

ALASKA LEGISLATURE COMMITTEE FILES 1991-1992 8672

7717 SENATE STATE AFFAIRS

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1 proximity to the seat of the Federal Government,
2 and the cost to the State of providing such services;

3 (B) potential revenues lost because of the pres-
4 ence of the Federal Government within or adjacent
5 to the State, including Federally-imposed height or
6 other restrictions on buildings located within the
7 State and revenues not obtainable because of a lack
8 of taxable property and business income within the
9 State; and

10 (C) potential revenues gained because of the
11 presence of the Federal Government within or adja-
12 cent to the State.

13 (3) At the time the Governor submits the report de-
14 scribed in paragraph (2) to Congress, the Governor shall
15 submit copies of the report to the Directors of the Con-
16 gressional Budget Office and the Office of Management
17 and Budget, who shall submit reports to Congress analyz-
18 ing the Governor's report not later than 30 days after re-
19 ceiving copies of the report.

20 (e) The State may not change any provision of its
21 Constitution concerning height limitations on buildings
22 without the consent of Congress.

23 (f) Nothing in this Act or the Constitution or laws
24 of the State may be construed to permit the State to
25 refuse to allow an individual to serve as a qualified reg-

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1 istered elector of the State solely because the individual
2 resides in the National Capital Service Area.

3 **SEC. 6. STATE TITLE TO LANDS AND PROPERTY.**

4 (a) The State of New Columbia and its political sub-
5 divisions shall have and retain title or jurisdiction for pur-
6 poses of administration and maintenance to all property,
7 real and personal, with respect to which title or jurisdic-
8 tion for purposes of administration and maintenance is
9 held by the territory of the District of Columbia as of the
10 date of the enactment of this Act.

11 (b) All laws of the United States reserving to the
12 United States the free use or enjoyment of property which
13 vests in or is conveyed to the State of New Columbia or
14 its political subdivisions pursuant to this section or reserv-
15 ing the right to alter, amend, or repeal laws relating there-
16 to shall cease to be effective upon the admission of the
17 State of New Columbia into the Union.

18 **SEC. 7. ELECTIONS.**

19 (a)(1) Not more than sixty days after the date of en-
20 actment of this Act, the President of the United States
21 shall certify such enactment to the Mayor of the District
22 of Columbia. Not more than thirty days after such cer-
23 tification the Mayor of the District of Columbia shall issue
24 a proclamation for the elections, subject to the provisions
25 of this Act, for officers of all State elective offices provided

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1 for by the constitution of the proposed State of New Co-
2 lumbia and for two Senators and one Representative in
3 Congress.

4 (2) In the first election of Senators from the State
5 (pursuant to paragraph (1)) the two senatorial offices
6 shall be separately identified and designated, and no per-
7 son may be a candidate for both offices. No such identi-
8 fication or designation of either of the two senatorial of-
9 fices shall refer to or be taken to refer to the terms of
10 such offices, or in any way impair the privilege of the Sen-
11 ate to determine the class to which each of the Senators
12 elected shall be assigned.

13 (b) The proclamation of the Mayor of the District of
14 Columbia required by subsection (a) shall provide for the
15 holding of a primary election and a general election and
16 at such elections the officers required to be elected as pro-
17 vided in subsection (a) shall be chosen by the people. Such
18 elections shall be held, and the qualifications of voters
19 shall be, as prescribed by the constitution of the proposed
20 State of New Columbia for the election of members of the
21 proposed State legislature. Election returns shall be made
22 and certified in such manner as the constitution of the
23 proposed State of New Columbia may prescribe. The
24 Mayor of the District of Columbia shall certify the results
25 of such elections to the President of the United States.

1 (c)(1) At an election designated by proclamation of
2 the Mayor of the District of Columbia, which may be the
3 primary or the general election held pursuant to sub-
4 section (b), a territorial general election, or a special elec-
5 tion, there shall be submitted to the electors qualified to
6 vote in such election, for adoption or rejection, the fol-
7 lowing propositions:

8 (A) New Columbia shall immediately be admit-
9 ted into the Union as a State.

10 (B) The boundaries of the State of New Colum-
11 bia shall be as prescribed in the New Columbia Ad-
12 mission Act and all claims of the State to any areas
13 of land or sea outside the boundaries so prescribed
14 are hereby irrevocably relinquished to the United
15 States.

16 (C) All provisions of the New Columbia Admis-
17 sion Act, including provisions reserving rights or
18 powers to the United States and provisions prescrib-
19 ing the terms or conditions of the grants of lands or
20 other property made to the State of New Columbia,
21 are consented to fully by the State and its people.

22 (2) In the event the propositions under paragraph (1)
23 are adopted in such election by a majority of the legal
24 votes cast on such submission, the proposed constitution
25 of the proposed State of New Columbia, adopted by the

1 Council of the District of Columbia in the Constitution
2 for the State of New Columbia Approval Act of 1987
3 (D.C. Law. 7-8), shall be deemed amended accordingly.

4 (3) In the event any one of the propositions under
5 paragraph (1) is not adopted at such election by a major-
6 ity of the legal votes cast on such submission, the provi-
7 sions of this Act shall cease to be effective.

8 (4) The Mayor of the District of Columbia is author-
9 ized and directed to take such action as may be necessary
10 or appropriate to ensure the submission of such propo-
11 sitions to the people. The return of the votes cast on such
12 propositions shall be made by the election officers directly
13 to the Board of Elections of the District of Columbia,
14 which shall certify the results of the submission to the
15 Mayor. The Mayor shall certify the results of such submis-
16 sion to the President of the United States.

17 (d)(1) If the President finds that the propositions set
18 forth in subsection (c)(1) have been duly adopted by the
19 people of New Columbia, the President, upon certification
20 of the returns of the election of the officers required to
21 be elected as provided in subsection (a), shall issue a proc-
22 lamation announcing the results of such election as so
23 ascertained. Upon the issuance of such proclamation by
24 the President, the State of New Columbia shall be deemed

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1 admitted into the Union as provided in section 2 of this
2 Act.

3 (2) Until the State of New Columbia is admitted into
4 the Union, individuals holding legislative, executive, and
5 judicial offices of the District of Columbia, including the
6 Delegate in Congress from the District of Columbia, shall
7 continue to discharge the duties of their respective offices.
8 Upon the issuance of such proclamation by the President
9 of the United States and the admission of the State of
10 New Columbia into the Union, the officers elected at such
11 election, and qualified under the provisions of the con-
12 stitution and laws of such State, shall proceed to exercise
13 all the functions pertaining to their offices in, under, or
14 by authority of the government of such State, and offices
15 not required to be elected at such initial election shall be
16 selected or continued in office as provided by the con-
17 stitution and laws of such State. The Governor of such
18 State shall certify the election of the Senators and Rep-
19 resentative in the manner required by law, and the Sen-
20 ators and Representative shall be entitled to be admitted
21 to seats in Congress and to all the rights and privileges
22 of Senators and Representatives of other States in the
23 Congress of the United States.

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1 SEC. 8. HOUSE OF REPRESENTATIVES MEMBERSHIP.

2 The State of New Columbia upon its admission into
3 the Union shall be entitled to one Representative until the
4 taking effect of the next reapportionment, and such Rep-
5 resentative shall be in addition to the membership of the
6 House of Representatives as now prescribed by law, except
7 that such temporary increase in the membership shall not
8 operate to either increase or decrease the permanent mem-
9 bership of the House of Representatives or affect the basis
10 of apportionment for the Congress.

11 SEC. 9. LAWS IN EFFECT.

12 Upon admission of the State of New Columbia into
13 the Union, all of the territorial laws then in force in the
14 Territory of the District of Columbia shall be and continue
15 in force and effect throughout the State, except as modi-
16 fied or changed by this Act, or by the Constitution of the
17 State, or as thereafter modified or changed by the legisla-
18 ture of the State. All of the laws of the United States
19 shall have the same force and effect within the State as
20 elsewhere in the United States.

21 SEC. 10. CONTINUATION OF SUITS.

22 (a) No writ, action, indictment, cause, or proceeding
23 pending in any court of the District of Columbia or in
24 the United States District Court for the District of Colum-
25 bia shall abate by reason of the admission of the State
26 of New Columbia into the Union, but shall be transferred

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1 and shall proceed within such appropriate State courts as
2 shall be established under the constitution of the State,
3 or shall continue in the United States District Court for
4 the District of Columbia, as the nature of the case may
5 require. And no writ, action, indictment, cause, or pro-
6 ceeding shall abate by reason of any change in the courts,
7 but shall proceed within the State or United States courts
8 according to the laws thereof, respectively. The appro-
9 priate State courts shall be the successors of the courts
10 of the District of Columbia as to all cases arising within
11 the limits embraced within the jurisdiction of such courts,
12 respectively, with full power to proceed with such cases,
13 and award mesne or final process therein, and all files,
14 records, indictments, and proceedings relating to any such
15 writ, action, indictment, cause, or proceeding shall be
16 transferred to such appropriate State courts and shall be
17 proceeded with therein in due course of law.

18 (b) All civil causes of action and all criminal offenses
19 which shall have arisen or been committed prior to the
20 admission of the State, but as to which no writ, action,
21 indictment, or proceeding shall be pending at the date of
22 such admission, shall be subject to prosecution in the ap-
23 propriate State courts or in the United States District
24 Court for the District of Columbia in like manner, to the
25 same extent, and with like right of appellate review, as

1 if such State had been created and such State courts had
2 been established prior to the accrual of such causes of ac-
3 tion or the commission of such offenses. The admission
4 of the State shall effect no change in the substantive or
5 criminal law governing causes of action and criminal of-
6 fenses which shall have arisen or been committed, and any
7 such criminal offenses as shall have been committed
8 against the laws of the District of Columbia shall be tried
9 and punished by the appropriate courts of the State, and
10 any such criminal offenses as shall have been committed
11 against the laws of the United States shall be tried and
12 punished in the United States District Court for the Dis-
13 trict of Columbia.

14 **SEC. 11. APPEALS.**

15 Parties shall have the same rights of appeal from and
16 appellate review of final decisions of the United States
17 District Court for the District of Columbia or the District
18 of Columbia Court of Appeals in any case finally decided
19 prior to the admission of the State of New Columbia into
20 the Union, whether or not an appeal therefrom shall have
21 been perfected prior to such admission. The United States
22 Court of Appeals for the District of Columbia Circuit and
23 the Supreme Court of the United States shall have the
24 same jurisdiction in such cases as by law provided prior
25 to the admission of the State into the Union. Any mandate

1 issued subsequent to the admission of the State shall be
2 to the United States District Court for the District of Co-
3 lumbia or a court of the State, as appropriate. Parties
4 shall have the same rights of appeal from and appellate
5 review of all orders, judgments, and decrees of the United
6 States District Court for the District of Columbia and of
7 the highest court of the State of New Columbia, as succes-
8 sor to the District of Columbia Court of Appeals, in any
9 case pending at the time of admission of the State into
10 the Union, and the United States Court of Appeals for
11 the District of Columbia Circuit and the Supreme Court
12 of the United States shall have the same jurisdiction
13 therein, as by law provided in any case arising subsequent
14 to the admission of the State into the Union.

15 **SEC. 12. JUDICIAL AND CRIMINAL PROVISIONS.**

16 Effective upon the admission of New Columbia into
17 the Union—

18 (1) Section 41 of title 28, United States Code
19 is amended in the second column by inserting “,
20 New Columbia” after “District of Columbia”.

21 (2) The first paragraph of section 88 of title
22 28, United States Code, is amended to read as fol-
23 lows:

24 “The District of Columbia and the State of New Co-
25 lumbia comprise one judicial district.”

15

1 SEC. 18. MILITARY LANDS.

2 (a) Subject to subsection (b) and notwithstanding the
3 admission of the State of New Columbia into the Union,
4 authority is reserved in the United States for the exercise
5 by the Congress of the United States of the power of ex-
6 clusive legislation, as provided by article I, section 8,
7 clause 17, of the Constitution of the United States, in all
8 cases whatsoever over such tracts or parcels of land lo-
9 cated within the State of New Columbia that, immediately
10 prior to the admission of the State, are controlled or
11 owned by the United States and held for defense or Coast
12 Guard purposes.

13 (b)(1) The State of New Columbia shall always have
14 the right to serve civil or criminal process within such
15 tracts or parcels of land in suits or prosecutions for or
16 on account of rights acquired, obligations incurred, or
17 crimes committed within the State but outside of such
18 tracts or parcels of land.

19 (2) The reservation of authority in the United States
20 for the exercise by the Congress of the United States of
21 the power of exclusive legislation over such lands shall not
22 operate to prevent such lands from being a part of the
23 State of New Columbia, or to prevent the State from exer-
24 cising over or upon such lands, concurrently with the Unit-
25 ed States, any jurisdiction which it would have in the ab-
26 sence of such reservation of authority and which is consist-

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1 ent with the laws hereafter enacted by the Congress pursu-
2 ant to such reservation of authority.

3 (3) The power of exclusive legislation shall vest and
4 remain in the United States only so long as the particular
5 tract or parcel of land involved is controlled or owned by
6 the United States and used for defense or Coast Guard
7 purposes, except that the United States shall continue to
8 have sole and exclusive jurisdiction over such military in-
9 stallations as have been or may be determined to be criti-
10 cal areas as delineated by the President of the United
11 States or the Secretary of Defense.

12 **SEC. 14. UNITED STATES NATIONALITY.**

13 No provision of this Act shall operate to confer Unit-
14 ed States nationality, to terminate nationality lawfully ac-
15 quired, or to restore nationality terminated or lost under
16 any law of the United States or under any treaty to which
17 the United States is or was a party.

18 **SEC. 15. RELATIONSHIP TO OTHER LAWS.**

19 No law or regulation which is in force on the effective
20 date of this Act shall be deemed amended or repealed by
21 this Act except to the extent specifically provided herein
22 or to the extent that such law or regulation is inconsistent
23 with this Act.

1 SEC. 16. NATIONAL CAPITAL SERVICE AREA.

2 (a) The National Capital Service Area referred to in
3 section 4 is more particularly described as follows:

4 Beginning at the point on the present Virginia-
5 District of Columbia boundary due west of the
6 northernmost point of Theodore Roosevelt Island
7 and running due east of the eastern shore of the Po-
8 tomac River;

9 thence generally south along the shore at the
10 mean high water mark to the northwest corner of
11 the Kennedy Center;

12 thence east along the north side of the Kennedy
13 Center to a point where it reaches the E Street Ex-
14 pressway;

15 thence east on the expressway to E Street
16 Northwest and thence east on E Street Northwest to
17 Eighteenth Street Northwest;

18 thence south on Eighteenth Street Northwest to
19 Constitution Avenue Northwest;

20 thence east on Constitution Avenue to Seven-
21 teenth Street Northwest;

22 thence north on Seventeenth Street Northwest
23 to Pennsylvania Avenue Northwest;

24 thence east on Pennsylvania Avenue to Jackson
25 Place Northwest;

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1 thence north on Jackson Place to H Street
2 Northwest;
3 thence east on H Street Northwest to Madison
4 Place Northwest;
5 thence south on Madison Place Northwest to
6 Pennsylvania Avenue Northwest;
7 thence east on Pennsylvania Avenue Northwest
8 to Fifteenth Street Northwest;
9 thence south on Fifteenth Street Northwest to
10 Pennsylvania Avenue Northwest;
11 thence southeast on Pennsylvania Avenue
12 Northwest to John Marshall Place Northwest;
13 thence north on John Marshall Place Northwest
14 to C Street Northwest;
15 thence east on C Street Northwest to Third
16 Street Northwest;
17 thence north on Third Street Northwest to D
18 Street Northwest;
19 thence east on D Street Northwest to Second
20 Street Northwest;
21 thence south on Second Street Northwest to the
22 intersection of Constitution Avenue Northwest and
23 Louisiana Avenue Northwest;
24 thence northeast on Louisiana Avenue North-
25 west to North Capitol Street;

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1 thence north on North Capitol Street to Mas-
2 sachusetts Avenue Northwest;
3 thence southeast on Massachusetts Avenue
4 Northwest so as to encompass Union Square;
5 thence following Union Square to F Street
6 Northeast;
7 thence east on F Street Northeast to Second
8 Street Northeast;
9 thence south on Second Street Northeast to D
10 Street Northeast;
11 thence west on D Street Northeast to First
12 Street Northeast;
13 thence south on First Street Northeast to
14 Maryland Avenue Northeast;
15 thence generally north and east on Maryland
16 Avenue to Second Street Northeast;
17 thence south on Second Street Northeast to C
18 Street Southeast;
19 thence west on C Street Southeast to New Jer-
20 sey Avenue Southeast;
21 thence south on New Jersey Avenue Southeast
22 to D Street Southeast;
23 thence west on D Street Southeast to Washing-
24 ton Avenue Southwest;

- 1 thence southeast on Washington Avenue South-
- 2 west to E Street Southeast;
- 3 thence west on E Street Southeast to the inter-
- 4 section of Washington Avenue Southwest and South
- 5 Capitol Street;
- 6 thence northwest on Washington Avenue South-
- 7 west to Second Street Southwest;
- 8 thence south on Second Street Southwest to
- 9 Virginia Avenue Southwest;
- 10 thence generally west on Virginia Avenue to
- 11 Third Street Southwest;
- 12 thence north on Third Street Southwest to O
- 13 Street Southwest;
- 14 thence west on O Street Southwest to Sixth
- 15 Street Southwest;
- 16 thence north on Sixth Street Southwest to Inde-
- 17 pendence Avenue;
- 18 thence west on Independence Avenue to Twelfth
- 19 Street Southwest;
- 20 thence south on Twelfth Street Southwest to D
- 21 Street Southwest;
- 22 thence west on D Street Southwest to Four-
- 23 teenth Street Southwest;
- 24 thence south on Fourteenth Street Southwest to
- 25 the middle of the Washington Channel;

1 thence generally south and east along the
2 midchannel of the Washington Channel to a point
3 due west of the northern boundary line of Fort Les-
4 ley McNair;

5 thence due east to the side of the Washington
6 Channel;

7 thence following generally south and east along
8 the side of the Washington Channel at the mean
9 high water mark, to the point of confluence with the
10 Anacostia River, and along the northern shore at the
11 mean high water mark to the northernmost point of
12 the Eleventh Street Bridge;

13 thence generally south and east along the
14 northern side of the Eleventh Street Bridge to the
15 eastern shore of the Anacostia River;

16 thence generally south and west along such
17 shore at the mean high water mark to the point of
18 confluence of the Anacostia and Potomac Rivers;

19 thence generally south along the eastern shore
20 at the mean high water mark of the Potomac River
21 to the point where it meets the present southeastern
22 boundary line of the District of Columbia;

23 thence south and west along such southeastern
24 boundary line to the point where it meets the
25 present Virginia-District of Columbia boundary; and

1 thence generally north and west up the Poto-
2 mac River along the Virginia-District of Columbia
3 boundary to the point of beginning.

4 (b) Where the area in subsection (a) is bounded by
5 any street, such street, and any sidewalk thereof, shall be
6 included within such area.

7 (c)(1) Any Federal real property affronting or abut-
8 ting, as of the date of the enactment of this Act, the area
9 described in subsection (a) shall be deemed to be within
10 such area.

11 (2) For the purposes of paragraph (1) Federal real
12 property affronting or abutting such area described in
13 subsection (a) shall—

14 (A) be deemed to include, but not limited to,
15 Fort Lesley McNair, the Washington Navy Yard,
16 the Anacostia Naval Annex, the United States Naval
17 Station, Bolling Air Force Base, and the Naval Re-
18 search Laboratory; and

19 (B) not be construed to include any area situ-
20 ated outside of the District of Columbia boundary as
21 it existed immediately prior to the date of the enact-
22 ment of this Act, nor be construed to include any
23 portion of the Anacostia Park situated east of the
24 northern side of the Eleventh Street Bridge, or any
25 portion of the Rock Creek Park.

1 SEC. 17. STATEHOOD TRANSITION COMMISSION.

2 (a) There is established a Statehood Transition Com-
3 mission.

4 (b) The Commission shall be composed of thirteen
5 members appointed as follows:

6 (1) three shall be appointed by the President;

7 (2) two shall be appointed by the Speaker of
8 the House;

9 (3) two shall be appointed by the President of
10 the Senate;

11 (4) three shall be appointed by the Mayor of
12 the District of Columbia; and

13 (5) three shall be appointed by the Council of
14 the District of Columbia.

15 (c) The Commission shall advise the President, the
16 Congress, the Mayor, the Council, and the Governor and
17 House of Delegates for the State of New Columbia, as
18 appropriate, concerning necessary procedures to effect an
19 orderly transition to statehood for the District of Colum-
20 bia and other matters relating to the assumption of the
21 property, functions, and activities of the District of Co-
22 lumbia by the State of New Columbia during the first 2
23 years of the existence of the State of New Columbia. The
24 Commission shall submit such reports as the Commission
25 considers appropriate or as may be requested.

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- 1 (d) The Commission shall cease to exist 2 years after
- 2 the date of the admission into the Union of the State of
- 3 New Columbia.

COMMITTEE MEMBERS AND STAFF

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The New York Times

MONDAY, NOVEMBER 25, 1991

EDITORIAL

The D.C. Plantation: Freedom Soon?

The effort to grant statehood to Washington, D.C., could well become a campaign issue in 1992.

A bill that would admit the District to the Union as New Columbia, the 51st state, was introduced in the Senate on Thursday. And hearings on the House version of the bill saw a welcome burst of enthusiasm. Three Democratic Presidential candidates testified in favor of statehood and others sent messages of support.

That's as it should be. The District's treatment is a scandal, albeit one with a long history. The Federal Government runs the city like a plantation, denying it a voting representative in Congress, forbidding it even rudimentary self-rule and limiting severely its ability to raise revenue.

President Bush favors keeping the District on its knees. But Gov. Bill Clinton of Arkansas, Gov. Douglas Wilder of Virginia and Senator Tom Harkin of Iowa testified before Congress that the District deserved to become a full partner in the Union. The three were on the mark.

Washingtonians have long been denied rights that the rest of us take for granted. They weren't allowed to vote in Presidential elections until 1964. And it was not until the Home Rule Act of 1973 that they could elect a mayor and city council; both had previously been appointed.

The Home Rule Act left the Federal Government's dictatorial powers intact. Congress can overturn any law the District council passes. A powerful senator can throw some cash to friends by attaching amendments to the city's budget bill. And one meddlesome Congressman can by himself trig-

ger hearings on any law by simply raising an objection to it.

The Federal Government is not above extortion. Mr. Bush recently vetoed the city budget, forcing the District to ban the use of locally raised tax revenues to furnish abortions for impoverished women. And Congress used similar blackmail to force repeal of a law that made gun dealers and manufacturers liable for injuries from assault weapons. The citizens have reinstated the measure; gun-lobbying senators may yet thwart it. The District's non-voting representative, Eleanor Holmes Norton, spends much of her time fending off odious infringements like these.

Fiscal restrictions abound. The Federal Government's real estate is exempt from taxation; the city is forbidden to tax the earnings of commuters, most of whom are Federal employees. District officials say these restrictions cause the city to forgo \$1.9 billion in revenues per year. Last year the Federal Government paid a paltry \$430 million in return. Denied sources of revenue, the city levies some of the highest taxes in the nation.

Those who oppose statehood typically offer weak constitutional arguments against it. It seems fairly clear, however, that Republicans who oppose statehood do so because the District would send two more Democrats to the Senate.

But most Americans understand democracy well. The issue of statehood for the District raises an obvious question: How can we justify championing democracy abroad while inflicting second-class citizenship in the nation's capital? The answer is obvious, too: We can't.