

William & Mary Bill of Rights Journal

Volume 23 (2014-2015)
Issue 1

Article 2

October 2014

"...Chosen by the People of the Several States...": Statehood for the District of Columbia

Larry Mirel

Joe Sternlieb

Follow this and additional works at: <https://scholarship.law.wm.edu/wmborj>



Part of the [American Politics Commons](#), [Constitutional Law Commons](#), and the [Law and Politics Commons](#)

Repository Citation

Larry Mirel and Joe Sternlieb, "*...Chosen by the People of the Several States...*": Statehood for the District of Columbia, 23 Wm. & Mary Bill Rts. J. 1 (2014), <https://scholarship.law.wm.edu/wmborj/vol23/iss1/2>

Copyright c 2014 by the authors. This article is brought to you by the William & Mary Law School Scholarship Repository.
<https://scholarship.law.wm.edu/wmborj>

**“... CHOSEN BY THE PEOPLE OF THE SEVERAL STATES ...”:
STATEHOOD FOR THE DISTRICT OF COLUMBIA**

Larry Mirel and Joe Sternlieb*

The people of the District of Columbia, although citizens of the United States, are not represented by a vote in Congress.¹ The irony and injustice of this—that the people who live in the capital of the country that strives to lead the world by example are the only citizens of a democracy who have no say in the making of laws that govern them—is widely deplored, regardless of political party. Yet for more than 200 years, no politically viable solution has been adopted.

The legal justification for depriving the people of the District of Columbia of voting representation in Congress is clear. The Constitution provides that the House of Representatives “shall be composed of Members chosen . . . by the People of the several States”² The Senate is composed of two Senators “from each State, elected by the people thereof. . . .”³ The District of Columbia is not a state.⁴ Since the Constitution does not explicitly provide D.C. residents with representation in Congress, this lack of “stateness” deprives them of representation in both houses of Congress.⁵

This affront to the principles of our democracy and to the citizens who live in the District of Columbia is extensively chronicled elsewhere,⁶ so this Paper will consider the need to remedy the situation self-evident and proceed from there.

Many different legal solutions have been proposed over the decades. None have proven to be politically viable both in Congress and with the local District of Columbia leadership and electorate.⁷ This Paper argues three points. First, the only practical way for the people living in Washington, D.C., to become equal U.S. citizens is to be

* Larry Mirel is a partner in the law firm of Nelson Brown & Company and a long-time champion of voting rights for D.C. residents. He has served in positions in D.C. and the Federal government, most recently as D.C. Commissioner of Insurance, Securities and Banking under Mayor Anthony Williams. Joe Sternlieb is a city planner who has worked in D.C. government, business, and non-profit sectors and has been a leader in the D.C. voting rights effort since 1998.

¹ See 2 U.S.C. § 25(a) (2012).

² U.S. CONST. art. I, § 2 (emphasis added).

³ U.S. CONST. amend. XVII (emphasis added).

⁴ U.S. CONST. art. I, § 8, cl. 13.

⁵ Lawrence M. Frankel, Note, *National Representation for the District of Columbia: A Legislative Solution*, 139 U. PA. L. REV. 1659, 1675–76 (1991).

⁶ See, e.g., Johnny Barnes, *Towards Equal Footing: Responding to the Perceived Constitutional, Legal and Practical Impediments to Statehood for the District of Columbia*, 13 UDC/DCSL L. REV. 1, 6–9 (2010); Frankel, *supra* note 5, at 1663–65; Jamin B. Raskin, Commentary, *Domination, Democracy, and the District: The Statehood Position*, 39 CATH. U. L. REV. 417, 418–35 (1990).

⁷ Frankel, *supra* note 5, at 1660.

citizens of a state. Second, there are two routes to statehood—either by making D.C. the fifty-first state (“Statehood 51”) or by allowing it to combine with one of the existing fifty states (“Statehood 50”). Third, that there is no moral distinction between the two solutions. As a result, the District should seek whichever of the two routes to statehood can be passed by Congress. The Paper ends by suggesting a legislative framework that Congress could follow to address concerns of each government entity that would be impacted by D.C. becoming a state, or part of a state.

Many different ways to provide voting representation in Congress to D.C. residents have been suggested over the last two hundred years, including:

- 1) A constitutional amendment granting D.C. residents voting representation in Congress, but not granting statehood;⁸
- 2) Retroceding the District to Maryland (as the Virginia section of the District was retroceded in 1846);⁹
- 3) Semi-retrocession, allowing qualified District residents to vote in Maryland in federal elections for the Maryland Congressional delegation to the U.S. House and Senate;¹⁰
- 4) Allowing D.C. citizens to vote in the last state they lived before moving to D.C., as expatriates living overseas are allowed to vote in federal elections.¹¹ D.C. natives would vote in Maryland elections (as the current District was created from land donated by the State of Maryland);¹²
- 5) Pass a law (or amend the Constitution) allowing the District a single voting representative to the U.S. Senate, and House representation proportional to its population;¹³
- 6) Make the District a state by redefining the District boundaries to the federal enclave around the White House, Capitol, Supreme Court, and federal buildings (Statehood 51);¹⁴
- 7) Pass a law allowing the District to merge with any state that would agree to merge with it (Statehood 50);¹⁵

⁸ H.R.J. Res. 554, 95th Cong. (1978).

⁹ Act of July 9, 1846, ch. 35, 9 Stat. 35 (retroceding the County of Alexandria in the District of Columbia to the State of Virginia).

¹⁰ Brief of the Committee for the Capital City, *Amicus Curiae* at 2, *Adams v. Clinton*, 90 F. Supp. 2d 35 (D.D.C. 2000), *aff’d*, 531 U.S. 940 (2000).

¹¹ See Uniformed and Overseas Citizens Absentee Voting Act, 42 U.S.C. § 1973ff (1986).

¹² See Peter Raven-Hansen, *The Constitutionality of D.C. Statehood*, 60 GEO. WASH. L. REV. 160, 167 (1991); Philip G. Schrag, *The Future of District of Columbia Home Rule*, 39 CATH. U. L. REV. 311, 326–27 (1990).

¹³ See Schrag, *supra* note 12, at 325–26; see also H.R. 5388, 109th Cong. (2006) (providing for the treatment of the District as a congressional district for purposes of representation in the House of Representatives).

¹⁴ District of Columbia Self-Government and Governmental Reorganization Act, Pub. L. No. 93-198, § 739, 87 Stat. 774, 825 (1973).

¹⁵ The Constitution does not require that two states border each other in order to merge. U.S. CONST. art. IV, § 3.

- 8) Going in the other direction altogether and relieving District residents of federal responsibilities, such as federal income tax, jury duty, and military conscription, in exchange for denial of voting representation.¹⁶ We do not entertain this solution because it exacerbates rather than remedies an unequal situation.

In 1790, Congress created the District of Columbia as “the permanent seat of government of the United States” on territory ceded by the states of Maryland and Virginia.¹⁷ For the next ten years, people living in the District of Columbia continued to vote in the state (Maryland or Virginia) that ceded the territory in which they lived.¹⁸ There was no separate government in the District of Columbia until Congress enacted the Organic Act of 1801,¹⁹ after which Maryland and Virginia no longer allowed persons who lived in D.C. to vote in their state.²⁰ In the intervening years, the franchise for Americans has been expanded greatly, as voting rights have been granted to former slaves and racial minorities,²¹ women,²² Native Americans,²³ eighteen-year-olds,²⁴ and Americans living outside the country.²⁵ Voting representation continues to be denied to D.C. residents. In fact, citizens of the District of Columbia remain the only class of citizens—other than the mentally incompetent and convicted felons in some states—who have no voting representation in Congress.²⁶ Looking at the problem through 2014 lenses exposes two key issues. First, securing representation has proved politically unachievable for 213 years; and second, simple representation does not convey equal citizenship to all other Americans. This is because of another product and symptom of the District’s lack of political power: the District Clause of the Constitution,²⁷ which requires that Congress approve D.C.’s locally passed laws and its budget, including the use of all locally raised tax dollars. The problem of local decisions being made without the consent of the governed—a condition to which no other U.S. jurisdiction is subjected—would still exist were the District granted representation without

¹⁶ Robert A. Book, *D.C. Voting Rights: No Representation? No Taxation!*, HERITAGE FOUNDATION (Mar. 11, 2009), <http://www.heritage.org/research/reports/2009/03/dc-voting-rights-no-representation-no-taxation>.

¹⁷ Act of July 16, 1790, ch. 28, 1 Stat. 130 (establishing the temporary and permanent seat of the Government of the United States).

¹⁸ *Adams v. Clinton*, 90 F. Supp. 2d 35, 73 (D.D.C. 2000) (Oberdorfer, J., dissenting).

¹⁹ Act of Feb. 27, 1801, ch. 15, 2 Stat. 103 (concerning the District of Columbia).

²⁰ *Adams*, 90 F. Supp. 2d at 53.

²¹ U.S. CONST. amend. XV.

²² U.S. CONST. amend. XIX.

²³ Indian Citizenship Act, ch. 233, 43 Stat. 253 (1924).

²⁴ U.S. CONST. amend. XXVI.

²⁵ Uniformed and Overseas Citizens Absentee Voting Act, 42 U.S.C. § 1973ff (1986).

²⁶ Jamin B. Raskin & Cathleen Caron, *Democracy and Disenfranchisement in Washington, D.C.*, AM. U. WASH. C. OF L., <http://www.wcl.american.edu/hrbrief/v6i2/dcvoting.htm> (last visited Oct. 23, 2014).

²⁷ See U.S. CONST. art. I, § 8, cl. 17.

statehood.²⁸ Some argue that the mere presence of a U.S. Senator who could object to a unanimous consent requirement or place a hold on a nomination would convey sufficiently equal power to the District that members from other states would no longer treat the District as a political pawn.²⁹

We believe that:

- 1) The citizens of the District and their elected leaders would fare better in the long run over the next two centuries by living as citizens of a state rather than as citizens of a District that is subject to the District Clause of the U.S. Constitution, as they have for the last 213 years.
- 2) Both Statehood solutions (51 and 50) provide full equality to District citizens, while Statehood 51 also provides political independence from both the federal and other state governments. This is a purely political difference.
- 3) There is no moral difference between the two different routes to statehood.
- 4) The political difference between the two routes to statehood is not sufficiently meaningful to sacrifice winning full equality through the achievable Statehood 50 solution for the quest of an unachievable (even if preferable) independent Statehood 51.
- 5) There is no realistic possibility that Congress will grant independent statehood (Statehood 51) to D.C., but there is a strong possibility that, if local leaders and citizens agreed to it, equality only (Statehood 50) could pass Congress.

I. WHAT ARE THE BARRIERS TO A STATEHOOD SOLUTION?

Those who support Statehood 51 seek independence for D.C., taking the power of the local mayor and unicameral legislature and simply extending it to full state power.³⁰ This solution is supported by local officials, including Delegate Eleanor Holmes Norton.³¹ Those who support voting rights for D.C. residents but oppose Statehood 51 do so for either political reasons, perceiving a high political cost to creating two new, presumably liberal big “D” Democratic Senate seats for a very small geographic area with a relatively small population,³² or economic reasons, believing

²⁸ See Raskin, *supra* note 6, at 421; Schrag, *supra* note 12, at 325–26.

²⁹ See Schrag, *supra* note 12, at 325–26 & n.79.

³⁰ Barnes, *supra* note 6, at 23.

³¹ *DC’s 2013 Gains on Statehood, Home Rule and Economic Development, and Norton’s New Powerful Subcommittee Role, Boost Optimism for City’s 2014 Agenda*, WEBSITE FOR CONGRESSWOMAN ELEANOR HOLMES NORTON (Dec. 26, 2013), <http://norton.house.gov/media-center/press-releases/dc-s-2013-gains-on-statehood-home-rule-and-economic-development-and>.

³² Josh Burch, *Ugh, Statehood Strategy*, NEIGHBORS UNITED FOR DC STATEHOOD (Feb. 17, 2014), <http://the51st.org/2014/02/17/ugh-statehood-strategy/>.

that the economic risks inherent in saddling a single municipality with state functions and responsibilities will inevitably lead to a bankrupt state.³³ Neither reason for opposition is objectively wrong. In 2014, the country is politically divided and adding two Senators from D.C. would unquestionably impact the balance of power in Washington.³⁴ D.C.'s size and population may also pose a problem for progressives in Congress who are politically allied with D.C. politicians. Asking a Democratic senator from California or Florida, with populations respectively sixty³⁵ and thirty-one³⁶ times that of D.C., to give the District equal weight in the Senate is a heavy lift. They would be agreeing to dilute their own voice and that of their constituents. Moreover, it requires Democrats to bump representation of the District ahead of their own political priorities. Given the opposition of Republicans who are unwilling to shift the balance of power against themselves, and some of their own Democratic colleagues, Democratic supporters would be spending serious political capital on a battle they are unlikely to win.

Notwithstanding the District's relatively recession-proof economy in recent times and its current strong economic position, it is not clear if a new fifty-first State in D.C. could survive economically, even if it could tax income at its source, if it was forced to retake financial responsibility for its share of Medicare and Medicaid and state prison costs (to name just two very expensive state functions that are now mostly paid for by the federal government).³⁷ Nor is it clear what the consequences would be of a major cutback in federal spending or sustained economic crisis on par with Detroit when the District cannot spread its costs to other regions and economic engines in its state.³⁸

It is no accident that no new state has been created in over fifty years.³⁹ Indeed, one wonders if any existing state with a small population could be admitted to the

³³ U.S. DEPT. OF JUSTICE, OFFICE OF LEGAL POLICY, REPORT TO THE ATTORNEY GENERAL: THE QUESTION OF STATEHOOD FOR THE DISTRICT OF COLUMBIA 60–62 (1987).

³⁴ See Jesse Walker, *Statehood Dreams in D.C. and Northern Colorado*, REASON.COM (Nov. 6, 2013, 1:09 PM), <http://reason.com/blog/2013/11/06/statehood-dreams-in-dc-and-northern-colo>.

³⁵ Compare *District of Columbia QuickFacts*, U.S. CENSUS BUREAU, <http://quickfacts.census.gov/qfd/states/11000.html> (last visited Oct. 23, 2014), with *California QuickFacts*, U.S. CENSUS BUREAU, <http://quickfacts.census.gov/qfd/states/06000.html> (last visited Oct. 23, 2014).

³⁶ Compare *District of Columbia QuickFacts*, U.S. CENSUS BUREAU, <http://quickfacts.census.gov/qfd/states/11000.html> (last visited Oct. 23, 2014), with *Florida QuickFacts*, U.S. CENSUS BUREAU, <http://quickfacts.census.gov/qfd/states/12000.html> (last visited Oct. 23, 2014).

³⁷ See *If the District of Columbia becomes a State: Fiscal Implications: Hearing Before the Council of the D.C. Special Comm. on Statehood and Self Determination* (D.C. 2009) (statement of Alice M. Rivlin), available at <http://www.brookings.edu/research/testimony/2009/07/13-dc-statehood-rivlin>.

³⁸ See *id.*

³⁹ See Raskin, *supra* note 6, at 434–35 (describing the struggles and compromises necessary to create new states).

union today. Thus, even when the Democrats had a filibuster-proof majority, this solution did not enjoy unanimous Democratic Party support and was never brought to a vote.⁴⁰

Those who support a Statehood 50 solution stand mostly in two unrelated camps. First, there are local activists who believe that statehood through combination with an existing state provides equality and is achievable, and therefore trumps illusory independence.⁴¹ They see Statehood 50 as a path to full equality.⁴² They are willing to trade local political independence, such as it is, for the long-term benefits that full political representation would provide D.C. citizens and politicians.⁴³ They tend to believe that living as equal citizens in a home rule city under a state constitution is preferable to living as second-class citizens under a home rule government ultimately controlled by Congress.⁴⁴ The second camp is made up of Republicans in Congress who see the injustice of the situation and want a solution, but will not support a new independent state because it is an unbalanced solution that favors only Democrats and harms Republicans.⁴⁵ There is no well-organized effort by either of these camps to push for this solution because D.C.'s locally elected leaders oppose Statehood 50, so there is no reason for anyone in Congress to spend any time on it. Without local leadership participating in a discussion of Statehood 50, there is neither motivation nor cover for those who might be willing to grant equal rights to the people of the District.⁴⁶

No locally elected leader in the last twenty years has come out for a Statehood 50 solution. As laid out below, many of their stated objections can be easily addressed. Other arguments reflect legitimate concerns: how would the interests of D.C. residents be represented in a state legislature that has existed for centuries? Even though D.C.'s population would entitle it to a sizable state delegation, its representatives would all start out as freshman legislators with no seniority on committees. Would D.C. be less special if it were combined with another state? There are certainly ways to ensure D.C.'s identity, just as London, Paris, and every other major capital city has achieved both equality and independent identity.⁴⁷ Yes, D.C. could be a city in a state

⁴⁰ Bill Mosley, *DC Statehood: The Long Struggle Just Got Longer*, STAND UP! FOR DEMOCRACY IN D.C. COALITION, <http://standupfordemocracy.org/j/index.php/news/commentary/bill-mosley/65-dc-statehood-the-long-struggle-just-got-longer> (last visited Oct. 23, 2014).

⁴¹ *A Real Plan for D.C. Voting Rights and Home Rule*, CITYHOOD FOR DC, <http://www.cityhoodfordc.org/index/our-plan> (last visited Oct. 23, 2014) [hereinafter *A Real Plan*].

⁴² *See id.*

⁴³ *See id.*

⁴⁴ *See id.*

⁴⁵ *See* REPUBLICAN NAT'L COMM., REPUBLICAN PLATFORM 2012: WE BELIEVE IN AMERICA 28 (2012) (opposing D.C. statehood); Burch, *supra* note 32 (describing Republican opposition to D.C. Statehood).

⁴⁶ *See* Ryan Rainey, *Louie Gohmert Offers Retrocession Bill to Give D.C. Back to Maryland*, THE HUFFINGTON POST (July 16, 2013), http://www.huffingtonpost.com/2013/07/16/dc-retrocession_n_3606905.html (describing D.C. opposition to retrocession).

⁴⁷ Barnes, *supra* note 6, at 58.

and still have a unique license plate and flag, along with a mayor and council. Would local legislators still be able to exercise so much influence and power over local affairs in a home rule city under a state constitution as they can in their thirteen-member unicameral body? This depends on how a deal for the District to join an existing state is crafted. For the first time, however, D.C. politicians would have influence over a much larger state government as well as the local government: an expansion, not a diminution of power. Local elected leaders need to recognize that their constituents would be no worse off—and may do much better—by being a part of a state in which they are fully represented, rather than being subject to a Congress in which they have never had a full or equal voice. The Virginia portion of the original District of Columbia was retroceded to that state in 1846, and the people who live there (in the county of Arlington and the old city of Alexandria) have full and equal representation in Congress as citizens of the Commonwealth of Virginia.⁴⁸

Thus the exercise, for those who are committed to achieving equality and believe statehood is the only solution, should be to develop a Statehood 50 proposition that addresses the fears of the local elected leaders and citizens over power and identity. Once these issues are fully fleshed out and a local bottom line is established, a coalition of local elected officials and Congressional Republicans who have already indicated their support for a similar solution, along with Congressional Democrats who would have nothing to lose politically by supporting the desires of local leaders, could have the momentum to move this solution forward.⁴⁹

Even if Statehood 51 is considered the ideal preference, Statehood 50 should be studied, discussed, and pursued with equal fervor, as it has the ability to attract a majority of Congress and solve the problem, while Statehood 51 does not.⁵⁰

II. HOW CAN D.C. BE COMBINED INTO ANOTHER STATE WITHOUT A LOSS OF LOCAL POWER AND IDENTITY?

Were the constitutions and laws of the states similar to the laws of physics, the District might have a problem combining with one of them. Thankfully, they are written on paper and are, from time to time, amended to meet the needs of the day.

Since the District was initially ceded to the federal government by the State of Maryland,⁵¹ the obvious state to combine with the District is Maryland. However, by declaring this a *fait accompli*, the District is given no power in its negotiations with Maryland on how it will become a part of the state. How will its local Council and Mayor be treated? Should they be treated differently than other home rule cities

⁴⁸ Act of July 9, 1846, ch. 35, 9 Stat. 35 (retroceding the County of Alexandria in the District of Columbia to Virginia).

⁴⁹ See *A Real Plan*, *supra* note 41.

⁵⁰ Frankel, *supra* note 5, at 1660.

⁵¹ *A Real Plan*, *supra* note 41.

like Baltimore? How can D.C. maintain the most important aspects of its independent identity?

III. AND WHAT IF MARYLAND DOES NOT WANT THE DISTRICT? SHOULD THIS SEAL D.C.'S FATE?

Congress can solve the D.C. equality problem once and for all by handing the decision of how to achieve a Statehood 50 solution back to the District. Congress could provide the District with equal power in its negotiation to join a state, and empower it to eventually enjoy full statehood equality, by passing a law that:

- 1) Redefines the boundaries of the federally controlled District of Columbia to the White House, Capitol, Supreme Court, and necessary federal buildings and National Mall—essentially the National Capital Service area already defined in the Home Rule Act;⁵²
- 2) Makes the redefined borders effective three years after the affirmative vote of the D.C. Council and the Legislature of any of the fifty states to adopt an agreement that combines the remaining nonfederal parts of the District with that state. This three-year transition period would give the newly combined state and the federal government sufficient time to work out a redefined relationship between the two entities. It would also give sufficient time for the new state and D.C. to transition into their new joined government.
- 3) For the first six years after Congress passes this law, the District may only negotiate with the State of Maryland. After six years, the District may negotiate with and join any of the fifty states with which it can reach an agreement.

This proposed solution gives Maryland an incentive to be a creative and equal partner with the District in a negotiation to combine. It gives the District a form of self-determination in that it can pick the status quo, or to become part of any state with which it can come to terms.⁵³ It also grants the District government bargaining chips—or at least equal power in any negotiation with another state—to protect its identity. It lets Congress remove this issue from its plate and hand it back to the District and the states. It never again would need to address the D.C. enfranchisement issue, and it sets no time limit—so if current citizens do not want to merge with a state, this does not preclude future citizens from deciding to elect a legislature that will pursue their Statehood 50 rights. This solution also does not prevent D.C. citizens from continuing to lobby for a Statehood 51 solution or any of the other representation solutions enumerated above, and would be unlikely to change the chances of it passing from what they are today.

⁵² District of Columbia Self-Government and Governmental Reorganization Act, Pub. L. No. 93-198, § 739, 87 Stat. 774, 825 (1973).

⁵³ See *supra* note 15.

IV. HOW WOULD D.C. CITIZENS BE REPRESENTED IF THE DISTRICT BECAME A HOME RULE CITY IN—FOR EXAMPLE—MARYLAND?

If D.C. and Maryland could agree on the terms of joining together, D.C. citizens could send fifteen new representatives to the Maryland House of Delegates and five to the Maryland Senate: 10% of each body. D.C. citizens would presumably retain their Mayor and thirteen-member D.C. Council, but would also be able to vote for the Maryland Governor, Lieutenant Governor, and Attorney General. The District would get to participate in the selection of one or more voting members of the U.S. House (depending on how the districts are drawn) as well as two U.S. Senators. Moreover, D.C. residents could run for all of these positions, expanding the number of major public offices that D.C. citizens can aspire to hold from fifteen to approximately thirty-eight. This would presumably also expand the pool of D.C. residents willing to seek local and higher office.

In order to address the issue of seniority in the Maryland legislature, D.C. and Maryland could agree to allow the District to elect and send shadow delegates and senators to Annapolis during the later stages of negotiations and during the three-year transition period between the date the legislatures agree to merge and the date that Congress's redefined District is created. The shadow delegates would spend the legislative sessions learning the processes of Maryland state government and could possibly accrue seniority during this period so that when the transition occurs, they need not all be freshmen.

V. HOW CAN D.C.'S SPECIAL IDENTITY BE PRESERVED?

There are undoubtedly many factors that contribute to D.C.'s identity. It is expressed by the fact that it is the nation's capital. This will not change. It has a map and a flag, and these too can remain unchanged. Its name can remain the same or be modified in some way to reflect the new status of a local and a federal city that is governed separately.⁵⁴ There is no reason why the Maryland state DMV cannot issue a D.C. license to D.C. residents; likewise with a license plate.

VI. EQUALITY FOR ALL REQUIRES OPENNESS TO ALL SOLUTIONS THAT PROVIDE EQUALITY

The arguments laid out here are not all self-evident. What is evident is that equality is a universal right and that the only path to equality in the United States is through citizenship in a state.⁵⁵ The fact that there are two paths to statehood should be both

⁵⁴ For example, it could be designated as Douglass County, thereby retaining the description "Washington, D.C." while honoring the great civil rights leader Frederick Douglass.

⁵⁵ *Evans v. Cornman*, 398 U.S. 419, 422 (1970) (holding that "the right to vote, as the citizen's link to his laws and government, is protective of all fundamental rights and privileges").

recognized and accepted, and if one path proves more politically viable than another, then it should be pursued because from a moral standpoint, there is no difference between the two solutions.

Local leaders should stop dismissing Statehood 50 as an unacceptable solution to the District's long-imposed inequality.⁵⁶ They should encourage a broad discussion of the option, and explore its benefits and problems. They should meet with leaders of Maryland and other states to educate them on the issues that are raised. Finally, they should give permission and support to Democrats in Congress to open up a discussion of this solution with Republicans who have already stated they will support it.

Even if Statehood 50 were not achieved in the short run, the District would be no worse off than it is today, and may have in its hands the key to a 213-year-old problem denying D.C. residents full equality with their fellow citizens.

⁵⁶ See notes 46–50 and accompanying text.