



**COUNCIL OF THE DISTRICT OF COLUMBIA**  
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WASHINGTON, D.C. 20004

**TESTIMONY OF CHAIRMAN PHIL MENDELSON**  
**COUNCIL OF THE DISTRICT OF COLUMBIA**

UNITED STATES HOUSE OF REPRESENTATIVES  
COMMITTEE ON OVERSIGHT AND ACCOUNTABILITY

MARCH 29, 2023

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Thank you Chairman Comer, Ranking Member Raskin, and members of the Committee. I am Phil Mendelson, Chairman of the Council of the District of Columbia (Council). I am pleased to testify today.

I want to thank this Committee for its interest in District government operations and the public policy issues currently under debate in our city. The Constitution gives Congress a unique role in overseeing the District government and the laws the Council passes. But this hearing comes at a time of unprecedented, damaging federal interference in our local affairs. In the 50 years since the establishment of Home Rule in the District of Columbia, Congress had, until recently, successfully overturned a Council-passed law only four times, and not since 1991. Yet this month—less than three months into the 118<sup>th</sup> Congress—the House, the Senate, and President Biden chose to spend their time and energy second guessing and ultimately overturning a long overdue rewrite of the D.C. Criminal Code nearly two decades in the making. Efforts to overturn another of our recently-enacted laws failed

but a third override joint resolution introduced in the House—this one targeting a police accountability measure that is already law—could see a vote this spring. And just last week, a prominent United States Senator, Senator Mike Lee from Utah, has even called publicly for an end to Home Rule for the District and a return of direct congressional control.

With due respect to Senator Lee: you do not know of what you ask. Management of the District is enormously complicated. Congress did not give us Home Rule solely for altruistic pro-democracy reasons. Rather, our government was not well run. Those were not golden years. Public safety was so problematic that we had a 5,000-officer police force, a level we've not seen since. Our population was shrinking as middle-income residents left the District by the tens-of-thousands. The District government was unable to issue audited financial statements. We had an unfunded pension system for our police, firefighters, and teachers (with an accrued actuarial liability for vested benefits at \$1.9 billion in 1975 dollars). And we required an annual federal payment to balance our budget (at first equal to about 24% of our budget but finally leveled off at \$660 million annually until discontinued after 1997). Running a \$19 billion government with state, county, city, and school board functions is incredibly complicated. Congress returning to two governing committees would not be sustainable. Putting aside the fact that every free-world nation grants its national capital Home Rule, the idea of cancelling our Home Rule would be a serious step backward for managing the District.

My colleagues and I on the Council oppose any effort by Congress to disapprove legislation properly adopted by the District's elected leaders. The more than 700,000 residents of the District of Columbia elect a Council and a Mayor to make laws and manage their city. They look to us to debate the issues of the day, to compromise, and to chart a course for our city. They do not want 535 people they did not elect, who do not represent them, and who do not answer their phone calls stepping in to veto or tinker with the laws we pass. The only real solution to this problem is statehood for the District of Columbia.

For over 200 years, citizens residing in the District of Columbia have been denied the same right of citizenship that is enjoyed by U.S. Citizens everywhere else: full self-governance, and representation in the national legislature. Denying this to the District of Columbia deprives these citizens of the fundamental rights of our democracy. This is inconsistent with the principles of our American revolution. And like other anomalies of the Founding Era this civil rights injustice must be corrected. Statehood would do that.

## GOVERNANCE IN THE DISTRICT: A MODEL FOR OTHER JURISDICTIONS

Since Congress granted the District of Columbia Home Rule in 1973,<sup>1</sup> the District has had both successes and challenges. In recent years, the successes have significantly outnumbered the challenges. In fact, I think our successes—in financial management, education, healthcare access, and in many other areas—would be the envy of policymakers in states and big cities around the country if they were more widely known.

When former Mayor Anthony Williams took office nearly 25 years ago, the District government was operating under a federal control board following years of fiscal mismanagement. When the National Capital Revitalization and Self-Government Improvement Act of 1997 was adopted by Congress, the District was under 17 Consent Decrees, 6 of which involved receiverships. Now, only one of those consent decrees remains, and it is nearing conclusion. No new consent decrees have been entered since passage of the Revitalization Act. Indeed, the District is thriving and financially strong. The Mayor sent her fiscal year 2024 budget to the Council one week ago. This budget will be the District's twenty-eighth consecutive balanced budget and the eighth to be adopted under local budget autonomy.<sup>2</sup> The District's budget prioritizes principles of responsible budgeting, fiscal responsibility, and efficient use of public resources. Both our pension and Other Post-Employment Benefits funds are fully funded, using conservative actuarial assumptions. At the conclusion of fiscal year 2022, our reserves were equal to 60 days operating costs – a Government Finance Officers Association best practice.

The District is again growing after some population loss during the COVID-19 pandemic, our tax base is growing, our financial reserves are healthy, our capital spending is disciplined, and our retirement funds are, combined, best in the nation. Few jurisdictions can boast of such achievements.

For the past decade, we have seen the District's revenues grow by at least 3% per year from about \$6.2 billion to \$9.9 billion. This year's budget, while challenging, will still include more revenue than past years and will continue to support our strong social safety net and government services ranging from public works to public safety. Over the next month, the Council will be reviewing the Mayor's budget proposal and will make changes to further strengthen it.

I am also proud of our record in the District in making the city a better place to work and do business. Between 2015 and 2018, the District lowered its business income tax rate from 9.975% to 8.25%, where it remains today, creating the kind of stable tax system that is a priority for anyone looking to start and grow their

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<sup>1</sup> Home Rule Act *supra* note 4.

<sup>2</sup> See the Local Budget Autonomy Act of 2012, effective July 25, 2013 (D.C. Law 19-321; 60 DCR 12135).

business.<sup>3</sup> The District has also revived its Tax Revision Commission—led by former Mayor Williams and nine other members appointed by Mayor Bowser and me—which is studying ways to further improve our overall tax code with an eye toward competitiveness and equity. Just last week, legislation adopted by the Council completed Congressional review that will lower business licensing fees across the board, making it easier to start and continue small businesses in the District, and paving the way for the strong recovery underway today.<sup>4</sup>

The District is also investing in its workforce. In recent years, Council has made critical investments in the University of the District of Columbia, its community college, and vocational training to better prepare District residents for the jobs of the future in sectors like information technology and healthcare. We are also making improvements in elementary and secondary education. Today, the District of Columbia public schools are the fastest improving among large urban school districts around the country.<sup>5</sup> And today, our students are attending class in facilities that have been modernized over the last decade. In all the District has modernized or rebuilt 60% of its DCPS school buildings. In addition to DCPS, the District has a thriving public charter school sector—one of the largest, if not the largest, in the country—serving over 45 percent of our public school students.<sup>6</sup>

We also recognize that a vibrant economy depends on paying workers in the District enough to support their needs. In 2014, I worked with neighboring jurisdictions to raise all our minimum wages to \$15 per hour by 2020--ensuring that we all stay competitive regionally. In 2017, the Council also adopted the most generous paid family leave law in the United States ensuring that our businesses have a locally-funded benefit program to offer to potential employees. This has ensured that employees in the District have up to 12 weeks of paid leave to bond with a new child, to care for a family member, or to care for themselves when they are sick. Here again, we are making the District a good place to work.

We are also making substantial investments in housing and transportation to support a strong and growing population. We have one of the most robust sets of affordable housing policies in the country, with the largest per capita housing trust fund of any city in the United States. We are also leading the way on transportation. The District was the first in the region to step up to the plate with the dedicated funding the Washington Metropolitan Area Transit Authority needed to get Metrorail

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<sup>3</sup> D.C. Official Code § 47-1807.02(a)(5)-(8). The District's current corporate tax rate of 8.25% is the same as the corporate tax rate in Maryland and lower than corporate tax rates in 10 other states. See, Federation of Tax Administrators, Range of State Corporate Income Tax Rates, February 2022 ([https://taxadmin.memberclicks.net/assets/docs/Research/Rates/corp\\_inc.pdf](https://taxadmin.memberclicks.net/assets/docs/Research/Rates/corp_inc.pdf)).

<sup>4</sup> D.C. Law 24-333, Business and Entrepreneurship Support to Thrive Amendment Act of 2022.

<sup>5</sup> The Council of Great City Schools, *Mirrors or Windows: How Well Do Large City Public Schools Overcome the Effects of Poverty and Other Barriers*, June 2021 (<https://www.cgcs.org/Page/1288>).

<sup>6</sup> See Education Forward D.C., *The D.C. Schools Landscape: By the Numbers* (<https://edforwarddc.org/the-dc-schools-landscape-by-the-numbers/>).

back to a state of good repair. Councilmember Allen and I are also leading the effort for further improvements with our proposal for fare-free buses in the District and 24-hour service on our busiest Metrobus routes. Our plan will help get more people into our downtown to eat, shop, work, and play. And expanded overnight hours will be a win for local businesses, particularly in our hospitality and restaurant sectors, where workers can now get to and from work more easily regardless of the time.

And the District continues to be a world-class tourist destination as the U.S. tourism industry continues its recovery from COVID-19. 19.1 million people visited the District in 2021, up from 13.3 million in 2020, when pandemic-related closures ground tourism to a halt.<sup>7</sup> Our goal is to increase our tourism numbers back to the pre-pandemic levels of about 25 million. As we sit here this morning, the District is hosting tens of thousands of tourists from around the world for the National Cherry Blossom Festival. Last week, our hotels are over 75% booked, up around 25% from the same time last year, marking the full return of this expanding festival. The National Mall, the downtown, and our neighborhoods are host once again to families, school groups, and others seeking to take advantage of the Smithsonian and countless other attractions our city hosts. The Council—in partnership with leaders in our local tourism industry—is investing even more funding, partnering with our local tourism agency known as Destination DC in an effort to let the world know that DC is open.

But there's more to visiting the District than spending time on the National Mall. We are a world class theater town boasting more theater seats than any other city other than New York. Further, the District invests more funds per capita in our creative economy than any other jurisdiction in the United States. We have nearly 60 local museums like the African American Civil War Museum in Shaw and the International Spy Museum at L'Enfant Plaza.<sup>8</sup> We also boast a thriving restaurant scene with unique, independent restaurants throughout our neighborhoods and commercial corridors. In fact, our restaurants join those in New York, Chicago, and parts of California as the only eateries in the country deemed worthy of Michelin ratings.

### *THE COST OF CONGRESSIONAL INTERFERENCE*

The District has been able to prosper in so many ways despite unnecessary and counterproductive congressional interference in our local affairs. Every year we watch as members of Congress with no connection to the District introduce legislation or insert appropriation riders that detrimentally impact the functions of our government. These legislative efforts are often motivated by a desire to score political points on hot topics in national politics without any regard for why we enact the laws

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<sup>7</sup> Destination D.C., “Destination D.C. Announces Competitive Strategies to Increase Tourism at 2022 Marketing Outlook Meeting,” August 25, 2022 (<https://washington.org/press/destination-dc-announces-competitive-strategies-increase-tourism-2022-marketing-outlook-meeting>).

<sup>8</sup> There are roughly 74 museums in D.C. Of those 74, approximately 17 are part of the Smithsonian Institution.

that we do or the effect on broader policies. As a result, the initiatives put forward by our Council and our Mayor are often at the mercy of whichever party is in control of Congress. As a District policymaker, I can tell you that this hurts our ability to manage the affairs of our government.

Congressional review of legislation approved by the Council is unnecessary. It also has a significant impact on the operations of the Council. Realistically, congressional review takes about two months. But because of Congress's schedule and frequent recesses, the delay in our legislation taking effect can be as long as four months. During the two-year Council Period that ended last year, the Council adopted and transmitted 169 permanent bills to Congress for its review. Of the thousands and thousands of bills transmitted since Home Rule, only four have been disapproved. However, because of the Congressional review period, the Council must adopt some laws on an emergency and temporary basis to get them into effect more quickly. That necessitated around 170 emergency and temporary last Council Period to get our laws enacted in a predictable manner, not to mention an additional 85 emergency gap filling measures we needed to pass because Congressional review took so long. Alley closings, street namings, pandemic response, even the desire of the Chief of Police to appoint a Use of Force Review Board. As the Council's former General Counsel correctly noted years ago "Congress may not legislate with the District in mind very often, but we always legislate with Congress in mind."<sup>9</sup>

However, the District's success, even in the face of these hurdles that no other jurisdiction must endure, demonstrates that, in addition to our being entitled to full and fair representation, the District is capable of managing its affairs just like any other jurisdiction. We are proud of our record of responsible governing and would put our financial management and economy up against that of any other jurisdiction.

An example of the District's sound governing practice is the District's management of its budget after the Council approved, and the voters by referendum ratified, the Local Budget Autonomy Act of 2012.<sup>10</sup> Removing the uncertainty over the District's budget authority has ensured that its budget is not being inefficiently spent on unnecessary borrowing costs or paying a premium for services. Under budget autonomy, the District has met the immediate needs of a thriving city. The flexibility of budget autonomy has allowed the District to address the urgent service and programmatic needs of the city and ensured that services are delivered efficiently.

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<sup>9</sup> *Pathways to Statehood, From Voting Rights to Full Self-Determination: Political and Constitutional Considerations: Public Hearing before the Council of the District of Columbia Special Committee on Statehood and Self-Determination*, June 1, 2009 (written testimony of Brian Flowers, General Counsel of the Council of District of Columbia, at 6).

<sup>10</sup> *Supra* note 14.

Another advantage to budget autonomy: it has guaranteed that the delivery of services – to residents, to visitors, and even to the federal government – is not disrupted due to federal budget battles which have no relation to the District or its budget. As U.S. Representative Tom Davis noted in 2003: while Congress’s involvement in the District’s budget stems from a desire to ensure the financial well-being of the nation’s capital, “the unfortunate reality is that the city’s local budget can get tied up in political stalemates over congressional appropriations that rarely have anything to do with the District’s budget.”<sup>11</sup> The District has proven that it can manage its business similar to a state and can function without congressional oversight.

As for oversight, the Council conducts rigorous oversight over all of the District agencies that report directly to the Mayor, as well as numerous independent and regional agencies and bodies, e.g., DC Water, the Metropolitan Washington Council of Governments, and the Washington Metropolitan Airports Authority, and over District-related issues.

The Council, through its eleven committees, holds performance and budget oversight hearings on every District agency. During these hearings the committees can scrutinize the past and present performance and the budgetary needs of each agency and get input from members of the public. The Council also holds numerous public oversight hearings on specific subject-matter areas. Indeed, the Council holds hearings on legislation and resolutions throughout the year since the Council is a full-time legislature. In fact, under our rules, every permanent bill must have a public hearing where residents and the Mayor can weigh in before the legislation can become law.

During Council Period 24 (January 2, 2021 to January 1, 2023) the Council and its various committees held hundreds of meetings, hearings, and roundtables. The Council held 39 Legislative Meetings. The Committee of the Whole held 38 meetings to consider legislation and reports within the Committee and reports legislation from other committees. The Council employs over 300 professional staff amongst the 13 Councilmembers, 11 Committees, and four Central Offices. Thousands of hours of analysis, legislative drafting, and budget formulation occur every year in the Council. I would put the Council’s record of thoughtful and professional legislative work up against any other legislature in the United States.

#### *CONGRESSIONAL INTERFERENCE AND PUBLIC SAFETY*

In recent years, congressional interference in local District affairs has had a significantly negative impact on the Council’s efforts to address crime and public

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<sup>11</sup> *Budget Autonomy for the District of Columbia: Restoring Trust in Our Nation’s Capital, Hearing Before the H. Comm. On Government Reform, 108<sup>th</sup> Cong., Serial No. 108-36, at 2 (statement of U.S. Representative Tom Davis).*

safety in our city. For example, District residents overwhelmingly approved Initiative 71 in 2014 to provide for the legalization of possession of minimal amounts of cannabis for personal use.<sup>12</sup> As we have seen, this is a trend among the 50 states. But Congress has stepped in to prohibit the District from adopting any law to regulate this industry. The Council was even challenged on whether having a public hearing on the taxation and regulation of marijuana was a violation of the Anti-Deficiency Act.<sup>13</sup>

Because the District is congressionally prohibited from regulating the sale or distribution of recreational cannabis, we now have a black market estimated at over \$600 million annually. The answer to this problem is not to “shut it down,” as that would continue the failed prohibitionist approach toward cannabis that created the black market to begin with. Rather, the answer is to allow the District to regulate the sale and distribution of recreational cannabis, so we can create a legal market that competes with and puts the black market out of business. This is an urgent matter, since as time goes by, not only will it be more difficult to displace these illegal businesses when the day comes that we can regulate, but in the meantime the illegal “gifting” stores attract violent crime due to all the cash on hand and the illegality of their activity. So our police do try to shut down the illegal stores. And the U.S. Attorney—the individual responsible for prosecuting these crimes—declines to prosecute. The situation is out of control. Congress’s interference in this matter has had a negative impact on public safety.<sup>14</sup>

The disapproval of the Council’s Revised Criminal Code Act (RCCA)—which I referenced at the start of my testimony—is the most recent and consequential example of congressional interference in District affairs. Now that the RCCA has been blocked, the District remains stuck with a criminal code written by a long-ago Congress in 1901. In 2000, legal scholars ranked criminal codes across the country on a variety of dimensions, including communicating rules of conduct, the comprehensive and accessibility of the principles of adjudication, and accuracy in imposing liability. Out of the 52 codes analyzed by these experts, the District’s was ranked number 45.<sup>15</sup> Additionally, as the Executive Director of the Criminal Code Reform Commission other experts have pointed out, the District’s current criminal code contains poorly defined legal terms, contributing to costly litigation and

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<sup>12</sup> See the Legalization of Possession of Minimal Amounts of Marijuana Personal Use Initiative of 2014, effective February 26, 2015 (D.C. Law 20-153; 62 DCR 880).

<sup>13</sup> See 31 U.S.C. § 1341.

<sup>14</sup> Kenneth V. Cummins, Sarah Payne, and Andrew Lightman, “Does Gray-Market Cannabis Breed Robberies?” *The Hill Rag*, Feb. 7, 2023 (<https://www.hillrag.com/2023/02/07/does-gray-market-cannabis-breed-robberies/>). This is consistent with research from other jurisdictions which shows that unlicensed cannabis businesses have a negative impact on crime. See, for instance, Los Angeles County Department of Public Health, “Health Equity Implications of Retail Cannabis Regulation in Los Angeles County: Health Impact Assessment” ([http://publichealth.lacounty.gov/chie/reports/CannabisHIAWebinar\\_FinalSlideDeck.pdf](http://publichealth.lacounty.gov/chie/reports/CannabisHIAWebinar_FinalSlideDeck.pdf)).

<sup>15</sup> Robinson, P. H., Cahill, M. T., & Mohammad, U. (2000). *The five worst (and five best) American criminal codes*. *Nw. UL Rev.*, 95, 1.

difficulty in prosecuting criminals. In its haste to reject the Council's work on the RCCA, Congress has jettisoned much needed provisions to enhance penalties for offenses such as attempted murder, possession of dangerous ghost guns, and assault on a law enforcement officer. Congress even rejected our efforts to address sexual assault, forcing us to leave in place an antiquated provision in law that classifies non-consensual sexual intercourse as a misdemeanor.

It is shocking to me how disapproval of the RCCA has set back the Council's efforts to improve public safety in our city. Yet my colleagues and I continue to work together to make the District safe for residents and everyone who works or visits here. In last year's budget, for instance, the Council enhanced the Mayor's proposed budget for the Metropolitan Police Department by \$5.2 million to support sworn officer hiring and behavioral health projects.<sup>16</sup> The approved fiscal year 2023 budget included funding for an additional 347 police officers and provides recruitment and retention incentives such as hiring bonuses and housing allowances to cover six months of costs associated with temporary housing for new recruits.<sup>17</sup>

Now Congress is targeting important legislation the Council enacted following the murder of George Floyd by Minneapolis police officers in 2020. H.J. Res. 42—which I understand the Committee will consider after this hearing—would repeal the Comprehensive Policing and Justice Reform Amendment Act (D.C. Act 24-781), *which is already law in the District*.<sup>18</sup> Contrary to what the resolution's sponsors say, our law is not an attack on police or a threat to public safety. It promotes police accountability by codifying our Use of Force Review Board, enhancing auditing capabilities, strengthening training requirements, and prohibiting the hiring of officers who have a history of misconduct. It also enhances our police chief's ability to strengthen the force by firing officers who engage in egregious misconduct or commit serious offenses. If Congress tosses these measures aside, it will be a dramatic setback in the District's efforts to address longstanding concerns about officer misconduct and make it harder to hold bad cops accountable.

The primary opposition to D.C. Act 24-781 comes from the D.C. Police Union, and their primary concern is that the law prohibits their ability to bargain the disciplinary process for bad cops. They couch their opposition to the bill broadly, but it was the provision prohibiting their ability to bargain discipline that they took to court (and lost), and then pressured me to water down or repeal. The Union also

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<sup>16</sup> District of Columbia, FY2023 Budget, Metropolitan Police Department Chapter ([https://cfo.dc.gov/sites/default/files/dc/sites/ocfo/publication/attachments/fa\\_mpd\\_chapter\\_2023j.pdf](https://cfo.dc.gov/sites/default/files/dc/sites/ocfo/publication/attachments/fa_mpd_chapter_2023j.pdf)).

<sup>17</sup> Report and Recommendations of the Committee on the Judiciary and Public Safety on the Fiscal Year 2023 Budget for the Agencies under its Purview, April 21, 2022, pg. 8.

<sup>18</sup> The first version of the bill was adopted on an emergency basis in July 2020 (D.C. Act 23-336, the Comprehensive Policing and Justice Reform Second Emergency Amendment Act of 2020). There have been several subsequent (and identical) emergency and temporary bills approved since July 2020. The most recent version is the Comprehensive Policing and Justice Reform Emergency Amendment Act of 2023 (D.C. Act 25-61), approved by the Council on March 7, 2023.

suggests that this provision was included in the bill due “anti-police’ sentiment, but our decision to include this provision is based on research which shows that police union-negotiated discipline is bad for public safety,<sup>19</sup> bad for accountability,<sup>20</sup> and bad for oversight.<sup>21</sup>

Former Metropolitan Police Department Chief Peter Newsham said the union-negotiated disciplinary process allowed “very bad police officers back onto our department,” and a report by the District of Columbia Auditor details how 36 MPD officers were fired for bad conduct but then reinstated by union-required arbitrators.<sup>22</sup> Not only are these cops no good for policing (prosecutors will not use them as witnesses because their conduct impairs their credibility) but reinstatement cost the District government \$14 million. The Union’s position harms public safety. I urge committee members to oppose H.J. Res. 42. A letter Mayor Bowser and I sent to congressional leadership earlier this month describing our opposition to the resolution is included with my testimony.

I will add this: the Union also claims that public safety has worsened due to Council legislation. Yes, there is considerable concern about crime in the District. While perception is important, the reality is less concerning. Let me be clear: people should feel safe, and it is a problem that many residents of the District don’t. But data in Table 1 shows that the number of violent crime incidents in 2022 was 45% lower than the number of violent crime incidents in 2012.<sup>23</sup>

Table 1. Violent Crime and Gun-Involved Crime, 2012 vs. 2022

	<i>2012</i>	<i>2022</i>	<i>% Change</i>
All violent crime	6,963	3,830	-45%
Gun-involved cases	2,127	1,573	-39%

<sup>19</sup> Cunningham, J., Feir, D., & Gillezeau, R. (2021). *Collective bargaining rights, policing, and civilian deaths*. IZA Discuss Pap. No. 14208; Dharmapala, D., McAdams, R. H., & Rappaport, J. (2022). Collective bargaining rights and police misconduct: Evidence from Florida. *The Journal of Law, Economics, and Organization*, 38(1), 1-41; Rad, A. N. (2018). *Police institutions and police abuse: Evidence from the US*. Available at SSRN 3246419.

<sup>20</sup> Harris, C., & Sweeney, M. M. (2021). Police union contracts: An analysis of large cities. *Policing: A Journal of Policy and Practice*, 15(1), 622-634; Rushin S. 2017. Police union contracts. *Duke Law J.* 66(6):1191–266.

<sup>21</sup> Katz, W. (2021). Beyond Transparency: Police Union Collective Bargaining and Participatory Democracy. *SMU L. Rev.*, 74, 419; Keenan, K. M., & Walker, S. (2004). An Impediment to Police Accountability-An Analysis of Statutory Law Enforcement Officers' Bills of Rights. *BU Pub. Int. LJ*, 14, 185; Walker, S. (2015). *The Baltimore police union contract and the law enforcement officer’s bill of rights: impediments to accountability*.

<sup>22</sup> *36 Fired MPD Officers Reinstated; Receive \$14 Million in Back Pay*, Report by the Office of the District of Columbia Auditor, October 6, 2022 (<https://dcauditor.org/report/mpd-personnel-settlement-report/>).

<sup>23</sup> All crime data is from statistics reported by the Metropolitan Police Department.

Table 2. ADW, Robbery, Violent Crime, and Burglary, 2022 vs. 2023 (Year-to-Date)

	2022 (3/23/22)	2023 (3/23/23)	% Change
Assault w/ Dangerous Weapon	297	287	-3%
Robbery	481	542	-7%
Violent Crime (Total)	939	917	-2%
Burglary	278	215	-23%

### *THE CASE FOR STATEHOOD FOR THE DISTRICT OF COLUMBIA*

As I have testified to this Committee before, when the District of Columbia was established in the 1790s, its citizens had voting rights and self-governance. This was not immediately taken away. I find it instructive that nowhere in the Federalist Papers or James Madison’s notes will you find a discussion that it was a goal of the Founding Fathers to take our citizenship away. They wanted control of the seat of the federal government. That was their only focus.

It has been over 200 years since Congress rescinded voting rights from the last group of Washington residents who had previously voted in Maryland and Virginia. To add to this injury, it is Congress that has plenary authority over all matters in the District.<sup>24</sup> It is, to borrow a phrase, taxation without representation.

Numerous efforts have been made to correct this injustice, some of which were successful. In 1960, the 23<sup>rd</sup> Amendment was adopted, granting the District the same number of presidential electors as the smallest state.<sup>25</sup> In 1970, the District of Columbia Delegate Act<sup>26</sup> was enacted to give the District a representative in the House of Representatives. But, as you know, that position is non-voting – the same status as that of members from U.S. territories. In 1973, Congress adopted the Home Rule Act, a major reform for District governance, but that act is silent as to congressional representation.<sup>27</sup> In 1978, the District’s non-voting delegate in the House of Representatives, Walter Fauntroy, introduced a constitutional amendment that would have given the District – two senators, a representative, and an unrestricted vote for President.<sup>28</sup> While Congress approved the amendment, three-quarters of the states failed to ratify.

<sup>24</sup> District of Columbia Organic Act, 6<sup>th</sup> Congress, 2nd Sess., ch. 15, 2 Stat. 103.

<sup>25</sup> U.S. Const. amend. XIII § 1.

<sup>26</sup> District of Columbia Delegate Act, Pub. L. No. 91-405, § 201, 84 Stat. 848 (1970).

<sup>27</sup> District of Columbia Home Rule Act, Pub. L. No. 93-198, 87 Stat. 774, D.C. OFFICIAL CODE § 1-201.01 *et seq.* (1973) [hereinafter Home Rule Act].

<sup>28</sup> H.R.J. Res. 554, 95th Cong. (1978).

In 2007, Senators Lieberman and Collins reported bipartisan legislation to add two additional seats in the House of Representatives: a full voting member for the District and one for Utah.<sup>29</sup> This approach relied on Congress's authority to legislate on matters for the District as well as to create and adjust the number of congressional seats in the House of Representatives.<sup>30</sup> Unfortunately, a Senate cloture vote to simply proceed on the measure fell short by three votes.

The idea of the Washington D.C. Admission Act was first proposed in 1971.<sup>31</sup> It would carve out the geographic core of the city to remain a federal enclave, while establishing the remainder of the city as the state of Washington, D.C. This approach is consistent with long standing practice, having already been employed 37 times. Congress granted statehood to several territories that were in existence for less than 10 years. On the other hand, the last three states admitted to the Union – Hawaii, Alaska, and Arizona – were territories for 61, 47, and 49 years, respectively, before being granted statehood. The District has been around for 214 years. We had these rights way back then. It's time we had them again.

Full statehood is the only practical way that our citizens can participate in a fully democratic government. It is the only way to ensure that our local government will never be subject to a shutdown because of quibbling over purely federal matters, and our local services not suspended because of partisan disagreements. It is the only way to give our residents locally elected representatives to enact purely local laws that would not be subject to national debates over divisive social issues. It is the only way to ensure a judicial system that is representative of our community values. Statehood is the only way to give residents a full, guaranteed, and irrevocable voice in Congress. The same voice enjoyed by our peers across the country.

Statehood is the most practical solution to right the historical wrong of denying voting rights to citizens of the District and to guarantee the right to local self-governance. The District of Columbia has a proven track record of prudent fiscal management spanning over two and a half decades. The State of Washington, D.C. would enter the Union as a 51<sup>st</sup> state with an economy envied by other jurisdictions. Politics must be set aside, and all the excuses used to justify denial of our inalienable rights must be shelved. Our limited home-rule power delegated by Congress is appreciated, but too tenuous and too often a bargaining chip in political battles. Limited home-rule cannot make up for all the other rights withheld by Congress that we could have only with statehood.

To that end, in April of 2016, the New Columbia Statehood Commission (Commission) announced that the District of Columbia would pursue statehood through an approach modelled on the Tennessee Plan. This would entail the creation

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<sup>29</sup> See District of Columbia House Voting Rights Act, S. 1257, 110th Cong. (2007).

<sup>30</sup> S. Rep. No. 110-12, at 3 (2007).

<sup>31</sup> *City and State: D.C. State Bill*, Washington Post, July 7, 1971, at C4.

of a contemporary constitution and boundaries for the state of Washington, Douglass Commonwealth. The Commission set out to convene a series of town hall meetings, culminating with a three-day District-wide constitutional convention. The Commission then adopted a draft Constitution and state boundaries.

The draft Constitution and boundaries were then sent to District residents for ratification. Over 85 percent of District residents who voted in our 2016 general election approved a referendum to grant authority to the Council to petition Congress to enact a statehood admission act and to approve the District's Constitution.<sup>32</sup> Passage of the referendum established that the citizens of the District: (1) agree that the District should be admitted to the union as a state; (2) approve a Constitution of the state of Washington, Douglass Commonwealth, as adopted by the Commission; (3) approve the boundaries for the state; and (4) agree that the state of Washington, Douglass Commonwealth shall guarantee an elected representative form of government.

In light of this action, Congress needs to respect the will of the District residents. District residents want and deserve fair and equal representation. Continuing to ignore the voice of District residents' request for statehood is to ignore democratic values. Until this is done the residents of the District will continue to feel left out of the democratic process which is not what was envisioned when this country was founded. That said, there are actions that Congress could take that would be beneficial for public safety and the District.

*WAYS THAT CONGRESS CAN ENHANCE DISTRICT GOVERNMENT OPERATIONS  
AND PUBLIC SAFETY*

Rather than blocking a police accountability bill that actually improves public safety in the District of Columbia, the Committee and Congress could take actions to enhance public safety and the District in the following ways:

1. Re-open federal government offices and reduce telework by the federal workforce. Every U.S. city with a federal presence is suffering: retail space is vacant, commercial property values have dropped, and cities, including the District, are struggling with reduced property tax revenues because federal workers are staying home.
2. Adequately resource the United States Attorney's office. To reduce crime, arrests must be prosecuted. The U.S. Attorney for the District is responsible

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<sup>32</sup> See Advisory Referendum on the State of New Columbia Admission Act Resolution of 2016, effective July 12, 2016 (Res. 21-570; 63 DCR 9627).

for the prosecution of all felonies. Yet they do not have adequate staff to prosecute all cases, which adversely affects our public safety.<sup>33</sup>

3. Repeal the marijuana rider on the District's appropriations. For reasons explained earlier, this rider is actually endangering public safety in the District.
4. Amend federal gun control laws to enable the Bureau of Alcohol, Tobacco, Firearms, and Explosives to share more data about interstate gun trafficking on a proactive basis with local law enforcement agencies. This will enhance public safety.
5. Authorize our Mayor to be able to call out the National Guard. Our ability to protect the public from riots and disorder is hampered by the current process, whereby the Mayor must make a request of the President. The delay in calling out the National Guard to protect Congress on January 6, 2021, illustrates the need for this change.
6. Re-invest in public housing. The District, and cities across the nation, are struggling with an affordable housing crisis because of the federal government's disinvestment in public housing.
7. End Congressional review of all D.C. laws. Congress has the ability to legislate, without this review process, on all matters concerning the District. As explained earlier, this review is often counterproductive.
8. Respect Budget Autonomy. Under the Home Rule Act the Council has the authority to adopt the District's budget in the same manner as all other D.C. laws, but Congress insists on still adopting an appropriations act. The constant uncertainty of the congressional appropriation process is considered, explicitly, to be a negative factor by the Wall Street ratings agencies.
9. Adopt the Washington, D.C. Admission Act (H.R. 51/S. 51).

I appreciate the Committee's attention and this opportunity to testify, which I am doing voluntarily and without waiving any of the privileges and immunities available to me as the Chairman of the Council. I look forward to answering any questions you might have.

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<sup>33</sup> Data from the U.S. Attorneys Office suggests that over two-thirds (67%) of arrests made by MPD are not papered by USAO.



March 17, 2023

The Honorable Charles Schumer  
Majority Leader  
United States Senate  
Washington, DC 20510

The Honorable Mitch McConnell  
Minority Leader  
United States Senate  
Washington, DC 20510

The Honorable Kevin McCarthy  
Speaker of the House  
United States House of Representatives  
Washington, DC 20515

The Honorable Hakeem Jeffries  
Minority Leader  
United States House of Representatives  
Washington, DC 20515

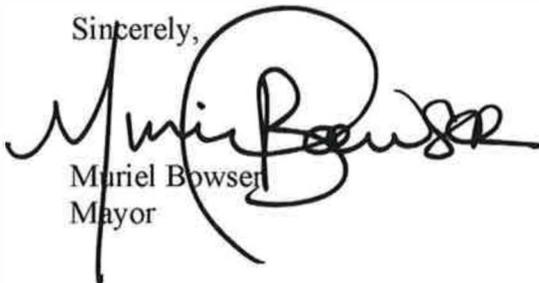
Dear Senate and House Leadership:

We write on behalf of the approximately 700,000 residents of the District of Columbia in opposition to H.J. Res. 42. This resolution would disapprove the Comprehensive Policing and Justice Amendment Act of 2022 (D.C. Act 24-781).

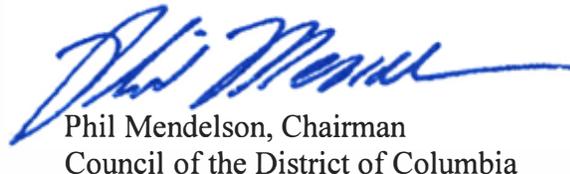
The thrust of this bill is to increase police accountability in light of the numerous high-profile incidents across the nation in recent years. First introduced almost three years ago, most of it is already law because the temporary versions have successfully passed the Congressional review period three times (D.C. Acts 23-399, 24-89, & 24-403). Indeed, disapproval at this point in time would be disruptive to our public safety processes.

We encourage you to see this legislation for what it is: a package of reforms not unlike reforms under consideration elsewhere, including the United States Congress. Regardless of the substance, we are united in opposition to H.J. Res 42 because it offends the basic democratic principles of self-determination and local control. Not only should our policy decisions not be overturned by officials not elected to represent our residents, but piecemeal interference hurts our ability to confront crime and improve public safety in the District of Columbia.

Sincerely,



Muriel Bowser  
Mayor



Phil Mendelson, Chairman  
Council of the District of Columbia