cities—

Ms. NORTON. Would you name the study, please? Would the gentleman name the study?

Mr. NORMAN [continuing]. D.C. ranked 150th.

Mr. DEWITT. I think the thing you have—Congressman, you have to look at, and they don't hand these out—we have a AAA bond rating that 35 states do not have, and only a few large cities do have.

That is your criteria of whether you are—

Mr. NORMAN. Okay. Let me provide you with the study and then you give feedback on that.

Mr. DEWITT. Sure.

Mr. NORMAN. Mayor Bowser, you would agree that transparency in government is very important, wouldn't you?

Mayor BOWSER. Congressman, we have been very committed in our city to transparency in government and, in fact, have been very proud to advance some of the toughest transparency rules, ethics rules, data transparency rules anywhere in the Nation.

Mr. NORMAN. Okay. Then let us talk about the corruption of the Washington Metropolitan Area Transit Authority. I think, as has been mentioned by Congressman Jordan and Jack Evans, who was forced to resign because of his personal financial benefit, Corbett Price, who you recommended to the Board who was your appointee who, if my records are right, gave \$35,000 to your campaign in 2014. Was that the right choice of the person? His background is in health care, not in transit.

Mayor BOWSER. As I mentioned at the outset, Congressman, we are here to talk about the 700,000 residents of the District of Columbia—

Mr. NORMAN. I get that. I am just asking you a simple question.

Mayor BOWSER.—who don't have representation. We are more than committed to making sure that our representatives in any forum are following—

Mr. NORMAN. But Mr. Price had to resign, right?

Mayor BOWSER. I am sorry?

Mr. NORMAN. Mr. Price resigned.

Mayor BOWSER. He did.

Mr. NORMAN. Would you appoint him again?

Mayor BOWSER. I have made an appointment to replace—

Mr. NORMAN. Would you appoint Mr. Price again?

Mayor BOWSER. I have appointed Lucinda Babers.

Mr. NORMAN. I yield back the balance of my time.

Ms. NORTON. I thank the gentleman for yielding.

Mr. Clay?

Mr. CLAY. Thank you, Madam Chair. Let me thank the witnesses for your testimony today.

And Mr. DeWitt, I appreciate that D.C. has successfully turned the page on the days of guidance and oversight from the Financial Control Board and I appreciate your testimony describing for us the current position of D.C. finances and revenue and its ability to operate as a state and how D.C. is in better shape fiscally than some recognized existing states.

And as we talk revenue, I am particularly interested in the new sports wagering measures D.C. is entering. In fact, I wrote you a letter in February inquiring about it, and D.C. will be at the forefront of this venture.

Can you tell me about the anticipated revenue from this venture?

Mr. DEWITT. Congressman, the revenue from that relative to our total budget is relatively small. But our forecast, looking at it, we believe they are conservative—in the range of about \$20 million a year. So it is a small number relative to that.

Our lottery itself generates about \$45 million to \$50 million. So it will be smaller than the lottery, at least when it gets started. But it will bring additional revenue in, which is part of our budgeting process and part of the resources that we have in the District.

Mr. CLAY. And the reasoning for you all moving so quickly was to beat Maryland and Virginia as far as competition was concerned, correct?

Mr. DEWITT. It was to take advantage of the Supreme Court law that allowed for sports gaming to go in place and to take advantage of that revenue and, obviously, the ones that go earlier are going to do better. But it was just to take advantage of the right to have sports gaming in the District.

Mr. CLAY. And when do you imagine placing bets will begin in D.C.?

Mr. DEWITT. We are in the process of putting—the regulatory environment has been put in place so the licensing will begin as soon as we can get in place the ability to evaluate the viability of the people that are going to be bidding.

So toward the end of the year or maybe a bit earlier we will be able to take sports bets at local facilities and mobile vending would be allowed early in 2020.

Mr. CLAY. Is the sports wagering revenue earmarked for a specific state purpose, i.e., public education or social services?

Mr. DEWITT. It is—it is going to be part of the general fund and so it is part of the revenue sources of the general fund. It is not specifically dedicated to education.

Mr. CLAY. Okay. Do you have any concerns about the contract?

Mr. DEWITT. The contract was done in—no, I do not.

Mr. CLAY. Okay. Fair enough.

Mayor Bowser?

Mayor BOWSER. Yes, Congressman.

Mr. CLAY. Thank you for being here today.

Strategy wise, have we ever considered partnering with another territory in this—that is part of the United States, and I will use Puerto Rico as an example.

Have you ever thought about partnering so that we come in with 51 and 52 as far as states are concerned? Has there ever been any discussion in regard to that?

Mayor Bowser. Well, thank you for that question, Congressman.

Certainly, I can speak for the residents of Washington, DC. who have overwhelmingly endorsed statehood, and we are ready for statehood. You heard our Congresswomen talk to you about the vote that identified our boundaries, our Constitution.

You have heard from our CFO that we are financially ready to move forward, and we have a petition before this House to do exactly that.

Mr. CLAY. Yes, and, I mean, I support it. I support statehood for the District of Columbia, but also just hearing the criticism from the other side they talk about 51 states.

Would it—I mean, wouldn't it be—wouldn't it make sense to not just say at two senators but four at one time?

Mayor BOWSER. For us?

Mr. CLAY. For the country.

[Laughter.]

Mayor BOWSER. I would take that.

Mr. CLAY. For the Nation.

Mayor BOWSER. For the Nation. Absolutely.

So, like I said, I can speak for us and I know that Puerto Ricans will speak for themselves through their representatives and at the polls, and I can say for sure that we are ready.

And as for the criticisms that we have heard so far, Congressman, if I may address. The question was asked can this Congress admit D.C. as a state and the simple answer is yes.

There have been 37 states admitted by simple legislation from this Congress. The question was asked can this Congress make the Federal enclave smaller, and clearly, the Framers had every opportunity to describe a minimum size for the Federal enclave.

They didn't. They described the maximum size. It has been questioned whether the state, the 51st state, would overpower the Federal enclave, and we know the Framers were concerned with state power then.

States had much more power than a fledgling Federal Government. That is not the case now. We have a massive Federal Government that overpowers all of the surrounding states.

So those critiques simply don't hold water.

Mr. CLAY. And you are correct. In 240 years, things do change in this country—

Mayor BOWSER. Yes.

Mr. CLAY [continuing]. and I thank you for that and yield back.

Ms. NORTON. I thank the gentleman, and could I remind the gentleman that the gentleman had himself a candidate for a company for the lottery.

And if the District became the 51st state nobody would care about another member's interest in the lottery.

Mr. CLAY. I am not sure—I am not sure what the relevance is, Madam Chair. But—

Ms. NORTON. Since I heard that is what you had brought up, sir, you gave us a very good reason why we—

Mr. CLAY. I am so glad—I am so glad I finally got a response to my letter. Thank you.

[Laughter.]

Ms. NORTON. Yes. I want it to be known that I informed the District they didn't need to respond to a letter about the internal workings.

Mr. CLAY. So we don't need oversight here? You said we could—

Ms. NORTON. That is why we want to become the 51st state in the United States.

Mr. CLAY. Well, but wait a minute. That is what this committee is. It is called the Oversight Committee.

Ms. NORTON. This committee—we need to put this committee out of business and—

Mr. CLAY. Oh, really?

Ms. NORTON [continuing]. that is what this bill is about to do.

Mr. CLAY. Thank you so much, Madam Chair.

Ms. NORTON. But I do appreciate your support for statehood for the District of Columbia.

Mr. CLAY. Thank you.

Ms. NORTON. Thank you very much. He sits next to me in this committee so I will let him pass.

Mr. Gibbs?

Mr. GIBBS. Thank you, Madam Chair.

It seems to me, listening to the discussion, this comes down, really, to two issues. The concern our Founding Fathers had, that the District should not be—you know, [in] conflicts with the state—in the state and that—that and the rights of the now the 700,000 people the right to vote.

I look back here in the history and I will be interested to hear what our witnesses have to say. But when the Capital was moved to D.C. from Philadelphia in 1800, the District was controlled by the Federal Government. In addition, they had no voting, congressional representation, and no votes in the Electoral College.

But the people who lived either voted for Maryland or Virginia Congressmen, depending what part of the territory—of the District that was previously in Maryland or Virginia.

Then a year later in 1801 Congress passed legislation dividing the District into two counties, Washington County on the Maryland side and Alexandria County on the Virginia side, and those laws would apply.

Then in 1802, the citizens petitioned the government for a municipal charter. Then it moved down through several things that happened and then in—let us see, when was this?

There was a home rule in 1973 was passed, enacting the structure of government with powers—the mayor and the 13-member council—with some other exceptions.

But I think maybe the Founding Fathers had this right. They were really concerned about the role of conflicts of state laws versus the Federal in the D.C. property area here and then about the rights of people to vote.

Now, Mr. Pilon, how did you—you know, what is your thoughts on this what the Founding Fathers were thinking? Because they did allow residents to vote for U.S. senators and U.S. Congressmen, so they did have representation and they did have those laws apply in the part of the geographical area, whether that was part of Maryland or Virginia.

Mr. PILON. If I understand you correctly, you are asking me to speculate on what it was that explains why changed the voting situation. Is that correct?

Mr. GIBBS. Well, I think—I am just—I am speculating. We are all speculating because nobody was around back then.

Mr. PILON. Yes. It is mere speculation. I have no idea what—

Mr. GIBBS. Yes. But, you know, we know that the Founding Fathers were concerned about the conflict with state laws. I mean, that is a fact. That is all in the Federalist Papers and everything, and but there hasn't been a lot of discussion about what concern there was for the residents in this—in this territory. I don't want to say territory. That is not the right legal word. But in the District.

Mr. PILON. Yes.

Mr. GIBBS. So they—there was a revision. They were able to vote, and those laws, either the Maryland state laws or the Virginia state laws, were regarded for, you know, Federal things that would apply to them.

They had a say and, apparently, when the District moved over time incrementally it changed the laws and the rules. They actually kind of, you know, shot themselves in the foot. They lowered their abilities, what they had before. So I don't know if the congressional Research Service has done—look at what happened back in the early 1800's.

Because maybe they had it right and we are just forgetting about that, and if we were really concerned about the 700,000 people having the right to vote maybe we ought to go back to that provision and let them vote for the U.S. senators in either Maryland or Virginia.

Mr. PILON. Again, I—

Mr. RASKIN. Would the gentleman yield?

Mr. GIBBS. Who is asking? Yes, go ahead.

Mr. RASKIN. Mr. Gibbs, thanks for that excellent question.

As I understand it, both Maryland and Virginia ceded land to Congress in 1791 and people continued to vote in Maryland or Virginia, depending on which portion, as you stated, they lived in.

When the Organic Act was passed by Congress in 1801 that included organization for a local district, and as far as it can be told, everybody assumed that meant that voting rights ceased in Maryland and Virginia and Madison predicted that Congress would provide for the representation of people in the District.

And, of course, at that point, it was a very small and seasonal population. So it kind of came and went. But there was an assumption that, certainly, Madison made that there would be no large population that would ever be disenfranchised.

I yield back. Thank you for taking my—

Mr. GIBBS. I think to follow through on my thought here on our territories, you know, obviously, Puerto Rico being the big one but

American Samoa, Guam, you know, they don't have senatorial representation. They have similar to what we have here.

So, you know, should they be held different than D.C.? Can you—

Mr. PILON. Well, again, if I understand you correctly, voting for Members of Congress is a function of living in a state, and the District was never a state, and that is, I think, the essence of the matter.

Mr. GIBBS. Okay. So and the Founding Fathers were—

Mr. PILON. After all, you can't have two senators from a district. You don't—

Mr. GIBBS. That is a good point. I am glad you made that. But I think also, you know, the overriding issue here for our Founding Fathers was to make sure that the Federal capital wasn't part of a state because of those conflicts. So that that is—

Mr. PILON. I think you are right about that.

Mr. GIBBS [continuing]. and it would take a constitutional amendment to make any change. There is no doubt about that, at least in my mind, and you concur, right?

Mr. PILON. Yes.

Mr. GIBBS. I yield back my time.

Ms. NORTON. Thank you very much, Mr. Gibbs. I appreciate that you raised the notion of the territories. It should be noted for the record that the territories don't pay Federal income taxes and the District is No. 1 per capita in Federal income taxes.

Mrs. Maloney?

Mrs. MALONEY. I thank the chairlady for yielding and for your extraordinary issue—leadership, I would say, on this issue for years, and I thank all the panelists.

The admissions clause of the Constitution gives Congress the authority to admit states. Every state has been admitted into the Union by simple legislation, correct, Madam Mayor?

Mayor BOWSER. That is correct.

Mrs. MALONEY. Except for the 13.

Mayor BOWSER. The first 13. Yes.

Mrs. MALONEY. So the admissions clause prohibits a state from being carved out of another state without that state's consent. D.C. consists of land ceded by Maryland to the Federal Government, as the Congressman pointed out.

Some argue that Maryland's consent is necessary for the admission of the state of Washington, DC. because the new state would consist of Maryland land.

The Maryland statute that ceded the land to the Federal Government appears to be an unconditional or absolute decision. It says the land shall be, and I am quoting, "forever ceded and relinquished to the Congress and government of the United States in full and absolute right and exclusive jurisdiction," end quote.

So I would like to ask the mayor and Mr. Thomas and anyone else who would like to comment, have there ever been, to your knowledge, any challenges to the authority of Congress to admit states by simple legislation?

Mayor BOWSER. Not that I am aware of.

Mr. THOMAS. Not that I am aware of.

Mrs. MALONEY. Anybody?

Mr. THOMAS. Not that I am aware of.

Mrs. MALONEY. So we don't know that it has always been—so I would like to thank you for that answer because that certainly builds the case.

But I would like to ask Mr. Thompson for Maryland's consent to be required the land is ceded to the Federal still would have to be Maryland land. Does the text or legislative history of the Maryland statute that ceded the land or Maryland property law generally indicate the land is Maryland land, whether through an implied interest or otherwise?

Mr. THOMAS. So the law that ratified that secession of the Maryland land does contain language indicating that full title forever will pass to the United States.

The concern that has sometimes been expressed is it says for purposes of Article 1—pursuant to the purposes of Article 1 Section 8, which could imply for purposes of the District of Columbia, and the question would be is whether that statement of secession would in some way have an implied reversion, meaning that if the land was no longer being used for purpose of the District of Columbia then it would be reverted to Maryland, and that is an argument that has been made.

There is a lot of literature on—secondary literature, law reviews, et cetera—making arguments about this. The real answer is we don't really have relevant case law. We have analogous case law from Maryland property law which suggests that implied reversion—interests in property are disfavored by courts.

But the context in which this arises, which is secession to the Federal Government for purposes of a district, is nothing that has been addressed by a court previously.

Mrs. MALONEY. Okay. Does anyone else want to comment on this?

Mayor BOWSER. I will just add, Congresswoman, that we concur with what the congressional Research Service has submitted to you and that our petition proposes to make the new state entirely out of the Federal district and no part of Maryland.

It is our view that Maryland ceded its land to the Federal Government and the Congress can make decisions on what to do with that land including making the Federal enclave smaller.

Mrs. MALONEY. Well, thank you so much. My time has almost expired and I yield back. Thank you.

Ms. NORTON. I thank the gentlelady.

A reversionary clause, Mr. Thomas already said there was no reversionary clause that would say if you didn't use it, then we get our land back. And for the record, the land is still being used for the Nation's capital and for residents.

So it was always to be used for the Nation's capital. It is not as if what would remain is—will not be the capital.

Mr. Higgins?

Mr. HIGGINS. Thank you, Madam Chairwoman.

I thank our panelists for appearing before us today.

I think I am going to speak to my veteran brothers and sisters since that was addressed earlier that the question before us today should be strictly constitutional. Our oath as veterans was to our Constitution, not to a party or race or creed or color or ideology,

certainly not to party affiliation or status upon the economic strata, culture, heritage.

The debate before us today is strictly constitutional, as was our oath, and this is the tone that this body should embrace as we consider this question of the statehood of the District of Columbia.

And may I say that I believe that if this effort was sincere by my colleagues amongst this august body, then there would be an introduction to repeal the Twenty-Third Amendment and to introduce a Twenty-Eighth Amendment. Because my understanding and interpretation of many scholars, it is in order for the District of Columbia, which is our Nation's capital, set aside from lands ceded by two states, this would require a constitutional amendment.

Mr. Thomas, you are obviously a very learned fellow. Thank you for your service to this Congress, for the years that you have studied our Constitution and its complexities.

I would like to clarify, is it your actual opinion that a new sovereign state of our representative republic can be formed by simple legislative action under Article I, a new sovereign state formed originally of land ceded by Virginia and Maryland, a new sovereign state formed without the consent of the citizens of Maryland and Virginia, a new sovereign state established by a single legislative bill, absent the repeal of the Twenty-Third Amendment and absent the presence of the introduction of a Twenty-Eighth Amendment? That is your opinion, sir, as a learned scholar?

Mr. THOMAS. Congressman, I'd like to add, sir, I believe there are two separate questions in there. The first does go to the question of whether or not Maryland contains a reversionary interest in the property. And as I suggested, there are—there is analogous case law, but certainly not case law that goes to this particular situation. So I think it would be a novel constitutional issue whether or not the Maryland reversion existed, in which case it would be then—then you'd move to the next question of whether or not Maryland was going to provide permission to—or is going to retrocede whatever or would cede to the Federal Government whatever reversionary interest they had.

As to the Twenty-Third Amendment, I believe that the Twenty-Third Amendment will still be a constitutional amendment. Its application, I think, is—it's a complex question will be left, especially because it would appear that there will be remaining people in the Federal enclave, and so that would certainly be—

Mr. HIGGINS. So in the interest of time, what you have clarified with your response is that this is quite a complex issue, is it not?

Mr. THOMAS. I absolutely concur.

Mr. HIGGINS. Certainly. In Article IV, Section 3, "New states may be admitted by the Congress into this Union, but no new state shall be formed or erected within the jurisdiction of any other state, nor any state formed by the junction of two or more states."

Was the District of Columbia formed by lands ceded at a junction of two or more states?

Mr. THOMAS. The District—

Mr. HIGGINS. The original 10-square-mile tract of land?

Mr. THOMAS. The District of Columbia was created under the district clause. So the admission clause would be for states.

Mr. HIGGINS. And specifically, the Founders referred to not allowing a state to be formed—this is very complex. We should have this conversation. We should do so within the parameters of constitutional authority.

One final question in the remainder of my time. Did you author just in 2009 the constitutionality of awarding the delegate for the District of Columbia vote in the House of Representatives for the committee of the whole? 2009, do you recall this?

Mr. THOMAS. Yes.

Mr. HIGGINS. Why would your name be redacted from this document? Do you know, sir?

Mr. THOMAS. The public release of congressional Research Service reports, I believe, are now being done with names redacted. The—I believe—

Mr. HIGGINS. Thank you, sir.

Mr. THOMAS. Oh, sorry.

Mr. HIGGINS. Reclaiming my time, Madam Chairman, I would like to offer this for the record. And if I may, in the conclusion paragraph, you wrote, sir, “In sum, it is difficult to identify either constitutional text or existing case law, which would directly support the allocation by Congress of the power to vote in the full House for the District of Columbia delegate.”

You go on to conclude, “A congressional power over the District of Columbia does not represent a sufficient power to grant congressional representation.” These are your own words.

Do you think congressional representation is less significant or more significant than the actual formation of a 51st state? I will let you answer, and I yield.

Mr. THOMAS. I believe that the question as to the voting rights of the committee membership is a distinct question from the admission of states.

Ms. NORTON. Of course, the delegate votes in committee, and the matter of the delegate vote in the committee of the whole was submitted to the congressional Research Service, and it was they who said that that was constitutional.

I want to call now Mr. Connolly.

Mr. CONNOLLY. I thank the chair, and I thank her so much for holding this hearing.

And welcome to our panel.

MAYOR BOWSER. Thank you.

Mr. CONNOLLY. You know, as a student of history, one of my great heroes in American history is Abraham Lincoln because he grew. He grew as a person in understanding the complexities about race and the interrelationships among the Union members.

I fear that the party of Lincoln that led us in the Thirteenth and Fourteenth and Fifteenth Amendments that won the Civil War is increasingly sounding like the party of Stonewall Jackson and Jefferson Davis. When they say it is not about race or partisanship, you can be sure it is about race and partisanship.

And that is tragic not only for you, but for the country. And if you don't believe that, look at the track record when my—when Republicans take over state legislatures and Governor's mansions. When it comes to voter suppression, when it comes to voter ID,

when it comes to early voting to enable people to vote, consistently they have suppressed.

Why? Because they would lose elections. This isn't about your right. They are not going to respect that. They are going to do everything they can to deny it and have.

I have heard the sanctimonious assertion, "Oh, I agree. People should be able to vote." Really? So when the delegate from D.C. was given the right to vote in the committee of the whole by the Democrats when they were in the majority, and when we lost that majority, what happened? Every time the Republicans took away her vote in the committee of the whole.

So much for that commitment to your right to vote even here, even in just the committee of the whole.

So let us call this what it is. It is not about the Constitution. Clearly, there are implied powers in Article I. It is absurd to insist there are only enumerated powers. There are implied powers in every article of the Constitution.

Start with Article II. There are no ends to the implied powers of the executive. What about the implied powers of the legislature? We have got them, too. One of them is to determine statehood.

Mr. THOMAS, do you know your history a little bit?

Mr. THOMAS. I hope so. I hope so.

[Laughter.]

Mr. CONNOLLY. Okay. So we have heard you can't carve out a state. Now I come from Virginia, and we had this unpleasantness in 1862. Do you remember what happened to the western part of my state?

Mr. THOMAS. West Virginia was formed out of the state of Virginia.

Mr. CONNOLLY. Out of the state of Virginia. Now was that done by a constitutional amendment, Mr. Thomas?

Mr. THOMAS. That was not done by constitutional amendment.

Mr. CONNOLLY. And does West Virginia continue to be a state in the Union today?

Mr. THOMAS. Yes.

Mr. CONNOLLY. And do you know how it happened? I will tell you—because it had Union troops all over it. We declared it a state, and it was ratified by the Congress. No one argued you needed a constitutional amendment.

Now let me ask you another question. So what year was the Constitution adopted?

Mr. THOMAS. 19—

Mr. CONNOLLY. 1787.

Mr. THOMAS. 1787, sorry.

Mr. CONNOLLY. That is your answer, and you are sticking to it, right?

[Laughter.]

Mr. CONNOLLY. 1787. Did the District of Columbia exist in 1787?

Mr. THOMAS. No.

Mr. CONNOLLY. No. So the writers of the Constitution are thinking we need a capital, and probably it is going to be a small administrative enclave. Is that correct?

Mr. THOMAS. Correct.

Mr. CONNOLLY. And they couldn't even agree where it would be. Is that true?

Mr. THOMAS. There was a lot of debate at the time.

Mr. CONNOLLY. More than debate. They couldn't agree on it until after the Republic, in fact, was up and functioning. Isn't that true?

Mr. THOMAS. Correct.

Mr. CONNOLLY. And wasn't there a famous dinner at Thomas Jefferson's house where he brought together Madison and Alexander Hamilton and hammered out a compromise about where it would be located? Is that not true?

Mayor BOWSER. That's true.

Mr. THOMAS. That, I'd have to defer to your—

Mayor BOWSER. That's true.

Mr. THOMAS [continuing]. your history.

Mr. CONNOLLY. Yes, trust me on this one, Mr. Thomas. Work with me.

[Laughter.]

Mr. CONNOLLY. Okay. So there was. And the deal was Alexander Hamilton got his deal on the debt. The Federal Government would take on the debt of the states from the Revolutionary War, and Madison, Washington, and Jefferson would get their capital, which they wanted in the Potomac.

So the argument that, well, the Constitution never envisioned people voting in D.C., yes, they never envisioned a modern metropolis of 700,000 people. And had they, I know Madison would be the first to line up and give you the vote. Not as a privilege, not because you fought for the country, but because as Americans, it is your right.

Ms. NORTON. The gentleman's time has expired, and we appreciate that deep and thoughtful history lesson.

Mr. Massie?

Mr. PILON. Madam Chairman, may I respond to this remark that just came from Mr. Connolly?

Mr. CONNOLLY. Madam Chairman, if Mr.—if the gentleman from Cato wants to respond, and certainly he is free, I want to—

Ms. NORTON. No, who is asking to respond?

Mr. CONNOLLY. Two things. He is not—he is not designated to speak ex cathedra about the Constitution of the United States, and I want the right to respond.

Ms. NORTON. The gentleman's time has expired.

Mr. CONNOLLY. It may have. But Mr. Pilon has no right to time either, and I would appeal—

Ms. NORTON. Well, I am not offering—

Mr. CONNOLLY [continuing]. to the chair to be able to respond to his comment.

Ms. NORTON. I am sorry, Mr. Pilon. The gentleman's time has expired. If someone over on this side can offer you his time—

Mr. MASSIE. Madam Chair?

Ms. NORTON. I call now on Mr. Massie.

Mr. MASSIE. Madam Chairman, I would give at least 30 seconds to Dr. Pilon to respond to that last comment.

Mr. PILON. Yes. So, first of all, the Constitution was not adopted in 1787. It was adopted, that is to say ratified, in 1788, when nine states did so.

More importantly, you allege that this is all about race and partisanship. I grant there are partisan elements to this. This is not about race. I urge you, I request that you withdraw that charge.

Mr. CONNOLLY. Never.

[Laughter.]

Mr. CONNOLLY. It is about race—

Mr. MASSIE. Reclaiming—reclaiming my time, reclaiming my time. Would the gentleman—

[Applause.]

Mr. MASSIE. Madam—can I have that time? May I have that time restored?

Ms. NORTON. The time is yours. The remaining time is yours.

Mr. CONNOLLY. I took two seconds to say “never.” You can have that time.

[Gavel sounding.]

Mr. MASSIE. Mr. Thomas, in your testimony, you say it has been argued that the Framers intended the District and the Federal enclaves clause to remove the new Federal capital completely from the control of any state in order to avoid repeating the humiliation that the Continental Congress suffered in June of 1783. Can you tell us about that humiliation?

Mr. THOMAS. The Philadelphia revolt of 1783 occurred when I believe there were 80 Revolutionary War soldiers who had not been paid and were attempting to make a petition to the members who were meeting in Philadelphia.

Mr. MASSIE. What happened to them?

Mr. THOMAS. There was a—there was essentially feeling that there was threatening behavior and that the state would not step in to prevent the—protect the Congressmen. So the Congressmen had to leave and reconvene in, I believe, Princeton, New Jersey.

Mr. MASSIE. So was this in the Framers’ mind when they framed the Constitution?

Mr. THOMAS. Yes.

Mr. MASSIE. Okay. So I want to—if it is possible to bring up the map of the proposed Federal enclave. Is the minority able to do this? The majority? Can we—Okay.

So what strikes me is how small this enclave is proposed to be. Now it is changing. So this is the map has changed a little bit since then, and I will note that where it is relevant. But Mr. Thomas, where do you park?

Mr. THOMAS. I take the Metro.

Mr. MASSIE. You take the Metro. Okay.

[Laughter.]

Mr. MASSIE. Good answer. That is nice. Some of my staff actually park out where the new state would be. So what is proposed, basically—and a lot of Capitol Hill staff would be parking outside of the Federal enclave. Doesn’t it seem like there would be some influence if the congressional staff had to appeal to the new state to park?

Mr. THOMAS. I agree that if there is a parking issue that that would—certainly could impact some staff members.

Mr. MASSIE. So another thing that strikes me about this map, if you will look at it, if you go from the Capitol down Pennsylvania

Avenue toward the White House, there are a few block-outs there. Mayor Bowser, can you tell me what those block-outs are?

Mayor BOWSER. I'm sorry. I didn't follow what you—

Mr. MASSIE. If you go from the Capitol down Pennsylvania Ave. toward the White House, the enclave, that would be the boundary between the new state and the Federal enclave that is left. But I see there are a couple cutouts there. Can you tell me what those cutouts are?

Mayor BOWSER. One of them is the state capital for the 51st state.

Mr. MASSIE. What is the other one?

Mayor BOWSER. Can you give me the cross street?

Mr. MASSIE. They are not really labeled. Twelfth Street?

Mayor BOWSER. Oh, it's a hotel.

Mr. MASSIE. It is a hotel. Who owns the hotel?

Mayor BOWSER. The President of the United States.

Mr. MASSIE. Isn't it a Federal building?

Mayor BOWSER. It—

Mr. RASKIN. It is the Washington emolument.

Mayor BOWSER. Sorry?

Mr. MASSIE. That was cute. He is just—he is interrupting.

Mr. Thomas, can you tell me what that property is?

Mayor BOWSER. May I just respond to you, Congressman?

Mr. MASSIE. Yes. Yes.

Mayor BOWSER. It is a lease, a long-term lease with the GSA.

Mr. MASSIE. To who?

Mayor BOWSER. To the Trump organization.

Mr. MASSIE. To the Trump organization. So was it your decision when this line was drawn to put the Trump Hotel in the new state, to take that Federal property that is leased to the Trump organization. Did you all decide you wanted that in the new state? Was this a decision you were involved in, or was your—did you discuss it with your delegate here in Congress?

Mayor BOWSER. No, it was our decision with the voters of the District of Columbia and with the Council of the District of Columbia. We worked with our planning agency to identify the Federal uses, Federal buildings, and to identify all of the places where voters live or D.C. residents are. And we were very careful to include the White House, the Congress, all of our monuments, all of our free museums.

Mr. MASSIE. In the enclave?

Mayor BOWSER. In the enclave. So all—

Mr. MASSIE. But you wanted to make sure the Trump Hotel was in your new state?

Mayor BOWSER. Well, it's being treated like all of the other hotels, sir.

Mr. MASSIE. Are all the other hotels Federal property?

Mayor BOWSER. There is Federal—there will continue to be Federal property in the 51st state, just like there's Federal property in Virginia, there's Federal property in Maryland. There are Federal properties throughout the 50 states.

Mr. MASSIE. I just find it very interesting and remarkable that this would be a straight line and that is a Federal property. But somebody decided they wanted the Trump Hotel in the new state.

And I yield back the balance of my time.

Mayor BOWSER. Well, the Trump Hotel, sir, is not a Government—it does not have a Government use. It has a completely commercial use.

Mr. MASSIE. Who owns it?

Mayor BOWSER. The Federal Government owns it.

Mr. MASSIE. Yes.

Mayor BOWSER. Just like the Federal Government owns properties throughout the states.

Mr. RASKIN. Will the gentleman yield?

Mr. MASSIE. Let me make sure my time doesn't run out because another gentleman took some of it.

Let me just say very quickly this is the ridiculousness you get into when you try to draw a Federal city into a teacup is that the parking, the police that would be in this Federal city can't even park there. The workers can't even park there, and that is the ridiculousness that you get into.

Then you also get into these things like, well, it is Federal property, but because Trump owns the hotel, we would like to have that in the tax base in our state.

Mayor BOWSER. Madam Chair—

Mr. MASSIE. I yield back.

Mayor BOWSER. Well, all the hotels are included, sir. None of the hotels are excluded. I don't know why we would treat the President's hotel differently.

Mr. MASSIE. Federal property. Federal property.

Ms. NORTON. I note that the gentleman received an extra minute. I now recognize Mr. Raskin.

Mr. RASKIN. Thank you, Madam Chair.

The United States is only democratic nation on Earth which disenfranchises the residents of the capital city in its national legislature. We spend hundreds of millions of dollars promoting democracy around the world. We have never been able to sell to any other country, and I don't even know if we tried, the idea of disenfranchising hundreds of thousands of people who happen to live near the national parliament.

Union and liberty, this was the cry of Abraham Lincoln and the Republicans in the 19th century. It is the cry of the people of Washington, DC, today who want to join the Union on the basis of equal citizenship and full voting rights. And they want equal liberty.

That is the question. Whether the Government is going to stand with them or stand in their way. The only way that we have admitted new states to the Union is through Congress. We started with 13 states. We added 37 new states all under Article IV, Section 3, which says new states may be admitted by the Congress into the Union. There has never been a state admitted by constitutional amendment.

The Congress has the power to admit new states. The people, through the Ninth Amendment and the Tenth Amendment, have the power to create new states and to petition for admission, which is exactly what has happened here.

Very quickly, Ms. Mayor, what is the name of the new state?

Mayor BOWSER. Washington, DC, Douglass Commonwealth.

Mr. RASKIN. Douglass Commonwealth. Okay. Now I looked over the last couple of days at some of the arguments that have been made against other statehood admissions in the past because it is, indeed, a political question. There is no doubt that people tried to conscript constitutional arguments in the service of opposition to other people's equality. But fundamentally, it is a political question because Congress has to vote on it.

So here are some of the things that I found. Well, it was said on the floor of Congress Hawaii and Alaska could not be admitted because they were not contiguous to America, and there were very serious arguments made about how they couldn't be admitted for that reason.

Texas, my good friend from Texas will be interested to know, was the subject of a long campaign saying it could not be admitted because it was a foreign government. It was its own republic and, therefore, could not be admitted because it wasn't a territory.

All of these arguments about how the District—the land that is the District of Columbia today can't be admitted because it used to be part of Maryland were made about Maine because it used to be part of Massachusetts; Vermont because it used to be part of New York. West Virginia and Virginia. Kentucky and Virginia. Tennessee and Virginia.

All across the country these exact same arguments were made. They said that Idaho and Utah could not be admitted to the Union because of the practice of polygamy in those states and because of the political control of the Mormon Church. And actually, it was the Republican Party making those arguments that Utah and Idaho were not qualified to be admitted to the Union.

So now, today, the totally, I think, fraudulent and deceptive argument is made that you can't turn the Federal seat of government into a state, and therefore, that disqualifies what the good people in front of us are trying to do. But that is not what they are trying to do. They are not trying to turn the seat of government of the United States into a state. They are trying to redraw the boundaries of the Federal District, and there is very clear, historical precedent for that that is controlling here.

It is exactly what Congress did in 1847 when it redrew the map of the Federal District and retroceded to Virginia Alexandria, Arlington, and Fairfax County. So if Congress doesn't have the power to redraw the Federal District, then those lands were illegally given back to Virginia.

So that seems completely beside the point. It is an irrelevant distraction. But the worst distraction today has been the argument, I really was quite shocked to hear about Jack Evans, who is a city councilman in the District of Columbia.

The claim seems to be that if one person in a jurisdiction gets in trouble, you disenfranchise the entire community. That cuts against everything we believe in about democracy. We don't believe in American democracy in collective guilt. We don't believe in mass punishment. And we don't believe in depriving the people of democratic political sovereignty because of the sins, real or imaginary, of a single individual.

And I would go through all of the politicians in all of our states, of everybody who is sitting on the panel today, to talk about the

people who have been prosecuted, convicted, removed from office, and so on. But it would be beneath the dignity of this chamber.

But it is beneath the dignity of this chamber to say that we should be disenfranchising taxpaying, draftable, serving citizens of the United States because of the sins of one person.

With that, I happily yield back to you, Madam Chair.

[Applause.]

Ms. NORTON. The gentleman's time has expired. I note that the gentleman is a distinguished constitutional professor and scholar and appreciate how he filled that matter in, in our record.

Mr. Grothman?

Mr. GROTHMAN. Thank you.

I am going to go a little bit maybe off topic here, but that is because I think some of the witnesses were going off topic before. Did I hear you right, Mr. DeWitt? You plan on introducing sports gaming in the District of Columbia?

Mr. DEWITT. Congressman, sports gaming is law in the District of Columbia and has been for several months.

Mr. GROTHMAN. Okay. I guess it was brought up because they felt it was a sign of fiscal responsibility or something. Right now, I know this. The District of Columbia, their school district already spends the second-highest amount per pupil in the country. So it is hard to imagine one saying the District of Columbia needs more tax revenue.

I have always kind of been an opponent of more gaming. I know gaming takes away from people—it takes advantage of a weakness. I know there are some, some states intermittently who dive all in because they are so, so big government-like or they want to give their employees a raise or what not.

But I was just very disappointed that the District of Columbia, which should be almost the easiest district, the easiest city in the country to manage because you have so many Government jobs here. It is not like you are a city like I was born in, where you can have, you know, manufacturing jobs disappear and real challenges, real challenges happen.

I will just say that another Congressman apparently felt this was a sign you had your act together. I would like to say that I thought it was very sad that the Nation's capital, which is already spending so much money, just can't imagine they need more money, would decide to go down the route of legalized gaming, which almost by definition takes advantage of the financially illiterate, to further grow your government.

I don't think that is something I would brag about, and I hope you spend some time or the Mayor spends some time looking at disproportionately who loses money when a government decides to grab more money on gaming.

Now—

Mr. MENDELSON. Congressman, can I speak to that?

Mr. GROTHMAN. Sure.

Mr. MENDELSON. As chairman of the legislature which adopted the legislation to permit this, I share many of your views with regard to concern about whether gambling disproportionately hurts poor people. But what we are seeing—first of all, we have had a lottery in the District, a state-run lottery for decades. And what we

have seen is that with the Supreme Court decision a year ago, that the states are picking up this new application, which allows for the sports betting.

We expect that this will happen in Maryland. It will happen in Virginia. We've seen it already happen in a number of other states since the Supreme Court decision.

We were not motivated by, oh, we want to do this because we need more money. We were motivated by this because we believe that that is—there is a demand, as we're seeing in other states, there is a demand for expanding the lottery options. That is why we did that, and we didn't bring it up to say, oh, look, we should be a state because, look, we can do this. That actually was brought up for another reason, and I think it was questions by a different Congressman.

Mr. GROTHMAN. Right. A Congressman brought it up apparently as something that was good that was done. We have lottery in Wisconsin as well. I think, subjectively, if you look at the people who sit there in the convenience store and buy ticket after ticket after ticket, it doesn't look like the people who can afford to buy ticket after ticket after ticket.

But I know a lot of times politicians view their goal as always getting in more money, and I was disappointed that the District of Columbia decided to go down that route.

Now, obviously, there are problems in the District of Columbia. You are spending the second most in the country per pupil in your schools. I know there are all sorts of ways to rank schools, but at least my little online search shows you being third from the bottom in test scores, I think behind Louisiana and New Mexico.

There are all sorts of crimes out there, but murder is the one that is most publicized. And at least from what I can see on my quick search, I think if you were a state, you would have the highest murder rate in the country over Louisiana somewhat substantially.

I think I will ask one of you on the education thing, how do you wind up—or could you comment on having the second-highest cost per pupil, but like the third-lowest test scores? To what do you attribute that?

Mayor BOWSER. If I may, Congressman, let me start with your question about public safety in Washington, DC, because I want to address that head-on. Certainly, what we have seen over the course of many years, total crimes going down across our city, but certainly, we are concerned about any crime and especially homicide.

I do want to point out part of the reason that we are here to demand full statehood and sovereignty for the people of our District is because I control a part of the criminal justice system. And you, on the Federal level, control the rest.

I control our police department and the human services agencies that enforce our laws. But it's the Federal Government who controls the prosecutors, the courts, the supervising agencies for adult offenders and for youth offenders.

So the way that you and all of my residents can ask me about how we're driving down crime is to make sure that we have complete control over the agencies that affect crime in Washington, DC, and statehood is the way that we get there.

As for our schools, we are proud of the progress that we have made in our schools and the intense investment that we have made over the last 10 years. What we have seen—I just announced test scores—we're one of the few states in the country that hold ourselves to a very high level of testing with a PARCC exam that demonstrates if a student is not only doing well in school, but if they will be ready for college and career when they graduate.

For four straight years, we have seen increases in those data across the board for children that are at-risk, from children who have disabilities, and with our African-American children. Those investments turn around urban school districts, and we're very proud of that.

Mr. GROTHMAN. My time is up.

Ms. NORTON. I call on Ms. Plaskett next.

Ms. PLASKETT. Thank you all for being here, for your patience. And I want to thank the audience for what appears to be their full support of the District of Columbia.

I am one of the cosponsors of the D.C. statehood bill, and I find it very interesting, this discussion about constitutionality. I consider myself a strict constructionist. I am one of probably the few on my side of the aisle that would consider themselves a strict constructionist.

And I believe that the strict construction of the Constitution would allow a path for Congress to be able to make this determination. But I know there has been a lot of discussion about the fiscal responsibility of the District of Columbia. I feel that quite a number of Members are hung up on that. I won't get into the fact that people were more concerned about parking than they were about the rights of citizens to be able to make their own determination. That is flabbergasting to me.

But as a result, in 1995, Congress passed legislation establishing a financial board in the 1990's. This board did its work and didn't solve all of D.C.'s financial problems. And in 1997, Congress passed the Revitalization Act, which transferred the cost of several government functions from D.C. to the Federal Government, established a Federal tax incentive to encourage businesses.

In 2001, the Financial Control Board suspended its activities and has remained dormant, and the tax incentive expired in 2011. The independent Chief Financial Officers and the Revitalization Act remain in place.

Mayor Bowser and Mr. DeWitt, what assurances do we have that the state of Washington, DC, could afford to be a state and would not require special Federal support?

Mayor BOWSER. Thank you for that question, Congresswoman. And thank you for pointing out some of the constitutional questions that have been raised.

I do want to answer your question directly. You heard the Chief Financial Officer say that we operate a \$15.5 billion government, that we are less reliant on Federal—Federal investments than many other states, and that we have balanced our budget 24 times in 24 years.

You've also heard our testimony that our new state constitution codifies all of those best practices that have allowed us to transform the economy of the District of Columbia. It includes an inde-

pendent Chief Financial Officer, and it includes limits on our capital borrowing, and it includes a requirement to have a balanced budget.

We also know that our economy has continued to diversify. It could have been said 20, 25 years ago that we were more reliant on the Federal Government and Federal workers, for example. What we have seen over that period of time is more private sector growth in our jurisdiction, especially in tech and health and education.

We have also had a tremendous increase in the number of people who are living in the District of Columbia, and we are expected—now we're at 702,000. We think that we will be at 1 million residents by 2045.

So with that growth of private sector activity, with residents, and with our already-strong practices, we know that we can sustain our new state.

Ms. PLASKETT. Thank you.

Mr. DeWitt, Moody's Investors Service rates D.C.'s general obligation bonds AAA, which is a higher rating than 35 states. D.C.'s high ratings may, in part, reflect an implicit Federal guarantee of repayment.

How would the rating agencies assess the credit-worthiness of D.C., should it become a state?

Mr. DEWITT. They actually don't take in the Federal contributions in that AAA rating. It reflects that we're by ourselves.

Actually, one of the rating agencies, Fitch, which is a—we're at AA+, one from AAA. Their comments to us is you would need to be a state before we could make you AAA because worried about the interference that Congress could have on your financial situation. That's a literal discussion we had with them at our last rating meeting.

So that actually is not an issue with the AAA rating. They see us as AAA because of our best practices, our fully funded pensions, our reserve levels, our best practices on capital. That's why we got moved to AAA by Moody's.

Ms. PLASKETT. Thank you.

And I just want to say in closing thank you for spending the amount of money that you do on your children. I am glad to see that that is where most of the money goes, toward your future, toward your young people, as opposed to other places that would maybe expend money other ways. I do see that the ratings in the educational level here in the District of Columbia sustaining so many other things is moving up. And I am grateful for that work that you all have committed yourselves to, the Council, the Mayor, all of you, your chancellor.

As I am a Virgin Islander, someone who will not be a state at any point in time, I commend you for this effort to continue. And as someone who resides in the place where Alexander Hamilton wrote the Constitution—

Ms. NORTON. The gentlelady's time has expired.

Ms. PLASKETT [continuing]. We stand with you.

Ms. NORTON. Mr. Jordan?

Mr. JORDAN. Thank you, Madam Chair.

If I could go back to the map that Mr. Massie had up and we could put that back on the screen, I would appreciate it.

But while we are doing that, if I could, Mr. Mendelson, you are chairman of the council. Is that right?

Mr. MENDELSON. Correct.

Mr. JORDAN. And in your opening statement, I think you said, "Joining me in this room are other councilmembers," and I believe you listed off the names. You said Councilmembers Allen, Bonds, Gray, Grosso, McDuffie, Nadeau—excuse me if I pronounced that wrong, I apologize—Silverman, Todd, Robert White, Trayon White. Is that right?

Mr. MENDELSON. Correct.

Mr. JORDAN. They are all in attendance today?

Mr. MENDELSON. They were when I came in. I had them sit behind me.

Mr. JORDAN. They were when you started, when you made your comments.

Mr. MENDELSON. They look like they're all still here.

Mr. JORDAN. So they look like they are all still here. Well, we appreciate them being here.

Are there any members of the council who aren't here?

Mr. MENDELSON. There are a couple who aren't here.

Mr. JORDAN. Do know who aren't—who those individuals—

Mr. MENDELSON. Well, I didn't mention—I didn't see them come in—Councilmember Mary Cheh from Ward 3 and Councilmember Jack Evans.

Mr. JORDAN. So Mr. Evans is not here?

Mr. MENDELSON. I don't believe so.

Mr. JORDAN. The guy we wanted to be here didn't come.

Mr. MENDELSON. Okay.

[Laughter.]

Mr. JORDAN. Did—did—

Mr. MENDELSON. Well, I don't know about requests that you may have made.

Mr. JORDAN. No, I know. But we had a little discussion about that earlier on. I just wondered, do the two members who aren't here today, do they support D.C. statehood?

Mr. MENDELSON. Yes. The council—

Mr. JORDAN. They definitely do?

Mr. MENDELSON. The council is unanimous in its view of supporting—

Mr. JORDAN. So Mr. Evans' absence has nothing to do with the issue that is being discussed. He is in full support of what you are all here advocating for.

Mr. MENDELSON. I can't—I can't speak to why he's not here.

Mr. JORDAN. I understand. But you can speak—you can speak to the fact that he is not—that he is not opposed, he supports D.C. Statehood, right?

Mr. MENDELSON. Correct. We had the Constitution before us a couple years ago, and he voted for the—the council was unanimous in that.

Mr. JORDAN. Okay. Yes.

Mr. MENDELSON. So one should not read into absence.

Mr. JORDAN. I am not reading into it. You are the one who read into the record the members of council who were here. I was just pointing out that there are a couple who aren't, and one of those is the guy we have been trying to get a transcribed interview with and the guy we asked to be a witness at hearings this week and the guy we have asked the chair and the committee to subpoena.

That is all I am pointing out because you are the one who raised the number of members who was here.

Mr. MENDELSON. Sure.

Mr. JORDAN. If we can look at the map now, I think it is interesting, back to where Mr. Massie was, and let us start here. Maybe we will just stick with you, Mr. Mendelson, since we have got such a great little discussion going here. We will start with the Capitol—

Mr. MENDELSON. Okay.

Mr. JORDAN [continuing]. and as you head down Pennsylvania Avenue toward the White House, we have the Federal Trade Commission. So let us talk about what is in the enclave. We have the Federal Trade Commission. We have the National Archives. We then have the Department of Justice. Then we have the first little carve-out. Do you follow me, each block as we go?

Mr. MENDELSON. Yes, that's the Old Post Office building.

Mr. JORDAN. Right. That is the Post Office building. Some would say it is the Trump Hotel, but it is the Post Office building, owned and operated by the Federal Government or owned by the Federal Government, administrated through the GSA.

The next is the Reagan building, right?

Mr. MENDELSON. Correct.

Mr. JORDAN. Right, Okay. And then the next carve-out I think the Mayor said is where your capital is going to be, if, in fact, this would all happen. Is that accurate, Mr. Mendelson?

Mr. MENDELSON. Correct.

Mr. JORDAN. Okay. Now go back to the Department of Justice right before the carve-out. Across the street is the FBI building. Is that right?

Mr. MENDELSON. Correct.

Mr. JORDAN. And that is in the state?

Mr. MENDELSON. Correct.

Mr. JORDAN. Which is fine. As the Mayor indicated that, you know, there are all kinds of states have Federal buildings and bases and different things. So that is not unusual. But it is kind of interesting that you didn't keep it in the Federal Government. You kept the Department of Justice in. The FBI is part of the Department of Justice. It is literally right across the state—or right across the line, Pennsylvania Avenue. But it is in the state, and the Department of Justice is not.

Was there a reason why you didn't do another carve-out on the other side to keep the FBI with the agency that is a part of the Department of Justice.

Mr. MENDELSON. Well, there are a couple of reasons. One is that we could do a lot of carveouts, and the more carve-outs we do, the more complicated the boundary is. I mean, that's not a good thing. And the other is that the Old—

Mr. JORDAN. So let me interrupt you for a second. If you—

Mr. MENDELSON. Well, the Old Post Office is a hotel. So it's a commercial enterprise.

Mr. JORDAN. So it is literally because you wanted the money? You wanted the revenue?

Mr. MENDELSON. That's kind of a crass way to put it, but yes.

Mr. JORDAN. Well, you are the one that said it was a commercial enterprise. I didn't.

Mr. MENDELSON. I did.

Mr. JORDAN. Okay. But you kept the FBI building in the state, even though the Justice Department is in the enclave, and the FBI building is literally right across the street?

Mr. MENDELSON. Yes. You know, as we're talking, I'm remembering that I believe at the time this was drawn, there was a proposal that GSA was looking for bids to actually privatize the FBI site.

Mr. JORDAN. Interesting. Okay. I just think it is interesting you are going right straight down Pennsylvania Avenue. I understand the carve-out if that is where you are going to put the capital. I don't understand the carve-out for the Trump Hotel.

But obviously, this is the map, and this is what you are proposing, and this is what I assume that will be voted on at some point on the floor of the House.

Dr. Pilon, for my remaining 15 seconds, just for emphasis, will the U.S. Senate, in your judgment, will it support this legislation if it gets to them?

Dr. PILON. Will what?

Mr. JORDAN. Will the U.S. Senate support this legislation if it passes the House and goes to the Senate?

Mr. PILON. Not remotely.

Mr. JORDAN. Will the President sign it if it gets to him?

Mr. PILON. I have no idea what the President will do.

Mr. JORDAN. I doubt if he will.

[Laughter.]

Mr. JORDAN. I doubt if he will. And last question, if I could, Madam Chair. Ultimately, this will end up—if, in fact, it would get all the way through, it is still going to end up in front of the U.S. Supreme Court?

Mr. PILON. Yes.

Mr. JORDAN. Yes. And that is one of the buildings that they kept in the enclave, just might add?

Mr. PILON. Yes.

Mr. JORDAN. All right. With that, Madam Chair, I yield back.

Ms. NORTON. I thank the gentleman for his questions, and just for the record, the Hotel Monaco is owned by the—it is another hotel owned by the Federal Government. It is in the enclave, I believe.

And I do want to—I am sorry, it is in the state.

Mr. JORDAN. Yes.

Ms. NORTON. I do want to assure, since the ranking member raised the question about the councilmember who isn't here, that he will get an opportunity to learn more about the Metro hearing, which is the source of his concern. And it is a legitimate source because the Metro hearing will have to do more than with the District of Columbia as the statehood does.

So we will make sure that he gets the opportunity to raise all of those questions at that time.

Mr. JORDAN. Madam Chair, could I ask—do you know who the witnesses are going to be for that hearing yet?

Ms. NORTON. They haven't been given to me yet.

Mr. JORDAN. Okay. Thank you, Madam Chair.

Ms. NORTON. Next, Ms. Pressley?

Ms. PRESSLEY. Today is a truly historic day for Congress, for this committee, for the people of Washington, DC, and for our democracy. And I want to give credit where credit is due, send some shine to my sister in service Eleanor Holmes Norton, who has been a stalwart fighter and champion for over two decades. And I am so very proud to serve on this committee alongside her, to take up the fight for the rights of workers, families, and the American people.

I also want to give up power to the people and just thank those who have labored in love, foot soldiers who have organized and mobilized and raised your voices time and time again. And that is why we are here today.

Today's hearing is an opportunity for those of us on this committee eager to upend some of this Nation's greatest injustices—the denial of a vote in Congress, the denial of a say in matters of war and peace, the denial of self-governance and self-determination, the denial of full participation in a representation democracy.

For too long, we have both accepted and perpetuated a fundamentally flawed system. One that allows you to fight in a war, but gives you no say in when to end it. A system where you are a citizen, but not guaranteed the full rights of that citizenship. A system which mandates you pay your fair share in taxes, but limits the power for your decide how those tax dollars are used.

For the people of D.C., taxation without representation is more than just a catchy hashtag or a bumper sticker slogan or a hallmark of our storied past. It is a harsh reality that leaves too many people at the margins of this great, albeit unjust, society.

Full representation in D.C. is about more than full democracy in D.C. It is about living up to our ideals as a Nation. It is about creating a more fair and just democracy for all of America.

We are in a pivotal moment when the stakes of this Nation are high. And looking around this room today, we have a formidable movement afoot, and we must no longer be willing to justify injustice. We must no longer be willing to deny American citizens the full rights of citizenship. We have the momentum, and now we must use it.

So I am here on this historic day in solidarity, and I did want to ask Mayor Bowser and Chairman Mendelson, I know you were alluding to this earlier, but I wanted to give you some time to further expound upon how has this form of Government affected D.C.'s mandate to carry out the will of its people?

Mayor BOWSER. Thank you, Congresswoman, and thank you for being with us today.

I think you have laid it out perfectly. The first harm to the District is that—to residents of Washington, DC, is that our Congresswoman doesn't have a vote, and we do not have two Senators. But it is also true that our lack of sovereignty harms us, too.

The laws that we pass are subject to review by this Congress. And the budget that we pass is subject to review by this Congress. Our very existence could be wiped away by the whim of the Congress. And so that lack of sovereignty in forever self-determination renders us unequal to our fellow Americans, and that is what we are here to talk about.

I might also add, Congresswoman, a number of folks have mentioned that the Twenty-Third Amendment prohibits us from becoming a state, and it has already been opined in this great Capitol in an earlier hearing by constitutional law professor Viet Dinh that the Twenty-Third Amendment will not prevent this Congress from voting on the D.C. Admission Act.

Furthermore, the committee staff has already reported to you in addition to what H.R. 51 lays out as a way to deal with the Twenty-Third Amendment, that the Twenty-Third Amendment, in itself, is not self-effectuating, that it takes an act of this Congress to effectuate the Twenty-Third Amendment.

Legislation was passed six months after the Twenty-Third Amendment went into effect. And this Congress will have to vote on our legislation but can certainly also render another piece of legislation that erases the effect of the Twenty-Third Amendment in the District.

Mr. MENDELSON. If I may add to that?

Ms. PRESSLEY. Thank you.

Mr. MENDELSON. Oftentimes, we find that the legislation that we passed is subject to controversy over national issues here in Congress, and that would go away if we are a state. And I'll give you an example, and that is needle exchange.

Needle exchange is a practice that has been used in many cities, many jurisdictions to try to reduce the incidence, the spread of diseases like HIV among the addict population. It is a program that we've tried to have in the District for many years.

Congress, because we are not a state, prohibited our implementing that program. And as a result, we have the highest incidence or have had the highest incidence of HIV-AIDS of any jurisdiction in the country.

That's an example where because we are not a state, because of Congress' ability to interfere with our programs and our laws, that we have seen a direct adverse effect on public health in the District.

Thank you for the question.

Ms. PRESSLEY. Thank you.

Ms. NORTON. The gentlewoman's time has expired. Mr. Roy?

Mr. ROY. Thank you, Madam Chairwoman.

Appreciate all of you for your time here today, sharing your views on this important issue and for the way you are answering questions here today.

Question, Madam Mayor. Do you support the electoral college?

Mayor BOWSER. It's the law of the land, sir.

Mr. ROY. Do you think the electoral college is good for the Republic?

Mayor BOWSER. It's the law of the land, sir.

Mr. ROY. Well, but you are seeking statehood with a great deal of passion, and I am just curious—it is a genuine question. It is not

a gotcha question or anything like that. I am just curious if you think the electoral college is important?

Mayor BOWSER. Congressman, as Mayor of the District of Columbia, I swear an oath to protect and defend the Constitution of the United States. And as such, I support the laws of our land.

Mr. ROY. Do you think the electoral college would be beneficial to a hypothetical or enacted District or, I should say, state of Washington, DC.

Mayor BOWSER. The 51st state?

Mr. ROY. If Washington, DC, as named, became a 51st—

Mayor BOWSER. We would—

Mr. ROY [continuing]. State, would the electoral college benefit that state?

Mayor BOWSER. We would have the electoral college votes that our population requires.

Mr. ROY. Okay. Dr. Pilon, do you have any thoughts on that, about the importance of the electoral college and statehood?

Dr. PILON. The importance of the electoral college is that it recognizes states as states. When the country was formed, under the Constitution, the role of the states was crucial, and we see that in the very first sentence of the Constitution after the Preamble.

“All legislative power herein granted shall be vested in a Congress, which shall consist of a Senate and a House of Representatives.” That was the enumerated powers document that limited the power to the Congress.

And then when you get the Tenth Amendment, you see that, “The powers not delegated to the United States by the Constitution, nor prohibited by it to the states, are reserved to the states respectively.”

Mr. ROY. Right.

Mr. PILON. That’s why it’s important, to preserve the role of the states.

Mr. ROY. Yes, thanks, Dr. Pilon. I agree with that.

And Mayor, the reason I brought that question up, right, is there is obviously a lot of debate these days about the electoral college and its pros and its cons. I happen to be a supporter of the electoral college. I think it is important and a recognition of the primacy and importance of states to our Republic and to the Union.

So I find it with some bit of amusement, while I recognize a lot of my colleagues in an impassioned desire to deal with the enfranchisement issue, the disenfranchisement question with respect to voting, I understand that. I would also just ask on that point, the population of the District of Columbia was—or in 1800, what, about 14,000, 15,000?

Mayor BOWSER. In 1800, I think it was less than that.

Mr. ROY. Yes, ma’am. Somewhere in that zip code or smaller. And then, today, you guys are saying 700-and-some thousand. We got a Census coming up, but something like that?

Mayor BOWSER. Yes.

Mr. ROY. And so it just strikes me as noteworthy that people continue to move to the District of Columbia, recognizing the state that we find ourselves in. Not the state, statehood, but the existence of the District of Columbia as it is in our current framework,

right? A district. A unique entity that was created because the Founders wanted to have a separate entity.

People move there, recognizing that, and they have got a choice. They could vote with their feet. They could move into Maryland. They could move to Virginia. They could be in another location. That is fine.

Mr. RASKIN. Would the gentleman yield?

Mr. ROY. Yes, give me one minute to finish, and then I would be delighted to yield.

Which the other point that I would like to make is the intertwined nature of the city with the Federal Government. And I think this would be a question maybe for Mr. DeWitt. I think revenue growth this year, and I was reading in an article about District of Columbia, is relatively flat for the District of Columbia this year. Is that true?

Mr. DEWITT. No, that's not true. It's growing at more than three percent.

Mr. ROY. Okay. Earlier this year, you predicted revenue growth would pick back up to four percent in fiscal 2020, but that it was relatively flat. There was an article that had you quoted along those lines.

Mr. DEWITT. It means relatively flat prior to the forecast. It's still growing at more than three percent year.

Mr. ROY. Okay. But one of the points that was raised was that there was a hit that came from the 35-day Federal Government shutdown. Is that correct?

Mr. DEWITT. That is correct.

Mr. ROY. A revenue shortfall of like \$47 million, potentially?

Mr. DEWITT. That is correct.

Mr. ROY. And my point being is there is an inherent unique quality to the District of Columbia, the way it was created and structured. We saw the questions about the maps, and we can debate about garages and so forth. The point my friend from Kentucky was trying to make is that when we try to cut this down to just basically the Mall and the Capitol and the White House and a handful of Federal buildings, it is not taking into account the extent to which this city has been built up around the Federal Government and is inherently intertwined in terms of the population, economy, jobs, and so forth.

So I think that it is important to recognize that, and I opened the question with respect to the electoral college, recognizing that if states are central to our existence as a republic, we recognize the importance of why Senators matter. And it is not just a game of power, it is a game of why those Senators matter to represent that state, and I think that is important in this discussion.

[Gavel sounding.]

Mr. ROY. Thank you, ma'am.

Mr. MENDELSON. If I could just—Madam Chairwoman, if I could just—

Ms. NORTON. The gentleman's time has expired, but you may respond, Mr. Mendelson.

Mr. MENDELSON. Thank you.

There is no question but that the District does—is affected very much by the Federal Government economically, and we did take a

hit with the shutdown. But so did Northern Virginia and Maryland.

Mr. ROY. I am aware.

Mr. MENDELSON. Sequestration a few years ago, we saw that Maryland and Virginia were hurt, hurt just like the District of Columbia was.

Mr. ROY. Sure.

Mr. MENDELSON. So we're not unique in that regard. There is a relationship, no question about it. But it's not—in terms of the economy, it's not unique to the District just because the Federal Government is seated here. It affects Maryland and Virginia substantially as well.

And I would just add with regard to the electoral college, I kind of, I think, share your view on it. We don't expect there would be any change. We have three votes in the electoral college now, and we expect with statehood, we'll have three votes in the electoral college.

[Gavel sounding.]

Ms. NORTON. Thank you very much for that response.

Ms. Tlaib? I am sorry.

Mr. Sarbanes?

Mr. SARBANES. Thank you. Excuse me. Thank you, Madam Chair, and congratulations on your advocacy on this issue.

This is a historic day and I want to congratulate the District of Columbia. I want to thank all the advocates and the city officials who have come here today and have stayed for the entire hearing to demonstrate their support for D.C. Statehood.

The Congress of the United States—the House of Representatives, at least—on March 8 of this year passed the For the People Act.

It was the first bill we introduced, a comprehensive effort to restore our democracy with stronger voting opportunities, registration and voting, accountability in government, campaign finance reform.

As that bill was coming together, the narrative around it was to give people their voice back—that too many Americans all across the country feel that their voice is not respected—that they don't have the power in their own democracy that they deserve.

And as we said those kinds of words over and over again, it became very clear that there needed to be some statement contained within the four corners of H.R. 1 with respect to D.C. Statehood.

I want to thank Ms. Norton for pushing very hard for that to put findings, language into H.R. 1 that says that Congress finds that the District of Columbia residents deserve full congressional voting rights and self-government, which only statehood can provide.

That passed the House of Representatives. You have moved this campaign, this effort, for D.C. Statehood to a new place and I want to congratulate you for that.

It also can be observed that if we can finally achieve this, if we can grant D.C. the statehood that it—that it deserves, it is not a gift.

This is something that the residents of the District of Columbia have earned over the course of their history. You have earned it. You serve your country. You paid your taxes.

This is something that is—that is owed to the residents of the District of Columbia by this Nation, and that is why some of us feel so strongly about it.

There is a path. This bill, H.R. 51, is the path. I don't understand. I must tell you, I have listened carefully to the arguments that are being thrown up against this bill on the other side and it sounds like angels dancing on the head of a pin.

It doesn't make a whole lot of sense to me because I don't think there really is a good powerful rationale to object to H.R. 51.

Mayor Bowser, you kind of answered the question I was going to ask you in response to Congresswoman Pressley.

But talk a little bit more, if you would, about what it has meant to the residents of the District of Columbia to have been treated essentially as second-class citizens for so long.

What does it mean to carry that around on your shoulders as a resident and what would it mean to D.C. residents if, finally, they could throw off the burden of that second-class citizenship and have D.C. Statehood and full voting rights embraced by the Congress of the United States?

MAYOR BOWSER. Well, thank you for that. Thank you for that question, Congressman.

Certainly, I described at the beginning I was born and raised here and it would not be a simple question for me just to up and move to another state to get the rights that are due me as a tax-paying American citizen.

It is a great indignity, having been twice elected by the people of the District of Columbia as their chief executive and three times elected as a legislator, that I would have to come to this Congress to appeal to it not to overturn the laws that have been duly passed by the D.C. Council and signed by its mayor.

It is a great indignity when great questions affecting this country we have nobody to call in the Senate to speak for us.

When there is a great debate about who sits on the Supreme Court, for example, who will decide how we have health care, how women will be able to exercise their rights, we have no voice. We have no one to call to speak for us.

Yet, we pay more taxes per capita than any state. Yet, we pay more taxes than 22 states. This Congress has the authority, the full constitutional power, to correct this problem of our democracy and this political issue.

It squarely lies in the hands of the Congress to fix.

MR. SARBANES. Thank you. I yield back.

MS. NORTON. I thank the gentleman.

MS. TLAIB?

MS. TLAIB. Thank you, Madam Chair.

MAYOR BOWSER, is it true that you hung flags with 51 stars all over your city?

[Laughter.]

MAYOR BOWSER. Thank you, Congressman.

And I am glad you asked me that because we revere our flag and we think it is more perfect when every taxpaying American is represented on that flag.

MS. TLAIB. I would love one.

MAYOR BOWSER. Yes. You have got it.

Ms. TLAIB. Yes. I would love to hang it outside of my office.

[Applause.]

Ms. TLAIB. One of my mentors said, you know, you got to put it out there. You got to claim it, Rashida, and it will happen. So I appreciate your leadership and your courage in showing and having people sense what the possibility could be.

Mayor BOWSER. Absolutely.

Ms. TLAIB. And I apologize if this is redundant or if folks covered this. But, you know, it is important. You know, one of the things that we constantly talk about is no taxation without representation was one of the rallying cries of the American Revolution, and the full phrase was “taxation without representation is tyranny.”

Mayor BOWSER. Yes.

Ms. TLAIB. One of the grievances included in the Declaration of Independence was imposing taxes on us without our consent. More than 200 years later, tyranny in the form of taxation without representation remains in the District of Columbia.

D.C. residents pay full Federal taxes but have no vote on Federal laws that govern them and Congress has the final say on all D.C. laws.

D.C. paid more than \$28 billion in Federal taxes in Fiscal Year 2018. The last two states admitted to the Union, Alaska and Hawaii, paid approximately \$15 billion combined in 2018.

So, Mr. DeWitt, D.C. pays more than how many other states in Federal taxes?

Mr. DEWITT. In terms of the per capita, we are the highest.

Ms. TLAIB. How much does D.C. pay in Federal taxes per—I mean, how much—where does D.C. rank compared to states and Federal taxes paid per capita? You said the highest out of all of them.

Mr. DEWITT. We are—

Ms. TLAIB. How much does the state that pays the highest Federal tax per capita—how much does the state that pays the highest Federal tax per capita—what is the second?

Mr. DEWITT. So we pay—we remit to the IRS about \$28 billion, as you said.

Ms. TLAIB. Yes.

Mr. DEWITT. We get about a little less than \$4 billion from the Federal Government. Even when you look at it on the individual income tax filing, we file \$6 billion and we still—and we get \$4 billion.

So no matter how you look at it, we pay more taxes than we get in benefits.

Ms. TLAIB. So I read that more than double—this is double what the next highest state pays in Federal taxes. That is what I was trying to get to.

Yet, that they are deprived of having their elected officials vote in Congress, one of the most fundamental principles underlining our Constitution and anybody that knows me knows I uphold the Constitution as much as I can.

I put my country first by doing that and I feel in many ways all the residents of the Washington D.C. area—in the District of Columbia are being denied access to that representation.

I have to ask you, Mr. Miller, thank you. Thank you so much for your 28 years of service in the military and serving our country.

As a D.C. resident, do you believe these same Members of Congress who oppose D.C. Statehood are denying you representation, a cornerstone of democracy, which they thank you for safeguarding?

Mr. MILLER. Well, thank you for that, Congresswoman.

Yes, absolutely. We—and I think you can see as you came in the passion of the—we had a lot of D.C. veterans out there today.

That is why I called them patriots because they weren't just veterans. They were passionate veterans—patriots. And I think that, certainly, they would want all of our members who are in support from both Houses because, you know, they serve, and especially at our conventions.

They belong to a lot of veteran service organizations, and so they are there with their fellow members from other states. And their fellow veterans are saying, hey, you know, what is your position or what is your congressional position on certain issues, and they can't even say we have one.

And so they can't even get into the dialog with their own fellow veterans, who they serve next to in the service. And so I think that it is very necessary that both Houses get together and stand up, like I said, like we have stood up for them.

Ms. TLAIB. And thank you, Mr. Miller.

I want folks to know what I learned growing up in the city of Detroit is that transformative change doesn't happen because it starts in the halls of Congress.

It happens because of movement work—the things that happen in the streets, grassroots movement work like I have seen.

The first day I got here people asked me, will you help us—will you help us get representation—will you help us get access to have a Member of Congress vote on our behalf.

And I want you to know it will happen the more you all demand it. So I really appreciate your courage, all of you, in pushing this forward, and I thank you and I look forward to voting for this.

Mr. RASKIN. Will the gentlelady yield?

Ms. TLAIB. Yes, I will yield.

Mr. RASKIN. The argument has been made, Madam Chair, that people are moving to Washington, DC. knowing that they will be disenfranchised. But they are not moving to Washington, DC. in order to become disenfranchised.

And all of the Federal territories that we have admitted as states had people who moved there knowing full well that at least at the beginning they would not have voting rights.

If we used the rationale of the gentleman from Texas, none of those territories, none of those republics including Texas itself, ever would have been admitted because the people living there knew that they were disenfranchised under our system.

The inescapable imperative of American history is to give everybody equal rights, equal citizenship, and the right to participate in our government.

I yield back. Thank you for yielding.

Ms. NORTON. The gentlewoman's time has expired.

Ms. Ocasio-Cortez?

Ms. OCASIO-CORTEZ. Thank you, Chairwoman, and I would like to join in the chorus applauding you on this historic day and this historic day for the people of the District of Columbia.

This has been a long fight. I believe that we will achieve our goal.

I come from a people who are also disenfranchised in the United States. My family is from Puerto Rico. I have family that have been born without the right to a Federal vote and I have family that, even in the aftermath of Hurricane Maria, have died without the right to vote and I wish that upon no citizen of the United States of America.

Where the disenfranchisement of Puerto Ricans is rooted in the history—the colonial and imperialist history that we have had and policies of the United States, the issue of D.C. Statehood is rooted in a different evil in our history, which is the history of slavery in the United States.

When we talk about dealing with that history today, and there are so many people that say, why do we need to talk about this—this was, quote, unquote, “so long ago,” which it is not so long ago—it is because our policies today uphold the injustices that were enacted during slavery.

I believe that this is one of them. On April 16, 1862, through the Compensation Emancipation Act, it was the District of Columbia that was the first to free enslaved people in the United States of America, right here on this hallowed land. The first.

Meanwhile, surrounding areas remained unfree and D.C., here, this ground blazed a trail of vision for equality and justice in the United States, and many people sought refuge from the tyranny of slavery right here in the District of Columbia.

And it is a profound injustice and an irony, a thick irony, of our history that the people who fled here to the District of Columbia to flee slavery because of the enlightenment of this community are now disenfranchised because of that very act.

And so the descendants—many people who are the descendants of those who were freed under the tyranny of slavery are now disenfranchised today in American history. We cannot stand for that, and to uphold and to deny—to deny the statehood of the District of Columbia is to deny the impact of slavery in America.

It is a form of denial of our history, and in order for us to achieve the full-bore justice and democracy that we promise, we need to give people in the District of Columbia the right to vote.

We have to do that through the recognition of statehood, through equal citizenship, and the elimination of institutions of second-class citizenship in the United States of America if we wish to live up to the ideals of democracy, of freedom, and a true republic that we have today.

But with that being said, we need to, I think, also highlight the very real impacts of that disenfranchisement.

Ms. Bowser, how does D.C.’s current status affect children—elementary school students in the District of Columbia?

Mayor BOWSER. Well, thank you, Congresswoman.

We sometimes see efforts from the Congress to move legislation in the District that doesn’t exist in their own states and we have seen that around issues of public education.

Ms. OCASIO-CORTEZ. And in what ways have we seen disparate impacts?

Mayor BOWSER. We have—I think you recognize that we have a three-sector system in our city. We have, over many years of local investment and transformation, changed opportunities for public education.

We have traditional schools. We have public charter schools, and the Congress has also invested in vouchers.

Ms. OCASIO-CORTEZ. Thank you, Ms. Bowser.

I also want to clarify that throughout this hearing we have heard and we have seen people say that there are constitutional oppositions to this, and there is an argument over that.

But earlier this year when the House considered H.R. 1, the For the People Act, there was a Republican amendment that was filed that expressed the sense of Congress that D.C. Statehood in any case, including considering of a constitutional amendment—in any case should, quote, “never become a state.”

Now, we have to ask ourselves why that unilateral opposition and partisan opposition exists to the statehood and enfranchisement of the people of Columbia, and overwhelmingly we have to see that when each of these grounds continue to be eroded and we still oppose enfranchisement of the District of Columbia, we are upholding institutions of injustice.

And I want to thank all of our witnesses here today. I, again, want to congratulate our chairwoman on a historic hearing and everyone here that is fighting for what is right.

Thank you very much.

Mayor BOWSER. Thank you, Congresswoman.

Ms. NORTON. I informed the ranking member that I believe all members have been heard and I will therefore ask a question and the ranking member or any member he designates can then ask a question.

I would just like to make sure the record is clear on the size of the District because having the District at a size—having the capital at a—or the enclave at a size that is smaller than today may raise some questions and so I would like to draw that question out.

We know that the Congress has plenary authority over the District of Columbia and we recognize that the size may not exceed a hundred square miles.

Now, Congress has changed the size of the District twice. The first time is important to note because it was in 1791 when it amended the southern boundaries of the District. The reason that is important is because not only did 13 Framers, including James Madison, vote for the amendment but that was contemporary with the Constitution itself.

So it says that Congress knew that the size could be reduced. Not exceeded more than 100 square miles but reduced.

Then, again, in 1846 Congress reduced the size and that time it was by about 30 percent and, apparently, all that was needed was that Virginia asked for its land back and it got its land back.

Now, many of our colleagues on the other side believe themselves to be originalists or textualists.

Mr. Thomas, let me ask you a question. Do the original meaning of the text—does the original meaning or does the text of the dis-

district clause indicate that Congress cannot reduce the District's size?

Mr. THOMAS. The constitutional text only provides for a maximum size and it does not provide—

Ms. NORTON. Thank you, Mr. Thomas.

If a court looked beyond the original meaning or the text of the district clause, would it find legislative history indicating that the Framers intended to impose a minimum size on the District of Columbia?

Mr. THOMAS. The legislative history is—has certain indications. There were attempts to set different sizes that were rejected. There were attempts to make the size of the government permanent.

Most of those did not make it. Those did not make it into the text of the Constitution and we do have some indications that there was a—there was a sense that Congress would have discretion in deciding the size and location.

So I wouldn't say we have definitive legislative history. But I don't believe that there is strong legislative history for a established minimum—for a minimum—

Ms. NORTON. Congressional matter, in other words.

The district clause does not—I can't find in the district clause specification of the location or the minimum size of the Federal district.

Mr. THOMAS. Correct.

Ms. NORTON. Again, I am looking like an originalist at the Constitution. What does that suggest about the authority of Congress, if it is not in the Constitution, to determine the minimum size of the District of Columbia?

Mr. THOMAS. As I suggested previously, there is no textual limitation and so the suggestion would be the fact that there is a maximum limitation that Congress was provided the discretion to decide to either set it at that maximum or set it at something lower.

Ms. NORTON. So it is clear the District couldn't exceed, perhaps because they didn't want the District to encroach on somebody else's land.

But whatever was the reason it couldn't exceed—it couldn't expand beyond that hundred square miles.

Mr. RASKIN. Will the gentlelady yield?

Ms. NORTON. I will yield to the gentleman.

Mr. RASKIN. The point is exactly as you say. There is a constitutional ceiling but there is no floor, which then returns us to the text of Article 1 Section 8 Clause 7, which says that Congress shall exercise exclusive legislation in all cases whatsoever over the District.

So, presumably, it is up to Congress to set the size. I yield back.

Ms. NORTON. Well, the important point here is that I looks like the Framers understood that they couldn't put everything in the Constitution.

Mr. Thomas, the District clause does give Congress, as the gentleman said, plenary authority—that is all the authority—over the District. Does the case law suggest that the Congress has the authority to determine the minimum size of the District?

Mr. THOMAS. Congresswoman, the—there was a Supreme Court challenge to the retrocession to Virginia. However, because the ret-

recession occurred 30 years after the retro session the court declined to reach the final—the final resolution saying, essentially, that the case had been brought too late and that the court was going to essentially hold that the issue was estopped.

There was some dicta in there that would suggest that it might be a political question, meaning that it might be—the decision regarding retrocession of Virginia might have been something not amenable to Supreme Court review. But that is not a holding of the case. It is just dicta.

Ms. NORTON. Yes. It is too late, in other words. That was almost a hundred years ago. It was too late to raise such a question.

I want to ask the ranking member if he has any questions, by the way, while you are—if you will give me a second, because 51—the notion that there is a flag floating around with 51—with 51 stars emphasize that that is the flag to which the District aspires and maybe we should show people what that flag looks like. See, you can't even tell the difference. What is the harm?

[Applause.]

Ms. NORTON. I am pleased to yield to my good friend, the ranking member.

Mr. JORDAN. I thank the chair and I do want to thank all our witnesses for being her today for this hearing.

Maybe just a few things that were raised by the gentlelady from New York in her questioning—questions about education. So maybe I will come to you, Mayor.

Do you support the Opportunity Scholarship Program?

Mayor BOWSER. We have supported the three-sector approach, Congressman.

Mr. JORDAN. The SOAR Act?

Mayor BOWSER. Yes.

Mr. JORDAN. Yes. And we have to—I believe, Madam Chair, we have to—we have to reauthorize—

Ms. NORTON. Would the gentleman yield? She didn't say what the three-sector approach was. Nobody knows what you are talking about.

Mr. JORDAN. Well, I know what it is. But we will let the mayor say it.

Mayor BOWSER. The SOAR Act.

Mr. JORDAN. Yes, SOAR Act. Private schools, public schools, Opportunity Scholarship Program, right?

Mayor BOWSER. Yes.

Mr. JORDAN. All three.

Mayor BOWSER. Yes.

Mr. JORDAN. And we have to reauthorize that sometime soon. So you support reauthorization of that Act?

Mayor BOWSER. Yes.

Mr. JORDAN. Do you support the president's increase in funding for that Act?

Mayor BOWSER. I do.

Mr. JORDAN. Okay. Madam Chair, I yield back.

Ms. NORTON. I thank the gentleman for yielding.

Mr. RASKIN. Madam Chair?

Ms. NORTON. Does the gentleman have—first of all, I have not introduced all of the letters that have come from organizations. At

some point, I will want to make sure that those letters are introduced for the record.

The gentleman have a question?

Mr. RASKIN. It is a submission for the record. I can do it now or I can do it later.

Ms. NORTON. Well, you can submit them after the fact.

Mr. RASKIN. Well, the question was raised, Madam Chair, whether the Trump Hotel would be in the new state or whether it would continue to enjoy the direct supervision of the GSA and the president of the United States.

It is amazing to me that the political rights of 700,000 people might be conditioned on the business interests of one man.

But in any event, the Trump Hotel would be treated just like the other private hotel that is located on Federal land, the Hotel Monaco, which is also in downtown D.C.

And there is just this article from Politico called "GSA Ignored Constitution on Trump D.C. Hotel Lease" that has some of the details of these matters.

I would like to submit it for the record.

Ms. NORTON. So ordered.

Ms. NORTON. I believe we have heard from everyone present. Without objection, the following documents shall be made a part of the record:

Legal analysis from the American Civil Liberties Union, "Finding H.R. 51 Constitutional," testimony of former George W. Bush Administration Assistant Attorney General from the 2014 Senate Homeland Security and Government Affairs Committee hearing on D.C. Statehood declaring H.R. 51 to be constitutional.

Also, a list of more than a 128 organizations including 104 national organizations that have endorsed H.R. 51.

I understand that there is another member that wants to ask a question. Mr. Welch did not have the opportunity.

Mr. Welch, do you have a question?

Mr. WELCH. I do. Thank you. And by the way, thank you for all your years of leadership on this, Madam Chair. You have been an inspiration for us. We really appreciate all you are doing to try to bring statehood to D.C.

The Twenty-Third Amendment of the Constitution allows D.C. to participate in Presidential elections. If enacted, H.R. 51 would admit the state of Washington D.C. but leave the Twenty-Third Amendment in place.

As such, the residents in a reduced D.C. would likely control three electoral votes, and as a practical matter it seems likely the Twenty-Third Amendment would be repealed soon after the state of Washington, DC. is admitted. Congress and the states would not want the few residents of the reduced D.C. to have so much power over the election of the president.

Mr. Thomas, reasonable people can disagree on whether as a matter of policy the Twenty-Third Amendment should be repealed. However, does the Constitution require that the Twenty-Third Amendment be repealed before admission?

Mr. THOMAS. Congressman, if the—if the Twenty-Third Amendment is not repealed, it will still be in effect and it will, of course,

co-exist with the new—the new state, which would not have those electoral votes.

Again, setting aside the outstanding questions regarding D.C. Statehood, the question would be what effect would the Twenty-Third Amendment have at that point. What would be left of the Twenty-Third Amendment because the statute—the statute can't really affect that.

Mr. WELCH. Right. And is there anything in the text of the legislative history of the Twenty-Third Amendment that imposes a minimum size on D.C.'s population or geography?

Mr. THOMAS. I believe in the committee hearings there were some discussion of why a constitutional amendment was so important in relationship to some other proposals to give a vote. But I do not believe that the Twenty-Third Amendment addressed a requirement of geographical continuity.

Mr. WELCH. Okay. Let me ask a last question.

There are people who argue that the Twenty-Third Amendment would be moot or a dead letter if H.R. 51 were enacted, either because H.R. 51 repeals the enabling legislation for the Twenty-Third Amendment or because the Twenty-Third Amendment would no longer serve a purpose or would lead to an absurd result.

Do you agree with the view that the Twenty-Third Amendment would be moot or a dead letter under H.R. 51?

Mr. THOMAS. So I believe this is a novel constitutional issue. It actually can be relatively complex because the assignment of an elector is not given to the people of the District. It is actually given to the District itself or the District government.

And the assignment of Electoral College—electors to the Electoral College is not traditional exercised by individuals but has historically been exercised by states.

So I feel like there are a number of complexities in the Twenty-Third Amendment that would give—you know, it would just—it would just make for a series of novel constitutional questions that I don't think have obvious answers.

Mr. WELCH. Okay. Thank you very much. I thank the panel and I yield back. Thank you, Mayor.

Mayor BOWSER. Thank you, Congressman.

Ms. NORTON. I thank the gentleman for his question and I would like to thank all of our witnesses who have come today and have sat through the entire hearing so that they could all be asked questions.

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 quickly as you are able. Let me also announce that the committee will stand in recess until after the last series of floor votes and we will reconvene—that is, the members of the committee only—at 4:30 to consider the motion by the gentleman from Ohio.

Members and staff should be advised that the committee intends to resume promptly at 4:30 and all are urged to be on time.

The committee stands in recess subject to the call of the chair.
[Recess.]

Ms. NORTON. I appreciate Members coming back. This won't take long, I don't believe.

The committee shall come to order now. It is now in order to consider the unfinished business of the committee, which is the motion offered by the gentleman from Ohio, Mr. Jordan.

The clerk will designate the motion.

The CLERK. A motion offered by Mr. Jordan to subpoena Councilmember Jack Evans.

Ms. NORTON. The gentlewoman from the Virgin Islands is recognized for a motion.

Ms. PLASKETT. Thank you.

At this time, Madam Chairwoman, I make a motion to table this matter.

Ms. NORTON. All those in favor of tabling the motion on the floor, say aye.

Those opposed, no.

All those opposed?

In the opinion of the chair, the ayes have it, and the motion is tabled.

Mr. JORDAN. I ask for a roll call vote.

Ms. NORTON. A roll call vote has been requested. The clerk will call the roll.

The CLERK. Mr. Cummings?

Mrs. Maloney?

Mrs. MALONEY. Aye.

The CLERK. Ms. Norton?

Ms. NORTON. Aye.

The CLERK. Mr. Clay?

Mr. Lynch?

Mr. LYNCH. Aye.

The CLERK. Mr. Cooper?

Mr. COOPER. Aye.

The CLERK. Mr. Connolly?

Mr. CONNOLLY. Aye.

The CLERK. Mr. Krishnamoorthi?

Mr. KRISHNAMOORTHI. Aye.

The CLERK. Mr. Raskin?

Mr. RASKIN. Aye.

The CLERK. Mr. Rouda?

Mr. ROUDA. Aye.

The CLERK. Ms. Hill?

Ms. HILL. Yes.

The CLERK. Ms. Hill votes yes.

Ms. Wasserman Schultz?

Ms. WASSERMAN SCHULTZ. Yes.

The CLERK. Ms. Wasserman Schultz votes yes.

Mr. Sarbanes?

Mr. Welch?

Ms. Speier?

Ms. Kelly?

Mr. DeSaulnier?

Mr. DESAULNIER. Aye.

The CLERK. Mr. DeSaulnier votes yes.

Mrs. Lawrence?

Ms. Plaskett?
Ms. PLASKETT. Aye.
The CLERK. Ms. Plaskett votes yes.
Mr. Khanna?
Mr. KHANNA. Aye.
The CLERK. Mr. Khanna votes yes.
Mr. Gomez?
Ms. Ocasio-Cortez?
Ms. Pressley?
Ms. Tlaib?
Ms. TLAIB. Yes.
The CLERK. Ms. Tlaib votes yes.
Mr. Jordan?
Mr. JORDAN. No.
The CLERK. Mr. Jordan votes no.
Mr. Gosar?
Ms. Foxx?
Mr. Massie?
Mr. MASSIE. No.
The CLERK. Mr. Massie votes no.
Mr. Meadows?
Mr. MEADOWS. No.
The CLERK. Mr. Meadows votes no.
Mr. Hice?
Mr. HICE. No.
The CLERK. Mr. Hice votes no.
Mr. Grothman?
Mr. GROTHMAN. No.
The CLERK. Mr. Grothman votes no.
Mr. Comer?
Mr. Cloud?
Mr. Gibbs?
Mr. GIBBS. No.
The CLERK. Mr. Gibbs votes no.
Mr. Higgins?
Mr. HIGGINS. No.
The CLERK. Mr. Higgins votes no.
Mr. Norman?
Mr. Roy?
Mr. ROY. No.
The CLERK. Mr. Roy votes no.
Mrs. Miller?
Mrs. MILLER. No.
The CLERK. Mrs. Miller votes no.
Mr. Green?
Mr. Armstrong?
Mr. ARMSTRONG. No.
The CLERK. Mr. Armstrong votes no.
Mr. Steube?
Mr. STEUBE. No.
The CLERK. Mr. Steube votes no.
Mr. Keller?
Mr. KELLER. No.
The CLERK. Mr. Keller votes no.

Ms. NORTON. Is there any other member wishing to vote or wishing to change her or his vote?

Mr. GOMEZ. How am I recorded?

Ms. NORTON. You are not recorded, sir.

The CLERK. Mr. Gomez is not recorded.

Ms. NORTON. Would you say that again?

Mr. GOMEZ. Aye.

The CLERK. Mr. Gomez votes yes.

Ms. PRESSLEY. Pressley, how am I recorded?

The CLERK. Ms. Pressley is not recorded.

Ms. PRESSLEY. Aye.

The CLERK. Ms. Pressley votes aye.

Ms. NORTON. Any other member wishing to vote or to change her vote?

[No response.]

Ms. NORTON. The clerk shall report the vote.

[Pause.]

The CLERK. Madam Chair, there are 16 yeases, 12 nays.

Ms. NORTON. On this vote, there were 16 ayes and 12 nays. The motion is carried.

There being no further business—

Mr. JORDAN. Madam Chair, I just have one final thing, if I could real quick?

Ms. NORTON. I recognize the ranking member.

Mr. JORDAN. Madam Chair, we just have a letter that every member of the Republican—on the Republican side has signed. Pursuant to House Rule XI, clause 2(j)(1), we write to notify you that we are exercising our right to call witnesses selected by the minority to testify.

And so we have that letter that we would like to have you—present that to you now.

Ms. NORTON. Thank you very much, Mr. Jordan.

There being no further business, the committee stands adjourned.

Mr. MEADOWS. Stands in recess.

Ms. NORTON. Why would it stand in recess?

Mr. MEADOWS. Because we have asked for our minority witnesses.

[Pause.]

Ms. NORTON. The committee will come to order. The minority's request will be honored—will be considered and honored.

There being no further business, the committee stands—

Mr. CONNOLLY. Parliamentary inquiry, Madam Chairman. I am not sure I understand.

Ms. NORTON. Yes, sir.

Mr. CONNOLLY. Could you please clarify, what do you mean “honored”?

Ms. NORTON. The committee has asked for a minority day.

Mr. CONNOLLY. Ah.

Ms. NORTON. And that is something we will consider, and if it is in order, it will be honored.

Mr. CONNOLLY. I would just note for the record—

Ms. NORTON. I have not seen this until this moment.

Mr. CONNOLLY. Right. I would just—I certainly, Madam Chairman, am in favor of minority rights. I was in favor of minority rights for the eight years we were in the minority. I don't remember a single member of the other side of the aisle ever supporting us when the then-chairman suppressed our right to have witnesses.

And I know Mrs. Maloney will remember the most infamous one, where a coed from Georgetown, that was our witness, at a table talking about religious freedom and reproductive rights, we were denied even that.

And so I certainly look forward to having this dialog and this new-found enthusiasm and zealotry for having minority witnesses.

Thank you, Madam Chairman.

Mr. JORDAN. Madam Chair? Madam Chair?

Ms. NORTON. Mr. Jordan. Mr. Jordan?

Mr. JORDAN. Well, I would just point out to my friend from Virginia, obviously different—different circumstance. I wasn't the chair of the committee. All I know is this week we have asked for two witnesses, and we have been denied both witnesses on two successive days, two different hearings.

And all we are pointing out here is we would like a minority hearing day with those witnesses that we have asked to come. One of them was the inspector general for the District, and yesterday we had a hearing with the head of the inspector generals association, and he wasn't allowed to come.

So that is all we are asking, and twice this week, we have been turned down. So that is why we have sent the letter that every single Republican has signed, and we appreciate the chair's willingness to deal with it in the appropriate fashion.

Ms. NORTON. I want to say, Mr. Jordan, you are entitled—you were entitled today to one witness. You chose your witness, and then you came up with yet another witness that you wanted. We are trying to do regular order here. We are trying to be fair.

And there is no—there is no attempt to keep you from having the number of witnesses to which you were entitled. What the gentleman from Virginia noted was that we were not given the same courtesy. We don't want to do tit-for-tat. We want you to have exactly what the rules allow, and that is what the rules are allowing.

And that is what the rules are allowing, and if your minority day is in order, that is what should happen.

Mr. JORDAN. Thank you.

Ms. NORTON. So I thank the cooperation of my good friends on the other side.

There being no further business, the committee stands adjourned—recessed. I am sorry. There is a difference in those words.

[Whereupon, at 4:50 p.m., the committee recessed.]

