

**From:** Susan A [REDACTED]  
**Sent:** Tuesday, February 25, 2025 9:16 AM  
**To:** Senate State Affairs  
**Subject:** Public Testimony on Senate Joint Resolution No. 6 (SJR 6)

Public Testimony on Senate Joint Resolution No. 6 (SJR 6)  
Presented to the Alaska State Legislature

Honorable Members of the Alaska State Legislature,

Thank you for the opportunity to testify on Senate Joint Resolution No. 6 (SJR 6), which supports the admission of Washington, D.C., as a state of the United States. While I support efforts to grant full representation and self-governance to the residents of Washington, D.C., this resolution does not fully address several constitutional, legal, and practical barriers that could undermine the effectiveness of statehood. Without addressing these issues, the people of D.C. could continue to face disenfranchisement, governance instability, and legal uncertainty even if statehood is granted.

#### Key Issues & How They Harm D.C. Residents

##### 1. The Twenty-Third Amendment Creates a Governance Crisis

###### Legal Reference:

U.S. Constitution, Amendment XXIII (1961) – Grants Washington, D.C., three electoral votes in presidential elections.

###### How This Harms D.C. Residents:

If statehood is granted without repealing or amending the Twenty-Third Amendment, the remaining federal enclave (White House, Capitol, Supreme Court) would still technically control three electoral votes, which could be decided by just a handful of federal government employees or residents.

This violates democratic principles by allowing an unelected group of federal officials to control presidential votes.

It creates legal uncertainty over how electoral votes are assigned, potentially leading to Supreme Court challenges that could delay or invalidate D.C.'s statehood efforts.

###### Solution:

The resolution must include a call for the repeal of the Twenty-Third Amendment to avoid this constitutional crisis.

##### 2. Congressional Oversight Could Weaken State Autonomy

###### Legal References:

Article I, Section 8, Clause 17 of the U.S. Constitution – Grants Congress full legislative control over the federal district.

District of Columbia Home Rule Act (1973), 87 Stat. 774 – Gives D.C. local governance but allows Congress to override its laws and control its budget.

###### How This Harms D.C. Residents:

Even with statehood, Congress could continue to interfere in D.C.'s governance, just as it has done under Home Rule. Historically, Congress has:

Blocked local laws on reproductive rights, policing reform, and cannabis policy, despite local voter approval.

Overridden the D.C. criminal justice system, most recently rejecting a comprehensive 2023 update to the city's criminal code.

Controlled D.C.'s budget, preventing residents from using their own tax dollars as they see fit.

If Congress does not fully relinquish control, D.C. residents may remain second-class citizens under a system where a "state" can still have its laws vetoed by federal lawmakers.

Solution:

The resolution should demand full autonomy for the new state and ensure no lingering congressional oversight over local affairs.

### 3. The Federal Enclave's Boundaries Must Be Clearly Defined

Legal Reference:

U.S. Constitution, Article I, Section 8, Clause 17 – Establishes the need for a federal district separate from state control.

How This Harms D.C. Residents:

Without a clearly defined federal enclave, there is a risk that the new state's borders will be legally contested, leading to:

Disputes over jurisdiction, delaying the implementation of state governance.

Uncertainty in law enforcement and taxation, affecting property owners, businesses, and residents near the new federal boundary.

A poorly planned transition could leave residents in a legal gray area, unsure of whether they are under state or federal jurisdiction.

Solution:

The resolution must include a plan for establishing clear federal district boundaries before statehood is enacted.

### 4. The Filibuster and Partisan Gridlock Could Delay or Reverse Progress

Legal References:

Article IV, Section 3, Clause 1 of the U.S. Constitution – Grants Congress the authority to admit new states.

Senate Cloture Rule (Rule XXII) Requires 60 votes to overcome a filibuster in the U.S. Senate.

How This Harms D.C. Residents:

Even if the House and Senate pass a statehood bill, opponents in Congress can filibuster and block it indefinitely. Since 2020, the Senate has refused to bring D.C. statehood to a vote, despite passage in the House.

If statehood is granted through simple legislation rather than a constitutional amendment, future Congresses could attempt to revoke it, leaving D.C. in limbo.

D.C. statehood opponents argue that because D.C. was established by the Constitution, it can only be changed through an amendment, making any legislative approach vulnerable to legal challenges.

Solution:

The resolution should recognize the need for a long-term legislative and legal strategy that ensures statehood is permanent and not subject to future congressional rollbacks.

#### 5. Ignoring Retrocession Could Leave Residents Without the Best Representation Option

Legal References:

Retrocession of Alexandria (1846) – Congress returned part of D.C. to Virginia, setting a legal precedent for returning D.C. to Maryland.

Maryland v. U.S. (1791) – Confirmed Congress’s power to govern the federal district.

How This Harms D.C. Residents:

The resolution assumes that statehood is the only solution, but retrocession (returning most of D.C. to Maryland) could provide full representation without requiring a constitutional amendment or battling Senate filibusters.

If statehood is continuously blocked in the Senate, D.C. residents could remain disenfranchised for decades with no alternative.

Retrocession would immediately give residents full representation in Congress by making them Maryland voters.

Ignoring this option limits potential solutions that could bring representation faster.

Solution:

The resolution should explore both statehood and retrocession, ensuring the best path for D.C. residents is chosen.

#### Conclusion & Recommendations

Without addressing these issues, D.C. residents could face:

1. A constitutional crisis over presidential elections.
2. Continued congressional interference in local governance.
3. Uncertainty over federal district boundaries and legal jurisdiction.
4. Political gridlock that delays or reverses statehood efforts.
5. A failure to consider retrocession as a viable alternative.

To ensure D.C. residents gain true representation and self-governance, I recommend the Alaska State Legislature:

Modify SJR 6 to call for the repeal of the Twenty-Third Amendment to prevent a federal enclave voting crisis.

Ensure full legislative independence for D.C. by requiring Congress to fully relinquish oversight upon statehood.

Clarify how the new federal district will be defined to avoid legal disputes.

Acknowledge the political hurdles of the Senate filibuster and call for legislative strategies that ensure statehood is permanent.

Consider retrocession as an alternative to avoid legal and political barriers that could indefinitely delay representation.

The people of Washington, D.C., deserve full and equal representation, but statehood must be structured to avoid constitutional conflicts, governance instability, and long-term legal challenges. This resolution must be strengthened to ensure that D.C. residents do not continue to suffer under partial representation or political uncertainty.

However there are still Further Problems with SJR 6

## 6. Federal Funding and Economic Viability

Legal References:

U.S. Constitution, Article I, Section 8, Clause 1 – Grants Congress control over federal taxation and spending.

D.C. Appropriations Act (Annual) – Congress determines D.C.'s budget and federal financial assistance.

Potential Harm to D.C. Residents:

D.C. receives significant federal funding due to its unique status. Statehood could reduce or restructure these funds, impacting public services like transportation, law enforcement, and emergency management.

Federal workers and agencies make up a large portion of D.C.'s economy. Changes in tax structures and jurisdiction could create economic uncertainty.

Loss of federal oversight might require D.C. to independently fund programs that are currently subsidized by the federal government.

Solution:

The resolution should ensure that D.C.'s economic stability is protected, either through federal commitments or transitional funding structures.

## 7. Legal Challenges and Supreme Court Review

Legal References:

Marbury v. Madison (1803) – Establishes judicial review, allowing the Supreme Court to strike down unconstitutional laws.

Advisory opinions from legal scholars – Many argue D.C. statehood must be enacted via constitutional amendment rather than simple legislation.

Potential Harm to D.C. Residents:

If Congress grants statehood via legislation rather than a constitutional amendment, legal challenges could delay or overturn the process.

A conservative-leaning Supreme Court could strike down statehood on constitutional grounds, forcing D.C. back into its previous status.

Even if statehood is upheld, protracted litigation could create uncertainty about governance, representation, and law enforcement.

**Solution:**

The resolution should account for potential Supreme Court challenges and propose a legal strategy for defending statehood.

## **8. Military and National Security Considerations**

**Legal References:**

U.S. Constitution, Article I, Section 8, Clause 17 – Ensures a neutral federal district for national governance.

Department of Defense and Homeland Security regulations Control military and security operations within D.C.

**Potential Harm to D.C. Residents:**

The federal government relies on D.C. for national security operations, including military command, intelligence agencies, and emergency response coordination.

If D.C. becomes a state, the federal government may attempt to retain control over certain security functions, limiting state autonomy.

D.C. National Guard is currently under federal control. As a state, it may need to restructure command authority, impacting disaster response and law enforcement support.

**Solution:**

The resolution should clarify how security responsibilities will transition from federal to state control while preserving national security.

## **9. Impact on Other Territories Seeking Statehood**

**Legal References:**

Precedents set by past state admissions – Each new state creates a model for future admissions.

Puerto Rico Status Acts (Various proposals) – Ongoing debate over Puerto Rico's statehood, independence, or commonwealth status.

**Potential Harm to D.C. Residents & Other U.S. Territories:**

D.C. statehood could create political momentum for Puerto Rico, Guam, and other U.S. territories seeking statehood.

Opponents might argue that granting D.C. statehood without a nationwide policy for territories creates an unfair precedent.

Future Congresses might reverse or modify D.C.'s statehood if political dynamics shift, especially if other territories are left unaddressed.

**Solution:**

The resolution should recognize D.C. statehood within the broader context of territorial representation and ensure it does not create unintended consequences for other U.S. territories.

## Conclusion: Strengthening the Resolution

To fully protect D.C. residents and ensure a legally sound and politically viable statehood transition, SJR 6 should be modified to include the following additional considerations:

Ensure economic stability by addressing potential loss of federal funding and economic adjustments.

Prepare for legal challenges by including a strategy for defending statehood in the Supreme Court.

Address national security concerns by defining how federal agencies and military operations will function in the new state.

Acknowledge potential impacts on other U.S. territories and consider broader legislative strategies for statehood efforts.

Here are a few more potential problems with SJR 6:

### 10. Impact on Voting Representation in the Senate

#### Legal References:

U.S. Constitution, Article I, Section 3 – Provides for two Senators per state.

Voting Rights Act of 1965 – Ensures equal representation in the political process, though it doesn't directly address Senate representation for new states.

#### Potential Harm to D.C. Residents:

D.C. statehood would add two Senators to the U.S. Senate, which could shift the balance of power in the Senate, making it a contentious issue.

Opponents may argue that the creation of a predominantly Democratic state like D.C. could unfairly affect Senate representation, leading to gridlock or attempts to counterbalance through other measures, such as creating additional states or altering Senate rules.

The debate over Senate representation could distract from the core issues of D.C. residents' rights, leading to further delays and political wrangling.

#### Solution:

The resolution should anticipate this challenge and address the need for fair and unbiased representation in the Senate to ensure D.C. residents can have a strong, legitimate voice in the federal legislative process.

### 11. Environmental and Urban Planning Challenges

#### Legal References:

National Environmental Policy Act (NEPA) – Requires federal agencies to assess the environmental impact of their actions.

D.C. Environmental Management Agency Regulations – Oversees local environmental protections but may face challenges after statehood.

#### Potential Harm to D.C. Residents:

As a state, D.C. would assume more responsibility for urban planning, zoning, and environmental protections, which could create challenges given the already complex federal and local regulations.

Without clear guidelines, transitioning D.C. into a state could lead to conflicting local and state regulations, resulting in legal confusion over land use, development, and infrastructure projects.

The state could face pressure to balance development with environmental sustainability, potentially leading to unintended consequences, like reduced public green spaces or increased pollution in certain areas.

**Solution:**

The resolution should include a strategy for transitioning D.C.'s urban and environmental policies to a state-level framework while ensuring that D.C. retains protections for its environment, public spaces, and residents.

## 12. Legal Integration and Reconciliation of State and Federal Laws

**Legal References:**

D.C. Code – A complex set of local laws that could face significant changes after statehood.

Full Faith and Credit Clause (U.S. Constitution, Article IV, Section 1) – Requires states to honor the laws and judicial proceedings of other states, but not necessarily federal laws.

**Potential Harm to D.C. Residents:**

After statehood, D.C. would need to reconcile its existing laws with state and federal frameworks, which could create significant confusion and legal inconsistencies.

There may be disputes over jurisdiction, with D.C. courts potentially conflicting with state courts, or federal law clashing with state law.

The legal transition could create gaps in protections for residents, particularly in areas like civil rights, taxation, and business regulation, leading to increased litigation and uncertainty.

**Solution:**

The resolution should outline a clear path for integrating D.C.'s laws with the broader state system, ensuring there is no legal void or uncertainty for residents. This might include a special commission or advisory board to oversee the transition.

## 13. Residency Status and Voting Rights for Non-Citizens

**Legal References:**

Immigration and Nationality Act (INA) – Governs residency and naturalization processes for non-citizens.

D.C. Voter Access Act (2020) – Allows non-citizens to vote in local elections but not in federal elections.

**Potential Harm to D.C. Residents:**

D.C. currently has a large population of non-citizens (e.g., diplomats, foreign workers, students), many of whom are permitted to vote in local elections.

As a state, D.C. may need to adjust its voting laws, which could impact non-citizen residents' ability to participate in local governance.

If non-citizens' voting rights are restricted post-statehood, it could lead to disenfranchisement or alienation of significant portions of the population, particularly those who have lived and contributed to the city for many years.

Solution:

The resolution should ensure that D.C.'s approach to non-citizen voting rights is carefully examined and addressed, potentially allowing non-citizens to retain certain rights in local elections while ensuring compliance with federal standards.

#### 14. Unresolved Issues for Residents of D.C.'s Surrounding Areas

Legal References:

D.C. Government and Public Services Act (Various Provisions) – Governs services and jurisdiction in D.C.

U.S. Supreme Court decisions on interstate governance – Determining jurisdictional boundaries for the Washington metropolitan area.

Potential Harm to D.C. Residents:

D.C. shares its borders with Maryland and Virginia, and statehood could create new jurisdictional complexities for neighboring residents.

Local services, such as transportation, policing, and health care, are highly integrated with surrounding states. Any changes in statehood could disrupt these cross-border services, negatively affecting residents in the metropolitan region.

Nearby states could challenge D.C. over resource allocation, tax burdens, or regulatory powers, leading to further tension in the region.

Solution:

The resolution should consider how D.C.'s statehood will affect its neighboring states and recommend measures to maintain smooth regional cooperation, such as interstate compacts for shared services and resources.

Here is my biggest issue with this joint resolution.:

Repealing the Twenty-Third Amendment would have significant constitutional and political implications, both for Washington, D.C. and the broader United States. Here's what it would mean:

##### 1. Removal of Washington, D.C.'s Electoral Votes

The Twenty-Third Amendment grants Washington, D.C. three electoral votes in presidential elections, despite the district not having full representation in Congress. Repealing the amendment would eliminate those three electoral votes, meaning:

**Washington, D.C. Residents Would Lose Voting Power in Presidential Elections:** D.C. residents would no longer have a say in choosing the president. While they have had limited electoral rights since the amendment's passage in 1961, removing these votes would disenfranchise over 700,000 residents of D.C. during presidential elections.



## 2. Possible Impact on Future Statehood or Retrocession

Repealing the Twenty-Third Amendment could make statehood for D.C. or retrocession (returning D.C. to Maryland) more feasible:

**D.C. Statehood:** Currently, D.C. statehood is complicated by the presence of electoral votes, as it raises constitutional questions about the number of electors each state has. By repealing the amendment, the federal district would no longer have electoral votes, and this would remove a major hurdle to D.C. becoming a state. However, this also means D.C. residents would lose their three electoral votes in the interim.

**Retrocession to Maryland:** If D.C. were returned to Maryland as part of retrocession, D.C. residents would gain voting rights through Maryland's electoral votes. Repealing the Twenty-Third Amendment could make this option more politically viable, as it would eliminate the complication of electoral votes being assigned to a non-state.

## 3. Constitutional and Legal Changes

Repealing the amendment would involve a constitutional change, requiring a two-thirds majority in both houses of Congress and ratification by three-fourths of the states. This process would likely ignite debates over the principle of equal representation for D.C. residents and the practical impacts of the change on the Electoral College system.

**Impact on the Electoral College System:** The Electoral College system is already an ongoing subject of controversy, with some calling for reforms or abolition. Repealing the Twenty-Third Amendment would further change how electoral votes are distributed, but it would not eliminate the fundamental issues tied to the Electoral College system itself, such as the disproportionate influence that smaller states wield in presidential elections.

## 4. Political Ramifications

**Shift in Political Power:** Currently, D.C.'s three electoral votes lean heavily Democratic, which could be a political issue for opponents of D.C. statehood. Removing these votes could shift the balance of power in presidential elections, particularly if Congress addresses D.C. statehood in the future.

**Further Delays in Full Representation:** The repeal of the Twenty-Third Amendment could cause new debates, potentially delaying other forms of political reform for D.C., such as granting it full statehood or retrocession.

### Summary of Key Impacts

Disenfranchisement of D.C. residents in presidential elections (loss of electoral votes).

Facilitating D.C. statehood or retrocession as the constitutional obstacle of D.C. electoral votes is removed.

Constitutional and legal changes required to repeal the amendment, triggering debates on the Electoral College and equal representation.

Shifting political dynamics in future presidential elections, as D.C.'s three electoral votes no longer factor in.

While repealing the Twenty-Third Amendment could open the door for greater political reforms for Washington, D.C., it could also complicate the current system of electing the president. It's a nuanced change with far-reaching consequences for how American democracy functions.

My overall question for the committee is why is the Alaskan delegation making this request?

If this joint resolution is fixed I would be more willing to support it otherwise it would have overall devastating effects. It may be better to suggest statehood through an Amendment instead of legislation. The hurdle of this current legislation would be repealing the 23rd Amendment.

Thank you for your consideration

Susan Allmeroth

A blacked-out redacted signature.

Myself