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**Washington, D.C.'s Road to Statehood: Historical  
Progress and the Current State of Affairs**

Bachelor's Thesis

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## References

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## **Abstract**

This thesis focuses on the issue of Washington, D.C.'s unique standing within the United States of America, and most importantly, its continuous struggle for being admitted as the 51st state. The paper offers a general overview of the U.S. capital's situation, and the current legislative approach, but most importantly searches for obstacles standing in the way of D.C. statehood. Firstly, it examines the limitations based on the U.S. Constitution, and secondly it analyzes the current political situation and the practical hurdles it brings to the topic. The ultimate aim of the thesis is to determine what the truly relevant obstacles, and the prospects of Washington, D.C. becoming a state are.

## **Abstrakt**

Tato práce se zaměřuje na problematiku Washingtonu, D.C., konkrétně na jeho unikátní pozici v rámci Spojených států amerických a zejména na jeho dlouhodobou snahu o to, aby se stal 51. státem. Práce jednak přichází s obecným přehledem situace, ve které se americké hlavní město nachází, a aktuálně navrhované legislativy, zejména se ale snaží objevit překážky, které stojí v cestě toho, aby D.C. statusu státu dostáhl. Nejprve prozkoumává omezení vycházející z americké ústavy, poté analyzuje aktuální politickou situaci a praktické zábrany, které do tématu přináší. Konečným cílem práce je určit, jaké překážky jsou skutečně relevantní a jaké jsou vyhlídky toho, že by se Washington, D.C. mohl stát státem.

## **Keywords**

Washington D. C., United States of America, U. S. Constitution, Congress, Statehood, Suffrage, Representation

## **Klíčová slova**

Washington D. C., Spojené státy americké, Ústava USA, Kongres, Status státu, Volební právo, Reprezentace

**Title**

Washington, D.C.'s Road to Statehood: Historical Progress and the Current State of Affairs

**Název práce**

Cesta Washingtonu, D.C. ke statusu státu: Historický vývoj a současná situace

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## **Introduction**

For many, Washington, D.C., the capital of the United States of America, stands as a symbol of democracy, as it represents the most important location for the U.S. decision-making and lawmaking. The city is, however, not only an emblem housing important federal institutions, but also its own entity with its own specific history, residents, and unique standing within the U.S. and its political landscape.

An issue which has long been associated with the District is the question of its representation and self-governance. For the majority of its existence, Washington, D.C., was administered solely by the federal government, and its residents were not able to participate in federal elections; therefore, they were not able to influence the very institutions that governed the city. In the 1960s and 1970s, the D.C. residents' rights enlarged, however, true equality in terms of political rights compared to other U.S. citizens has not yet been reached, as D.C. residents are, among other things, not able to elect their representatives in Congress.

This is why the District's residents have, at least since the 1980s, demanded that it become a fully-fledged state equal to the other members of the Union. Although the struggle for D.C. statehood has lasted more than four decades, the end is perceivably nowhere in sight, and to this day, around 700,000 U.S. citizens are not able to fully practice their right to vote. This situation stands as a rather unique and questionable phenomenon not only within the U.S. landscape but also among other democratic countries. This is one of the reasons why the author chose to explore this topic. Additionally, the prospect of D.C. statehood holds not only symbolic and moral elements but also vast implications on the U.S. political landscape and its power dynamics.

This thesis is going to focus on D.C.'s struggle for statehood and its prospects. Firstly, it will introduce the unique aspects and sources of D.C.'s standing within the U.S. administrative framework and within the Constitution, and describe previous and currently existing motions and propositions for it to gain statehood, or at least partially improve its position. But, more importantly, it will strive to answer this research question: "What are the main limitations and obstacles standing in the way of Washington D.C. being granted statehood?"; concretely, whether they are of a constitutional and legal matter, or rather of a political nature.

From the constitutional perspective, the thesis will try to determine whether the U.S. Constitution allows for D.C. to become a state, thus enabling it to be admitted to the Union via the traditional legislative process with simple majorities in Congress, or whether a constitutional amendment would be required. This aspect of the question is relevant due to the fact that if an amendment were necessary, D.C. statehood would face a much different and far more difficult path.

Secondly, from the political standpoint, the paper aims to determine what the practical chances of D.C. achieving statehood are. Concretely, it will examine the leanings and composition of the current Congress and the position of the President to discover whether the admission could even be passed by a simple majority within the current political landscape. Currently, the political aspect is mostly viewed superficially, and the positions are usually automatically attributed according to the partisan divide. The thesis will analyze this notion thoroughly and based on data.

This research question and its two primary aspects will help us see why D.C. has not yet reached statehood and whether this goal is actually achievable (at least within the near future). It will also attempt to understand whether the issue is a purely legal one or whether it is actually of a political nature and, therefore, less objective. Generally, the thesis aims to provide a complex and deep overview of the topic, which has mostly been covered only partially (mostly from the legal perspective), and offer a profound record of the current state of affairs.

# 1. General state of matters

## 1.1 U.S. administrative entities

Washington, D.C., is not only the capital city and the seat of government but also a unique entity within the U.S. institutional and administrative framework – by all means, a *sui generis* unit.

The U.S. is administratively divided into several different subdivisions with varying levels of independence and self-governance, the District of Columbia being one of them. For the sake of this thesis, two other administrative units, whose purpose is to illustrate D.C.’s position, will be discussed.<sup>1</sup>

The most important are the 50 states, which represent the basic administrative unit of the U.S. and, with the federal government, form the country’s sovereignty<sup>i</sup> and also share the governing power under the federal structure.<sup>ii</sup> Their citizens enjoy the highest degree of representation within the federal framework as they get to cast their votes for president and vice president and also elect their representatives to the U.S. Congress – specifically two senators and at least one member of the House of Representatives.

The United States also administers several overseas islands and archipelagos, which are not fully incorporated into the U.S.<sup>iii</sup> 2 They are generally referred to as territories. Their precise legal status and level of autonomy vary. Principally said, however, these lands are administered by Congress, which holds a plenary (that is, complete) power over them,<sup>3</sup> with a certain admitted degree of self-governance.<sup>iv</sup> The territories’ residents are not represented in Congress, nor are they awarded any electors in the Electoral College.<sup>4</sup>

Historically, territories have been regarded as the tool of U.S. territorial expansion and the preceding step towards admitting new states to the Union. Most of the current 50 states were formed from territories.<sup>v</sup>

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<sup>1</sup> The U.S. administrative division is rather complex, with many specifics and exceptions. For the sake of this text, a more detailed enumeration and description were deemed as counterproductive and not necessary inside the thesis’ scope.

<sup>2</sup> Currently, there are five major permanently inhabited territories – Porto Rico, American Samoa, Guam, Northern Mariana Islands, and the U.S. Virgin Islands.

<sup>3</sup> This power is granted to the Congress under Article IV, Section 3, clause 2 of the U.S. Constitution, which reads “The Congress shall have Power to dispose of and make all needful Rules and Regulations respecting the Territory or other Property belonging to the United States...”.

<sup>4</sup> The territories’ residents can, however, participate in the primaries.

## 1.2 The District's standing

In many regards, Washington, D.C., finds itself in a unique position, standing between these entities. In various ways, the District is legally treated like a state. These instances can be, for example, found in judicial matters,<sup>vi</sup> but perhaps most prominently, D.C. is considered to be a state for the purposes of taxation.<sup>5</sup> Like states, the District's residents are subject to federal taxation (which cannot be said about the major territories' residents).<sup>vii</sup> Moreover, per capita, D.C. is the target of the heaviest federal taxation among all states.<sup>viii</sup>

Yet, unlike states, D.C. is not entitled to full federal representation. The District's residents are awarded three electors in the electoral college and thus are able to participate in the presidential election. They are, however, denied any true representatives in Congress.

The District possesses a limited representation in the House of Representatives in the form of a delegate who may participate in debates on the floor or introduce bills but is deprived of the right to vote.<sup>ix</sup> Additionally, Washington, D.C., also delegates one shadow representative and two shadow senators. However, these are unofficial positions within Congress that serve mostly to petition for D.C. statehood and do not possess rights belonging to actual members of Congress.

Apart from the level of representation, Washington, D.C. is also subjected to a unique and fairly limited degree of autonomy. Generally, Congress exercises exclusive authority over the District, however, some of these powers have been devolved to D.C.'s local government. Congress, however, still reserves several key powers to itself, including the power to review and override any legislation passed by the council or the power to approve the District's budget.<sup>x</sup>

These powers have been regularly and frequently used to stop D.C.'s legislation from taking effect. The use of expressive overwrites has been rather rare;<sup>xi</sup> instead, Congress has heavily relied on adding so-called riders, that is, additional conditions, to the city's budget.<sup>xii</sup> Past decades include instances of Congress blocking abortion access, needle exchange programs, or the legalization of medical marijuana.<sup>xiii</sup>

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<sup>5</sup> *Loughborough v. Blake*, 18 U.S. 317 (1820)

This combination creates a rather complicated and criticized position for the residents of the District, in which their self-governance and authority are severely limited by Congress, yet very few means of voicing concerns and influencing policymaking are available to them within the very institution. Moreover, they are obliged to finance the federal government through taxation while being deprived of the primary possibility to shape this “funding’s” targets and use.

Generally, the reasoning behind the fight for D.C.’s statehood can be summarized into two separate yet tightly intertwined issues – the lack of representation and limited autonomy.

## **2 Legislative background**

### **2.1 The Constitution**

The main source of Washington, D.C.’s position within the U.S. institutional, administrative, and political framework stems from the Constitution, specifically from Article I, Section 8, Clause 17 (the so-called District Clause). This clause was used to create the district itself and gave Congress broad authority over it. It reads as follows.

*“[The Congress shall have Power . . . ] To exercise exclusive Legislation in all Cases whatsoever, over such District (not exceeding ten Miles square) as may, by Cession of particular States, and the Acceptance of Congress, become the Seat of Government of the United States,…”<sup>xiv</sup>*

The District Clause's origin can be traced to years before the creation of the Constitution in 1789. In 1783, the then-called Continental Congress, whose sessions took place in Philadelphia, found itself under a “siege” by federal troops whom the government had failed to sufficiently compensate after the end of the American War of Independence. During the Philadelphia Mutiny of 1783, Congress, mainly represented by Alexander Hamilton, requested that the state of Pennsylvania send the state militia to aid Congress and disperse the federal soldiers. Pennsylvania’s state legislature, however, decided not to answer this plea.<sup>xv</sup> This decision forced the Continental Congress to relocate from Philadelphia to Princeton, New Jersey, and then to other cities.<sup>xvi</sup>

The events of the Philadelphia Mutiny represented an essential factor in the minds of the Framers during the creation of the Constitution between 1787 and 1789. To them, it was evident that to have true autonomy and independence from any one state, the seat of government would have to be located outside of the jurisdiction of a state. That is why it was decided that a federal district with the exclusive jurisdiction of Congress would be the place to house the capital city and the most important federal institutions.<sup>xvii</sup>

James Madison defended the establishment of an autonomous enclave under the federal government's exclusive jurisdiction in Federalist No. 43. In it, he indirectly references the events of the Philadelphia Mutiny by disclosing that if the capital were to be created within a state, lacking supreme power, "the public authority might be insulted and its proceedings interrupted with impunity". But also, maybe even more importantly, he argues that such a position would put the state in question in a disproportionately advantageous position not only over the federal government but also over other members of the Union.<sup>xviii</sup>

After President Washington chose the final site of the city along the Potomac River, Washington, D.C., was founded on July 16, 1790. Prior to this event, as demanded by the District Clause, the state legislatures of Maryland and Virginia agreed to cede their lands to the federal government, which Congress then accepted through the Residence Act of 1790.<sup>xix</sup> D.C., however, did not become the official capital until 1800 when the government was moved to the District, as established by the acceptance.<sup>xx</sup>

### **2.1.1 The Twenty-third Amendment**

Regarding representation, the District's status remained relatively unchanged for much of its existence. This started to change during the second half of the 20th century. Aiming to tackle the decades-long disenfranchisement (lack of voting rights) of D.C.'s citizens, in June 1960, Congress passed the 23rd Amendment to the Constitution. Less than a year later, in March 1961, the required three-fourths of state legislatures had ratified it.<sup>xxi</sup>

The amendment allows for the citizens of D.C. to participate in the election of president and vice-president, being rewarded the same number of electors as the least populous state – for the entirety of the amendment’s existence, that number has been three. Its full text reads as follows:<sup>6</sup>

“The District constituting the seat of Government of the United States shall appoint in such manner as the Congress may direct.

A number of electors of President and Vice President equal to the whole number of Senators and Representatives in Congress to which the District would be entitled if it were a State, but in no event more than the least populous State; they shall be in addition to those appointed by the States, but they shall be considered, for the purposes of the election of President and Vice President, to be electors appointed by a State; and they shall meet in the District and perform such duties as provided by the twelfth article of amendment.

The Congress shall have power to enforce this article by appropriate legislation.”<sup>xxii</sup>

### **2.1.2 District of Columbia Voting Rights Amendment**

Although the 23rd Amendment took an important step toward Washington, D.C.’s enfranchisement, it was just a partial improvement lacking an important form of representation – that is, in Congress. This issue was to be resolved by another constitutional amendment introduced in 1977. This amendment would have granted D.C. two senators, a number of representatives derived from its population, votes in the electoral college, also based on its population,<sup>7</sup> and full participation in the constitutional amendment ratification process. Although D.C. would have received rights that only the states possess, it would still not have become a state.<sup>xxiii</sup>

The amendment succeeded in passing through both chambers of Congress in 1978 but failed to achieve the necessary ratification of three-fourths of state legislatures within a designated seven-year time period and thus was not approved.<sup>xxiv</sup> To this day, on the federal level, D.C.’s residents are only able to vote for the offices of president and vice president.

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<sup>6</sup> The entire text of the amendment is included for the purpose of clarity surrounding arguments described in further chapters.

<sup>7</sup> The amendment would have repealed the 23rd Amendment and serve in its place.

## **2.2 Home Rule Act**

Along with the evolution of D.C.'s representation and enfranchisement came a gradual improvement in terms of its self-governance and autonomy. Like the 23rd Amendment, it found its beginning in the 1960s.<sup>8</sup>

In 1967, Congress stopped acting as the District's local legislature, passing this power to the District of Columbia Council. This council was, however, still not elected but rather appointed by the president. The current degree of self-governance can be traced to the year 1973, when Congress passed the District of Columbia Self-Government and Governmental Reorganization Act, commonly referred to as the Home Rule Act. This legislation designated a part of Congress's exclusive power over to the District, mainly allowing D.C. to operate an elected legislature in the form of The Council of the District of Columbia, elect a mayor, and enact its own legislation.<sup>xxv</sup>

More than fifty years later, D.C.'s local governance is still based on the Home Rule Act, thus, the residents have the ability to determine the city's direction. However, as has already been shown above, Congress still enjoys a clear authority over the District's matters and historically does not refrain from using it to influence D.C.'s policies and functioning. True autonomy and self-governance are thus still something to be desired.

## **3 Statehood propositions**

Within the history of D.C.'s struggle for representation and self-determination, the demand for statehood became the most prominent strategy only relatively recently. For the majority of the 19th and 20th centuries, the District's residents mostly pushed for gradual improvements focused on voting rights and self-governance, which were assumed to be more strategic in the long-term perspective as they were supposed to be less controversial and lead to smaller opposition. It was argued that if there were a push for statehood and it were to fail, it would hurt the whole cause and represent a major setback.<sup>xxvi</sup>

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<sup>8</sup> From 1871 to 1874, D.C. did have its own legislature with one of its chamber elected by the residents, however, after a scandal, this right was revoked by Congress.

Initially, this approach bore concrete and tangible successes marked by the 23rd Amendment and the Home Rule Act, which arguably brought a real change to the capital's standing and the residents' rights. This streak of victories, however, did not have a longer lasting. With the failure of the D.C. Voting Right Amendment in 1985, it seems evident that the gradualist strategy found its limit.

Meanwhile, the statehood movement enlarged its importance and presence. In 1980, D.C.'s residents supported an initiative calling for the establishment of a constitutional convention, which began in 1982 and produced the constitution of a proposed new state called "New Columbia".<sup>xxvii</sup>

By the end of the 1980s, the gradualists had largely accepted the push for statehood as the principal strategy. This was, among other things, marked by Walter Fauntroy, D.C.'s delegate to the House and a leading gradualist, who declared that statehood was the "new chapter in our continuing struggle for self-determination".<sup>xxviii</sup> Since then, the statehood approach has stood as the major strategy striving for D.C.'s self-determination.

Today, the pursuit of statehood is widely supported by Washington, D.C.'s residents. In 2016, another referendum on the matter resulted in 86 % of participating voters approving the referendum's goal to push for statehood in Congress.<sup>xxix</sup>

### **3.1 Initial bills**

The first bill aiming for D.C.'s admission into the Union, the New Columbia Admission Act, was introduced in 1993 to the 103rd Congress by the District's recently elected congressional delegate, Eleanor Holmes Norton.<sup>9</sup> Earlier, the issue of D.C.'s statehood had been successfully lobbied in the Democratic party<sup>10</sup> by former presidential candidate and civil rights activist Jesse Jackson, who managed to tie the topic to a larger civil rights cause.<sup>11 xxx</sup> In 1992, D.C. statehood became an official part of the Democratic Party Platform.<sup>xxxi</sup>

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<sup>9</sup> The delegate is still serving the role to this day and is behind all major proposals striving for D.C. statehood.

<sup>10</sup> The Republican party was largely unified in its opposition to D.C. statehood with president George H. W. Bush even promising to veto the admission if it were to pass Congress.

<sup>11</sup> Washington, D.C. has a vast african-american population, depending on the source comparable or even larger than the white population (overall, it is majority non-white). If D.C. became a state, it would by far be the state with the proportionally largest black population.

Ultimately, however, the bill's existence turned out to be short-lived as it was not passed on the floor of the House of Representatives by a ratio of 153 - 277 votes, with 105 Democrats joining the opposition vote.<sup>xxxii</sup> This defeat mostly buried the prospects of D.C. statehood passing Congress for several years.

In 2007, Holmes Norton attempted to test the gradualist approach once again and, joined by republican representative Tom Davis, introduced the District of Columbia Fair and Equal House Voting Rights Act. If passed, the law would have granted D.C. a fully-fledged representative in the House of Representatives instead of a non-voting delegate. While the bill passed the House, it failed to overcome the filibuster in the Senate and was never voted on in the chamber.<sup>xxxiii</sup>

Mainly due to the continuous Republican domination in the House, the next serious attempt to pass a statehood bill would not come until 2019.

### **3.2 Washington, D.C., Admission Act**

The most successful and significant effort at admitting Washington D.C. to the Union began in 2019 in the aftermath of the previously mentioned 2016 referendum and, probably even more importantly, the result of the 2018 midterm elections which saw Democrats, who have been historically remarkably more supportive of the cause, retake the power over the House of Representatives after eight years.

At the beginning of 2019, the Washington, D.C., Admission Act was introduced in the House under the number H.R. 51, along with its companion bill of the same name, which was introduced in the Senate as S.631.<sup>12</sup> H.R. 51, the more successful of the two, enjoyed by then-record-breaking support in the House with 227 cosponsors (in comparison to the New Columbia Admission Act with 81 cosponsors). In June 2020, the bill was passed through the chamber with 232 representatives voting for it and 180 voting against it (almost exactly representing the party lines).<sup>xxxiv</sup> This marked the first time that the House passed a D.C. statehood bill.

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<sup>12</sup> During the following reintroductions, the Senate version of the bill's name would comply with the House bill, being named S.51.

This landmark achievement for the D.C. statehood cause was largely symbolic, as it was highly improbable to pass the Republican-controlled Senate and a presidential veto that had been declared by President Donald Trump.<sup>xxxv</sup> Ultimately, the Senate never got to a vote on the bill.

The bill was reintroduced to the 117th Congress in 2021<sup>13</sup> and once again succeeded in passing through the House (this time with the result of 216-208 strictly along party lines).<sup>xxxvi</sup> This time, its overall chances were deemed to be far more optimistic than ever before as the Democrats enjoyed not only a House majority but also a Senate majority, as well as control of the presidency under Joe Biden, who stood in support of statehood.<sup>xxxvii</sup>

The Senate, however, once more proved to be a difficult obstacle. The sharp 50-50 Democratic majority with the vice president serving as a tie-breaker proved insufficient after Senator Joe Manchin of West Virginia spoke in opposition to D.C. statehood, effectively killing the possibility of passing the bill. Admittedly, it had been even previously seen as marginal due to the threat of Republican filibuster, which the Democratic majority was not able to override.<sup>xxxviii</sup> Thus, the bill never reached a vote.

Since 2021, both following Congresses witnessed reintroductions of the Washington, D.C., Admission Act, but none of the legislative proposals managed to be voted on in either chamber.<sup>xxxix xl</sup>

### **3.2.1 Contents of the bill**

In this chapter, a brief overview of the contents of the Washington, D.C., Admission Act will be presented, as it will serve as the basis for further analysis of the constitutional limitations of D.C. statehood. The H.R. 51 bill will be used specifically, as it represents the most recent approach toward achieving the ultimate statehood goal. Moreover, H.R. 51 can be regarded as the most successful and stable proposition, as it has passed the House of Representatives twice and has also been reintroduced twice since.

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<sup>13</sup> Again in two versions – one introduced in the House and one in the Senate.

The ultimate goal of the bill is to create a new state which shall be named Washington, Douglass Commonwealth (after Frederick Douglass, a social reformer and an abolitionist; further in the thesis, it will be referred to simply as Douglass Commonwealth). This state is to be treated equally as any other current member of the Union, among other things being awarded two senators and at least one representative (thus also a corresponding number of presidential electors), a state constitution, and a state government with its three branches.<sup>xli</sup>

This new state would be formed from most of Washington D.C.'s land. In an attempt to comply with Article I, Section 8, Clause 17 of the Constitution, the entirety of the District is not to become a part of the new state. The bill establishes a new small enclave within the state encompassing most of the main federal buildings – including the White House, the Capitol Building, the United States Supreme Court Building, and adjacent Federal executive, legislative, and judicial office buildings – which is to be called the Capital and serve as the constitutionally required seat of the federal government.<sup>xlii</sup>

The bill also provides details of the transition of power between Congress and the state government and deals with the continuation and discontinuation of current legislation and its prospective effects on the to-be state and the Capital. Importantly, H.R. 51 calls for the introduction of a joint resolution to Congress that would propose an amendment to the Constitution that would repeal the 23rd Amendment.<sup>xliii</sup>

#### **4 Constitutional limitations**

This section will focus on the academic discussion surrounding the statehood discourse, which primarily focuses on the constitutionality of Washington, D.C.'s admission into the Union. This decades-long conversation is crucial to the topic as much of the political debate and its arguments, largely from the side opposed to statehood, stem from or at least find support in it.

The dispute can be generally split into two different sides. Those in support of statehood generally, in compliance with the current legislative approach, tend to believe that Washington, D.C. can become a state through traditional means – that is, through an act of Congress passed by a simple majority like any previous state admissions. The contrary opinion argues that due to D.C.’s unique status, a constitutional amendment is required (with varying positions on whether this amendment would be actually desirable or against the Framers’ original intentions and the constitutional system as a whole).

The following chapters will follow a variety of points that either resist the statehood question completely or at least present a substantial challenge to it. These arguments will be questioned and somewhat opposed in order to answer the ultimate question of this section tied to the main research question of the thesis – that is whether the Constitution holds a true obstacle to D.C. being granted statehood or whether the issue of statehood is predominantly political with constitutional questions serving as “mere” talking points within the debate.

The validity of the arguments against statehood will be weighed with the most current legislation – that is, the Washington, D.C., Admission Act – in mind. As explained above, the thesis will consider this concrete legislative approach to statehood as the prime one, as it is the most recent, continuous, and, at the time of writing, really the only pursued manner in Congress.

#### **4.1 The District Clause**

Much of the opposition against statehood finds its arguments’ roots in the very part of the Constitution that was responsible for the creation of the District – Article I, Section 8, Clause 17, also called the District Clause. The reasoning takes two major forms. One argues that Washington, D.C. was established in a fixed and stationary form linked to its size, which stems directly from the wording of the District Clause and thus can not be altered in any shape or form. The second does not center around the concrete text of the clause, but rather on the Framers’ intentions and reasoning surrounding the creation of the federal district and its function.

These approaches will be analyzed separately as “fixed form” and “fixed function” arguments, as named by law professor Peter Raven-Hansen.<sup>xliv</sup> Much of the reasoning behind these arguments, as well as some of the following viewpoints countering D.C. statehood, will be derived from the 1987 report by the Office of Legal Policy (OLP) of the U.S. Department of Justice.<sup>xlv</sup> To this day, this document can be seen as a major and vivid representation, if not a source, of the general constitutional opposition against D.C. statehood.

#### **4.1.1 Fixed form argument**

As already mentioned, the basis of the fixed form argument stems from the precise wording of the District Clause and claims that when the seat of the government was created, it was established as permanent and that Congress now possesses no power to alter the boundaries of the District and surrender its exclusive authority over the land without a constitutional amendment.

The OLP believes that when Congress accepted the land, it was “given exclusive jurisdiction over the district which was to become the seat of government of the United States,” not merely over the seat of government, wherever that might happen to be.”<sup>xlvi</sup> Thus, all of the land is committed to being the capital, not only its part encompassing the most important federal buildings.

Additionally, the OLP report comes to the conclusion<sup>14</sup> that the District Clause provides a provision comparable to Article IV, Section 3 of the Constitution (or the Admissions Clause) which states that “New States may be admitted by the Congress into this Union”<sup>xlvii</sup> – thus it provides no possibility of a state succeeding or being expelled from the United States. According to the OLP, the District Clause possesses the same provision based on the declaration that the District shall become the seat of the federal government by an “Acceptance of Congress”.<sup>xlviii</sup>

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<sup>14</sup> Actually, the report speaks of this explicit argument not in relation to statehood, but to the possibility of D.C. land being retroceded into Maryland. However, clearly, the reasoning would apply to the scenario of the land becoming a state as a part of the District would be transferred to a state. Moreover, the report, albeit abbreviately, also relates the fixed-form argument to statehood as well.

Firstly, the argument surrounding the language of the District Clause shall be analyzed. As expressed by Raven-Hansen, the wording of the clause shows major differences compared to the Admissions Clause. Whereas the Admissions Clause solely states that Congress may admit new states, the District Clause gives it far more-reaching powers – that is, the power of “exclusive legislation in all cases whatsoever”.<sup>xlix</sup> Thus, it is argued that it is only logical that within this broad power, Congress has the right to alter the size of the District if it decides to do so – the only limit being that the boundaries of the District must not exceed 10 miles square.<sup>15</sup> Outside of this limitation, there is no other part of the text that contains an obvious restriction on changing the District’s size. Moreover, exclusive legislative power also includes the possibility of diluting this power – as clearly established in the Home Rule Act.<sup>1</sup>

Raven-Hansen also proclaims that the permanence of the District’s form was purposefully omitted during the writing of the clause. During the Constitutional Convention, the proposed text of the clause articulated that Congress would “permanently establish the seat of the Government”, but the adverb “permanently” was ultimately dropped from the Constitution.<sup>16 li</sup>

What is seemingly even more important, however, is historical precedent. It should not be forgotten that the District’s size has already changed once. As mentioned before, upon its establishment, Washington D.C.’s land was ceded from two states – Maryland and Virginia. In 1846, after continuous lobbying by the people of Alexandria County, Congress passed a law that retroceded roughly a third of the District back to Virginia.

The act specifically declared that “no more territory ought be held under the exclusive legislation of Congress over the district which is the seat of the general government than may be necessary and proper for the purposes of such a seat”.<sup>lii</sup> This specific wording arguably supports the notion that Congress, upon its behest, can shrink the District’s boundaries.

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<sup>15</sup> This equals to 100 square miles.

<sup>16</sup> Raven-Hansen recognizes that the principal reason for the omission of the adverb was probably not primarily related to the District’s size but rather to its location – that is if the capital required to be moved in case of an emergency, Congress would have had to undergo a lengthy amendment process had the word “permanently” not been excluded from the text. The absence of general permanence of the capital, however, arguably applies to resizing the District as well.

The constitutionality of the retrocession was addressed by the Supreme Court in 1875. In *Phillips v. Payne*, the court refused to rule on and accept the proposed unconstitutionality of the act, and thus arguably turned the notion insignificant. As the court notes, the transfer of the county had been “by more than one act of Congress recognized as a settled and valid fact”.<sup>liii</sup>

What is more, as Raven-Hansen finds, the boundaries of the District even changed relatively immediately after its establishment on the Potomac and before its finalized creation. In 1791, less than 4 years after the formation of the Constitution, the first Congress, with some of the original Framers, including James Madison, who was perhaps the main face of the District Clause, voted to change the act of acceptance to alter the District’s southern border.<sup>liv</sup>

In conclusion, according to some, including Raven-Hansen, both the exact wording of the Constitution and significant historical precedent seem to hint that the text of the District Clause might not be considered an immovable obstacle standing in the way of the current proposals for statehood.

#### **4.1.2 Fixed function argument**

As evident from its name, the second argument surrounding the positioning of Washington, D.C. within the Constitution proposes that the District was created with a specific function in mind, which is permanent and must not be limited or deteriorated in any way. Simply put, the seat of the federal government must fulfill its original purpose, and D.C.’s statehood would stand in the way of this goal.

In this narrative, the opponents of statehood granted by simple legislation, represented by the OLP report, turn back to the circumstances that led the Framers to form the District Clause. As mentioned above, after the Philadelphia Mutiny of 1783, it was acknowledged that the federal government’s seat needed to be independent of the influence of any one state – mainly in terms of security and policing, but also in a general sense. It is argued that if the capital were to become a small enclave within the new state-to-be, it would be left completely reliant on the state in terms of basic services provided to the government seat and thus contradict the District Clause’s intent.<sup>lv</sup>

Perhaps even more importantly, as referenced in Madison’s Federalist 43, the OLP assumes that forming a new state completely surrounding the Capital would give the state a disadvantageous position over other members of the Union.<sup>lvi</sup> This change would supposedly upset the other states, similarly to the events surrounding the original selection of the capital’s location when Madison acknowledged that “whatever state may become the seat of the general government, it will become the object of the jealousy and envy of the other states”.<sup>lvii</sup>

The proponents of statehood passed by simple legislation react to this reasoning on different levels – they generally do not deny the interpretation of the Framers’ intentions for creating the District, instead, they focus on negating the notion that statehood for D.C. would significantly infringe on the federal government seat’s function.

Regarding the independence of the federal government, the opposing argument largely highlights the present-day de facto dependence of the District on surrounding states. Strictly geographically speaking, roughly three-quarters of Washington, D.C. is already bordered by Maryland – in the case of the establishment of Douglass Commonwealth, the federal enclave would be surrounded by the new state to a similar extent.<sup>17</sup>

More importantly, much of the district’s functioning is ongoingly and deeply connected to Maryland and Virginia. A vast portion of key federal workers already live in these states and are reliant on regional transportation.<sup>lviii</sup> Also, it is reasoned that presently “two-thirds of the income earned in D.C. is earned by non-residents” and thus a large number of people working in D.C. are heavily tied to the neighboring states.<sup>lix</sup>

It is also mentioned that the federal government now possesses vastly different, that is, more extensive, power over the armed forces and state militias compared to 1783, and thus would most probably not be faced with the same situation as in Philadelphia.<sup>lx</sup> Although admittedly true, it should be noted that the proponents of the fixed function argument, although underlining the defense aspect of the question, talk about the general independence of the seat of the federal government, not just about its immediate physical security.

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<sup>17</sup> One of the boundaries of the new federal enclave would still be along the Potomac River and bordering Virginia.

The factor of the disproportional advantage of the Douglass Commonwealth over other states can be largely viewed similarly. It can be said that there is an existing arguable imbalance among the states in favor of Virginia and Maryland in the same sense as D.C. is already largely dependent on these states.

In short, it can be viewed that the question of what shape and form of the federal district uphold its intended function is ultimately up for interpretation and, crucially, does not clearly stem from the wording of the Constitution. Thus, it can arguably be regarded as a political question or one that would have to be decided by the courts (which it has not so far).

#### **4.1.3 Element of disenfranchisement**

Within the fixed function narrative, the OLP report also addresses the criticized disenfranchisement of D.C.'s residents, claiming that it was actually the Framers' intent within their views on the Constitution. The lack of voting rights is viewed as an exchange that the residents accept as they have the privilege of living in the capital city (and are always free to move to any state). Concretely, it is referenced that during the New York ratifying convention of 1788, Alexander Hamilton and Thomas Tredwell raised the question of voting rights, but their calls were not met with success.<sup>lxi</sup>

This aspect is usually defended by the belief that, due to their physical proximity to Congress and the residing representatives and senators, the residents' rights are not insubstantial. Thanks to this closeness, the residents are supposed to have means of lobbying for their interests and, according to some, even enjoy superiority, in terms of influence, over voters in other states. This belief was commonly held during the initial years of the District.<sup>lxii</sup> During this time, also considering a relatively small population of the capital, this view meant that D.C.'s voting rights did not pose a grave problem.

Today, however, it is questionable whether D.C.’s disenfranchisement can be as easily defended. With the progress of time, the city’s population grew to the current 680,000 people (more than the population of Wyoming and Vermont).<sup>lxiii</sup> Moreover, the argument of proximity leading to the residents’ voices being heard has arguably not been broadly correct, as Congress has repeatedly acted to restrict and block the decisions of D.C.’s elected body<sup>18</sup> (thus logically standing in the way of the residents’ interests). As evidenced by the 2016 referendum, the District’s population does not feel satisfied with the disenfranchisement and broadly supports statehood and its key component in the shape of federal representation.

On the other hand, the lack of voting rights itself does not serve as a substantial base for statehood. Some have argued that the disenfranchisement of D.C. voters is unconstitutional. This motion, however, has been rejected by the courts – it was ruled on in 2000 by a special three-judge panel,<sup>lxiv</sup> and later practically reaffirmed by the Supreme Court of the United States (SCOTUS) in 2021.<sup>lxv</sup>

## **4.2 Maryland’s consent**

The Admissions Clause (Article IV, Section 3 of the Constitution) provides the means through which a new state can become a part of the Union, but it also holds various limitations. Importantly for the case of D.C. statehood, the clause states that “no new State shall be formed or erected within the Jurisdiction of any other State”.<sup>lxvi</sup> According to some, as Washington, D.C. is composed of the former land of Maryland, even if the admission of Douglass Commonwealth passed through Congress, the Maryland state legislature would need to approve it as well.

Specifically, it is argued that granting D.C. statehood would violate the terms of cession under which Maryland gave its land to the federal government. The state was supposed to cede the territory explicitly for the purpose of it being used to house the seat of the federal government, not for any other cause; thus, parts of the cession would be breached. That means that if the land were to be used differently, it could happen only in the event of Maryland’s approval.<sup>lxvii</sup>

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<sup>18</sup> See chapter 1.2 “The District’s standing”.

Indeed, the act Maryland's cession of 1788 states that the representatives of the state in the House are authorized to "cede to the congress of the United States any district in this state not exceeding ten miles square, which the congress may fix upon and accept for the seat of government of the United States".<sup>lxviii</sup> This would suggest that Maryland truly intended for the territory to become solely a federal district.

On the other hand, a later act of the Maryland state legislature, that is, the act that ratified the cession in 1791, omitted the mention of the district's use. Concretely, it established that "...all that part of the said territory, called Columbia, which lies within the limits of this state, shall be and the same is hereby acknowledged to be for ever ceded and relinquished to the congress and government of the United States, in full and absolute right, and exclusive jurisdiction, as well of soil as of persons residing, or to reside, thereon, pursuant to the tenor and effect of the eighth section of the first article of the constitution of government of the United States...".<sup>lxix</sup>

This text appears to be rather exhaustive and direct – mainly, the phrases "for ever ceded" and "in full and absolute right and exclusive jurisdiction" do not seem to admit any kind of condition regarding the concrete use of the ceded land.<sup>lxx</sup> As argued by Peter Raven-Hansen, there is no potent indication that there is any condition concerning a different use of the given land.<sup>lxxi</sup>

It is also highlighted that Maryland's law is historically opposed to applying subsequent conditions, which speaks against the notion that the ratification omitted the condition of permanency because it never considered the possibility of the ceded territory being used for a purpose other than to house the seat of the federal government. Finally, if Maryland formally took a stand against D.C.'s statehood, this problem could be deemed political rather than constitutional,<sup>lxxii</sup> which is the integral focus of this chapter.<sup>19</sup>

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<sup>19</sup> Interestingly, in 2024 a resolution supporting the admission of Washington D.C. was introduced in Maryland's House of Delegates and it received co-sponsorship from 63 out of 141 members of the chamber (all of them Democrats, in total there are 102 seats held by the party). The resolution, however, died in a committee.

### 4.3 Unmet requirements for statehood

It is obvious that states vastly differ in terms of their land, populations, economies, historical backgrounds, and political leanings. At least constitutionally, there are no formal requirements that must be met for a piece of land to become a state (other than it can not be formed by separation from an already-existing state or by merging two or more states without the consent of Congress and the involved state legislatures). But it is nonetheless argued that Washington, D.C., does not fulfill the necessary criteria to function as a full-fledged member of the Union.

Specifically, the OLP, for example, refers to a report by the House Committee on Interior and Insular Affairs published in 1957 concerning the then-discussed admission of Alaska. In total, it identifies three specific conditions based on historical norms: 1) the population of the to-be-state has to be "imbued with and sympathetic toward the principles of democracy as exemplified in the American form of government"; 2) the admission has to be approved by a majority of voters; 3) the to-be-state shall have "sufficient population and resources to support a State government and to provide its share of the cost of the Federal Government".<sup>lxxiii</sup>

It is difficult to argue that the first two requirements are not met by the District of Columbia. There is no reason to believe that D.C.'s residents do not follow democratic principles as they regularly participate in local and presidential elections. Secondly, as mentioned before, the district's electorate supports the admission, with 86 % of participating voters approving the measure in the 2016 statehood referendum. These two fulfillments are, however, largely not contested.

The main opposition surrounds the third criterion. Firstly, the District is said to lack sufficient geographic and demographic necessities, especially in terms of size (with its 63 square miles, it is more than 16 times smaller than Rhode Island, the current smallest state).<sup>lxxiv</sup> From an economic perspective, it is argued that D.C. is far too heavily reliant on the funding of the federal government and also its overall role in the District's economy, as it directly employs at least 140,000 of D.C.'s residents.<sup>lxxv</sup> <sup>20</sup>

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<sup>20</sup> The exact number depends on the statistic and the criteria under which a job is considered as a part of the federal government. This data is from the year 2017.

Regarding size, it is true that D.C.'s area is considerably smaller compared to the existing states – although it is questionable what size can be deemed as too small for a state. What is important is that within its limited land, the District's population of nearly 700,000 citizens is not negligible – as already highlighted, it is, in fact, larger than the populations of two existing states,<sup>21</sup> and comparable to at least two others.<sup>22</sup> Its population has also been relatively rising throughout the last three decades.<sup>lxxvi</sup> It can be argued that D.C. is not the only part of the United States with a substantial population that is not a state – Puerto Rico, for example, houses around three million residents.<sup>lxxvii</sup> As a territory, however, Puerto Rico is at least theoretically poised to eventually become a state, as already covered in Chapter 1.1.

With regard to the question of economy, it is obvious that by design, Washington D.C. is currently heavily dependent on the federal government – after all, its main purpose is to house it and provide for its functioning. This does not mean, however, that such reliance is irreversible and endless. Although roughly a quarter of D.C.'s residents work for the federal government, many others already live outside the city's boundaries in a close state.

In fact, in 2017, about half of federal workers from the Washington metropolitan area (which encompasses parts of Maryland, Virginia, and West Virginia) lived outside the city boundaries.<sup>lxxviii</sup> That is not to say that the federal government does not play a significant role in D.C.'s economy, but it can be argued that it also resembles a generally major employer with which even surrounding states' economies are tightly intertwined.

Similarly, Washington, D.C. is undisputedly reliant on the federal government's funding, and if it became a state, it would find itself in challenging economic circumstances. It would not only lose some forms of federal funding, but it would also pose as the only completely urban state having to deal with limited economic diversity, and about 29 % of its land would still be owned by the federal government and thus nontaxable.<sup>lxxix</sup>

However, on the other hand, the new state would also gain much-desired fiscal independence. Importantly, its budget would no longer have to be annually approved by Congress (and overall legislation could not be easily blocked by Congress), thus, the state would be able to design it to its own best financial interest.

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<sup>21</sup> Wyoming and Vermont.

<sup>22</sup> Both Alaska and North Dakota have a population of between seven-hundred and eight-hundred thousand people.

Additionally, statehood would remove one of the largest obstacles concerning its fiscal capabilities – currently, the Home Rule Act prohibits D.C. from taxing the income of non-residents working in the District. This power is standardly used among states that tax income.<sup>lxxx</sup> As evidenced before, just within the federal workforce, non-residents represent a considerable portion of the people working in the District. If this rule were to be removed, the new state government would be arguably granted much better taxation opportunities, which could, to some extent, substitute for the missing federal funds.

The OLP also believes that for a land to become a state, its population must meet the ideals of the Madisonian society – that is, have financial independence, which has already been discussed, and a diverse society with a plurality of interests. It is argued that, as D.C.’s operations are largely tied to the federal government, the residents’ overwhelming and primary interest would be to support and expand the federal government. Thus, in effect, the state would not act as a counterbalancing measure against it within the federal framework, not realizing one of its roles as a state.<sup>lxxxi</sup>

Madison speaks of these ideals mainly in Federalist No. 10, but he does not address the requirements to a state, but rather to the American society as a whole.<sup>lxxxii</sup> Also, it can be argued that it is rather questionable whether D.C.’s residents can be summarized so easily and anecdotally into one interest group, as the OLP report does not put forward any concrete evidence for this belief. On the other hand, a vast majority of D.C. indeed supports the Democratic party (Kamala Harris won 92.5 % of the vote there in 2024).<sup>lxxxiii</sup> This fact, however, hardly means that the D.C. residents’ interests are uniform – the Democratic party is barely a party with a lack of various wings and stances.

In conclusion, it can be seen that the question of whether D.C. meets the necessary criteria is, at minimum, unclear. It is, however, important to remember that none of the enlisted requirements are of a constitutional origin – as already described, the Constitution offers next to no concrete conditions, and those mentioned were mostly raised by Congress. That means that there is no substantial obstacle for Congress to either interpret D.C.’s characteristics as sufficient or deem the previously used standards to be completely non-compulsory in the same way as it invented these criteria in the first place. This fact in itself makes this decision political and not constitutional.

And, most importantly, it can be argued that the passage of a D.C. admission bill itself would be considered as an ample sign that Congress sees the statehood criteria as satisfied – after all, if it were not the case, it would not agree with the admission at all.<sup>lxxxiv</sup>

#### **4.4 The issue of the Twenty-third Amendment**

The final significant limitation of D.C.’s admission is also the newest. In 1961, the 23rd Amendment marked by then perhaps the most significant progress in D.C. residents’ fight for representation. However, it also, according to some, constructed a new obstacle standing in the way of the subsequent and larger struggle for further and full representation in the form of statehood.

It is claimed that as the Amendment grants at least three presidential electors to “the District constituting the seat of Government”,<sup>lxxxv</sup> if Douglass Commonwealth were to be created as envisioned by H.R. 51, the new federal enclave would still be awarded these electors even though its population would be close to none – thus creating a paradoxical situation in which the first family and a few other individuals would be responsible for the same amount of electoral votes as some states. If the Amendment were to be left in the Constitution and not repealed, this occurrence could not be considered one that is reasonable and serving the intentions that led to the creation of the Amendment.

To oppose this notion, Philip G. Schrag, one of the most prominent academic proponents of statehood achieved by simple legislation, argues that the 23rd Amendment is not self-executing, and if D.C. became a state, it would not have to be repealed. Specifically, this reasoning stems from the wording of the amendment, concretely, the formulation “The Congress shall have power to enforce this article by appropriate legislation.”<sup>lxxxvi</sup> It is reasoned that the electors for D.C. are not imposed by the amendment itself, but rather the following enacting legislation – thus repealing this legislation by simple majority would make the amendment inactive, and the three electors would not be awarded.<sup>lxxxvii</sup>

This point can be contested by stating that many parts of the Constitution contain similar provisions – including, for example, the 13th and the 15th Amendments, which banned slavery and established the right to vote regardless of one’s race, respectively.

It is fairly reasonable to believe that by choosing to see the 23rd Amendment as non-self-executing due to the inclusion of the enabling clause, a rather dangerous precedent would be set for other segments of the Constitution that are widely deemed as fundamental building blocks of democracy. Broadly speaking, the simple notion that simple legislation would be able to invalidate a part of the Constitution can also be considered somewhat irresponsible. Finally, if this belief were to be accepted, essentially nothing would bar Congress from reversing the 23rd Amendment today and depriving the District of federal representation altogether.<sup>lxxxviii</sup>

The obstacle posed by the 23rd Amendment to D.C.'s statehood can be assumed as prominent, as it is even clearly acknowledged by H.R. 51 itself. The bill importantly proposes that if passed, a joint resolution to repeal the Amendment would be presented to Congress. Thus, it can be deemed that the authors of the bill recognize the need to address and handle this barrier to prevent any challenges to the legality of D.C.'s statehood.

It can only be speculated whether a new amendment repealing the 23rd Amendment would pass Congress and be ratified by the states. However, it is not unreasonable to assume that a situation in which only a handful of people would be able to decide the position of three presidential electors would not be generally seen as desirable due to its understandable irresponsibility and irrationality, and the passage of a new amendment would be possible. Ultimately, the overall question could be resolved by the courts. This aspect will be discussed further.

#### **4.5 Conclusion to the constitutional analysis**

The main aim of this chapter was to determine whether the Constitution poses a substantial challenge to Washington, D.C. becoming a state, or whether the obstacles presented as constitutional serve as a tool within the political debate. As clearly shown, there are several constitutional questions regarding D.C.'s admission to the Union, with none inconsiderable and unreasonable. However, at the same time, none of them are insurmountable. Each of the arguments reasoning that D.C.'s statehood would have to be passed by a constitutional amendment has clear and comparably compelling counterarguments, which, at the minimum, create a discussable possibility for the District to become a state.

As shown, much of the constitutional debate is, at its core, political. That is, mainly the disputes regarding alleged constitutional requirements for new states and Maryland's consent to the admission. The rest is also arguably at least partially tied to political decision-making and is at least to an extent addressed by the legislative approach of H.R. 51. It is, however, true that many constitutional questions are left unanswered and not easily dismissible.

Expectedly, these debates would be settled by the Supreme Court. This has, however, so far not been the case. In the past, D.C.'s constitutional standing has been examined several times. In cases such as *Hepburn and Dundas v. Ellzey* (1805), *Loughborough v. Blake* (1820) or *District of Columbia v. Carter* (1973), SCOTUS ruled on issues regarding the District's specific standing among U.S. administrative entities,<sup>lxxxix 23</sup> and in *Castañon v. United States* (2021), it decided on a question of D.C.'s right to representation.<sup>24 25</sup> The questions surrounding the legality of statehood listed in this chapter have, however, not been answered.

This, of course, does not mean that, if passed, D.C.'s admission's legality would not be questioned and challenged (which it most probably would). Although it is impossible to predict the Supreme Court's possible stance, it can be reasoned that SCOTUS would not rule against statehood and would, somewhat probably, dismiss the case and abstain from hearing it, thus making the admission possible.

The Supreme Court has maintained a "standing" doctrine of hearing only those cases which had caused or would cause the plaintiff actual harm, can be traced to an illegal action of the opposing party, and can be corrected by the court's decision.<sup>26</sup> It is unclear whether granting statehood to Douglass Commonwealth would truly lead to "a concrete, particularized, actual or imminent injury" of an involved party. Conceivably, a state or a group of opposing representatives could argue such harm, but it is unclear whether SCOTUS would acknowledge such injury.<sup>xc</sup>

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<sup>23</sup> Meaning the difference of D.C.'s status compared to states and territories, respectively.

<sup>24</sup> Not in any relation to statehood, but within the context of D.C.'s current status.

<sup>25</sup> See chapter 4.1.3 "Element of disenfranchisement".

<sup>26</sup> *Lujan v. Defenders of Wildlife*, 504 U.S. 555 (1992)

Perhaps more importantly, challenges regarding the admissions of new states have historically been considered a political question. The court could probably decide that the question of changing D.C.'s political standing is not one that falls under its jurisdiction, as the power to admit new states is clearly assigned to the legislative branch and, thus, should be resolved solely by Congress. To this day, "the federal courts have never upheld a constitutional challenge to the exercise of Congress's powers under the Admission Clause".<sup>xci</sup>

On the other hand, as already mentioned, D.C. is a unit sui generis within the U.S. constitutional framework, and thus, it can be believed that such a different case should not be compared to previous admissions, as they mostly involved former territories and not an entity similar to the District of Columbia. In conclusion, although there is ground for the opinion that SCOTUS would not block the admission of Douglass Commonwealth, the true outcome can currently only be speculated about.

With regard to the main research question, it can be argued that the constitutional obstacle to D.C.'s statehood is not perfectly solid and, in many ways, can be doubted and challenged. Even within the constitutional segment of the topic, the political element of the issue stems as significant and vastly influential. This factor and its importance will be analyzed in the following chapter.

## **5 Political obstacles**

The previous chapter showed that, to a considerable extent, or at least in a vast number of specific questions, the issue of D.C.'s statehood can be regarded as political. This chapter will examine the political aspect of the topic, mostly by exploring the partisan divide and stances of involved decision-makers who would be responsible for D.C.'s possible admission. The ultimate goal of this chapter is to determine what the practical prospects and chances of statehood are and whether the passage of H.R. 51 by simple legislation is imaginable within the current federal political landscape. This will be significantly useful in answering the whole question of the thesis, that is, where the true and most important obstacle in Washington, D.C.'s path toward statehood lies. This part of the paper will be fundamentally based on original research and primary sources.

The main focus of this chapter will be a comprehensive analysis of how the Washington, D.C., Admission Act stands in Congress and what the outcome of a possible vote would be. The other part will be surrounding the position of the president, as he would also be involved in the admission process if it were to be passed by simple legislation.

## **5.1 Situation in Congress**

This part of the chapter will be focused on the political leanings of the 119th Congress serving between 2025 and 2026. It aims to estimate the voting intentions of currently serving Congressmen and Congresswomen and estimate the fate of H.R. 51 if it were to be voted on on the floor of both chambers of Congress. For the purposes of the research, similarly to the whole thesis, there will be no difference drawn between H.R. 51 and its counterpart, S.51, as they are the same legislation introduced in respective chambers.

### **5.1.1 Methodology**

To accurately estimate Congress's divide on the issue, each member's stance will be analyzed separately. To determine one's position, a system based on four criteria will be used, with each criterion given a different value. If one indicator is met, it will be considered sufficient to determine the viewpoint of the member of Congress. If it is not, the following measure will be utilized instead. The four indicators are, in order: 1) previous stance during the most recent vote on the bill; 2) co-sponsoring of the current bill; 3) a publicly disclosed position; and 4) the overall position of the party that the individual is representing.

As already mentioned, H.R. 51 has already been voted on in the House of Representatives, most recently on the 22nd of April 2021. A vast number of current members of Congress were present during this vote, thus, their previous vote will be used as the first and most prominent indicator of their current position, as it is the clearest and most influential form of stance a member of Congress can take.

If a member did not vote on the matter in 2021, either because they were not a member of the House or they abstained, it will be examined whether they are one of the co-sponsors of the currently introduced version of H.R. 51 (or its Senate equivalent in the form of S.51). This criterion is secondary due to the fact that it can be seen as a clear indication of support, but does not automatically result in an affirmative vote.

In the event of both of the previous indicators missing, a public statement will be used as a sufficient basis to assume a vote. The statements will be specifically searched on the respective Congressmen's and Congresswomen's accounts on the social site X (formerly Twitter), which is, arguably, the most common platform on which U.S. politicians express their viewpoints. In order to find posts regarding D.C. statehood, the analysis will use the "Advanced search" function provided by the network.

Concretely, the posts expressing positions on the questions will be searched via four different combinations of key words: 1) "statehood"; 2) "D.C." combined with any of the words "statehood", "state", "admission", "admit", and "district"; 3) "DC" combined with any of the words "statehood", "state", "admission", "admit" and "district"; and 4) "Washington" combined with any of the words "statehood", "state", "admission", "admit" and "district". The results of the search will be analyzed manually, and the resulting position of the statement will be based either on a directly established stance or on a clear positive or negative sentiment towards the issue.<sup>27</sup> If no post is found on X regarding D.C. statehood, a brief exploration of media articles and reports will follow.

Finally, in the event of missing personal positions, it will be assumed that the member of Congress would vote according to the position of the overall party. The author is aware that this generalization might not fully represent the actual outcome, but it has been decided that further investigation is outside of the scope and possibilities of the thesis.

In the original project of the thesis, one more criterion was supposed to be included, that is, the position of the respective ideological caucuses inside the parties. However, this indicator was ultimately deemed as impractical, as the caucuses are mostly not formalized, and so are their memberships. Instead, the party position was determined to be sufficient, as the two previous votes on the matter were almost entirely tied to the partisan divide.<sup>28</sup> Also, within the data based on the first three indicators, there are little to no signs suggesting that a perceptible number of Congressmen and Congresswomen would vote in opposition to their party.

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<sup>27</sup> For example, if a member of Congress were to state that D.C. statehood is a "power grab", this statement will be considered as opposing the admission even though the member did not directly express their opposing stance by declaring that, for instance, "D.C. should not become a state".

<sup>28</sup> Besides one vote in the 2020 roll call.

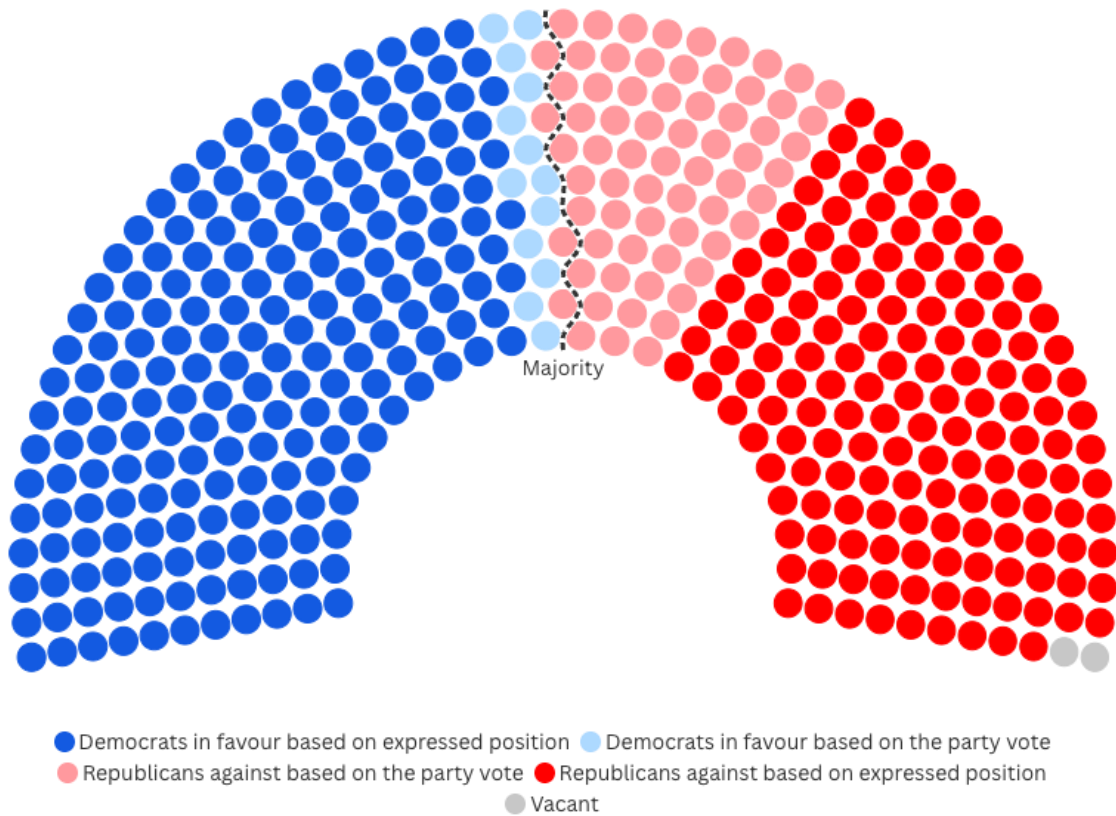
### **5.1.2 Findings**

The principal conclusion stemming from the research is rather clear. The results indicate that Congress's position on the matter of D.C. statehood is highly comparable to that held during the last floor vote in 2021 – that is, vastly divided and essentially strictly based on partisan lines and viewpoints.

The analysis suggests that if H.R. 51 (or S.51) were to be decided by Congress today, in the current composition, the bill would be unsuccessful both in the House of Representatives and in the Senate.

In the House, the proposition would lose by a majority of 220 votes against the measure compared to 213 votes in favour (with two currently vacant seats). This majority strictly corresponds to the overall partisan configuration of the chamber. All the Republican representatives would vote negatively, whereas all the Democratic representatives would vote positively, which is the identical situation to the one in 2021.

The degree of soundness of the estimation varies by party due to the different number of members whose position was determined based on the party's stance. Whereas the vast majority of Democrats (specifically 200 out of 213) have expressed their opinions on the matter individually, a much more prominent portion of Republicans (exactly 68 out of 220) have, to the author's knowledge, not publicly voiced their viewpoints. However, as already mentioned, due to the recently highly partisan nature of the topic at hand (as clearly shown by the previous two votes in the House), there is little to no reason to believe that these representatives would vote differently from their party.



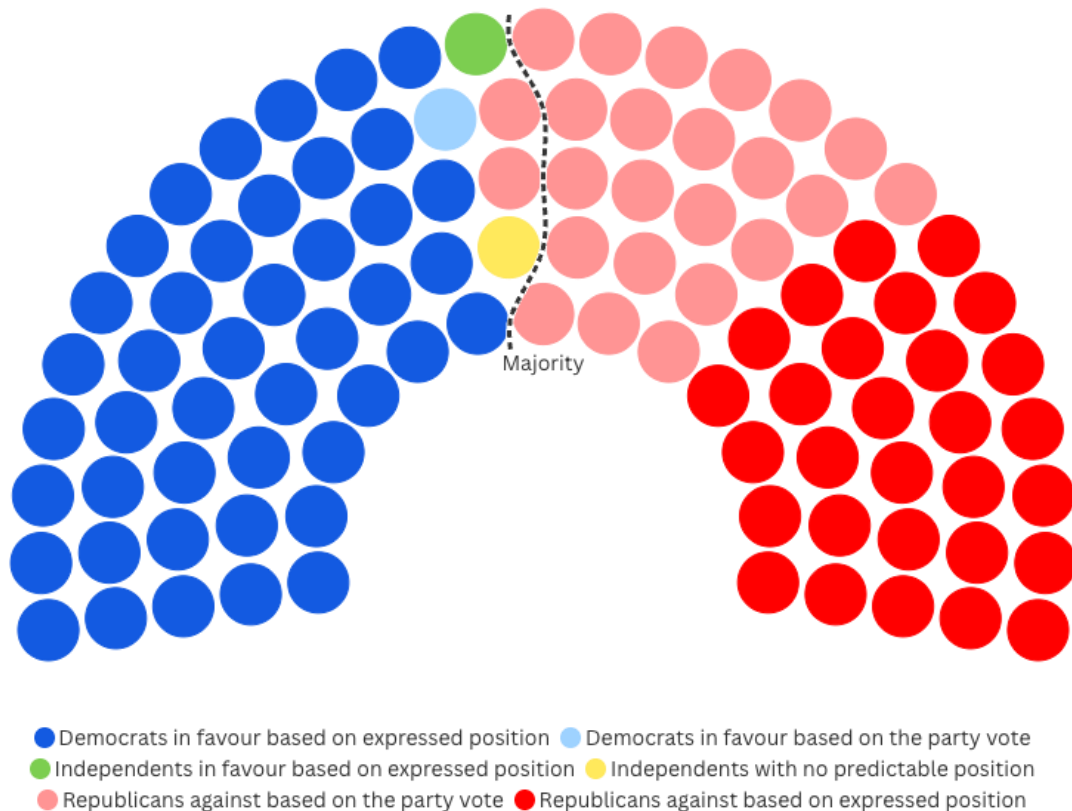
*Picture 1: Composition of the House of Representatives based on positions on the Washington, D.C. Admission Act (created via the online tool Flourish.com; data based on original analysis, available in the attachment to the thesis)*

In the Senate, a similar pattern can be observed. The admission act would fail by a total of 53 opposing votes standing against 46 favourable votes. Once again, these stances are exclusively tied to the overall positions of the parties, with the Republican Senators standing against D.C. statehood and the Democrats supporting it. As mentioned before, in 2021, one Democrat, Joe Manchin of West Virginia, spoke out against the admission; he is, however, no longer a member of the chamber.

Importantly, one independent senator, Bernie Sanders of Vermont, would concur with the Democratic senators, although this should not be considered a surprise as he ordinarily sides with the Democratic party, even though he is not its member. He also twice ran as a contender to be the Democratic nominee for president.

One senator, Angus King of Maine, another Independent, has traceably not addressed the question publicly and can not be attributed to a party vote; thus, no predictable position could have been assigned to him.

Even though the issue of D.C. statehood in its current form has never been voted on by the whole Senate, the reliability of the estimation can be seen as rather high. Once again, the Democratic senators as a group show a clearer stance on the issue – all of them, except one, have individually declared their position. The same cannot be said for the Republican senators, as just 29 out of 53 of them have identifiably revealed their leaning. The position of the party still stands as a dependable indicator, but less so than in the case of the House of Representatives, where its validity can be clearly evidenced by previous votes, unlike the case of the Senate.



Picture 2: Composition of the Senate based on positions on the Washington, D.C. Admission Act (created via the online tool Flourish.com; data based on original analysis, available in the attachment to the thesis)

It should be noted that in order to pass through the Senate, D.C. statehood would likely need to gather more support than just a simple majority. Many bills fail to be approved in the Senate even though a simple majority of senators support them due to the existence of the filibuster, which can be ended only by a majority of 60 votes. Importantly, as already stated before, this obstacle contributed to H.R. 51 not being approved by the Senate in 2021, even though the Democrats enjoyed a majority of 50 votes with the tie-breaking vote of the vice president.

As clearly demonstrated, the issue of D.C. statehood is overwhelmingly of a strictly partisan nature. Thus, even if the admission of Douglass Commonwealth to the Union could have been passed by simple legislation with simple majorities, it would face long odds. Even if the Democratic Party, which serves as the source of support for the issue, managed to gain a majority in Congress after the 2026 midterm elections, it is improbable that it would be able to push the measure through Congress, mainly due to the lasting presence of the filibuster.

Of course, the outcome of the elections is impossible and too early to predict, but with respect to the past Senate elections, it is unlikely that the supporters of D.C. statehood, mainly represented by Democrats, would be able to gain such a majority that the filibuster would not pose a problem.

The outcome of the analysis is that in the current Congress, it is hardly imaginable that Washington, D.C. would be admitted to the Union. Additionally, it seems that the overall sentiment could have actually shifted slightly against the District's autonomy. In February 2025, the House witnessed the introduction of the BOWSER Act by Representative Andrew Ogles (R-TN),<sup>29</sup> which would repeal the Home Rule Act. To this date, the bill mostly holds a symbolic value as it is only co-sponsored by 6 other representatives,<sup>xcii</sup> but it can perhaps be used as further evidence of the Republican Party's negative stance on strengthening D.C residents' self-governance.

## 5.2 President

Even though Congress plays a key role in admitting new states to the Union, the legislative branch is not the only one involved in the process – so is the executive branch, represented by the president. As per the Constitution, specifically Article I, Section 7, Clause 2 (or the Presentment Clause), the president holds the power to veto every bill passed by Congress<sup>xciii</sup> – that is, including admissions of new states. Thus, even if the Washington, D.C. Admission Act succeeded in being approved by both the House and the Senate, it would still need to be signed, or at least not vetoed, by President Donald Trump.<sup>30</sup>

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<sup>29</sup> Also called the Bringing Oversight to Washington and Safety to Every Resident Act (H.R.1089)

<sup>30</sup> As per the Presentment Clause, under standard circumstances, a bill does not need to be signed by the President to become a law, if the President does not actively veto it within ten days.

Trump has clearly spoken against the idea. In 2020, he stated in an interview with the New York Post that “DC will never be a state”, specifically explaining that “They want to do that so they pick up two automatic Democrat — you know it’s 100 percent Democrat, basically — so why would the Republicans ever do that? That’ll never happen unless we have some very, very stupid Republicans around that I don’t think you do. You understand that, right?”.<sup>xciv</sup> The first Trump administration also openly declared that he would veto the bill if it passed Congress.<sup>xcv</sup>

Since then, Trump’s views have largely not changed, with his statements actually becoming more hostile towards D.C.’s current degree of autonomy. In February 2025, he declared that Washington, D.C. should be governed by the federal government, presumably instead of its current locally elected city council.<sup>xcvi</sup>

If it were vetoed, the Washington, D.C. Admission Act could still theoretically be approved. The Presentment Clause allows for a presidential veto to be overridden, however, this step would require a two-thirds majority in both chambers of Congress. As clearly shown above, the bill would most probably not be passed even by a simple majority, thus, it is highly unlikely that it could also overcome a veto.

### **5.3 Political element of the debate**

The overall debate surrounding D.C.’s statehood has already been described in detail in the chapters focused on the District’s position within the U.S. administrative framework and the constitutional aspects of the problem. On one hand, there is the argument of disenfranchisement and insufficient representation (sometimes connected to a wider topic of civil rights), on the other, a belief in the unconstitutionality of Washington, D.C. becoming a state. All of the previously mentioned arguments find their way not only to the academic discussion, but also to the political debate around the issue.

Importantly, however, the political side of the conversation also includes a crucial element which has so far only been mentioned lightly. As described above, the political opposition to D.C.’s statehood mainly stems from the Republican Party, which does not hesitate to see the issue from its practical and most obvious side – that is, the immediate political consequences of statehood in the form of new voting members of Congress.

Many Republican politicians, including President Donald Trump, openly base their position on the fact that if D.C. were to be admitted to the Union, it would add at least three new Congressmen, who would most likely side with the Democrats. Indeed, they are probably right – in the past elections, D.C. residents have overwhelmingly voted for Democratic presidential candidates,<sup>31</sup> and their House delegate has also always been a Democrat. This results in many Republican politicians viewing D.C. statehood as a “power grab” and opposing the issue on this basis.<sup>32</sup> The validity of this assumption can not be soundly evaluated as the Democrats have not, at least overwhelmingly, admitted to such motivation.

It can be argued that this aspect of the debate may be one of the important reasons standing behind such a partisan divide regarding D.C. statehood. It can be supported by the fact that the political reality of adding new states to the Union has historically been a vast part of the admission process. That is why, to achieve compromise, on several occasions in U.S. history, new states were admitted in pairs. In the 19th century, before the Civil War, Congress frequently jointly admitted one free and one slave state (for example, Indiana and Mississippi). Most recently, Alaska and Hawaii both became states in 1959 as they were considered leaning democratic and republican, respectively.<sup>xcvii</sup>

## **5.4 Conclusion to the political analysis**

The aim of this chapter was to determine what the chances of Washington, D.C. becoming a state are within the political landscape. The main focus was not the possibility of the admission itself, which is broadly covered within the academic debate, but rather the practical and pragmatic odds the issue faces as a problem ultimately decided by politicians as a political question.

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<sup>31</sup> See Chapter 4.3 “Unmet requirements for statehood”.

<sup>32</sup> As evidenced by several social media posts containing statements on D.C. statehood which were used in the analysis of Congress’s stance. They can be seen in the attachment.

In this regard, it is clear that, at least currently, D.C. statehood is not likely to become a reality. As evidenced by the analysis of the involved decision-makers, namely Congress and the president, it is evident that the political discussion is heavily dictated and driven by the overall partisan split (which has historically not been the case, as shown in chapter 3.1). Since both Congress and the presidency are controlled by the Republican Party, which broadly stands in opposition to the admission, it is reasonable to assume that, at least until 2029, when a new president is to be elected, Washington, D.C., will not become a state.

Even if the supporters of statehood gathered enough seats to win a majority in Congress, due to the existence of the filibuster and the presidential veto, they would most probably not be able to pass the legislation to become a law, as they would need a two-thirds majority within each chamber. With respect to the balanced and closely competitive nature of the elections in recent years, it is rather difficult to imagine an election result that would lead to such a majority (naturally, this outcome is not impossible, but it is highly speculative).

This realization can also be tied to the previous debate surrounding D.C. statehood's constitutionality. This whole chapter focused on the chances of Douglass Commonwealth being admitted via simple legislation by simple majorities. If it were determined by the courts that the admission can only happen by passing a constitutional amendment, the odds of this outcome would plummet even further, as a constitutional amendment requires not only a two-thirds majority in both chambers of Congress but also the approval of three-quarters of state legislatures. With this addition, D.C.'s road to statehood would become even longer, more unpredictable, and far more difficult.

Therefore, it can be argued that the political obstacle D.C. statehood faces is vastly bigger and more difficult to overcome than the constitutional one. On one hand, it is true that the debate of constitutionality is a part of the political discussion and can be seen as a partial influence on it. However, as evidenced above, a considerable part of the split on the issue is driven by purely pragmatic reasons and justifications.

Additionally, whereas all the constitutional questions are at least to an extent soundly refutable and debatable, the political reality, especially in its current form, is unavoidable and insurmountable. Thus, it arguably stands as the more significant factor within the larger discussion of granting statehood to Washington, D.C.

## **Conclusion**

This thesis aimed to analyze the issue of Washington, D.C., and its prospects of being admitted to the Union as the 51st state of the United States of America. It focused on examining the topic's historical context and recent development, and most importantly, it attempted to answer the following research question: "What are the main limitations and obstacles standing in the way of Washington D.C. being granted statehood?". By answering this question, it strived to determine what the actual prospects and odds of D.C. statehood becoming a reality are.

The paper centered around two focal points. Firstly, it explored the academic debate surrounding the question, which mostly revolves around the possibility of the District becoming a state based on the U.S. Constitution and its provisions surrounding D.C, its establishment, intended function, and other theoretical aspects. By examining academic opinions and arguments, it aimed to determine whether the new state could be admitted by the simple legislative process or whether, due to the unique nature of the District, a constitutional amendment would be required.

The thesis focused on five different obstacles to D.C. statehood that are supposedly contained within the Constitution and prohibit the District from being admitted to the Union. Specifically, these reasonings are aimed at the current legislative approach towards statehood, which is to shrink the constitutionally required federal district and give statehood to the surrounding residential area.

The first two arguments are focused on the District Clause of the Constitution, which established D.C. as the seat of the federal government. It is argued that D.C. statehood is, firstly, in contradiction with the wording of the clause, and secondly, goes against the intended function of the District. The third obstacle is based on the belief that, as D.C.'s land was formerly a part of Maryland, the admission would require the state's approval. The fourth objection is that Washington, D.C., does not meet the necessary requirements to become a state. Finally, it is argued that D.C. statehood passed by simple legislation would contradict the 23rd Amendment, which gave D.C. residents the right to participate in the presidential elections.

All of these cases were thoroughly examined and contested. The thesis came to the conclusion that none of the mentioned legal questions present an insurmountable obstacle to the admission. Although each of them is, to a certain extent, reasonable and necessary to be considered, all of them can also certainly be opposed by no less valid counterarguments. Moreover, some of them contain a significant political element. Most importantly, it can be claimed that the judicial branch, which is responsible for answering the legality of such a question, would not oppose D.C. statehood, as it has historically regarded the question of admitting new states to be of a political nature.

Therefore, secondly, a political angle was observed, specifically the positions and leanings of key decision-makers involved in the admission, namely Congress, with its two chambers, the House of Representatives and the Senate, and the President of the United States. Based on an original analysis of the individual politicians' stances, the paper was able to estimate the outcome of possible votes held in the chambers of Congress.

The analysis concluded that, at least within the current political landscape and composition of the 119th Congress, the Washington, D.C., Admission Act (the current legislation striving for D.C. statehood) would not pass through either of the chambers of the legislature. It became evident that the issue is currently shaped by a highly partisan divide, and that the proponents of D.C. statehood within Congress are almost exclusively Democrats and the opponents Republicans. Although it should be noted that the analysis holds some limitations, namely the fact that a portion of the estimated votes was not based on individually declared positions, it still arguably offers a recognizable degree of reliability.

Furthermore, the partisan distinction can be found not only in Congress, but also heavily applies to the current president, who stands in opposition to the issue, and whose veto would be hardly overridden by Congress.

This means that in the current circumstances, the idea of D.C. becoming the 51st state is highly improbable and will probably stay so even after the midterm, and, perhaps, also the presidential elections, even if the Democratic party manages to achieve a majority in Congress. That is due to the existence of the filibuster, which requires a majority of 60 senators to be overridden, and due to the very speculative chance of the Democratic party being able to gather such a large number of new Congressmen and Congresswomen.

The thesis argues that this divide can be explained by the fact that the political opposition is not driven solely by the unsettled discussion around constitutionality, but rather by the practical and pragmatic implications of D.C. statehood. That is, at least three new, very probably Democratic, seats in Congress, which could severely change the current dynamics of the legislative branch.

Therefore, by aiming to answer the research question of “What are the main limitations and obstacles standing in the way of Washington D.C. being granted statehood?”, the thesis comes to the conclusion that there are indeed obstacles of two different kinds. The legal aspect of the issue will admittedly stand as a problem until they are ultimately addressed by the courts. Until then, they should not be disregarded, simply because their outcome can currently only be estimated, but not predicted.

However, as already expressed, the thesis argues that this side of the problem is less potent than the political angle. That is because the practical political aspect is, at least currently, much more present and challenging. As clearly shown, the issue of D.C. statehood faces, and probably will continue to face, vastly steep odds in Congress, no matter whether it needs to be approved by a simple legislation or by a constitutional amendment. Due to the hardly surmountable political divide and situation, the question of constitutionality can be viewed as practically secondary.

Therefore, in conclusion, the answer to the research question is that although the political obstacle is more present and important, the issue at hand stands as a complex one that cannot be answered straightforwardly.

This, however, does not mean that the issue of D.C. statehood lacks importance and relevance. For one, the sole fact that in a well-established democracy, there is a significant portion of the population that is not able to fully practice their right to vote is in and of itself very rare, and at least curious, if not problematic.

Especially in the light of the recent months when President Donald Trump repeatedly raised the possibility of the U.S. granting statehood to territories that were never considered as belonging to the United States, specifically Canada or Greenland. Within these circumstances and propositions, it should not be forgotten that a land in the heart of the United States still is not a state, even though it has pushed for this status for several decades.

Finally, the issue stands as relevant not only in this aspect but also due to its possible implications on the U.S. political sphere. If D.C. were to be admitted to the Union and two new senators and at least one new representative were to be added, the current political landscape would be arguably reshaped to a great extent, and so would the overall dynamics and functioning of the federal government. This is why the topic should still be held as relevant and studied in the future.

## **Závěr**

Cílem této práce bylo zanalyzovat problematiku Washingtonu, D.C. a jeho vyhlídek pro to, aby se stal součástí Unie jakožto 51. stát Spojených států Amerických. Práce se soustředila na zmapování historického kontextu a nedávného vývoje tohoto tématu a zejména se snažila zodpovědět na následující výzkumnou otázku: „Jaká jsou hlavní omezení a překážky stojící v cestě tomu, aby byl Washington, D.C. uznán status státu?“. Zodpovězením na tuto otázku se snažila určit, jaké jsou reálné naděje a šance tohoto úsilí.

Práce se soustředila na dvě hlavní hlediska. Nejdříve prozkoumala akademickou debatu ohledně zkoumané otázky, která se zejména točí kolem možnosti toho, aby se D.C. stal státem na základě americké ústavy a jejích ustanovení, která se týkají federálního okresu, jeho založení, údajné funkce a dalších teoretických aspektů. Na základě zkoumání odborných postojů a argumentů se práce snažila determinovat, zda může být nový stát vytvořen na základě základního legislativního procesu, či zda by za tímto účelem musel být kvůli unikátnímu charakteru okresu přijat dodatek ústavy.

V tomto ohledu se text zaměřil na pět různých překážek údajně stojících v cestě tomu, aby se D.C. mohl stát státem. Tyto limitace mají být obsaženy v samotné ústavě. Konkrétně se zaměřují na aktuálně prosazovanou legislativu, která by ústavou požadovaný federální okres výrazně zmenšila a zbylé obývané území by přetvořila na stát.

První dva argumenty se zaměřují na část ústavy, tzv. District Clause, skrze kterou byl Washington, D.C. založen jakožto sídlo federální vlády. Podle těchto tvrzení by uznání D.C. jakožto státu jednak stálo v opozici se samotným textem ústavy, jednak by bránilo údajně zamýšlené funkci okresu. Třetí překážka staví na myšlence, že jelikož území dnes patřící pod D.C. původně patřilo Marylandu, tento stát by k přijetí Washingtonu, D.C. do Unie musel vydat souhlas. Čtvrtá námitka se týká domněnky, že americké hlavní město aktuálně nenaplnuje nutné požadavky k tomu, aby se mohlo stát státem. Konečně, páté omezení vychází z představy, že by schválení legislativy základním procesem porušovalo 23. dodatek ústavy, který dal obyvatelům D.C. právo účastnit se prezidentských voleb.

Všechny tyto námitky byly hloubkově analyzovány a nativně napadnuty. Práce došla k závěru, že žádná ze zmíněných právních otázek nepředstavuje nepřekonatelnou překážku k tomu, aby se z D.C. stal stát. Přestože je každá z nich do jisté míry postavená na logických základech a stojí za zvážení, zároveň jsou všechny zpochybnitelné a lze se proti nim postavit s neméně validními argumenty. Kromě toho některá z těchto omezení obsahují i striktně politickou složku. Zejména lze pak tvrdit, že soudní moc, která zodpovídá za vyhodnocení ústavnosti podobných otázek, by s jistou pravděpodobností uznání D.C. jakožto státu neoponovala – historicky totiž problematiku přidávání nových států považovala za politickou.

Následně byl tedy zanalyzován právě politický aspekt tématu, konkrétně postoje klíčových aktérů zapojených do procesu rozšiřování Unie – konkrétně Kongresu se svými dvěma komorami, Sněmovnou reprezentantů a Senátem, a také prezidenta Spojených států. Na základě původního výzkumu postojů jednotlivých politiků se práci podařilo odhadnout výsledek případného hlasování nad legislativou v obou komorách Kongresu.

Analýza došla k závěru, že alespoň v kontextu aktuálního politického prostoru a složení 119. Kongresu by navrhovaná legislativa usilující o status státu pro D.C., „Washington, D.C., Admission Act“, neuspěla ani v jedné z komor zákonodárné instituce. Z výzkumu vyšlo najevo, že celá problematika v současnosti jasně podléhá stranickému boji. Zatímco lze podpůrce statusu státu pro D.C. hledat téměř výhradně v rámci Demokratické strany, oponenti této idey jsou zcela téměř republikáni.

Mělo by být každopádně dodáno, že výsledky analýzy mají jistá omezení – zejména se jedná o fakt, že část odhadovaných hlasů k problematice nebyla založena na základě individuálně vyjádřených pozic, nýbrž na základě pozic převažujících v rámci dané politické strany. Autor se však domnívá, že přesto výzkum nabízí výraznou úroveň spolehlivosti odhadu.

Kromě Kongresu lze zřetelně najít stranické rozdělení i v kontextu prezidentské administrativy. Aktuální prezident jasně stojí v opozici navrhované legislativy a jím slíbené případné veto by bylo Kongresem jen stěží přehlasováno.

To znamená, že minimálně v aktuálních podmínkách je představa Washingtonu, D.C. jakožto 51. státu vysoce nepravděpodobná. Tento stav bude zachován pravděpodobně i po volbách do Kongresu v polovině prezidentského mandátu, tzv. midterm elections, a dost možná i po následujících prezidentských volbách – a to i kdyby se demokratům podařilo v Kongresu získat většinu. A to sice kvůli existenci tzv. filibusteru, tedy obstrukce možné v Senátu, jejichž přehlasování vyžaduje většinu 60 hlasů, a vzhledem k vysoce spekulativní pravděpodobnosti, že by se Demokratické straně podařilo takovouto většinu někdy získat.

Práce se domnívá, že za zmíněným stranickým rozdělením může stát fakt, že politická opozice k dané problematice není postavená pouze na otázce ústavnosti, ale spíše na praktických a pragmatických důsledcích D.C. jakožto státu – tedy toho, že by se do Kongresu přidali dva noví senátoři a alespoň jeden reprezentant, kteří by nejpravděpodobněji byli demokraté. Tento faktor by mohl výrazně proměnit poměr sil a celkovou dynamiku zákonodárné moci.

Ve snaze zodpovědět na výzkumnou otázku „Jaká jsou hlavní omezení a překážky stojící v cestě tomu, aby byl Washingtonu, D.C. uznán status státu?“ dochází práce k závěru, že existují překážky dvojího typu. Právní aspekt této problematiky zůstane pravděpodobně omezením a problémem, dokud nebude vyřešen soudy. Do té doby je s touto perspektivou potřeba počítat, zkrátka už jen z toho důvodu, že její výsledek nemůže být nyní bezpečně předpověděn.

Každopádně práce zároveň tvrdí, že tento úhel tématu je méně relevantní v porovnání s jeho politickým aspektem. Tento prvek je alespoň aktuálně mnohem přítomnějším a problematičtější. Jak bylo ukázáno, problematika D.C. jakožto státu čelí velice obtížné cestě v Kongresu, a to bez ohledu na to, jestli ji lze vyřešit skrze základní legislativní proces či schválením ústavního dodatku. Vzhledem k těžko překonatelné stranické propasti tak může být otázka ústavnosti pokládána za druhořadou.

To znamená, že odpovědí k výzkumné otázce je, že ačkoliv je politický aspekt problematiky pravděpodobně důležitější a výraznější, k celému tématu je nadále potřeba přistupovat komplexně a nelze na něj odpovědět jednoduše a přímočaře.

To každopádně neznamená, že problematika statusu státu pro Washington, D.C. postrádá důležitost a relevanci. Jednak je potřeba vnímat už jen samotný fakt že uvnitř dlouhodobě zavedené demokracie najdeme výraznou část obyvatelstva s omezeným volebním právem. Tuto skutečnost je třeba chápat minimálně jako pozoruhodnou, ne-li přímo problematickou.

A to zejména ve světle nedávných událostí, kdy prezident Donald Trump opakovaně vnesl myšlenku, že by se součástí Spojených států mohla stát i území, která k USA historicky nikdy přiřazována nebyla – například se jedná o Kanadu nebo o Grónsko. V kontextu těchto okolností a návrhů by se nemělo zapomínat na to, že v samotném srdci Spojených států leží oblast, která stále není státem, i když o to usiluje už několik dekad.

Kromě toho je problematika obzvlášť relevantní kvůli svým případným implikacím na americkou politickou scénu. Kdyby se D.C. stal státem a do Kongresu se tak přidali minimálně tři noví členové, aktuální politické prostředí by se pravděpodobně výrazně proměnilo, stejně jako obecné fungování celé federální vlády. I proto by toto téma mělo být i do budoucna pokládáno za relevantní a dále zkoumáno.

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