



D I S T R I C T O F C O L U M B I A B A R  
*District of Columbia Affairs Section*

**Statement of the District of Columbia Affairs Section of the District of Columbia  
Bar on Advisory Referendum B -- “Advisory Referendum on the State of New  
Columbia Admission Act Resolution of 2016”**

The District of Columbia Affairs Section of the District of Columbia Bar (the “Section”) commends the Mayor, the District of Columbia Statehood Commission, and the Council of the District of Columbia for their work in placing on the ballot for the November 8, 2016 General Election Advisory Referendum B – “Advisory Referendum on the State of New Columbia Admission Act Resolution of 2016.” The Section respectfully submits the following statement in support of the referendum which, if enacted, would advise the D.C. Council to “petition Congress to enact a statehood admission act to admit the State of New Columbia to the Union.”<sup>1</sup>

The Section consists of D.C. Bar members who are concerned about issues relating to the laws and government of the District of Columbia. The advisory referendum falls within the Section’s special expertise and jurisdiction over Home Rule issues and relates closely and directly to the administration of justice. The Section has consistently advocated for full and equal citizenship rights for District of Columbia residents through budget and legislative autonomy, Congressional voting rights, full Home Rule, and D.C. Statehood.

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<sup>1</sup> *The views expressed herein represent only those of the D.C. Affairs Section of the District of Columbia Bar and not those of the D.C. Bar or of its Board of Governors.*

Nothing compromises the administration of justice in the District of Columbia more than denying its residents the equal rights of self-determination enjoyed by the residents of the 50 states. District residents pay federal taxes like all other Americans and do not have a vote in the federal legislature that determines whether to tax and how to spend those taxes. District residents have fought in every war since the Revolution and yet do not have an elected representative who can vote on whether to go to war. Residents of the District have no vote in Congress on federal measures that would overturn laws duly enacted by the Council of the District of Columbia; and the District's local budget containing its own taxpayer-raised revenue is subject to Congressional review. District residents pay more in federal taxes than the District receives in federal funds. District residents have no vote on riders that Congress proposes to add to the District budget, even if those riders would undo decisions made by local legislators accountable to District residents. There is no legitimate reason why federal budget impasses should force a shut-down of the District of Columbia, alone among the 50 states, and prevent it from spending its own locally-raised tax dollars. There is also no reason why the U.S. Congress should continue to be the District's state legislature. These undemocratic constraints on District self-determination (and many others) negatively impact upon the administration of justice in the Nation's Capital.

While the voters of the District of Columbia have been asked to vote on various issues pertaining to self-determination, they have not been asked to express their opinion on Statehood for 34 years. If voters approve the advisory referendum, the D.C. Council would be advised to petition Congress to remedy these injustices by admitting into the Union as

the 51<sup>st</sup> state the State of New Columbia on an equal footing with the other 50 states. The advisory referendum also asks voters to approve proposing to Congress the boundaries of the new state and a constitution, and to agree that that the new state should guarantee an elected representative form of government. The initial constitution was drafted by a group of legal experts, and reviewed and revised first by the Statehood Commission and then by the D.C. Council, in each case with public comment. Since the ballot was printed, the D.C. Council has made additional changes and could make further changes. The name of the proposed new state was changed to Washington, D.C. (D.C. standing for Douglass Commonwealth). The proposed boundaries were altered to include additional commercial areas while leaving a portion of the existing District of Columbia, to include the White House, the Capitol Building, the United States Supreme Court Building, other federal buildings, and monuments for purposes of serving as the U.S. Constitution's seat of the government of the United States without having to amend the U.S. Constitution. A constitutional convention with elected delegates will be called within two years after statehood is granted to review the D.C. Constitution.

What is critical is that Statehood would allow the residents of the new state to hold elections for two Senators and one Representative in Congress, a Governor, members of a Legislative Assembly, and an Attorney General with prosecutorial authority over local crimes. A Chief Financial Officer and local Judges would be appointed by the Governor and approved by the Legislative Assembly.

Statehood, as proposed by the advisory referendum, is Constitutional. Under the U.S. Constitution's Admission clause, Article IV Section 3, Congress may admit new states into the Union. Although the U.S. Constitution's District clause, Article 1 Section 8, limits the size of the federal District to ten miles square, there is no minimum size. The referendum does not seek to eliminate the federal District; it reduces its size. Indeed, the U.S. Constitution's Article IV Section 3 permits Congress "to dispose of and make all needful rules and regulations respecting the territory or other property belonging to the United States." Conforming statutory and changes to the U.S. Constitution may need to be made in the future, but not necessarily before the new state is admitted into the Union. Title 3, United State Code section 21 considering the existing District of Columbia to be a state for purposes of the election of electors of the President and Vice President of the United States, and the 23<sup>rd</sup> Amendment which allows the District to appoint electors as if it were a state, would fall into disuse until repealed.

Statehood would put District residents on an even playing field with other Americans and is a substantial remedy for self-determination because Statehood would guarantee to the residents of the District of Columbia full Congressional voting representation, budget and legislative autonomy, and all of the rights that the people of the 50 United States enjoy, including a state legislature of the people, elected by the people of the District.

As the United States continues to bring democratic values and ideals to nations historically governed by tyrants, the Section urges Congress to correct a lingering injustice in its own

shadow, namely, the denial of equality and full democracy to the nearly 700,000 residents who live in the Nation's Capital.

This statement was approved unanimously by the Section's Steering Committee on October 28, 2016, by a vote of nine to zero.

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