

HJR

4

ALASKA STATE LEGISLATURE

Legislative Affairs Agency

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Juneau, Alaska 99811

REGIONAL INFORMATION OFFICE

1024 West 6th Avenue
Anchorage, Alaska
99501
(907) 278-3668

2/4
Your info + files
Jay

TELECONFERENCE HEARINGS



SUBJECT: H'R 4, SSHJR 2 - RATIFICATION, U. S. CONST. AMENDMENT - D. C. REPRESENTATION
IN CONGRESS

COMMITTEE: HOUSE STATE AFFAIRS (MILLER, Fuller, Gardiner, Parker, Eliason, Martin,
McCalfe)

DATE: Friday, February 9, 1979

TIME: 11:00 a.m. to 1:00 p.m. A.S.T.

SITES PARTICIPATING: Washington, D. C. and any sites which generate witnesses

CONFERENCE MODE: audio

LOCATION: LIO

MODERATOR: *Hopkins*

UAA ADVISED, CONFIRMED	<u>na</u>
Extra bills ordered	<u>no</u>
Register prepared	<u>2/7</u>

NOTES:

Committee will be making contacts.

Washington, D. C. witnesses may include a representative of Rep. Walter Fontroy's office (delegate from D. C.) and Tom Ascik, Heritage Foundation.

PUBLICITY:

INVITATIONAL

	Date	Quantity
PSAs	<u>2/7</u>	<u>25</u>
Audio PSAs	<u> </u>	<u> </u>
Video PSAs	<u> </u>	<u> </u>
News releases (also contacts)	<u>2/7</u>	<u>9</u>
Direct mail	<u> </u>	<u> </u>
Phone contacts	<u>2/7</u>	<u>6</u>
Other:	<u> </u>	<u> </u>
Posted at LIO	<u>2/7</u>	<u> </u>

phone contacts 2/7

- ✓ Frank Reuter 265-4210
(will announce at Alaska
State Cancer lunch 2/7)*
- ✓ Ed Walker, ABC 337-5896*
- ✓ Gene Steese 277-2108*
- ✓ [unclear] in Thorsok 763-5810*
- ✓ Tom Rank? 279-2522*
- ✓ Sharon Richards - CR contact
with [unclear]*

*Committee will take
up Tuesday
in Juneau -
not TC.*

Copies to LTN Juneau	<u>2/7</u>
Copies to committee	<u>2/7</u>
Copies to sponsor	<u> </u>

NUMBER IN ATTENDANCE	<u>12</u>
NUMBER TESTIFYING	<u>6</u>

27
MEDIA CONTACTS - ANCHORAGE

✓ 279-5622 ANCHORAGE TIMES Clint Andrews, Mike Todd, Connie Godwin

✓ 272-8561 ANCHORAGE DAILY NEWS Stan Abbott

✓ 694-2719 EAGLE RIVER STAR *morning 5 to 6:30*

✓ 274-1052 ALASKA ADVOCATE Howard Weaver *general work morning - 4:30 - 6:30*

age 277-6397 KENI TV News Patti Drewery, Andrew Holt

✓ 279-9437 KIMO TV News John Valentine

272-3456 KTVA TV News Steve Lamar

276-7070 KAKM Larry Makinson

Actualities

✓ 272-9591 KHAR, KKLV News Sherida Hughes

✓ 344-2522 KYAK, KGOT News Dan Cou'ter, Barbara

✓ 344-9622 KFQD News Don Byron, *Carl Kingman*

• 243-1300 KANC News Peter Bic

272-3456 KBYR News Sarge McClintock

272-7461 KENI Radio News Lynn Roberts, Brad Parker

276-3000 SKSA News Jim Tighe 272-7041

277-2655 KJZZ News Bill Hampton

278-4631 KHVN News Clay Shelton

344-9915 Alaska Radio Network Gordon Parker, Hilary Hilscher

TELECONFERENCE HEARINGS



February 7, 1979

Contact: Judy Hopkins
278-3668

PUBLIC SERVICE ANNOUNCEMENT

Run through 10:00 a.m. FRIDAY, FEBRUARY 9, 1979

PUBLIC TESTIMONY ON RATIFICATION OF AN AMENDMENT TO THE U. S. CONSTITUTION
DEFINING CONGRESSIONAL REPRESENTATION AND VOTING RIGHTS FOR THE RESIDENTS
OF THE DISTRICT OF COLUMBIA IS INVITED BY THE HOUSE STATE AFFAIRS
COMMITTEE IN A TELECONFERENCE STARTING AT 11:00 a.m. FRIDAY, FEBRUARY
9.


AREA RESIDENTS INTERESTED IN PRESENTING TESTIMONY OR OBSERVING THE HEARING
CAN PARTICIPATE AT THE LEGISLATIVE INFORMATION OFFICE, 1024 WEST SIXTH
AVENUE. WITNESSES SHOULD REGISTER IN ADVANCE BY CALLING 278-3668.

XXXXX

Name LOVIE OVERSTREET
Representing ALASKA BLOCK COUNCIL
Address P.O. 3342
Phone 272-5951

Here to TESTIFY
Here to OBSERVE

BROADCAST CONSENT: This proceeding may be broadcast live or recorded for later broadcast by radio or television stations. Please indicate your consent by signing below:


(signature)

Have you participated in other legislative teleconferences? <u>no</u> How many? _____	Would you have participated in this hearing if the network were not available? <u>yes</u>
How did you learn about this hearing? <u>Mr. Joan Hopkins</u>	If yes, did you use the network: <input type="checkbox"/> instead of travel <input type="checkbox"/> instead of phone conversations <input checked="" type="checkbox"/> instead of mailed testimony

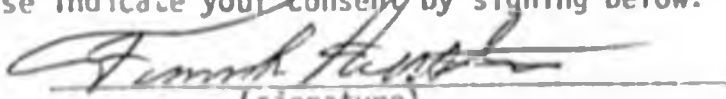
Date: 2/9/79 Subject: HJR 4, HJR 2 - D. C. representation Location: Anchorage

PLEASE PRINT

Name Frank Austin
Representing Interested Citizen
Address 3839 Apollo Dr, Anch
Phone 333-1483

72
Here to TESTIFY
Here to OBSERVE

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(signature)

Have you participated in other legislative teleconferences? _____ How many? _____	Would you have participated in this hearing if the network were not available? _____
How did you learn about this hearing? _____	If yes, did you use the network: <input type="checkbox"/> instead of travel <input type="checkbox"/> instead of phone conversations <input type="checkbox"/> instead of mailed testimony

Date: 2/9/79 Subject: HJR 4, HJR 2 - D. C. representation Location: Anchorage

Name Phillip A. Downing
Representing Self
Address 4521 Golden #3
Phone 243-625

Here to TESTIFY
Here to OBSERVE

BROADCAST CONSENT: This proceeding may be broadcast live or recorded for later broadcast by radio or television stations. Please indicate your consent by signing below:

Phillip A. Downing
(signature)

Have you participated in other legislative teleconferences? <u>No</u> How many? _____	Would you have participated in this hearing if the network were not available? <u>No</u>
How did you learn about this hearing? <u>Friends</u>	If yes, did you use the network: <input type="checkbox"/> instead of travel <input type="checkbox"/> instead of phone conversations <input type="checkbox"/> instead of mailed testimony

Date: 2/9/79 Subject: HJR 4, HJR 2 - D. C. representation Location: Anchorage

Name BOR WACKER
Representing A.B.L.C. POLITICAL COMM.
Address 2506 FAIRBANKS AVE. N.
Phone 2-77-9654

Here to TESTIFY
Here to OBSERVE

BROADCAST CONSENT: This proceeding may be broadcast live or recorded for later broadcast by radio or television stations. Please indicate your consent by signing below:

Bor Wacker
(signature)

Have you participated in other legislative teleconferences? <u>No</u> How many? _____	Would you have participated in this hearing if the network were not available? <u>yes</u>
How did you learn about this hearing? <u>July</u>	If yes, did you use the network: <input checked="" type="checkbox"/> instead of travel <input type="checkbox"/> instead of phone conversations <input type="checkbox"/> instead of mailed testimony

Date: 2/9/79 Subject: HJR 4, HJR 2 - D. C. representation Location: Anchorage

Name Sharon Richards
Representing League of Women Voters
Address P.O. Box 1345 99510
Phone 274-8477

Here to TESTIFY

Here to OBSERVE

BROADCAST CONSENT: This proceeding may be broadcast live or recorded for later broadcast by radio or television stations. Please indicate your consent by signing below:

Sharon Richards
(signature)

Have you participated in other legislative teleconferences? no How many?

Would you have participated in this hearing if the network were not available? yes

How did you learn about this hearing?

If yes, did you use the network:

Legislative Information Office

instead of travel
 instead of phone conversations
 instead of mailed testimony

Date: 2/9/79

Subject: HJR 4, HJR 2 - D. C. representation

Location: Anchorage

PLEASE PRINT

(T) 6

Name Jean Stassel
Representing League of Women Voters Alaska
Address 911 R St Anchorage 01
Phone 277-2108

Here to TESTIFY

Here to OBSERVE

BROADCAST CONSENT: This proceeding may be broadcast live or recorded for later broadcast by radio or television stations. Please indicate your consent by signing below:

Jean Stassel
(signature)

Have you participated in other legislative teleconferences? How many?

Would you have participated in this hearing if the network were not available? yes

How did you learn about this hearing?

If yes, did you use the network:

word of mouth -

instead of travel
 instead of phone conversations
 instead of mailed testimony

Date: 2/9/79

Subject: HJR 4, HJR 2 - D. C. representation

Location: Anchorage

PLEASE PRINT

Has to leave

Name Olive Robison
Representing self
Address 7526 E. 17th Anchorage
Phone 333-5605

Here to TESTIFY X
Here to OBSERVE _____

BROADCAST CONSENT: This proceeding may be broadcast live or recorded for later broadcast by radio or television stations. Please indicate your consent by signing below:

Olive Robison
(signature)

Have you participated in other legislative teleconferences? no How many? _____

Would you have participated in this hearing if the network were not available? no

How did you learn about this hearing?

If yes, did you use the network:

- _____ instead of travel
- _____ instead of phone conversations
- _____ instead of mailed testimony

League of Women Voters phoned

Date: 2/9/79 Subject: HJR 4, HJR 2 - D. C. representation Location: Anchorage

PLEASE PRINT

Name Walter R. Furnace
Representing Alaska Business Development Center
Address 550 W 8th one
Phone 274-3851 (26)

Here to TESTIFY _____
Here to OBSERVE X

BROADCAST CONSENT: This proceeding may be broadcast live or recorded for later broadcast by radio or television stations. Please indicate your consent by signing below:

Walter R. Furnace
(signature)

Have you participated in other legislative teleconferences? _____ How many? _____

Would you have participated in this hearing if the network were not available? _____

How did you learn about this hearing?

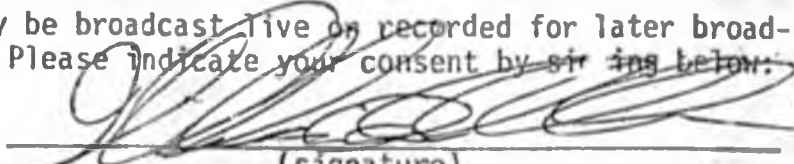
If yes, did you use the network:

- _____ instead of travel
- _____ instead of phone conversations
- _____ instead of mailed testimony

Date: 2/9/79 Subject: HJR 4, HJR 2 - D. C. representation Location: Anchorage

Name William E. Allen Here to TESTIFY _____
Representing MBE Service Center
Address 2506 FAIRBANKS ST. Here to OBSERVE
Phone 277-9654

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(signature)

Have you participated in other legislative teleconferences? _____ How many? _____	Would you have participated in this hearing if the network were not available? _____
How did you learn about this hearing? _____	If yes, did you use the network: _____ instead of travel _____ instead of phone conversations _____ instead of mailed testimony

Date: 2/9/79 Subject: HJR 4, HJR 2 - D. C. representation Location: Anchorage

PLEASE PRINT

Name DAN COULTER Here to TESTIFY _____
Representing KYAK
Address _____ Here to OBSERVE _____
Phone 344-2550

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(signature)

Have you participated in other legislative teleconferences? _____ How many? _____	Would you have participated in this hearing if the network were not available? _____
How did you learn about this hearing? _____	If yes, did you use the network: _____ instead of travel _____ instead of phone conversations _____ instead of mailed testimony

Date: 2/9/79 Subject: HJR 4, HJR 2 - D. C. representation Location: Anchorage

PLEASE PRINT

Name DIANE ZEEBARK
Representing FAA
Address _____
Phone _____

Here to TESTIFY _____
Here to OBSERVE

BROADCAST CONSENT: This proceeding may be broadcast live or recorded for later broadcast by radio or television stations. Please indicate your consent by signing below:

Diane Zeebark
(signature)

Have you participated in other legislative teleconferences? _____ How many? _____

Would you have participated in this hearing if the network were not available? _____

How did you learn about this hearing?

If yes, did you use the network:
_____ instead of travel
_____ instead of phone conversations
_____ instead of mailed testimony

Date: 2/9/79 Subject: HJR 4, HJR 2 - D. C. representation Location: Anchorage

From **LANNY PROFFER**



**NATIONAL
CONFERENCE
OF STATE
LEGISLATURES**

EARL S. MACKEY
Executive Director

1405 Curtis Street
Suite 2300
Denver, Colorado 80202
(303) 623-6600

TESTIMONY OF PROFESSOR STEPHEN A. SALTZBURG
UNIVERSITY OF VIRGINIA LAW SCHOOL
BEFORE THE SUBCOMMITTEE ON THE CONSTITUTION

of the
UNITED STATES SENATE

Friday, April 28, 1978

REPRESENTATION IN CONGRESS FOR THE DISTRICT OF COLUMBIA; S. J. Res. 65

Thank you for inviting me to appear before the Subcommittee to provide my views on the necessity and propriety generally of providing full voting representation for citizens of the District of Columbia and more specifically on the wisdom of adopting S. J. Res. 65 as the means of providing the representation.

I. Summary of Views

On October 6, 1977, I had the opportunity to express to a House Subcommittee on Civil and Constitutional Rights my view that full voting representation in the Congress should be provided citizens of the District. At that time I also expressed my views on the best way to provide such representation. My comments today will be very similar to my previous comments in the House.

Although there has been controversy over the means to be used to accomplish the end, recently this august body in its debates over the Panama Canal treaties has expressed broad support for the proposition that even though the United States government at one time had legal control over the lives of citizens of a U.S. territory, control obtained long ago and exercised continually must be reviewed in the

light of current developments. In that light there can be no question that District citizens--who pay the same taxes as other Americans; who share the same democratic values as other Americans; who are affected by the growth of the federal government in the same way as all Americans; and who know that the federal government exerts control over their lives that it does not exercise over the lives of other Americans--should be represented in the Congress of the United States like those who, by chance, live within the borders of one of the fifty states. And, in contrast to the difficulties of working out a treaty with another nation, there are no insurmountable problems in providing voting representation for the District.

That these are valid arguments was recognized by the House of Representatives on March 2d of this year when it approved by a vote of 287-127 H. J. Res. 554, a resolution proposing an amendment to the Constitution that would provide the District with full and effective voting representation in the Congress.

H. J. Res. 554 is, in my view, a better vehicle for providing the District with representation than is S. J. Res. 65. The basic problem with the Senate resolution is that it grasps the principle of one person, one vote at the same time that it attempts to depart from the principle. There is no need to offer District citizens anything less than a full loaf. Thus, there is some reason to favor the House's resolution.

It is important to recognize, however, that S. J. Res. easily can be amended so that it is at the least the equal of, and perhaps an even better resolution than, H. J. Res. 554. More important at this point than disputing the respective merits of the two resolutions is recognizing that fair-minded people who carefully examine the arguments

supporting full Congressional representation for the District can agree on an approach. There is no reason to allow the mechanics to stand in the way of making the principle a reality.

And it should be a reality. During all the consideration of H. J. Res. 554 by the House, not one valid argument emerged against full representation for the District. As I proceed, I hope to demonstrate the weakness of some of the opponents' positions.

There are reasons why some people may disfavor District representation that have not yet appeared, explicitly that is, in the debates. They are invalid concerns and I mention them now only to put them aside, hopefully forever. First, the suggestion has been made that with the addition of two Senators from the District, the Senate "club" will somehow be less exclusive. Whatever the merits of exclusivity, they can hardly be dealt a blow by adding two votes to a hundred. Did Americans see a decline of prestige and power in the Senate or its individual members when Alaska and Hawaii sent Senators/ ^{to Washington?} No, of course not. Two votes from District will make the Senate no less deliberative, no less powerful, and no less prestigious. Second, some may think that conservative Senators and those from rural areas might be disinclined to favor a resolution that well may add two urban and liberal votes to a balance that is not in their favor at the moment. If these Senators conclude, as I believe they will, that no valid argument overrides the principle of one person, one vote that underlies the resolution being considered, they hardly could justify denying the franchise to a considerable number of their fellow Americans. In the course of giving youth the right to vote, outlawing the poll tax, and even in proposing the twenty-third amendment, members of Congress have demonstrated the Constitution demands devotion to principle, not

to short-run partisan politics. Finally, there are some members of Congress, and surely some of their constituents as well, who never have felt comfortable in a District which is predominantly black. Biases against the District sometimes evince unconscious racial prejudices which have no place in American politics in 1978. Indeed, whether or not some of the opposition to voting representation for the District has its roots in racial prejudices, the paucity of other, valid reasons to support the opposition produces for those who read and hear the opposition a sense of fear--fear that race is again a behind the scenes/^{issue} in a debate over fundamental rights.

It must be somewhat embarrassing for United States officials to chastise foreign governments over their treatment of minorities and to complain about the disenfranchisement of entire groups of voters when, at home, the citizens of the District still must seek the franchise they have too long been denied.

It should come as no surprise that American Presidents with constituencies as diverse as those of former President Richard Nixon and incumbent Jimmy Carter have supported representation for the District. The idea is so firmly grounded in American concepts of equal justice under law and equal access to political change that it is difficult to oppose on principle. And when Americans debate fundamental rights, opposition without principle is no opposition at all.

Having completed this summary of my position, I turn now to consideration of more specific issues.

II. S. J. Res. 65 and Its Counterparts in the House

When I testified before the House Subcommittee, I was asked to comment on several joint resolutions that had been proposed in the House of Representatives. All provided in one form or another for an amendment to the Constitution to provide representation for the District of Columbia in the Congress of the United States. It may be useful to review them here so that you can better understand the differences between the resolution approved by the House and that set forth in S. J. Res. 65.

H. J. Res. 139 contained four short sections allocating two Senators and an appropriate number of Representatives to the District, providing for an election to fill vacancies, defining the relationship of the proposed amendment to the 23rd Amendment, and giving Congress the power to enforce the proposed amendment. It was identical to S. J. Res. 65. H. J. Res. 392 was very similar, except that it provided that Congress may allocate a power of temporary appointment to officials in the District under certain circumstances to fill vacancies in the Senate. Very different in form was H. J. Res. 554 which ultimately was adopted by the House. ^{now} It contains four sections.* They provide that the 23rd Amendment would be repealed, that the District would have voting representatives in the Congress and as much authority to elect a President and Vice-President of the United States and to ratify constitutional amendments as any State, generally that the rights and powers provided should be exercised by the people of the District in a manner to be selected by Congress, and that the amendment

*As originally proposed, H. J. Res. 554 had only three sections. The fourth was added prior to its adoption by the House, but after the Subcommittee hearings in the House.

would take effect if ratified by the requisite number of states within seven years.

In my House testimony I found myself favoring the basic approach of H. J. Res. 139, although I indicated that standing alone it was inadequate to fully accomplish the objectives of a constitutional amendment providing representation for the District. Thus, I suggested that with several changes H. J. Res. 139 could have been improved.*

The improvements that I suggested would have produced a Resolution substantially identical to H. J. Res. 554 in its effect, but which might have been somewhat clearer than H. J. Res. 554 at certain points.** Both my proposed version of H. J. Res. 139 and H. J. Res. 554, the resolution ultimately adopted by the Houses were in accord on certain fundamentals, including the following:

A. The voting rights of District citizens should include full representation in the House and Senate and full participation in the election of a President. Hence, the Twenty-Third Amendment should be repealed.

B. Congress should be given authority to carry out the purposes of the amendment.

C. Some flexibility with respect to filling vacancies in the

*I will be making similar suggestions for amending S. J. Res. 65.

**One of my reservations about H. J. Res. 554 would have been removed if a proposed amendment, suggested by Assistant Attorney General Patricia M. Wald on behalf of the Administration, were adopted. See Statement of Attorney General Wald, Before the House Subcommittee on Civil and Constitutional Rights, October 6, 1977, at 15. The suggested change would have the resolution read, in part, as follows: "The exercise of the rights and powers conferred under this article shall be by the people of the District constituting the seat of government, in such manner as shall be provided by the Congress."

Congress should be retained.

The single point of departure from the goal of H. J. Res. 554 found in my version of H. J. Res. 139 was over the extent to which the District should be able to participate in the ratification of future constitutional amendments. As I shall point out in a few moments, there is a very practical reason to deny the District an opportunity to participate in the ratification process. But I believe that the argument is not overwhelming and easily could be rejected. Certainly it is not as important as the more basic question of full voting representation in the Congress. In my testimony I shall suggest a flexible, compromise position.

Whether H. J. Res. 554 or S. J. Res. 65 ultimately is the vehicle for affording voting representation in Congress to District citizens, the final resolution should embody the fundamentals that I have listed ^{above} as A, B, and C. I shall endeavor to explain why.

But, before doing so, I would like to address some basic questions, the answers to which I have thus far only assumed.

III. Is There a Need for the District to be Represented in Congress?

In the Report accompanying H. J. Res. 280, which died on the floor of Congress several years ago, Representatives Butler, Kindness, Ashbrook, Danielson, Moorhead, and Hyde 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."

In reaching this answer, one must recognize that it is impossible to derive anything useful from the study of the intention of the framers

in their treatment of the District in Article 1, Section 8 of the Constitution. It must be remembered that there was no District at the time the Constitution was drafted and ratified. We do know that a disruptive incident occurred in Philadelphia in 1783 involving soldiers who had been fighting against the British and that the response on the part of state officials gave rise to a general feeling that it would be beneficial to establish a special District run by the federal government which would not be dependent upon any State for protection. Beyond this we know little. It has been urged that because some 13 years after ratification of the Constitution a majority of the Congress took away the then recognized right of the District citizens to vote in Maryland and Virginia, the correct inference is that the framers believed that State representatives would also consider and take into account the interests of District citizens. The fallacy in this is that what happened in 1801 offers some support, but by no means conclusive support, for a reading of the intent of the framers of the Constitution. The fact that District residents voted in federal elections immediately after ratification of the Constitution might even be better evidence of the framer's intent. But more importantly, it must be recognized that even in 1801 it was impossible for those members of Congress who took away the vote from District citizens to anticipate the precise future development of the nation. When it is recalled that entire races of people, women, non-property holders and others were denied the right to vote, it is not hard to see why assumptions as to the adequacy of representation of all by a few might have been acceptable then, but not now.

The answer to the question of whether representation of the District in the Congress is necessary cannot turn on history, because history is too poor a guide to knowledge of how the framers would have intended the needs of the District to be handled throughout the life of a changing nation. Rather, the answer must be found in current attitudes about the right to vote. Since the Supreme Court has declared one person, one vote to be a fundamental part of our democracy, and since this has come to be a cherished idea to most American citizens, I find myself echoing the testimony of Representative Gilbert Gude, who said in hearings before this Committee: "I support the extension of voting representation for the District because it is right, it is fair, and it is an essential element of representative democracy." Hearings Before the Subcommittee on Civil and Constitutional Rights of the Committee on the Judiciary of the House of Representatives, 94th Cong., 1st Sess., 15-16 (1975) [hereinafter referred to as "Hearings"].

It is especially important that residents of the District be given the opportunity to elect voting members of Congress in view of the fact that Congress retains residual power over the government of the District. Citizens of the 50 states know that if the Congress fails to act on an important issue there is always the possibility that State or local governments will act to meet the needs of the citizens. State and local pressure might indeed be easier to mount and more sharply focused than is the national pressure on Congress. The residents of the District daily confront the fact that Congress often has acted and can continue to act to override decisions of any legislative body in the District. Thus, it is more,

not less, important that the District, an entity that is not a State, have the same vote in Congress as does a State because Congress is in many instances the equivalent of a State and local government, as well as a federal government, for District residents.

Even if Congress were to relinquish entirely the power it now retains over District lawmaking, the enormous legislative power of the federal government today would require, in my view, that District Citizens have an opportunity to participate in an effective way in federal decisionmaking. When someone like myself travels from Charlottesville, Virginia to Philadelphia, Pennsylvania to visit my family, I travel by car, train, or plane. Automobile travel takes me over the roads of Virginia, the District, Maryland, Delaware and Pennsylvania. I find no difference of significance between driving in the District and driving in any State. The roads are the same, the problems are the same, and the interrelationship between the States and the District is real and apparent. The same is true when I pass through Union Station on my way to Baltimore, Wilmington, and ultimately Philadelphia. In the rare instance that I travel by air, almost always I must change planes at National Airport. While National Airport technically is in Virginia, the proximity to and relationship with Washington, D.C. is readily apparent. Whatever differences there are between the District and the States pale before their similarities.

No matter what anyone thought in 1787, or in 1801, the District of Columbia, while not a State, faces most of the same problems as all the States. It is affected in the same way by general congressional legislation as the States. As

congressional power and congressional responsibility expand, it is ever more important that every citizen be able to directly express himself or herself on national issues. The only effective way is by representation in Congress. To the limited extent that the District is unique because it is a federal enclave heavily reliant on the Congress, the District has a greater need for voting representation in that body.

IV. Is a Constitutional Amendment Necessary?

Theoretically, the answer to this question is "no." If Congress were willing to cede the District back to Maryland, as it ceded land back to Virginia more than a century ago, and if Maryland were prepared to accept the cession, no amendment would be required. My reading of congressional and national sentiment is that practically speaking this solution is unacceptable to the people of the Nation. It might even be unacceptable to the citizens of Maryland and of the District respectively, if put to a vote. My personal view is that retrocession would be a bad idea for the same reasons that statehood would be a bad idea. These reasons will be set forth subsequently.

In the earlier Hearings and in the discussions of the joint resolutions now under consideration, a suggestion has been made that partial retrocession--i.e., retroceding jurisdiction over the District for voting purposes to Maryland--would be preferable to a constitutional amendment. It is somewhat ironic that this solution seems to be preferred by those whose opposition to a constitutional amendment is grounded in the argument that such an amendment might engender too many problems of interpretation. Article I, § 2 of the Constitution provides that the House of

Representatives shall be chosen by the "People of the several States, and the Electors in each State shall have the qualifications requisite for Electors of the most numerous Branch of the State Legislature." Assuming that Maryland were willing to accept partial retrocession and that the Congress were willing to take this approach to the problem of representation, the obvious question that would arise is whether residents of the District qualify as "People of the several States." Logically they do not. District citizens are not residents, domiciliaries, citizens or Maryland "people." They are District "people." Moreover, since a usual qualification for voting for the State legislature is residency in the State, arguably residents of the District would be barred by this Section despite partial retrocession, even if retrocession magically transformed District residents into Maryland people. Furthermore, Article I, § 2 also provides that "Representatives . . . shall be apportioned among the several States . . . according to their respective Numbers" This portion of the Article was not changed by the Fourteenth Amendment, Section 2. If partial retrocession were attempted and if District citizens were permitted to vote in Maryland, would they be counted among the number of Maryland persons to be used for apportionment purposes? If not, then District citizens would be treated unequally. If so, arguably the apportionment would be subject to challenge by citizens of other states, because the District citizens are not among the Maryland "Number" in any but the most theoretical way.

The Seventeenth Amendment presents a related problem; it provides that the Senate shall be composed of two Senators from

each State elected by the people there ". Would District citizens be considered to be among the people of Maryland? Perhaps partial retrocession could insure this, although I have doubts. But the Seventeenth Amendment also says that the electors in each State shall have the qualifications requisite for electors of the most numerous branch of the State legislature. If residence is a requirement, as it almost always is, for voting for members of the State legislature, the Seventeenth Amendment stands as a bar, it seems, to partial retrocession by statute as a way of giving a formal vote in the Senate to District citizens."

Even assuming arguendo that partial retrocession would be constitutionally permissible, politically it is a bad idea. The reason why District residents should have their own representatives is that, although the District is similar to a State like Maryland in many respects, including the problems both face, it cannot be denied that the District is a separate place with definite boundaries of great political significance and that it 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 interests in the Congress. Just as various States have a special interest in solving problems for and extending a helping hand to those persons residing within their borders, the District has a special interest in solving its own problems and helping its own people. As noted above, in one respect the District has more need for individual representation than any particular

*Although District residents voted in State elections from 1790 until 1800, State law was in effect in the District in this period, and the seat of Government had not yet been moved to the District.

State. Because it is the only federal enclave outside of the States in the continental United States, it finds that many of its laws are derived from the will of a Congress comprised of representatives of the various States rather than from the will of District people. It is plain to me that those who live in the District have a stake in the District that is considerably different from members of Congress who permanently reside in separate States but who locate in the District on a part-time basis while they serve their terms in Congress. For example, those who permanently reside in the District probably have a feeling quite different from that of most members of Congress about the large amount of federally owned tax exempt property in the District. Citizens of the District should be heard on this, as on all subjects, through their own members of Congress.

Some practical difficulties with partial retrocession are immediately obvious. For example, it is disturbing to note that if a vacancy in the office of Senator were to arise, the vacancy would be temporarily filled by appointment by the Governor. But District residents would not participate in the election of the Governor.

I must admit that I view points such as this as small ones. The fundamental point is that those people who locate within the boundaries of the nation's capital need and deserve full and vigorous representation.*

*In Raven-Hansen's, *Congressional Representation for the District of Columbia: A Constitutional Analysis*, 12 Harv. J. Leg. 167 (1975), the imaginative suggestion of "nominal statehood" is put forth. In light of the specific language in Articles I and IV and the language of the Supreme Court opinions cited by the author, I believe the suggestion should be rejected.

V. Is Statehood Desirable?

In my view the answer to this question is "no." Keeping the capital a federal enclave preserves something important to our government. The number of federal institutions in the District, the location of the Congress and the White House, and the very idea of a "center" for the nation suggest that it would be wrong to entrust complete power over the District to any State, whether it be Maryland by retrocession or a new State called "Columbia" or something like it by amendment. 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. See Testimony of Mayor Walter Washington in Hearings, supra, at 29; Testimony of John Hechinger, id. at 49. 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 both in federal programs that have as much impact in the District as in any State and, of course, in the ultimate decisions affecting the District only.

It must 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, yes. But no difference justifies the denial to District citizens of the fundamental right of voting representation in Congress.

VI. Is S. J. Res. 65 an Acceptable Resolution?

With certain additions this resolution can, in my view, provide the citizens of the District with appropriate representation without causing unnecessary problems in constitutional interpretation. Alternatively, H. J. Res. 554 can serve the same end.

The principal constitutional argument against any constitutional amendment giving voting representation in the Congress to District citizens is that such an amendment would violate Article V of the Constitution which provides that in relevant part "that no State without its Consent, shall be deprived of its equal Suffrage in the Senate." As I understand the argument, it is as follows: to allow the District to be represented in the Senate deprives States of their equal Suffrage. To be candid, I find this argument to be nonsense. From reading the records of the Constitutional Convention, I can find little to explain the precise wording of the quoted portion of Article V. It appears to be an attempt by the smaller states who favored the New Jersey plan to ensure that the large states who favored the Virginia plan would not immediately amend the Constitution to do away with the provisions regarding the Senate that were so important to the smaller States. No matter how one views this provision -- e.g., under a "plain meaning" analysis, by focusing on constitutional history and the intent of the framers, or by utilizing a structural analysis -- letting the District vote in the Senate cannot be said to violate the letter, the spirit or the likely goals of the provision. Nothing in the language of this Article states that the Constitution cannot be amended to give entities other than States voting power in the Senate. All

that is required is that a State have an equal vote. If the District is given two Senators, no State is in an unequal position when compared to any other State or to the District. Those who use this language to argue against the validity of a constitutional amendment point to nothing in the background of the Constitution to support a reading that no amendments concerning the Senate would ever be permissible, which I believe must be the thrust of their argument. While it is possible that the Constitution contains parts that are unamendable, I would think that, where possible, a living document, one written for the ages, would be construed to allow amendments to meet the felt needs of the times. The need of our time is representation for the District's many citizens.

It has been argued in a philosophical vein that the Constitution should not be lightly amended. With this I agree. But I do not view affording the citizens of the District voting representation in the Congress as a great disruption of the status quo. Yes, it is the first time that voting representation would be given to some entity other than a State. Aside from this interesting historical fact, the mechanics are simply not that difficult. Compared to the disruption attributable to the Supreme Court's voting rights cases, and congressional legislation like the Voting Rights Acts, this proposed constitutional amendment is a rather simple proposition: it gives the District citizens a vote, it does it as simply as possible with as little confusion as possible, and it brings the District into our one person, one vote Twentieth Century.

It is a strange and very disturbing argument that the Constitution can be amended to affect the President, the House of Representatives, the Supreme Court, the Bill of Rights, and the balance between federal and state power, but that no amendment can touch the composition of the Senate--no matter why, how much needed or what the circumstances. If necessary, I would reject that argument. But I need not, since no reading of the Constitutional language suggests that it would be violated either by S. J. Res. 65 or H. J. Res. 554.

Is S. J. Res. 65 a simple, straight-forward proposal? I think that it is. Section 1 provides that the people of the District shall elect two Senators and the number of Representatives to which the District would be entitled if it were a State. According to the last census, the District would be likely to have two Representatives. Because Section 1 states that each Senator or Representative shall be an inhabitant of the District and shall possess the same qualifications as to age and citizenship and have the same rights, privileges and obligations as a Senator or Representative from the States, possible conflicts with Article 1, § 2 and the Seventeenth Amendment are avoided.* These two constitutional provisions generally require that electors voting for Senators or Representatives have the same qualifications as electors for the most numerous branch of the State legislature. Section 1 simply provides a different approach for elections in which District citizens vote for members of Congress. Read in conjunction with Section 4, it is evident that the proposed amendment would give to Congress the authority to define who could vote in the District's

*If H. J. Res. 554 is adopted, perhaps similar language should be included.

congressional races. No one need fear that Congress would usurp the power intended to be given to the people of the District, since the one person, one vote concept, together with the kind of legislation that is to be expected from a Congress once the proposed amendment is approved by three-quarters of the States, will ensure that the District elections are as fair and open as those held in any State.

Section 2 states that when vacancies happen in the representation of the District, in either the Senate or the House, the people of the District shall fill such vacancies by election. Once again, this Section should be read in conjunction with Section 4, and it is apparent that Congress is authorized to provide for special elections or to allocate the power to provide for special elections to local government. While this provision is simple and straight-forward, I oppose it. Although Article I, Section 2 of the Constitution provides that a vacancy in the House shall be filled by election, the Seventeenth Amendment authorizes temporary appointments of Senators until vacancies are filled by election. There are two possible reasons for distinguishing the District from the States with respect to the Senate: 1) it is not clear that Congress would trust the executive authority in the District to make appointments, and 2) it is also unclear whether the executive authority would ultimately be considered to be the Mayor or the President of the United States.

I would prefer language like the following in lieu of the current language of Section 2: "When vacancies happen in the representation of the District in either the Senate or the House of Representatives, the people of the District shall fill such vacancies by election or temporary appointment in

accordance with congressional legislation."* The advantages of this language are two: First, it avoids the need for current debate about whether election is appropriate in all circumstances as a way of filling a Senate vacancy and second, it assures the Congress that, if and when the District gets more power over its own affairs and the Congress trusts the District to run its affairs without close congressional scrutiny, it would be appropriate for Congress to allow the District's executive to fill temporary vacancies. There is no need to chisel in granite forever one approach to filling vacancies. It might be argued in response that such a proposal would represent the only place in the Constitution where Congress is given power to choose one or another method of filling a vacancy. But I think that the appropriate response is that the amount of local control allocated to the District government has changed over time, whereas the States have always had lawmaking power independent of the federal government. There is no reason why the changing nature of District government cannot be recognized by a sui generis constitutional provision.

The third Section leaves the 23rd Amendment to the Constitution untouched. I would repeal the 23rd Amendment. The thrust of S. J. Res. 65 is to give equal voting representation to District residents. I can see no good argument for doing this in the Congress and not in the Electoral College. I realize that the Congress is considering Electoral College reform. If it comes, it can come for the District as well as for the States.

*If H. J. Res. 554 is adopted, the language could be clarified to make the same point.

Until such time, the 23rd Amendment should be viewed as a step along the way to equal voting rights for District citizens. Once the commitment to complete equal rights is made, the Amendment is an anomaly. The best argument for Section 3 is that to propose repeal of the 23rd Amendment is to add to the controversy surrounding S. J. Res. 65. Even so, one who supports an equal voice for the District in the Congress should appreciate the need for an equal voice in the selection of the leaders of a co-equal branch of government. If, for one reason or another, a judgment is made not to disturb the recently enacted 23rd Amendment, so be it. Otherwise, I would prefer that the language of Section 3 of H.J. Res. 554 be substituted for the first sentence of Section 3 of S. J. Res. 65. The second and last sentence of Section 3 of S. J. Res. 65 should be kept as it is to make clear that if the House of Representatives has to choose a President, the District would be treated in the House as if it were a State, which is important in view of the fact that the House votes by State under the 12th Amendment.

Section 4 provides that Congress shall have power to enforce the amendment by appropriate legislation. This Section should remove any difficulty posed by Article 1, § 4 of the Constitution, which provides, in part, that Congress may not alter the places of choosing Senators chosen by the States. Section 4 should make clear that Congress has authority to control the District's election of its Congressional representatives. While this gives Congress more power over the District than over the States, there is nothing in the Constitution to bar such an approach by constitutional amendment. Furthermore, this approach is consistent with the notion that at the same time that Congress

is treating the citizens of the District more equally than ever before, the Congress is recognizing that the District is in some ways unique and that Congressional oversight in the name of the United States is desirable.

If I were drafting the proposed amendment, I would probably add one more section. It would sound something like the following lines: "Congress shall have the power to provide that the District may be included in the ratification process for any future constitutional amendment." If District citizens are to be treated as equal in the halls of the Congress, it is somewhat ironic that S. J. Res. 65 would deny them an opportunity to be heard during the ratification process for future constitutional amendments. This is not to say that District citizens would have no voice. They would be able to express a view in both Houses of Congress on whether an amendment should be sent to the States for ratification. But the District would have no voice beyond this. Apparently, there is a good reason for this irony. It is not clear that the elected governing body of the District is the equivalent of a State legislature. Congress should trust Therefore, it is not clear that the elected governing body of the District to ratify in the name of the District a constitutional amendment. Over time more responsibilities may be given to the District government and confidence in its capacity to make decisions may grow. My proposed fifth Section would recognize that Congress should have the power to include the District in the ratification process in a manner that it deems desirable. There is little reason now to shut the door on the possibility that the District can effectively participate in the amendment process in the future. And there is scarcely

more reason to undertake a debate now the current state of local government in the District of Columbia. This is my compromise position between S. J. Res. 65 and H. J. Res. 554.

VII: Will the District be Over-Represented?

One final red herring needs to be disposed of before I conclude. The argument has been made that persons who would vote for members of Congress in the District have roots that do not run deep enough to warrant the same kind of representation given to citizens of the States. In this mobile society it is questionable whether most people have roots that run very deep in the community in which they vote. Assuming, however, that citizens in most States have drawn sustenance from the places in which they vote for a longer period than have District residents, the fact remains those who are in the District, even for a period of only a few years, have an interest in common with those who have been there for a longer period of time. One who resides in the District and can satisfy residency requirements has the same problems as any other District resident and the same stake in voting. What difference does it make whether someone is spending two, three or ten years in the District? Federal legislation that extends beyond the States to reach the District affects people who are in the District even for a short period. And more importantly, the legislation that Congress may enact with specific reference to the District has a particular impact on those who reside there for any length of time. The Supreme Court has made it quite clear that it is impermissible for States to attempt to differentiate people who have been present for a short period from those who have

been present for a long period when it comes to voting. The Congress paved the way for this view in its voting rights legislation. Those who have sufficient connection with the District qualify as voters and deserve a vote no matter how long or how short a period they have been present.

A carefully conducted census should assure that only those who are permanent residents of the District are counted for apportionment purposes.

VIII. Apportionment and the House of Representatives

Since the Constitution provides that Representatives shall be apportioned by population as determined by an enumeration made every ten years, and since Congress has usually authorized an apportionment after each census, reapportionment to accommodate the District is nothing out of the ordinary for the House. The Congress can provide by legislation that the number of Representatives will be increased temporarily to accommodate the District and when Congress next undertakes reapportionment it can confront the question whether to permanently expand the size of the House.

IX. Conclusion

On the basis of the testimony that I have provided, I can see no reasonable basis for any longer denying District citizens full voting representation in the Congress of the United States. I hope that the Subcommittee notices that, without identifying the members of the House of Representatives by name, I have endeavored to respond

to all of the arguments raised in opposition to the House resolution, H. J. Res. 554, in the separate statements appearing in H. R. Rep. 95-886 (February 16, 1978). At the moment, H. J. Res. 554 is superior to S. J. Res. 65, but the latter easily could be amended so that it would be equal to, and perhaps even a better resolution than, that passed by the House.

UNIVERSITY OF VIRGINIA

CHARLOTTESVILLE, VIRGINIA - 22901

SCHOOL OF LAW
August 16, 1978

W. Carey Parker, Esq.
Legislative Assistant to
Senator Edward Kennedy
United States Senate
Washington, D.C. 20510

Dear Mr. Parker:

After I testified before both a House Subcommittee on Civil and Constitutional Rights and a Senate Subcommittee on the Constitution in favor of a constitutional amendment giving full Congressional representation to citizens residing in the District of Columbia, several Senators raised points that previously were mentioned only obliquely, if at all. None of these points withstands more than superficial analysis, but they have received press coverage and require a response if the record before the Senate is to be complete. You have invited me to comment on the arguments. I do so now. Perhaps you would be so kind as to add this letter to my testimony.

Senator Bartlett wrote to the Washington Post on June 1, 1978 to explain a statement that he previously had made. His letter emphasized that the District gets unique benefits from the federal government and therefore is better represented than many states even without actual voting representation in the Congress. Matthew Watson, the District's auditor, responded in the Post with a "Taking exception" column published seventeen days later. He demonstrated quite convincingly that the District is worse off because of federal help than is Oklahoma, Senator Bartlett's state.

There is more that should be said in response to Senator Bartlett. The Senator argued that the District receives tourist and convention business as a result of being the Nation's capital. But the burdens of handling tourists, many of whom will pass through for a day or rent rooms in the neighboring states is real. For every "benefit" conferred upon the District because of its status as seat of the national government, there are corresponding burdens. Whether a given state of affairs is a benefit or burden is not even clear. What is clear is that in the United States citizens generally have a vote as to the way their government will be run. District citizens now have no such vote. Moreover, any "benefits" that can be identified have been imposed on District residents who may or may not have desired them, and who may have preferred another state of

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affairs. In fact, there is every reason to believe that District residents, if they had exclusive control over their destiny, would make different choices than the Congress. This is the reason why people like me (and I believe the majority of the Congress and the American people) want to see the District remain a federal enclave, not a separate state. Because the District is denied ultimate control over its own destiny, it is imperative that its residents have a full voice in Congress that has the control.

Two more comments on the unique benefits the District receives from the federal government are in order. First, every state and even many cities and counties have from time to time vied for a piece of federal largess. They have sought unique forms of special help to satisfy their special needs. Never has it been suggested that receipt of federal benefits requires a diminution of a jurisdiction's voting rights. Hence, the District is no different with respect to federal benefits than any state. Second, the residents of the District do not believe that the Congress is as generous in its treatment of the District that no independent representation is necessary. The District hardly would give up a bonanza, if it existed. It does not. The District, like the states, receives some help from the federal government, and, like the states, it should have a voice in how federal assistance is allocated.

Senator Bartlett also refers to the history behind the formation of the District. As my full testimony before the Senate Subcommittee indicates, there is nothing in the background of the District that suggests that residents of today's District should not have full Congressional representation. The Constitution was drafted before a District existed. The framers apparently believed that people would not lose voting representation because the District was formed. Apparently, they viewed the District as a small unit which would remain so close in its interests to Maryland and Virginia that District residents would continue to vote there.

But the framers did not work out the details. And it is not really surprising that, ~~Lanthe~~ the seat of the government actually was transferred to the District, Congress enacted legislation consistent with the view that District residents were not residents of any state (i.e., Maryland or Virginia) and could not vote there. Depriving a few citizens of the franchise was not a major concern at a time when only the votes of white males counted. For a century and three quarters, the District has been separate from the surrounding states.

For the last 100 years this Nation has undergone a voting revolution. The Fifteenth Amendment, the Nineteenth Amendment, the

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Twenty-Sixth Amendment, the one person, one-vote decisions of the Supreme Court have established voting as a basic right of Americans. To suggest that the framers would have opposed full voting representation for the District is to ignore the history of the District and of voting rights, not to rely on it. Moreover, it is to ignore the lessons of the Twenty-Third Amendment, giving the District participation in the electoral college, which was so quickly ratified by the people of the United States.

And to suggest, as did Senator McClure in his August 7, 1978 letter to the Washington Post, that ceding most District land back to Maryland or to opt~~ing~~ legislation allowing District citizens to vote in Maryland is to totally ignore the history. The District has developed on its own; its interests are not the same as those of Maryland. Since 1801, the District and Maryland have gone separate ways, developed separate identities, and separate governments. No shotgun wedding will easily bring these entities together. Even worse is the idea of giving voting rights in Maryland to District citizens. I have previously testified that such a statute would present serious constitutional problems and is a practical nightmare. I shall not repeat these arguments. It should suffice to say that the notion that District people should vote for Senators whose principal obligation will be to a state in which they do not live must be labeled as wrongheaded.

This brings me to one other argument made by Senator McClure: "[T]he Senate was designated to represent states, not cities. If Washington is singled out for this special status, what is to keep us from granting similar status to cities with populations as large or larger." The answer is clear: "What will keep you from doing this is commonsense and a regard for the Constitutional order." No city now part of a State can claim that for most of the Nation's history it has been an independent entity. Only the District presents the case of people, now disenfranchised, who have been forced to develop their identity separate from any State. By comparing the District to cities, Senator McClure should see that the history of the District is unlike that of any city and that those in the District who now have no voting representatives in Congress should have them.

Finally, there is the concern of Senator Bartlett and Senator Scott (expressed August 15, 1978, and reported by wire service in Virginia) that somehow the District would be overrepresented if it had full voting representation in Congress.

Because Congress has control over certain local activities of the District that it does not have over the states, District residents have a greater need for representation in Congress than do residents of the states. By giving the District two Senators and proportional

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presentation in the House, the District would not even be equal to the states, since the elected members of Congress from the fifty states still would have control over the District's local affairs. To give the District an equal voice with any state is all that proponents of the constitutional amendment seek. To oppose that is to fight against the trend toward full and equal suffrage that has made this nation a symbol of freedom to the world.

Sincerely,

Stephen A. Saltzburg
Professor of Law

SAS/vpt

September 7, 1978
(Revised from April 3, 1978)

DISTRICT OF COLUMBIA REPRESENTATION: "AS THOUGH IT WERE A STATE"

STATUS

On August 22, the Senate approved and sent to the states a constitutional amendment that would give the District of Columbia voting representation in the House and Senate and, in addition, would allow the District to participate, like the states, in the ratification of constitutional amendments. The vote was 67-32, one more than the required two-thirds majority. The House of Representatives had previously passed the amendment, 289-127, on March 2. As of the date of this Issue Bulletin, two state legislatures have considered the amendment, but neither has ratified. In California, the House approved the amendment, but on August 30 the Senate refused, by a 20 to 17 vote (30 votes being necessary), to suspend the rules in order to bring the measure to the floor. In Delaware, the House rejected ratification by a 21-16 vote on August 31 and, therefore, the Senate did not consider the amendment.

THE PROPOSED AMENDMENT

The text of the amendment is as follows:

Joint Resolution proposing an amendment to the Constitution to provide for representation of the District of Columbia in the Congress.

Section 1. For purpose 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.

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.

Section 3. The twenty-third article of amendment to the Constitution of the United States is hereby repealed.

Section 4. This article shall be inoperative, unless it shall have been ratified as an amendment to the Constitution by the legislatures of three-fourths of the several States within seven years from the date of its submission.

- BACKGROUND ON THE DISTRICT OF COLUMBIA

The exceptional case of the area of land known as the District of Columbia is defined in Article I, Section 8, Clause 17, of the Constitution.

The Congress shall have the 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, and to exercise like authority over all places purchased by the consent of the legislature of the State in which the same shall be, for the erection of forts, magazines, arsenals, dockyards, and other needful buildings....

In Federalist No. 43, James Madison explains the above-quoted clause in this way: "The indispensable necessity of complete authority at the seat of government, carries its own evidence with it. It is a power exercised by every legislature of the Union, I might say of the world, by virtue of its general supremacy. Without it, not only the public authority might be insulted and its proceedings interrupted with impunity; but a dependence of the members of the general government on the State comprehending the seat of the government, for protection in the exercise of their duty, might bring on the national councils an imputation of awe or influence, equally dishonorable to the government and dissatisfactory to the other members of the Confederacy."

Congress assumed authority over the District of Columbia, an area of 100 square miles created from lands ceded by Virginia and Maryland, by an act of February 27, 1801, that provided merely that the laws of Virginia and Maryland should continue in force where they had previously applied. At first there were five units of local government in the District--the county of Washington, the city of Washington, and the city of Georgetown, all in the former Maryland territory; and the county and city of Alexandria in the former Virginia territory. The last two left the District with the retrocession of the lands of Virginia back to the state in 1846. Since that date, Washington has remained the same area: 62.7 square miles.

The dramatic rise in population spurred by the events of the Civil War led to the adoption of District-wide government in 1871. Controversy preceding the establishment of the new form of government centered on the issue of suffrage and secondarily on the division of authority between Congress and local officials. A territorial form of government was agreed on as a compromise. This form provided for a governor appointed by the President for a term of four years, an upper legislative chamber composed of eleven members appointed by the President for two-year terms, and a house of delegates composed of twenty-two members elected annually from twenty-two districts. The District was entitled to elect a non-voting territorial delegate to the House of Representatives. Broad powers to make regulations and disburse money on its own warrant were vested in a five-man Board of Public Works, headed by Alexander R. Shepherd. The Board energetically set about making public improvements but spent \$20 million in so doing--nearly three times what had been estimated by Congress. Having made Washington a city habitable but bankrupt, the territorial government died ignominiously. In 1874 Congress replaced the territorial form of government with a three-man Board of Commissioners appointed by the President. The office of non-voting delegate to the House of Representatives was abolished.

With the ratification of the Twenty-Third Amendment to the Constitution, which gave the city three electoral votes, in 1961, Washingtonians were given the right to vote in presidential elections for the first time. The Reorganization Plan No. 3 of 1967 instituted a mayor-council form of government with appointed offices. In 1968 Congress passed an act allowing residents of the city to elect members of their school board. In 1968 President Nixon proposed that the nation's capital be granted both "meaningful self-government" and the right to elect representatives to Congress. In 1970, Congress granted the people of the District the right to elect a non-voting delegate to Congress, a position that has been held by Walter E. Fauntroy ever since. The delegate sits on House committees where he may vote, and participates in floor debates where he may not vote. In 1973, the Council received power to legislate in local matters. Congress retains power, under Article I of the Constitution, to enact legislation and to veto or supersede the Council's acts.

Since assuming his delegate seat, Fauntroy has been diligently championing full voter representation in Congress for the District. On February 18, 1976, the House Rules Committee agreed, for the first time in more than a century, to release a constitutional amendment proposing District voting representation in the Senate and House. The bill failed to receive the necessary two-thirds affirmative votes for passage.

SECTION I -- REPRESENTATION IN THE HOUSE.

A constitutional amendment is required in order to give the District voting representation in Congress. The Constitution states (Article I, Section 2) that "the House of Representatives shall be composed of members chosen every second year by the people of the several States," and (Article I, Section 3) "the Senate of the United States shall be composed of two senators from each state." Because the District of Columbia is not a state, the proposed amendment provides that "for purposes of representation in the Congress...the District...shall be treated as though it were a state." Since the ratification of the Constitution in 1789, no lands or territories have achieved voting representation in Congress without first becoming a state under Article IV, Section 3, Clause 1 of the Constitution.

Because representation in the House of Representatives is based on the apportionment of population by state, it has become a tradition to regard the House as "the people's house." Proponents of the D.C. amendment argue that it is unjust to deny representation to nearly 700,000 citizens. Thus, the favorable report of the House Committee on the Judiciary maintains that "It seems indeed ironic that a nation which has, over the years, continued, through congressional and judicial action, to extend the franchise still denies representation in the National Legislature to American citizens residing in the Nation's Capital."

The regular membership of the House of Representatives has remained unchanged at 435 for 66 years. When Alaska and Hawaii became states, each was assigned one seat, temporarily increasing the size of the House to 437. However, the statehood enactments for both of these states provided that the total of 435 would be restored in the apportionment based on the 1960 census. If the proposed constitutional amendment is ratified, one of the several unanswered questions confronting Congress would be whether to increase the size of the House of Representatives.

Article I, Section 2, Clause 3, of the Constitution provides that even though the number of representatives shall be apportioned according to the national population, "each state shall have at least one representative." After one representative has been assigned to each state as required by the Constitution, the apportionment by population takes place.

Proponents of the constitutional amendment contend that the District of Columbia has a larger population than seven of the states. And since the populations of these states are represented by at least one United States representative, the residents of the District should be at least equally represented. Further, they argue that land area is no qualification for voting representation in the House. (Rhode Island, the smallest state, has an area of 1,214 square miles, as compared to the 62.7 square miles of the District.)

The following table compares certain important characteristics of the District and those states with the smallest representation in Congress:

	Pop. 1970	Estimated Pop. 1977	No. of Reps.	Elec. Votes	Total Votes for Pres. - 1976	% of Reg. - Voters - Voting in 1976	% of Voting - Age Pop - Voting in 1976
Alaska	302,173	407,000	1	3	122,398	59%	47%
Wyoming	332,416	406,000	1	3	155,671	82	60
Vermont	444,732	483,000	1	3	182,186	73	64
Nevada	488,738	633,000	1	3	195,271	82	49
Delaware	548,104	582,000	1	3	234,673	78	58
North Dakota	617,761	653,000	1	3	292,970	N/A	71
South Dakota	666,257	689,000	2	4	300,192	71	64
Montana	694,409	761,000	2	4	322,962	75	66
New Hampshire	737,681	849,000	2	4	338,611	71	59
Washington, D.C.	756,510	690,000	1	3	165,965	59	31

NOTES

1. Population estimates for 1977 are by the Bureau of the Census.

2. The District's representative in Congress is non-voting.

3. The number of electoral votes is the sum of a state's United States senators and representatives. The Twenty-third Amendment to the Constitution stipulates that Washington, D.C. shall have the same number of electors as the least populous state.

HIGHLIGHTS

1. Compared to the nine least populous states, the population of the District of Columbia is decreasing while the others are increasing. In fact, the District's population has been decreasing steadily since 1950, when it reached a high of 802,178.

2. If the District of Columbia had been granted congressional voter representation in 1970, it would have received two members of the House. If the proposed amendment is ratified by three-fourths of the states, the District will probably receive one member of the House after the 1981 reapportionment based on the 1980 decennial census.
3. Although the population of the District is 690,000, its registered voter turnout for the 1976 presidential elections was lower in percentage than any of the least populous states (59 percent, the same as Alaska). Its voter turnout of those eligible to vote, registered or non-registered (31 percent), was substantially lower than the next lowest turnout (Alaska with 47 percent.) In addition, the percent of eligible voter turnout in the District for the 1976 elections was the lowest in the nation, and the percent of the registered voters voting was the lowest in the nation.
4. Since the District turned out 59 percent of the registered voters and 31 percent of the voting age population for the presidential election of 1976, then the lack of voter representation in Congress can be calculated to affect 281,355 registered voters and 535,483 persons of voting age.

By way of comparison, the residents of the following territories of the United States are United States citizens but do not vote for president or have voting representation in Congress.

	<u>POPULATION</u>
Puerto Rico	3,210,000
Virgin Islands	100,000
American Samoa	31,000
Guam	100,000

Most of the amendment's proponents have resurrected the great American battle cry: "No taxation without representation!" They argue that since the residents of the District of Columbia have

*The problems in determining how many citizens of the District are in fact affected by the lack of voting representation in Congress is complicated by the sizable number of citizens who reside in the District but maintain legal domiciles in other states. No records exist of the number of District residents casting absentee ballots in other states. In the court case of Carliner v. Board of Education, it was estimated that 100,000 residents of the District were eligible to vote in other jurisdictions. Whether this number is accurate cannot be determined.

no immunity from federal taxation, they should by right have voting representation in Congress. But, it must be remembered that during the first several decades of the Republic, the converse of the battle cry was also true, that is, most states allowed only tax-paying land owners to vote and thereby have a say in their representation. And, the notion of no taxation without representation (and its converse), while still very much a part of the American spirit, has been somewhat attenuated by modern American history. In the federal and state legislatures, and in court rulings, the modern trend has been to separate the issue of taxation from the issue of representation. Numerous classes of citizens, fully subject to and protected by the laws, pay no federal or state income tax whatever even though they regularly vote in federal elections in the state of their residence. These groups include, among others, retired persons living solely on social security, students attending colleges and universities, disabled Americans supported entirely by veteran's or other compensation, and individuals living entirely on welfare.

As stated before, if the proposed amendment is ratified by the required three-fourths of the states, the Congress will have to decide whether to increase the membership of the House of Representatives or keep it at 435. The population of the District of Columbia is not currently figured into the national population for purposes of apportionment. The United States is facing a decennial census in 1980 which will be the basis of reapportionment of Congressional districts in 1981. If the House decides to keep its membership at 435 and if the population trends, as estimated by the Bureau of the Census, continue until 1981, then adding the population of the District to the apportionment population would result in the loss of one seat from Illinois and the assigning of that seat to the District.* In other words, Illinois, a state whose population is increasing, will be deprived of representation in the House by a non-state whose population has been declining for 28 years. (This reapportionment is in addition to the prognosticated reapportionment resulting from the 1980 census of national population migration.)

SECTION I -- THE SENATE

The case for representation in the Senate is conceded by both proponents and opponents to be more difficult. Members of the House represent numbers of people. But senators represent their states at-large. The Senate is the body of equal representation of the states while the House is the body of proportional representation of the people. This distinction is a result of the "Great Compromise" of the Constitutional Convention of 1787 which resolved the competing interests of the large versus the small states. It is the foundation of the uniquely American ideas of governmental federalism and state "sovereignty." Thus, in Federalist No. 62, the author

*This was calculated using the Census Bureau's "method of equal proportions" which has been the official method since 1910.

(either Hamilton or Madison) remarks: "In this spirit it may be remarked, that the equal vote allowed to each state is at once a constitutional recognition of the portion of sovereignty remaining in the individual states, and an instrument for preserving that residuary sovereignty."

STATE SOVEREIGNTY

The proposed amendment would give the District federal representation "as though it were a state." But what is a "state" and what matter of sovereignty is there in the states? Chief Justice Marshall, in Cherokee Nation v. Georgia (1831), defined a state as "a political community of free citizens, occupying a territory of defined boundaries, and organized under a government sanctioned and limited by a written Constitution, and established by the consent of the governed." James Brown Scott in Sovereign States offered this definition: "The State is an artificial person, representing and controlled by its members but not synonymous or identical with them. Created for a political purpose, it is a body politic. It is a distinct body, and artificial person; it has a will distinct from its members, although its exercise is controlled by them."

In the Constitution, all the powers and authorities enumerated in the several articles are derived from the "more perfect union" of the states. In Federalist No. 39, Madison establishes his important idea that the proposed Constitution is neither a confederacy of sovereign states nor a consolidation of the states but a combination of both: "It appears, on one hand, that the Constitution is to be founded on the assent and ratification of the people of America, given by deputies elected for the special purpose; but, on the other, that this assent and ratification is to be given by the people, not as individuals composing one entire nation, but as composing the distinct and independent States to which they respectively belong." Thus, Madison does not claim the type of state sovereignty enjoyed by the states under the Articles of Confederation but he does claim that the states are "distinct and independent."

State sovereignty, or the "portion" of state sovereignty envisaged by Madison, has been much reduced by events of American history. The Civil War destroyed the notion, as championed by John C. Calhoun, that the states were almost entirely sovereign. The Fourteenth and Fifteenth Amendments to the Constitution were squarely aimed at limiting the independence of the states. The Sixteenth Amendment established a federal tax on everyone's income. But, the Seventeenth Amendment, which changed the selection of United States senators from appointment by the state legislatures to the direct election of the people, was the most crippling blow. Appointment of senators by the states, through the state legislatures, was a continuing imposition of the reality of state sovereignty on the federal government. And the Supreme Court of the twentieth century has consistently imposed federal mandates on the states, especially through its interpretation of the Fourteenth Amendment.

So what is left of state sovereignty that by definition would preclude the awarding of two Senate seats to the District of Columbia? The states are sovereign or "distinct and independent," to use Madison's definition, in that they are political beings that can tax, spend, create and execute law, punish crime and administer justice. All of these authorities are carried out by the City Council of the District of Columbia but all are subject to congressional approval. So the District cannot be said to have "independence" in its city council's deliberations as the states do in the deliberations of their legislatures. And the yearly budget, that exercise of the power of the purse, is not legislated at all by the District but is a duty of the appropriate committees of each House. And the police power in the District is not the exclusive jurisdiction of the city government since the city police exercises joint jurisdiction with several federally-chartered police forces in some areas and has no jurisdiction over certain federal properties at all.

In addition, the states may enter into interstate treaties and compacts, permissible under the Constitution subject to the approval of Congress, with other states. The states have used this right to a significant extent in the twentieth century, especially concerning matters of commerce, large public-works, and transportation. No other power of the states seems to be more definitive of the states' continuing distinctness and independence. The District of Columbia is currently party to several interstate compacts, but they have all been negotiated between the Congress and the interested states. Currently the procedures by which the District will become party to additional compacts are undergoing reexamination. Some interpret the home rule charter to mean that the District can enter into interstate compacts while others interpret it to mean the opposite. Legislation has been introduced into Congress to grant unequivocally the right for the District to enter into such compacts. But until such legislation passes, the District, unlike the states, has no such right.

THE TWO HOUSES

In his famous work, Democracy in America, Alexis de Tocqueville, after scrutinizing the make-up of the national legislature, remarked: "The principle of the independence of the States prevailed in the formation of the Senate, and that of the sovereignty of the nation predominated in the composition of the House of Representatives." That the Senate balances the House in terms of the use of political power is argued by the Federalists as one of the most fundamental underpinnings of the Constitution. A representative, facing reelection every two years and representing only a locale of a state, not an entire state, can be subject to the demands of a narrow constituency. His constituency might be the political opposite of a bordering constituency of the same state. For instance, a congressman representing a district heavily populated by members of labor unions would necessarily represent this interest in his voting record or face eviction from office at the next election. But the neighboring district of the same state might be rural and inclined to support

the right-to-work laws, and such support would be reflected, in all likelihood, by its congressman. In the words of the Federalists, the House is "the numerus body" and "the representative ought to be acquainted with the interests and circumstances of his constituents" (No. 56) because "...it is particularly essential that the branch of it under consideration (i.e. the House) should have an immediate dependence on, and an intimate sympathy with, the people" (No. 52) and because "the House of Representatives is so constituted as to support in the members an habitual recollection of their dependence on the people." (No. 57)

Because of this constitutional mandate to keep close ties to the people, it has become customary for congressmen to attend very closely to the needs and complaints of constituents. Thus, some congressmen maintain as many as four constituent offices in their congressional districts while it is unusual for a senator to maintain more than two offices in his entire state.

While competing interests may be few in a congressional district, a senator, representing all the congressional districts in his state, must necessarily face a multitude of competing interests. As a result, he must have a more general view of all political issues. By way of example, the senators from Illinois must represent a state whose House delegation is evenly split between the two parties (twelve Republicans, twelve Democrats), and likewise the senators from Arizona (two Republicans, two Democrats). Today a senator faces from within his state what Madison saw as a national characteristic in 1787, namely, a "dissimilarity in the ingredients," and a "diversity in the state of property, in the genius, manners, and habits of the people of the different parts of the union." (No. 60)

In addition, the framers of the Constitution gave certain other powers to the Senate that they regarded as non-political functions, namely the power to try impeachments, to ratify treaties, and to approve executive nominations. These tasks were assigned to the Senate because it is more likely to be free from the "demon of faction" than the House, that "numerous and changeable body." Thus, the Senate was contemplated by the Federalists to be "a select and stable body," (No. 63) an idea that Tocqueville later reemphasized by calling it "the great executive council of the nation," a body that will be "sufficiently independent" (No. 65) to wisely tend to "national concerns" (No. 64) and "the comprehensive interests of their country" (No. 62).

THE INDEPENDENCE OF THE STATES

The Constitution guarantees a "republican form of government" to each state (Article IV, Section 4). And all states have a republican constitution that closely mirrors the federal Constitution -- but not the District of Columbia whose city council takes the place of the state legislature, but every action of which is conditional on the approval of Congress, and therefore, not independent.

As Ignazio Silone said in his School for Dictators: "The first test to be applied in judging an alleged democracy is the degree of self-governing attained by its institutions." The District has self-government at the pleasure of Congress--not independent of it. Indeed, Congress could abolish the City Council or the District of Columbia at will. It retains such constitutional prerogatives. To give such a unique area equal standing with the several states in the Senate would effect a fundamental change in the Senate indeed. One must wonder if certain other cities, for instance, New York City, should make an equally justifiable claim to representation in the Senate.

Proponents of the amendment have maintained that the clause of Article V: "no state, without its consent, shall be deprived of its equal suffrage in the Senate," is not at issue here because this clause merely insures that no state can receive proportionally more representation in the Senate than any other and because this clause has never been an impediment to the admission of new states under Article IV, Section 3. But a strict reading of Article IV and Article V taken together might lead to the conclusion that a state can have its proportional suffrage in the Senate reduced by the admission of a state only but cannot be denied its proportional suffrage by the admission of any other entity.

THE SPECIAL CASE OF THE DISTRICT OF COLUMBIA

Washington, D.C. is the "federal enclave" and as such can be considered a company town. It is not possible to separate the land area of the District of Columbia from its one and only activity, the daily business of the federal government. The federal government employs 18.3 percent (223,900 employees) of those working in the District while the service industry, which is closely aligned with the federal government, employs 25.5 percent (149,200 employees). Employment trends show an ever increasing domination by the federal government.

The District receives a direct grant from the federal government annually. This payment is provided in recognition of the District's role as the nation's capital and helps compensate the city for tax losses due to the large amount of non-taxable federal property in the city. It is based on Congress's jurisdiction over the city as provided in Article I, Section 8, Clause 18 of the Constitution, already referred to above. Needless to say, none of the fifty states receives such an unrestricted annual grant from the federal government. Since 1950, when the population of the District began to decline, the amount of the federal payment has steadily increased to the point that for 1978 the sum will be \$300 million, or 28.04 percent of the District's budget. Total federal aid to the District was \$1,010 per capita in 1975, about four times more, on the average, than federal aid to any of the states, except Alaska which received \$739 of federal money per capita. Compared to the forty-eight largest cities in 1974, Washington (the eleventh largest) received more aid from the federal government than any city except New York City.

Washington would have a recession-proof economy as long as federal spending stayed constant. Since federal spending is ever increasing, the area of the District has an assured boom economy. In Washington the federal government is omnipresent and nearly omnipotent. There are no competing factions or interests. Manufacturing employment in 1976 was only 16,100.

Because of all this, it would seem that U.S. senators from the District of Columbia would be in the seemingly paradoxical, but at least unique, position of representing the interests of the federal government to the federal government. In addition, it would seem that a senator from the District would be under no compulsion to weigh the interests of any competing interests since there are not any other interests that could have a significant influence in his election. It is rather obvious to point out that the employees of the federal bureaucracy, the overwhelmingly dominant class in the District, will elect representatives to the U.S. Congress who are sympathetic to the continued growth and prosperity of the federal working class. But bigger and more federal agencies and programs, something which favors the economy of the District, has the effect on the people of the several states of greater federal taxes, and more federal regulations. While the senators from the several states must continually balance the claims of competing factions from within their own states and also balance the federalist distinction of state versus federal sovereignty, senators from the District would have no immediately practical reason for so doing.

Under the home rule charter, the City Council can be regarded as a kind of state legislature for the District of Columbia, but one of no sovereignty because of Congress' absolute veto over any of the actions of the council and absolute legislative control over the city's budget. Providing for election of senators from the District would give the District the status of a state since it would have equal representation in the Senate, almost the definition of a state. With the District regarded as a state in the Senate, it would seem that the federal government has become incarnated in a new way in that in addition to federal law, regulation, and influence, there comes into existence a physical manifestation of the federal government--the land of the state of District of Columbia, and a human manifestation--the senators from the District.

With this in mind, it would seem that, for the senators from the District, none of the state restraints on the federal government that Madison speaks of would be any longer applicable: "Thus each of the principal branches of the federal government will owe its existence more or less to the favor of the State governments, and must consequently feel a dependence, which is much more likely to beget a disposition too obsequious than too overbearing towards them. On the other side, the component parts of the State governments will in no instance be indebted for their appointment to the direct agency of the federal government, and very little, if at all, to the local influence on its members." (No. 45)

SPECIAL PRIVILEGES FOR THE DISTRICT

Another power granted to the District under Section 1 of the amendment is the participation of the District in the ratification of constitutional amendments under Article V of the Constitution. But Article V states that proposed constitutional amendments shall be ratified by the state legislatures of the several states. Since it is not a state, the District has no state legislature. Congress would have to decide whether the City Council can function in this capacity.

Several of the legislatures of the states that have not yet ratified the controversial Equal Rights Amendment have considered putting the ratification to a referendum of the people. But the state attorneys general have all rightly pointed that such a referendum would be unconstitutional since the Constitution specifically provides that constitutional amendments shall be ratified by the state legislatures. Since there are inherent contradictions in declaring that the City Council of the District can function as a state legislature, Congress might decide that the people of the District may vote on the ratification of constitutional amendments in which case the people of the District would enjoy a constitutional privilege not enjoyed by the people of the several states.

This problem leads directly to a discussion of Section 2 of the proposed constitutional amendment, namely: "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." Neither a reading of the committee report of the House Committee on the Judiciary nor a reading of the record of the debates on the floor of the House or Senate gives a satisfactory explanation of either the intent or the meaning of this section. In the dissenting committee views of Congressmen Henry Hyde, Carlos Moorhead, Jack Brooks, Charles Wiggins, and John Ashbrook, this section:

Implies that the exercise of these foregoing "rights and powers" must be exercised jointly with the "people of the District" and the Congress, each holding veto power over the other. This might entail the Congress, for example, voting twice on the ratification of a constitutional amendment, first in discharging its constitutional role under Article V in proposing an amendment and a second time as a sort of legislative endorser for the "people of the District" under this proposed amendment.

Of the sixteen amendments to the Constitution ratified since the Bill of Rights, seven stipulate that Congress shall have the power "to enforce this article by appropriate legislation." The Prohibition Amendment, since repealed, gave concurrent enforcement power to Congress and the several states. The proposed District of Columbia amendment would be the first to give enforcement powers to Congress and the people of what is in this case neither a state nor a territory.

This "Congress and people" section of the amendment was probably included in order to take into account the peculiar interlocking legislative relationship between Congress and the District's city council. In debate on the floor of the Senate, Senator Edward Kennedy stated that any details about how the amendment should be implemented "can be worked out by the D.C. government and Congress."

What authority should Congress grant the City Council to determine the procedure to be employed concerning the three powers of Section 1? And even if the City Council is granted substantial authority in these matters, it must be remembered that Congress always maintains absolute veto over all actions of the City Council. And since the Congress, not the City Council, has legislative authority over the city's budget, Congress would be appropriating the funds necessary to hold elections of its own members, in addition to its regulations on campaign contributions, expenditures, and campaign procedures.

In addition, if the District should ever have sufficient population to be allotted two representatives in the House, then Congress would have some authority in determining the lines of the two congressional districts. In the states, the drawing of district lines used on re-apportionment is done by the state legislatures, another example of the continuing viability of state sovereignty. And, finally, it would seem that the Hatch Act, which prohibits federal employees and the employees of the D.C. government from participating in political campaigns would necessarily have to be relaxed for the special case of the District of Columbia. Otherwise, a majority of the adult residents of the District would be unable to be active in campaign politics.

Because of this unique relationship between the District's city council and the U.S. Congress, other questions arise when the three powers provided by Section 1 are contemplated in light of Section 2. It appears likely that the states are going to be unable to determine the precise nature of what they are considering ratifying. In the event of the required three-fourths ratifications of the states, it could happen that the District of Columbia, with its new constitutional position "as though it were a state" might end up with substantial constitutional privileges not enjoyed by the several states.

Thomas Ascik
Policy Analyst



self-determination for DC

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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
Women's National Democratic Club
Political Action Committee

December 21, 1978

The Honorable Mike Miller
State Capitol
Juneau, Alaska 99811

Dear Representative Miller:

Thank you for expressing your interest in the DC Amendment at the meeting at the National Conference of State Legislators meeting in Washington last week.

We are very pleased that you will be filing a resolution for ratification. I am enclosing the form used in the Pennsylvania Assembly. I hope it is of use to you.

We prepared strategy guidelines which we are suggesting to our friends in the states. I am also enclosing a copy.

We will be sending a specially prepared guide to the amendment and to the District of Columbia early in January but, meanwhile, enclosed is some background material.

We thank you for your help in securing ratification in Alaska and wish you a very happy New Year.

Sincerely,

Elena S. Hess
Executive Director

Enclosures (4)

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL**No. 2678**Session of
1978

INTRODUCED BY MESSRS. IRVIS, JOHNSON, MANDERINO, OLIVER, ZITTEMAN, BARBER,
MRS. WISE, MESSRS. DOMBROWSKI, RITTER, WHITE, CARLO, RICHARDSON, DUMAS,
RHODES, MRS. HARPER, MESSRS. WILLIAMS AND WIGGINS, SEPTEMBER 11, 1978

REFERRED TO COMMITTEE ON FEDERAL-STATE RELATIONS, SEPTEMBER 11, 1978

A JOINT RESOLUTION

1 Ratifying the proposed amendment to the Constitution of the
2 United States regarding representation of the District of
3 Columbia in Congress.

4 The General Assembly of the Commonwealth of Pennsylvania
5 hereby resolves as follows:

6 Section 1. Article V of the United States Constitution
7 provides for ratification of the United States Constitutional
8 amendments by the legislatures of three-fourths of the several
9 states. Congress approved House Joint Resolution 554 on August
10 22, 1978, proposing to amend the Constitution to provide for
11 representation of the District of Columbia in the Congress and
12 submitted said resolution to the states for their ratification.

13 Section 2. The proposed amendment to the Constitution of the
14 United States providing as follows is hereby ratified by the
15 General Assembly of the Commonwealth of Pennsylvania:

16 "Article

17 "Section 1. For purposes of representation in the Congress,
18 election of the President and Vice President, and Article V of

1 this Constitution, the District constituting the seat of
2 government of the United States shall be treated as though it
3 were a State.

4 "Section 2. The exercise of the rights and powers conferred
5 under this article shall be by the people of the District
6 constituting the seat of government, and as shall be provided by
7 the Congress.

8 "Section 3. The twenty-third article of amendment to the
9 Constitution of the United States is hereby repealed.

10 "Section 4. This article shall be inoperative, unless it
11 shall have been ratified as an amendment to the Constitution by
12 the legislatures of three-fourths of the several States within
13 seven years from the date of its submission."

14 Section 5. A certified copy of the foregoing resolution
15 shall be forwarded to the Administrator of General Services in
16 accordance with 1 U.S.C. § 106(b), to the President of the
17 United States Senate and to the Speaker of the United States
18 House of Representatives.



self-determination for DC

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Elena Hess
Executive Director
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CHANGQ, Inc.
Common Cause
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of Latin Americans in the Nation's
Capital
Doris Eugene Thoms
Democratic National Committee
Economic Stable Committee
DC Citizens for Better Public
Education
DC Federation of Civil 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 Advocates
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
Women's National Democratic Club
Political Action Committee

Dear Friend:

As you know, the campaign is underway to secure rati-
fication of the proposed Constitutional Amendment which
will give the people of the District of Columbia full
voting representation in Congress. Our experiences in
the few states which have considered ratification to date
have suggested several guidelines for a successful
ratification campaign.

The first recommendation is that all national and state
level activity preserve the two primary ingredients
that brought victory at the Congressional level:

1) Broad, bi-partisan, multi-racial, multi-interest
support should be secured and publicized.

2) Detailed research, planning and execution must
typify all activities.

In addition, to ensure that the kind of broad support
and detailed preparation needed to succeed is generated,
we are asking all of our friends and supporters to make
every effort towards establishing the following:

1) Bi-partisan co-sponsorship and support of the
ratification resolution by the leaders of the legisla-
ture. At a minimum, the leaders include the President
of the Senate, the Speaker of the House, the Majority
and Minority leaders in the Senate and House and the
Chairpersons of the Committees to which the ratification
will be referred.

2) An effective education program to include at a
minimum, the distribution of materials and the organi-
zation of small group education sessions for key legis-
lators including the formal, as well as informal assembly
leaders.

3. A timetable which does not require the waiver of any rules and that allows for full deliberation and consideration of the issue.

4. The identification and convening of local coalition support groups and to the extent possible, the coordination of the state house lobbying activity.

Ratification Campaign staff can be a resource for you in the development and implementation of your state plans, based on the above guidelines. For example, we can provide background information and specialized research for hearing preparation and follow-up. In addition, we may be able to call upon national offices, such as the Republican National Committee, the Democratic National Committee, Congressional Delegations and the White House, to encourage support by uncommitted legislators. We can also make persons familiar with the issue available to boost your education programs. Finally, we can supply the names from state affiliates of our National Coalition to promote local constituent support and involvement.

Ratification by 38 states is a reachable goal if the four-point plan of operation is put in place in each state. The D.C. Ratification Campaign leadership and staff look forward to working with you.

Sincerely,


Richard W. Clark
Executive Coordinator



self-determination for DC

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Neilhan Board
Audrey Colon
Stephen Danzansky
Eliwood Davis
James Devall
Jan Eichhorn
Robert Ewell
Nancy Falger
Rockwood Foster
Paul Hays
Dana Josephson
Richard Lyon
Midge Oliver
Rebecca Pecot
Claudia Rayford
Margaret Reuss
James Spaight
Sturgis Warner
Robert Washington
Bishop Smethwood Williams

COALITION MEMBERS

American Association of University
Women
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
Black & White Women
Catholic Archdiocese of Washington
Central Labor Council
CHANGELINE
Common Cause
Committee for Aid and Development
of Latin Americans in the Nation's
Capital
Dana Eugene Thoma
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's Organized for Progress and
Equity
Republican Central Committee
SDO Center
The New Bishop Guild
The Ribbon Society
The Urban League
United Methodist Church, Board of
Church and Society
United Presbyterian Church
VOICE
Washington Bar Association
Washington Teacher's Union
Women's National Democratic Club
Women's 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

United States Senate

WASHINGTON, D.C. 20510

March , 1979

Dear State Legislator:

As you know, an important campaign is now underway in the 50 states to secure ratification of a constitutional amendment to give representation in Congress to the District of Columbia. As a strong supporter of this amendment in the United States Senate, I am hopeful that you will give your support to the ratification effort, so that the amendment may become part of the Constitution.

For your interest, I am enclosing a lengthy statement dealing in detail with the many different issues involved in the amendment.

At bottom, however, I believe the question is really a very simple one -- whether the 700,000 citizens of the District of Columbia deserve the same basic right to representation in their government that all other Americans enjoy.

I hope that, after reading these materials, and giving careful consideration to the issue, you will agree with the goal of the amendment and give your support to its ratification.

The proposed amendment was approved by a two-thirds vote in both the United States Senate and the House of Representatives. The vote was 67-32 in the Senate and 289-127 in the House. In each body, as you will see from pages 41-42 of the enclosed statement, it had strong bipartisan support -- Senate Republicans split 19-19 for and against the amendment, and House Republicans split 61 for and 79 against the amendment.

With my best regards, and I hope you will let me know if I can provide any additional assistance or material

Sincerely,


Edward J. Kennedy

from the office of

*Senator Edward M. Kennedy
of Massachusetts*

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 600,000 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 sessions -- 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 six states, based on the most recent data available from the Bureau of the Census -- the population estimates for 1978.

District of Columbia	674,000
Nevada	660,000
North Dakota	652,000
Delaware	583,000
Vermont	487,000
Wyoming	424,000
Alaska	403,000

If, instead of the 1978 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 1978 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 in 1978 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 113 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 (Austria, 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 people 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

One of the major sources of misunderstanding in the States about the pending constitutional amendment to give representation in Congress to the District of Columbia is the widespread confusion over the actual nature of the District.

Opponents of the D. C. Voting Rights Amendment have seized on the confusion and misunderstanding to spread the myth that the District of Columbia is nothing more than a "Company Town" of federal bureaucrats and government employees which has essentially no independent economic life and which is therefore not entitled to representation in Congress.

But the myth is false. Less than one-third of the employees in the District are federal workers. The remaining two-thirds are engaged in a variety of non-governmental jobs that reflect the truly heterogeneous character of the District's economic life. Those who take the myopic view of the District of Columbia as a sheltered federal sanctuary are in the position of those who see a glass two-thirds full and call it one-third empty. Unfair as this myth is to federal workers, it is even more unfair to the hundreds of thousands of other citizens of the District whom the myth ignores altogether.

The myth was not a serious source of opposition in the debate on the D. C. amendment last year in either the Senate or the House of Representatives, each of which approved the amendment by an overwhelming margin. Members of Congress serve in the District and are thoroughly familiar with the reality of the modern District of Columbia. I am hopeful that, as the ratification effort proceeds, the debate will dispel the myth in the various states and enhance the prospects of ratification.

During the consideration of the amendment by Congress last year, the three most widely cited facts about the District of Columbia were that (1) the District has a population greater than in six states; (2) its citizens pay more federal taxes than in eleven states; and (3) more D. C. sons lost their lives in the Vietnam War than did those of ten states. These facts symbolized the reality of the District as an independent economic entity with a substantial private sector life of its own, and demonstrated that the District easily holds its own in various comparisons with the states.

But there are many other facts about the District of Columbia that also demonstrate the vitality of the District and the substantial degree to which its economic and political life is independent of involvement with the federal government. Publications of the Department of Commerce and available information from the D. C. local government and other sources reveal that the District of Columbia also rivals the states in the following additional ways:

- It produces more electric power than Rhode Island.
- It spends more on new plants and equipment than Nevada and Wyoming.
- It has more non-governmental employees than 14 states.
- It has more manufacturing employment than three States; more construction employment than eleven states, more non-farm employment than 17 states; and more non-farm-non-manufacturing employment than 19 states.
- The value added by manufacturing in D. C. is greater than in four states.
- The wages of D. C. production workers are greater than in five states.
- Retail sales in D. C. are greater than in nine states.
- Its construction contracts are worth more than in ten states.
- And its commercial bank deposits total more than in fifteen states.

As these facts reveal, there is a great deal more to the District of Columbia than the myth of the sheltered federal sanctuary suggests.

It is unfair to hold the citizens of the District hostage to this myth and to the prevailing anti-government mood. We must find effective ways to deal with the legitimate national concerns about the size of government, the level of government spending, and the degree of government regulation in our lives. But there are better ways to reach these goals than by discriminating against the hundreds of thousands of ordinary private American citizens who live and work and make their homes in the nation's capital. They deserve the same rights that all other citizens enjoy -- the right to representation in their government.

Members of the House and Senate elected from the District would represent the interests of business, the construction industry, banks, veterans, teachers, the elderly, the poor, and virtually all the interest groups found in the various states.

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

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

Table 3 provides detailed comparisons between the District of Columbia and the states with respect to fifteen economic indicators. Table 4 provides a detailed breakdown of non-government employment in the District. The figures in these tables demonstrate the great variety of life in the modern District of Columbia and clearly refute the federal employee fallacy.

It is a gross distortion of the issue for opponents of the D. C. amendment to argue that D. C. representatives in Congress would be special pleaders only for federal employees. 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 just 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.

The challenge facing ratification of the D. C. amendment is a difficult one, and it is being made even more difficult by the distortions of those who oppose the amendment. But the challenge can be met. I am confident that, as the American people and their representatives in the State legislatures understand the true reality of the District of Columbia, they will accept the elementary justice and fairness of the D. C. Voting Rights Amendment and make it a part of our Constitution.

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 originally 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 1786, 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

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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)			KILLED IN VIETNAM WAR 1961- 1977	EMPLOYMENT		PERCENT LAND AREA HELD BY FEDERAL GOV'T.
	1970 CENSUS	1978 ESTIMATE	TOTAL FEDERAL TAXES (BILLION)	PER CAPITA FEDERAL TAXES	STATE AND LOCAL TAXES (% PERSONAL INCOME)		NO. FEDERAL JOBS	PERCENT FEDERAL JOBS	
	Alabama	3,444,000	3,742,000	\$4.482	\$1,221		9.9	1,187	
Alaska	303,000	403,000	1.225	3,011	21.8	55	36,873	.9	96.4
Arizona	1,775,000	2,354,000	3.211	1,418	13.9	604	57,756	1.4	42.8
Arkansas	1,923,000	2,186,000	2.381	1,117	9.8	580	28,050	.7	9.7
California	19,971,000	22,254,000	39.186	1.805	14.9	5,472	497,438	12.1	45.1
Colorado	2,210,000	2,670,000	4.167	1.604	12.3	609	91,720	2.2	36.1
Connecticut	3,032,000	3,099,000	6.478	2,086	11.2	590	25,469	.6	.3
De' ware	548,000	583,000	1.120	1,925	11.4	120	10,380	.2	3.2
D. C.	757,000	674,000	1.470	2,116	11.7	237	221,156	5.4	25.6
Florida	6,791,000	8,594,000	12.957	1,542	10.1	1,905	146,615	3.6	10.1
Georgia	4,588,000	5,084,000	6.513	1,298	10.9	1,550	129,237	3.1	6.0
Hawaii	770,000	897,000	1.575	1,770	14.6	274	67,414	1.6	9.9
Idaho	713,000	878,000	1.155	1,367	11.6	210	15,598	.4	63.7
Illinois	11,113,000	11,243,000	21.536	1,919	11.4	2,883	150,511	3.7	1.5
Indiana	5,195,000	5,374,000	8.334	1,566	10.4	1,513	48,229	1.2	2.1
Iowa	2,825,000	2,896,000	4.517	1,570	11.5	820	19,396	.5	.6
Kansas	2,249,000	2,348,000	3.922	1,695	11.0	614	47,705	1.2	1.3
Kentucky	3,221,000	3,498,000	4.447	1,290	11.4	1,039	82,243	.2	5.3
Louisiana	3,645,000	3,966,000	5.217	1,338	12.6	672	50,323	1.2	3.7
Maine	904,000	1,091,000	1.400	1,299	14.2	332	17,491	.4	.7
Maryland	3,924,000	4,143,000	7.669	1,856	12.7	996	168,116	4.1	3.2
Massachusetts	5,689,000	5,774,000	9.875	1,706	14.7	1,303	67,590	1.6	1.7
Michigan	8,882,000	9,189,000	15.618	1,712	12.1	2,603	66,274	1.6	9.3
Minnesota	3,806,000	4,008,000	6.198	1,563	14.3	1,053	32,231	.8	6.6
Mississippi	2,217,000	2,404,000	2.416	1,016	12.0	630	40,870	1.0	5.4

TABLE I (Cont.)

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	1978 ESTIMATE					NO. FEDERAL JOBS	PERCENT FEDERAL JOBS	
Missouri	4,678,000	4,860,000	\$7.213	\$1,504	10.3%	1,384	91,265	2.2%	4.8%
Montana	694,000	785,000	1.085	1,432	13.2	260	17,639	.4	29.7
Nebraska	1,485,000	1,565,000	2.416	1,552	10.9	386	28,148	.7	1.4
Nevada	489,000	660,000	1.190	1,911	12.7	144	17,880	.4	86.6
New Hampshire	738,000	871,000	1.330	1,587	10.8	218	14,030	.3	12.3
New Jersey	7,171,000	7,327,000	14.708	2,005	11.8	1,438	95,581	2.3	2.7
New Mexico	1,017,000	1,212,000	1.505	1,275	12.8	392	42,241	1.0	33.6
New York	18,241,000	17,748,000	32.497	1,806	17.3	4,043	196,017	4.8	.8
North Carolina	5,084,000	5,577,000	7.038	1,281	10.7	1,580	120,166	3.0	6.3
North Dakota	618,000	652,000	0.945	1,456	11.7	194	20,820	.5	5.2
Ohio	10,657,000	10,749,000	17.474	1,633	10.0	3,028	106,973	2.6	1.3
Oklahoma	2,559,000	2,880,000	3.852	1,380	10.2	975	81,819	2.0	3.5
Oregon	2,092,000	2,444,000	3.747	1,593	12.4	692	26,308	.6	52.6
Pennsylvania	11,801,000	11,750,000	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	2,918,000	3.396	1,187	10.7	883	80,441	2.0	5.9
South Dakota	666,000	690,000	0.840	1,221	12.2	187	16,756	.4	6.7
Tennessee	3,926,000	4,357,000	5.638	1,321	10.1	1,277	62,930	1.5	6.7
Texas	11,199,000	13,014,000	20.100	1,581	10.5	3,332	295,746	7.2	1.9
Utah	1,059,000	1,307,000	1.575	1,260	12.2	353	40,756	1.0	66.1
Vermont	445,000	487,000	0.630	1,313	15.1	100.	4,161	.1	4.7
Virginia	4,651,000	5,148,000	7.984	1,567	10.7	1,273	226,864	6.0	9.4
Washington	3,413,000	3,774,000	6.723	1,849	11.9	1,019	98,386	2.4	29.5
West Virginia	1,744,000	1,860,000	2.451	1,328	12.0	715	15,410	.4	6.9
Wisconsin	4,413,000	4,679,000	7.003	1,512	14.0	1,133	27,950	.7	5.2
Wyoming	332,000	424,000	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 THAN ALASKA, DELAWARE, NEVADA, NORTH 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

DIST. OF COLUMBIA

NORTH DAKOTA

NEVADA

DELAWARE

VERMONT

ALASKA

WYOMING

WYOMING

**D.C. HAS MORE
PEOPLE THAN
6 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

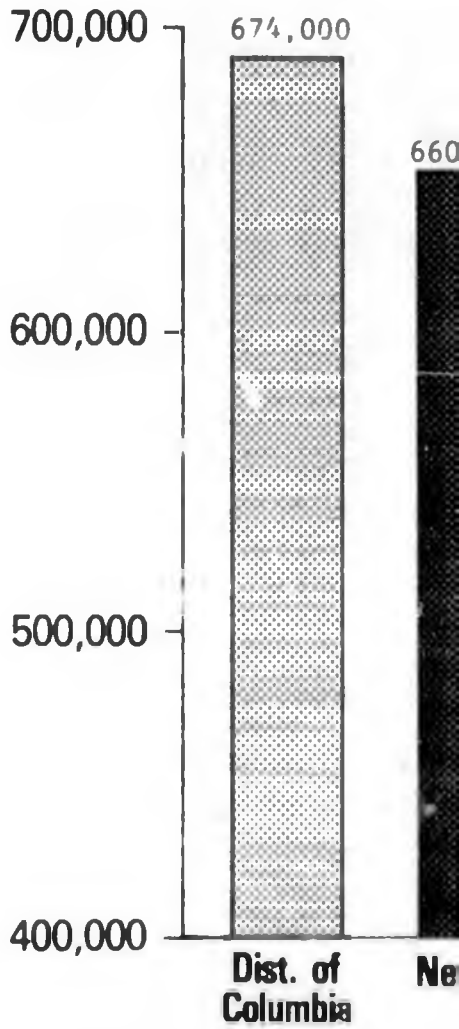
WYOMING

VERMONT

ALASKA

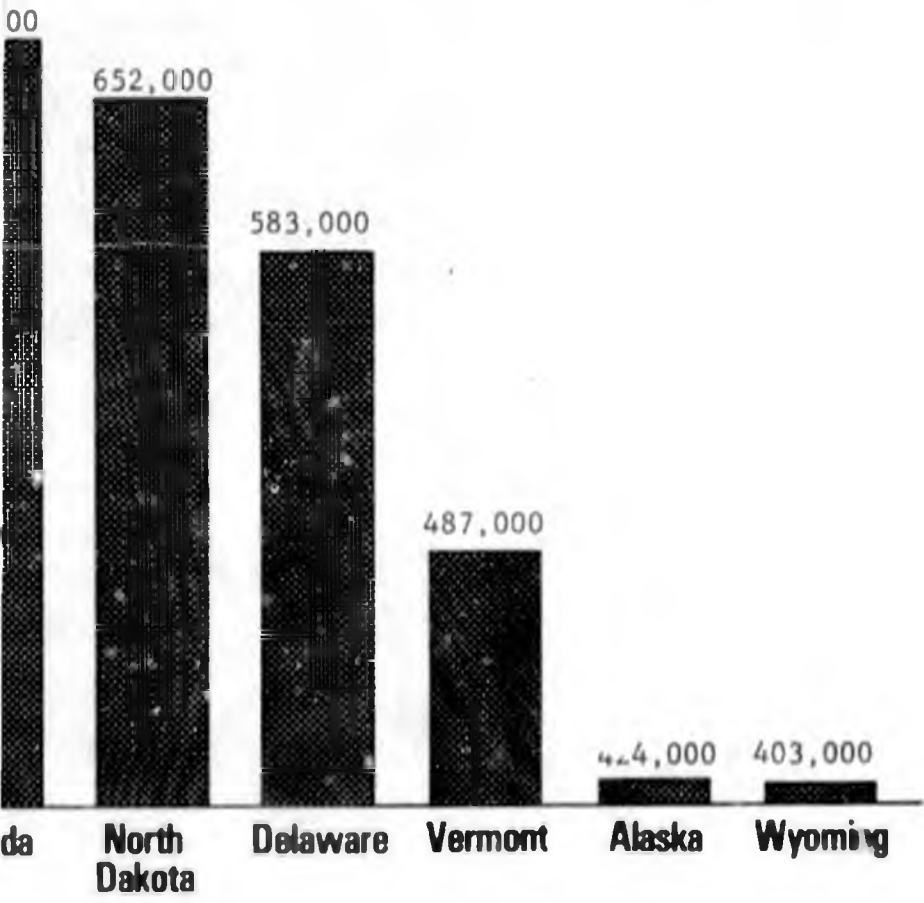
**D.C. HAD MORE
DEATHS IN VIETNAM
THAN 10 STATES**

POPULATION



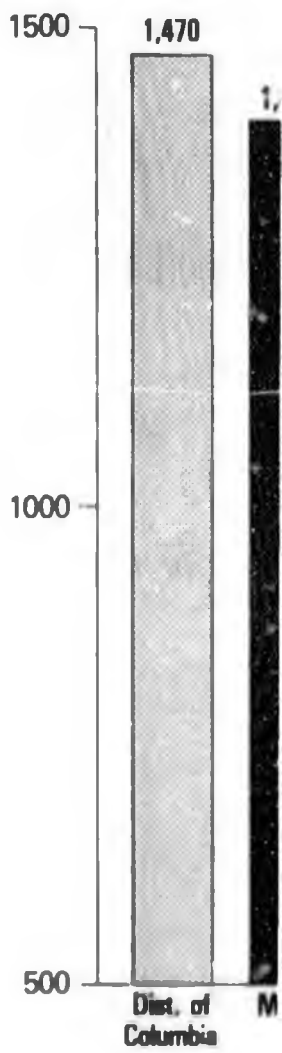
(1978)

D.C. IS LARGER THAN SIX STATES



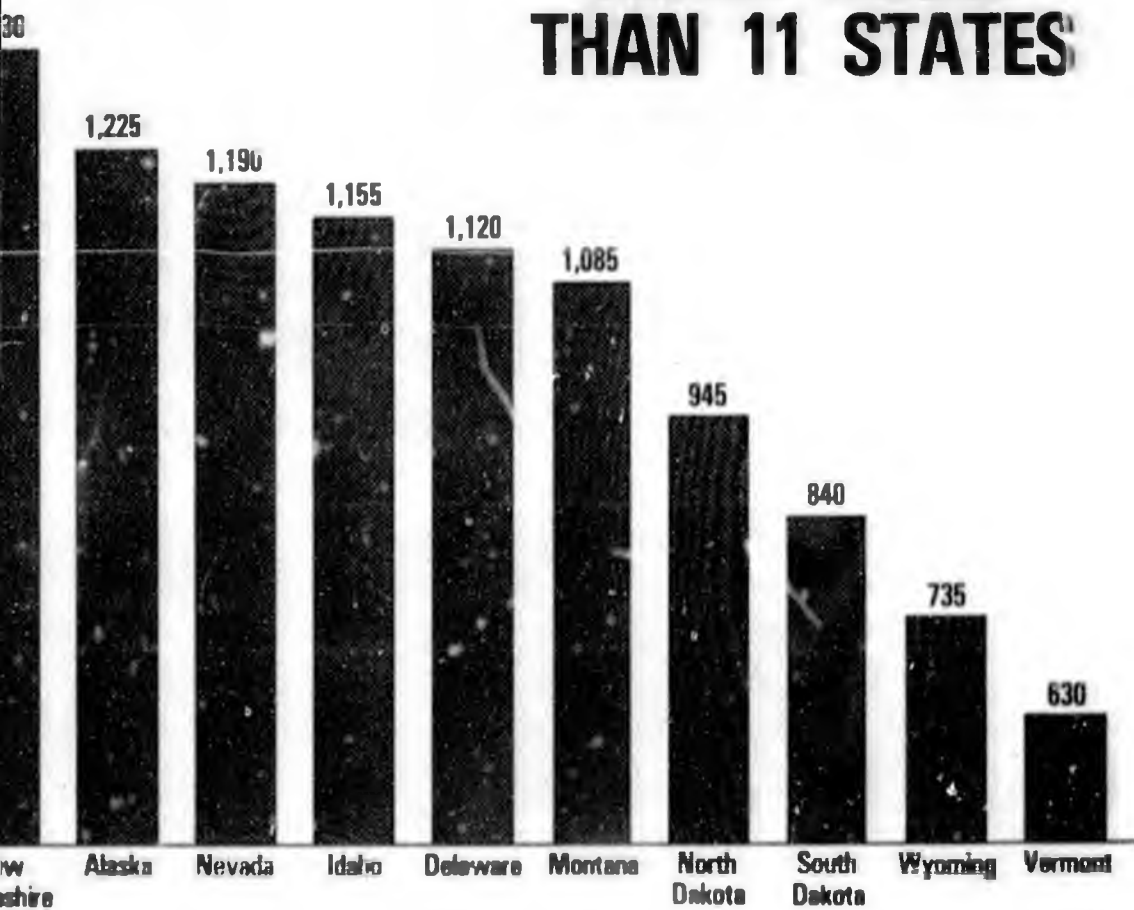
FEDERAL T

(\$ MILLION)



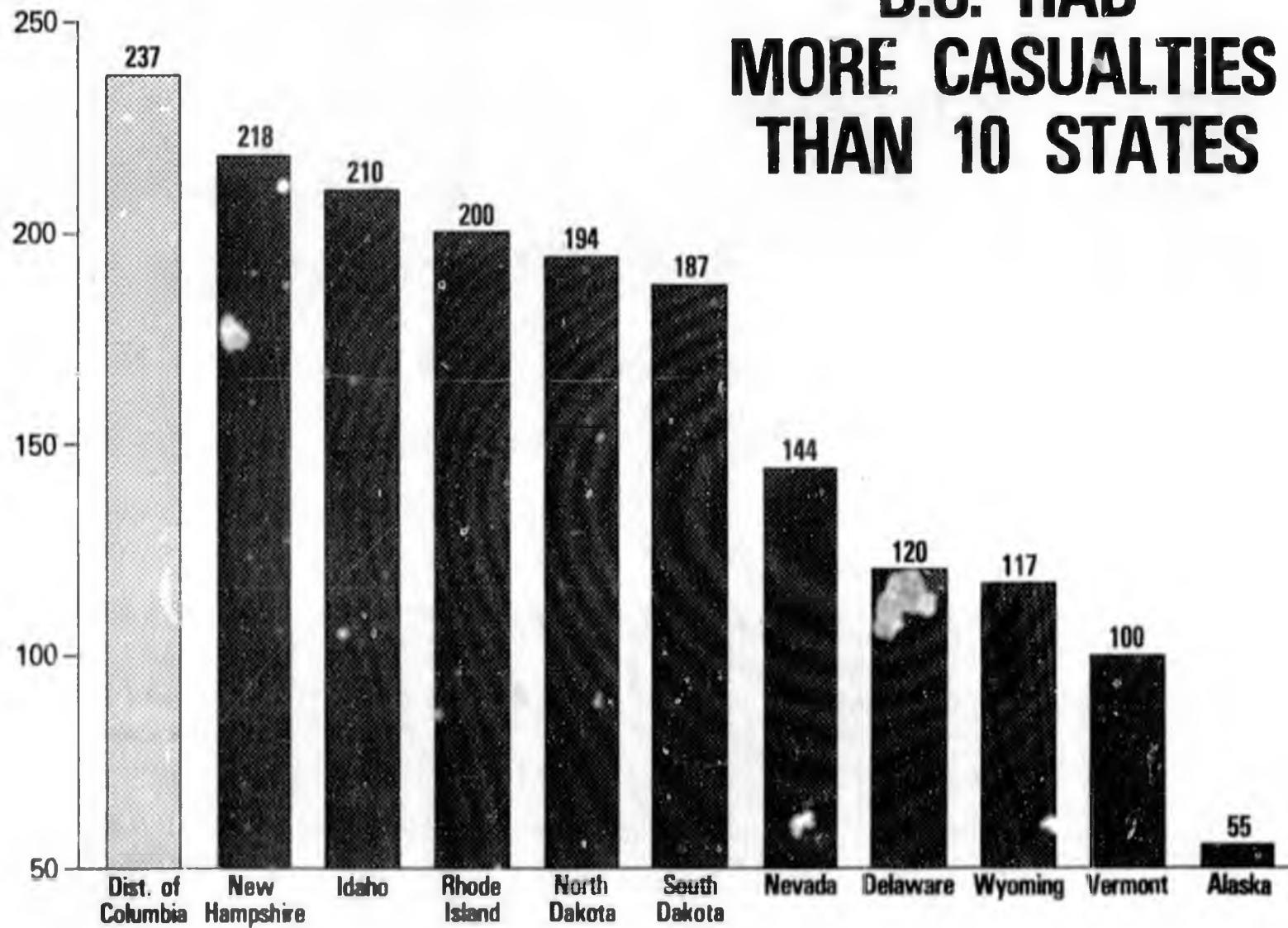
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D.C. PAYS MORE TAXES THAN 11 STATES

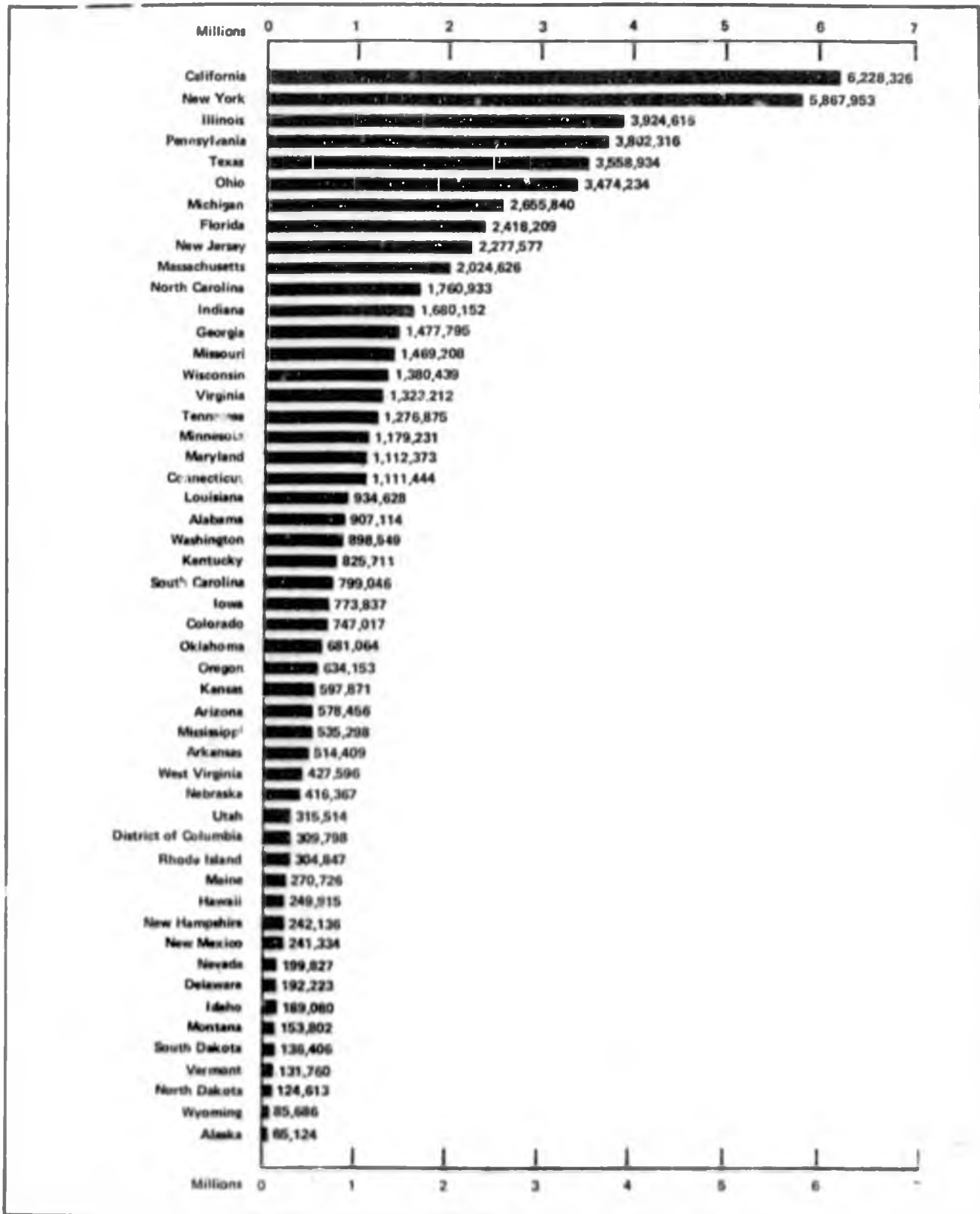


KILLED IN VIETNAM WAR

**D.C. HAD
MORE CASUALTIES
THAN 10 STATES**



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



**OF 115 NATIONS ONLY THE UNITED STATES AND BRAZIL
DEIFY REPRESENTATION TO RESIDENTS OF THE CAPITALS.**

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. BELGIUM (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)

TABLE 3

FIFTEEN INDICATORS -- COMPARISONS BETWEEN
CERTAIN STATES AND THE DISTRICT OF COLUMBIA

POPULATION (1978)		FEDERAL TAXES (\$ MILLION) (1977)		KILLED IN VIETNAM	
D. C.	674,000	D.C.	1,470	D. C.	237
Alaska	403,000	Alaska	1,225	Alaska	55
Delaware	583,000	Delaware	1,120	Delaware	120
Nevada	660,000	Idaho	1,155	Idaho	210
North Dakota	652,000	Maine	1,400	Nevada	144
Vermont	487,000	Montana	1,085	New Hampshire	218
Wyoming	424,000	Nevada	1,190	North Dakota	194
		New Hampshire	1,330	Rhode Island	200
		North Dakota	945	South Dakota	187
		South Dakota	840	Vermont	100
		Vermont	630	Wyoming	117
		Wyoming	735		
ELECTRIC POWER PRODUCTION (MILLION KWH) (1975)		EXPENDITURES FOR NEW PLANTS AND EQUIPMENT (\$ MILLION) (1973)		MANUFACTURING EMPLOYMENT (1975)	
D.C.	1,226	D. C.	23	D. C.	15,000
Rhode Island	820	Nevada	13	Alaska	9,000
		Wyoming	16	Nevada	12,000
				Wyoming	8,000
VALUE ADDED BY MANUFACTURING (\$ MILLION) (1973)		WAGES OF PRODUCTION WORKERS (\$ MILLION) (1973)		RETAIL SALES (\$ MILLION) (1972)	
D. C.	407	D. C.	107	D. C.	1,797
Alaska	245	Alaska	69	Alaska	772
Nevada	224	Nevada	63	Delaware	1,480
North Dakota	330	North Dakota	63	Idaho	1,660
Wyoming	171	South Dakota	106	Montana	1,614
		Wyoming	42	Nevada	1,600
				North Dakota	1,275
				South Dakota	1,316
				Vermont	1,103
				Wyoming	816
CONSTRUCTION CONTRACTS (\$ MILLION) (1975)		CONSTRUCTION EMPLOYMENT (1975)		BANK DEPOSITS (\$ MILLION) (1975)	
D. C.	499	D. C.	20,000	D. C.	3,511
Delaware	226	Delaware	15,000	Alaska	1,165
Idaho	399	Idaho	16,000	Delaware	1,843
Maine	400	Maine	17,000	Hawaii	2,529
Montana	332	Montana	12,000	Idaho	2,447
Nevada	466	Nevada	12,000	Maine	1,917
New Hampshire	311	New Hampshire	13,000	Montana	2,721
Rhode Island	247	North Dakota	14,000	Nevada	1,853
South Dakota	273	Rhode Island	10,000	New Hampshire	1,561
Vermont	143	South Dakota	9,000	New Mexico	2,798
Wyoming	232	Vermont	7,000	North Dakota	2,759
		Wyoming	14,000	Rhode Island	3,267
				South Dakota	2,711
				Utah	2,885
				Vermont	1,275
				Wyoming	1,485

NON-FARM EMPLOYMENT (1975)		NON-FARM NON-MANUFACTURING EMPLOYMENT (1975)		NON-GOVERNMENTAL EMPLOYMENT (1974)	
D. C.	578,000	D. C.	563,000	D. C.	309,000
Alaska	162,000	Alaska	153,000	Alaska	65,000
Delaware	227,000	Arkansas	444,000	Delaware	192,000
Hawaii	339,000	Delaware	160,000	Hawaii	249,000
Idaho	268,000	hawaii	315,000	Idaho	189,000
Maine	356,000	Idaho	221,000	Maine	270,000
Montana	240,000	Maine	260,000	Montana	153,000
Nebraska	554,000	Mississippi	469,000	Nevada	199,000
Nevada	264,000	Montana	218,000	New Hampshire	242,000
New Hampshire	293,000	Nebraska	469,000	New Mexico	241,000
New Mexico	355,000	Nevada	252,000	North Dakota	124,000
North Dakota	203,000	New Hampshire	208,000	Rhode Island	304,000
Rhode Island	343,000	New Mexico	338,000	South Dakota	136,000
South Dakota	209,000	North Dakota	187,000	Vermont	131,000
Utah	441,000	Rhode Island	234,000	Wyoming	85,000
Vermont	159,000	South Dakota	189,000		
West Virginia	561,000	Utah	374,000		
Wyoming	143,000	Vermont	120,000		
		West Virginia	441,000		
		Wyoming	135,000		

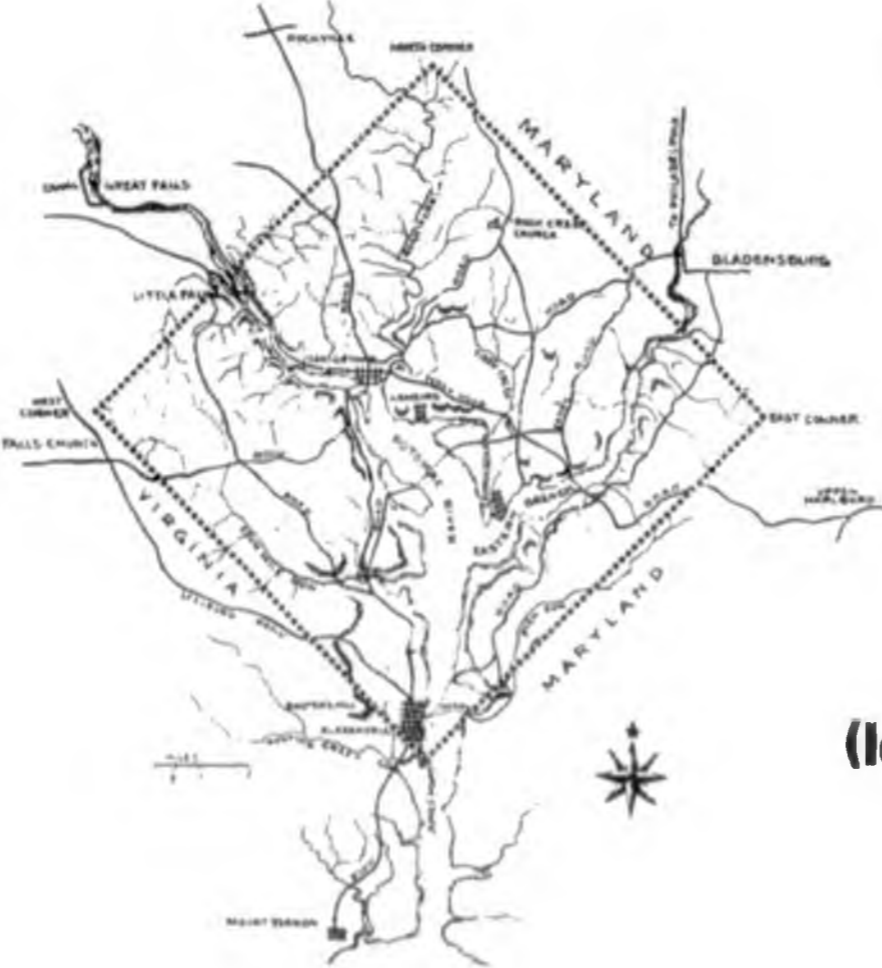
SOURCES:

1. "Selected Statistics on the Developing USA," Office of Economic Research, Economic Development Administration, Department of Commerce (May 1977)
2. Current Population Reports Bureau of the Census, Department of Commerce (December 1978).
3. "Statistics on Estimated Federal Tax Payments by Individual States, Fiscal Year Ending September 30, 1977," Economics Division, Congressional Research Service, Library of Congress (1978).
4. "Number of Casualties Incurred by U.S. Military Personnel in Connection with the Conflict in Vietnam," Department of Defense (1978).

NON-GOVERNMENT EMPLOYMENT IN THE DISTRICT
OF COLUMBIA BY INDUSTRY (1976)

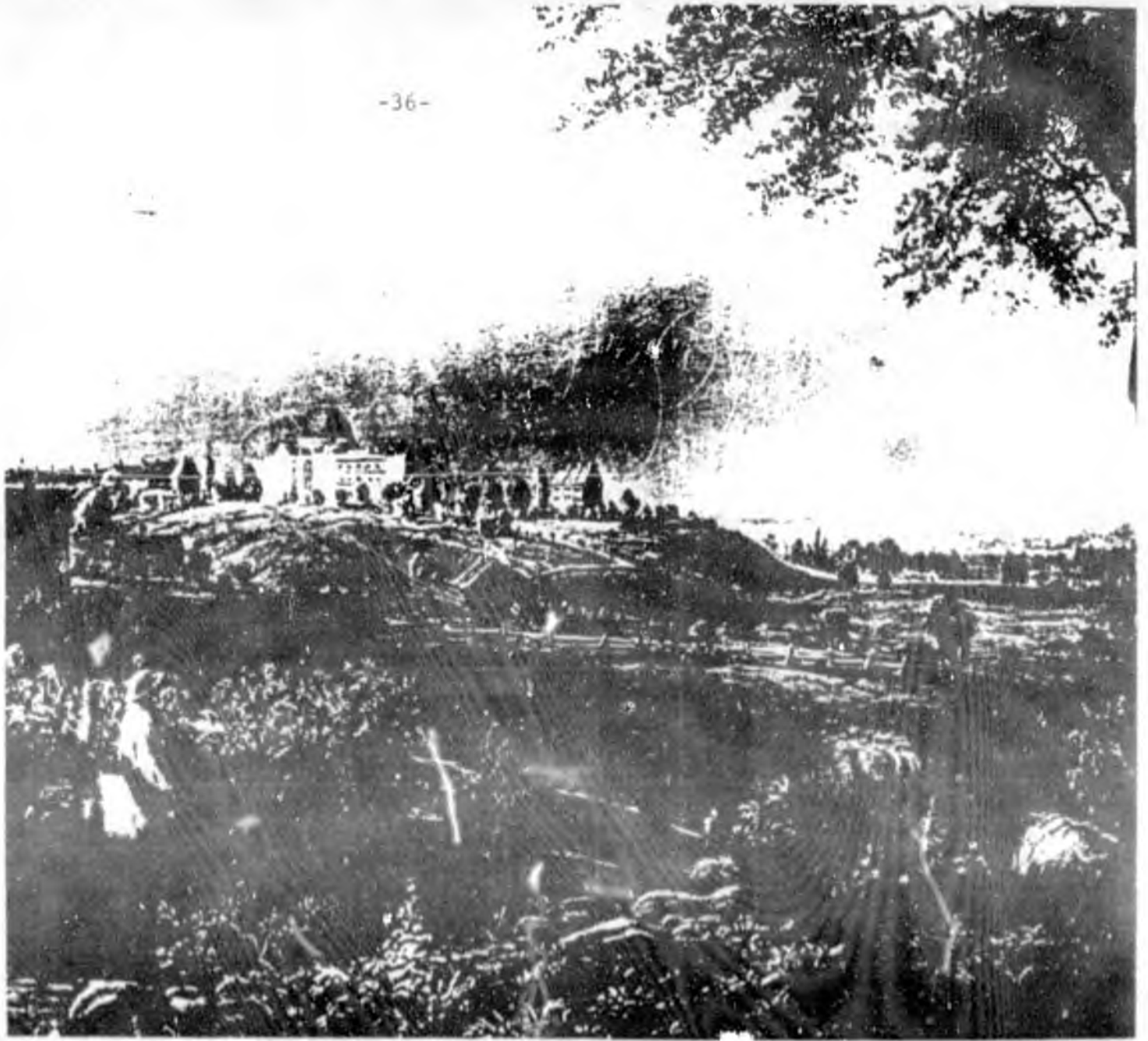
Industry	Number of employees for week including March 12				
Total	316 366				
Agricultural services forestry fisheries	325	Fabricated structural metal products	476	Miscellaneous durable goods	446
Agricultural services	274	Fabricated structural metal	(B)	Brass and waste materials	264
Landscape and horticultural services	196	Fabricated plate work (other than 1/8")	(C)	Durable goods, nec	(C)
Mining	27	Sheet metal work	(C)	Wholesale trade nondurable goods	4 899
Contract construction	11 940	Architectural metal work	52	Paper and paper products	673
General contractors and operative builders	3 785	Machinery except electrical	163	Printing and e-wing paper	253
General building contractors	3 065	Office and computing machines	(C)	Stationery supplies	326
Operative builders	506	Office machines, nec	(C)	Industrial ? personal service paper	62
Heavy construction contractors	(F)	Electric and electronic equipment	143	Drugs, proprietaries, and sundries	210
Highway and street construction	(F)	Communication equipment	113	Apparel, piece goods, and notions	121
Heavy const. util., except highway	1 647	Radio and tv communication equipment	(B)	Men's clothing and furnishings	71
Special trade contractors	5 495	Instruments and related products	63	Groceries, and related products	1 932
Plumbing, heating, air conditioning	1 425	Miscellaneous manuf. industries	100	Groceries, general line	201
Painting, paper hanging, decorating	421	Miscellaneous manufactures	80	Frozen foods	(B)
Electrical work	1 371	Signs and advertising displays	66	Dairy products	(C)
Masonry, stonework, and plastering	450	Administrative and auxiliary	1 110	Farming and poultry products	138
Masonry and other stonework	(C)	Transportation and other public utilities	37 685	Fish and seafoods	50
Plastering, drywall and insulation	(C)	Local and interurban passenger transit	1 073	Meats and meat products	693
Carpentering and framing	260	Local and suburban transportation	586	Food, fit. and vegetable	364
Carpentering	192	Local and suburban transit	234	Groceries and related products, nec	265
Floor laying and floor work, nec	158	Local passenger transportation, nec	332	Petroleum and petroleum products	254
Roofing and sheet metal work	207	Taxis	207	Petroleum bulk stations & terminals	(C)
Concrete work	233	Motor highway transportation	(F)	Beer, wine and distilled liquors	(F)
Misc. special trade contractors	1 120	Bus terminal and service facilities	(C)	Beer and ale	(C)
Structural steel erection	(C)	Bus terminal facilities	(C)	Wines and distilled beverages	637
Glass and glazing work	137	Trucking and warehousing	1 265	Miscellaneous nondurable goods	607
Excavating and foundation work	158	Trucking, local and long distance	1 164	Tobacco and tobacco products	176
Wrecking and demolition work	110	Public warehousing	160	Fats, varnishes, and supplies	(B)
Installing building equipment, nec	266	General warehousing and storage	67	Nondurable goods, nec	704
Special trade contractors, nec	210	Water transportation	57	Administrative and auxiliary	1 258
Manufacturing	18 341	Transportation by air	3 007	Retail trade	67 201
Food and kindred products	960	Air transportation	2 634	Building materials & garden supplies	337
Dairy products	(B)	Air transportation services	267	Lumber and other building materials	235
Condensed and evaporated milk	(B)	Sea, lake and inland waterway transportation services	(F)	Hardware stores	7 646
Bakery products	(F)	Arrangement of transportation	665	Department stores	6 751
Bread, cake, and related products	(F)	Passenger transportation arrangement	534	Variety stores	644
Beverages	(C)	Freight transportation arrangement	111	Misc. general merchandise stores	217
Bottled and canned soft drinks	(C)	Rental of railroad cars	(C)	Food stores	4 261
Misc. foods and kindred products	80	Communication	12 131	Grocery stores	2 460
Food preparations, nec	(B)	Telephone communication services	(B)	Meat markets and freezer product stores	208
Apparel and other textile products	712	Telex and facsimile transmission services	3 000	Meat and fish (fresh) markets	208
Misc. fabricated textile products	163	Communication services, nec	1 070	Fruit, nut, and vegetable markets	(B)
Curtains and draperies	(B)	Electric, gas, and sanitary services	(B)	Candy, nut, and confectionery stores	133
Lumber and wood products	168	Electric services	(B)	Dairy product stores	(C)
Sawmilling and planing mills	(B)	Gas production and distribution	(B)	Repair services	141
Cabinet and planing mills, general	(B)	Construction utility services	(B)	Miscellaneous repair stores	67
Millwork, plywood & structural members	(B)	Gas and other services connected	(B)	Automotive, domestic & out. car cleaning	1 620
Millwork	(B)	Administrative and auxiliary	208	New and used car & truck	1 379
Furniture and fixtures	123	Wholesale trade	12 051	Used car dealers	(C)
Miscellaneous furniture and fixtures	(B)	Wholesale trade-durable goods	6 691	Auto and home supply stores	327
Drapery, curtains & shades & shades	(B)	Motor vehicles & automotive equipment	732	Genuine apparel stores	1 771
Paper and allied products	(F)	Automobiles and other motor vehicles	66	Apparel and accessories stores	1 273
Misc. converted paper products	(B)	Automotive parts and supplies	550	Men's & boys' clothing & furnishings	641
Cut-out paper and board	(B)	Tires and tubes	84	Women's ready-to-wear stores	1 148
Paperboard containers and boxes	(B)	Furniture and home furnishings	484	Women's accessory and specialty stores	(B)
Printing and publishing	12 910	Furniture	(B)	Children's and infants' wear stores	110
Newspapers	60	Home furnishings	(C)	Family clothing stores	632
Periodicals	1 669	Lumber and construction materials	132	Shoe stores	185
Books	651	Construction materials, nec	(C)	Furriers and fur shops	(B)
Book publishing	530	Toys, games, toys, and hobby goods	271	Miscellaneous apparel & accessories	164
Book printing	443	Photographic equipment and supplies	(C)	Furniture and home furnishings stores	1 881
Miscellaneous publishing	(F)	Metals and minerals, except petroleum	54	Printing and home furnishings stores	1 136
Commercial printing	2 520	Miscellaneous services, nec	(B)	Jewelry stores	810
Commercial printing, letterpress	454	Electrical goods	927	Flower covering stores	84
Commercial printing, lithographic	2 076	Electrical apparatus and equipment	357	Drugery and apothecary stores	94
Engraving and plate printing	62	Electronic apparatus, tv and radio	163	Misc. home furnishings stores	(C)
Signs and letterhead	67	Electronic parts and equipment	372	Household appliance stores	147
Bookbinding and related work	67	Hardware, plumbing & heating equipment	608	Radio, television, and music stores	111
Printing trade services	535	Hardware	207	Radio and television stores	711
Typesetting	430	Plumbing & heating, roofing supplies	107	Misc. stores	409
Lithographic reproducing services	(B)	Warm air heating & air conditioning	(C)	Eating and drinking places	20 500
Chemicals and allied products	(C)	Machinery, equipment, and supplies	2 201	Eating places	10 703
Miscellaneous chemical products	(C)	Commercial machines and equipment	2 007	Drinking places	1 402
Printing ink	(C)	Industrial machinery and equipment	100	Unidentified retail	6 281
Stone, clay, and glass products	264	Industrial supplies	77	Drug stores and proprietary stores	7 268
Concrete, gypsum, and plaster products	(B)	Professional equipment and supplies	119	Liquor stores	1 547
Ready-mixed concrete	(C)	Service, maintenance equipment	224	Used merchandise stores	211
Fabricated metal products	396	Transportation equipment & supplies	190	Miscellaneous shopping goods stores	1 842

**THE
DISTRICT OF COLUMBIA
IN 1791**



**A SPARSELY
POPULATED
WILDERNESS**

(less than 10,000 people)



View of the Capitol (1884)



View of Wisconsin Avenue (c. 1790-1814)

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^{*/7} 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.

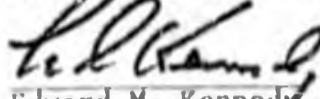
^{*/} "... no State, without its Consent, shall be deprived of its equal Suffrage in the Senate."

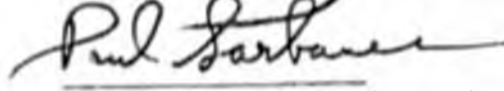
For your interest, we are attaching a staff briefing paper prepared in the House in support of H.J. Res. 554. It deals with all of the major issues and makes a solid case for approval of the Resolution.

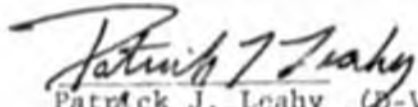
We urge your support for this fundamental principle of justice for the citizens of the nation's capital, and we look forward to favorable Senate action on this Resolution.

Sincerely,

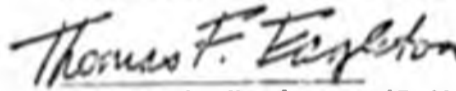

Birch Bayh (D-Ind.)


Edward M. Kennedy (D-Mass.)

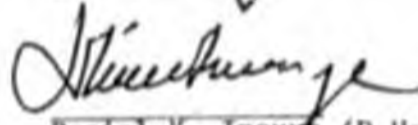

Paul S. Sarbanes (D-Md.)


Patrick J. Leahy (D-Vt.)


Alan Cranston (D-Calif.)


Thomas F. Eagleton (D-Mo.)


Henry H. Jackson (D-Wash.)


Daniel K. Inoué (D-Haw.)


Abe Ribicoff (D-Conn.)


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

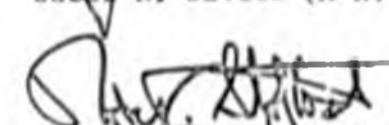

Daniel Patrick Moynihan (D-N.Y.)


Charles McC. Mathias (R-Md.)



Edward W. Brooke (R-Mass.)


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

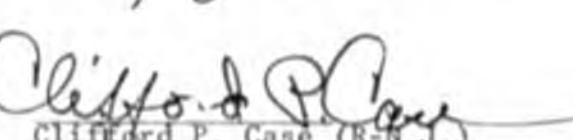

Jacob K. Javits (R-N.Y.)


Robert T. Stafford (R-Vt.)


John C. Danforth (R-Mo.)


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


Harry Goldwater (R-Ariz.)


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

May 23, 1978

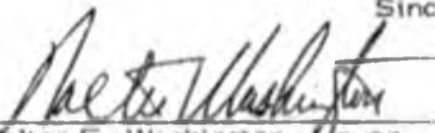
Dear Senator:

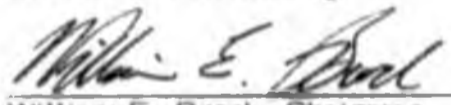
Full voting representation in Congress for the District of Columbia as embodied in House Joint Resolution 554 is a legislative matter which is a top priority for all of us. We urge you to support the measure when it comes to a vote in the Senate.

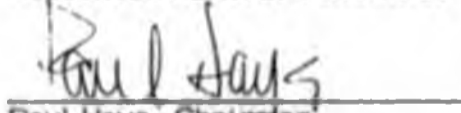
As you know, the House of Representatives on March 2nd, passed H.J. Res. 554 by a two-thirds vote, 289-127. This historic vote marked the first truly significant step forward in an effort which began in December, 1908. Since that beginning there have been more than 150 joint resolutions introduced to 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.

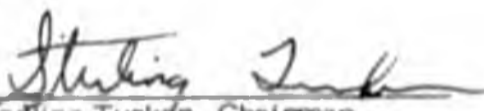
A two-thirds vote in the Senate will send this measure on to the states for a final decision. We believe the state legislatures should have the opportunity to vote on H.J. Res. 554. The arguments in favor of this fundamental principle need not be repeated here. We ask only that you voice your support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

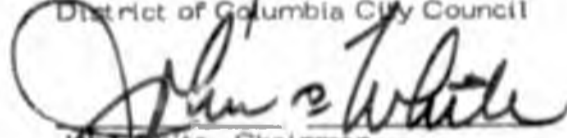
Sincerely,


Walter E. Washington, Mayor
District of Columbia


William E. Brock, Chairman
Republican National Committee


Paul Hays, Chairman
D.C. Republican Committee


Sterling Tucker, Chairman
District of Columbia City Council


John White, Chairman
Democratic National Committee


Robert Washington, Chairman
D.C. Democratic State Committee

John Hechinger
John Hechinger
D.C. Democratic National
Committeeman

Jerry A. Moore Jr.
Jerry A. Moore
Republican Member
District of Columbia Council

Robert Linowes
Robert Linowes, President
Metropolitan Washington Board
of Trade

Sol M. Linowitz
Sol M. Linowitz, President
Federal City Council

E. Lynn Swanson
Elynn Swanson, President
D.C. League of Women Voters

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

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

Melvin J. Washington
Melvin J. Washington, President
Washington Bar Association

Samuel Jackson
Samuel Jackson, Member
D.C. Republican Party

Sharon Dixon
Sharon Dixon
D.C. Democratic National
Committeewoman

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

Chuck Clinton
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 (NOW BEFORE THE SENATE):

"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"

VOTE IN THE UNITED STATES SENATE

D.C. VOTING RIGHTS AMENDMENT

APPROVED, 67-32

AUGUST 22, 1978

ALABAMA		
Allen M	N	
Sparkman	Y	
ALASKA		
Gravel	Y	
Stevens	N	
ARIZONA		
DeConcini	Y	
Galewiler	Y	
ARIZONA		
Bumpers	Y	
Hodges	N	
CALIFORNIA		
Ciampi	Y	
Hayakawa	N	
COLORADO		
Hart	Y	
Hughes	Y	
CONNECTICUT		
Roberts	Y	
Wicker	Y	
DELAWARE		
Baker	Y	
Bork	N	
FLORIDA		
Chiles	N	
Strom	Y	
GEORGIA		
Nixon	Y	
Isaacs	Y	
HAWAII		
Moynihan	Y	
IDaho		
Church	Y	
McClure	N	
ILLINOIS		
Stevenson	Y	
Percy	Y	
INDIANA		
Bryce	Y	
Logan	Y	

IOWA		
Clark	Y	
Culver	Y	
KANSAS		
Dole	Y	
Pearson	Y	
KENTUCKY		
Ford	Y	
Muddapati	Y	
LOUISIANA		
Jahner	N	
Long	N	
MAINE		
Hathaway	Y	
Muskie	Y	
MARYLAND		
Sabatos	Y	
Mathias	Y	
MASSACHUSETTS		
Sennedy	Y	
Brooks	Y	
MICHIGAN		
Bagley	Y	
Griffin	Y	
MINNESOTA		
Anderson	Y	
Humphrey	Y	
MISSISSIPPI		
Eastland	Y	
Strom	N	
MISSOURI		
Feagles	Y	
Donohoe	Y	
MONTANA		
Mohr	N	
Hefner	N	
NEBRASKA		
Zorinsky	N	
Curry	N	
NEVADA		
Cannon	N	
Leahy	N	

NEW HAMPSHIRE		
Durbin	Y	
McNire	Y	
NEW JERSEY		
Williams	Y	
Cosa	Y	
NEW MEXICO		
Udall	N	
Schwartz	N	
NEW YORK		
Moynihan	Y	
Javits	Y	
NORTH CAROLINA		
Morgan	N	
Holms	N	
NORTH DAKOTA		
Burdick	N	
Tavel	N	
OHIO		
Glass	Y	
Mohr	Y	
OKLAHOMA		
Barlow	N	
Ball	N	
OREGON		
McCall	Y	
Perkins	Y	
PENNSYLVANIA		
Mans	Y	
Schwartz	N	
RHODE ISLAND		
Paoli	Y	
Chafee	Y	
SOUTH CAROLINA		
Wofford	Y	
Thurmond	Y	
SOUTH DAKOTA		
Abraham	Y	
McClure	Y	
TENNESSEE		
Sasser	Y	
Baker	Y	

TEXAS		
Berman	Y	
Tower	N	
UTAH		
Garn	N	
Mohr	N	
VERMONT		
Leahy	Y	
Stafford	Y	
VIRGINIA		
Byrd	N	
Scott	N	
WASHINGTON		
Jackson	Y	
Magnuson	Y	
WEST VIRGINIA		
Byrd	Y	
Burdick	Y	
WISCONSIN		
Mohr	Y	
Proxmire	Y	
WYOMING		
Mason	N	
Wallace	N	

Y - Voted for (yes)

KEY	
Y	Voted for (yes)
N	Voted against (no)
Y	Did not vote or otherwise make a position known

Democrat Republican

VOTE IN THE UNITED STATES HOUSE OF REPRESENTATIVES

D.C. VOTING RIGHTS AMENDMENT

APPROVED, 289-127

MARCH 2, 1978

ALABAMA		
1 Edwards	Y	
2 Dickinson	N	
3 Nichols	N	
4 Beville	Y	
5 Flippo	N	
6 Buchanan	Y	
7 Flowers	Y	
ALASKA		
Al Young	N	
ARIZONA		
1 Rhodes	N	
2 Udall	Y	
3 Stump	N	
4 Budd	N	
ARKANSAS		
1 Alexander	N	
2 Tucker	N	
3 Hammarichmidt	Y	
4 Thornton	Y	
CALIFORNIA		
1 Johnson	Y	
2 Clauson	Y	
3 Moss	Y	
4 Leggett	Y	
5 Burton J	Y	
6 Burton P	Y	
7 Miller	Y	
8 Daltum	Y	
9 Stark	Y	
10 Edwards	N	
11 Ryan	N	
12 McCluskey	Y	
13 Minetti	Y	
14 McFall	N	
15 S.	N	
16 Romano	Y	
17 Ervick	Y	
18 Yarbum	N	
19 Legumero	N	
20 Goldwater	N	
21 Corbett	Y	
22 Moorhead	Y	
23 Buchanan	Y	
24 Worman	Y	
25 Rayburn	Y	
26 Russell	N	
27 Derman	Y	
28 Burke	Y	
29 Hancock	Y	
30 Danaher	Y	
31 Wilson C N	N	
32 Anderson	N	
33 Clawson	N	
34 Mansfield	Y	
35 Lloyd	Y	
36 Brown	Y	
37 Peffly	N	
38 Patterson	Y	
39 Wiggins	N	
40 Bradford	Y	
41 Wilson A	Y	
42 Van Dusen	Y	
43 Burgener	Y	
COLORADO		
1 Schroeder	Y	
2 Wirth	Y	
3 Evans	Y	
4 Johnson	N	

3 Armstrong	N	
CONNECTICUT		
1 Coner	Y	
2 Dodd	Y	
3 Casper	Y	
4 McKinney	Y	
5 Sorasin	Y	
6 Maffett	Y	
DELAWARE		
Al Evans	Y	
FLORIDA		
1 Sikes	N	
2 Fugate	Y	
3 Bennett	Y	
4 Christall	Y	
5 Hat	N	
6 Young	N	
7 Gubins	N	
8 Ireland	Y	
9 Frey	N	
10 Sefelt	N	
11 Rogers	Y	
12 Burke	N	
13 Lohman	Y	
14 Pascoe	Y	
15 Foxall	Y	
GEORGIA		
1 Quinn	Y	
2 Mathis	Y	
3 Brinkley	Y	
4 Lantis	Y	
5 Taylor	Y	
6 Flynn	Y	
7 McDan	N	
8 Evans	Y	
9 Jenkins	N	
10 Barnard	Y	
HAWAII		
1 Hefner	Y	
2 Akaka	Y	
IDaho		
1 Symms	N	
2 Hansen G	N	
ILLINOIS		
1 Markoff	Y	
2 Murphy	Y	
3 Rust	Y	
4 Derwin	N	
5 Pats	Y	
6 Hyde	N	
7 Collins	Y	
8 Rostenkowski	Y	
9 Pats	Y	
10 Mills	Y	
11 Armstrong	Y	
12 Crane	N	
13 McClary	Y	
14 Ripstein	Y	
15 Corcoran	Y	
16 Anderson	Y	
17 O'Brien	N	
18 Michel	N	
19 Rostenkowski	Y	
20 Findley	Y	
21 Madigan	Y	
22 Shapiro	N	
23 Price	Y	
24 Simon	Y	
INDIANA		
1 Bennett	Y	
2 Peltus	Y	
3 Brademas	Y	
4 Quayle	Y	
5 Mills	Y	
6 Evans	Y	
7 Myers J	Y	
8 Cornwell	Y	
9 Hamilton	Y	
10 Sharp	Y	
11 Janssen	Y	
IOWA		
1 Louch	Y	
2 Blunt	Y	
3 Grimes	N	
4 Smith	Y	
5 Harbo	Y	
6 Bader	Y	

KANSAS		
1 Sobush	N	
2 East	Y	
3 Wynn	Y	
4 Chisman	Y	
5 Shultz	N	
KENTUCKY		
1 Hubbard	Y	
2 Mathias	Y	
3 Mastri	Y	
4 Snyder	N	
5 Carter	Y	
6 Bratcher J	Y	
7 Perkins	Y	
LOUISIANA		
1 Livingston	N	
2 Boggs	Y	
3 Froen	N	
4 Wiggan	N	
5 Mouton	Y	
6 Moore	N	
7 Brown	N	
8 Long	Y	
MAINE		
1 Emery	Y	
2 Cohen	Y	
MARYLAND		
1 Bowman	N	
2 Long	Y	
3 Mathis	Y	
4 Holt	N	
5 Spillman	Y	
6 Rostenkowski	Y	
7 Mitchell	Y	
8 Stans	Y	
MASSACHUSETTS		
1 Conte	Y	
2 Boland	Y	
3 Early	Y	
4 Duncan	Y	
5 Tamm	Y	
6 Harrington	Y	
7 Mathias	Y	
8 O'Neill	Y	
9 Matthews	Y	
10 Norther	Y	
11 Burke	Y	
12 Studts	Y	
MICHIGAN		
1 Conroy	Y	
2 Farrell	Y	
3 Brown	N	
4 Starnes	Y	
5 Sepp	Y	
6 Carr	Y	
7 Hilde	Y	
8 Trosper	Y	
9 Vander Jagt	Y	
10 Condit	N	
11 Bopp	N	
12 Bonar	Y	
13 Dugger	Y	
14 Mead	Y	
15 Ford	N	
16 Dingell	N	
17 Bradhead	Y	
18 Blanchard	Y	
19 Boehlert	N	
MINNESOTA		
1 Quigg	Y	
2 Magnuson	N	
3 Frisvold	Y	
4 Vento	Y	
5 Fraser	Y	
6 Nelson	Y	
7 Hennigand	N	
8 Oberstar	Y	
MISSISSIPPI		
1 Whitten	N	
2 Bonner	N	
3 McGehee	N	
4 Cochran	N	
5 Low	N	
MISSOURI		
1 Clay	Y	
2 Young	N	
3 Cawthorn	Y	

4 Shelton	Y	
5 Bolling	Y	
6 Coleman	Y	
7 Taylor	N	
8 Beard	N	
9 Volkmer	Y	
10 Burson	Y	
MONTANA		
1 Buntz	Y	
2 Mariano	Y	
NEBRASKA		
1 Thone	Y	
2 Cavanaugh	Y	
3 Smith	N	
NEVADA		
Al Swift	N	
NEW HAMPSHIRE		
1 D Amore	Y	
2 Cleveland	N	
NEW JERSEY		
1 Flors	Y	
2 Hughes	Y	
3 Howard	Y	
4 Thompson	Y	
5 Panzer	N	
6 Parypa	Y	
7 Maguire	Y	
8 Roe	Y	
9 Hollenbeck	Y	
10 Rodino	Y	
11 Amodeo	Y	
12 Amodeo	Y	
13 Mayner	Y	
14 LaFalce	Y	
15 Pomeroy	Y	
NEW MEXICO		
1 Lujan	N	
2 Rostenkowski	N	
NEW YORK		
1 Pata	N	
2 Downer	Y	
3 Amodeo	N	
4 Loni	Y	
5 Wyder	N	
6 Wall	Y	
7 Addabbo	Y	
8 Rosenblatt	Y	
9 Delaney	Y	
10 Boga	Y	
11 Conaway	Y	
12 Coughlin	Y	
13 Sander	Y	
14 Bachman	Y	
15 Jolani	Y	
16 Holtzman	Y	
17 Murphy	Y	
18 Green	Y	
19 Engel	Y	
20 Weiss	Y	
21 Conaway	Y	
22 Bingham	Y	
23 Caputo	Y	
24 O'Rourke	Y	
25 Fish	Y	
26 Gilman	Y	
27 McHugh	Y	
28 Siatton	N	
29 Pata	Y	
30 McEwen	Y	
31 Mitchell	Y	
32 Hendry	Y	
33 Walsh	Y	
34 Markey	Y	
35 Conahy	Y	
36 LaFalce	Y	
37 Markey	Y	
38 Long	Y	
39 Lundberg	Y	
NORTH CAROLINA		
1 Jones	Y	
2 Fuquay	Y	
3 Whitby	Y	
4 Andrews	Y	
5 Neal	Y	
6 Price	Y	
7 East	Y	
8 Helms	Y	

9 Martin	N	
10 Bayh	Y	
11 Cudger	Y	
NORTH DAKOTA		
Al Andrews	N	
OHIO		
1 Gradson	Y	
2 Lujan	Y	
3 Whalen	Y	
4 Guyer	Y	
5 Letta	N	
6 Harsha	N	
7 Brown	Y	
8 Rindness	N	
9 Ashes	N	
10 Miller	N	
11 Stanton	Y	
12 Davine	N	
13 Pata	Y	
14 Spahr	Y	
15 Wyle	Y	
16 Reule	Y	
17 A. V. Brook	N	
18 A. V. Brook	Y	
19 Conroy	Y	
20 Oaker	Y	
21 Stokes	Y	
22 Wink	Y	
23 Mott	Y	
OKLAHOMA		
1 Jones	Y	
2 Bognhos	Y	
3 Wadley	N	
4 Hood	N	
5 Edwards	N	
6 English	N	
OREGON		
1 Auer	Y	
2 Ullman	Y	
3 Duncan	Y	
4 Weiser	Y	
PENNSYLVANIA		
1 Myers	Y	
2 Nease	Y	
3 Lederer	Y	
4 Blunt	Y	
5 Schuler	N	
6 Tipton	Y	
7 Edger	Y	
8 Costin	Y	
9 Shuster	N	
10 McCade	Y	
11 Flood	Y	
12 Murtha	Y	
13 Coughlin	Y	
14 Markey	Y	
15 Bonny	Y	
16 Walker	N	
17 Ertel	Y	
18 Walgren	Y	
19 Goodling W	Y	
20 Cardin	Y	
21 Pant	Y	
22 Murphy	Y	
23 Amodeo	Y	
24 Marks	Y	
25 Myers G	N	
RHODE ISLAND		
1 St. Germain	Y	
2 Reed	Y	
SOUTH CAROLINA		
1 Davis	Y	
2 Spence	N	
3 Cooper	Y	
4 Glenn	Y	
5 Hollifield	Y	
6 Javors	Y	
SOUTH DAKOTA		
1 Prosser	N	
2 Anderson	N	
TENNESSEE		
1 Guillen	N	
2 Dornan	N	
3 Lloyd	Y	
4 Gore	Y	
5 Allen	Y	
6 Beard	N	

3 Jones	Y	
8 Ford	Y	
TEXAS		
1 Hall	Y	
2 Wilson C	N	
3 Collins	N	
4 Roberts	Y	
5 Martin	Y	
6 Toussaint	N	
7 Archer	N	
8 Eckhardt	Y	
9 Brooks	N	
10 Price	Y	
11 Poage	N	
12 Wright	Y	
13 Highower	N	
14 Young	N	
15 de la Garza	N	
16 White	N	
17 B. Mann	N	
18 Jordan	Y	
19 Mathis	Y	
20 Gonzalez	Y	
21 Kruger	Y	
22 Clammage	Y	
23 East	N	
24 McHard	N	
UTAH		
1 McElroy	N	
2 Marriott	N	
VERMONT		
Al Jaffards	N	
VIRGINIA		
1 Trible	Y	
2 Whitford	N	
3 Satterfield	N	
4 Daniel	N	
5 Daniel	N	
6 Butler	N	
7 Robinson	N	
8 Harris	Y	
9 Wampler	N	
10 Fisher	Y	
WASHINGTON		
1 Pritchard	Y	
2 Amodeo	Y	
3 Rostenkowski	Y	
4 McCarmack	Y	
5 Foley	Y	
6 Dubs	Y	
7 Cunningham	N	
WEST VIRGINIA		
1 Mathias	N	
2 Staggers	Y	
3 Stoltz	Y	
4 Rostenkowski	Y	
WISCONSIN		
1 Kasten	Y	
2 Kasten	Y	
3 Bialos	Y	
4 Zellick	Y	
5 Kasten	Y	
6 Steiger	Y	
7 Okey	Y	
8 Cornell	Y	
9 Kasten	Y	
WYOMING		
Al Kasten	Y	

STATE OF ALASKA
THE LEGISLATURE

LEGISLATIVE AFFAIRS AGENCY

POUCH Y - STATE CAPITOL
JUNEAU, ALASKA 99811
907-465-3800

MEMORANDUM

December 4, 1978

SUBJECT: Work Order #5890: Requesting a House Joint Resolution
Ratifying the Amendment to the U.S. Constitution
Granting District of Columbia Residents Congressional
Representation and Voting Rights.

TO: Representative Mike Miller

FROM: John B. Chenseth
Legislative Counsel

This is to advise you that another member of the House of Representatives
had earlier requested an identical resolution and has already approved
its prefile.

JBC:jdm

Congressional Digest



October, 1978

Controversy Over Giving
The District Of Columbia
House & Senate Seats
In The U.S. Congress

Pro & Con

Washington, D.C.

The Congressional Digest

*An independent monthly featuring controversies in Congress, pro & con.
Not an official organ, not controlled by any party, interest, class or sect.*

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Founded
1921

October, 1978

Volume 57
Number 10

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Controversy Over House & Senate Seats For The District of Columbia

He Who Decides a Case Without Hearing the Other Side . . . Those Who Decide Justly, Cannot Be Considered Just—SENECA

FOREWORD=

ON AUGUST 22, 1978, the Senate approved a joint resolution earlier adopted by the House, and sent to the States for consideration by their legislatures a proposed Constitutional amendment that would grant voting representation in Congress for the first time to the District of Columbia. The proposal would provide that the District could elect two U.S. Senators and the number of Representatives that its population would warrant if it were a State. It would provide also that the District be treated as a State for purposes of ratifying future Constitutional amendments and in the Electoral College.

To date, the amendment has been taken up by the California legislature, which declined to bypass its normal procedures to consider it on a priority basis; by the Delaware legislature, where a similar position was taken; and by the legislature of New Jersey which, following accelerated procedures in a special session, passed the proposed amendment on September 11 by substantial margins, thus becoming the first State to ratify. Efforts are expected in the near future in the legislatures of Michigan and Pennsylvania, and before the end of 1978 in several other States.

The main thrust of efforts to secure ratification, however, is expected to be mounted by the amendment's backers during 1979, in which year every State legislature but one will meet (see page 231). Approval by 38 States is required within seven years if the proposal is to become a part of the Constitution.

Present accelerated efforts to secure early ratification by a few States before the end of 1978 are seen likely to give way to a slower pace as the amendment is considered in legislative committee in a number of the 49 States whose legislatures will be in session in 1979. It is expected that State legislators will bring to the debate in their respective houses many of the arguments which have characterized debate over the question in recent years at the Federal level.

Essentially, proponents argue that the approximately 700,000 residents of the District suffer "taxation without representation," that they are subject to many Federal laws and actions affecting their lives without having a voice in the making of such laws, and that they are denied other prerogatives of the franchise which are accorded the residents of the 50 States.

Opposition to the amendment, ranging over a wide variety of arguments, point out that the existence of House and Senate committee and subcommittee structure concerned solely with District of Columbia affairs provides the District with what is, if anything, overrepresentation. Most severely criticized is the proposed amendment's treatment of the District "as if it were a State," and the unclear and contradictory political status which it is claimed would result from such language. Opponents point out that residents of U. S. territories do not possess the franchise, although possessing more of the attributes of statehood than the District, and that, accordingly, the District is not unique in that respect.

Still further opposition argues that the District, with a population consisting largely of Federal employees, with private employment in the main largely tied economically to the Federal Government, and with a racial balance and urban character greatly atypical of the Nation as a whole or of any State, lacks any of the varied economic or social characteristics which would warrant treatment "as if it were a State." Such arguments stress that the reasons originally underlying the creation of a neutral Federal district remain valid today and should not be changed.

As these, and other relevant arguments both for and against the amendment, receive consideration in the States, the complexity of the subject and its implications for the republican forms and Constitutional traditions of almost two centuries are expected to receive major public attention as the proposal works its way through the process which will lead either to ultimate ratification or rejection by the States.

Political Evolution Of The Seat Of Federal Government

Political evolution of the District of Columbia from the Constitutional Convention in 1787 to its present "home rule" status under authority of an Act of Congress signed in December 1973, is described in part as follows in an April 1975 study prepared by the Congressional Research Service of the U.S. Library of Congress: "The Political Evolution of the District of Columbia: Current Status and Proposed Alternatives."

"THERE IS EVIDENCE that the Founding Fathers, during the Constitutional Convention of 1787, moved to create a site in which to locate the national capital, completely removed from the control of any State, because of an incident which occurred in 1783. James Madison and other delegates to the Convention were apparently convinced that a capital city under the exclusive jurisdiction of Congress was necessary and desirable because of certain humiliations and potential physical danger endured by the Continental Congress on June 21, 1783. Madison and numerous other Convention delegates were members of the Continental Congress and present on that day in 1783 when 80 to 250 (accounts vary on the number) mutinous Revolutionary Army troops not yet deactivated, marched on and surrounded Independence Hall in Philadelphia where the Continental Congress was in session. These troops, disobeying orders of their officers, had come to Philadelphia to petition the Congress for many months of pay due them. The troops were armed, intoxicated, leaderless, and threatening to the assembled members of Congress who had barred the doors and shutters of the legislative chamber. Congress requested police or militia protection from the Pennsylvania authorities, but such protection was denied. The troops dispersed by evening and the Congress voted to move immediately to Princeton, New Jersey where local authorities promised protection.

"While the Constitutional Convention of 1787 provided for the establishment of a separate, federally controlled seat for the national government, the perceived or presumed political rights of the residents of this to-be-established city are not mentioned in the recorded debates of the Convention of 1787 or the recorded de-

bates of the conventions called by the States to ratify the Constitution.

[The text of the Constitutional provision involved, Article I, section 8, clause 17, is given in the article beginning on page 229.]

Evolution of Local Government to 1871

"At the time the Constitution was drafted in 1787, the location of the District had not been determined. Within the next two years, however, the States of Maryland and Virginia, in 1788 and 1789 respectively, ceded sections of their own lands on either side of the Potomac River at the head of navigation.

"By an act of July 16, 1790, Congress accepted the newly acquired territory 'for the permanent seat of the government of the United States . . .' This law further authorized commissioners appointed by the President to survey and define precisely the boundaries of the District and to provide suitable building for the housing of the National Government by the year 1800.

"In June of 1800 President John Adams took up residence in Georgetown (The White House, under construction, was not ready for occupancy until later in the year). At about the same time, Government personnel and records were moved from Philadelphia to the District, and in November Congress met for the first time in the Capitol, the north wing being the only part then completed.

"The first legislation dealing with the governing of the District of Columbia was enacted on February 27, 1801. This law and another passed a few days later designated the District territory on the Virginia side of the Potomac as the County of Alexandria and that on the Maryland side as the County of Washington.

"These laws did not provide for anything even approaching a complete form of local government, but they did establish a circuit court and call for the appointment of judicial and law enforcement officers and certain other public officials. The February act provided that the State laws already in effect in the ceded areas should continue to prevail.

"The first real government for the new city was

created by the act of May 3, 1802. This government applied only to the city of Washington, and it should be made clear that other units of government were functioning in the District of Columbia at this time. For example, Georgetown and Alexandria continued to operate as independent cities with their own charters; and there were also Counties of Washington and Alexandria.

"Under the terms of incorporation as set forth in the 1802 statute, Washington was governed by a City Council and a Mayor. The Council consisted of twelve members elected by the eligible voters. The twelve councilmen then chose from their own ranks five persons to serve in the second chamber while the remaining seven made up the first chamber. The Mayor was appointed on an annual basis by the President.

"Fundamental changes were effected in the city government by an act of May 4, 1812. An eight-member Board of Aldermen, elected for two years, and a Board of Common Council, consisting of twelve members elected for one year, replaced the original two-chamber council. The President no longer appointed the Mayor, who was, instead, elected annually by a majority vote of the Aldermen and Council Members.

"The next significant change in the governing of Washington was made by the law of May 15, 1820. Under its terms the Mayor was elected directly for a two-year term by the vote of the people, who continued to elect the Board of Aldermen and members of the Common Council.

"This basic form of government remained in effect without important change for more than half a century, until the great shake-up in the 1870's. The intervening years, however, were not wholly uneventful in the political history of the District of Columbia. For example, when the Whigs elected a Mayor in 1840, it touched off a political quarrel with the Democratic Congress that placed the city charter in jeopardy. The corporate privileges of District banks actually were suspended.

"There were sounds of dissension, too, in the 1840's in Georgetown and in the Virginia areas of the District. These jurisdictions were annoyed by their inability to get funds from Congress for improvements and by the suspension of the bank charters. Georgetown sought to be re-ceded to Maryland, but the State legislature was not interested in taking on further financial burdens.

"In Virginia the outcome was different. The Federal Government had never used any of the land across the Potomac which Virginia had ceded to the District. The people in this area felt that Congress had never modernized the laws governing them and that they were at a political disadvantage in being disfranchised except for local elections.

"In 1846 they sought retrocession of this area to Virginia. Petitions to this effect were sent to Congress and to the State Legislature. Approval was given in Richmond even before Congress acted. On July 9 Congress agreed to retrocession subject to a vote of approval by citizens in the affected area. This vote was strongly in favor of the contemplated action, and the retrocession was made effective on September 7 by Presidential proclamation.

"With this action the geographical area of the District was reduced from its original one hundred square miles to the sixty-nine square miles (approximately) which it today occupies.

Congress & the District in the 1870's

"The 1870's witnessed the abolition by Congress of locally elected government (home rule) in the District of Columbia. Congress would not again charter an elected government in the District of Columbia until 1973. The question is often asked: Why did Congress revoke home rule in the 1870's? The answer to this query involves several factors, according to historians of the period, such as the rapid population growth of the city after the Civil War, the desire to transform Washington into a city of the beauty and attractiveness befitting the Nation's Capital, a serious, genuine, and immediate need for greatly improved and expanded public works and services, racial problems, political differences, and personality conflicts and disagreements.

"When the charter of the City of Washington was up for renewal by Congress in 1868, it was extended for two one-year periods. The charter had been extended for twenty-year periods by Congress prior to the 1860's. And, beginning in 1866, bills were introduced providing for the complete abolition of elected municipal government in the District of Columbia. In 1870, Senator Hannibal Hamlin, Republican of Maine and then chairman of the District Committee, introduced a bill providing for the abolition of the locally elected governments in Washington and Georgetown and the establishment of a "Territorial Government" comprised of a two-chamber legislative body, one elected and one appointed, and an appointed governor. The bill became law on February 21, 1871. The act also provided for a nonvoting delegate to the House of Representatives from the District of Columbia.

"In 1870 there were three congressionally chartered governments in the District of Columbia—the cities of Washington and Georgetown and the County of Washington. Congress, however, had some years before initiating a legislative process of ending the autonomy of these local governments. This process, essentially one

of municipal service consolidation, began in 1861 with the creation of the Metropolitan Police Department for the entire District of Columbia.

"This new government also contained a five-member, appointed Board of Public Works for the purpose of expediting the call of President U.S. Grant 'to lift the Nation's Capital out of the mud.' The Board, under the direction of Alexander Shepherd, launched ambitious water, sewer, street paving, and park improvement programs. The heavy costs of these improvements resulted in substantially increasing the indebtedness of the local government. Steeply higher property assessments and real estate taxes resulted. Many taxpayers and Members of Congress began to question the authority and wisdom of the Board of Public Works.

"In January, 1872, the Committee on the District of Columbia of the House of Representatives, in response to various petitions from residents of the District of Columbia charging the Board of Public Works and municipal officials with malfeasance, began extensive hearings and investigations into the operations of the recently established government of the District of Columbia. The Committee issued a report to both the House and Senate on May 13, 1872.

"District taxpayers continued to petition Congress in protest of the higher property assessments and taxes being raised in the District of Columbia to finance the projects of the Board of Public Works and attendant municipal indebtedness. Responding to these petitions, Congress in February, 1874, created the Joint Select Committee to Inquire into the Affairs of the Government of the District of Columbia. The Committee was composed of two Senators and five House Members, none of whom were members of the Senate or House District of Columbia Committees. The Committee on June 16, 1874, issued a report and a journal of investigative proceedings running to over three thousand printed pages.

"Congress acted with dispatch in implementing the recommendations of its Joint Select Committee. First, Congress abolished, by an act of June 20, 1874, the partly elected territorial District of Columbia Government established in 1871 and created in its place an interim government of three presidentially appointed commissioners with final approval of the District budget being specifically reserved to Congress.

"Secondly, on August 14, 1876, by resolution, Congress created the Joint Select Committee to Frame a Government for the District of Columbia. It was the 45th Congress in 1878 that established a permanent form of government for the District of Columbia. Congress modified and made permanent the temporary commission form of government established in 1874. This action

marked the beginning of a 100-year period of presidentially appointed local government in the District of Columbia. In many cases these appointees were not residents of the District of Columbia but rather political operatives of the President.

Commission Government: 1878—1967

"In the 45th Congress the District of Columbia Committee in the House reported a bill providing for a permanent government for the District of Columbia. As passed by the House on May 7, 1878, this bill provided for a municipal government of three commissioners, one to be appointed by the President, and one each elected by the Senate and House, and a twenty-four member city council to be elected by the eligible voters of the District. There was no provision for the election of a nonvoting delegate to the House from the District.

"On May 8, 1878, H.R. 3259 was referred to the Senate District of Columbia Committee. As reported in the Senate, H.R. 3259 provided for a municipal government of three presidentially appointed commissioners, but no city council. The Committee did amend the bill, however, to provide for the election of a nonvoting delegate to the House of Representatives. The bill passed the Senate on May 27, 1878 in essentially the form reported by its Committee on the District of Columbia. The House would not concur with this version of the bill and, at the request of the Senate, the impasse was taken up in conference. The conference report was a compromise of the Senate and House passed bills and provided for a government of three presidentially appointed commissioners, but no elected city council as provided in the House passed bill, and no nonvoting delegate to the House as provided in the Senate passed bill. After House concurrence with the conference report, the Senate concurred on June 10, 1878 and the passed legislation became law on June 11, 1878.

Reorganized Commission Government

"The act of June 11, 1878 remained the basic organic act of the government of the District of Columbia until 1967 when that act was modified by Reorganization Plan No. 3 of 1967. This Reorganization Plan replaced the three-commissioner form of government with one presidentially appointed commissioner, popularly called 'the mayor,' and a nine-member presidentially appointed city council. All appointments were subject to the advice and consent of the Senate. A maximum of six council members could be appointed from any single political party, thus assuring minority party representation. Probably, for the first time, all appointees were bona fide long-time residents of the District of Columbia.

(Continued on page 256)

Constitutional Provisions Involved In The Debate

Congress
Seats
For D.C.

IN THE CONGRESSIONAL DEBATE over the question of approving a proposed Constitutional amendment to give voting representation in Congress to the District of Columbia, several provisions of the U.S. Constitution have received particular attention. These include the following:

Provision for a Federal District

That provision which vests authority over the affairs of the District of Columbia in the Congress and conveys to Congress exclusive legislative jurisdiction appears in Article I, section 8, clause 17, as follows:

"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 . . ."

Representation in Congress

Article I of the Constitution treats with the composition and powers of the House and Senate. Section 2 states:

"The House of Representatives shall be composed of Members chosen every second Year by the People of the several States, and the Electors in each State shall have the Qualifications requisite for Electors of the most numerous Branch of the State Legislature."

Clause 3 of the same section, in language added by section 2 of the 14th Amendment, states that "Representatives and direct Taxes shall be apportioned among the several States which may be included within this Union, according to their respective Numbers . . ."

Section 3 of Article I provides that "The Senate of the United States shall be composed of two Senators from each State, [chosen by the Legislature thereof,] for six Years; and each Senator shall have one Vote." (Clause in brackets was added by section 1 of the 17th Amendment.)

Vote in Presidential Elections

On March 29, 1961, the 23rd Amendment to the Constitution, approved by the Congress and sent to the States in June 1960, was declared ratified by the requisite number of States. Providing the vote for residents of the District of Columbia in elections for President and Vice President, the amendment states:

"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; they shall be in addition to those appointed by the States, but they shall be considered, for the purposes of the election of President and Vice President, to be electors appointed by a State; and they shall meet in the District and perform such duties as provided by the twelfth article of amendment."

Amendment of the Constitution

Provision for the amendment of the U.S. Constitution is made in Article V, as follows:

"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 prescribed by the Congress."

A further provision of Article V frequently cited in the current debate states that, in connection with the Constitutional amendatory process, "no State, without its Consent, shall be deprived of its equal Suffrage in the Senate."

Action In The 95th Congress On The Proposed Amendment

Congress
Seats
For D.C.

OVER THE YEARS a number of unsuccessful attempts have been made to extend statehood to the District of Columbia, to retrocede its territory to the State of Maryland, or to extend voting representation in one or both houses of the Congress to its residents. In the present decade, such efforts have been reflected in hearings held in July 1971 before a subcommittee of the House Judiciary Committee and in hearings before a Senate Judiciary subcommittee in June 1970 and July 1973.

More recently, in the 94th Congress, the House voted on H.J. Res. 280, a joint resolution which would amend the Constitution by granting voting representation in Congress to the District of Columbia. The vote—229 in favor, 181 opposed—was 45 votes short of the two-thirds majority required for approval.

House Action in 95th Congress

In the first session of the current 95th Congress, several joint resolutions were introduced in the House calling for similar Constitutional amendatory action. Among these was H.J. Res. 554, introduced by Rep. Don Edwards, Calif., D., Chairman of the Judiciary Committee's Subcommittee on Civil and Constitutional Rights.

Five days of Subcommittee hearings opened on August 3, 1977, on H.J. Res. 554 and related proposals. On October 30 the Subcommittee unanimously approved H.J. Res. 554, clearing the measure for full Committee consideration.

Meanwhile, President Carter, who had earlier announced his support of full voting representation in the Congress for the District, reaffirmed his position in his State of the Union Message delivered to the Congress on January 19, 1978. Twelve days later, on January 31, the House Judiciary Committee approved H.J. Res. 554, as amended, by a vote of 27-6. The resolution was favorably reported to the House of Representatives on February 16.

Having cleared the House Rules Committee on February 24, the resolution reached the House floor for debate on March 1, 1978. After two days of debate, H.J. Res. 554 was approved on March 2 by a vote of 289-127, eleven votes more than the required two-thirds majority. (For the text of the resolution, see page 231.)

Action in the Senate

Four days after House passage of the D.C. voting representation resolution, an attempt was made in the Senate to secure unanimous consent for placing the resolution directly on the Senate calendar, bypassing Senate committee action. Objection was raised to the request, however, and on April 17, 1978, the Senate Judiciary Committee's Subcommittee on the Constitution, chaired by Sen. Birch Bayh, Ind., D., began three days of hearings on S.J. Res. 65, a counterpart to H.J. Res. 554.

With the Senate calendar jammed with "must" legislation, including Carter Administration energy proposals, tax and labor reform bills, and other high-priority proposals which had been delayed by the protracted Panama Canal Treaty debate earlier in the year, it was not until August 16 that the proposed D.C. voting representation resolution reached the Senate floor for consideration.

Following four days of debate, H.J. Res. 554 was approved by the Senate on August 22, 1978, by a vote of 67 to 32, one vote more than the required two-thirds majority. Efforts to amend the resolution in various respects had been defeated in the course of the floor debate, and the version approved was identical to that earlier passed by the House of Representatives.

Since a proposed Constitutional amendment does not require signature or other action by the President, Senate passage cleared the way for transmittal of the resolution to the 50 States for consideration by their legislatures. If 38 States—a three-fourths majority—vote to ratify within seven years of the date of submission, H.J. Res. 554 will become a part of the Constitution.

Meanwhile, opponents of the proposed amendment in late August introduced measures to provide for retrocession of the populous parts of the District of Columbia to Maryland, to make the District a State, and to treat the District as a State for purposes of representation in the House but as part of the State of Maryland for purposes of representation in the Senate. Since the proposed amendment has already cleared both bodies of Congress, however, and has already been taken up by the legislatures of several States, it is not considered likely that further Congressional action will ensue on the subject of D.C. voting representation in the near future.

The States & Ratification Action

Congress
Seats
For D.C.

APPROVAL BY THE SENATE on August 22, 1978, of H.J. Res. 554, the proposed District of Columbia Congressional voting representation amendment, cleared the proposal for submission to the States and the beginning of the process which will lead to its ultimate ratification or rejection. The House had acted earlier, on March 2, 1978, to approve the resolution.

Text of the Amendment

As submitted to the States, the resolution approved by the 95th Congress reads as follows:

"Resolved by the Senate and House of Representatives of the United States of America in Congress assembled (two-thirds of each House concurring therein), That the following article is proposed as an amendment to the Constitution of the United States, which shall be valid to all intents and purposes as part of the Constitution when ratified by the legislatures of three-fourths of the several States within seven years from the date of its submission by the Congress:

"Section 1. 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.

"Sec. 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.

"Sec. 3. The twenty-third article of amendment to the Constitution of the United States is hereby repealed.

"Sec. 4. This article shall be operative, unless it shall have been ratified as an amendment to the Constitution by the legislatures of three-fourths of the several States within seven years from the date of its submission."

State Legislative Procedures

Although limited activity is anticipated in a few State legislatures during the remainder of 1978, the main effort by supporters of the proposed amendment is expected to take place in 1979. In that year, every State legislature but one—

Kentucky—is scheduled to meet in regular session, all but a few convening in January. The exceptions are California, which will continue throughout 1979 the session convened in December 1978; Alabama, which convenes in February; and Florida and Louisiana, both convening in April.

Different voting procedures will obtain from State to State. In six States, passage of a resolution of ratification must be accomplished by extraordinary (more than simple) majorities of both legislative houses. Five of these States—Arkansas, Colorado, Georgia, Idaho, and Kansas require approval to be by two-thirds vote, while Illinois requires a three-fifths vote. Additionally, Alabama's House of Representatives requires a three-fifths vote for approval, although that State's Senate requires only a simple majority of those present and voting.

In 22 States, a majority of the entire membership (sometimes referred to as a "constitutional majority") is required in one or both houses. Twenty of these States (Arizona, California, Delaware, Indiana, Iowa, Louisiana, Maryland, Missouri, Montana, Nevada, New Jersey, New York, North Dakota, Ohio, Oklahoma, Oregon, South Dakota, Tennessee, Utah, and Washington) have such a requirement applicable to both legislative houses. Nebraska, with a one-house legislature, also requires a majority of the total membership. In Virginia, such a majority is required in the Senate, but only a simple majority (of a quorum) is required in the House.

In 23 States, a simple majority (a majority of those present and voting—i.e., a majority of a quorum) is required in one or both houses for approval of a Constitutional amendment. Such a majority is required in both houses in Alaska, Connecticut, Florida, Hawaii, Kentucky, Maine, Massachusetts, Michigan, Minnesota, Mississippi, New Hampshire, New Mexico, North Carolina, Pennsylvania, Rhode Island, South Carolina, Texas, Vermont, West Virginia, Wisconsin, and Wyoming. Additionally, as noted above, Virginia's House requires only a simple majority for adoption, as does Alabama's Senate.

Further variations occur in some States by the adoption of special quorum requirements (two-fifths in Kentucky, for instance, and two-thirds in Oregon) rather than the more commonly used simple-majority quorum.

PRO

Should The Constitution House & Senate Seats For

by Hon. Strom Thurmond

United States Senator, South Carolina, Republican

From the debate of August 16, 1978, on the floor of the U.S. Senate during consideration of H.J. Res. 554, a proposed Constitutional amendment to grant voting representation in the U.S. Congress to the District of Columbia.

"... more than 700,000 American citizens do not have the right to elect representatives to Congress."

IT IS JUST NOT FAIR, that in the year 1978, more than 700,000 American citizens do not have the right to elect representatives to Congress. No one in 1790, when the District was created, could have imagined the rapid growth and changes that were to take place in the District of Columbia.

We should not allow this transformation of the District to be ignored any longer. Because of the fact there were only 14,000 people in the District when it was created, it has now resulted in the denial to more than 700,000 citizens of the right that all Americans cherish—the right to vote for their Representatives to Congress.

History tells us that the failure to provide the District of Columbia with representation was an oversight and not because of any specific intent by the Founding Fathers. As early as 1783, the Continental Congress was meeting in various places throughout the East. This so-called gypsy Congress was outraged with its situation and thus, in 1787, 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 by the cession of particular states, and the acceptance of Congress, become the seat of government of the United States) . . ."

Finally, in 1790, the Congress approved legislation establishing a permanent seat of government.

Unfortunately, there were many problems that overshadowed the creation of the District of Columbia. There was an intense public debate over where exactly this seat of Government should be located. In addition, there were other pressing problems that needed attention by the youthful Government, and thus the matter of representation for a yet-to-be identified group of citizens fell by the way, even though there were occasional expressions of concern over who would look after the interests of the citizens of the District.

"History tells us that the failure to provide the District of Columbia with representation was an oversight . . ."

James Madison, in the Federalist No. 43, recognized the future needs of the inhabitants of the District and that they should have a voice in the election of the Government which was to exercise authority over them. Once again, however, the expressions of concern about the residents of the District never became reality. When the Congress accepted the cession of the District of Columbia by Maryland and Virginia in 1790, the voting rights of its residents were governed by the respective laws of Virginia and Maryland. Thus, until 1800, District residents voted in either Virginia or Maryland.

Soon after, in December 1800, Congress passed legislation to freeze the laws of the two States which effectively disenfranchised the residents of the District of Columbia.

(Continued on page 234)

Be Amended To Provide The District of Columbia?

by Hon. Dewey F. Bartlett

United States Senator, Oklahoma, Republican

From the debate of August 16, 1978, on the floor of the U.S. Senate during consideration of H.J. Res. 554, a proposed Constitutional amendment to grant voting representation in the U.S. Congress to the District of Columbia.

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 others will say and do say 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.

In addition, the national media serve perhaps a more meaningful purpose as far as local issues are concerned with the District of Columbia than is the case with most States and with most communities within those States.

In the main, the members of the national media, the newspapers, TV and radio from around the country, live in or near the District, and most of them work here. So they are very familiar personally and intimately with what they feel to be the needs of the District.

It also gets its fair share, and I think rightfully so, of attention from the local media, newspapers, TV, and radio, and I believe that the media is as rightfully parochial in advancing the needs of the District, as the media sees it, as is the media of the States and of other communities and cities of a similar size to the District. But one of the differences is that the output of the media comes directly to the ears, eyes, and attention of the Representatives in Congress who have the responsibility of the District itself.

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 re-

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"The District has the distinction of having special committees in both the Senate and the House of Representatives . . ."

"This proposal . . . is completely contrary to the intention of the framers of the Constitution . . ."

"It was not fair in 1776 to tax and not allow representation, and it is not fair today."

When Congress finally moved to the District of Columbia, there were only 14,000 residents in the city. This was far less than the 50,000 residents required for statehood, and less than the 30,000 required for the establishment of a congressional district. Clearly, the small population of the District was instrumental in the lack of attention paid to it by the Congress. Moreover, the growth of the District was unforeseen by Congress. Certainly Congress did not envision the eventual disenfranchisement of nearly 750,000 persons—15 times the minimum number of persons originally required for statehood.

The residents of the District of Columbia deserve the right to representation in Congress if for no other reason than simple fairness. According to a 1975 Congressional Research Service report, it was estimated that the citizens of the District of Columbia paid more than \$1 billion in Federal income taxes. Yet they have no representation.

Taxation without representation. That was an axiom that was rejected early in American history. It was not fair in 1776 to tax and not allow representation, and it is not fair today.

District of Columbia residents pay their fair share of the support of the Federal Government. District residents paid \$164 per capita in Federal taxes in 1976. This amount was \$77 above the national average. There are only seven States with a higher per capita of Federal taxes paid. The residents of the District of Columbia are not getting a free ride. They are paying a substantial share of Federal taxes, but receive no opportunity to have a say in how those tax dollars should be spent. As a matter of fairness, they should.

Recently much has been made of the issue of human rights. The President has predicated a portion of his foreign policy on this issue. So has the Congress on various occasions. I say we cannot talk about human rights to others in the world until we here at home can show we are recognizing basic human rights. One of America's fundamental rights is the right to participate in a democracy. Residents of the District are being denied that right.

Throughout the world community, only two other Federal districts deny their residents full voting representation in their national legislatures—Brazil and Nigeria. Citizens of London, Paris, and Bonn are represented in their national legislatures. Are we to be considered less democratic than England, France, or West Germany? I would hope not.

Human rights begin at home, here in the Nation's Capital. The fact that more than 700,000 people do not have a voice in the election of those who write the Nation's laws is not a very good position from which to preach human rights. We need to practice what we preach. That means, at the least, giving the residents of the District of Columbia the right to elect their own Representatives and Senators to Congress.

Finally, there are many arguments being made that the Constitution prohibits the District from having voting representation by adoption of House Joint Resolution 554. I have studied all of the arguments in this regard and have concluded that nothing in the Constitution prevents House Joint Resolution 554, or any similar measure, if adopted, from giving the District full voting representation. It can be done if Congress, by two-thirds vote of both bodies, votes for it, and if three-fourths of the States ratify it within 7 years. I believe this procedure is

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"Human rights begin at home, here in the Nation's Capital. . . . We need to practice what we preach."

sponsibility 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.

It would be unfair to the States to provide two Senators to the District of Columbia because the States are sovereign and still have some of the sovereignty they had at the time they bestowed limited sovereignty on the U.S. Government. They did this to form a more perfect union. They provided sovereignty for the Federal Government, not the reverse. And they retain their individual sovereignty to a greater extent than the Federal Government and the courts wish to recognize.

The point is that the States created the Federal Government and they also created the District. They did not confer sovereignty on the District. If this proposal is accepted we are saying that the Federal Government can bestow or confer sovereignty on an area.

If this proposal were submitted to the States and 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.

The States agreed to a more perfect union, and in the process created the District. They did so with the understanding that all of the States would be treated equally.

It is unlikely that they would have agreed to this union if they knew a non-sovereign entity would enjoy an equal or actually more than equal status than they were to enjoy.

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 word "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, re-

"... failure to give the District two Senators was not an oversight, it was not an accident . . ."

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

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"There is more to Washington D.C. than just tourist attractions. Three quarters of a million people live and work in the District."

consistent with broad constitutional principles, and gives the District of Columbia the opportunity it so well deserves—to be treated as a State with respect to the right to have voting representation in Congress.

There is more to Washington, D.C., than just tourist attractions. Three-quarters of a million people live and work in the District. These are people who are affected by high taxes, inflation, foreign policy, farm prices, educational issues—issues that affect each and every American. Yet, no one represents their views with a vote in Congress. This is unfair, and I strongly urge my colleagues in the Senate to join me in taking steps to end this injustice. The people of each State will have the opportunity to express their views on this matter before any change is made to our Constitution.

The procedure to amend the Constitution is long and tedious to make sure that careful consideration is given by the Congress and the States to each proposed amendment thereto. This insures that whatever decision is reached will truly represent the wishes of the people of the Nation.

by Hon. Edward M. Kennedy

United States Senator, Massachusetts, Democrat

From the debate of August 16, 1978, on the floor of the U.S. Senate during consideration of H.J. Res. 554, a proposed Constitutional amendment to grant voting representation in the U.S. Congress to the District of Columbia.

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.

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 10 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

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"... it is a travesty of history that the District of Columbia has no voice in Congress."

cently, 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 committees 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 if a hybrid State, such as is proposed by this amendment, were created.

Inasmuch as the District enjoys particular advantages—that is, financial—that are not accorded to the other States, to extend Federal representation to the District would dilute and diminish sovereignty and would dilute the equal suffrage of the States. In my opinion, the States would never have agreed to such an agreement at the time they gathered to form this more perfect Union.

Some might say that if we did give the District full voting representation and include two Senators to represent them in addition to the present representation, we could no longer call ourselves the United States of America, but rather would be referred to as the "United States and Other Assorted Things of America."

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. The Federal benefits exceed what the city contributes by way of Federal taxes. In 1976, the District paid into the Federal Treasury \$645 million. It received, however, an annual direct payment, in 1977, of \$276 million and Federal grants of \$340 million. In Federal loans from the U.S. Treasury the District received \$101 million in fiscal year 1979. This does not even include outlays for the hospitals, universities, the Smithsonian, the National Zoo, the Kennedy Center, police protection, upkeep of Federal monuments, the C. & O. Canal, and the national parks within the District. Also, the Federal Government, just recently, helped pay off the bonds for construction of RFK Stadium.

"To accord two Senators to an entity other than a State . . . would diminish and deprive States of their equal suffrage."

"The District is no more than a city. The framers did not intend that cities per se should be given representation directly in Congress."

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"The time has come to remove the cloud of America's 'Last Colony' from the District of Columbia."

"Residents of the District paid out \$1.4 billion in taxes to the Federal Government in fiscal year 1977."

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.

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.

Opposition so far has seemed to arise from four "toos"—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 and provide no justification for denying representation in Congress to the people of the District of Columbia.

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 95 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 23d 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.

One of the strongest arguments in favor of House Joint Resolution 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.

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.

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

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The District reports on loss of revenue because of the Federal presence do not include revenues from the tourist business, convention business, construction of Federal buildings, and jobs created by such construction. Moreover the District Committee of the Senate recently saw fit to agree on a loan program for a convention center to be built in the District.

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.

I think we should, at the very least, if we saw fit to grant the District Federal representation, cut the District's umbilical cord to the Federal Treasury and to the entire Congress.

District representation is ultimately a constitutional issue. It is not, in my opinion, a race issue, as was alleged in the local press recently. I do not think it necessarily bespeaks of racism to disagree with this particular legislation that would submit this important question to the people of this country. And it is interesting to note that as far as racism is concerned, the population trends suggest that by 1983 the whites will constitute a majority of the people in the District.

This is also not a liberal-conservative issue. No one knows what future course American politics will take.

Further, I do not think it is a matter of simple democracy, because we are a Republic, not a democracy. We have a unique setup as far as the District and as far as the country as a whole is concerned and I do not think it is in the best interests of this Nation to create a hybrid State that would have rights and privileges that the other 50 States would not have.

It should be noted that opposition to this proposal stems not from a callous disregard for human rights, but rather from genuine concerns about the mandates of the Constitution, about this union of States, indeed about the entire notion of federalism. Our scheme of Government would be altered dramatically and fundamentally if this particular proposal was passed by three-fourths of the States and became a part of our Constitution.

The proposal says that the District should be treated as if it were a State, but I do not believe it can, constitutionally. What we really do by this amendment is create a hybrid State, with rights that go beyond the other States.

I do not think this would be in the best interests of the entire country. Therefore, I am in opposition to submitting this question to the people of the various States for their consideration.

"... I do not think it is in the best interests of this Nation to create a hybrid State that would have rights and privileges that the other 50 States would not have."

"What we really do by this amendment is create a hybrid State, with rights that go beyond the other States."

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"... 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."

"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."

Congress to the District of Columbia 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.

One of the most important arguments in favor of House Joint Resolution 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. The casualty level for the District was 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.

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 outweighed 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 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.

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.

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.

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I believe that the Founding Fathers, when they created this more perfect Union and the opportunity for other areas to become States, created the District as a special entity with special representation. They knew what they were doing and reached a decision that was beneficial then to the welfare of this Nation and that is still beneficial today.

by Hon. Jesse Helms

United States Senator, North Carolina, Republican

From the debate of August 21, 1978, on the floor of the U.S. Senate during consideration of H.J. Res. 554, a proposed Constitutional amendment to grant voting representation in the U.S. Congress to the District of Columbia.

THERE IS NOT A Senator in or out of this Chamber who really believes that this constitutional amendment will be ratified by the requisite number of States. So what are we doing? The Senate is conducting a charade. There is no way any Senator can cast a completely intellectually honest vote on this proposition. If he votes for it, he is voting for something that is not wise. If he votes against it, he risks falling prey to the false predicate that if we do not support this proposition we are against blacks, we are against liberals, we are against Democrats, and probably against apple pie.

Let me say again, this is a charade. If it were not a charade, this proposal would have gone through the normal processes of the Senate. But instead of going through the committees, it was virtually bludgeoned onto the Calendar. This maneuver ought to be regarded for what it is. The black citizens of the District of Columbia and the black citizens across America should not be deluded by this bit of gamesmanship. Everyone knows that this amendment is not going to be ratified by the requisite number of States.

Of course whether I will be proved right or whether I will be proved wrong will occur far in the distant future—seven years from now. But I say again, I do not believe that one Member of the U.S. Senate today, deep in his heart, feels that this proposed amendment will, indeed, be ratified by the requisite number of States.

If we examine House Joint Resolution 554, we can see that it is deeply, — deeply—flawed in both concept and execution. House Joint Resolution 554, as it stands, distorts the meaning and purpose of Senate representation. In fact, it dilutes the guarantee of article V to the Constitution, which is supposed to protect the equal suffrage of each State in the Senate.

It is obvious that if the 50 States have equal representation, the adding of two more Senators who do not represent a State cheapens the representation and dignity of the States themselves. We all know the inflation that results for the dollar when we expand the money supply to pay the Federal deficit. This proposal is inflation of the vote in the Senate.

Indeed, article V says specifically that "no State without its consent shall be deprived of its equal suffrage in the Senate" as a result of the amendment process.

"There is not a Senator . . . who really believes that this constitutional amendment will be ratified by the requisite number of States."

"House Joint Resolution 554, as it stands, distorts the meaning and purpose of Senate representation."

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"In other ways, Congress has been willing to treat the District of Columbia as a State."

"Since, by definition, a constitutional amendment cannot be unconstitutional, the suggestion that H.J. Res. 554 is unconstitutional is a contradiction in terms . . ."

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 fiscal year 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.

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 purpose of this legislation, the term 'State' shall include the District of Columbia."

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 House Joint Resolution 554 proposes is a constitutional amendment. Since, by definition, a constitutional amendment cannot be unconstitutional, the suggestion that House Joint Resolution 554 is unconstitutional is a contradiction in terms and a fatal flaw in the logic of those who raise their 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 13 States in the Senate has been "diluted" nearly fourfold, from 2 to 26 to 2 to 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.

In sum, the arguments against full voting representation in Congress for the

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Now, this being the case, the prospects of this proposed amendment, as it stands, of ever being approved by ratification by the requisite 38 States is remote, to say the least.

In the first place, I reiterate that three-fourths of the States will never approve the dilution of their constitutional rights. We could well end up with another ERA situation. As a matter of fact, if anybody thinks that the battleground across this country today in connection with the equal rights amendment has been heated, just wait until this amendment comes up in the State legislatures around the country. The ERA battle will have been a cakewalk compared to this one, and I think every Senator knows that.

We ought to level with the citizens of the District of Columbia and those citizens across the country who view this as a vote against or for their race. We ought to be intellectually honest enough to tell them, "This is not going to do it because this proposed amendment will not be ratified by the requisite number of States."

I am hearing from people all over this country who resent this proposition's having been converted into a racial issue. It is not a racial issue.

I have heard enough of the pious pretense that proponents are doing something to protect the "human rights" of the residents of the District of Columbia. It is time to identify this political charade for what it is.

I mentioned the ERA a moment ago. There is an issue looming in the Senate to extend the period of ratification for the equal rights amendment.

At the end of the seven-year period designated for this amendment, House Joint Resolution 554, we can bet our boots there will be an effort to extend that period for ratification, also, because nobody believes that this constitutional amendment will be ratified by the States.

The proponents of the amendment will be back here in six or seven years, asking for an extension; and this process is going to drag on, in agony. It is going to deny the hope to the black citizens who have been assured that, yes, we are going to do this for you.

This resolution has so many defects of a constitutional nature that its enactment and ratification will invite unending litigation because of the serious omissions in this legislation—omissions that show clearly that it was drafted without thought as to all the constitutional implications.

Then, too, the proponents of this measure talk about the 700,000 population of the District of Columbia. But I do not recall that anybody has been able to identify the untold thousands of residents of the District who maintain their legal residences and vote in various States. Are we really talking about two Senators from 700,000 population, or are we talking about two Senators for 600,000 population, or are we talking about two Senators for 500,000 population? What are we really talking about? The answer to that is that nobody seems to know or care what we are talking about. There is just a mad scramble for political advantage. That is what it boils down to.

If this amendment were approved, any State could challenge—and I jolly well expect that many will challenge—the constitutionality of the process in the Supreme Court of the United States. Article V says that no State, without its consent, shall be deprived of equal suffrage. If one State withholds...

"I am hearing from people all over this country who resent this proposition's having been converted into a racial issue. It is not a racial issue."

"... I do not recall that anybody has been able to identify the untold thousands of residents of the District who maintain their legal residences and vote in various States."

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"... it is time to honor the promise of America for every citizen, without exception."

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.

by Hon. Edward W. Brooke

United States Senator, Massachusetts, Republican

From the debate of August 16, 1978, on the floor of the U.S. Senate during consideration of H.J. Res. 554, a proposed Constitutional amendment to grant voting representation in the U.S. Congress to the District of Columbia.

I AM DEEPLY PLEASED to reaffirm my deep commitment to the achievement of full voting representation in the Congress for the citizens of our Nation's Capital, the District of Columbia.

My enthusiastic endorsement of House Joint Resolution 554 is based primarily on fundamental concepts of liberty and justice. But my support and interest are also intensely personal. For my roots are in Washington, D.C. I was born and raised here. I attended and graduated from Dunbar High School and Howard University. And for as long as I can remember I have fought, along with family, friends, and colleagues, to attain the goal of providing for the citizens of the District of Columbia the same rights and privileges that other citizens throughout the Nation have enjoyed.

The proposal would enable D.C. voters to elect two Senators and the number of Representatives in the House (probably two), to which the District would be entitled on the basis of population. Each Senator or Representative would be an inhabitant of the District, and would possess the same qualifications as to age and citizenship and have the same rights, privileges, and obligations as other Members of Congress. The amendment would provide for the full participation of the District of Columbia in the constitutional amendment process and in the Electoral College. And finally, the Congress would have the power to implement this amendment by appropriate legislation.

Nearly 200 years after its adoption, the U.S. Constitution has been amended but 26 times. Clearly, any proposal for amending the Constitution deserves careful and serious study and debate. However, proposals for granting D.C. voting representation in the Congress have been very thoroughly discussed and researched over the years. It seems useful to review briefly at this point the long history of efforts to achieve full voting representation in the Congress for the District. Thus we can rebut the contention, all too frequently raised as an excuse for inaction by opponents, that somehow we need time "for further study of legal ramifications" or whatever, of granting D.C. voting representation in the Congress.

From the beginning of the 19th century there were advocates of national representation in Congress for D.C. residents. One of the first was Augustus H.

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"... proposals for granting D.C. voting representation in Congress have been very thoroughly discussed and researched over the years."

that State will have grounds to challenge the adoption of the amendment in the court. And we might as well count on it.

So the constitutional ramifications of this amendment are so complicated and so unjust and so improper that surely we have to realize the fact that this amendment has little chance of ratification by the required 38 States.

I do not like to be in the position of having to come here to say these things. I would much have preferred to stay out of it. But I have read and I have listened to specious arguments to the point that I have had my fill. Somebody needs to speak out. This amendment is not going to be ratified by the requisite number of States, and the proponents of this amendment know it.

by Hon. Orrin G. Hatch

United States Senator, Utah, Republican

From the debate of August 21, 1978, on the floor of the U.S. Senate during consideration of H.J. Res. 554, a proposed Constitutional amendment to grant voting representation in the U.S. Congress to the District of Columbia.

MANY OF THE PROPONENTS of what is, in my view, a poorly drafted amendment, employ the phrase "taxation without representation" to illustrate the injustice which residents of the District supposedly endure. This phrase is obviously intended to cause Americans today to draw a parallel between the conditions in the Colonies at the time of the Revolutionary War and the present situation in Washington. Although a noble battle cry in the struggle for our national independence, for the purpose of this debate it serves to lay yet another blanket of rhetoric upon an issue already obfuscated by emotional slogans.

To compare the status of the American colonies in British Parliament in the 18th century to the status of the District of Columbia today is to sidestep the constitutional problems created by the proposed amendment, the problems which stem from the fact that the District of Columbia simply does not possess the attributes of statehood required by our federal system. Moreover, such an analogy ignores the special provisions which have been made to attend the needs of the people of the District of Columbia. The District is the only city in the United States with a committee of the House of Representatives and a subcommittee of the Senate wholly devoted to its needs. Far from a neglected and oppressed distant land, it is rather the seat of an ever expanding and prospering National Government.

I do not know whether "prospering" is the correct word because we certainly have a Government that is tremendously in debt right now. By September of 1979, we will be in debt \$869 billion. The interest against that debt is more than the whole Federal budget was back around 1945, just the interest against that debt which today is about \$56 billion a year. People think we owe that interest only to ourselves, but of course we owe it to banking institutions and to other lenders all over the world, including many American citizens.

Far from a neglected and oppressed distant land, the District of Columbia is rather the seat of an ever-expanding and, if not prospering, at least money-

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"... I have read and I have listened to specious arguments to the point that I have had my fill."

"... the phrase 'taxation without representation' ... serves to lay yet another blanket of rhetoric upon an issue already obfuscated by emotional slogans."

"... there have been dozens of hearings on the issue of D.C. representation in Congress."

Woodward, who wrote a series of articles, published in the *National Intelligencer* between 1801 and 1803, in which he decried the pitiable state of those citizens residing in the District of Columbia who were subject to taxation without representation. Another ardent supporter of D.C. representation over the years was Theodore W. Noyes, a native Washingtonian long associated with the *Washington Star*, serving as its editor from 1908 to 1946. In the fourth of a series of articles, appearing early in 1888 and focusing on "some of Washington's grievances," Noyes outlined the political plight of the citizens of the District and proposed that a constitutional amendment be adopted to grant them voting representation in the Congress. On May 15, 1888, Senator Henry W. Blair introduced a joint resolution incorporating Noyes' vision, and this has been generally designated as the first amendment proposal introduced to provide D.C. voting representation. Literally hundreds of joint resolutions have been introduced in the subsequent years since the 50th Congress back in 1888.

And there have been dozens of hearings on the issue of D.C. representation in Congress. The first such hearings date back to 1916. The prophetic testimony of Theodore Noyes at that time still rings true. At one point Noyes was arguing that election of local officials in Washington, or of a nonvoting delegate to Congress, would not be sufficient. Rather, according to Noyes, full representation in the National Government constituted the "genuine American political birth-right."

And there have been many more hearings since 1916. The Senate held hearings in April, the sixth such endeavor just since 1970. The House Judiciary Committee of course held hearings this year and in 1975, the Senate Judiciary Subcommittee in 1974, the House again in 1971, and the Senate in 1970.

While we are all familiar with the successful effort in the House this year, we may be less familiar with the episode in the Senate during the 86th Congress when D.C. representation was debated and endorsed. During floor debate on another constitutional amendment proposal, Senator Kenneth Keating offered a floor amendment, establishing a framework for ultimate D.C. voting representation in the Congress and also providing for Presidential electors from the District of Columbia; the Keating amendment was approved by vote of 63 to 25. The vote on the tripartite resolution (which included segments authorizing Governors to fill temporary vacancies in the House and another abolishing tax and property requirements for voting as well) was 70 to 18, more than the necessary two-thirds. However, the House Judiciary Committee reported a much amended version of the resolution, containing the language ultimately incorporated into the 23rd amendment. The sections relating to abolition of the poll tax and the filling of House vacancies were entirely deleted, and the remaining section addressing D.C. suffrage was watered down by elimination of any provision regarding congressional representation.

Without a doubt, there has been a very lengthy history of efforts to grant D.C. voting representation in the Congress. I would submit that what we need is not more study and talk, but speedy congressional action.

A fundamental concept of democratic political thought is that of consent. Thus the obligations of citizenship can be imposed legitimately only via "the consent of the governed." In the American context this exercise of consent often

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"... what we need is not more study and talk, but speedy congressional action."

manufacturing National Government and reaps millions upon millions of dollars in benefits as a result. Many of our Senators and Representatives reside here as well and are thus as acutely aware of the problems of the District as they are of the areas they were elected in.

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.

I might also add that, when the early colonists complained about taxation without representation, they were governed by a distant land, governed by people who did not really care for them, governed by an imperialist parliament which literally did not take into consideration their needs and taxed without any representation in that parliament.

In fact, this city is one of the best kept and most well financed cities in the world today as a result of the taxes from people all over this country, certainly not here, because only about 29 cents of the taxes here on every dollar pay for the needs of the District of Columbia.

Those who favor House Joint Resolution 554 have accused opponents of being motivated by fear of the "four toos" that the Senators in the District might be "too liberal, too urban, too black, and too Democratic." Such rhetoric completely ignores the serious constitutional flaws which this amendment contains.

There is no question that this is a Federal enclave and a large percentage of residents within the District of Columbia do receive their income and support either directly or indirectly from the Federal Government and indirectly from taxpayers throughout this country.

I am in favor of giving every American citizen the right to vote. There has been no sentiment expressed on my part or on those of my distinguished colleagues who have risen in opposition to this amendment to the effect that those Americans who live within the Federal enclave should not be allowed to participate in our electoral process. As you know, they do except in the area of electing Senators and a Congressman who can vote. The problem, however, lies in the nature of the amendment that is before us, rather than in the intent. My objections stem entirely from the poorly-drafted provisions of House Joint Resolution 554 and the new problems these poorly drafted provisions would create.

In addition, I have lots of problems with the fact that this amendment attacks the very basic foundation of our Federal Republic.

When our Founding Fathers established this country, they were concerned about the strength of a central form of government. They were concerned about putting too much power in a monarch or too much power in a select few people who might govern us, and so they wanted to diffuse this power by establishing various States, 13 at the beginning of this country, and these various geographical entities would determine, through representatives sent to Washington, the limits of that power in Washington. And if the representatives did not determine and circumscribe the limits of the central form of government, then two other ways we have provided for doing it.

"Those who favor H.J. Res. 554 have accused opponents of being motivated by fear of the 'four toos' that the Senators in the District might be 'too liberal, too urban, too black, and too Democratic'."

"... this amendment attacks the very basic foundation of our Federal Republic."

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"The plight of the citizens in the District, sadly, is more akin to that of a subjugated, colonial people."

occurs through elected representatives in the Congress. The American Revolution was fought so that basic rights would be accorded the citizens of the American colonies. Participation in and control of the political process of the country by its citizens is a fundamental precept of democracy.

It seems almost inconceivable that in 1978, with memories of our Nation's Bicentennial fresh in mind, we find democracy flouted with respect to the citizens of Washington, D.C. The plight of the citizens in the District, sadly, is more akin to that of a subjugated, colonial people. The situation with respect to voting representation for the District, instead of serving as an example of democracy for the rest of the country and indeed of the world provides an outrage of inequity.

The U.S. citizens residing in the District of Columbia have all the obligations of American citizenship. They must pay taxes, defend the country in time of war, and obey the law. However, this sizable group of citizens, exceeding the population of seven States, do not have representatives in the House or Senate who can meaningfully express the consent or dissent of the D.C. residents by vote on the floor of Congress. This condition has applied to residents of the District since 1800, when Federal jurisdiction over the seat of the National Government was officially effected. Prior to that time, the eligible male residents of the Virginia and Maryland portions of the District of Columbia voted for U.S. Senators and Representatives in their respective States. But in 1978, the District of Columbia has no one exclusively advocating its interest in the Senate. Although several of my colleagues and I are concerned with the District, our primary interests and responsibilities, necessarily, lie elsewhere. Likewise, the District is relatively powerless in the House as well since its interests can not be directly defended in critical floor votes.

It is my conclusion that lack of provision in the Constitution for D.C. representation is something of an historical accident. In the larger context of setting up a whole new Government for the Union, the status of the District of Columbia was not one of the major problems facing the delegates to the Constitutional Convention. Hence it is not surprising that the issue of D.C. representation is nowhere mentioned in the records of those debates. Moreover, the area ceded by Maryland and Virginia to become the Nation's Capital had few residents, and from 1789 when the Constitution was adopted, to December of 1800, when the "exclusive legislation" authority of the Congress took effect, those who lived within the portions of Maryland and Virginia that were to become the District of Columbia retained their political rights as citizens of those two States. It was only after 1800 that the disenfranchisement of citizens living in the District became a reality, and the efforts to reverse the situation began.

In recent years we have made substantial progress in broadening the base of representative government and extending the franchise in the United States. But this glaring piece of unfinished business remains. Fundamental concerns of justice and equity demand that the residents of the District of Columbia at last be granted the right to elect their own voting representatives in the Congress.

"... in 1978, the District of Columbia has no one exclusively advocating its interest in the Senate."

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No. 1, the Executive, who himself could circumscribe the central form of government, and a number of Presidents of the United States have done just that by not allowing the Federal Government to expand to such unprecedented dimensions as we have today. A number of them have done just the opposite, and we have had, in essence, 42 of the last 46 years of one-philosophy rule, and that is building bigger and bigger and greater and greater government in Washington, D.C.

That was contrary to the ideals of the early Founding Fathers who were afraid of too central a government, and were reacting against too much monarchical control, and so in addition to the President and Congress, they established the Supreme Court of the United States which itself has been continually expanding the power of the Federal Government but on occasion curtailing that power as it should.

The proposed amendment treats three different kinds of voting procedures—electing Members of Congress, electing the President and Vice President of the United States, and ratifying amendments—as one and the same—allowing residents of the District to participate in direct election of the latter two items, privileges which no Americans now possess, including the residents of the District of Columbia. In other words, the District, unlike the States, has no legislature, and the resolution now before us would seem to give District residents the right to ratify or reject constitutional amendments by direct election or direct ratification.

No other citizen in this country has that right. Although section 2 of this amendment vaguely speaks of "The exercise of the rights and powers by the people of the District and as shall be provided by the Congress," it is not at all clear which political body would exercise those powers.

If ratification is determined "by the Congress" the Congress suddenly has new power to ratify the amendments it proposes in direct contradiction to the explicit language of article IV of the Constitution.

Similar problems arise with the question of electoral votes which are always cast in the form of electors chosen by State legislatures. Again the District has no State legislature. Congress does not possess the authority to appoint electors, so we must assume that this proposed amendment would endow District voters with the right to choose the President and Vice President by direct popular vote, which no other State can now do.

There are those in Congress today and in the Senate today who would like to have direct election of the President, in spite of the fact that our electoral college system, our system of electing the President, has worked well ever since the beginning of this country, and there are arguments that can be made for direct election of the President.

But the fact of the matter is that as of right now we do not have that, and I think there are very good reasons why we do not have it. I, for one, hope we never have it, because I do believe that our Founding Fathers, in their infinite wisdom, and I believe they were inspired in formulating the Constitution, but in their infinite wisdom, decided to have the electoral college.

All I can say is that as the Federal Government is the single largest interest group in the District, the Senators representing this city would be little more

"... the District, unlike the States, has no legislature . . ."

"... problems arise with the question of electoral votes which are always cast in the form of electors chosen by State legislatures. Again, the District has no State legislature."

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by Hon. John Buchanan

United States Representative, Alabama, Republican

From the debate of March 2, 1978, on the floor of the U.S. House of Representatives during consideration of H.J. Res. 554, proposing a Constitutional amendment to grant Congressional voting representation for the District of Columbia.

"... at various times since 1888, the Houses of Congress have had before them resolutions similar to the ones being considered now."

THE RESOLUTION UNDER consideration would give substance to a doctrine long advocated by Members dating back to the formal establishment of the District of Columbia. Speaking of the District, in 1803, Representative Huger of South Carolina said the following:

"I look forward to the period when the inhabitants, from their numbers and riches, will be entitled to a representative on this floor."

It was not until the 1880's, however, that resolutions to give District citizens voting representation were introduced with any passion or frequency. On April 4, 1888, there was introduced in the U.S. Senate a resolution proposing an amendment to the Constitution providing for voting representation in Congress for the District of Columbia. The Senate Judiciary Committee allowed the resolution to die with the adjournment of Congress. Subsequent Congresses saw similar resolutions introduced.

In 1922, 1925, and 1949, the Senate Judiciary Committee approved such resolutions only to have them fail in either the full House or Senate. In 1940, the House Judiciary Committee reported out legislation providing for District of Columbia representation, but the measure was not voted on the floor of the House before the adjournment of Congress. So, at various times since 1888, the Houses of Congress have had before them resolutions similar to the ones being considered now.

Since the 1880's the population of the District of Columbia has increased from about 225,000 to 750,000 and the District of Columbia now has a population larger than that of 10 of the States. Nevertheless, the District remains without voting representation in Congress. District citizens are subject to taxation and the entire body of Federal law without the privilege, through elected representatives, of influencing the enactment or alteration of those laws.

The United States, the paramount leader of the Western democracies, finds it is the exception and not the rule regarding the representation status of the citizens living in its Capital City. Various countries of Latin America have Federal districts similar to the District of Columbia, but all provide for some voting representation in the national legislature. The District of Columbia is indeed a "colony" within the Continental United States almost 200 years after our people dissolved its ties with Great Britain over the cry of "taxation without representation."

While the Congress moved in the right direction in 1970 in providing for a nonvoting District delegate to the House, this act was only a down payment toward correcting a grave inequity to the citizens of the Nation's Capital. We took a second step in 1974 by granting home rule to the District of Columbia. The home rule grant is a recognition of the right of the people of the District of

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"The District of Columbia is indeed a 'colony' within the Continental United States . . ."

than spokesmen for that interest. They would not face the competing interests which are found in the States themselves, which must be balanced against the national interest.

My objection simply focuses on the fact that this amendment ignores the intent and, I think, the intent was a wise one, of the framers to have the seat of the National Government in a neutral enclave, and it would obviously lead to further overrepresentation of an expanding Federal bureaucracy.

When the Founding Fathers decided we would have a representative form of government rather than a monarchical form of government or a super strong central form of government, which, it seems to me, we are now evolving into, and to which this proposal would give even more impetus, they did so because they realized that the States themselves are geographical entities with diverse populations, many cities with differing intents and viewpoints, residing in counties with diverse interests such as agricultural, mining, manufacturing, and so forth, and that there would be a diversity of representation from each State rather than a solidarity of representation.

The District lacks the necessary indicia of sovereignty which would make it a "State" within the meaning of the Constitution. To give it full representation in the Congress and treat it "as though it were a State" would not make it so. The proposed amendment would merely introduce a new political entity within the federal system, a unique creature having rights heretofore accorded only to a State, and, in fact, rights in addition to those that citizens of States have.

To allow the District to elect a U.S. Representative and two Senators without also elevating its status to that of a State is to treat as a State an area which lacks the essential elements of a sovereign State. To create a "pseudo-State" or "quasi-State" and grant it full representation would do violence to the Constitution and undermine the nature of the federal system in our Republic.

by Hon. Charles E. Wiggins

United States Representative, California, Republican

From the debate of March 1, 1978, on the floor of the U.S. House of Representatives during consideration of H.J. Res. 554, a proposed Constitutional amendment to grant voting representation in the U.S. Congress to the District of Columbia.

WITHOUT QUESTION THE amendment before us works a fundamental change in the structure of the legislative branch. As originally conceived, representation in the Congress was confined to States, and the people residing in States. Although the mode of electing Senators has been changed by amendment, there is and can be no doubt that Senators represent States of the Union. Similarly, the language of article I, section 2 leaves no room for doubt that only the people of States are now represented in this body. The amendment creates a new category of persons entitled to representation: The inhabitants of the Federal City, indubitably a non-State and an area lacking the essentials of a State, namely, the independent ability to discharge essential governmental functions.

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"... this amendment ignores the intent . . . of the framers to have the seat of the National Government in a neutral enclave . . ."

"The proposed amendment would merely introduce a new political entity within the federal system . . ."

"The basic justice to the citizens of the District of Columbia is almost 200 years late in coming."

"History and justice cry out together that this inequity must be corrected now."

Columbia to govern their own affairs and exercise the same rights as the people of the 50 States. The principle of universal franchise is so fundamental to our democratic government that it amazes and frustrates me that so many of my colleagues still do not recognize the injustice imposed upon the residents of the District of Columbia.

In my position as a member of the Committee on International Relations, I have actively pursued human rights for all people throughout the world. I would consider it a grave oversight on my part if I did not speak out about the denial of rights to the people of the District of Columbia.

Taxation without representation is as wrong in the 1970's as it was in the 1770's. The basic justice to the citizens of the District of Columbia is almost 200 years late in coming. It should surely come now.

There is nothing wrong with the great American dream—the challenge of our time is to fulfill that dream for all this Nation's people. There is nothing wrong with the American system of government. It is the responsibility, however, of the Congress to make certain that the system furnishes equity for the good of all the people of this Republic.

Two years ago, during the Bicentennial Year, many of our colleagues spoke eloquently of the virtues of the Founding Fathers and the principles they espoused. Yet many of these same Members voted to deny 750,000 citizens voting representation in the legislative branch of our Federal Government. This continued denial is nothing less than a scandal.

History and justice cry out together that this inequity must be corrected now. Such action will mean basic justice for the American citizens who live in this city, and will be at least one step toward creation in Washington, D.C., of an alabaster city, undimmed by human tears.

by Hon. Parren J. Mitchell

United States Representative, Maryland, Democrat

From the debate of March 1, 1978, on the floor of the U.S. House of Representatives during consideration of H.J. Res. 554, proposing a Constitutional amendment to grant Congressional voting representation for the District of Columbia.

I HAVE HAD THE PLEASURE of serving in this House during one of the most dramatic periods in American history. I recall standing in this well alongside of other Members of the House calling for the impeachment of a President. I remember a dramatic moment when we learned that a former Vice President was out in the corridor because he was in difficulty. I remember being on the steps of the Capitol when there were literally hundreds of thousands of people out there protesting the war in Vietnam. And through that remarkable and dramatic period where crisis after crisis confronted this Nation, where from time to time we thought we would be almost pulled apart, the remarkable capacity of the American people and the American system to endure demonstrated itself—above and

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Our present system is bottomed upon our faith in federalism—-independent States joining together as a union. That system, which has served us well, should only be altered for the most persuasive of reasons.

Proponents of the amendment argue that inequality is such a reason. I most certainly agree that the people of the District do not possess those political rights enjoyed by others. But the amendment does not solve the problem of inequality; it perpetuates it in another form.

If the amendment is ratified, millions of citizens, not residents of any State nor of the District of Columbia, will remain unrepresented in this body. Inequality continues as to them. Moreover, a new inequality will be imposed upon the citizens of States. No city of theirs will enjoy the privileged status of two Senators serving their exclusive interests in the Nation's Capital.

If the object of the amendment is political equality, it falls woefully short of the mark.

I am sensitive to the political inequality which exists in the District. I want to solve that problem. I am satisfied that a solution is possible without doing violence to our existing governmental structure.

I prefer retrocession to the State of Maryland of the populated areas of the District which are not essential to the discharge of Federal governmental functions. It would accord to the inhabitants of the District perfect equality with the inhabitants of the States of the Union.

Although such a proposal is, in my view, far superior to the pending amendment, I will not offer such a substitute today. Even if such a substitute were germane, which I doubt, I do not believe constitutional amendments should be written on the floor.

A retrocession proposal would require that the Constitution be amended. The adoption of the 23d article of amendment, relating to Presidential Electors for the District of Columbia, precludes a legislative remedy. I would hope that if the pending amendment is defeated, the House Judiciary Committee would undertake hearings on this constructive alternative promptly.

The problems which command our attention today exist because there is a District of Columbia. As we ponder solutions, we should not reject out of hand a reconsideration of the modern necessity for the District at all. Surely the Philadelphia "incident" of 1783 is no longer an adequate justification, especially in light of the political burden imposed upon the inhabitants of the Federal City. We now know that extensive Federal facilities, subject to Federal jurisdiction, can exist within the territory of States. Important Federal activities are routinely conducted within States without disruption different in kind than we experience here in the District of Columbia.

The continued existence of a District of Columbia requires a better justification than national pride in a national capital, especially in view of the unique problems it creates. My pride in our Capital would in no way be diminished if retrocession were to occur. It is not where it is that counts. I am proud of what is done here.

We have the opportunity to do something important: Reject an ill conceived proposal to amend our Constitution.

"... the amendment does not solve the problem of inequality; it perpetuates it in another form."

"I prefer retrocession to the State of Maryland of the populated areas of the District which are not essential to the discharge of Federal governmental functions."

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"... every slogan that stands for patriotism, right, and justice, is at test in this vote..."

"It does not matter whether the District of Columbia is a State or whether it is a district. It does not matter. A State is people."

beyond enduring, the remarkable capacity of this system to adapt itself to change demonstrated itself.

And that is what is at test today—whether that system which performed so very nobly in the last 10 years in the face of constant crises can survive and then make a necessary and positive change; whether that system is willing to make the next positive change.

I speak not only for myself but I speak for the 16 men and women who serve in this Congress and who make up the Congressional Black Caucus. We are acutely aware of what it means to have been treated as less than a full citizen.

So, in the name of the caucus we want your support.

It is curious, but every slogan that stands for patriotism, right, and justice, is at test in this vote: Taxation without representation, all of them. They are all being tested under the actions this House will take.

Above and beyond that, something else is being tested: Whether you like it or not, America has now taken the quantum step of placing itself out in front of the entire world as being a moral leader for the world. Whether you like it or not, it does not matter, it is being done and, having taken that step, the world will watch for internal manifestations of that morality that we demand of others. It will watch. The world will watch the vote on representation for the District of Columbia.

As my colleagues have indicated, there will be all kinds of specious arguments raised, diminution of political power, the matter of whether the District of Columbia is a State or a district.

It does not matter whether the District of Columbia is a State or whether it is a district. It does not matter. A State is people. That is all that a State is. If we took all of the people out of the State of Arizona, or the State of Virginia, is it still a State? The artificial boundaries, the natural resources, do not make a State. The people who reside in it make the State. So that is a specious argument in my book, also.

I have touched on the human rights issue. I have touched on the specious, phony issues that will be raised. Let me conclude by commenting on the one thing that I think this House has an obligation to do—take it to the people. That is all that they have an obligation to do. If they do not trust the American people, then go ahead and vote against this. But we are saying—I am saying—that time after time after time I have seen the American people demonstrate that they have the sagacity and the wisdom and the will to do that which is right. I think they will, if we would have the sagacity, the wisdom, and the will to take it to them and let them demonstrate those abilities.

Passing—passing this becomes the acid test for this House. It becomes an acid test for the will and the decency of the American people, and it becomes an acid test, a crucible, if you will, in which the morality of America will be tested in terms of international relationships.



by Hon. Carlos J. Moorhead

United States Representative, California, Republican

From the debate of March 1, 1978, on the floor of the U.S. House of Representatives during consideration of H.J. Res. 554, proposing a Constitutional amendment to grant Congressional voting representation for the District of Columbia.

ESSENTIALLY, THIS amendment would grant the District of Columbia the status of a State in both the Senate and the House of Representatives. Article IV, section 3 of the Constitution clearly sets forth the procedures for the admission of new States. Admission can be effected by a simple majority vote of the Congress through legislation. But this straightforward approach is not utilized here. Instead we are asked to elevate a city to the status of a pseudo-State, in the name of achieving full voting rights for the residents of the District. An admirable aim, perhaps, but this is an ill-advised manner in which to accomplish this aim.

To give the District Senators and Representatives without elevating its status to that of a State is to treat as a State a locality which lacks the essential elements of a sovereign State. The Constitution speaks of Senators "from each State" and Representatives chosen by the people of the several "States." Inventively, House Joint Resolution 554 introduces a new political entity into our federal system. Not a new "State," but a unique being with all the representative rights and privileges heretofore belonging only to States. This proposal works a change upon our federal system and fashions a "back door" State. This is not fair to the residents of the District, nor to any citizen of this country.

This proposal also runs fully counter to the perception of the Federal City held by the framers of our Constitution. The District of Columbia was not created to be a State. Rather, it was established as a Federal enclave, fully under the control of the Congress. Article I, section 8, clause 17. The intent was to create a politically neutral Federal city. Washington is that Federal city today and its unique character reflects the special relationship this locality has to the Federal Government. What does House Joint Resolution 554 do to the relationship between the District of Columbia and the Federal Government? That, no one can answer. If we are to change the basic character of the District of Columbia, a more thoughtful and comprehensive approach should be studied.

Also, what of the impact of House Joint Resolution 554 on the 23d amendment? Under its provisions the District is limited to three electoral votes. Are we, in essence, repealing that amendment if the terms of House Joint Resolution 554 are eventually adopted?

Finally, a practical comment. We all know that it is unlikely that the requisite number of States would approve this constitutional amendment in its present form. Why, then, are we required to make a decision on this ill-considered approach to a complicated constitutional question? Is the House of Representatives being asked to strike a pose simply for the sake of it?

We should reject House Joint Resolution 554 on the grounds of both policy and law.

"This proposal works a change upon our federal system and fashions a 'back-door' State. This is not fair to the residents of the District, nor to any citizen of this country."

"If we are to change the basic character of the District of Columbia, a more thoughtful and comprehensive approach should be studied."

Political Evolution

From page 228

"Many observers contended that this new government had the form, but not the substance, of a locally elected government with broad legislative powers. All of the basic District-Federal relationships remained the same—congressional authorization was necessary for the raising of local revenue and the entire budget of the District of Columbia had to go through the congressional appropriations process. Both procedures had been in legal force since 1874.

The Present Government

"On December 24, 1973, President Nixon signed S. 1435 into law (P.L. 93-138). S. 1435 had been substantially amended in the House by provisions of H.R. 9682. Two months of House-Senate conferee meetings resulted in the legislation presented for the President's signature—legislation formally designated as the District of Columbia Self-Government and Governmental Reorganization Act of 1973.

"Essentially, the charter contained in P.L. 93-198 provides for the election of a mayor and 13-member legislative council. The chairman of the council is elected in a District-wide balloting for a four-year term concurrent with that of the mayor. Four of the council members are elected 'at large' and only two of these four members can be of the same political party, assuring minority party representation on the council. The other eight members of the council are elected from the eight ward election districts in the District of Columbia. All terms are four years, with half of the council required to stand for election every two years.

"The mayor has broad reorganization and appointive authority under the charter. In addition, the charter specifically provides for the appointment by the mayor of an 'administrator' to assist the mayor in operating the government.

"The legislative council is given broad authority to legislatively establish and set the rates of all local taxes and fees. All corporate laws are under the jurisdiction of the council as well as local ordinance-making authority. The council can make changes in the budget, as well as reorganize, establish, or abolish any executive agency of the government of the District of Columbia. All of these legislative actions are subject to approval or veto by the mayor. The council can override a veto by a vote of two-thirds of the members present.

"The new, elected District of Columbia government provided by the charter became operational on January 2, 1975 following elections on November 5, 1974, the first such elections since 1870."

Powers Reserved to Federal Government

The Library of Congress study enumerates the major areas in which the Federal Government either must or may exercise continued authority over the affairs of the District of Columbia. The 1973 home rule legislation provided for a veto by Congress of any legislative act of the District of Columbia Council through the approval within thirty days of a resolution of disapproval by both houses of Congress. Additionally, the President has the authority to sustain the veto of the locally elected mayor, should the President determine that the overriding of the mayor's veto by the council was detrimental to the Federal interest on a particular issue.

In addition to lacking authority to legislate on judicial organization and jurisdiction matters, the local council under its charter is not authorized to legislate in regard to the Office of the U.S. Attorney for the District.

Under the 1973 charter legislation, the locally elected council in the District cannot enact legislation authorizing (1) a tax on the incomes of non-residents working in the District of Columbia (a commuter tax), (2) any change in the building height limitations in the District, (3) any change in the organization or authority of the National Capital Planning Commission, (4) any change in the organization or jurisdiction of the courts of the District of Columbia, and (5) a tax on any property of the United States or the States.

Continuing the statutory requirement and practice in force since 1874, the present home rule charter reserves to Congress the final approval of the District of Columbia budget and the determination of the Federal payment to the District in the form of an appropriations act. Additionally, Congress retains the prerogative of enacting legislation for the District on any subject, whether within or without the scope of legislative power delegated to the local council by the home rule charter act, and Congress can enact legislation to amend, repeal, or alter any law in force in the District. Likewise, Congress can legislatively amend, alter, or revoke the Charter Act at any time. Any amendment to the home rule charter initiated by the local council must be approved in a local referendum and to become effective must be approved by House and Senate resolutions.

Among authority of the President either continued or newly conveyed by the home rule legislation is that of appointing all local judges (53) in the District, with the advice and consent of the Senate; the prerogative of recommending legislation for the District on any subject concerning organization and operation of the local government; and authority to take command of the Metropolitan Police during an emergency.

Organization of the Current 95th Congress

Duration: January 3, 1977—January 3, 1979

First Session convened Jan. 4, 1977; adjourned Dec. 15, 1977.

Second Session convened Jan. 19, 1978.

THE U. S. SENATE

Total Membership, 100: 62 Dem., 38 Rep.

PRESIDING OFFICER: The Vice President of the U. S.

PRESIDENT PRO TEMPORE: James O. Eastland, Miss., D.

FLOOR LEADERS: Majority Leader—Robert C. Byrd, W. Va., D.; Minority Leader—Howard H. Baker, Jr., Tenn., R.

PARTY WHIPS: Majority Whip—Alan Cranston, Calif., D.; Minority Whip—Theodore F. Stevens, Alaska, R.

THE U. S. HOUSE OF REPRESENTATIVES

Total Membership, 435: 287 Dem., 146 Rep., 2 Vacancies

PRESIDING OFFICER: The Speaker of the House

SPEAKER OF THE HOUSE: Thomas P. O'Neill, Mass., D.

FLOOR LEADERS: Majority Leader—Jim Wright, Texas, D.; Minority Leader—John J. Rhodes, Ariz., R.

PARTY WHIPS: Majority Whip—John Brademas, Ind., D.; Minority Whip—Robert H. Michel, Illinois, R.

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The Congressional Digest

Congressional Digest Building, 3231 P Street, N.W., Washington, D.C. 20007
Founded 1921—Published by The Congressional Digest Corporation—\$18.00 per year. \$2.00 per copy.

When the framers of the Constitution set the District aside as a federal enclave, didn't they specifically intend that its residents not be allowed representation in Congress?

No. The purpose of Article 1, Section 8, Clause 17 of the Constitution, which gave Congress the authority for "exclusive legislation" over the federal district, was not to disenfranchise DC residents but to avoid the necessity of the national government's relying on a state government for protection. James Madison, in *The Federalist Papers* #43 described their intent this way:

The inhabitants of the District will find sufficient inducements of interest to becoming 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 suffrages, will, of course, be allowed them . . . every imaginable objection seems to be obviated.

The framers obviously assumed that the residents of the national capital would enjoy full political rights.

The Constitution says "The Senate of the United States shall be composed of two Senators from each state." So how can an area that is not a state be represented in the Senate?

The framers did not use the word "state" in Article 1, Section 3, Clause 1 of the Constitution for the specific purpose of excluding representation from areas that were not states. Rather, it was just the simplest way to explain the basis of representation in the upper house.

Since the District did not exist at the time the Constitution was written, it is not surprising that delegates to the Constitutional Convention did not foresee the possibility that DC would eventually be the home of 600,000 Americans, many thousands of whom would be barred from full exercise of their political rights.

Congress and the courts treat DC as a state in many other matters. For example:

- A Supreme Court decision in 1820 (*Loughborough v. Blake*) gave the federal government the right to collect taxes from DC residents, even though the Constitution (Article 1, Section 2) says direct taxes may be apportioned among the states.

- In 1889, the Supreme Court ruled that Congress could regulate business that crossed District boundaries despite constitutional language that permitted Congress to regulate "Commerce . . . among the several states." (*Stoutenburgh v. Henrick*.)

- In another decision the Supreme Court affirmed DC residents' civil rights by guaranteeing them the right to a jury trial, although the Sixth Amendment speaks only of "An impartial jury of the State and [judicial] district wherein the crime shall have been committed." (*Callan v. Wilson*, 1887.)

- Although the Constitution specifies that electors for the President and Vice-President are to be appointed by the states, the 23rd Amendment gave these privileges to DC.

- DC is treated as a state in almost every federal statute, most of which include the phrase, "For the purpose of this legislation, the term 'state' shall include the District of Columbia."

The proposed amendment is consistent with the idea of a living, growing Constitution. Article 1 grants the *people* the right to elect representatives. The Seventeenth Amendment, ratified in 1913, gave the *people* of each state (rather than the state legislatures) the right to elect senators. The proposed amendment would give the *people* of DC a full voice in Congress.

Article V of the Constitution prohibits amendments that would deprive states of their equal votes in the Senate. If the DC amendment is adopted, will states no longer be equal in the Senate?

Since the Constitution was adopted, 37 states have been added to the original 13, yet no one seriously argues that the older states

⊖ 113 out of 115 ^{gov't provide} ~~states~~ representation to cap. residents

[only AK pays higher per cap taxes]

have been deprived of their equality because of the admission of the new states. The framers used this language to ensure that the Great Compromise between large and small states would not be annulled through an amendment basing representation in the Senate on population. The DC amendment would in no way upset this compromise. As explained above, DC can be considered equal to a state for representation in Congress. It will not receive more or less representation than a state. If DC is allowed two senators, no state becomes more powerful than any other state.

Does giving full voting rights to the District set a dangerous precedent? Won't other U.S. cities and Puerto Rico, the Virgin Islands and Guam start clamoring for separate and full representation?

No precedent is set for either cities or territories. Residents of other U.S. cities already have full voting rights; they are constituents of congressional districts and they vote for senators. The territories already have a constitutional route for getting full voting representation: like other territories—most recently Alaska and Hawaii—they may petition Congress to be admitted to the Union as states. Unlike cities and territories, it is only the people of DC who are forced to seek a constitutional amendment in order to get full representation in Congress.

How will full voting representation for DC work, since there is no state legislature or governor to fill senatorial vacancies, draw congressional district lines or approve constitutional amendments?

Section 2 of the proposed amendment gives Congress the authority to determine how the rights and powers conferred by the amendment will be exercised. For example, Congress can decide to call a special convention in the District to draw congressional district lines and approve constitutional amendments. Congress could also direct DC's elected mayor to name a replacement in the case of a senatorial vacancy.

What are the alternatives?

Q If there is some question about letting a nonstate be represented in the Senate, wouldn't an amendment giving DC voting representation only in the House of Representatives be preferable?

A No. Such an amendment would not fully enfranchise DC voters. It would only perpetuate second-class citizenship for residents of the District. Certain rights, privileges and responsibilities are unique to each house. Furthermore, since both houses review legislation enacted by the DC city council and have the final say on the DC city budget, DC citizens have an even greater interest than do citizens of the 50 states in being represented in both houses.

Q Why not retrocede DC entirely to Maryland? The return of the city of Alexandria to Virginia in 1846 set a precedent for such a retrocession.

A This alternative is a less equitable and realistic alternative than the full voting rights amendment for several reasons.

- According to Article IV of the Constitution, DC could not be retroceded without the consent of the Maryland state legislature. It is highly unlikely that Maryland would be willing to accept the retrocession.
- Full retrocession defeats the idea of a separate federal enclave.
- DC has been politically separate from Maryland for over 175 years. It is a distinct entity whose residents have their own identity and need for representation.

Q What about partial retrocession? Couldn't DC residents be treated as citizens of Maryland for the purpose of voting in congressional elections?

A This is an alternative that creates more tangled problems than it solves. Even if the obstacles of congressional approval and Maryland acceptance could be overcome, these questions remain:

- If Maryland congressional districts are redrawn to include DC, how will the absence of

DC representatives in the Maryland legislature affect other considerations of fair representation?

- Would it be constitutional to treat DC citizens as people of a state in which they do not reside?
- Would Maryland's members of Congress reflect the separate interests of DC residents?

Why not just admit DC to the Union as the 51st state?

Although Congress has the power to make all or part of DC a state, the proposed amendment does not seek to do so. It recognizes the unique history of the District and its special status as the seat of the national government. Because the amendment will not upset the relationship between Congress and the DC government, the national government will not have to be reliant on a state for services and protection.

Why don't DC residents vote in their home states or in other states of their choosing?

This would avoid the need to amend the Constitution.

There were 249,524 registered voters in DC on November 7, 1978. The DC Board of Elections and Ethics estimates that another 100,000 to 150,000 persons of voting age consider DC their permanent residence. Whether these people can be treated as citizens of states in which they do not reside in order to vote is a constitutional question. Also, a majority of these residents were either born in DC or have been residents long enough to have more of a commonality of interest with other DC residents than with residents of states from which they or their parents emigrated. Further, the separate interests of DC cannot be voiced by a representative or a senator from another state.

Senators and representatives from states represent a range of interests, but wouldn't members of Congress elected from DC merely represent the interests of fed-

eral workers?

There is a buried assumption in this question. It implies that federal government employees should not be allowed full representation in Congress. But the most reliable figures available (April 1970) show that only about 4 percent (109,615 of 2,875,000) of all federal civilian employees were DC residents. The other 96 percent of federal employees are fully represented in Congress.

DC residents who do not work for the federal government have a wide diversity of interests and work at all sorts of jobs. To deny DC residents their full civil rights because some work for the federal government is abhorrent to American political traditions.

Why should DC be given the privileges of a state when it does not pay all its own bills?

Some people argue that DC does not pull its own weight because it receives a federal payment from Congress. This argument ignores the nature of the payment: it is intended to cover the difference between the costs and benefits of being the site of the nation's capital. Congress, in making the appropriation, takes into account three facts:

- 38 percent of DC's land is tax exempt because it is owned by the federal government and by foreign embassies;
- DC incurs the costs of providing services required by the federal government (policing demonstrations is one example);
- Congress limits many options that could produce municipal revenue. For example, Congress has banned the enactment of a commuter tax and it has limited building height.

Balanced against these costs are the benefits DC gains from tourism and federal construction. The payment is the net difference and it accounted for only 18 percent of DC's budget in fiscal year 1979.

DC residents assume their share of the federal tax burden. The 1977 federal tax for each DC resident was \$2,116—\$491 above the national average of \$1,625. Only one state—Alaska—had a higher per-capita tax burden. That same year

D.C. Voting Amendment Assault

Ohio House of Representatives to Reconsider Approval

By Diane Brockett
Washington Star Staff Writer

The D.C. Voting Rights Amendment took a big half-step backwards Friday night when the Ohio House of Representatives voted to reconsider its earlier action approving ratification.

Ohio had become the second state to ratify the proposed constitutional amendment when its House voted 51-37 for ratification Thursday — only one vote more than was needed for passage in the 99-member body. The Ohio Senate had favorably acted on the measure the week before last.

Now New Jersey, which voted to ratify in September, is once again the only state to have approved the amendment, which would give D.C. residents full Congressional voting representation. The proposed amendment, given final approval by Congress in August, must be ratified by 38 states within seven years to go into effect.

The earlier Ohio victory had been especially important to supporters of the measure since the legislatures in three states — California, Delaware and Pennsylvania — had failed to ratify the amendment since the New Jersey success.

The Ohio House will reconsider the ratification resolution when it meets again Dec. 21.

The motion to reconsider, which was made by Rep. Michael G. Oxley, one of two Republicans to vote for ratification on Thursday, will give opponents an opportunity to attempt to change the close margin.

The outcome of another vote does not appear certain because of the two-vote margin of Thursday and the opportunity that now exists for more lobbying. There is no guarantee that all the legislators will return for the Dec. 21 session. The date is close to Christmas and currently the House is meeting in once-a-week "skeleton day sessions" which are not always well attended.

Ohio supporters of the ratification measure had at one time planned to have the approval vote on Friday, but it had been moved up to Thursday because many of their yeas would be absent.

The Ohio reconsideration move came as a surprise to supporters here who had not learned of it until yesterday when Ohio State Senator Buz Lukens announced it at a conference. The conference was held on the amendment and took place in Crystal City by the American Legislative Exchange Council.

Lukens said the move was made late Friday night after a number of Ohio House members who had voted for ratification had left early and the yeas no longer had a majority present. Under Ohio legislative rules, a motion to reconsider can only be made by a member who voted in the majority and the motion must be made within three days of the original action.

See OHIO, C-3

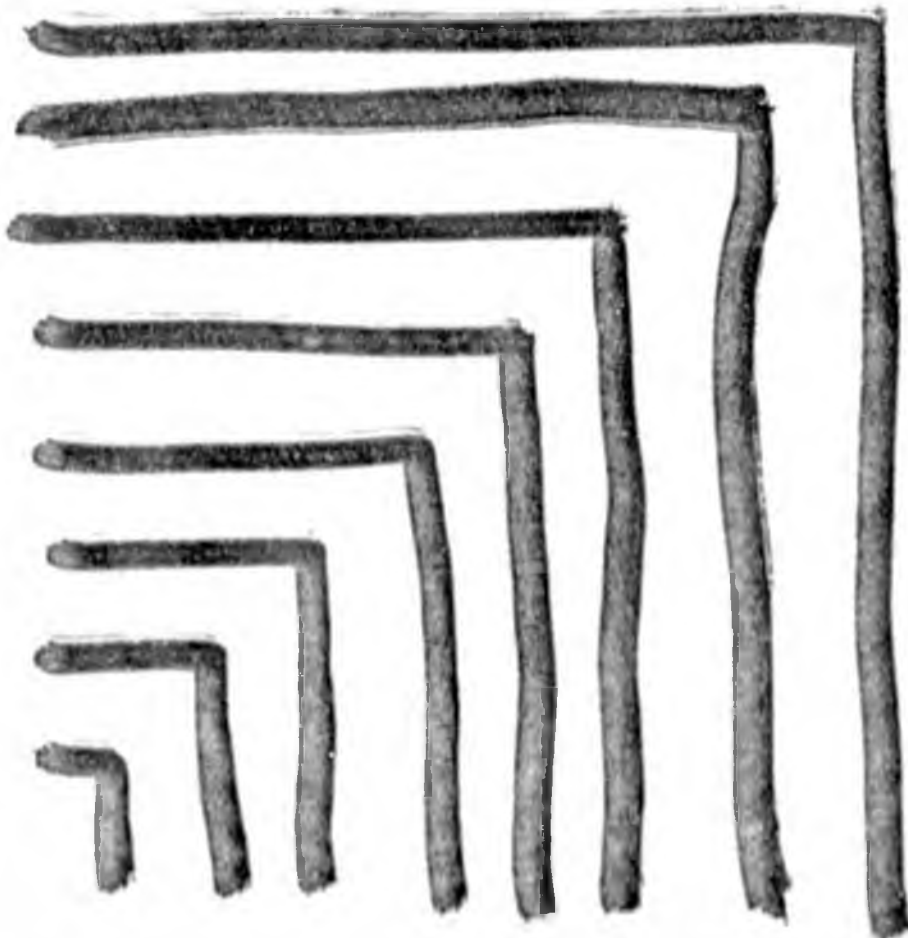
Ohio From C-1

Lukens said that there are two possible motives behind Oxley's reconsideration move. Either the Republican House member deliberately had voted for ratification when he saw his vote wouldn't make any difference — giving himself the right to ask for the reconsideration maneuver. The second possibility was that heavy Republican pressure had been put on him since the Thursday vote. He said that the first possibility is a frequent tactic in the Ohio legislature.

The other Republican yeas vote was cast by Rep. Charles R. Saxbe, son of former Attorney General William Saxbe. Saxbe had been active on behalf of the amendment during the floor debate.

The Ohio House has 62 Democratic and 37 Republican members.

Another delegate to the ALEC conference, Rep. Edward Fredricks of Michigan, reported to the meeting that the Michigan Senate is expected to approve ratification of the amendment this year. The state House approved it last Wednesday.



D.C. VOTE AMEND

Conservatives Deal With Racial Issue

By Diane Brockett
Washington Star Staff Writer DEC. 2, 1978

The D.C. Voting Rights Amendment is a measure "for carpetbaggers to get a seat in the U.S. Senate," former Nixon speech writer Patrick J. Buchanan told a group of conservative state legislators.

"Julian Bond has been saying the joke among blacks when they meet each other is to ask if they have moved to Washington yet," Buchanan told the 98 legislators attending an American Legislative Exchange Council meeting here yesterday.

"Why do you have to bring carpetbaggers into this?" an Arkansas legislator asked.

Buchanan responded that it has been the amendment's supporters — not the opponents — who have made the race issue prominent because they have described it as the major "civil rights" measure of 1978.

The exchange demonstrated a major theme that persisted throughout the day-long conference and the group's concern over how to deal with the race issue in the amendment fight.

Many proponents of the amendment have charged that, while it is usually unspoken, the major opposition to the measure is based on racial prejudice.

Sen. Edward M. Kennedy, D.-Mass., leader of the fight for ratification in the Senate, said opposition to the amendment has been based on the "four too's: the District is too urban, too liberal, too Democratic and too black."

The council, a non-profit organization which serves as an educational clearing house for conservatives among the nation's 7,400 state legislators, is quickly becoming the national leader of opposition to the D.C. amendment. This was the first major national meeting of

See CONSERVATIVES, C-3

Conservatives

From C-1

opponents to ratification and was attended by members of 40 state legislatures as well as a number of conservative organizations.

Hugh C. Newton, publicist for the council, said the organization was taking the unusual step of paying many of the expenses of the legislators who attended the conference.

"The reason why the amendment passed Congress was that it was being called the Civil Rights Act of 1978," James Hinish, counsel to the Senate Republican Policy Committee, told them. "If you were against this, you were against blacks. It passed because this was used very effectively by the proponents."

Hinish said there was a "lack of effective opposition" on Capitol Hill while "a number of black organizations contacted their state representatives, who were black . . . and they called their senators on the phone and pleaded with them."

"This is not a civil rights issue. It's a constitutional issue," Hinish continued, advising the legislators to turn their arguments toward the legal soundness of the measure.

The Republican counsel termed Republican National Chairman Bill Brock's support of the amendment as a way to "open up the Republican party 'hogwash. . . There is very little likelihood the Republican party will benefit from this."

The legislative council had one black speaker listed on its agenda, Clay Smothers, a member of the Texas House of Representatives, but he did not appear because of a death in his family. Smothers, a member of the council, is well-known among conservative groups and has said most elected black leaders do not speak for the majority of blacks, according to a council staff member.

The audience yesterday was all white, but staff members said there are other black members in the group besides Smothers.

D.C. Delegate Walter E. Fauntroy, learning about the conference from reporters late last week, asked to be added to the agenda. He also wanted a booth outside the meeting hall to prevent the other side of the issue. Both requests were denied.

All of the speakers, except columnist Tom Braden who debated Buchanan on the issue as part of the program, were opponents of ratification.

A couple of legislators attending said they would have liked a more balanced presentation, but most of those questioned said they had come to learn how to fight the ratification.

One of the speakers, Professor Jules B. Gerard of the Washington University School of Law in Missouri, told them he will have a book out in January on the issue and suggested that, if possible, they should prevent serious consideration of the issue in their own legislatures until they are armed with his work. Forty state legislatures open their 1979 sessions in January and most are expected to take up the amendment.

Fauntroy, asked about the charge that it actually has been the proponents who have interjected race into the battle, said the opposition has "conveniently inferred civil rights, basic human rights for all people, to mean black rights."

The other major theme of the speakers was that the opponents should force a full airing of the issues surrounding the amendment. They said attempts to obtain quick votes for ratification this year in six states has been prompted by its supporters fears that the measure would lose if the issues are thoroughly examined.



STATE OF ALASKA
OFFICE OF THE GOVERNOR
WASHINGTON, D.C.

February 5, 1979

Self-Determination For D. C.
Room 300
2030 M Street, N. W.
Washington, D. C. 20036

Mr. Christine Harter
State Affairs Committee
Alaska State Legislature
Juneau, Alaska 99811

Dear Ms. Harter:

You will note from the attached correspondence that I have contacted proponents of both views on the D. C. amendment and have asked them to appear here on Friday, February 9, 1979 at 4:00 P.M. for the teleconference with the Committee on the subject.

This matter was delayed until today because Mr. Callahan of the National Conference of State Legislatures had suggested Steve Saltzberg of the University of Virginia Law School to participate. However, he was in California, not returning until today. When I talked with him, he indicated that he was unable to travel for such a purpose without being reimbursed, and suggested that I contact Delegate Fauntroy's office. I did so, but, as of this writing, I have not heard from Mr. Barnes.

I hope to pass along this information via the teleconference network later today, but I also wanted to put it in written form for your ready reference.

Sincerely,

A handwritten signature in cursive script that reads "Peggy Hackett".

Peggy Hackett

February 5, 1979

Hon. Walter E. Fauntroy
2441 Rayburn House Office Building
Washington, D. C.

Attn.: Mr. Barnes:

Dear Mr. Fauntroy:

The House State Affairs Committee of the Alaska Legislature has been considering the D. C. amendment in its Joint Resolution 4.

This office has been asked to set up a teleconference meeting with the Committee for Friday, February 9, 1979 at 4:00 P.M., lasting about an hour, with each side presenting its views for about 15 minutes, and about 20 minutes for questions and answers. Through this hook-up, the State Affairs Committee will be able to talk directly with representatives of both viewpoints.

Please contact me at 624-5858 regarding this matter.

Sincerely,

Peggy Hackett

February 5, 1979

Mr. Tom Ascik
Heritage Foundation
513 C Street, N.E.
Washington, D. C.

Dear Mr. Ascik:

You were contacted last week by John Callahan, Director, National Conference of State Legislatures, regarding a planned tele-conference hookup from our office to our state capitol on Friday, February 9, 1979, at 4:00 P.M. At that time, it is hoped that you could present your views on the D. C. amendment for approximately 15 minutes, with 15 minutes being devoted to the opposite view, and approximately 20 minutes being set aside for questions and answers from our House State Affairs Committee, which has been considering House Joint Resolution 4 (the D. C. amendment).

You will note our address and telephone number on this letterhead. Please contact the undersigned if you have any questions about these arrangements.

I look forward to meeting you this Friday.

Sincerely,

Peggy Hackett

cc: Ms. Christine Harter