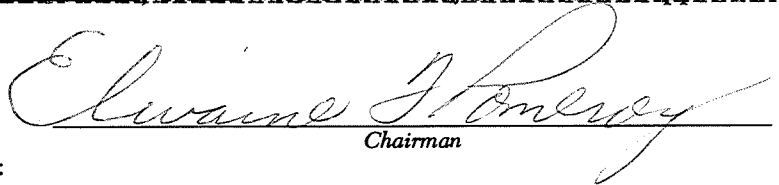


Held in Room 519 S, at the Statehouse at 10:00 a. m./~~p.m.~~, on January 22, 1979.

All members were present except: Senators Gaar and Mulich

The next meeting of the Committee will be held at 10:00 a. m./~~p.m.~~, on January 23, 1979.

~~These minutes of the meeting held on xxxxxxxxxxxxxxxxxxxxxxxx, 19xx were considered correct and approved~~

  
Chairman

The conferees appearing before the Committee were:

- Senator Billy Q. McCray
- Representative Vic Miller
- Sali K. Kennedy - League of Women Voters
- Jeffrey Freeman - Kansas Conservative Union
- Jim Lawing - Wichita
- Nick Danna - Common Cause in Kansas

Staff present:

- Art Griggs - Revisor of Statutes
- Jerry Stephens - Legislative Research Department
- Wayne Morris - Legislative Research Department

SCR 1608 - Ratifying proposed U.S. constitutional amendment concerning representation of the District of Columbia in Congress.

Senator Hess, one of the sponsors of the bill, presented introductory remarks concerning the resolution. He stated the resolution is a matter of justice, fairness and equity.

Senator McCray, another sponsor of the bill, testified in support of the resolution. He stated Kansas should be one of the first states to ratify the proposed constitutional amendment. Three states have already done so: New Jersey, Michigan and Ohio.

Senator Hess gave further testimony in support of the resolution, and displayed several charts during his presentation. Pictures of those charts are attached hereto. He also presented two documents to the committee secretary to be entered as a part of the record; the one copy of each of those documents was all that was presented. Committee discussion with him followed. Inquiries were made of him concerning the population trend; the percentage of the population registered to vote; and the application of Article 5 of the U.S. Constitution.

Representative Vic Miller testified in support of the resolution, and commented that he had introduced a parallel resolution in the House. He stated because his representative district includes the statehouse and a large number of his constituents are employed by state government, there is no reason why his

continued -

Unless specifically noted, the individual remarks recorded herein have not been transcribed verbatim. Individual remarks as reported herein have not been submitted to the individuals appearing before the committee for editing or corrections.

SCR 1608

constituents should be denied the right to full participation in state government. He stated that in the same manner, the residents of the District of Columbia should not be denied full participation in the federal government.

Sali Kennedy testified in support of the resolution. A copy of her statements is attached hereto. Committee discussion with her followed.

Jeffrey Freeman spoke in opposition to the resolution. He stated the District of Columbia is over-represented; the district should be kept separate and free from entanglements. He stated the passage of this constitutional amendment would give the District of Columbia benefit of statehood but not the responsibilities, and it would receive special consideration not given to the other states. Copies of his prepared statement distributed at the following day; a copy is attached hereto.

Jim Lawing testified in support of the resolution. A copy of his statement is attached hereto.

Nick Danna spoke in support of the resolution. He stated the residents of the District of Columbia paid per capita federal income taxes at a rate that is \$491 higher than the national average. He also stated that every amendment is contrary to the constitution; that is the purpose of the constitution being amended.

Senator Gaines moved that the minutes of January 17 and 18 be approved; Senator Hein seconded the motion, and the motion carried.

The meeting adjourned.

These minutes were read and approved  
by the committee on 1-26-79.

GUESTS

SENATE JUDICIARY COMMITTEE

NAME	ADDRESS	ORGANIZATION
Don Close		Topeka Capital - J.
Jon Kessler		Intern to Don Allegrocci
John Deardoff	Dodge City	Intern Sen. Angell
John Canney	Dodge City	Intern Sen. Angell
Matt Johnson	KTSB	
Don Bell	AP	TK
Nike Swen	<del>KANU</del> Top	KANU
Sal Kennedy	Shawnee, KS	LWV K
Ann Hehner	Owens Park	L.W.V.K.
Marian E. Harrison	Lawrence	LWV K
Bob & Patsy		Intern Sen. Hess
Patsy Cassidy	Lawrence	intern Sen. Hess
Dave Day	Lawrence	" " Heir
Clyde Hanson	Topeka	n.a.
W. Nick Danna	K.C.	Common Cause
Billy McGraw	Wichita	St. Senator
Jim Lawing	Wichita	self/ ACLU
Oscar Tark	Topeka	for Sen. Heir
Tim Underwood	Topeka	Ks. Assoc. Realtors
Jack Swartz	"	Ks. Assn. of Comm. + Ind.
Rep. Tim Miller	"	
William Salsbery	"	Ks. Trial Lawyers
Max B. Moses	"	KCDAA

N E W S R E L E A S E

December 29, 1978

2:00 P.M.

WICHITA - Senators Paul Hess (R-Wichita) and Billy McCray (D-Wichita) and three other senators will prefile a Senate Concurrent Resolution next week to ratify the District of Columbia Voting Rights United States Constitutional Amendment.

Hess and McCray agreed, "It's a basic question of democratic rights and people justice." The amendment would give the citizens of Washington, D. C. the right to elect a congressman and two United States Senators.

The Resolution will be considered by the 1979 Legislature and a two-thirds vote of each House is required for passage, but the Governor's signature is not necessary.

Senator McCray will briefly discuss the background and provisions of the proposed amendment.

Background

The amendment is a milestone in the protracted struggle for voting rights in the District of Columbia. Proposals for district representation have been introduced 23 times since 1800 without success. In 1970 Congress cleared legislation giving the District a non-voting delegate to the United States House, and in 1973 Home Rule Legislation gave the District a city council, mayor and increased self-governance.

The House passed the proposed amendment March 2, 1978, by a 289-137 vote, 11 votes more than the required two-thirds majority.

The amendment cleared the Senate 67-32 on August 22, 1978 and sent it to the states for ratification. Three states have now ratified - New Jersey, Ohio and Michigan.

Provisions

As passed by Congress the amendment (1) treats the District as a state for purposes of congressional electoral college representation and for participation in presidential elections and ratification of proposed amendments to the Constitution.

(2) Repeals the 23rd Amendment to the Constitution. The amendment allows District residents to vote for President and Vice-President, while limiting district representation in the electoral college to that of the least populous state.

(3) Requires ratification by 38 states within seven years after passage.

(4) Provides that implementation of the amendment would be legislated by Congress at a later date.

Senator Hess will now with visuals discuss the merits of the amendment and why some people oppose it.

PRO

(1) It is a question of fundamental rights and human justice that District citizens should have a voice in the decisions of the House and Senate.

(2) The population of the District is larger than that of seven states.

- (3) Residents of the District paid \$1.4 Billion in Federal Taxes in Fiscal 1977, and amount greater than the taxes paid in 11 states.
- (4) District residents fought and died in Vietnam and other wars.
- (5) A study by the Library of Congress has found that Brazil and the United States are the only two among 115 nations in the world with elected representatives to deny representation for citizens of their capital cities.

CON

- (1) Does not fit the traditional notion of a state.
- (2) Violates Article V of the United States Constitution.
- (3) Should be linked to Maryland instead.

Hess and McCray concluded, "We hope Kansans will understand the amendment and support the fundamental right to be represented in Congress for the citizens of our nation's capitol.

For more information contact:

Paul Hess	686-5666
Billy McCray	263-4315



## self-determination for DC

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Elena Hess  
Executive Director  
202-833-1200, Ext. 229

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B'nai B'rith Women  
Catholic Archdiocese of Washington  
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and Planning Association  
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National Association for the  
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National Association of Black  
Women Attorneys  
National Association of Counties  
National Association of Cuban-  
American Women, Inc.  
National Capital Union Presbytery  
National Education Association  
National Women's Political Caucus  
People Organized for Progress and  
Equality  
Republican Central Committee  
SED Center  
The Newspaper Guild  
The Ripon Society  
The Urban League  
United Methodist Church, Board of  
Church and Society  
United Presbyterian Church  
V.O.I.C.E.  
Washington Bar Association  
Washington Teacher's Union  
Woman's National Democratic Club,  
Political Action Committee

### LOCKED OUT OF CONGRESS

The residents of the District of Columbia are locked out of their own government--denied voting representation in the United States Congress despite their payment of over a billion dollars a year in federal taxes.

\*\*\*\*\*The annual per capita federal tax burden for the District of Columbia is \$2116--higher than 49 of the 50 states. And yet, this community of 700,000 is relegated to inferior status--granted only one "non-voting delegate" in the Congress.

\*\*\*\*\*237 young men from the District of Columbia were killed in the Vietnam War, although their mothers and fathers had absolutely no voice in whether money should be appropriated to wage that war.

\*\*\*\*\*Seven states--South Dakota, North Dakota, Nevada, Delaware, Vermont, Alaska, and Wyoming--have fewer people than the District of Columbia. And yet, unlike D.C., each of these states is represented by two Senators and one or two House Members.

\*\*\*\*\*Of the 115 nations in the world community with national legislatures, only the United States and the military dictatorship of Brazil share the dubious distinction of denying full representation to citizens of the federal capital.

\*\*\*\*\*To put the present plight of D.C. residents in perspective, one need only consider the tax revolt sweeping across America. Taxpayers who live in Washington, D.C. are uniquely frustrated: their ability to influence the federal tax rate is blocked by a lack of voting representation. At the same time, D.C. residents who might contemplate a Proposition 13, instead, face a Catch 22: Local taxes in Washington, D.C. are obviously a function of the District's budget, which is set, incredibly enough, by a Congress lacking a single voting member from our nation's capital.

*The case for D. C. voting rights is an overwhelming one, linked to essential concepts of American democracy.*

T H E   K E Y   T O   C H A N G E

Recognizing that the continued exclusion of the 700,000 District of Columbia residents from the political process is a violation of basic human rights, the House and Senate have passed a constitutional amendment providing full voting representation for D. C.

If ratified by 38 states, this amendment will insure that the citizens of our nation's capital are treated on an equal basis with their 200 million fellow Americans. It will give the District: two Senators, the number of House Members (one or two) warranted by population, and participation in the ratification of constitutional amendments.

In short, the amendment approved by the House and Senate, with strong bi-partisan support, merely extends to the men and women of Washington, D. C. the benefits of first-class citizenship exercised and taken for granted by citizens of the fifty states.

U N D E R S T A N D I N G   T H E   I S S U E

WHY SENATE REPRESENTATION?

1. Critics have asserted that the District's representation should be limited to the House. Yet, it is the Senate which is charged with confirming Presidential appointments and ratifying treaties. Under current law, the citizens of the District of Columbia will have as much say on the critical question of ratifying the SALT Treaty or confirming a nominated Supreme Court Justice as will the citizens of Pago-Pago. It is simply unacceptable that we disenfranchise nearly three-quarters of a million Americans on an issue so vital to war and peace and government spending priorities as arms limitation.

WHY NOT RETROCESSION?

2. Other critics contend the amendment should be rejected in favor of an allegedly more equitable solution: retrocession of the District to Maryland which in 1788 ceded to the federal government the land that now comprises the District of Columbia. Such a suggestion is impractical and unfair to the residents of the District. In the first place, Maryland would resist retrocession. Secondly, the District of Columbia has evolved as a distinct community which deserves its own representation in Congress, rather than an artificial linkage with a state with which it has no common history.

WHAT ABOUT ARTICLE V?

3. Finally, some opponents of full voting rights for D. C. have charged that the amendment now submitted for ratification violates Article V of the Constitution, which declares, "no state, without its consent, shall be deprived of its equal suffrage in the Senate." However, this argument has been invalidated by many scholars, including one of America's most learned constitutional law professors, Charles Alan Wright of the University of Texas.

"It seems to me that the clear purpose of (the Equal Suffrage Clause) was to insure that the Great Compromise [between large and small states] would not be undone and that the representation in the Senate would not be put on the basis of population," Professor Wright has said. "That purpose is not compromised by allowing the District to have two Senators any more than it is when a new state is admitted."



D E A T H   A N D   T A X E S

The men and women who live in the District of Columbia are not about to dump chests of tea in the Tidal Basin. Nor do they plan to storm the Internal Revenue Service building. Rather they are relying upon the good faith of state legislators from Alaska to Alabama, from New Mexico to New Hampshire, who will be called upon to correct a profound injustice which undermines our commitment to equal rights for all citizens.

The nature of that injustice was poignantly expressed in a 1971 letter from a District of Columbia Gold Star mother to Missouri Senator Thomas Eagleton.

*"I have lost one son," she wrote. "I may lose another. Yet I have no voice in voting on how far this war should go, or how long it should go on, or how much expanded it should be....I am hopeless, and in that sense I am voiceless."*

Senator Eagleton later said, "I think that one letter did more to shape my thinking than a million words or a 200-page memorandum. The appeal is not simplistic; it is just fair and equitable."

A hopeless, voiceless mother who feels totally estranged from her government is a far cry from the democratic process our Founding Fathers envisioned. And that's one reason organizations ranging from the Republican National Committee, United Presbyterian Church, to the League of Women Voters have given their enthusiastic support of the voting rights amendment.

It's not an issue defined by political party or ideology. It's an issue of simple justice.

For more information contact:

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Washington, D.C. 20036

*from the office of*

*Senator Edward M. Kennedy  
of Massachusetts*

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OPENING STATEMENT OF SENATOR EDWARD M. KENNEDY IN SENATE DEBATE ON FULL  
VOTING REPRESENTATION IN CONGRESS FOR THE DISTRICT OF COLUMBIA

AUGUST 16, 1978

We begin an historic debate in the Senate today on a significant issue of civil rights and human rights -- an amendment to the Constitution to provide representation in Congress for the people of Washington, D.C.

In matters of fundamental justice and human rights involving the citizens of our nation, there is no left or right, liberal or conservative. Yet, under the Constitution and laws of the United States, there is an anachronism that defies justice and denies one of the basic and most cherished rights of representative government for the people of the nation's capital -- the right to have a voice in the decisions of the Senate and the House of Representatives.

The issue is one of simple justice for the 690,000 citizens of the nation's capital. For decades, going back to the beginning of the 19th century, ordinary District citizens, concerned local leaders, and many members of Congress have sought this basic goal. Indeed, the goal is remarkable and unusual only in the sense that it has been so flagrantly denied for so long to so many citizens. In a nation that was founded on the principle of representative government and that has prided itself for two centuries on the strength and vitality of its democracy, it is a travesty of history that the District of Columbia has no voice in Congress.

The eyes of three constituencies are upon us -- the hundreds of thousands of citizens of the District of Columbia who ask only the same basic political right that all other Americans enjoy; the Americans in states throughout the country, who have made this question a national issue of civil rights; and millions more throughout the world who will see in our action a sign of America's real commitment to human rights. No other action Congress takes can so clearly demonstrate that our nation's worldwide concern and sensitivity for human rights begin at home, on the doorstep of the Capitol, in the chambers of the House and Senate.

In recent weeks, the Senate has spoken out with a virtually unanimous voice in condemning the violations of human rights in the Soviet Union. Our noble words, however -- important as they are in giving hope to so many in other lands who are denied their basic rights -- would acquire a hollow ring if the Senate now turns its back on the rights of the people of the District of Columbia to share in our democracy.

In the view of legal scholars, there is no constitutional impediment to enactment of this measure. Enfranchisement of the District was not an issue the founding fathers faced. They could hardly foresee that the sparsely settled marshy area along the Potomac River -- the "District (not exceeding ten miles square)" about which they wrote in 1787 -- would one day be not only the seat of government of the United States, but the capital of the free world, a celebrated city of several hundred thousand residents.

The population of the District is now larger than seven states. Residents of the District pay large amounts of taxes to the Federal Government. District residents fought and died in Vietnam and in all the nation's other wars. And yet they continue to endure both taxation without representation and conscription without representation.

Last March, by an impressive two-thirds vote, the House of Representatives approved the pending constitutional amendment (H.J. Res. 554) to provide full voting representation for the District of Columbia in both the House and the Senate -- two Senators and two members of the House of Representatives on the basis of recent population estimates.

Now, the spotlight is on the Senate. We have a realistic opportunity to achieve the goal, and we should not let the opportunity slip away. One of the most honored principles of our democracy is the concept of "one person, one vote." In the District of Columbia, however, that principle has no application. Instead, for District citizens, the rule is "690,000 persons, no votes." Nowhere in America should the principles of democracy be more firmly established than in the nation's capital. The time has come to remove the cloud of America's "Last Colony" from the District of Columbia.

The proposed amendment has strong bipartisan support. It has been endorsed by the chairmen of both the Democratic National Committee and the Republican National Committee. Both the Democratic and Republican party platforms in the 1976 election contained explicit planks supporting voting representation in the Senate and House for citizens of the District. In 1970, testifying before a Senate committee on behalf of the Nixon Administration, Assistant Attorney General William H. Rehnquist, now a Supreme Court Justice, endorsed a constitutional amendment to achieve this goal. His words emphasized the long-standing injustice perpetrated on citizens of the District:

"The need for an amendment of that character at this late date in our history is too self-evident for further elaboration; continued denial of voting representation from the District of Columbia can no longer be justified."

But what was self-evident to Mr. Rehnquist and the platform committees has not been obvious to Congress. In recent years, the Senate has usually been regarded as the graveyard for aspirations of District residents to participate in their national government. A breakthrough occurred in 1961, when the 23rd Amendment to the Constitution gave the District the vote in Presidential elections; that amendment was ratified by the states in nine months -- a record at the time.

But success has not come as easily for Congressional representation. Opposition so far has seemed to arise from four "toos" on the part of some members of the Senate -- the fear that Senators elected from the District of Columbia may be too liberal, too urban, too black or too Democratic. There is also the mystique of the Senate club, the reluctance to expand the membership beyond the current 100 Senators. But such arguments cannot bear the light of day. They deny basic justice. They are unworthy of the Senate and the nation, and provide no justification for denying representation in Congress to the people of the District of Columbia.

Here in the Senate, we often differ on the degree to which the Federal Government should be involved in the affairs of the citizens of this country. But we should all agree that in this age of big government, no Americans are truly free unless they have a voice in the election of those who write the nation's laws. Two hundred years and ninety-five Congresses after the nation was founded, it is time to welcome Senators and Representatives from the District of Columbia into our congressional deliberations and decisions -- and our cloakrooms.

Wherever I travel, I find people surprised to learn that the citizens of Washington cannot vote for members of Congress. This mood, and the precedent of swift approval for the 23rd Amendment, give confidence that the generous and decent instincts of the American people will produce prompt ratification of an amendment to give the District the vote in Congress, once we send the amendment to the states.

#### THE CASE BASED ON POPULATION

One of the strongest arguments in favor of H.J. Res. 554 is the simple fact that the District of Columbia is not just a museum collection of Federal monuments and government buildings. It is also the home of hundreds of thousands of men, women and children -- 690,000 people in all.

Under one of the most basic principles of our democracy, the citizens of each of the states are represented in the Senate and the House. Yet, the 690,000 citizens of the District are denied this fundamental right.

As Table 1 indicates, the District of Columbia has a population greater than, or equal to, that of seven states, based on the most recent data available from the Bureau of the Census -- the population estimates for 1977:

District of Columbia	690,000
South Dakota	689,000
North Dakota	653,000
Nevada	633,000
Delaware	582,000
Vermont	483,000
Alaska	407,000
Wyoming	406,000

If, instead of the 1977 estimates, the official census figures for 1970 are used, the District has a population greater than the population of 10 states -- including Idaho, Montana, and New Hampshire, in addition to the above seven states. Each of these states has its own representation in Congress -- two Senators, and either one or two Members of the House of Representatives, depending on the population of the state. Yet, the people of the Nation's Capital have no such voice.

In this era of profound involvement by Congress in so many different aspects of American life, it is a denial of basic justice and human rights for the citizens of the District to have no voice in the decisions of Congress.

#### THE CASE BASED ON TAXES

Since the days of the Revolutionary War, a fundamental principle of our nation has been the rejection of taxation without representation.

Yet, today, two centuries after America was founded, the citizens of the District of Columbia are forced to endure the unfair burden of such taxation. As citizens of the United States, the residents of Washington, D.C. are obliged to pay large amounts in taxes each year to the Federal Government. Yet these citizens are denied representation in Congress, which writes the nation's tax laws.

The Library of Congress has prepared data summarizing Federal tax payments from each of the 50 states and the District of Columbia. The data, based on concepts developed by the Tax Foundation, shows dramatically the degree to which the District of Columbia bears the burden of taxation without representation.

As shown by Table 1, residents of the District paid out \$1.4 billion in taxes to the Federal Government in fiscal year 1977. That amount is greater than the taxes paid by 11 states:

	(\$ BILLION)
DISTRICT OF COLUMBIA	\$1.470
Maine	1.400
New Hampshire	1.330
Alaska	1.225
Nevada	1.190
Idaho	1.155
Delaware	1.120
Montana	1.085
North Dakota	0.945
South Dakota	0.840
Wyoming	0.735
Vermont	0.630

Each of these states is represented in Congress by two Senators and by either one or two Members of the House of Representatives, depending on the population of the state. The citizens of these states, therefore, have a voice in the way they are taxed by the Federal Government. But the citizens of the District of Columbia have no such voice.

If the Federal tax burden is calculated on a per capita basis, the comparison becomes even more stark. For District of Columbia residents, the per capita tax burden is \$2,116, or \$491 above the national average of \$1,625. Only one other state -- Alaska -- has a higher per capita tax burden; in 49 of the 50 states, the Federal tax burden is smaller than in the District of Columbia.

These figures provide a compelling argument for granting representation in Congress to the District of Columbia. H.J. Res. 554 would enable the District to elect members of both the Senate and the House of Representatives. It deserves to be enacted, so that at last we can end a serious blight on our contemporary democracy, the burden of taxation without representation that has existed so long and so unfairly for the citizens of the Nation's Capital.

#### THE CASE BASED ON CASUALTIES IN VIETNAM

One of the most important arguments in favor of H.J. Res. 554 is contained in the statistics of the Department of Defense on casualties in the Vietnam War. The figures reveal that 237 citizens of the District lost their lives in Vietnam. As Table 1 indicates, the casualty level for the District is higher than the levels for 10 states -- Alaska, Delaware, Idaho, Nevada, New Hampshire, North Dakota, Rhode Island, South Dakota, Vermont and Wyoming.

The people of those 10 states, and of every other state, were represented in the House and Senate throughout the period of the Vietnam War. These people -- and the people in every other state -- had a voice in the decisions of Congress on the war, decisions that affected the lives of so many thousands of their citizens who were asked and compelled to serve their country in that war. But the citizens of the District of Columbia had no such representation and no such voice.

We cannot remedy that injustice for the past. But we can do so for the future. At a time when Congress exerts such a profound and growing influence over so many different aspects of American life, the people of the District of Columbia have a right to be heard in our deliberations. H.J. Res. 554 would give them the voice they deserve.

#### A DISTRICT OF COLUMBIA GOLD STAR MOTHER'S CASE

At the Senate hearings in April on the pending amendment, one of the most dramatic and moving moments came in the testimony by our distinguished colleague from Missouri, Senator Eagleton.

In that testimony, he told of a letter he had received from a District of Columbia Gold Star mother, whose son had been killed in the Vietnam War. Yet, as she told Senator Eagleton, she had no one in Congress to represent her views in decisions on the war. As Senator Eagleton testified:

"This letter was from a mother who had two sons in the army. 1971, as the Chairman will recall, was still a very high point in the Vietnam War. Her elder son had been killed, and naturally that had had a traumatic impact on her, her thinking, et cetera, and she wrote me a very moving but simple letter saying, in essence, 'I have lost one son. I may well lose another. Yet

I have no voice in voting on how far this war should go, or how long it should go on, or how much expanded it should be -- into the Parrot's Beak, or how many bombs we should drop on the Ho Chi Minh Trail. I am hopeless, and in that sense I am voiceless.'

"I think that one letter did more to shape my thinking than a million words or a 200-page memorandum. The appeal is not simplistic, it is just fair and equitable."

That letter sums up very well what this issue is all about. On basic issues of vital importance to the lives of all Americans -- issues like war and peace, inflation and unemployment, and the countless other areas in which actions by Congress affect the daily lives and hopes of every citizen of this land -- the people of the District of Columbia are denied their rightful voice. That denial contradicts the most central principles on which our democracy rests. It is an anachronism of history that no American should tolerate.

### THE NEXT GENERATION

Few things matter more to the long run future of the United States than the values we hand on to the next generation of the nation's leaders.

One of the most impressive witnesses at the Senate hearings last April was Natasha Pearl, a 17 year old student who graduated this year from Woodrow Wilson High School in the District of Columbia.

Ms. Pearl's testimony goes directly to the heart of the issue -- the fact that the 700,000 citizens of Washington, D. C. are denied one of the basic rights that other American citizens enjoy, the right to participate in our democracy by sending their own elected representatives to Congress.

Recalling her experience as a delegate to the Senate Youth Program, Ms. Pearl testified:

"The lack of voting representation for the District was an issue I often discussed with my fellow delegates. Shock and disbelief were expressed upon learning of the grossly unfair and undemocratic situation existing in our nation's capital. Knowing that our forefathers fought and died so that taxation without representation would never again occur in this country, many delegates could not understand why my parents and other District residents pay federal taxes, bearing all the burdens of citizenship, like their parents -- yet have no representation. To the Senate Youth delegates, it was incomprehensible that in 1978, in the United States of America, nearly three quarters of a million American citizens are without the privilege that all the other Senate Youth delegates took for granted -- voting representation in the Senate and House of Representatives."

She also recalled her feelings on the day set aside for the delegates to visit the offices of their Senators:

"You may recall the one day of the Senate Youth Program that was set aside for the delegates to visit their Senators. I have never before felt inferior to fellow Americans. That day I did. All I could do was listen at dinner that evening when my friends told of how they had discussed important national issues, such as the Panama Canal Treaties, energy policy, and health care with their Senators. I, too, have opinions on these and other vital issues. That day, I could share them with no one who had a voice or a vote in the United States Senate."

Finally, she spoke of an occasion last February when she represented the District of Columbia at "Convention II," a mock Constitutional Convention held in Washington:

"It was a marvelous experience. Two hundred and seventy-five students from nine states and the District considered one hundred and fifty-five constitutional amendments. These amendments dealt with a wide variety of issues, many of which are currently being considered by Congress. Only two of the one hundred and fifty-five proposed amendments were passed. I sponsored one of them. It provided voting representation for the District of Columbia. The vote was 182 in favor and 16 opposed -- an overwhelming statement of support by youth for this issue."

Ms. Pearl's testimony makes a compelling case for approval of H.J. Res. 554. The question is really a very simple one -- is it fair for Congress to continue to deny to Ms. Pearl and the other residents of the nation's capital the same full rights that 200 million other Americans enjoy? To a large extent, the way we answer questions like this one will be a signal to the next generation of the depth of our commitment to the democratic ideals on which the nation was founded.

#### THE CASE BASED ON THE EXPERIENCE OF FOREIGN NATIONS

According to a study earlier this year by the Library of Congress, among 115 nations in the world with elected national legislatures, the United States and Brazil stand alone in denying representation in the legislature for citizens of their capital cities.

The analysis is an important study in comparative government and a significant source of additional support for H.J. Res. 554, which offers Congress the chance to end the serious injustice perpetrated on the citizens of Washington, D. C. They deserve a voice in the Senate and the House like any other American citizen, and like citizens in other nations the world over.

The study provides dramatic documentation of the lonely and reactionary position of the United States in the international community with respect to one of the fundamental and most widely recognized human rights in the world today -- the right to vote for elected representatives. The study makes clear that in this important respect the United States, the emperor of human rights, has no clothes. Aside from the authoritarian and repressive regime of Brazil, America stands alone among the nations of the world in imposing this flagrant restriction on the civil and political rights of the citizens of its capital city.

As Table 2 reveals, the virtually universal practice in nations with elected legislatures -- whether democracies or totalitarian systems -- is to accord representation to the capital city on a parity with other cities in the nation.

A key element of the study is its documentation that even in nations with federal systems of government like the United States, this principle of parity is followed.

The study included 16 federal nations, with the following findings:

-- Nine federal nations (Australia, Canada, West Germany, India, Nigeria, Pakistan, Switzerland, the Soviet Union and Yugoslavia) have capital cities which are not special federal districts and which receive the same representation in the legislature afforded to other cities.

-- Seven federal nations (Argentina, Australia, Brazil, Malaysia, Mexico, Venezuela, and the United States) have capital cities which are federal districts with a special status similar to that of the District of Columbia. Only Brazil and the United States, however, deny voting representation in the legislature for residents of the capital cities.

It is clear from this study that opponents of representation in Congress for the District of Columbia cannot hide behind the Federal analogy. Theoretical arguments for denying representation, based on the view that the District of Columbia is not a state, are easily out-weighted by the demand of the citizens of the capital city to participate in the basic rights of democracy. With the exception of Brazil, other federal nations modeled on our own Federal Government have resolved this issue against discrimination and in favor of representation for the capital. In this respect, the onrushing tide of world democracy and human rights has left the United States sadly in its wake.

#### THE BLEMISHED RECORD OF ADMISSION OF STATES TO THE UNION

The effort to end discrimination against D.C. residents is hardly a novel chapter in American history. One of the continuing currents in the nation's 200 year history has been the struggle of peoples in the various territories of the Union to achieve the full rights of citizenship. The pages of our history contain numerous examples of the frustrations, failures, and eventual successes of the citizens of various regions of the nation in becoming full partners in the Union.

In these cases, of course, the goal was statehood. But statehood is a goal not readily available to the District of Columbia, because of the unique character of the District as the nation's capital within our federal system. In a larger sense, however, the aspiration is the same and is independent of the statehood issue. That aspiration is the desire of American citizens to enjoy as nearly as possible the full benefits of American democracy.

Analysis of the issues involved in the admission of states to the Union provides a number of illuminating examples. In many cases, states were admitted without any great difficulty. In other cases, however, there were long delays and serious controversies, involving complex political, economic and social issues. The best known of these controversies was the 19th century issue over whether new states should be admitted as slave states or free states. The Missouri Compromise and the Compromise of 1850 were the landmark events of this period. Missouri, Maine, Arkansas, Florida, Texas, Michigan, Iowa, Wisconsin and California were able to join the Union as a result of these famous but fragile compromises.

In other cases, other issues were involved. Often, admission to the Union was delayed by partisan or racial factors:

-- The admission of Oregon was hindered by Republican fears that it would be a Democratic State. But Oregon was admitted in 1859 and voted for Lincoln in 1860.

-- Kansas endured severe civil violence and divided the Democratic party before it became a state in 1861.

-- The admission of Idaho was delayed in part by religious controversies over the Mormon minority.

-- The admission of Wyoming was resisted in part because of its progressive attitude toward the political equality of women.

-- The admission of Utah was delayed more than 40 years, in large part because of the controversy over the Mormon religion.

-- The admission of Oklahoma was resisted because of the controversy over the status of the Indian territory.

-- The admission of Montana was delayed for over 20 years by Republican opponents, who feared that the State would be a Democratic stronghold, and who refused to agree to statehood unless the Dakota Territory was divided into two states likely to be Republican. In 1889, an omnibus statehood bill admitted Montana, North Dakota, South Dakota, and Washington to the Union.

-- Blatant racial discrimination against the Spanish-speaking population was a key factor in the long delay before admission of New Mexico to the Union.

-- In more recent times, before they finally gained statehood in 1959, the admission of Alaska and Hawaii became a political football, with Democrats fearing a Republican Hawaii and Republicans fearing a Democratic Alaska.



The lesson of these numerous examples is that partisan and discriminatory factors have no place in the decision to admit citizens anywhere in the nation to the blessings of full participation in our system of government. The people of the District of Columbia have already waited far longer than the citizens of any territory to obtain the basic right of representation in Congress. H.J. Res. 554 would end this long injustice.

#### ORIGIN OF THE DISTRICT OF COLUMBIA

The concept of a separate federal district under the exclusive control of Congress developed as the response of the founding fathers at the Constitutional Convention to the "Philadelphia Mutiny" of June 21, 1783. On that occasion, 80 to 250 disgruntled and angry Revolutionary Army soldiers demanding back pay disobeyed their officers and marched on Independence Hall in Philadelphia, where the Continental Congress was meeting. The Congress requested protection from the Pennsylvania militia, but the request was refused, and the Congress was forced to flee to Princeton, New Jersey, under cover of darkness.

The Philadelphia Mutiny was the central factor in the approval of Article I, Section 8, Clause 17 of the Constitution by the Convention in 1787, which gave Congress the power to protect itself at the site to be chosen for the nation's capital:

"The Congress shall have Power ... 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 the Government of the United States ...."

When the First Congress met in New York in 1789, a major question was the "residence" issue -- the selection of a site for the capital city. The primary concern of the legislators was the issue of economic advantage. As the historian Constance Green has written, the assumption underlying the debate was that

"Wherever Congress chose to locate the federal city, there a great commercial center would arise. That conviction explains more fully than any consideration of prestige or legislators' convenience why sectional controversy had run so strong during the congressional debates on the 'residence' bill."

The debates narrowed the issue to a choice between a Southern site near the "geographic center" of the nation (a site on the Potomac River) and a Northern site near the "population center" (a site on the Susquehanna River in Pennsylvania). In a compromise achieved by Secretary of State Thomas Jefferson and Secretary of the Treasury Alexander Hamilton, the Southern site was accepted by the Northern faction in Congress, in return for Southern acceptance of a Northern proposal by which the Federal Government would assume the debts of the states from the Revolutionary War.

In anticipation of the action by Congress, territory for the site had been ceded to the Federal Government by Maryland in 1788 and by Virginia in 1789. The Residence Act of 1790 enacted by the First Congress specified in general terms a broad area on the Potomac River from which the site could be chosen. But the Act fixed the southernmost possible portion of the site at the junction between the Potomac and the Anacostia River. In addition, the Act authorized President Washington to appoint and supervise three commissioners to choose the actual site and survey and define the District. In effect, the selection of the precise site was left to President Washington.

President Washington, however, because of his desire to include the City of Alexandria in the capital area, chose a southern corner for the site a few miles farther south than the 1790 Act of Congress permitted, with the result that approximately one third of the actual area selected by the President lay outside the authorization by Congress. Subsequently, Congress enacted additional legislation approving the site.

On the first Monday in December 1800, in accord with the original legislation enacted by Congress in 1790, the national capital was officially transferred from its temporary location in Philadelphia to the new site.

The area originally included in the District of Columbia consisted of only two significant communities -- Georgetown in the Maryland portion with a population of about 3,000 and Alexandria in the Virginia portion with a population of about 5,000. In addition, there were two tiny trading post settlements in the territory -- Carrollsburgh on the present Anacostia River, and Hamburg on the site of the present Foggy Bottom.

During the period 1790-1800, the City of Washington came into being, covering the area east of Georgetown and north of the Potomac to the present Florida Avenue. The region north of the City of Washington became Washington County. According to the census of 1800, the population of the entire District of Columbia was 14,000.

Until the official transfer of the federal government to the District of Columbia in 1800, Maryland and Virginia laws continued in operation in the territory and residents of the local communities voted in federal elections as citizens of their respective states. This practice ended, however, in December 1800, when the exclusive jurisdiction of Congress over the District took effect, and the residents lost their status as citizens of a state.

#### THE FEDERAL PAYMENT FALLACY

So far, opposition to H.J. Res. 554 has crystallized around a series of arguments that are easily rebutted.

Some opponents argue that if the District of Columbia is to receive the status of a State with respect to representation in Congress, then the District must give up the so-called "Federal Payment" by which, it is claimed, the District receives special financial treatment from Congress not available to the States.

But the argument misconstrues the nature of the Federal Payment, which is an annual appropriation intended to offset the overall negative fiscal impact of the Federal Government on the District. In effect, the appropriation -- \$276 million in FY 1978 -- represents an effort by Congress to account for the difference between the special burdens imposed on the city (such as tax-exempt Federal land and buildings) and the special benefits (such as revenues from tourism and federal construction projects) accruing to the city as a result of the Federal presence.

Obviously, there is occasional fiscal tension between Congress, in its role as legislator for the District, and the municipal government of the District, as shown by the continuing controversies over D. C. Appropriations Bills. But these controversies have little to do with the right of the citizens of the District to be represented in Congress and to have a voice in the many actions of the House and Senate on issues of foreign and domestic policy. Whatever the view of individual Senators as to the excessive or inadequate nature of the Federal Payment, I hope we can agree that the issue is separate from the question of representation in Congress and should be considered accordingly.

In fact, the Federal Payment for FY 1979 is likely to be significantly lower than the figure for 1978. Over the years, the amount of the Federal Payment has ranged from a high of 43% of total Congressional appropriations in 1921, to a low of 9% in 1953. In the 1970's, the figure has fluctuated between 27% in 1975 and 20%, where it is today.

In addition, there are a number of specific factors that help to explain the purpose and size of the current Federal Payment:

-- The Federal Government owns 25% of the land area in the District, and this land is exempt from the local tax rolls. For many states, the figure is in the range of 4%. If this low figure applied to the District, it is estimated that local property tax revenues would be increased by \$60 million, and that local sales and income taxes would go up by even larger amounts.

-- The District must provide extensive fire and police protection for the federal facilities, as well as sidewalks, streets, and other services not required in States with a smaller federal presence.

-- So far, Congress has forbidden the District to enact a commuter tax, which would spread the special costs imposed by the federal presence more equitably among the federal employees who work in the District but live in the suburbs. Other states make reasonable use of such taxes in such situations. But Congress denies this source of revenue to the District -- estimated at \$200 million a year in the typical versions used by various states.

-- Congress refuses to permit the District to issue tax-exempt bonds. States have this option, and use it extensively to borrow funds at interest rates significantly below the market rate for tax-free bonds. Currently, the federal tax subsidy for tax-exempt bonds in the various states totals \$6 billion, or an average of \$120 million per state. Yet the District is denied access to this source of revenue.

-- Congress imposes a height limit on buildings in the District. These limits restrict business development, and reduce the access of the District to property and other taxes.

-- Finally, District residents pay 11.7% of their principal income in the form of local taxes to the District. That figure exceeds the percentage for 23 states. Clearly, the Federal Payment is not a device that allows District residents to avoid their fair share of local taxes.

As the above examples indicate, there are substantial areas in which Congress restricts the revenue sources available to the District. In effect, the Federal Payment is a lump sum appropriated by Congress in lieu of these alternative revenues. It is hardly a symbol of an undeserved financial windfall for the District that impairs the case for representation of District citizens in the Senate and House of Representatives.

#### THE FEDERAL EMPLOYEE FALLACY

A variation of this argument occasionally made by the opponents of representation in Congress for District residents is that representatives elected by the District would be special pleaders for federal employees.

It is true that a significant number of District workers are federal employees. As shown by Table 1, there are 211,000 federal jobs in the District, reflecting the following pattern according to residence:

D.C. residents:	112,000
Maryland residents:	63,000
Virginia residents:	<u>46,000</u>
TOTAL	221,000

If the number of federal jobs in the Maryland and Virginia suburban counties is also taken into account, the result is that each of the two suburban areas has more federal employees than the District of Columbia. In fact, the District accounts for less than one-third of all federal employees in the Washington area.

District of Columbia:	110,000
Maryland suburbs:	140,000
Virginia suburbs:	<u>143,000</u>

TOTAL	393,000
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In addition, as Table 1 also shows, three other states -- California, Texas and Virginia -- provide more federal jobs than the District of Columbia.

The opponents' argument also ignores the many other economic and social facets of the District, apart from Federal employment. Members of the House and Senate elected from the District would also represent the interests of small business, the construction industry, banks, veterans, teachers, the elderly, the poor, and virtually all the other interest groups found in the various States. It would be as unreasonable to deny representation to the District because of its federal employees' bloc, as to deny representation to a state because of its farm bloc.

The work of Congress impinges increasingly heavily on all Americans, whether they are residents of the District or the States, and the citizens of the District deserve to participate in the decisions of Congress on a parity with all other American citizens.

Equally important, in light of the mandate of Article I of the Constitution giving Congress exclusive jurisdiction over the District of Columbia, elected representatives from the District would enable Congress to conduct its oversight responsibilities in a more informed and effective manner.

### THE STATEHOOD FALLACY

Opposition to the proposed amendment has usually crystallized around a series of fallacious arguments that are easily rebutted.

Some opponents of full representation claim that the District is a city, not a state, and that only states are entitled to representation in the House and Senate. They argue that there is no greater reason for this city to be represented in Congress than there is for other large cities which are also denied this right.

But this argument ignores the obvious fact that other American cities are political subdivisions of states. They already have representation in both the Senate and the House, while the citizens of the District have no representation at all.

In other ways, Congress has been willing to treat the District of Columbia as a state. For example, the District has long been treated as a state in virtually every major federal grant legislation. In program after program, in statute after statute, all of us in Congress are familiar with the well-known clause in legislation, "For the purposes of this legislation, the term 'state' shall include the District of Columbia."

The statehood argument is no more than a thinly veiled excuse to perpetuate the denial of Congressional representation to the people of the District. The District is neither a city nor a state. In fact, statehood may well be an impossible alternative, given the practical and constitutional questions involved in changing the historical status of the nation's capital. But such debate should not be allowed to mask the basic fact that, two hundred years after the nation was founded, the people of Washington are second class citizens, deprived of the right to participate in the making of the laws by which they are governed.

### THE ARTICLE V CONSTITUTIONAL FALLACY

Another occasional objection to representation in Congress for the District of Columbia rests on the proviso in Article V of the Constitution, which declares that "no State, without its Consent, shall be deprived of its equal Suffrage in the Senate."

To state the obvious, however, what H.J. Res. 554 proposes is a constitutional amendment. Since, by definition, a constitutional amendment cannot be unconstitutional, the suggestion that H.J. Res. 554 is unconstitutional is a contradiction in terms and a fatal flaw in the logic of those who raise this curious objection.

In any event, it is far too late in our history to argue that granting representation in Congress to the District of Columbia would deprive any state of its "equal Suffrage in the Senate." Since the ratification of the Constitution by the original thirteen states, 37 additional states have been admitted to the union. As a result, the suffrage of the original thirteen states in the Senate has been "diluted" nearly fourfold, from 2/26 to 2/100. Yet, no one seriously argues that any of the older states has been deprived of its equal suffrage in the Senate by the admission of new states.

The principle is clear. So long as the District of Columbia is represented in the Senate equally with every other state, representation for the District of Columbia will not offend the provisions of Article V. Each state will still have two votes in the Senate, and each state will still have the same proportionate vote as every other state.

During extensive hearings by both the Senate and House Judiciary Subcommittees on this issue, leading constitutional scholars strongly endorsed full voting representation for the District, including representation in the Senate as well as in the House. Among those testifying on H.J. Res. 554, for example, was Professor Charles Alan Wright of the University of Texas School of Law, who dealt bluntly with the Article V objection:

"It seems to me that the clear purpose of (the 'Equal Suffrage Clause') was to insure that the Great Compromise would not be undone and that the representation in the Senate would not be put on the basis of population. That purpose is not compromised by allowing the District to have two Senators any more than it is when a new state is admitted."

#### THE RETROCESSION FALLACY

It is sometimes argued that voting representation for the people of the District should not be achieved by independent representation in Congress, but by alternative methods linking the District in various ways to the State of Maryland. But there are serious objections to these alternatives, which go by the names of "full retrocession" (ceding the District's territory back to Maryland) or "partial retrocession" (allowing District citizens to vote in Maryland elections).

First, as a matter of principle, it would be unwise policy and unfair to the citizens of both Maryland and the District. The geographical area comprising the original District was formally ceded to the Federal Government in the 18th century, shortly after the ratification of the Constitution, and consisted of Maryland and Virginia portions. The Virginia portion of the District was retroceded to Virginia in 1846, but the Maryland portion has continued to the present time as the District of Columbia.

Thus, the District has not been a part of Maryland since 1788, when the territory that now comprises the District was ceded by Maryland to the Federal Government. Two centuries after the original Act of Cession by Maryland, there are simply no cultural, community, or similar ties that would warrant attempting to re-link the District to Maryland, and the ancient historical tie is far too slender and obsolete to justify that step today. The District has developed its own community and its own interests, separate and apart from Maryland, and it deserves representation in Congress in its own right, and not merely as an artificial adjunct to a state with which it has no common history.

We might just as well try to link the District to Virginia -- or even to Oklahoma or Idaho -- as try to fit it back into Maryland.

Those who favor retrocession draw on the fact that under the different circumstances of an earlier era, the territory ceded by the State of Virginia to the Federal Government in 1789, which formed roughly one-third of the original District, was ceded back to Virginia by Congress in 1846.

But historical analysis indicates that the circumstances surrounding the Virginia retrocession are in no way comparable to the situation that exists today. In fact, at the time of the Virginia retrocession, there was nothing "federal" to retrocede. To allay criticism of his role in selecting a site for the new federal district so close to his Mount Vernon estate, President Washington had insisted that no federal buildings should be constructed in the Virginia portion of the District.

The preamble to the retrocession Act of 1846 recites the view that the Federal Government had not used the Virginia portion of the District and would probably never need it. The preamble also refers to the fact that a few months earlier, the Virginia legislature had enacted legislation accepting the retrocession.

The historical analysis also indicates that the Virginia retrocession was directly affected by the political, social and economic factors of the time, particularly the resentment of the citizens of the town of Alexandria over their inclusion in the District. A major additional factor was the struggle between the slave-holding eastern regions of Virginia and the western portions of the state for control of the Virginia legislature. Neither retrocession nor any other measure could resolve the enormous pressures that were building in this period. As the Civil War began, the State of West Virginia was created from the western counties of Virginia and was admitted to the Union in 1863.

Seen in historical perspective, the retrocession of the Virginia portion of the District in 1846 is not a precedent for action today on the issue of voting representation in Congress for the District of Columbia.

Second, there is a much more obvious and recent precedent which argues strongly in favor of independent representation in Congress for the District of Columbia, rather than in combination with Maryland or any other state. That precedent is the 23rd amendment, which was ratified in 1961 and which gave citizens of the District an independent voice in Presidential elections through the electoral college. It does not, obviously, route District voters through Maryland elections to achieve its goal.

Recently, I asked the Library of Congress whether the concept of retrocession -- allowing District residents to vote in Maryland Presidential elections, instead of giving the District independent representation in the electoral college -- was considered as a possible alternative during the debates on the 23rd amendment. The Library of Congress has informed me:

To our knowledge, there was no mention of retrocession to Maryland or any related alternative arrangement during discussion of the 23rd amendment in Congress -- either in the hearing records or during floor debate.

Thus, Congress overwhelmingly recognized in 1960 that there was no justification for tying the District to Maryland for purposes of voting in Presidential elections. There is no justification today for tying the District to Maryland for purposes of voting in Senate and House elections.

Our action on the 23rd amendment is, therefore, a strong precedent against any current effort by Congress to tie the District to Maryland for voting purposes. The District now has its own voice in Presidential elections, and it is entitled to its own voice in Congressional elections.

Third, as a practical matter, I know of nothing to indicate that Maryland would be at all receptive to the idea. Retrocession proposals surfaced briefly in the course of the House Subcommittee's consideration of H.J. Res. 554. But they were quickly discarded, in large part because of the obvious resistance of the Maryland Congressional delegation. The proposals were not raised again, either in the full House Judiciary Committee proceedings or as a floor amendment in the House.

Fourth, there are a number of legal, even constitutional, questions that would have to be resolved to make retrocession a serious possibility. Full retrocession would subject the Federal Government to the powers of the State of Maryland and fly in the face of the settled constitutional provision creating the District as a Federal entity. Partial retrocession -- simply turning District citizens into Maryland residents for the purpose of voting in Senate and House elections -- would raise such questions as whether District residents should then be entitled to send representatives to Annapolis to participate in drawing new Congressional District boundaries to vote for the Governor of Maryland who would have the power to fill vacancies in the Congressional delegation, and other similar issues.

For these reasons, retrocession is a blind alley we ought not to go down in seeking Congressional representation for the people of the District.

In sum, the arguments against full voting representation in Congress for the District of Columbia are shallow at best and pernicious at worst. It is a sad commentary on American democracy that such flimsy arguments have consistently been used to deny representation in Congress for the citizens of our nation's capital. At a time when the role of Congress has an increasingly profound influence on the lives of each American, it is also time to honor the promise of America for every citizen, without exception.



APPENDIX

MATERIALS ON H.J. RES. 554

FULL VOTING REPRESENTATION IN CONGRESS

FOR THE DISTRICT OF COLUMBIA

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QUOTATIONS ON REPRESENTATION IN CONGRESS  
FOR THE DISTRICT OF COLUMBIA

Republican Party Platform 1976:

"We ... support giving the District of Columbia voting representation in the United States Senate and House of Representatives."

Democratic Party Platform 1976:

"We support ... full voting representation in the Congress for the District of Columbia."

James Madison (The Federalist No. 43):

"The extent of this federal district is sufficiently circumscribed to satisfy every jealousy of an opposite nature. And as it is to be appropriated to this use with the consent of the State ceding it; as the State will no doubt provide in the compact for the rights and the consent of the citizens inhabiting it; as the inhabitants will find sufficient inducements of interest to become willing parties to the cession; as they will have had their voice in the election of the government which is to exercise authority over them; as a municipal legislature for local purposes, derived from their own suffrages, will of course be allowed them; and as the authority of the legislature of the State, and of the inhabitants of the ceded part of it, to concur in the cession, will be derived from the whole people of the State, in their adoption of the Constitution, every imaginable objection seems to be obviated."

President Andrew Jackson 1831:

"It was doubtless wise in the framers of our Constitution to place the people of this District under the jurisdiction of the General Government. But to accomplish the objects they had in view, it is not necessary that this people should be deprived of all the privileges of self-government... I earnestly recommend the extension to them of every political right which their interests require and which may be compatible with the Constitution."

President Richard Nixon; Message to Congress; April 28, 1969:

"It should offend the democratic sense of this nation that the 850,000 citizens of its Capital, comprising a population larger than 11 of its States, have no voice in the Congress."

Assistant Attorney General William H. Rehnquist; Senate Hearings, 1970:

"The need for an amendment of that character at this late date in our history is too self-evident for further elaboration; continued denial of voting representation from the District of Columbia can no longer be justified."

Vice President Walter F. Mondale, September 1977:

"We believe there is no justification for denying citizens equal representation at the federal level because they happen to reside in the District of Columbia."

President Jimmy Carter, State of the Union Message 1978:

We proposed last year a series of reforms, including full voting representation in Congress, designed to give the residents of the District significantly greater control over their local affairs. My administration will continue to work for the passage of those reforms this year.

Professor Charles Alan Wright; University of Texas Law School; Senate Hearings 1978:

"It seems to me that the clear purpose of [the Equal Suffrage Clause, Article V of the Constitution] was to ensure that the Great Compromise would not be undone and that representation in the Senate would not be put on the basis of population. That purpose is not compromised by allowing the District to have two Senators any more than it is when a new state is admitted."

Senator Thomas F. Eagleton; Senate Hearings 1978:

"This letter was from a mother who had two sons in the army. 1971, as the Chairman will recall, was still a very high point in the Vietnam War. Her elder son had been killed, and naturally that had had a traumatic impact on her, her thinking, et cetera, and she wrote me a very moving but simple letter saying, in essence, 'I have lost one son. I may well lose another. Yet I have no voice in voting on how far this war should go, or how long it should go on, or how much expanded it should be -- into the Parrot's Beak, or how many bombs we should drop on the Ho Chi Minh Trail. I am hopeless, and in that sense I am voiceless.'

"I think that one letter did more to shape my thinking than a million words or a 200-page memorandum. The appeal is not simplistic, it is just fair and equitable."

Natasha Pearl; Senior, Woodrow Wilson High School, D.C.; Senate Hearings 1978:

"You may recall the one day of the Senate Youth Program that was set aside for the delegates to visit their Senators. I have never before felt inferior to fellow Americans. That day I did. All I could do was listen at dinner that evening when my friends told of how they had discussed important national issues, such as the Panama Canal Treaties, energy policy, and health care with their Senators. I, too, have opinions on these and other vital issues. That day, I could share them with no one who had a voice or a vote in the United States Senate."

TABLE 1 -- STATISTICAL COMPARISONS BETWEEN THE DISTRICT OF COLUMBIA AND THE 50 STATES

STATE	POPULATION		TAXATION (FY 1977)					EMPLOYMENT		PERCENT LAND AREA HELD BY FEDERAL GOV'T.
	1970 CENSUS	1977 ESTIMATE	TOTAL FEDERAL TAXES (BILLION)	PER CAPITA FEDERAL TAXES	STATE AND LOCAL TAXES (% PERSONAL INCOME)	KILLED IN VIETNAM WAR 1961- 1977	NO. FEDERAL JOBS	PERCENT FEDERAL JOBS		
Alabama	3,444,000	3,690,000	\$4.482	\$1,221	9.9	1,187	79,173	1.9	3.4	
Alaska	303,000	407,000	1.225	3,011	21.8	55	36,873	.9	96.4	
Arizona	1,775,000	2,296,000	3.211	1,418	13.9	604	57,756	1.4	42.8	
Arkansas	1,923,000	2,144,000	2.381	1,117	9.8	580	28,050	.7	9.7	
California	19,971,000	21,896,000	39.186	1,805	14.9	5,472	497,438	12.1	45.1	
Colorado	2,210,000	2,619,000	4.167	1,604	12.3	609	91,726	2.2	36.1	
Connecticut	3,032,000	3,108,000	6.478	2,086	11.2	590	25,469	.6	.3	
Delaware	548,000	582,000	1.120	1,925	11.4	120	10,380	.2	3.2	
D.C.	757,000	690,000	1.470	2,116	11.7	237	221,156	5.4	25.6	
Florida	6,791,000	8,452,000	12.957	1,542	10.1	1,905	146,615	3.6	10.1	
Georgia	4,588,000	5,048,000	6.513	1,298	10.9	1,550	129,237	3.1	6.0	
Hawaii	770,000	895,000	1.575	1,770	14.6	274	67,414	1.6	9.9	
Idaho	713,000	857,000	1.155	1,367	11.6	210	15,598	.4	63.7	
Illinois	11,113,000	11,245,000	21.536	1,919	11.4	2,883	150,511	3.7	1.5	
Indiana	5,195,000	5,330,000	8.334	1,566	10.4	1,513	48,229	1.2	2.1	
Iowa	2,825,000	2,879,000	4.517	1,570	11.5	820	19,396	.5	.6	
Kansas	2,249,000	2,326,000	3.922	1,695	11.0	614	47,705	1.2	1.3	
Kentucky	3,221,000	3,458,000	4.447	1,290	11.4	1,039	82,243	.2	5.3	
Louisiana	3,645,000	3,921,000	5.217	1,338	12.6	872	50,323	1.2	3.7	
Maine	994,000	1,085,000	1.400	1,299	14.2	332	17,491	.4	.7	
Maryland	3,924,000	4,139,000	7.669	1,856	12.7	996	168,116	4.1	3.2	
Massachusetts	5,689,000	5,782,000	9.875	1,706	14.7	1,303	67,590	1.6	1.7	
Michigan	8,882,000	9,129,000	15.618	1,712	12.1	2,603	66,274	1.6	9.3	
Minnesota	3,806,000	3,975,000	6.198	1,563	14.3	1,053	32,231	.8	6.6	
Mississippi	2,217,000	2,389,000	2.416	1,016	12.0	630	40,870	1.0	5.4	

## TAXATION (FY 1977)

STATE	POPULATION		TOTAL FEDERAL TAXES (BILLION)	PER CAPITA FEDERAL TAXES	STATE AND LOCAL TAXES (% PERSONAL INCOME)	KILLED IN VIETNAM WAR 1961- 1977	EMPLOYMENT		PERCENT LAND AREA HELD BY FEDERAL GOV'T.
	1970 CENSUS	1977 ESTIMATE					NO. FEDERAL JOBS	PERCENT FEDERAL JOBS	
Missouri	4,678,000	4,801,000	\$7.213	\$1,504	10.3%	1,384	91,265	2.2%	4.8%
Montana	694,000	761,000	1.085	1,432	13.2	260	17,639	.4	29.7
Nebraska	1,485,000	1,561,000	2.416	1,552	10.9	386	28,148	.7	1.4
Nevada	489,000	633,000	1.190	1,911	12.7	144	17,880	.4	86.6
New Hampshire	738,000	849,000	1.330	1,587	10.8	218	14,030	.3	12.3
New Jersey	7,171,000	7,329,000	14,708	2,005	11.8	1,438	95,581	2.3	2.7
New Mexico	1,017,000	1,190,000	1.505	1,275	12.8	392	42,241	1.0	33.6
New York	18,241,000	17,924,000	32.497	1,806	17.3	4,043	196,017	4.8	.8
North Carolina	5,084,000	5,525,000	7.038	1,281	10.7	1,580	120,166	3.0	6.3
North Dakota	618,000	653,000	0.945	1,456	11.7	194	20,820	.5	5.2
Ohio	10,657,000	10,701,000	17.474	1,633	10.0	3,028	106,973	2.6	1.3
Oklahoma	2,559,000	2,811,000	3.852	1,380	10.2	975	81,819	2.0	3.5
Oregon	2,092,000	2,376,000	3.747	1,593	12.4	692	26,308	.6	52.6
Pennsylvania	11,801,000	11,785,000	19.400	1,644	11.5	3,073	142,354	3.5	2.3
Rhode Island	950,000	935,000	1.610	1,722	12.1	200	13,877	.3	1.1
South Carolina	2,519,000	2,876,000	3.396	1,187	10.7	883	80,441	2.0	5.9
South Dakota	666,000	689,000	0.840	1,221	12.2	187	16,756	.4	6.7
Tennessee	3,926,000	4,299,000	5.638	1,321	10.1	1,277	62,930	1.5	6.7
Texas	11,199,000	12,830,000	20.100	1,581	10.5	3,332	295,746	7.2	1.9
Utah	1,059,000	1,268,000	1.575	1,260	12.2	353	40,756	1.0	66.1
Vermont	445,000	483,000	0.630	1,313	15.1	100.	4,161	.1	4.7
Virginia	4,651,000	5,135,000	7.984	1,567	10.7	1,273	226,864	6.0	9.4
Washington	3,413,000	3,658,000	6.723	1,849	11.9	1,019	98,386	2.4	29.5
West Virginia	1,744,000	1,859,000	2.451	1,328	12.0	715	15,410	.4	6.9
Wisconsin	4,418,000	4,651,000	7.003	1,512	14.0	1,133	27,950	.7	5.2
Wyoming	332,000	406,000	0.735	1,843	14.4	117	10,004	.2	47.8
UNITED STATES	203,305,000	216,332,000	\$350.191	\$1,625	11.8%	56,447	4,092,386	100.0%	5.4%

# **REPUBLICAN PARTY PLATFORM 1976**

**“We . . . support giving the District of Columbia voting representation in the United States Senate and House of Representatives.”**

# **DEMOCRATIC PARTY PLATFORM 1976**

**“We support . . . full voting representation in the Congress [for the District of Columbia.]”**

# **FULL VOTING REPRESENTATION IN CONGRESS FOR THE DISTRICT OF COLUMBIA**

- **D.C. HAS A LARGER POPULATION (690,000) THAN ALASKA, DELAWARE, NEVADA, NORTH DAKOTA, SOUTH DAKOTA, VERMONT, WYOMING**
- **D.C. PAYS MORE TOTAL FEDERAL TAXES THAN ELEVEN STATES, AND PAYS MORE ON A PER CAPITA BASIS THAN EVERY STATE EXCEPT ALASKA**
- **D.C. HAD MORE PERSONS KILLED IN VIETNAM THAN 10 STATES, AND MORE KILLED ON A PER CAPITA BASIS THAN 47 STATES.**
- **OF 115 FOREIGN NATIONS WITH ELECTED NATIONAL LEGISLATURES, ONLY THE UNITED STATES AND BRAZIL DENY REPRESENTATION IN THE LEGISLATURE TO CITIZENS OF THE CAPITAL CITY.**

# FULL VOTING REPRESENTATION IN CONGRESS FOR THE DISTRICT OF COLUMBIA

## PEOPLE (1977)

**DIST. OF COLUMBIA**

SOUTH DAKOTA

NORTH DAKOTA

NEVADA

DELAWARE

VERMONT

ALASKA

WYOMING

---

**D.C. HAS MORE  
PEOPLE THAN  
7 STATES**

## FEDERAL TAXES (1977)

**DIST. OF COLUMBIA**

MAINE

NEW HAMPSHIRE

ALASKA

NEVADA

IDAHO

DELAWARE

MONTANA

NORTH DAKOTA

SOUTH DAKOTA

WYOMING

VERMONT

---

**D.C. PAYS MORE  
TAXES THAN  
11 STATES**

## KILLED IN VIETNAM WAR

**DIST. OF COLUMBIA**

NEW HAMPSHIRE

IDAHO

RHODE ISLAND

NORTH DAKOTA

SOUTH DAKOTA

NEVADA

DELAWARE

WYOMING

VERMONT

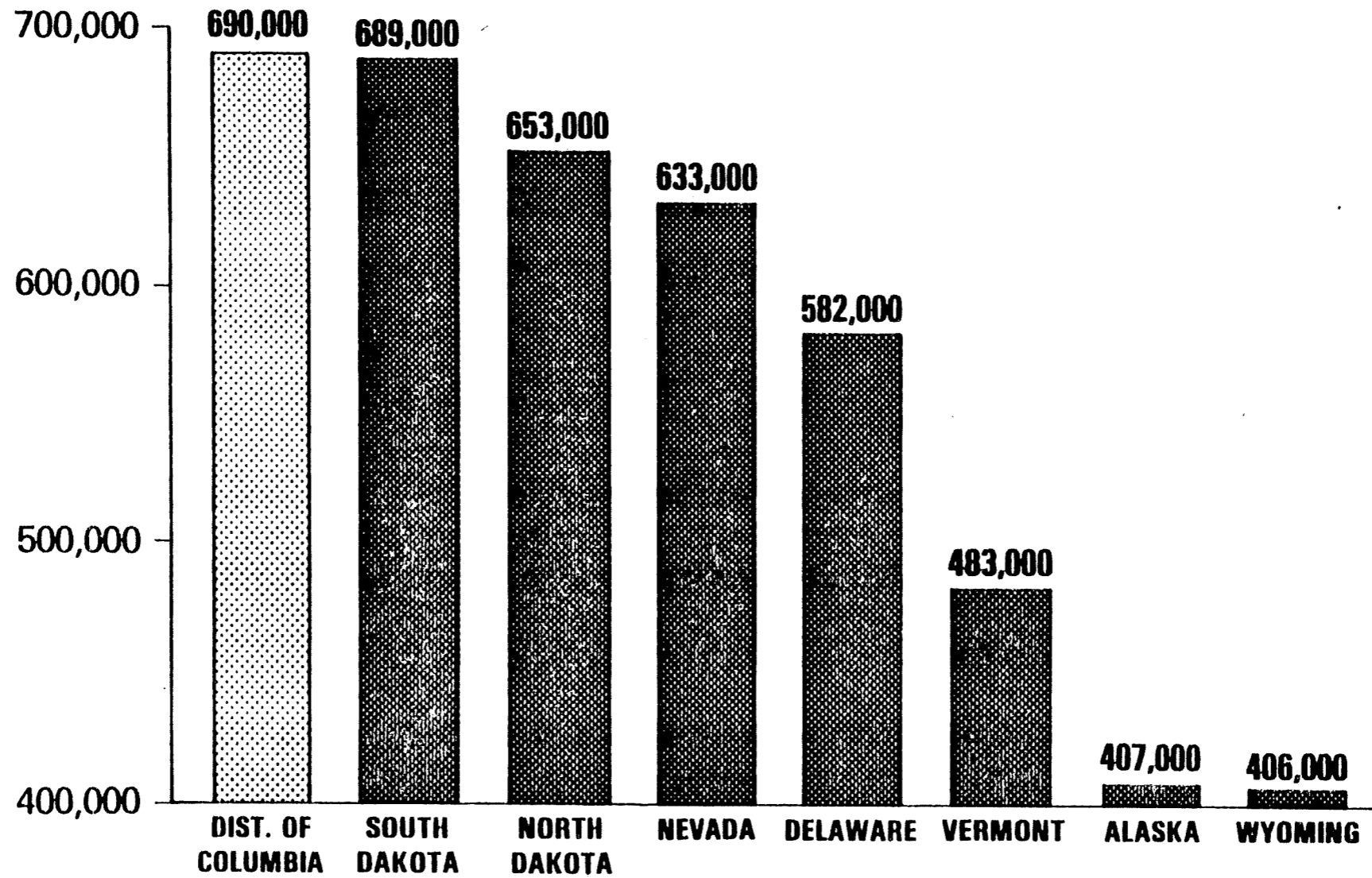
ALASKA

---

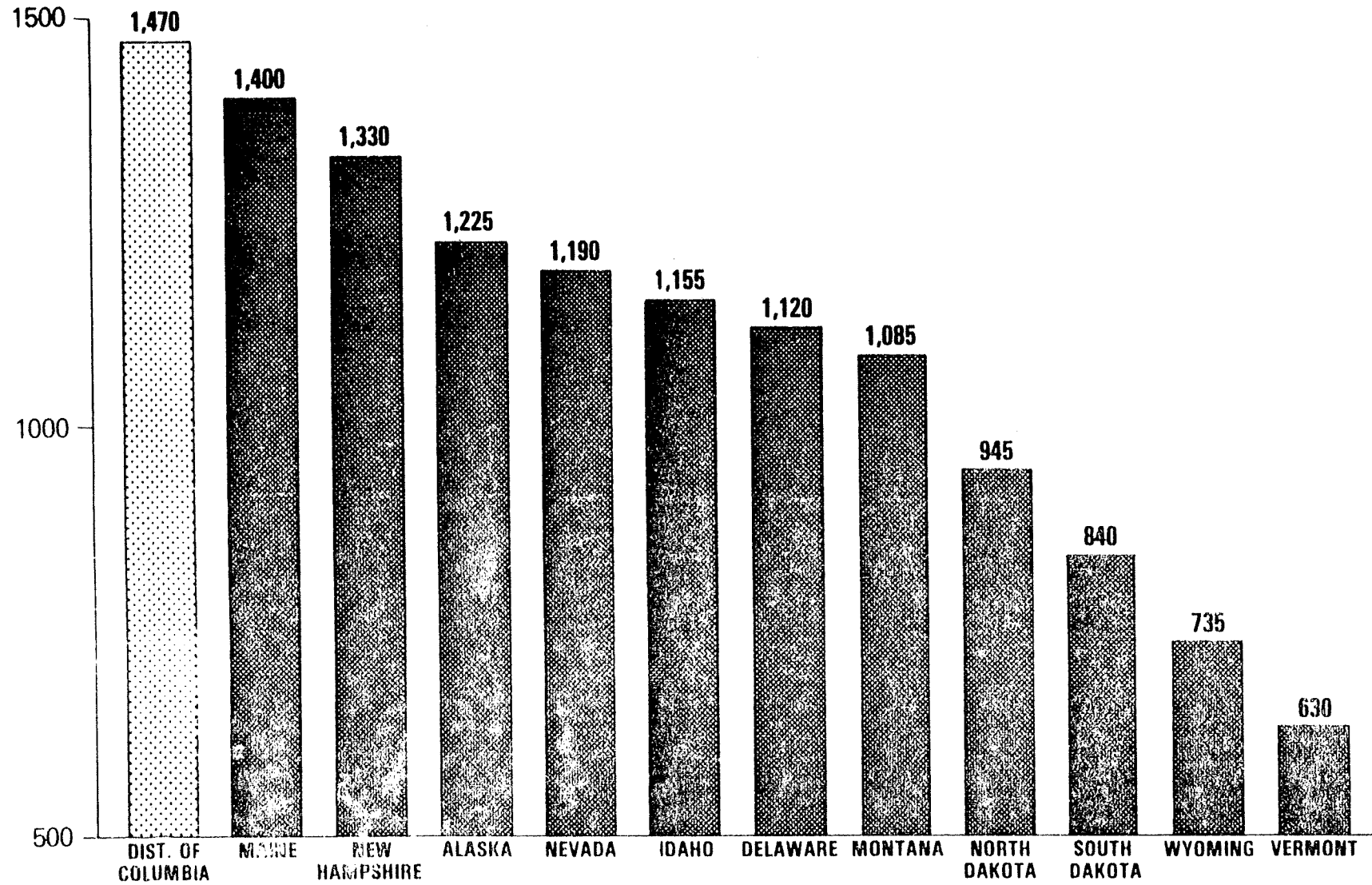
**D.C. HAD MORE  
DEATHS IN VIETNAM  
THAN 10 STATES**



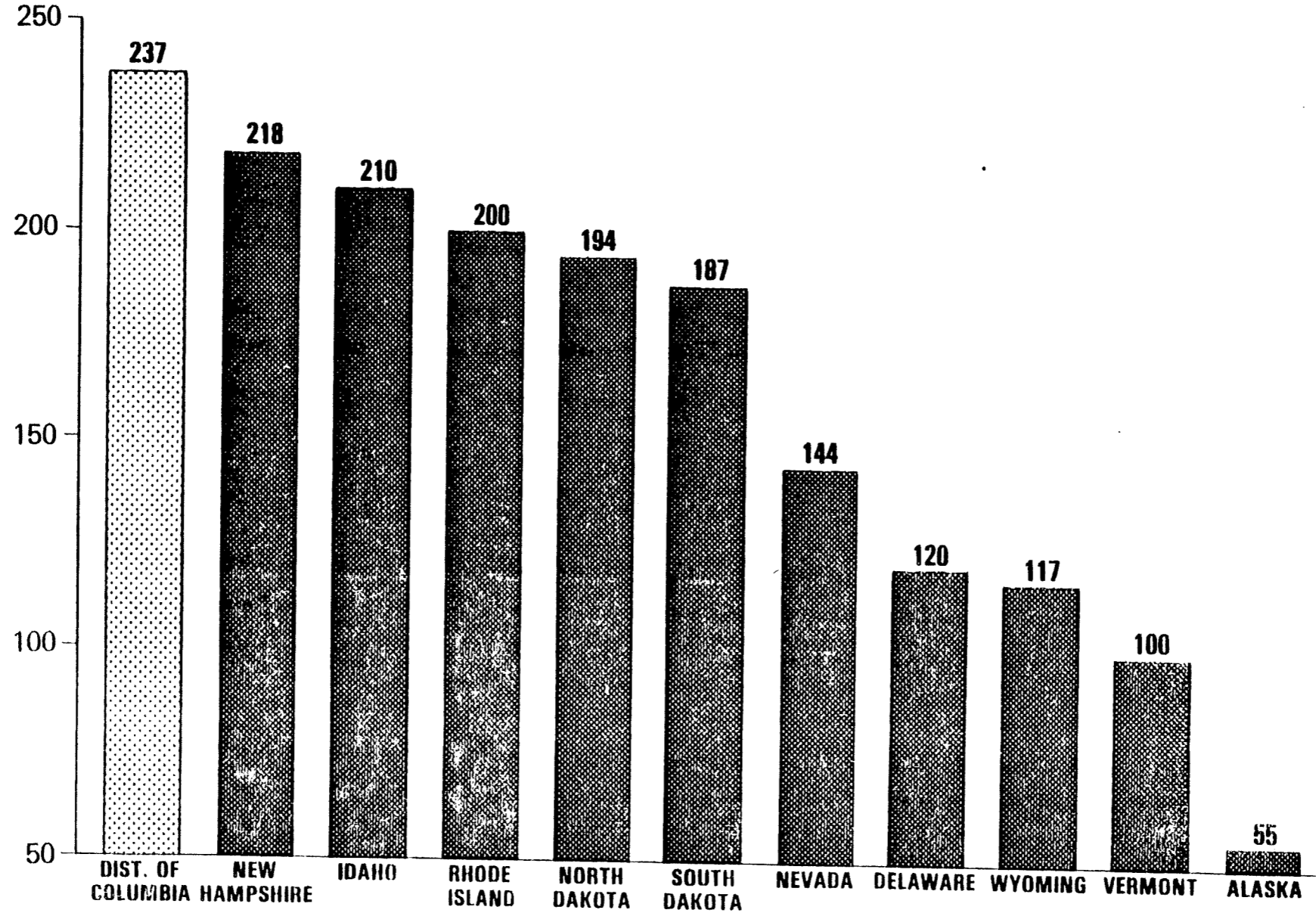
# POPULATION (1977)



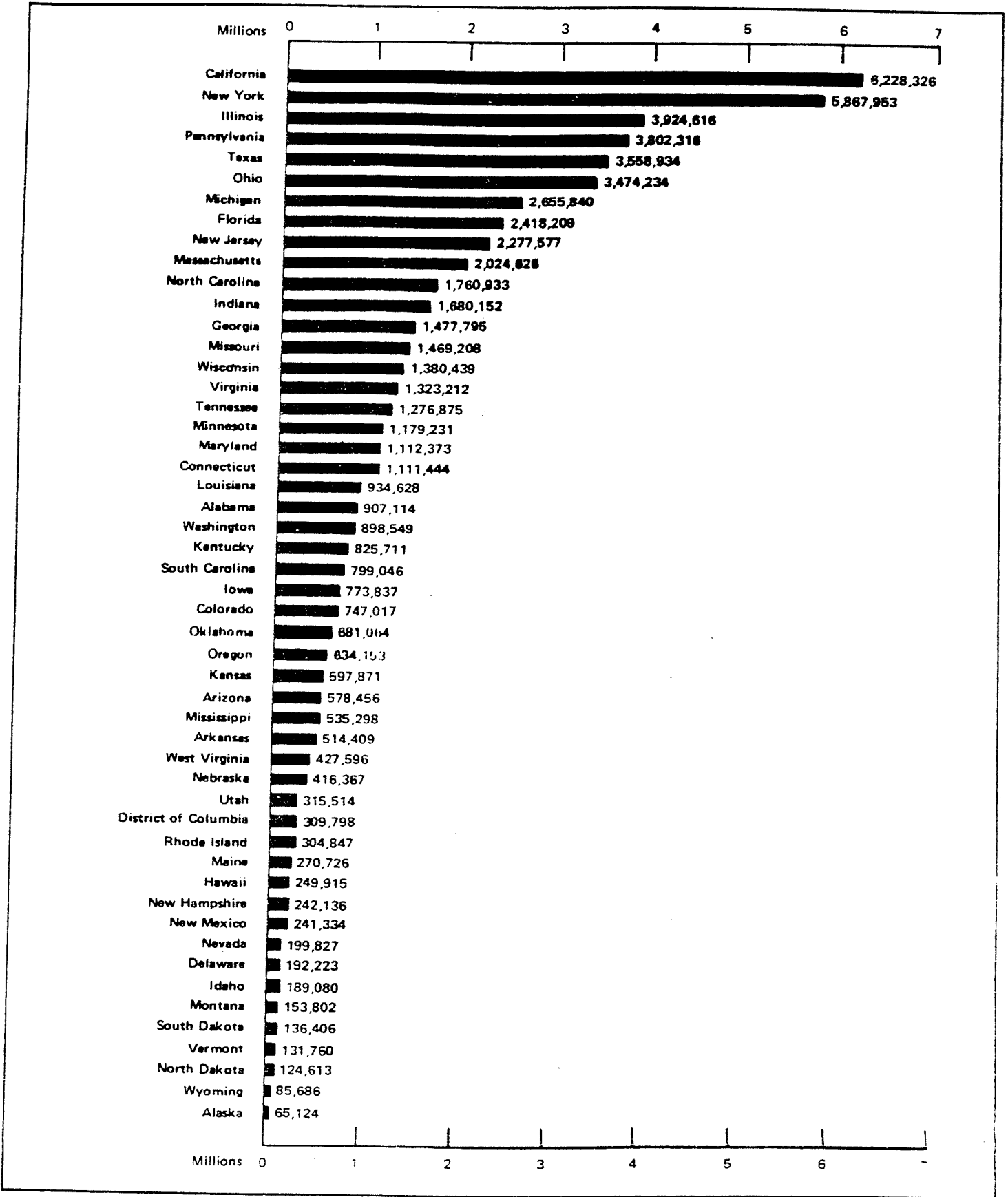
# FEDERAL TAXES (\$ MILLION) (FY 1977)



# KILLED IN VIETNAM WAR



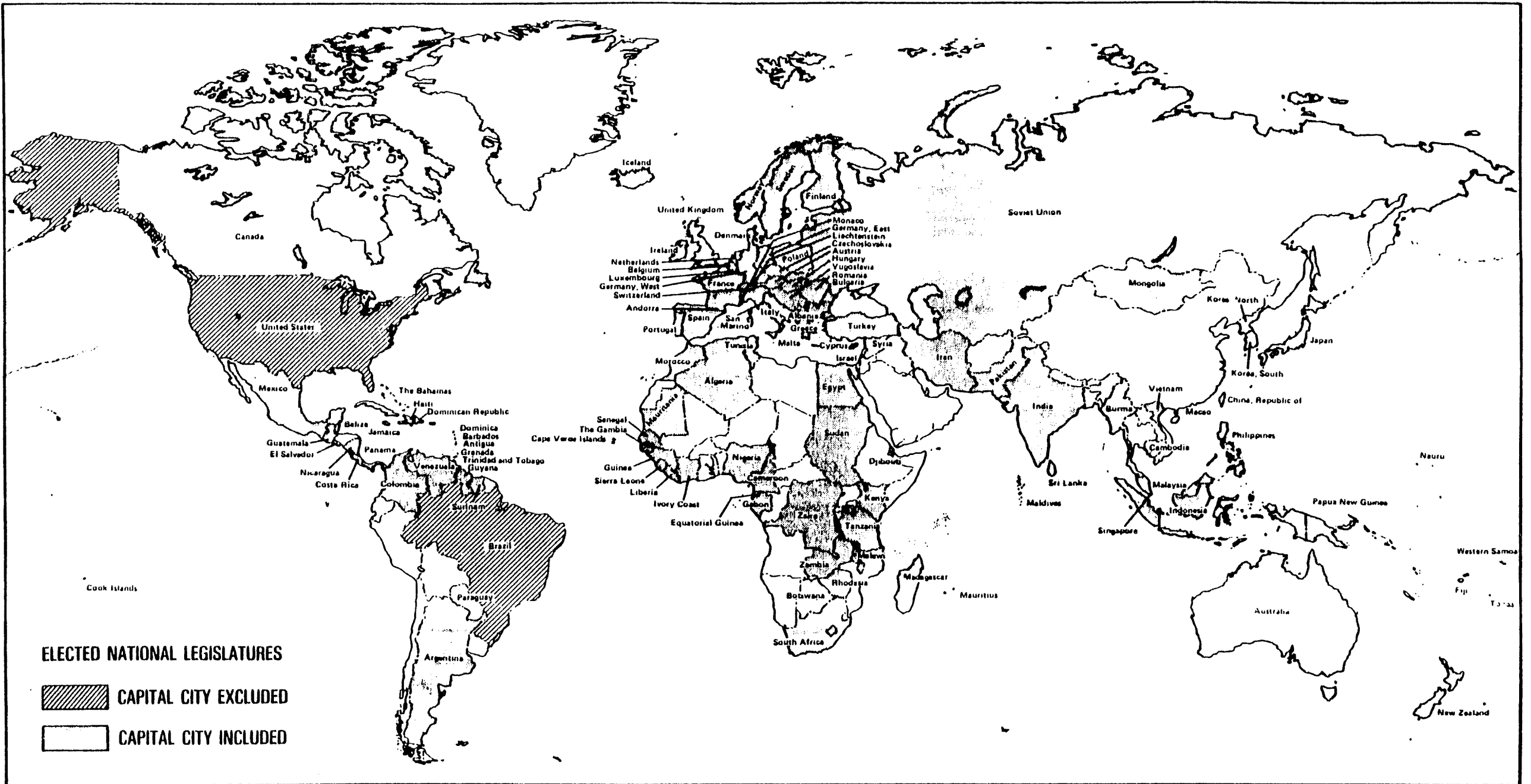
### Employment by State (NON-GOVERNMENTAL)



U.S. Department of Commerce/BUREAU OF THE CENSUS

County business Patterns 1974 (April 1977)

# EXPERIENCE OF FOREIGN NATIONS WITH ELECTED NATIONAL LEGISLATURES



**ELECTED NATIONAL LEGISLATURES**  
 [Hatched Box] CAPITAL CITY EXCLUDED  
 [White Box] CAPITAL CITY INCLUDED

TABLE 2

EXPERIENCE OF FOREIGN NATIONS  
WITH ELECTED NATIONAL LEGISLATURES

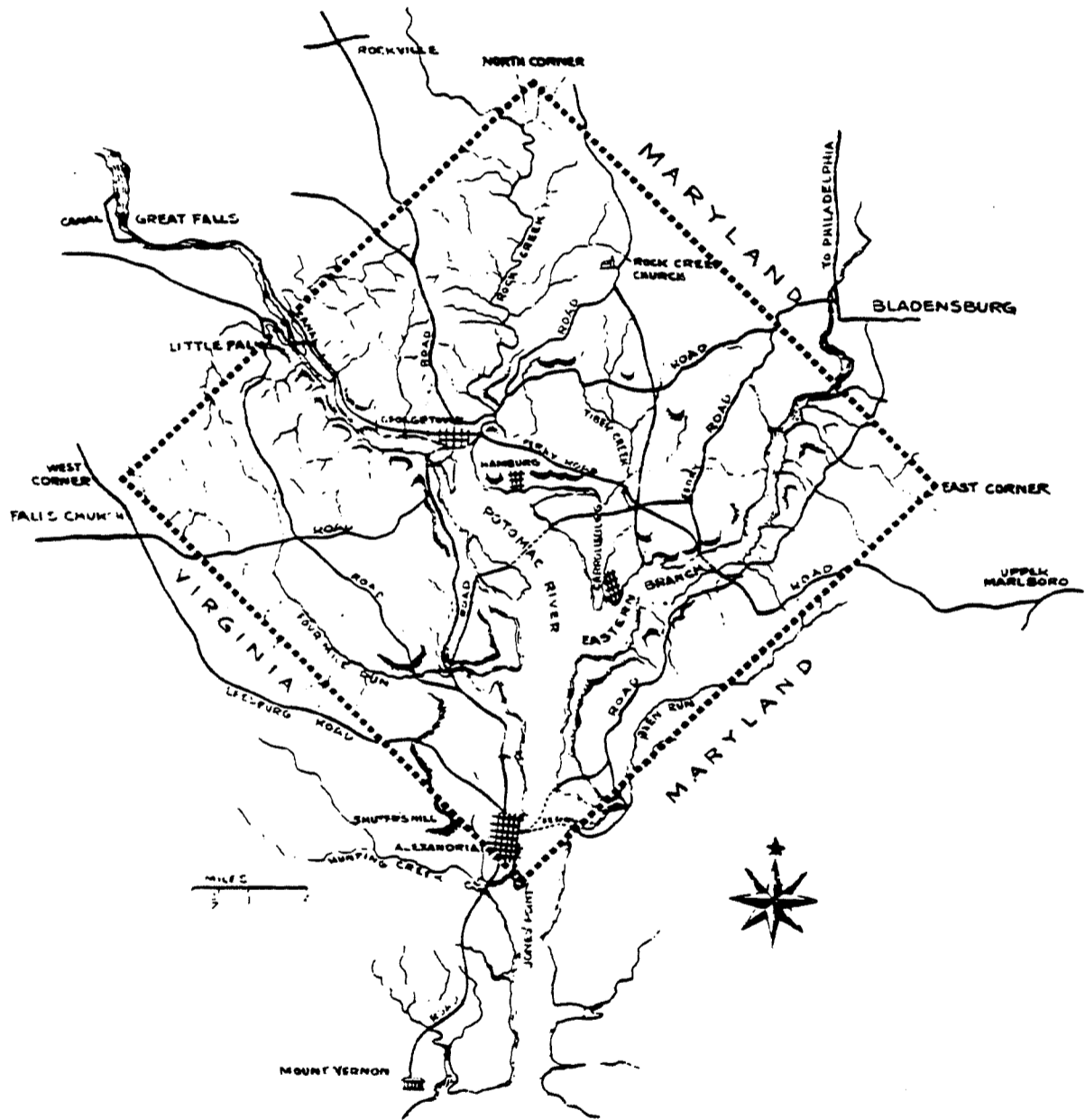
A. NATIONS THAT EXCLUDE THEIR CAPITAL CITY FROM REPRESENTATION  
IN THE LEGISLATURE

1. UNITED STATES (Washington, D. C.)
2. BRAZIL (Brasilia)

B. NATIONS THAT GRANT REPRESENTATION TO THEIR CAPITAL CITY IN  
THE LEGISLATURE

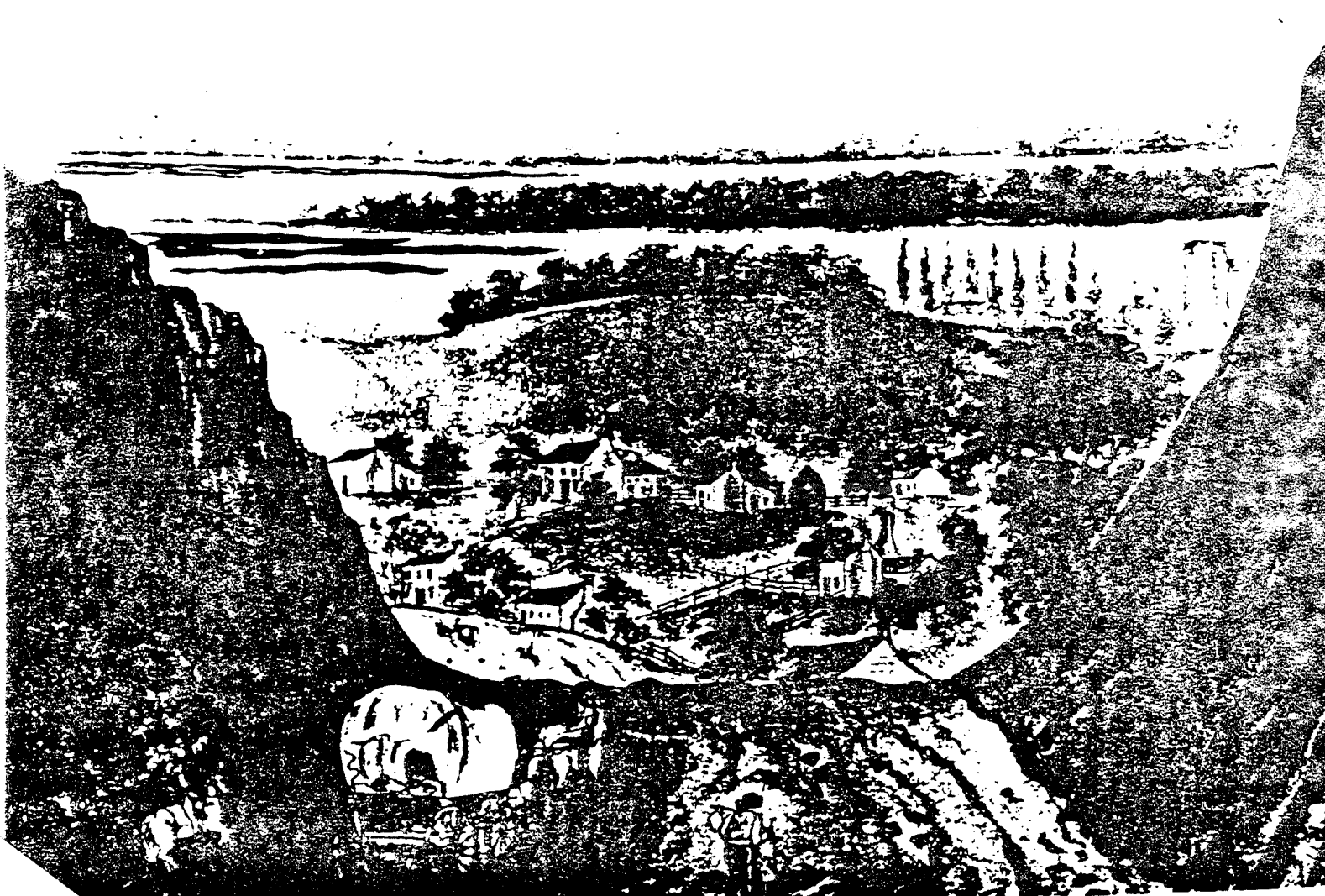
1. ALBANIA (Tirana)
2. ALGERIA (Algiers)
3. ANDORRA (Andorra la vella)
4. ANTIGUA (St. Johns)
5. ARGENTINA (Buenos Aires)
6. AUSTRALIA (Canberra)
7. AUSTRIA (Vienna)
8. THE BAHAMAS (Nassau)
9. BARBADOS (Bridgetown)
10. BELGUIM (Brussels)
11. BELIZE (Belmopan)
12. BOTSWANA (Gaborone)
13. BULGARIA (Sofia)
14. BURMA (Rangoon)
15. CAMBODIA (Phnom-Penh)
16. CAMEROON (Yaounde)
17. CANADA (Ottawa)
18. CAPE VERDE ISLANDS (Praia)
19. CHINA, REPUBLIC OF (Taipei)
20. COLOMBIA (Bogota)
21. COOK ISLANDS (Rarotonga)
22. COSTA RICA (San Jose)
23. CYPRUS (Nicosia)
24. CZECHOSLOVAKIA (Prague)
25. DENMARK (Copenhagen)
26. DJIBOUTI (Djibouti)
27. DOMINICA (Roseau)
28. DOMINICAN REPUBLIC  
(Santo Domingo)
29. EGYPT (Cairo)
30. EL SALVADOR (San Salvador)
31. EQUATORIAL GUINEA (Malabo)
32. FIJI (Suva)
33. FINLAND (Helsinki)
34. FRANCE (Paris)
35. GABON (Libreville)
36. THE GAMBIA (Banjul)
37. GERMANY, EAST (Berlin)
38. GERMANY, WEST (Bonn)
39. GREECE (Athens)
40. GRENADA (St. George's)
41. GUATEMALA (Guatemala City)
42. GUINEA (Conakry)
43. GUYANA (Georgetown)
44. HAITI (Port-au-Prince)
45. HUNGARY (Budapest)
46. ICELAND (Reykjavik)
47. INDIA (New Delhi)
48. INDONESIA (Jakarta)
49. IRAN (Teheran)
50. IRELAND (Dublin)
51. ISRAEL (Jerusalem)
52. ITALY (Rome)
53. IVORY COAST (Abidjan)
54. JAMAICA (Kingston)
55. JAPAN (Tokyo)
56. KENYA (Nairobi)
57. KOREA, NORTH (Pyongyang)
58. KOREA, SOUTH (Seoul)
59. LIBERIA (Monrovia)
60. LIECHTENSTEIN (Vaduz)
61. LUXEMBOURG (Luxembourg-ville)
62. MACAO (Macao)
63. MADAGASCAR (Antananarivo)
64. MALAWI (Lilongwe)
65. MALAYSIA (Kuala Lumpur)
66. MALDIVES (Male)
67. MALTA (Valletta)
68. MAURITANIA (Nouakchott)
69. MAURITIUS (Port Louis)
70. MEXICO (Mexico City)
71. MONACO (Monaco-Ville)
72. MONGOLIA (Ulan Bator)
73. MOROCCO (Rabat)
74. NAURU (Yeran:Administrative District)
75. NETHERLANDS (Amsterdam)
76. NEW ZEALAND (Wellington)
77. NICARAGUA (Managua)
78. NIGERIA (Lagos)
79. NORWAY (Oslo)
80. PAKISTAN (Islamabad)
81. PANAMA (Panama City)
82. PAPUA NEW GUINEA (Port Moresby)
83. PARAGUAY (Asuncion)
84. PHILIPPINES (Manila)
85. POLAND (Warsaw)
86. PORTUGAL (Lisbon)
87. RHODESIA (Salisbury)
88. ROMANIA (Bucharest)
89. SAN MARINO (San Marino)
90. SENEGAL (Dakar)
91. SIERRA LEONE (Freetown)
92. SINGAPORE (Singapore City)
93. SOUTH AFRICA (Pretoria)
94. SOVIET UNION (Moscow)
95. SPAIN (Madrid)
96. SRI LANKA (Colombo)
97. SUDAN (Khartoum)
98. SURINAM (Paramaribo)
99. SWEDEN (Stockholm)
100. SWITZERLAND (Bern)
101. SYRIA (Damascus)
102. TANZANIA (Dar es Salaam)
103. TONGA (Nukualofa)
104. TRINIDAD AND TOBAGO (Port of Spain)
105. TUNISIA (Tunis)
106. TURKEY (Ankara)
107. UNITED KINGDOM (London)
108. VENEZUELA (Caracas)
109. VIETNAM (Hanoi)
110. WESTERN SAMOA (Apia)
111. YUGOSLAVIA (Belgrade)
112. ZAIRE (Kinshasa)
113. ZAMBIA (Lusaka)

# THE DISTRICT OF COLUMBIA IN 1791





View of the Capitol (1884)



View of Williamsport, August 18, 1880



## United States Senate

WASHINGTON, D.C. 20510

March 2, 1978

Dear Colleague:

This morning, by an impressive two-thirds vote, the House of Representatives approved a constitutional amendment (H. J. Res. 554) to provide full voting representation for the District of Columbia in both the House and the Senate. As supporters or cosponsors of the companion Senate measure, we are writing to urge your support for the amendment and for an end to the long-standing and unjust second class status of District citizens in our government.

One of the most honored principles of our democracy is the concept of "one person, one vote." In the District of Columbia, however, that principle has no application. Instead, for District citizens, the rule is "700,000 persons, no votes." For too long, the District of Columbia has been called "America's Last Colony."

Now, for the first time in many years, we have the chance to change all that. The House of Representatives has voted to end the injustice by which citizens of the District are denied their proper representation in Congress, and we believe the Senate should act as well.

During extensive hearings by the House Judiciary Subcommittee on Civil and Constitutional Rights, leading Constitutional scholars strongly endorsed full voting representation for the District, including representation in the Senate as well as in the House. Among those testifying in support of H.J. Res. 554, for example, was Professor Charles Alan Wright of the University of Texas School of Law, who testified:

It seems to me that the clear purpose of the "Equal Suffrage Clause" of the Constitution; Article V<sup>\*/7</sup> was to insure that the Great Compromise would not be undone and that representation in the Senate would not be put on the basis of population. That purpose is not compromised by allowing the District to have two Senators any more than it is when a new state is admitted.

<sup>\*/</sup> "... no State, without its Consent, shall be deprived of its equal Suffrage in the Senate."

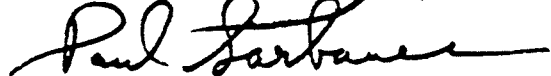
For your interest, we are attaching a staff briefing paper prepared in the House in support of H.J. Res. 554. It deals with all of the major issues and makes a solid case for approval of the Resolution.

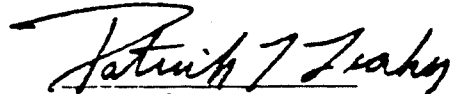
We urge your support for this fundamental principle of justice for the citizens of the nation's capital, and we look forward to favorable Senate action on this Resolution.

Sincerely,

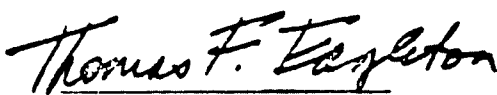
  
Birch Bayh (D-Ind.)

  
Edward M. Kennedy (D-Mass.)


  
Paul S. Sarbanes (D-Md.)

  
Patrick J. Leahy (D-Vt.)

  
Alan Cranston (D-Calif.)


  
Thomas F. Eagleton (D-Mo.)

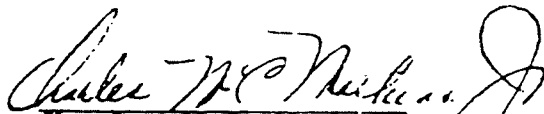
  
Henry M. Jackson (D-Wash.)

  
Daniel K. Inoué (D-Haw.)

  
Abe Ribicoff (D-Corn.)

  
Ernest F. Hollings (D-S.C.)

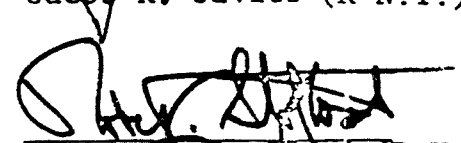
  
Daniel Patrick Moynihan (D-N.Y.)

  
Charles McC. Mathias (R-Md.)

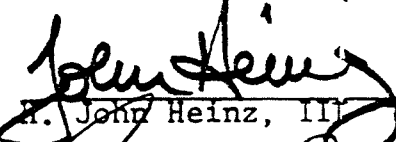
  
Edward W. Brooke (R-Mass.)

  
Lowell P. Weicker Jr. (R-Conn.)

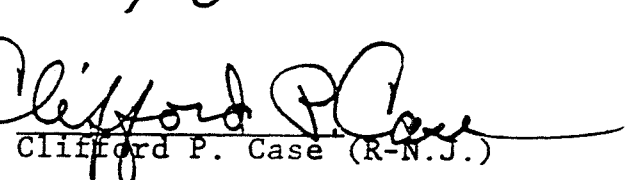
  
Jacob K. Javits (R-N.Y.)

  
Robert T. Stafford (R-Vt.)

  
John C. Danforth (R-Mo.)

  
R. John Heinz, III (R-Penna.)

  
Barry Goldwater (R-Ariz.)

  
Clifford P. Case (R-N.J.)

May 23, 1978


Dear Senator:

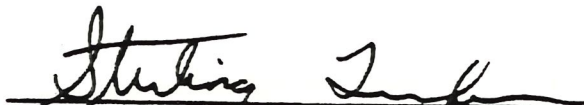
Full voting representation in Congress for the District of Columbia as embodied in House Joint Resolution 554 is a legislative matter which is a top priority for all of us. We urge you to support the measure when it comes to a vote in the Senate.


As you know, the House of Representatives on March 2nd, passed H.J. Res. 554 by a two-thirds vote, 289-127. This historic vote marked the first truly significant step forward in an effort which began in December, 1808. Since that beginning there have been more than 150 joint resolutions introduced to provide some form of voting representation to the citizens of Washington, D.C. Hearings totaling about 25 have been held in Senate and House Committees throughout the years. The Senate now, however, has a chance to bring this issue to final resolution.

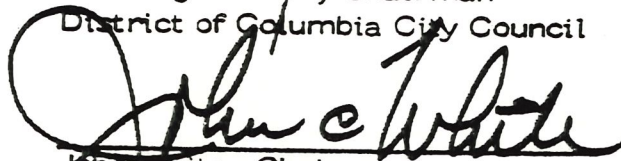
A two-thirds vote in the Senate will send this measure on to the states for a final decision. We believe the state legislatures should have the opportunity to vote on H.J. Res. 554. The arguments in favor of this fundamental principle need not be repeated here. We ask only that you voice your support now and vote for H.J. Res. 554 when it comes to the Senate floor. Thank you.

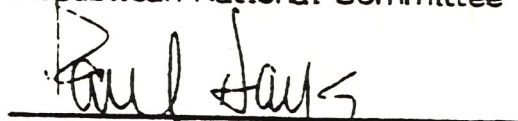
Sincerely,

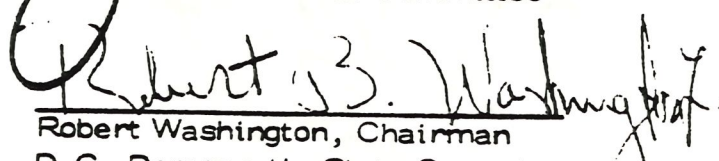
  
Walter E. Washington, Mayor  
District of Columbia

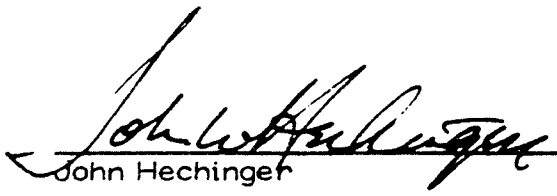
  
Sterling Tucker, Chairman  
District of Columbia City Council

  
William E. Brock, Chairman  
Republican National Committee

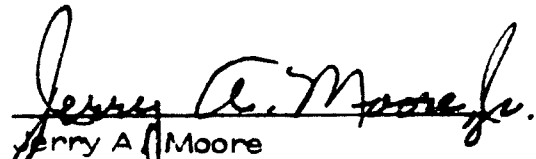
  
John White, Chairman  
Democratic National Committee

  
Paul Hays, Chairman  
D.C. Republican Committee

  
Robert Washington, Chairman  
D.C. Democratic State Committee



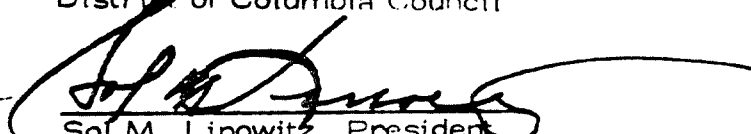
John Hechinger  
D.C. Democratic National  
Committeeman



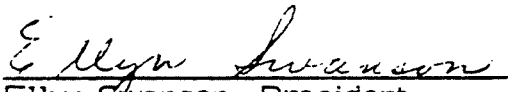
Jerry A. Moore  
Republican Member  
District of Columbia Council



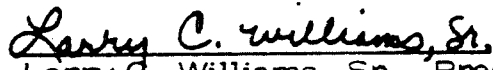
Robert Linowes, President  
Metropolitan Washington Board  
of Trade



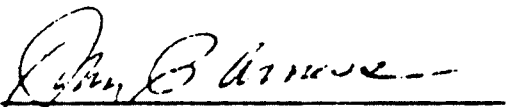
Sol M. Linowitz, President  
Federal City Council



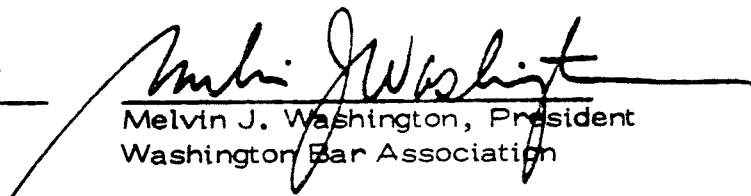
Eilyn Swanson, President  
D.C. League of Women Voters



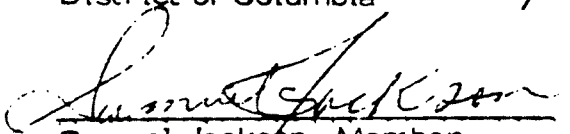
Larry C. Williams, Sr., President  
D.C. Chamber of Commerce



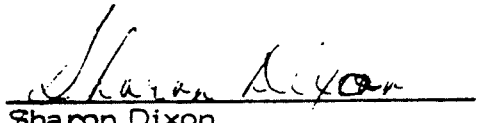
John P. Arness, President  
Bar Association of the  
District of Columbia



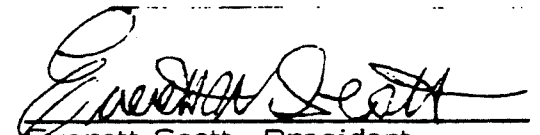
Melvin J. Washington, President  
Washington Bar Association



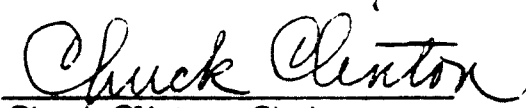
Samuel Jackson, Member  
D.C. Republican Party



Sharon Dixon  
D.C. Democratic National  
Committeewoman



Everett Scott, President  
D.C. Federation of Civic  
Association



Chuck Clinton, Chairman  
WACC (Wisconsin Avenue  
Corridor Committee)

GROWTH OF AMERICAN DEMOCRACY  
THROUGH AMENDMENTS TO THE CONSTITUTION

SIX OF THE PAST TWELVE AMENDMENTS TO  
THE UNITED STATES CONSTITUTION HAVE  
INVOLVED THE RIGHT TO VOTE:

AMENDMENT XV (RATIFIED FEBRUARY 3, 1870):

"The right of citizens of the United States to vote shall not be denied or abridged by the United States or by any State on account of race, color, or previous condition of servitude...."

AMENDMENT XVII (RATIFIED APRIL 8, 1913):

"The Senate of the United States shall be composed of two Senators from each State, elected by the people thereof ...."

AMENDMENT XIX (RATIFIED APRIL 18, 1920):

"The right of citizens of the United States to vote shall not be denied or abridged by the United States or by any State on account of sex ...."

AMENDMENT XXIII (RATIFIED MARCH 29, 1961):

"The District constituting the seat of Government of the United States shall appoint in such manner as the Congress may direct:

"A number of electors of President and Vice President equal to the whole number of Senators and Representatives in Congress to which the District would be entitled if it were a State, but in no event more than the least populous State ...."

AMENDMENT XXIV (RATIFIED JANUARY 23, 1964):

"The right of citizens of the United States to vote in any Federal election shall not be denied or abridged by the United States or any State by reason of failure to pay any poll tax or other tax."

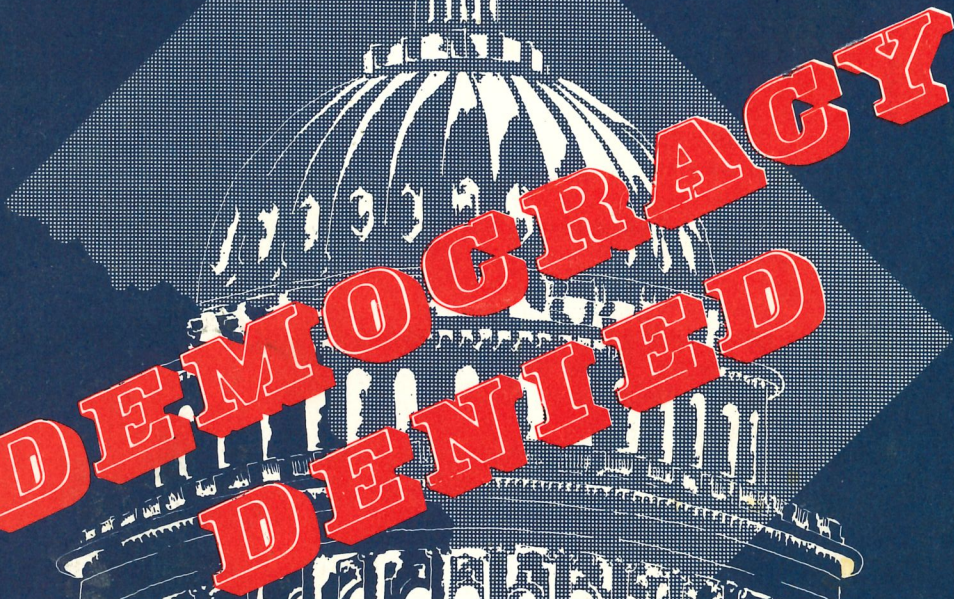
AMENDMENT XXVI (RATIFIED JULY 1, 1971):

"The right of citizens of the United States, who are eighteen years of age or older, to vote shall not be denied or abridged by the United States, or by any State on account of age ...."

H. J. RES. 554 :

"For purposes of representation in the Congress, election of the President and Vice President, and Article V of this Constitution, the District constituting the seat of government of the United States shall be treated as though it were a State ...."

A Simple  
Case Of



**DEMOCRACY  
DENIED**

A Statement Of Why It Is Undemocratic And Contrary To  
The Intent Of The Constitution For The Residents Of  
The District Of Columbia To Remain Disenfranchised

## FACT SHEET ON D.C. FULL VOTING REPRESENTATION

Three-quarters of a million Americans residing in the District of Columbia are taxed and carry the same burdens of citizenship as all other Americans, yet they have no representation whatsoever in the Senate, and one "non-voting" delegate in the House of Representatives.

This blight on our democracy exists despite the fact that:

- \* Residents of the District pay over a billion dollars annually in taxes to the Federal Treasury.
- \* The per capita tax payment for District residents is \$327 above the national average—a payment only exceeded by three states.
- \* The population of the District of Columbia is larger than that of ten states.
- \* District residents have fought and died in every war since the War for Independence, and, during the Vietnam War, District of Columbia casualties ranked fourth on a proportionate basis out of 50 states.
- \* Of the 17 Federal Districts in the world community, only two other than Washington, D.C. are not represented in their national legislatures.
- \* There is no Constitutional prohibition against providing full voting representation for the District of Columbia. It can be done if the Congress votes for it.

The House of Representatives on March 2, 1978, by an overwhelming vote of 289-127 passed a resolution (H.J. Res. 554) which, if passed by the Senate and ratified by the states will give the District:

- \* Two Senators
- \* The number of House Members its population demands (1 or 2).
- \* The Number of Presidential electors commensurate with its population
- \* Participation in the ratification of Constitutional amendments

### CREDITS

Front Cover designed by Ms. Vedia Jones  
Back Cover designed by Ms. Susan Foster

## PREFACE

Vice-President Mondale, speaking for President Carter, has stated:

"... to promote equal representation, the Administration supports approval of a Constitutional Amendment proposed by District Delegate Fauntroy, which would provide full voting representation in both Houses of Congress, as well as in the selection of the President and Vice-President and in the ratification of Constitutional Amendments."

### DEMOCRATIC PLATFORM - 1976

"We support full Home Rule for the District of Columbia, including... full voting representation in the Congress."

### REPUBLICAN PLATFORM - 1976

"We support giving the District of Columbia voting representation in the U.S. Senate and House of Representatives..."

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For a listing of others who support D.C. Full Voting Representation, see Appendix B.

Additional information can be obtained by writing or calling:

The Honorable Walter E. Fauntroy  
U.S. House of Representatives  
2441 Rayburn House Office Building  
Washington, D.C. 20515  
(202) 225-8050

Attention: Johnny Barnes, Legislative Counsel  
Eldridge Spearman, Press Assistant

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## INTRODUCTION

*... governments are instituted among men, deriving their just powers from the consent of the governed.*

### Declaration of Independence

America has made great strides in its development as a premier democracy, based on the enduring principles of the Founding Fathers. It, therefore, seems astonishing that the birthright of the American people—that of electing Members of Congress and enjoying representation by them—a right normally taken for granted—is denied to three-quarters of a million Americans residing at the very seat of the government. Residents of the District of Columbia are relegated to the status of second-class citizens. According them full voting representation in the Congress is a glaring piece of unfinished business that would finally mend the crack in the Liberty Bell.

Is it really possible that the Founding Fathers, who fought so desperately to win independence from “taxation without representation,” would turn around and purposefully disenfranchise a segment of the population? The evidence certainly does not support such a contention. Oversight by the Continental Congress, pressed with the creation of the laws of a new nation, seems clearly to have accounted for the inadvertent disenfranchisement.

Throughout history our government has espoused the virtues of democracy to the world. Unfortunately, for 700,000 residents, and for the nation as a whole, that democracy comes to a halt at the borders of the District. The gates to equality are closed within view of the Washington Monument.

House Joint Resolution 554, which passed the House on March 2, 1978, by an overwhelming vote of 289-127, proposes an amendment to the Constitution which would enable District of Columbia residents to elect two voting Senators, as well as the number of voting representatives to which they would be entitled if the District were a state. H.J. Res. 554 *is not* a statehood bill. It would simply complete the rights of the Twenty-Third Amendment—enacted in 1961, which enabled District residents to vote for the President and Vice President—to include representation in Congress.

The Constitution of the United States does not expressly deny Congressional representation to District residents. However, the principles of democracy—the essence of our Constitution, laboriously etched by the blood and sacrifice of Americans throughout the years—demand that we extend, during the 95th Congress, full voting representation to the people of the District of Columbia. To further delay this fundamental right is to deny democracy. I ask for your support in this effort.

  
WALTER E. FAUNTROY  
Member of Congress



# United States Senate

Washington, D.C. 20510  
March 2, 1978

Dear Colleague:

This morning, by an impressive two-thirds vote, the House of Representatives approved a constitutional amendment (H.J. Res. 554) to provide full voting representation for the District of Columbia in both the House and the Senate. As supporters or cosponsors of the companion Senate measure, we are writing to urge your support for the amendment and for an end to the long-standing and unjust second class status of District citizens in our government.

One of the most honored principles of our democracy is the concept of "one person, one vote." In the District of Columbia, however, that principle has no application. Instead, for District citizens, the rule is "700,000 persons, no vote." For too long, the District of Columbia has been called "America's last Colony."

Now, for the first time in many years, we have the chance to change all that. The House of Representatives has voted to end the injustice by which citizens of the District are denied their proper representation in Congress, and we believe the Senate should act as well.

During extensive hearings by the House Judiciary Subcommittee on Civil and Constitutional Rights, leading Constitutional scholars strongly endorsed full voting representation for the District, including representation in the Senate as well as in the House. Among those testifying in support of H.J. Res. 554, for example, was Professor Charles Alan Wright of the University of Texas School of law, who testified:

It seems to me that the clear purpose of [the "Equal Suffrage Clause" of the Constitution; Article V\*—] was to insure that the Great Compromise would not be undone and that representation in the Senate would not be put on the basis of population. That purpose is not compromised by allowing the District to have two Senators any more than it is when a new state is admitted.

For your interest, we are attaching a staff briefing paper prepared in the House in support of H.J. Res. 554. It deals with all of the major issues and makes a solid case for approval of the Resolution.

We urge your support for this fundamental principle of justice for the citizens of the nation's capital, and we look forward to favorable Senate action on this Resolution.

\*"... no State, without its Consent, shall be deprived of its equal Suffrage in the Senate."

Sincerely,



Birch Bayh (D-Ind.)



Edward M. Kennedy (D-Mass.)



Paul S. Sarbanes (D-Md.)



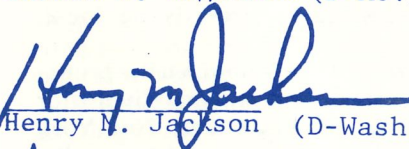
Patrick J. Leahy (D-Vt.)



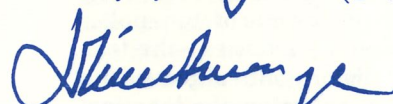
Alan Cranston (D-Calif.)



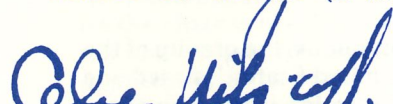
Thomas F. Eagleton (D-Mo.)



Henry M. Jackson (D-Wash.)



Daniel K. Inoué (D-Haw.)



Abe Ribicoff (D-Conn.)



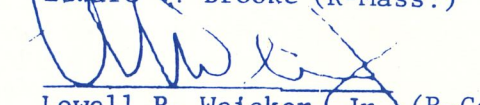
Ernest F. Hollings (D-S.C.)



Charles McC. Mathias (R-Md.)



Edward W. Brooke (R-Mass.)



Lowell P. Weicker Jr. (R-Conn.)



Jacob K. Javits (R-N.Y.)




Robert T. Stafford (R-Vt.)



John C. Danforth (R-Mo.)



H. John Heinz, II (R-Penna.)



Barry Goldwater (R-Ariz.)



Clifford P. Case (R-N.J.)

## CREATION OF THE DISTRICT OF COLUMBIA

*The purpose for which the federal district was created—to enable Congress to have exclusive jurisdiction over its surroundings—is not incompatible with full voting representation for the people who reside in the nation's capital. Indeed it seems clear that it was historical oversight which caused the lack of representation.*

History often reveals that minor incidents propel the occurrence of major events. The creation of Washington, D.C. as the permanent seat of government was one such event; the incident which gave rise to this event took place in June, 1783.

Meeting in Philadelphia, the still seat-less Congress (which up to this time had also met at Baltimore, Lancaster, York, Princeton, Annapolis, Trenton, and New York as the exigencies of war demanded) was threatened by a band of mutinous soldiers, dissatisfied because Congress had failed to pay for their military services. Congress requested protection from the Pennsylvania militia but was refused, and for two days was held in a state of siege. Congress was outraged. The glaring inadequacies of the itinerant government were quite apparent. The desirability of a capital controlled exclusively by the Federal government was emphasized.

Four years later, in 1787, as a direct result of the incident, Congress resolved that:

“The Congress shall have power . . . to exercise exclusive legislation in all cases whatsoever over such District (not exceeding ten miles square as may be by the cession of particular states, and the acceptance of Congress, become the seat of government of the United States . . .” (Set forth in Article One of the Constitutional Convention, the Seventeenth paragraph of Section Eight.)

No longer would Congress find itself beleaguered by pre-existing local, commercial, and political interests.

The issue of who should control the capital settled, there remained the provocative question of where to locate the permanent seat of government. Rivalry for the location was intense, and liberal offers came from many states. New York offered to cede the township of Kingston; Maryland offered the city of Annapolis; Rhode Island, Newport; New Jersey, Trenton. Sectional jealousies—the fear that one section of the country might gain economically or politically over the other—was the principle barrier toward an expeditious selection of a location. Northerners favored a site on the Delaware, the South favored the Potomac. The slavery question had its influence as well.

While the ensuing debates in the House were acrimonious, the gravity of the situation was not undermined. “. . . the peace of the United States,” stated one member, “depends as much on this as on any other question which can come before Congress.” Another said, “The existence of the Union depends on this subject.” On August 27, 1789 in the House of Representatives, Mr. Scott of Pennsylvania moved “[T]hat a permanent residence ought to be fixed for the general government of the United States at some convenient place as near the center of wealth, population and extent of territory as may be consistent with the convenience to the navigation of the Atlantic Ocean . . .” This motion was agreed to by a vote of 27 to 23. There was then general agreement that the capital would be located no farther north than New York nor South than Virginia; progress was being made.

Later that year, on September 22, the vexatious question was nearly settled in favor of Pennsylvania. However, Congress adjourned on September 29, postponing the matter until the next session, when a different conclusion would be reached. This conclusion was greatly influenced by another burning question for Congress concerning the assumption by the federal government of the Revolutionary War debts of the states. Northern states were anxious for the passage of such a bill, while the South was opposed. Alexander Hamilton, then Secretary of the Treasury, saw in the two questions an opportunity for compromise whereby the North and the South would get what they both desired: assumption of the war debts and the seat of government respectively.

Meanwhile, the Assembly of Virginia passed an act ceding to the United States ten square miles of its territory. A year before, the Legislature of the state of Maryland passed a similar act ceding to the U.S. Congress any district in that state of ten square miles. At the time of the passage of Virginia's Act a resolution was also passed asking the cooperation of Maryland in urging Congress to fix the seat of government upon the banks of the Potomac, and promising to advance a sum of money not exceeding \$210,000 toward the cost of erecting public buildings. The suggestion was also made that Maryland advance a sum not less than two-fifths of that amount. Maryland agreed and later fulfilled its promise to the extent of \$72,000.

On June 28, 1790, Congress having reconvened, the bill establishing a permanent seat of government was again brought forth and amended by inserting, “. . . on the River Potomac at some place between the mouth of the Eastern Branch and Connogochegue.” Finally, on July 16, 1790, by a vote of 32 to 20, the act was passed entitled “An Act Establishing the Temporary and Permanent Seat of the Government of the United States.” The word “temporary” applied to Philadelphia whose disappointment in not becoming the nation's capital was appeased by Congress holding sessions there for a ten-year period, until 1800. The following month, the funding of war debts bill proposed by Hamilton became law. At last, in 1791, after one of the keenest and most prolonged fights in the annals of Congress, which included a series of important compromises, George Washington was able to select the site upon which the capital would be built.

The question of District representation received little attention during the drafting of the Constitution or during the debates on the location of the seat of government. Only four states addressed the issue. The Continental Congress was faced with the awesome responsibility of creating the government of a new nation and had many other problems to solve. The strong concern with freedom from dependence on a state overshadowed whatever concerns Congress may have had about the impact the future location of the federal district might have on the citizens residing therein. Moreover, the drafters of the Constitution did not know where the district they created would be located. Thus, there was no opportunity to be concerned about an unidentifiable group of citizens.

Some concern, however, was expressed about the interests of the citizens of the federal district. James Madison in *The Federalist No. 43*, stated that:

“The inhabitants of the District will find sufficient inducements of interest to become willing parties to the cession; as they will have had their voice in the election of the government which is to exercise authority over them; as a municipal legislature for local purposes, derived from their own suffrages, will, of course, be allowed them . . . every imaginable objection seems to be obviated.”

It is unlikely that the phrase "will have had their voice" meant that residents would really never again have a voice in District affairs conducted at the national level. On the contrary, there was an assumption of participation in that "every imaginable objection" seemed to be taken care of. That is, the Founding Fathers could hardly be expected to allow a citizenry to have a voice at one time, but never again. Moreover, it was widely assumed that those states which would cede the land for the District would provide for the rights of the affected residents. The North Carolina ratification debates note that wherever:

"... they may have this district, they must possess it from the authority of the state within which it lies; and that state may stipulate the conditions of the cession. Will not such state take care of the liberties of its own people?"

Congress accepted the cession of the District of Columbia by Maryland and Virginia in 1790. Each state's cession agreements provided that its respective jurisdiction over District residents and land would continue until Congress accepted the cession and provided by law for their government. In accepting the cession, Congress stated that the laws of the states would continue until the Capitol relocated and "could otherwise by law provide." Consequently, District residents voted in Maryland and Virginia until December, 1800, when Congress moved to the Potomac site.

Less than a month later, Congress passed legislation to freeze the laws of the two states. The bill was intended to "allow Congress at some future period . . . to enter on a system of legislation in detail, and to have established numerous police regulations. The immediate consequence to District residents was their disenfranchisement.

Opponents of this bill said it was superfluous in its supposed addition to District laws, and the price of reducing residents to "the state of subjects, and deprived of their political rights" was too high; but, the passage of the bill served to reduce the uncertainty which existed over the exact laws which would govern the District. This enabled Congress to postpone indefinitely the enactment of legislation affecting the rights of a handful of citizens.

When Congress moved to the District of Columbia there were only 14,000 residents. This number was far less than the 50,000 residents required for statehood, and far less than the 30,000 required by the Constitution for the establishment of a Congressional District. The sparse population probably helped justify Congress' lack of attention to the representation issue; further, the growth of the District could not be foreseen by Congress: It was anticipated that most persons residing there would be connected with the federal government and that many of them would return home for part of the year. Certainly Congress did not foresee the eventual disenfranchisement of 700,000 persons—fourteen times the minimum number of persons originally required for statehood.

*The lack of full voting representation for the District can thus be historically rationalized, but it can no longer be justified. There would be absolutely no threat to continued Congressional authority over the federal district were an amendment granting such representation to be passed by the Congress and ratified by the states.*

## FULL VOTING REPRESENTATION — THE REASONS WHY

*Taxation without representation is tyranny in 1978, just as it was tyranny in 1776. According to a recent Congressional Research Service report, citizens of the District of Columbia pay more than one billion dollars in federal income taxes, an amount greater than 14 of the states. Moreover, the District's per capita tax payment is exceeded by only three states.*

*Rarely is the working of a democracy more distorted than when the national legislature taxes the citizens of a political entity, yet does not share its authority with them. Based upon the 1970 census, the District has a population larger than 10 states. Those ten states have a total of 34 Representatives in the House and Senate, or, on a per capita basis, there is one Member sitting in Congress for approximately 165,000 people in those states. Yet the District's 700,000 people have only one non-voting delegate in Congress. They are equal to other citizens for the purpose of taxation, but unequal for the purpose of representation.*

The following states had a lesser population in 1970\* than did the District of Columbia (750,000 people):

Alaska	302,173
Delaware	548,104
Idaho	713,008
Montana	694,409
Nevada	488,738
New Hampshire	737,681
North Dakota	617,761
South Dakota	666,257
Vermont	444,732
Wyoming	332,416

*It should also be noted that aid to the District is not out of proportion to taxes paid to the federal government. Contrary to the conventional wisdom, the District does not receive an amount of federal aid that is out of proportion with the taxes it pays into the Treasury. While the District receives an admittedly high amount of federal aid on a per capita basis, the mitigating factor is that these funds include aid dispensed to the many national institutions located within the District. When the figures are adjusted to account for aid utilized only within the District, there are 17 states which receive more aid. Moreover, the District is not the only entity to receive more aid than it pays in taxes. Indeed, it has to be constantly watchful to assure its inclusion in proper funding allocations, because there is a general tendency to distribute the money to the states, with a set-aside for the District. The absence of representation makes this monitoring role more difficult, and indeed there have been occasions when, through oversight, the District has been excluded from federal programs in which it was intended to be included.*

*The District is the only political and geographical entity within the United States whose citizens bear the responsibilities of government without sharing in the appropriate privileges of government. The importance of "taxation without representation" takes on its fullest significance when considered in light of what the missing representation means. Congress passes on legislation affecting the District as well as the states. However, only the District lacks a respectable share of input in the enactment of the very laws which affect its residents. This is a serious abridgement of rights, especially since Congress has ultimate control*

\*The provisional estimates of the U.S. Census Bureau, July 1, 1977, lists the District (690,000) at a population greater than seven states; Wyoming-406,000, Nevada-633,000, Alaska-407,000, North Dakota-653,000, South Dakota-689,000, Delaware-582,000, Vermont-483,000.

over District decisions. Claims that a conflict of interest would arise with the District's Congressmen and Senators participating in votes on District issues fly in the face of the daily operation of Congress. For example, who would argue that West Virginia should not vote on strip-mining legislation? Or that New Jersey should not vote on federal subsidies to industries? Or that California should not vote on preserving the great redwood forests?

*Representation by only one non-voting Delegate provides little more than a formal voice.* Since 1971, the District of Columbia has been represented in the House of Representatives by one popularly elected delegate, who may vote in committee but not on the floor. This situation provides little more than a formal voice in legislative matters.

Nonetheless, the ability to elect one non-voting delegate is important. Interestingly enough, the very fact of his presence, albeit a somewhat cloistered presence, adds reality to the issue of full representation: for, if the Constitution did not expressly provide for even limited representation for the District, and yet a way was found to establish such representation, cannot a way be found now to bring the District fully into the Union?

*If 700,000 residents are entitled to only one Representative in the House of Representatives, in effect, they are each only one fourth a citizen.* The non-voting delegate from the District must represent almost twice as many people as any one of the 435 Representatives. The three-quarters of a million persons represented by him is more than the number of persons represented by one-fifth of the Members of the Senate. The net effect is that the D.C. Delegate represents, without a vote, more than five times as many persons as any other representative. The result of this gross underrepresentation is felt daily by the taxpaying Americans of Washington, D.C., who must rely on a single representative to reflect their legislative interest and to provide constituent services.

*District residents bear all the burdens of citizenship, but do not share the most cherished right of citizenship, full representation in the Congress.* In addition to the federal taxes paid by District residents, they also pay local taxes, they are subject to all the laws of the United States as well as treaties made with foreign governments, and they have fought and died in every war since the War for Independence. During the Vietnam War, District of Columbia casualties ranked fourth on a proportionate basis out of the 50 states.

*There is no Constitutional prohibition against providing full voting representation for the District of Columbia.* It can be done if Congress votes for it, and if the states ratify the measure. Throughout the years, Constitutional scholars have studied this issue, and their findings have been in favor of extending full voting representation to the citizens of the District. Some of their findings are listed in the following excerpts:

“... [T]he plain meaning of this provision (Article V of the Constitution) is that no State shall have any greater numerical representation in the Senate than any other State. It can not mean that the aliquot share of the legislative power possessed by a State at any given time can not be reduced, as the proportion of that power, which was originally 2 as to 26, has been steadily diminished by the admission of new States until it is now 2 as to 96 [now 2 as to 100].”

67th Congress, 1922 Senate Committee for the District of Columbia

“[Representation for the District] recognizes that the right to vote is the last we should ever withhold, because it can protect all others.”

November, 1967

Ramsey Clark, Former Attorney General for the United States

“The need for an amendment [providing representation for the District] at this late date in our history is too self-evident for further elaboration; continued denial of voting representation from the District of Columbia can no longer be justified.”

June, 1970

William Rehnquist, former Assistant Attorney General (now a U.S. Supreme Court Justice)

“No serious constitutional issues exist as to the power or right of Congress to amend the Constitution to provide full national voting representation for the District of Columbia . . . the basis exists, in history, in the Constitution, and in fact, for Congress to bestow equality of national representation upon the citizens of the Nation's Capital as it has in other legislation provided equal voting status to all citizens of the United States.”

July, 1971

Sherman L. Cohn, Professor of Law Georgetown University Law Center

“Among the many considerations related to full voting representation, one point stands out above all: If no Constitutional purpose is served by exclusion of the District, the broader principles of government which the Constitution is meant to effect favor [Congressional representation].”

June, 1975

Peter Raven-Hansen  
Writing for the Harvard Journal  
on Legislation

“It seems to me that the clear purpose of [the ‘equal suffrage’ clause] was to ensure that the Great Compromise would not be undone and that representation in the Senate would not be put on the basis of population. That purpose is not compromised by allowing the District to have two Senators any more than it is when a new state is admitted.”

October, 1977

Professor Charles Alan Wright  
University of Texas School of Law

“Representatives . . . raise a threshold question that must be answered before any specific amendment to the Constitution is considered: i.e., is representation for the District necessary? The right answer must be ‘yes’.”

October, 1977

Professor Stephen A. Saltzburg  
University of Virginia Law School

"In my judgement, H.J. Res. 554 and H.J. Res. 565 [which provide for D.C. fullvoting representation] raise no substantial constitutional issues. Most respectfully, I suggest that the constitutional issues that have been raised about the various amendments for voting representation are without substance and are little more than roadblocks thrown up by those who seek to prevent the District from obtaining representation in the Houses of Congress."

October, 1977

Attorney Joseph L. Rauh, Jr.  
General Counsel of the Leadership  
Conference on Civil Rights

"There is no constitutional mandate that says the Senate must have 100 members. Should Congress decide to amend the Constitution and allow citizens of the District congressional representation, there is nothing in the Constitution to forbid it."

October, 1977

Professor Herbert O. Reid, Sr.  
Howard University School of Law

"... the purpose of [Article V] is to insure that no state gets more representation in the Senate than any other state. This principle would not be contravened by a constitutional amendment allowing the District two Senators. The practical effect of such an amendment would be no different from the practical effect of admitting new states to the union. The number of Senators has increased since the adoption of our Constitution from 26 to 100."

October, 1977

Patricia M. Wald, Assistant Attorney  
General — Office of Legislative Affairs

"The Constitution is entirely clear in that Congress has plenary power to do whatever it wishes with respect to the District ..."

October, 1977

Professor Arthur S. Miller  
National Law Center — George Washington  
University

Since 1800, there have been more than 150 congressional resolutions introduced which have been aimed at providing voting representation, in some form, for the District of Columbia. On more than 20 different occasions, hearings have been held on the subject.

*Not since the Dred Scott decision or the former language of Article 1, Section 2 of the Constitution, have we said to a group of Americans that they are less than whole citizens. Continued inaction and indifference by the Congress can only be viewed as deliberate discrimination.*

## THE CONSTITUTION AND FULL VOTING REPRESENTATION

*The Constitution is a living, expanding document. The amendments to the Constitution are testimony that it is not static and inflexible.* The historical problem of District representation in Congress has been that representation is conditioned on statehood. Yet, the District has been deemed a state for other purposes of government.

In *Loughborough v. Blake* (1820), Chief Justice Marshall ruled that Congress has the authority to directly tax residents. Article 1, Section 2 of the Constitution states that direct taxes are to be appointed "among the several states which may be included in this union." Nevertheless, District residents have equally shared this burden of citizenship for the 158 years since the Court's decision.

The District was able to participate more fully in the rights originally bestowed on state residents when the Supreme Court ruled that its residents had a Sixth Amendment right to trial by jury. This was affirmed in *Callan v. Wilson* (1887) even though the Amendment referred only to "an impartial jury of the state and [judicial] district wherein the crime shall have been committed."

In *Stoutenburgh v. Hennick* (1889), the Court ruled that Congress could exercise—but not delegate—its commerce power to regulate business across District borders, despite the language in Article I, Section 8 referring only to "commerce . . . among the several states."

And in *National Mutual Insurance Company v. Tidewater* (1949), the Supreme Court upheld a federal statute which included the District under diversity jurisdiction in federal courts along with the states. The longtime inclusion of the District in several government contexts normally reserved for the states not only illuminates the similarity between the functions of the District and the states, but also gives precedence for the proposed amendment on voting representation in Congress.

Moreover, there is general agreement in case law that some words in the Constitution are "technical"—describing the mechanics of government—and are meant to be strictly and narrowly construed. Other words are "general", for which time and experience are intended to give meaning. The word "State" belongs in this category of general terms. Were it not for the general words, the Constitution would not be a living document and would have surpassed its usefulness long ago.

The word "State" in the Constitution appears to be ambiguous as it pertains to the District. Moreover, the term need not be interpreted in a singular capacity, when it is realized that there are examples of inconsistent word usage in the Constitution. The word "manner" has been held to include the setting of voter qualifications in Article II, Section 1, but not in Article I, Section 4. If it is realized that "State" is ambiguous, then its logical interpretation demands including the District when necessary to carry out the intent of the Founding Fathers to achieve basic Constitutional principles. As the Supreme Court said in *United States v. Classic* (1941):

"We read . . . [the Constitution's] words, not as we read legislative codes which are subject to continuous revision with the changing course of events, but as the revelation of the great purposes which were intended to be achieved by the Constitution as a continuing instrument of government."

*Amending the Constitution to extend the right to vote to a previously disenfranchised group is not a new concept. Indeed, there have been six amendments which resulted in enfranchisement.*

The 15th amendment made race, color or previous condition of servitude illegal factors in denying the right to vote. The 17th amendment provided for the popular election of Senators. Women achieved the right to vote when the 19th amendment was ratified. In 1961, District residents were extended the right to vote for President and Vice-President pursuant to the 23rd amendment. The 24th amendment abolished poll taxes as a prerequisite to voting in federal elections, and the right to vote was extended to 18 year old persons following ratification of the 26th amendment.

*There are several commonly raised points associated with the Constitution which opponents use to argue against full voting representation for the District. Those points are addressed in an issue/answer format which follows:*

ISSUE: Why is it appropriate for the federal district to be represented in the Senate as well as in the House?

ANSWER: *There is no Constitutional prohibition against providing the federal district representation in the Senate as well as the House. The Senate and the House have different functions. Partial representation maintains under-representation. Moreover, accepting the concept of representation renders partial representation illogical.*

Artical I, Section 3, of the Constitution provides that the Senate be composed of two senators from each state. Historically, the Constitution provided that these two senators were to be chosen by the legislatures of the several states, giving effect to the Great Compromise, which holds that the United States is a nation composed of people who live in discernible political entities whose representation in the legislature must take cognizance of their relative population sizes. The Seventeenth Amendment changed the method of senatorial selection so that senators no longer represent "states," they represent "people." Equally important is the fact that there is no language in the Constitution which prohibits senatorial representation for the federal district. Indeed, the broader principles of democracy encourage both Senate and House representation.

Senate representation is also justified by the Constitution's vesting all legislative powers of the United States in a Congress which is composed of two bodies. Both the House and Senate consider legislation, and both must act before a measure becomes law. Further, each of these bodies possesses unique powers. The House originates all bills for raising revenues and has the sole power to impeach a President, while the Senate has the sole power to ratify treaties and to confirm Cabinet members, ambassadorial appointees, and other officers of the United States, including federal judges. Furthermore, the legislative process requires action by both bodies, and any suggestion of House represen-

tation only is not unlike stating that our Constitution purports inequality. Therefore, once House representation for the federal district is deemed Constitutionally acceptable, it is a contradiction to argue against Senate representation.

ISSUE: Does Article V\* of the Constitution prohibit the granting of full voting representation to the District?

ANSWER: *The plain meaning of the Article and the intent of the Framers was that each state should have an equal number of votes in the Senate, while representation in the House would be based on population. Nothing in the language of the Article states that the Constitution cannot be amended to give an entity other than a state voting power in the Senate. Thus ratification by three-fourths of the states is all that is required.*

The clear purpose of that clause was to ensure that the Great Compromise would not be undone and that representation in the Senate would not be put on the basis of population. That purpose is not compromised by allowing the District to have two Senators. This resolution does not favor one state over any other state, nor does it favor the District over any state—all are still treated the same. Over and over again, Congressional committees, including Senate committees, have come to the conclusion that senatorial representation for the District would in no way violate Article V.

Further, the equal suffrage clause of Article V was used in an attack on the Nineteenth Amendment in the case of *Leser v. Garnet*, 258 U.S. 130 (1922). In sustaining the amendment, the Supreme Court did not even bother to mention the argument in its opinion.

ISSUE: Is it proper for the federal district to participate in the ratification of proposed Constitutional amendments?

ANSWER: *This is a policy issue which support for the concept of full political participation for residents of the federal district would demand.*

\*Article V: "The Congress, whenever two-thirds of both houses shall deem it necessary, shall propose amendments to this constitution, or, on the application of the legislatures of two-thirds of the several states, shall call a convention for proposing amendments, which in either case, shall be valid to all intents and purposes, as part of this constitution, when ratified by the legislatures of three-fourths of the several states, or by conventions in three-fourths thereof, as the one or the other mode of ratification may be proposed by the Congress; Provided, that no amendment which may be made prior to the year one thousand eight hundred and eight shall in any manner affect the first and fourth clauses in ninth section of the first article; and that no state, without its consent, shall be deprived of its equal suffrage in the senate." See also the various excerpts relating to Article V, Chapter 2 from statements made by Constitutional scholars.

Allowing the District to participate in the ratification of proposed constitutional amendments is sound policy—well grounded in logic and fundamentally fair.

The process of amending the Constitution involves a series of succeeding steps, as set forth in Article V. Members of Congress submit a proposed amendment to the states for their approval, the states ratify and within a reasonable time the Congress then determines the efficacy of those ratifications.

H.J. Res. 554 would permit the District to participate in every step of the ratification process. This full participation does not present a Constitutional issue. It is a policy judgment that the District should participate in the entire ratification process. There is no justification for less than full participation.

ISSUE: Is it proper to repeal the 23rd Amendment and allow the District electors based upon its Congressional representation?

ANSWER: *This is a matter of policy and not a constitutional issue.*

The number of electors to be chosen by the District is limited by the 23rd Amendment to the number to which the least populous state is entitled (three). If the District is granted a total of four representatives in Congress—two senators and two representatives—then the District would, if it were a state, be entitled to four electors. There is no reasonable basis for denying the residents of the federal district their full entitlement to participation in the choice of the President.

Further, the wording of H.J. Res. 554 is sufficiently flexible to provide full District participation in presidential elections regardless of what may be the future of the electoral college. The resolution simply states that “for purposes of . . . election of the President and Vice President . . . the District constituting the seat of government of the United States shall be treated as though it were a state.” Thus, so long as there is an electoral college, the District will take part in its deliberations on the same basis as if it were actually a state. If the electoral college is abolished, the District will participate on an equal basis in whatever system is established in its place.

ISSUE: Is statehood a preferred method of providing full voting representation to residents of the federal district?

ANSWER: *Statehood for the District would defeat the purpose of having a federal city, i.e., the creation of a District over which the Congress would have exclusive control. (Article I, Section 8, clause 17 of the Constitution.)*

As a state, the District would receive its proportionate share of representation in Congress. This conflicts, however, with the intent of Article I, Section 8, clause 17 to establish a federal district under the exclusive control of the Congress.

The statehood alternative is frequently suggested because presumably it could be effected by legislation rather than a constitutional amendment. It is not clear, however, whether Article I is an obstacle to a decision by Congress to convert the District to a state. This difficulty might be overcome by carving out a federal enclave, but this raises substantial practical problems.

No state should have responsibility for and control over the critical parts of the federal power structure. Preserving a federal triangle or federal territories separate from, but located in a state would pose enormous problems. Rather than statehood, the constitutional amendment to allow voting representation in the Congress seems to be a perfect compromise. It recognizes that citizens throughout the country should have a voice in what happens in the District of Columbia but that citizens of the District of Columbia should also have a voice in federal programs that have as much impact in the District as in any state.

It should be emphasized that it would be unfair to say that the District is seeking the benefits but not the burdens of statehood. The District bears unique burdens and receives special benefits. It is different from a state; but no difference justifies the denial to District citizens of the fundamental right of voting representation in Congress.

Moreover, the precedent that was set when a portion of the District was ceded back to Virginia in 1846 (the Virginia legislature passed an act consenting to the retrocession) as well as the implications of Article IV, Section 3 of the Constitution (which states in pertinent part, “. . . no new state shall be formed or erected within the jurisdiction of any other state) strongly suggests that the consent of Maryland would be required. This point is buttressed by the language of the Maryland Act of Cession which gave the land to the United States for the sole purpose of creating a federal district.

Statehood also presents a troublesome problem with the 23rd Amendment if the federal district were to be wiped out by legislation.

ISSUE: Is full retrocession—ceding the District back to the state of Maryland—a viable alternative for gaining full voting rights?

ANSWER: *Full retrocession is not a viable alternative. First, it would destroy the unique character of the District which was contemplated by the Framers and which has been accepted*

by the country. Second, it would require the consent of the state legislature of Maryland—consent which is not likely forthcoming.

Retrocession of the District would give the state of Maryland plenary power over all the affairs of the District. Residents of the District would participate in Maryland Congressional elections, thus causing the state to acquire additional members in the House (probably two). Washington would become a Maryland city, and its residents would be entitled to send state representatives to Annapolis.

Such an alternative would provide for full representation, but it conflicts with the reasons for the creation of this federal city as envisioned by the Framers. Furthermore, Article I, Section 8, Clause 17 may require that full representation be enacted by constitutional amendment rather than by statute.

Full retrocession would require the consent of the Maryland legislature (in 1846, the Virginia legislature consented to retrocession of that portion of the District that lay south of the Potomac). Further, Article IV, Section 3 suggests that boundaries of a state cannot be changed without the consent of the legislature of that state. There is no indication that the required consent would be forthcoming. Indeed, Maryland representatives to Congress are adamantly opposed to the idea.

Finally, it would be in the best interest of both Maryland and the District for them to remain separate entities, as each face problems which are specific to themselves.

ISSUE:

Is partial retrocession of the District to Maryland, with District residents voting in Maryland Congressional elections, a viable alternative for gaining full voting representation?

ANSWER:

*Partial retrocession of the District to Maryland would not, for numerous reasons, give the people of the District full representation. In addition, such an alternative may be in violation of several provisions of the Constitution (Article I, Section 2, and the 14th, 15th, and 17th Amendments), and would be difficult to reconcile with Article I, Section 8. Finally, partial retrocession would also require the consent of the Maryland legislature, and such consent does not appear to be forthcoming.*

This alternative, retroceding limited jurisdiction over the District for purposes of allowing District residents to vote in Maryland Congressional elections, is offered by its proponents as a means whereby the District can achieve full voting representation through legislation, and at the same time maintain its unique character as recognized by the Consti-

itution. Its supporters suggest partial retrocession may be effected by simple majority rather than the most difficult process of obtaining two-thirds vote in each House. This alternative, however cannot be achieved through legislation, for the proposition is in violation of several Constitutional provisions, and is in conflict with Article I, Section 8. In addition to these Constitutional problems, partial retrocession raises a number of practical problems as well.

Assuming that Maryland is willing to accept partial retrocession and that the Congress is willing to take this approach to the problem of representation, the obvious question would arise whether residents of the District qualify as "people" of Maryland. Logically they do not. District citizens do not live in Maryland, nor do District citizens pay Maryland taxes; therefore, District citizens are neither Maryland residents nor Maryland "people." They are District "people." Moreover, even if partial retrocession could magically transform District residents into Maryland "people," the qualifications for electors clause of both provisions (Article I, Section 2, and the 17th Amendment) might act as a bar to a statutory method of giving a formal vote in the Congress, since a usual qualification for voting for the state legislature is residency.

Article I, Section 2 speaks of the apportionment of Representatives according to their respective numbers. Partial retrocession could be viewed as a dilution of the one person, one vote rule set forth in *Baker v. Carr*, whereby District residents would be counted among the number of Maryland persons for purposes of apportionment. If not, District citizens would be treated unequally. If they were, then the apportionment could be challenged by citizens of other states because D.C. residents are among Maryland numbers in only the most theoretical way.

Further, District residents would not elect Maryland officials — governor or state legislators. Thus, the District would have no voice in setting election district lines or filling vacancies. These issues are fundamental to the concept of full voting representation.

Even assuming that partial retrocession would be constitutionally permissible, politically it is a bad idea. District residents should have their own representatives, for the District is a separate place with definite boundaries of great political significance that would remain separate after partial retrocession. The very fact that partial retrocession would transfer to Maryland only the authority to control the federal voting rights of District citizens clearly signals that the citizens of the District would be unable to look to Maryland to represent their distinct and unique interest in the Congress. Therefore, partial retrocession is not a viable alternative, constitutionally or politically, for gaining full voting representation.



ISSUE: If the federal district is provided full representation, will the territories be in a position to demand the same treatment?

ANSWER: *District representation does not open the door to representation for cities and territories. The Constitution provides the means by which such non-state entities may be represented.*

Such a grant of representation does not open the door to a similar exception for cities, since cities are within the boundaries of states and thus have representation. Nor does it present an argument for voting representation for territories since actual statehood is their preordained end, at which time, they will have voting representation in Congress.

Furthermore, there are unique factors affecting the District which make Congressional representation for it more compelling than for non-state entities.

First, District residents are United States citizens, while residents of the territories, commonwealths, and possessions are not. Second, residents of the District, unlike those of the territories, commonwealths and possessions, are already bearing the full burdens that states bear in terms of federal taxation. Moreover, territories, commonwealths and possessions do not have their budgets and legislation reviewed in Congress before they become effective. Because the actions of the D.C. government are subject to such review, the residents of the District have a particularly strong need to be represented in Congress.

Unlike territories, commonwealths, and possessions, only the District is part of the contiguous United States and only the District has such a unique status that it is specifically mentioned in the text of the Constitution. Over the years, the various commonwealths, territories and possessions have sometimes requested, and been granted, independence from the United States. Clearly, this is not an option for the District, and has never been seriously argued by persons connected with District affairs.

Further, with the adoption of the 23rd Amendment, a Constitutional distinction was established. Federal district residents now vote for President and Vice-President while territories, commonwealths, and possessions do not.

ISSUE: Does Section 2 of H.J. Res. 554 create a Constitutional problem by providing for direct election of the President and Vice-President?

ER: *Section 2 merely provides for selection of electors for the federal district by a process comparable to that in the states and allows Congress to establish that process.*

It has been suggested that the language of Section 2\* of House Joint Resolution 554 provides direct election of the President and Vice-President. Section 2, however, must be read in conjunction with Section 1 of the joint resolution. Section 1 states in part: "For purposes of election of the President and Vice-President . . . the [federal district] shall be treated as though it were a state." No state may elect the President and Vice-President by direct election. Moreover, the constitution is explicit as to how a President and Vice-President are to be elected—they are chosen by electors who are themselves selected by the states. The Congress could not Constitutionally select electors for the federal district, thus, Section 2 makes it clear that some entity other than Congress, which may be established by the Congress, would perform a role comparable to states in selecting electors from the federal district.

The Constitution specifically prohibits Congress from determining the qualifications of the persons who elect its members. Presumably, this represented one of the many attempts to maintain states' sovereignty; but, there was also an historical basis, in that the various states' qualifications were quite different. Some required electors to own property, others required the payment of property taxes, others required nothing. Much controversy could have been generated by a Congressional attempt to set requirements. Several Constitutional amendments and the current near-universal suffrage reduce the importance of this right of the states, but not the intent. Congress could solve the problem of determining the qualifications of District electors by delegating, through the implementation of the Amendment, the responsibility to the people of the District, who would then hold a Constitutional assembly on the matter. Congress would thereby not decide the qualifications of who would determine them. Precedence for this approach is found in the implementing legislation of the Twenty-third Amendment, delegating to the District the "authority to enact any act or resolution with respect to matters involving or relating to elections in the District."

Congress is also prohibited from prescribing the place(s) where Senators shall be chosen. Had the Constitution granted it this right, then the places of meeting of the states' legislatures would have been prescribed by Congress. With the direct election of Senators by the people, there is less rationale for this provision. This problem could also be solved through Congressional delegation of the responsibility to the people of the District.

A third responsibility of the states, that of drawing the boundaries for election districts, also stemmed from Con-

\*Section 2.

\*Section 2: "The exercise of the rights and powers conferred under this article shall be by the people of the District constituting the seat of government, and as shall be provided by the Congress."

gress' wish to stay out of the affairs of the states. Delegation to the people is again the apparent answer. The District already has election wards for its own elections, and these can provide a basis for drawing Congressional districts.

Because of the belief that when Congressional vacancies arise, the Congress should not select the persons to be a part of its own membership, this responsibility is placed with the governors of the states. Congress could also delegate to the people this power to fill vacancies. The people could, for example, lodge this power with the District mayor.

*While it might be better for the Congress to have no role, just as it has no role in this process with respect to the states, Congress in the exercise of its exclusive legislative authority (Article 1, Section 8, Clause 17) may do so. The local government as an agency of Congress can not, under current authority, establish Congressional boundaries, decide on the place of choosing Senators, establish a process for filling vacancies or establish qualifications for electors. Thus, since the District has no indigenous legislature, Section 2 allows the Congress to assist the District in creating a structure by which these decisions can be carried out.*

## FULL VOTING REPRESENTATION, THE UNITED STATES, AND THE WORLD COMMUNITY

*The United States stands side by side with two military dictatorships in denying representative government to the citizens of its capital.*

The vast majority of nations in the world community with national legislatures do not discriminate against residents of the capital city with respect to representation in the legislature. In these nations, the citizens of the capital are represented in the national legislature in the same way that all other citizens of the nation are represented. Thus, the citizens of London have voting representation in the British Parliament, and the citizens of Paris have voting representation in the National Assembly of France.

Seventeen nations in the world community are federations (that is, they have a federal constitution and a federal system of government): Argentina, Australia, Austria, Brazil, Cameroon, Canada, India, Malaysia, Mexico, Nigeria, Pakistan, Switzerland, the Soviet Union, the United States, Venezuela, West Germany and Yugoslavia. Of obvious note among these nations is the Soviet Union, in which residents of its capital city, Moscow, are represented in the national legislature.

Only three of these federal nations — Brazil, Nigeria and the United States — deny the citizens of the capital city the right to representation in the national legislature. In fact, many federal nations that extend the rights of representation to the residents of the capital have modeled their governments after our own. Yet, on this basic issue of representation, they have taken the lead and surpassed us.

Six of these federal nations have actually adopted the United States Constitutional concept of a separate federal capital city under national jurisdiction:

Argentina (Buenos Aires)  
Australia (Canberra)  
Brazil (Brasilia)  
India (New Delhi)  
Mexico (Mexico City)  
Venezuela (Caracas)

Of these six nations only Brazil does not give citizens residing in its capital the right to voting representation in the national legislature. But Brazil, governed by a military regime, is awaiting a 1980 census to determine if the population of Brasilia is sufficient to warrant representation. Indications are that the federal district of Brasilia may well be given representation. Rio de Janeiro, the former federal capital district of Brazil, was fully represented in the national legislature for over one hundred years.

In the case of Nigeria, also a military regime, the draft constitution now being considered would create a new federal capital territory, independent of other states in the federation, with voting representation in the legislature.

Two other examples are instructive: Canberra was accorded full representation in the Australian Parliament in 1967, after it was determined that the capital had a significant permanent resident population; Canberra, like the District of Columbia was a planned city, built on land that was largely uninhabited. Mexico City was given full voting representation in 1928, only a few years after the ratification of the Mexican Constitution. Yet 178 years have passed since the District of Columbia became the official seat of government of the United States.

*Thus, the United States stands virtually alone in its denial of voting representation to the citizens of our nation's capital. Once Brazil and Nigeria act, we shall stand entirely alone.*

## CONCLUSION

*Full voting representation in Congress for the District would further the principles of democracy which the Founding Fathers framed for all citizens.*

District representation in Congress would swing the suffrage pendulum back to where it was before December, 1800, when Congress moved to its Potomac site and inadvertently disenfranchised District residents. House Joint Resolution 554 is in no way incompatible with Congress' continued exclusive jurisdiction over the District. It does not present difficult Constitutional problems concerning its implementation. Most importantly, it would further the principles of democracy that the Founding Fathers intended to have flourish among all citizens.

The 1803 proponents of a retrocession of voting rights measure stated that the disenfranchisement was "an experiment in how far freemen can be reconciled to live without rights." It is simply time to end this unfruitful experiment.

## APPENDIX A

### EXCERPTS FROM RECENT EDITORIALS AND COLUMNS ON D.C. FULL VOTING REPRESENTATION

- The Charlotte (N.C.) News:* Friday, March 3, 1978  
"The District of Columbia is not just a plot of land full of impersonal federal buildings. It is home to 700,000 people. These people—and their problems—deserve the same voice in Congress as any other 700,000 people." — Robert Colver
- The Washington Post:* Friday, March 3, 1978  
". . . many Americans throughout the nation have reacted when apprised of the District's disenfranchisement; they recognize the wrongness of taxation without representation, and of excluding the people of the District from participation in important national decisions. The incredibly long effort for full representation—having come this far—should not wind up crushed by an insensitive Senate. The job needs to be finished this year."
- The Chicago Times:* Sunday, August 28, 1977  
"There is no legitimate reason the 750,000 persons who reside in this nation's capital shouldn't be represented in Congress."—Aldo Beckman
- The Baltimore Sun:* Friday, September 30, 1977  
"Let the country decide if the Constitution is flexible enough to accommodate the change—or if federal taxation without federal representation is destined to be Washington's lot." —J. F. terHorst
- The Los Angeles Times:* Tuesday, May 10, 1977  
"It is intolerable that residents of the District must pay taxes, serve in the military in time of war and be subject to all the enactments of Congress, yet have no voice in the decisions affecting their lives and welfare."
- The Milwaukee Journal:* Tuesday, May 10, 1977  
"Human rights ought to start at home. And the District of Columbia where Carter and the Congress work would be a good place to start."
- The Washington Star:* Monday, March 6, 1978  
"Conventional wisdom is that a good many—perhaps too many—Senators will be reluctant to open their select circle to two newcomers. But so parochial an opposition, we trust, will be beneath the dignity of the Senate and its sense of equity."
- The Philadelphia Inquirer:* Thursday April 27, 1978  
"Through the years the principle has remained the same. It is one of basic justice; that residents of the nation's capital should have the same voice in Congress as everyone else does.  
. . . now it is the Senate's turn to act. It should not let the opportunity to right a longstanding wrong slip away."

APPENDIX B

WHO SUPPORTS D.C. FULL VOTING REPRESENTATION

Two hundred and eighty-nine (289) Members of the United States House of Representatives.

PRESIDENT CARTER

VICE-PRESIDENT MONDALE

THE DEMOCRATIC PLATFORM-1976

THE REPUBLICAN PLATFORM-1976

COALITION FOR SELF-DETERMINATION FOR D.C.

American Civil Liberties Union  
American Federation of State, County and Municipal Employees  
American Federation of Teachers  
American Jewish Committee  
American Jewish Congress  
Americans for Democratic Action  
American Veterans Committee  
B'nai B'rith Women  
Common Cause  
Delta Sigma Theta Sorority, Inc.  
Democratic National Committee  
Friends Committee on National Legislation  
League of Women Voters of the United States  
National Alliance of Postal and Federal Employees  
National Association for the Advancement of Colored People  
National Association of Black Women Attorneys  
National Association of Counties  
National Education Association  
National Women's Political Caucus  
The Newspaper Guild  
The Ripon Society  
United Methodist Church, Board of Church and Society  
United Presbyterian Church  
Woman's National Democratic Club, Political Action Committee  
American Association of University Women  
Catholic Archdiocese of Washington  
Central Labor Council  
CHANGE, Inc.  
Committee for Aid & Development of Latin Americans in the Nation's Capital  
Democratic Central Committee  
D.C. Citizens for Better Public Education  
D.C. Federation of Civic Associations  
D.C. Federation of College Democrats

D.C. Federation of College Democrats  
 D.C. Jaycees  
 Friendship House  
 Jewish Community Council  
 D.C. League of Women Voters  
 Metropolitan Washington Board of Trade  
 Metropolitan Washington Housing and Planning Association  
 National Capital Union Presbytery  
 People Organized for Progress and Equality  
 D.C. Republican Central Committee  
 SED Center  
 VOICE  
 Washington Bar Association  
 Washington Teacher's Union  
 Washington Urban League  
 Women's Political Caucus  
 Congressional Black Caucus  
 Southern Rural Policy Congress  
 Leadership Conference on Civil Rights  
 United Auto Workers  
 New Breed Media Group, Inc.  
 PBS Public Broadcasting Service  
 The Optometric Society of the District of Columbia  
 Carver Research Foundation of Tuskegee Institute  
 Archdiocese of Washington

### A SPECIAL THANKS TO

Sterling Tucker, *President, Self-Determination for D.C.*  
 Elena Hess, *Executive Director Self-Determination for D.C.*  
 Dick Clark, *Common Cause*  
 Margaret Aylward, *D.C. League of Women Voters*  
 Rebecca Pecot, *D.C. League of Women Voters*

### DEEP APPRECIATION TO

Marcia Mills  
 Yvonne Greene

Joyce Harris  
 Brenda Sellers

*and our other friends and supporters who have given their time and efforts to help achieve full voting representation in Congress for the District of Columbia.*

95th Congress  
 2d Session

# H.J. Res. 554

IN THE HOUSE OF REPRESENTATIVES

July 25, 1977

Mr. Edwards of California introduced the following joint resolution; which was referred to the Committee on the Judiciary

## JOINT RESOLUTION

To amend the Constitution to provide for representation of the District of Columbia in the Congress.

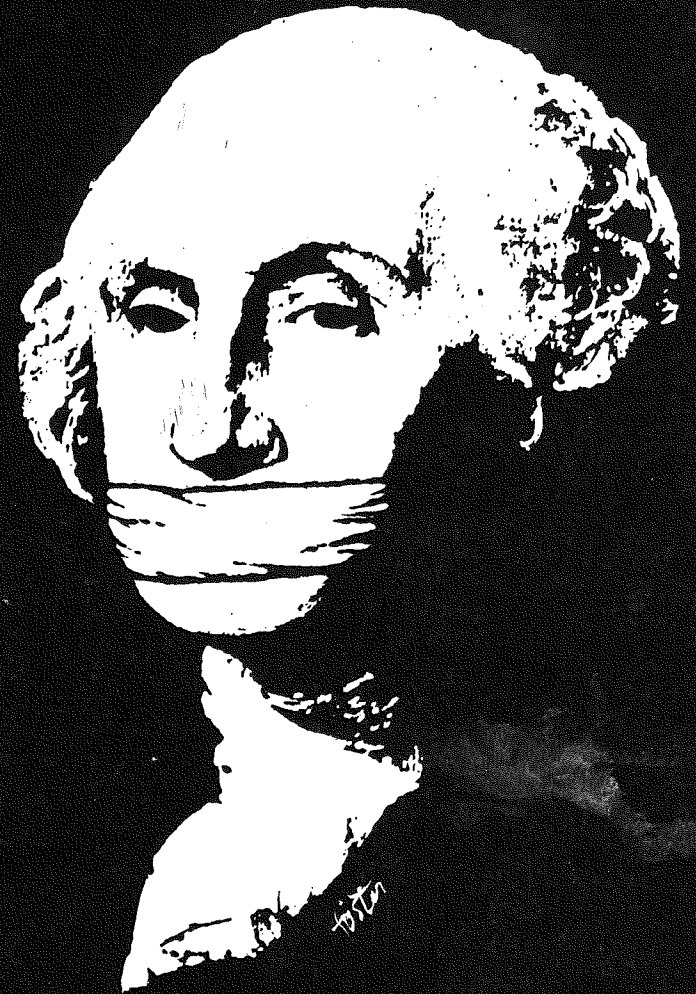
1 *Resolved by the Senate and House of Representatives*  
 2 *of the United States of America in Congress assembled*  
 3 *(two-thirds of each House concurring therein), That the*  
 4 *following article is proposed as an amendment to the Con-*  
 5 *stitution of the United States, which shall be valid to all*  
 6 *intents and purposes as part of the Constitution when ratified*  
 7 *by the legislature of three-fourths of the several States*  
 8 *within seven years from the date of its submission by the*  
 9 *Congress:*

I-O

2

1 "Article  
 2 "Section 1. For purposes of representation in the  
 3 Congress, election of the President and Vice President, and  
 4 article V of this Constitution, the District constituting the  
 5 seat of government of the United States shall be treated as  
 6 though it were a State.  
 7 "SEC. 2. The exercise of the rights and powers con-  
 8 ferred under this article shall be by the people of the Dis-  
 9 trict constituting the seat of government, and as shall be  
 10 provided by the Congress.  
 11 "SEC. 3. The twenty-third article of amendment to the  
 12 Constitution of the United States is hereby  
 13 repealed.  
 14 "SEC. 4. *This article shall be inoperative, unless it shall*  
 15 *have been ratified as an amendment to the Constitution by*  
 16 *the legislatures of three-fourths of the several States within*  
 17 *seven years from the date of its submission".*

Amend the title so as to read: "Joint resolution propos-  
 ing an amendment to the Constitution to provide for represen-  
 tation of the District of Columbia in the Congress".



**Let Washington Speak.**

**Congressional Voting Rights for D.C.**

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self-determination for DC

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CHANGE, Inc.  
Common Cause  
Committee for Aid and Development  
of Latin Americans in the Nation's  
Capital  
Delta Sigma Theta  
Democratic National Committee  
Democratic State Committee  
DC Citizens for Better Public  
Education  
DC Federation of Civic Associations  
DC Federation of College Democrats  
DC Jaycees  
DC NOW  
Friends Committee on National  
Legislation  
Friendship House  
Jewish Community Council  
League of Women Voters  
Metropolitan Washington Board of  
Trade  
Metropolitan Washington Housing  
and Planning Association  
National Alliance of Postal and  
Federal Employees  
National Association for the  
Advancement of Colored People  
National Association of Black  
Women Attorneys  
National Association of Counties  
National Association of Cuban-  
American Women, Inc.  
National Capital Union Presbytery  
National Education Association  
National Women's Political Caucus  
People Organized for Progress and  
Equality  
Republican Central Committee  
SED Center  
The Newspaper Guild  
The Ripon Society  
The Urban League  
United Methodist Church, Board of  
Church and Society  
United Presbyterian Church  
V.O.I.C.E.  
Washington Bar Association  
Washington Teacher's Union  
Woman's National Democratic Club,  
Political Action Committee

LOCKED OUT OF CONGRESS

The residents of the District of Columbia are locked out of their own government--denied voting representation in the United States Congress despite their payment of over a billion dollars a year in federal taxes.

\*\*\*\*\*The annual per capita federal tax burden for the District of Columbia is \$2116--higher than 49 of the 50 states. And yet, this community of 700,000 is relegated to inferior status--granted only one "non-voting delegate" in the Congress.

\*\*\*\*\*237 young men from the District of Columbia were killed in the Vietnam War, although their mothers and fathers had absolutely no voice in whether money should be appropriated to wage that war.

\*\*\*\*Seven states--South Dakota, North Dakota, Nevada, Delaware, Vermont, Alaska, and Wyoming--have fewer people than the District of Columbia. And yet, unlike D.C., each of these states is represented by two Senators and one or two House Members.

\*\*\*\*Of the 115 nations in the world community with national legislatures, only the United States and the military dictatorship of Brazil share the dubious distinction of denying full representation to citizens of the federal capital.

\*\*\*\*To put the present plight of D.C. residents in perspective, one need only consider the tax revolt sweeping across America. Taxpayers who live in Washington, D.C. are uniquely frustrated: their ability to influence the federal tax rate is blocked by a lack of voting representation. At the same time, D.C. residents who might contemplate a Proposition 13, instead, face a Catch 22: Local taxes in Washington, D.C. are obviously a function of the District's budget, which is set, incredibly enough, by a Congress lacking a single voting member from our nation's capital.

*The case for D. C. voting rights is an overwhelming one, linked to essential concepts of American democracy.*

T H E   K E Y   T O   C H A N G E

Recognizing that the continued exclusion of the 700,000 District of Columbia residents from the political process is a violation of basic human rights, the House and Senate have passed a constitutional amendment providing full voting representation for D. C.

If ratified by 38 states, this amendment will insure that the citizens of our nation's capital are treated on an equal basis with their 200 million fellow Americans. It will give the District: two Senators, the number of House Members (one or two) warranted by population, and participation in the ratification of constitutional amendments.

In short, the amendment approved by the House and Senate, with strong bi-partisan support, merely extends to the men and women of Washington, D. C. the benefits of first-class citizenship exercised and taken for granted by citizens of the fifty states.

U N D E R S T A N D I N G   T H E   I S S U E

WHY SENATE REPRESENTATION?

1. Critics have asserted that the District's representation should be limited to the House. Yet, it is the Senate which is charged with confirming Presidential appointments and ratifying treaties. Under current law, the citizens of the District of Columbia will have as much say on the critical question of ratifying the SALT Treaty or confirming a nominated Supreme Court Justice as will the citizens of Pago-Pago. It is simply unacceptable that we disenfranchise nearly three-quarters of a million Americans on an issue so vital to war and peace and government spending priorities as arms limitation.

WHY NOT RETROCESSION?

2. Other critics contend the amendment should be rejected in favor of an allegedly more equitable solution: retrocession of the District to Maryland which in 1788 ceded to the federal government the land that now comprises the District of Columbia. Such a suggestion is impractical and unfair to the residents of the District. In the first place, Maryland would resist retrocession. Secondly, the District of Columbia has evolved as a distinct community which deserves its own representation in Congress, rather than an artificial linkage with a state with which it has no common history.

WHAT ABOUT ARTICLE V?

3. Finally, some opponents of full voting rights for D. C. have charged that the amendment now submitted for ratification violates Article V of the Constitution, which declares, "no state, without its consent, shall be deprived of its equal suffrage in the Senate." However, this argument has been invalidated by many scholars, including one of America's most learned constitutional law professors, Charles Alan Wright of the University of Texas.

"It seems to me that the clear purpose of (the Equal Suffrage Clause) was to insure that the Great Compromise [between large and small states] would not be undone and that the representation in the Senate would not be put on the basis of population," Professor Wright has said. "That purpose is not compromised by allowing the District to have two Senators any more than it is when a new state is admitted."



DEATH AND TAXES

The men and women who live in the District of Columbia are not about to dump chests of tea in the Tidal Basin. Nor do they plan to storm the Internal Revenue Service building. Rather they are relying upon the good faith of state legislators from Alaska to Alabama, from New Mexico to New Hampshire, who will be called upon to correct a profound injustice which undermines our commitment to equal rights for all citizens.

The nature of that injustice was poignantly expressed in a 1971 letter from a District of Columbia Gold Star mother to Missouri Senator Thomas Eagleton.

*"I have lost one son," she wrote. "I may lose another. Yet I have no voice in voting on how far this war should go, or how long it should go on, or how much expanded it should be....I am hopeless, and in that sense I am voiceless."*

Senator Eagleton later said, "I think that one letter did more to shape my thinking than a million words or a 200-page memorandum. The appeal is not simplistic; it is just fair and equitable."

A hopeless, voiceless mother who feels totally estranged from her government is a far cry from the democratic process our Founding Fathers envisioned. And that's one reason organizations ranging from the Republican National Committee, United Presbyterian Church, to the League of Women Voters have given their enthusiastic support of the voting rights amendment.

It's not an issue defined by political party or ideology. It's an issue of simple justice.

For more information contact:

Elena Hess  
Melanie Woolston

(202) 833 - 1232  
Self-Determination for DC  
Room 300  
2030 M Street, N.W.  
Washington, D.C. 20036

# Should D.C. Have Voting Representation?

By WALTER E. FAUNTROY

This nation was founded on the principle that governments derive their just powers by the consent of the governed. Today, we are committed to a worldwide crusade for human rights. We preach

## Pro

rights around the world, and we mean it, and we cherish our voting rights here at home.

But are we to say to the world, and much more importantly to each other, that ours is a representative democracy for all Americans, except for the citizens of our nation's capital; that we have no second class citizens, except those who reside in the capital of our nation; that we have established the principle of one man — one vote for all Americans, except the citizens of the capital of the free world?

I believe when most Americans become aware of this inequity in our democratic system they will say it is wrong and will support full District of Columbia representation in Congress.

**WHEN THEY THINK** about Washington, D.C. — not as a city, but as a federal district — they will understand D.C.'s unique position as the seat of national government. The idea of giving the District back to Maryland sounds plausible, until you consider that it would eliminate the federal district. More importantly, Maryland has said it doesn't want the District anyway.

The federal district has more people in it than reside in seven states of the union; its citizens pay over a billion dollars in federal taxes. District citizens bear all the responsibilities of citizenship, including dying in our wars. In fact, more District of Columbia soldiers lost their lives in the Vietnam War than soldiers from 10 states; on a per capita basis, D.C. casualties in that conflict were greater than casualties of 46 states.

I believe the citizens of America will want to finish the final business of U.S. democracy — in terms of extending voting rights for all Americans.

The D.C. voting rights amendment is not a statehood bill. It is in the tradition of amendments our nation has approved to extend the right to

vote to disenfranchised citizens. The 15th Amendment to the Constitution said that we shall not deny people who live in this country, who bear the responsibilities of citizenship, the right to vote, simply because of the color of their skin.

**IN THE 17TH AMENDMENT** to the Constitution, we said we are going to expand the franchise to all Americans, so that the people could elect members to the Senate, instead of state legislatures. In approving the 19th Amendment, we said we will no longer deny citizens of this country the right to vote, simply because they happen to be women.

In the 23rd Amendment, we looked at the citizens of Washington, D.C., who are governed by the Congress and the president, and we said we're not going to deny them the right to vote for president and vice-president simply because they happen to live there.

And only a few years ago, the 26th Amendment was passed. It said we're not going to deny the right to vote to young people, who can die in our wars at 18, but who are not allowed to vote at 18.

So we've been moving ahead on voting rights and I am hopeful that the states of the nation will expand the right to vote as they have done in the past, and do what is right and represents the best in this country.

**WE WHO LIVE** in the District of Columbia ask for no more and no less than that which other citizens enjoy. Are other American citizens represented in the House and Senate? We too want to be represented. Do other Americans have a voice and vote in the ratification of treaties with foreign countries? We too want that right, and to have it we must be represented in the Senate.

Do other Americans have a voice and vote in the confirmation of presidential appointments, Supreme Court justices, and federal judges? We want no more and no less than that to which all Americans are entitled, and to have that we must be represented in both the House and the Senate.

Nothing more is needed, nothing less will satisfy the dictates of conscience and the fulfillment of the deep meaning and symbolism of America's Fourth of July.

THE WICHITA EAGLE AND BEACON Sunday January 7, 1979

By JAKE GARN

Although I am opposed to the constitutional amendment to give full voting representation to the District of Columbia, I must explain that I fully agree that D.C. residents deserve voting rights in Congress. I don't think there is any doubt that it was wrong to take those voting rights away from them in 1800, and certainly unfair, at the very least, that any citizen of this country, regardless of where they live, should not have the opportunity to vote for congressmen and senators to represent them in the Congress of the United States.

**Con** They are not entitled, however, to additional or favorable voting representation. I would have voted to return the people of the District of Columbia, as far as voting rights are concerned, to the State of Maryland, as they voted prior to 1800.

THAT WOULD BE fair, and that would be giving them the same representation that residents of any other city of this country have. But to go from what was totally and completely unfair and discriminatory of no voting representation at all, to what I consider vast over-representation compared to other cities in this country, is just as wrong.

We were told during the debate on this measure that Washington, D.C. has population in excess of seven states around the country, and that this was justification for giving it two senators.

There are many cities in this country that have much larger population than Washington, D.C., and if that rationale is correct, they also would deserve two senators. New York City's population is more than 11 times the population of the District of Columbia, and yet it votes for its two senators and it has representation in the House as a result of its population. So my vote against was simply that it went too far.

I don't think this should be a Democrat-Republican, liberal-conservative issue at all. It should be a matter of fairness and equity.

THE CONSTITUTION SET UP the House and the Senate very deliberately so that people would be repre-

sented on a population basis in the House of Representatives, but states would have a voice through their two senators regardless of size.

So, when we look at what a senator represents, it is quite different than a House member, who represents a small geographical area, and it doesn't matter whether it is Delaware or Rhode Island or a big state like Texas or Utah. A senator represents a broad diversity of interests. We do have in all of our states, big cities, little towns, hamlets, villages. We have farms, we have industry, we have agriculture, a very wide diversity of interests that we must represent.

The District of Columbia or any other city certainly does not have that wide diversity of interests. It is just a city and a very different city. The District is absolutely unique because of the overwhelming presence of the federal government.

I think the racial issue should be totally removed from it. Instead, it is a question of whether we give the District of Columbia not only equal representation, but as much, and actually proportionately more, representation than any state in this country.

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This material was supplied by the American Enterprise Institute for Public Policy Research.

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# LWVK LEAGUE OF WOMEN VOTERS OF KANSAS

909 Topeka Boulevard

Topeka, Kansas 66612

January 22, 1979

Mr. Chairman and Members of the Committee:

I am Sall Kennedy, speaking on behalf of the League of Women Voters of Kansas, for SCR No. 1608.

One hundred seventy-nine years ago, when the federal government took possession of the District of Columbia, there were 14,000 permanent residents. Today there are about 690,000 residents, 112,000 (16.2%) of whom are employed by the federal government.

The current D.C. residents have one thing in common with their antecedents: they have no elective voice in the body that has "exclusive legislation\*" over them.

The original constitutional convention gave little thought to representation for D.C. residents, because they had many other problems to resolve. However, James Madison in The Federalist Papers No. 43 stated: "The inhabitants of the District.....will have had their voice in the election of the government which is to exercise authority over them..." Obviously the founding fathers did not intend that these citizens lack the franchise.

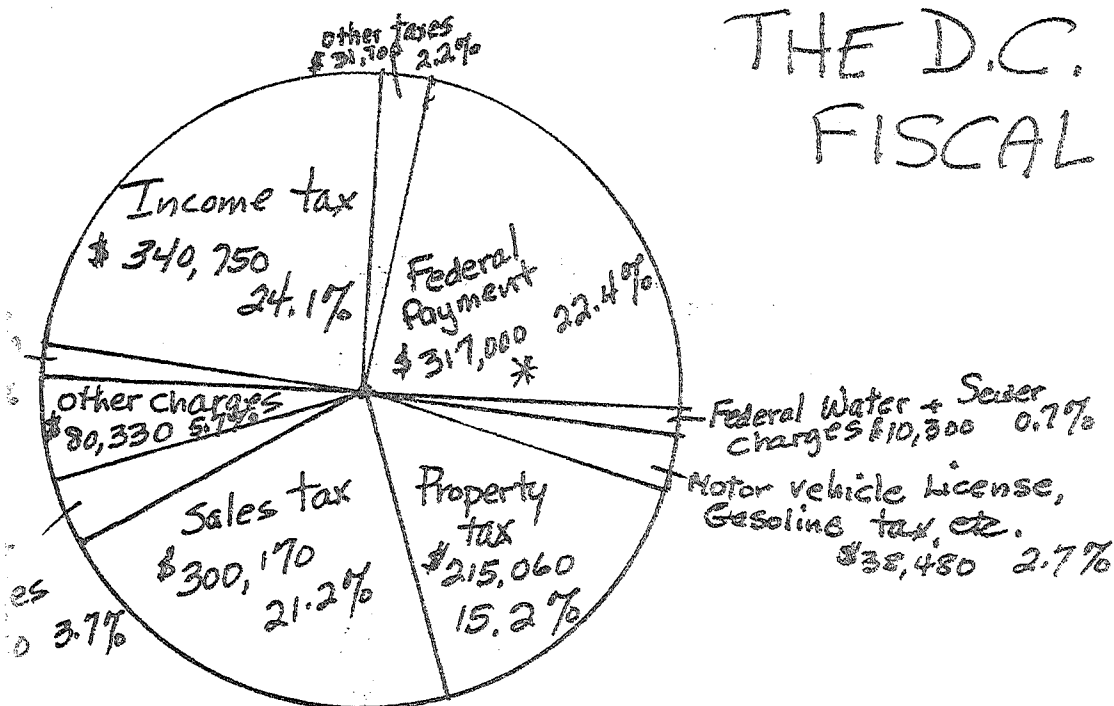
D.C. residents represent many walks of life. They pay local and federal taxes. In fact, the per capita share of federal income tax for 1977 was \$2,116, or \$491 over the national average. The local tax burden is also very high, as demonstrated by the second chart appended to this testimony.

The residents of D.C. are certainly taxed. When will they also be represented? Please consider favorably SCR 1608.

Thank you for listening.

\*Article I, Sec. 8 U.S. Constitution

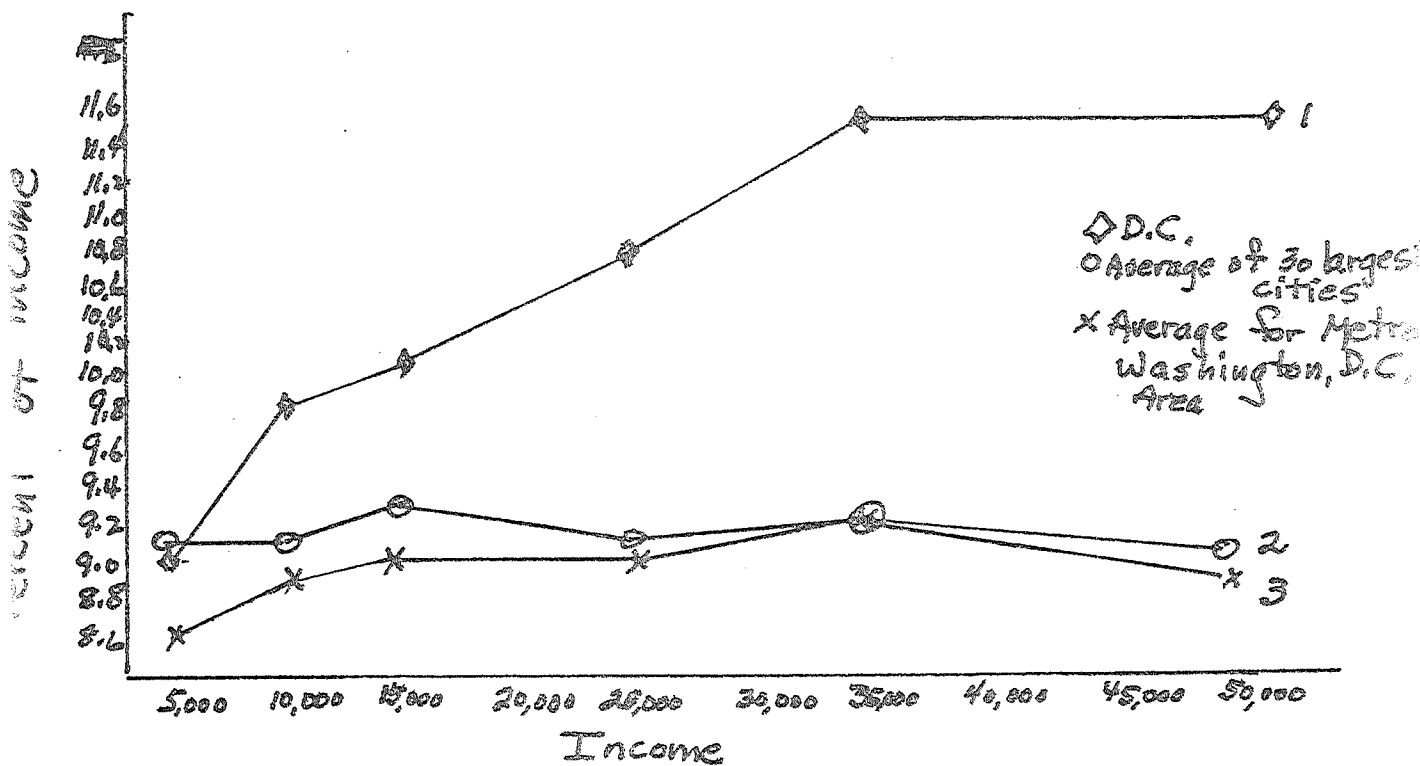
# THE D.C. FISCAL PICTURE



\* FY79 appropriation is \$235,000

## REQUESTED FY80 REVENUE SOURCES

\$ - Thousands of dollars



## Average Burden of Major Taxes as a Percent of Family Income

Information obtained from League of Women Voters of D.C.

Mr. Chairman and members of the Committee:

My name is Jeff Freeman and I represent the Kansas Conservative Union. I appreciate the opportunity to present our views on S. B. 1608.

The matter of representation for the District of Columbia is very important. There are some people who say that the District presently is not represented. I daresay that it is over-represented. But certainly it is represented by the entire Congress.

The District has the distinction of having special committees in both the Senate and the House of Representatives, that is, the District Committees, to represent its interests and to bring those interests directly to the floor of the Senate and the floor of the House of Representatives for the enlightenment and the consideration of all Members.

This proposal which would provide two Senators to represent the District is completely contrary to the intention of the framers of the Constitution, which was to have a neutral district in which the Capital City would be located.

I do not believe it can be very well demonstrated that the rights of the citizens who live in the District are not being protected and that their interests are not being considered or represented. Because of the special relationship to Congress as the seat of government and the Nation's Capital, the District of Columbia is of great concern and responsibility to both Houses of Congress.

Granting full representation to the District, as I said, would be contrary to the intent of the framers of the Constitution. They wanted to set aside, and did set aside, an area unique in character and free from any kind of entangling interests. They did not want to put the Federal Government in the position of being influenced by a State and become involved in that State's matters because of its location in that State.

The framers gave Congress exclusive control over the District, with full responsibility for local concerns. So failure to give the District two Senators was not an oversight, it was not an accident, it was a recognition that this District was different. It was given representation, but in a different way. We must remember that representation by two Senators was a privilege exclusively reserved to the States.

The District certainly has fared well with the present arrangement. I do not think it is possible to say that it has been mistreated by the Congress. The District ranks as one of the highest cities in terms of per capita income in the United States. It also has cultural and educational advantages that many parts of the country do not have, and much of this not provided at the expense of the taxpayers of the District.

If this proposal were passed by the States, becoming part of our Constitution, we would be creating a new hybrid State, different from all the rest. Some might call it a superstate. It would have the benefits of statehood but not all of the responsibilities of statehood. It would have the appearance of sovereignty, yet would be totally dependent upon the Federal Government. It would still have, in addition to its representation of two Senators, representation by the entire Senate and from the Senate Committee on the District of Columbia.

Granting the District representation as if it were a State would violate historical as well as constitutional mandates, and work a qualitative change upon our federal system of government.

Article I of the 17th amendment uses the work "state" with reference to membership in the Senate and the House.

For purposes of Federal representation, the District cannot be considered as a State since it lacks powers common to the States.

Congress possesses the power of exclusive legislation over the affairs of the District. Congress has all police and regulatory powers

over the District. Congress has final authority over the District budget and appropriations. Congress can veto the decisions of the City Council of Washington, D. C. The defeat, recently, of the commuter tax is just such an example. And Congress could abolish the city government altogether if it wished.

Article 5 of the Constitution provides, "No State, without its consent, shall be deprived of its equal suffrage in the Senate."

This was a compromise to insure that large States would not, in the future, change the method of representation in the Senate. States have two Senators because they are sovereign. Federal representation is a measure of that sovereignty. To accord two Senators to an entity other than a State - a District purposely set apart from the States - would diminish and deprive States of their equal suffrage.

The District, as a hybrid State, would have its own special kind of representation through the entire Congress and the congressional committess and would have special considerations that are not given to the other States. As long as every State is treated the same way as every other State, the equality of suffrage is not destroyed by admitting a new State to the Union. But this statement that the equality of suffrage would not be destroyed by admitting a new State to the Union would not hold true of a hybrid State, such as is proposed by this amendment, were created.

The District is no more than a city. The framers did not intend that cities per se should be given representation directly in Congress. Again, States with sovereignty were to have the voice to represent the States in the Federal Government.

The fact that other cities already have elected Federal representation is irrelevant. They share their Senators with the entire State. But this would not be so if the District received two Senators. It would



be patently unfair to enfranchise District residents to a greater extent than the people of other cities, cities much larger than Washington, D. C. - cities like New York, Philadelphia, and Chicago.

The District is not subject to taxation without representation. According to figures provided by the House Appropriations Subcommittee on the District of Columbia, for fiscal year 1977 the Federal payment to the District was \$276,000,000. In addition, Federal grants to the District amounted to \$340,208,600. The District also received \$32,240,000 in revenue sharing funds. In Federal loans for fiscal year 1977, the District's total was \$101,292,000. Thus the District of Columbia received a total in Federal funds for fiscal year 1977 of approximately \$749,740,600. These figures do not include the costs of the multibillion dollar subway system which is being constructed through Washington, primarily through the use of funds collected from U. S. taxpayers.

In addition, the Federal Government makes an annual payment of \$300 million to help support the city's budget. This payment is provided with no strings attached. For every 29 cents D. C. residents pay in taxes, \$1.00 goes back to City coffers.

Obviously residents of the Nation's Capital are not being short-changed by the Congress. When one remembers that, unlike other cities or States, the District has its own special legislative committees in the Congress, it is not difficult to understand why Washington, D. C., is being favored so generously in comparison to other American cities.

In terms of per capita spending by the Federal Government, the District received nearly four times that of any other State except Alaska. New York City is the only city to receive more in Federal aid. Clearly, this is a city whose residents have not been ignored by the Government which resides within its boundaries. Thus, the situation which gave rise to the phrase "Taxation without representation" is in no way comparable

to the one we are now discussing.

Granting the District Federal representation would create a situation in which the Federal interest would be promoted to the Federal Government for a Federal city. The District really is a company town and totally dependent, or nearly so, on the Federal Government for its livelihood, indeed, for its existence.

In 1976, the Federal Government directly employed almost 40 per cent of those working in the District. Those business and industries servicing the Government employed another 25.5 per cent.

There is hardly any manufacturing and no agriculture. Senators from the District thus would be under no compulsion to consider the needs of any competing interests other than the Federal Government because no other interests would rival that of the Federal Government. Such representation could inevitably lead to the kind of pressures that Madison spoke against and wanted to avoid when they created this unique Federal District.

We have an opportunity to do something important in Kansas; reject an ill-conceived Constitutional Amendment.

Thank you for your attention, Mr. Chairman and members of the Committee.

D. C. REPRESENTATION  
FACT SUMMARY

When this nation began, there were only a few thousand residents of the District of Columbia. Most of them were transients, having come to Washington for a short time to work for the federal government, while maintaining their voting rights "back home."

Since then, the number of permanent residents of the District of Columbia has grown until by 1970 Washington's population exceeded 750,000 - more than the population of ten states. These people pay federal taxes and are subject to all the normal obligations of citizens, yet they are not represented in Congress. For them, taxation without representation is not an 18th Century slogan but rather a 20th Century reality.

Until 1961, residents of the District of Columbia could not even vote for president. That was remedied by the 23rd Amendment. Now, for the first time, there is a real chance to amend the Constitution further to entitle the District of Columbia to full Congressional representation as well, including two Senators. You are urged to put this matter before the House in the early part of the upcoming session.

This past summer, the Congress enacted a constitutional amendment giving residents of the District of Columbia full voting representation in both Houses. The fundamental voting rights of 750,000 people are at stake.

*Jim  
Fawcett*