Testimony of John H. Page
on Maryland HB1413

These are my written remarks to accompany and explain the two attachments I have submitted as part of my written testimony.

1. The ceded land is Columbia. One of my attachments is the *1791 Act of this Maryland General Assembly* stipulating the terms of the cession of land and giving it the name "Columbia", which terms were accepted by the United States Congress. The cession stipulates:

   > "That the jurisdiction of the laws of this State over the persons and property of individuals residing within the limits of the cession aforesaid shall not cease or determine until Congress shall, by law, provide for the government thereof, under their jurisdiction, in manner provided by the article of the Constitution before recited."

2. Congress affirmatively accepted the stipulation. In ' *An Act Concerning the District of Columbia, 2 Stat. 103 (1801)* (the "1801 Organic Act") at section 1 its stated:

   > "..the laws of the state of Maryland, as they now exist, shall be and continue in force in that part of the said district, which was ceded by that state to the United States, and by them accepted as aforesaid."

   Those laws included *Maryland's State Bill of Rights and Constitution,* identical to Maryland's at the time of cession, continued unbroken as foundational law in Columbia and provided the people of Columbia may elect congressional representatives per section 27:

   > "XXVII. That the Delegates to Congress, from this State, shall be chosen annually, or superseded in the mean time by the joint ballot of both Houses of Assembly;…".

3. U.S. Constitution still applies and Maryland state constitutional rights are unrepealed. *O'Donoghue v. United States, 289 U.S. 516 (1933)*:

   > "It is important to bear in mind that the District was made up of portions of two of the original states, and was not taken out of the Union by the cession."

   If Maryland State law has not been repealed it still applies in Columbia. While Congress passed "*An Act to establish a code of law for the District of Columbia, 1901",* its *§ 1636* repealed all acts of the General Assembly of Maryland in the District, but it did not (and could not) repeal Maryland's state laws on representation in Congress through Maryland which was agreed by People's Convention. This can be verified by reviewing cases in the District which fall outside the DC Code, in those cases Maryland law (as it was at cession) is applied – this includes the Maryland law that English law shall be applied if not superseded.

   Furthermore, there has never been an Act making Columbia not part of a state and Congress' express powers do not include that.

4. The District itself cannot be Retroceded. Only Congress has the power under the U.S. Constitution Art. I, § 8, cl. 17 to create and govern the District which is the Seat of the United States Government:

> "To exercise exclusive Legislation in all Cases whatsoever, over such District (not exceeding ten Miles square) as may, by Cession of particular States, and the Acceptance of Congress, become the Seat of Government of the United States, and to exercise like Authority over all Places purchased by the Consent of the Legislature of the State in which the Same shall be, for the Erection of Forts, Magazines, Arsenals, dock-Yards, and other needful Buildings;–And"

I have edited the draft bill to show it is only parts of Columbia that would be retroceded. Most parts of Columbia are under private ownership and are not part of the Seat of the United States Government. I believe this is what the author intended.

I live in Georgetown, Montgomery County. I consider that Hon. Jamie Raskin is my voting representative in the U.S. House because it is an "impossibility" for DC to be a state, see *Adams v. Clinton, 90 F. Supp. 2d 35 (D.D.C. 2000)* and, therefore, my *art I § 2 and § 3* rights of representation in Congress remain through Maryland and are certainly reserved to the states or the people by *Amendment X*.

A note here is the Maryland case *Albaugh v. Tawes*, 379 U.S. 27 (1964) where William A. Albaugh argued unsuccessfully to be the U.S. Senator for the District of Columbia which, of course, it is not a state. In this testimony I am showing that Maryland is obligated to manage a Maryland Congressional District for Columbia (NOT the District of Columbia) and should be insisting that the Secretary of State for Commerce shows same on his decennial census returns that calculate how many U.S. House seats are apportioned to Maryland.

5. Summary and Conclusions.

As outlined above, Maryland has arguably failed to live up to the requirements of its own State Constitution and of the U.S. Constitution. It is therefore only reasonable for Maryland to conduct an impact assessment of a retrocession of private land in Columbia[1]. The Seat of the United States Government does not work in my private house.

[1] In case the reader considers that Columbia's inhabitants should have their own representatives in Congress, this testimony references *Page v. Raimondo* DDC 1:22-cv-01416 which concluded such relief was not available because Congress had not admitted Columbia as a separate state under art. IV of the U.S. Constitution. D.C. is not a state therefore it must be Maryland.