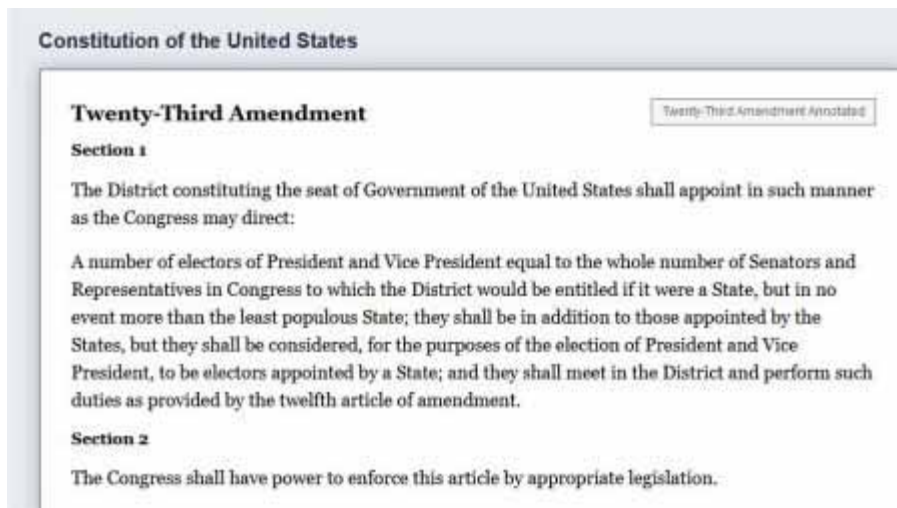


The D.C. Statehood Bill is D.O.A.

"ONLY A CONSTITUTIONAL AMENDMENT CAN AMEND THE CONSTITUTION"

by [Joseph DeMaio](#), ©2021



(Apr. 24, 2021) — Well, here we go again. Once more, the Democrats answer the adolescent’s perennial question: “Why does a dog lick itself?” Two hundred sixteen Democrats just responded: “Because it can, and so can we.” Through the passage of [H.R. 51](#), the “Washington, D.C. Admission Act,” the Democrats once again demonstrate why waiting for the next mid-term election in 2022 in order to reclaim the House by the GOP is risky. **Really** risky.

The bill was [voted](#) out of the House on a strict party-line vote of 216 Democrats versus 208 Republicans, with 6 members not voting. Interestingly, Squad members Ocasio-Cortez and Tlaib were among those not voting.

The bill is 102 pages long, but don’t bother reading it: it is boring, internally inconsistent and..., oh, yeah..., almost certainly unconstitutional. But then again, when did the obvious unconstitutionality of a proposed law (*e.g.*, the comically-mislabeled “Affordable Care Act,” aka “Obamacare”) stop Congress – particularly a lunatic-dominated Democrat Congress – from enacting it and a committed president from signing it? Only until **after** the issuance of a Supreme Court decision confirming its unconstitutionality can it be deemed invalid..., a process which frequently takes years.

The constitutional infirmities of the bill, now sitting on Chuck Schumer’s desk in the Senate, are well-addressed [here](#). Constitutional law professor Jonathan Turley aptly describes an alternative procedure which would give greater rights to the residents of the existing District of Columbia [here](#), but without trashing the Constitution in the process.



That alternative involves a “modified retrocession” of parts of the existing federal enclave, originally carved from the states of Virginia and Maryland, back to Maryland, Virginia having accepted a similar retrocession in 1847, which Turley discusses [here](#). Professor Turley correctly notes that H.R. 51 proposes the anomaly of a “state” within a city, not unlike the place where the [Pope](#) lives.

Oh, but no, say the Democrats. The retrocession proposal has a fatal flaw: the retroceded area would revert to being a part of Maryland, and Maryland already has two senators. The whole purpose of H.R. 51 is to garner statehood, which under Art. 1, § 3 of the Constitution would entitle the new “state” to two *new* senators, most assuredly Democrats.

Without statehood, the Democrats would still need to rely on Kamala (“of-course-I’m-constitutionally-eligible”) Harris to break any tie votes in the razor-thin 50/48+2 split between the GOP and the Democrats in that “upper” chamber. And with Kamala Harris’s questionable constitutional *bona fides* still judicially unresolved and [sulking](#) on the horizon, two additional senators may be desperately needed sooner rather than later.



James Madison, by Gilbert Stuart, ca. 1805-07, [public domain](#)

Who knows, perhaps the Supreme Court will find its long-lost backbone and determine to accept jurisdiction in a [case](#) challenging her claim to the office she holds instead of

continuing to “[evade](#)” the issue. Stated otherwise, perhaps the Democrats are more concerned about getting two additional “blue” senators as a backstop against losing Harris’s tiebreaker votes were she to be declared by the Supreme Court ineligible and the office vacant, even for the short period of time it would take the Goofball-in-Chief (or his marionette-masters behind the Oz curtain) to find and install a replacement.

The long and short of it is that, without an amendment to the Constitution – likely including a repeal or radical revision of the [23rd Amendment](#) – the proposed H.R. 51 will be D.O.A. at the Supreme Court even *if* it miraculously escapes from the Senate and lands on the Goofball’s desk.

As noted with regard to the flawed attempt by Congress to amend by a statute the Constitution’s provisions regarding who is, and who is not, a “natural born Citizen,” discussed [here](#), H.R. 51 cannot amend or supplant the 23rd Amendment. Only a constitutional amendment can amend the Constitution.



John Jay, by Gilbert Stuart, completed 1818, [public domain](#)

Finally, as has occurred in prior posts by your humble servant, last night Founding Fathers Jay and Madison were channeled for their views on the legitimacy of H.R. 51. They were still laughing when the channeling session had to be terminated because your servant was called to dinner.

Stay tuned... this could get interesting.