



Constitutionality Fact Sheet: DC Statehood Bill

The Washington, D.C. Admission Act (the “DC Statehood Bill”) is constitutional. It complies with the Admissions Clause, the District Clause, and the 23rd Amendment. It also meets the informal criteria Congress has used previously for admitting new states.

Admissions Clause

The Admissions Clause gives Congress the authority to admit new states. All 37 states added to the Union after 1787 were admitted by a simple majority vote in Congress. No new state was admitted by constitutional amendment. Additionally, none of the states that ceded land to the federal government to create Washington D.C. have to consent to the admission of the new state of Washington, Douglass Commonwealth. When Maryland ceded the land that became part of D.C., it “. . .relinquished [that land] to the congress and government of the United States, in full and absolute right, and exclusive jurisdiction.”

District Clause

The District Clause gives Congress plenary authority over the federal district and establishes a maximum size of the federal district: ten miles square. The Clause does not mention a minimum size, nor a location. Through the District Clause, Congress is given power over the federal district. Using this power, Congress reduced the size of the federal district by 30 percent in 1846. It can reduce the size of the federal District further still – to the area encompassing the Capitol, White House, and National Mall – if it so chooses.

23rd Amendment

The 23rd Amendment allows the federal district to participate in the Electoral College. It does not establish a minimum size or a location for the federal district. This bill would repeal the enabling act for the 23rd Amendment, which would then likely be repealed by the states and Congress. Moreover, the enabling act allowed D.C. to participate in the Electoral College. With the enabling act repealed, the remaining federal district’s participation would no longer be possible.

Admission Prerequisites

The Constitution does not establish any prerequisites for new states. Nonetheless, it is worth noting that D.C.'s population is larger than that of two states, and the new state would be one of six states with a population under one million. D.C. pays more federal taxes per capita than any state and pays more federal taxes than 20 states. D.C.'s gross domestic product is larger than that of 17 states.

Thirty-nine distinguished scholars attested to the constitutionality of the Statehood bill. It has passed the House twice – in 2020 and in 2021. As of 2024, the bill (H.R. 51/S.51) has 210 and 46 cosponsors in the House and Senate, respectively.