

## NewsRoom

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### **D.C. Voting Solution**

As many legal analysts have noted, the newly passed House bill to give Washington, D.C., a voting member in the House of Representatives is inconsistent with the Constitution. The key structural rules are in Article I, Section 2, Clause 1 and the 14th Amendment, Section 2, both of which explicitly link Representatives to states. Yet the District is not a state.

One way to solve the problem of non-representation of District residents would be for Congress to offer retrocession to Maryland of the lands in the District that are not owned by the federal government contingent on the approval of Maryland and the people living in the District. Should retrocession be accepted, that could be accomplished by law. Should Maryland reject retrocession, as many observers have said that it would, then Congress would be free to convert the portions of the District that are no longer needed for a seat of government into a new U.S. territory called Columbia. This could be accomplished by law pursuant to Article I, Section 8, Clause 17 (the Seat of Government Clause). Then, like any territory, the Territory of Columbia could be admitted as a new state pursuant to the authority in the Constitution, Article IV, Section 3. This could be accomplished by law; it would not need a constitutional amendment.

Note that Congress could by law declare that no residents would exist in the seat of government. Under the 23rd Amendment to the Constitution, Congress could withdraw the three electoral votes previously given to the District. The new state of Columbia would have three electoral votes (corresponding to its two Senators and one Member of the House) but someday could qualify for more depending on its population.

Enacting this plan into law would be a political challenge to be sure, especially in the Senate. But it would seem to be a goal worthy of a political movement because it would respect the principles of constitutional law and of democracy. It would be an honest approach to solving a knotty problem, not embarrassing gimmickry like linking a House seat for D.C. to a seat for Utah.

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