

October 5, 2021

Comments from the ACLU of Wisconsin  
In support of Senate Joint Resolution 62



Members of the Wisconsin Legislature:

The American Civil Liberties Union of Wisconsin (“ACLU”) is a non-partisan, non-profit organization working to protect the civil liberties and civil rights of all Wisconsinites. The ACLU supports the adoption of Senate Joint Resolution 62 (“SJR 62”) that calls on members of the United States Congress to enact federal legislation granting statehood to the people of Washington, D.C. (“D.C.”).

Washington, D.C. is the only national capital in the democratic world whose citizens do not have equal voting and representation rights. People who live in D.C. are just like the people who live in Wisconsin. They are veterans, nurses, grocery store clerks, teachers, family members, neighbors, and volunteers. They deserve the same full voting rights as every other American.

The ongoing denial of full voting rights to the 712,000 residents of D.C., most of whom are Black and Brown, is an egregious example of ongoing voter suppression happening in our country today. Unfortunately, this isn’t a coincidence. The hard truth is that the denial of statehood to D.C. residents for more than 200 years is rooted in racism. In 1867, right after the Civil War, President Andrew Johnson vetoed a bill that would grant citizens of the District—including Black men—the right to vote. Congress overrode the veto, briefly granting notable and historic political influence to Black Washingtonians. But just as Black voters started to exercise their political power in D.C., Congress quickly replaced D.C.’s local government with federally appointed commissioners, blocking the heavily Black region from having full voting rights or control over its own local government.

D.C. statehood is constitutional. Under the U.S. Constitution, Congress has the authority to admit new states, so making D.C. a state would not require any new constitutional amendments. In fact, Founding Fathers James Madison, Alexander Hamilton, and John Jay always envisioned full voting rights for D.C. residents, writing in the Federalist Papers that D.C. residents “will have had their voice in the election of the government which is to exercise authority over them.”

Fast forward to today: there is already a solution on the table that would allow D.C. to move forward with statehood. The Washington, D.C. Admission Act would create a state from the residential areas of D.C. and carve out federal land -- including the U.S. Capitol, the White House, and other federal buildings -- as the federal district. The federal district would be two-square miles and called the Capital. The 51st state, called the State of Washington, Douglass Commonwealth, would have no jurisdiction over the Capital. We know for certain Congress has the constitutional power to reduce the size of the Capital because it has already

done so. In 1848, Congress returned most of Arlington and Alexandria from D.C. to the state of Virginia. Even before that, in 1791, just four years after the Constitution was signed, Congress changed the District's configuration.

Denying D.C. statehood means denying D.C. residents autonomy. D.C. doesn't have control over its own laws or even full control over its own criminal justice system. Unlike every other state, D.C. cannot pass its own laws without "congressional review," something Congress has repeatedly used to block the will of the people in D.C. Congress is also able to create its own laws for D.C. residents, without any input from D.C. residents themselves -- something Congress does frequently through forced "riders" on D.C.'s budget every year. It is wrong and outright anti-democratic for Congress to overrule the will of D.C. residents to determine local laws. It's not just a political issue, it's a health and safety issue for everyone who calls D.C. home. Can you imagine if Congress stepped in and vetoed the laws we pass in Wisconsin? We'd be in an uproar because we would know it was wrong.

As of December 2020, the U.S. Census Bureau estimates D.C.'s population has grown to 712,000. That's more than the populations of both Vermont and Wyoming, and it's comparable to the populations of Alaska, North Dakota, South Dakota, and Delaware. Among D.C.'s voting population today are more than 11,000 active-duty service members and more than 30,000 veterans, all of whom are being denied their full voting rights simply because they live in D.C. These service members risk their lives to protect the rights of Americans, yet they are denied their own full rights at home.

D.C. already operates with the responsibilities of statehood--just without the same representation or rights afforded all other states. D.C. residents pay the highest per-capita federal income taxes in the U.S. In total, D.C. residents pay more in federal income tax than residents of 22 other states, but they have no say over how those federal tax dollars are spent by Congress. D.C. receives less federal funding than five states, and about the same as three other states. In fact, D.C. has a greater gross domestic product than many states. and has balanced its budget every year for at least 20 years. D.C. has a AAA bond rating, a rating higher than 35 states.

It is long past time for D.C. to be granted statehood. Making D.C. a state is not a partisan issue, it is a campaign for equal civil rights. It is a democratic effort to re-enfranchise more than 712,000 Americans who have been wrongly denied their full voting rights for more than 200 years. Every member of our state legislature, every member of the U.S. Congress, and every person who believes in our Democracy and equal rights should support D.C. statehood.

For these reasons, the ACLU urges the legislature to adopt SJR 62 and call on Congress to enact federal legislation to grant D.C. Statehood. Thank you.