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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

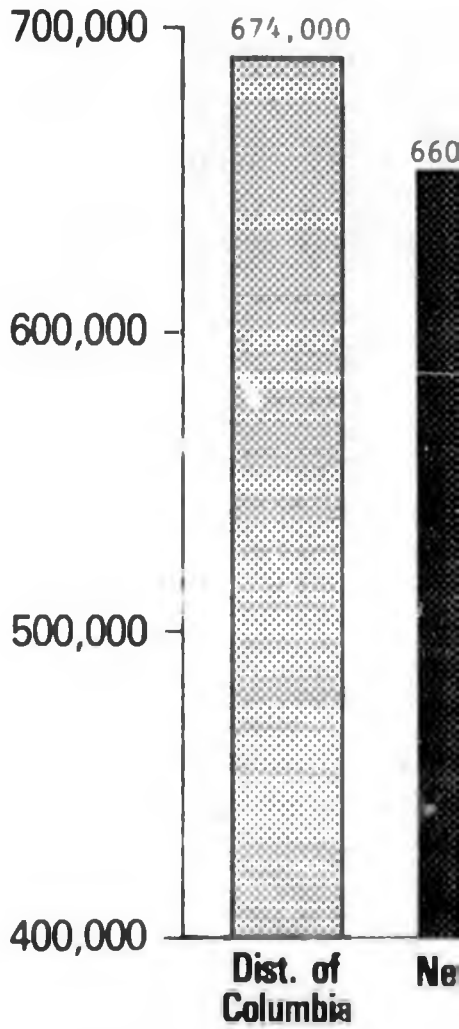
WYOMING

VERMONT

ALASKA

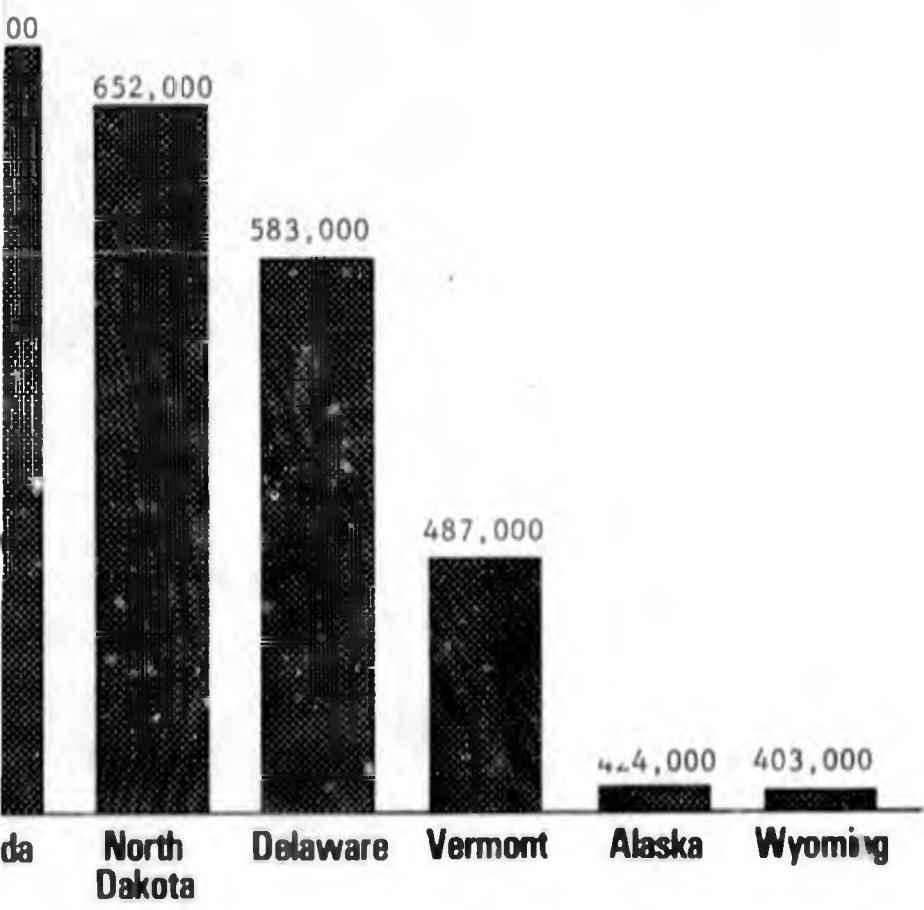
**D.C. HAD MORE
DEATHS IN VIETNAM
THAN 10 STATES**

POPULATION



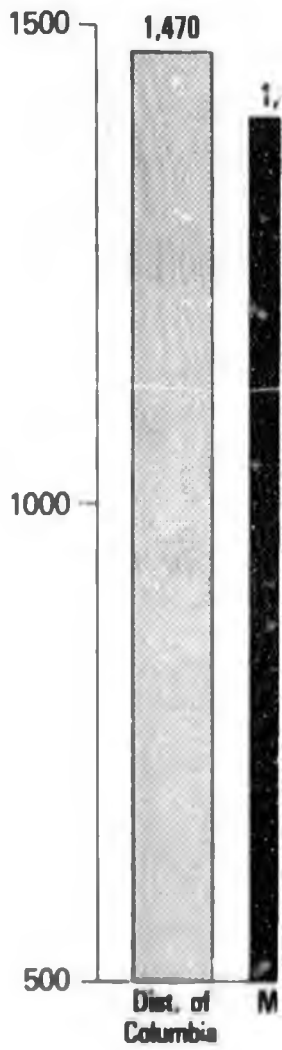
(1978)

D.C. IS LARGER THAN SIX STATES



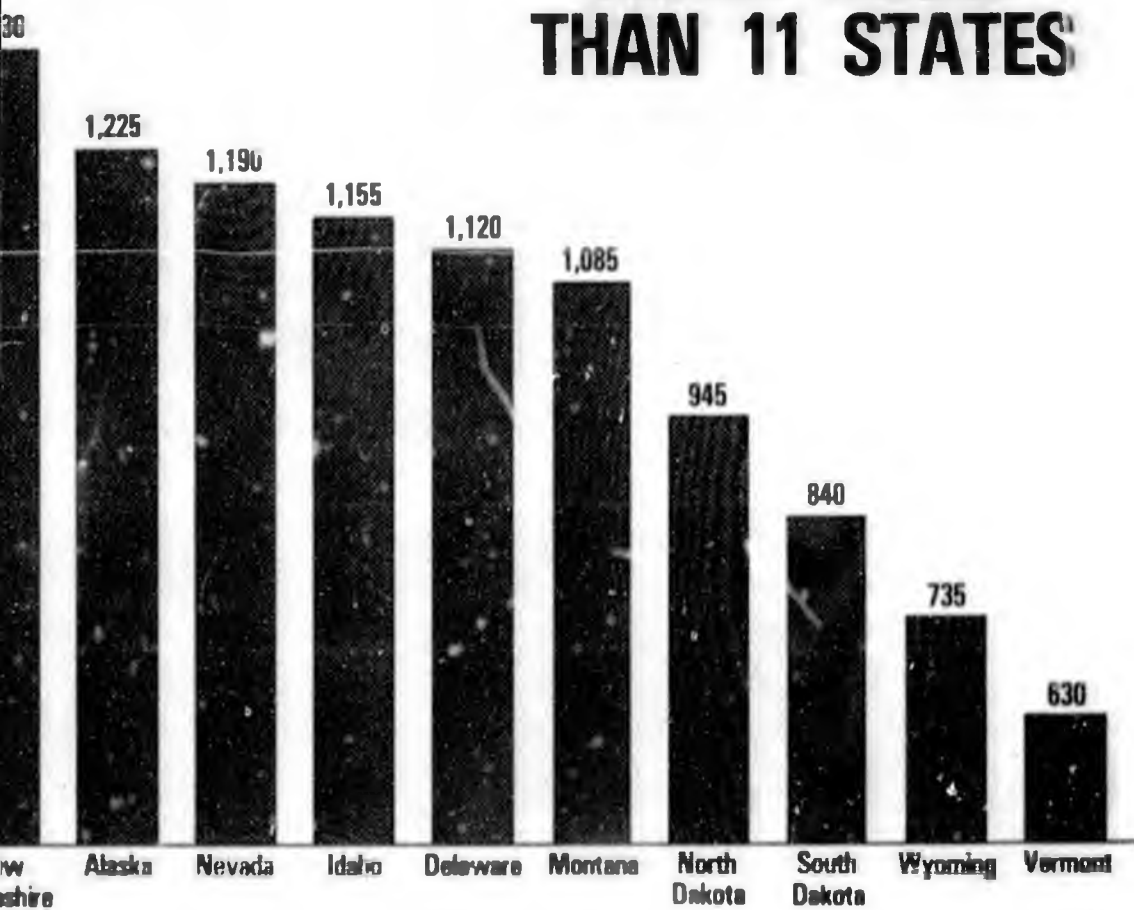
FEDERAL T

(\$ MILLION)



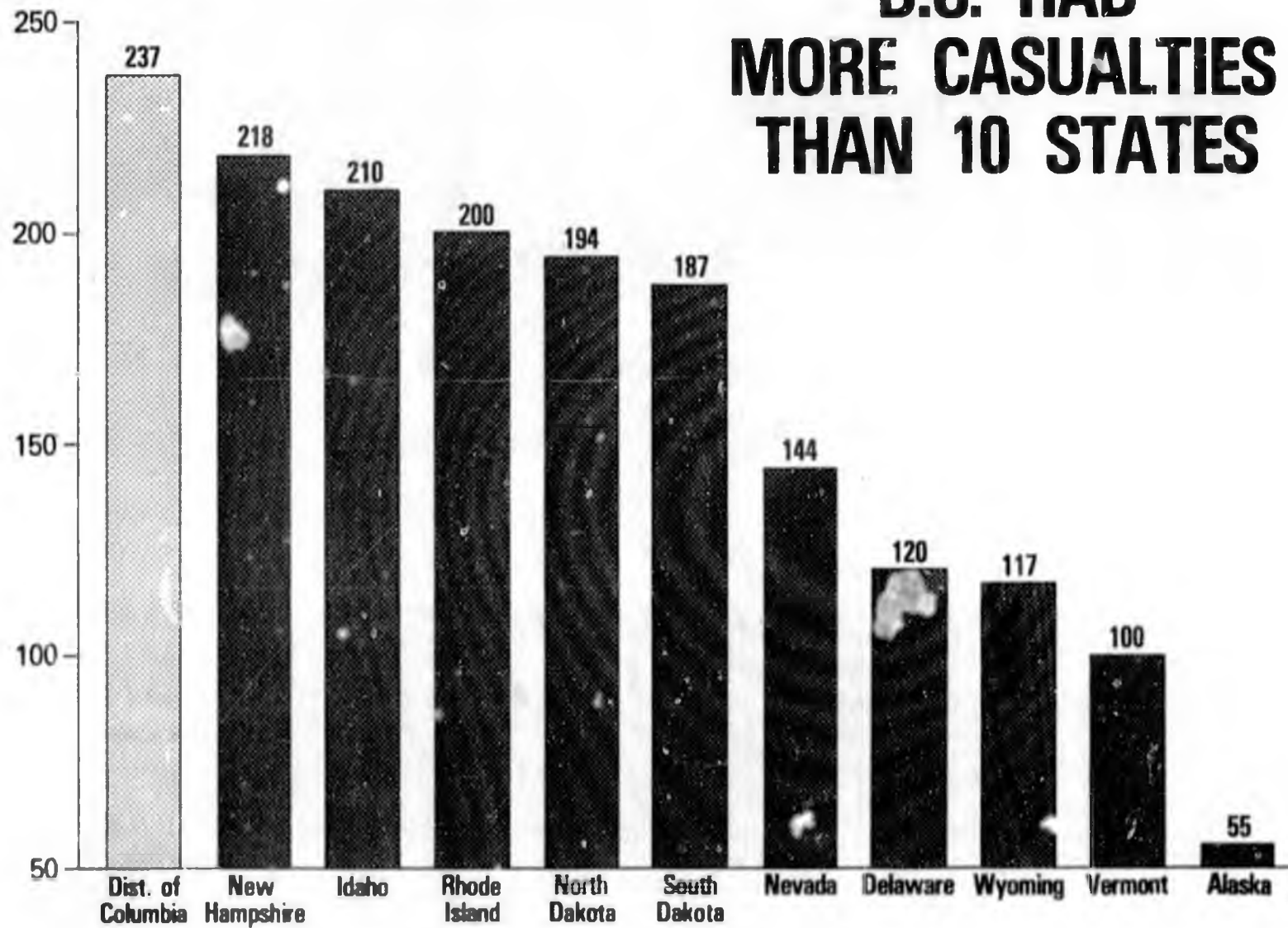
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D.C. PAYS MORE TAXES THAN 11 STATES

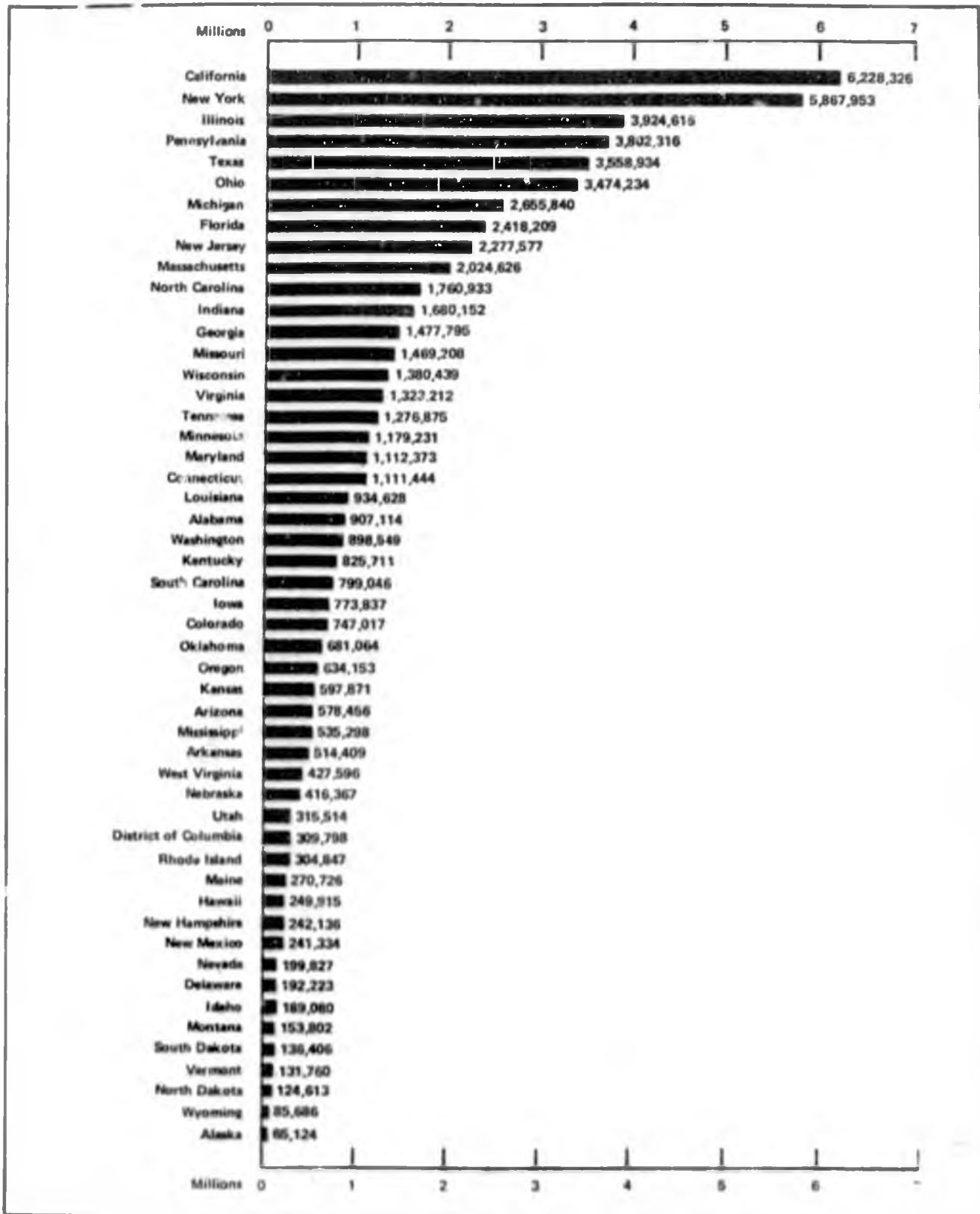


KILLED IN VIETNAM WAR

**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).

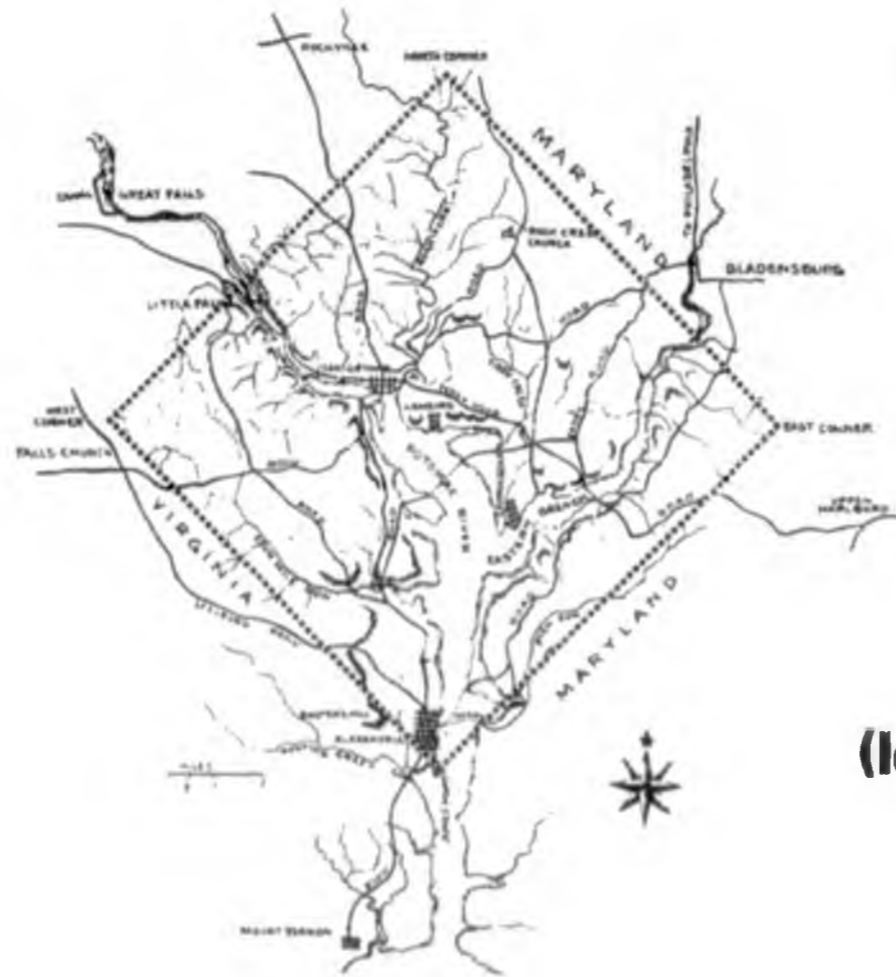
NON-GOVERNMENT EMPLOYMENT IN THE DISTRICT
OF COLUMBIA BY INDUSTRY (1976)

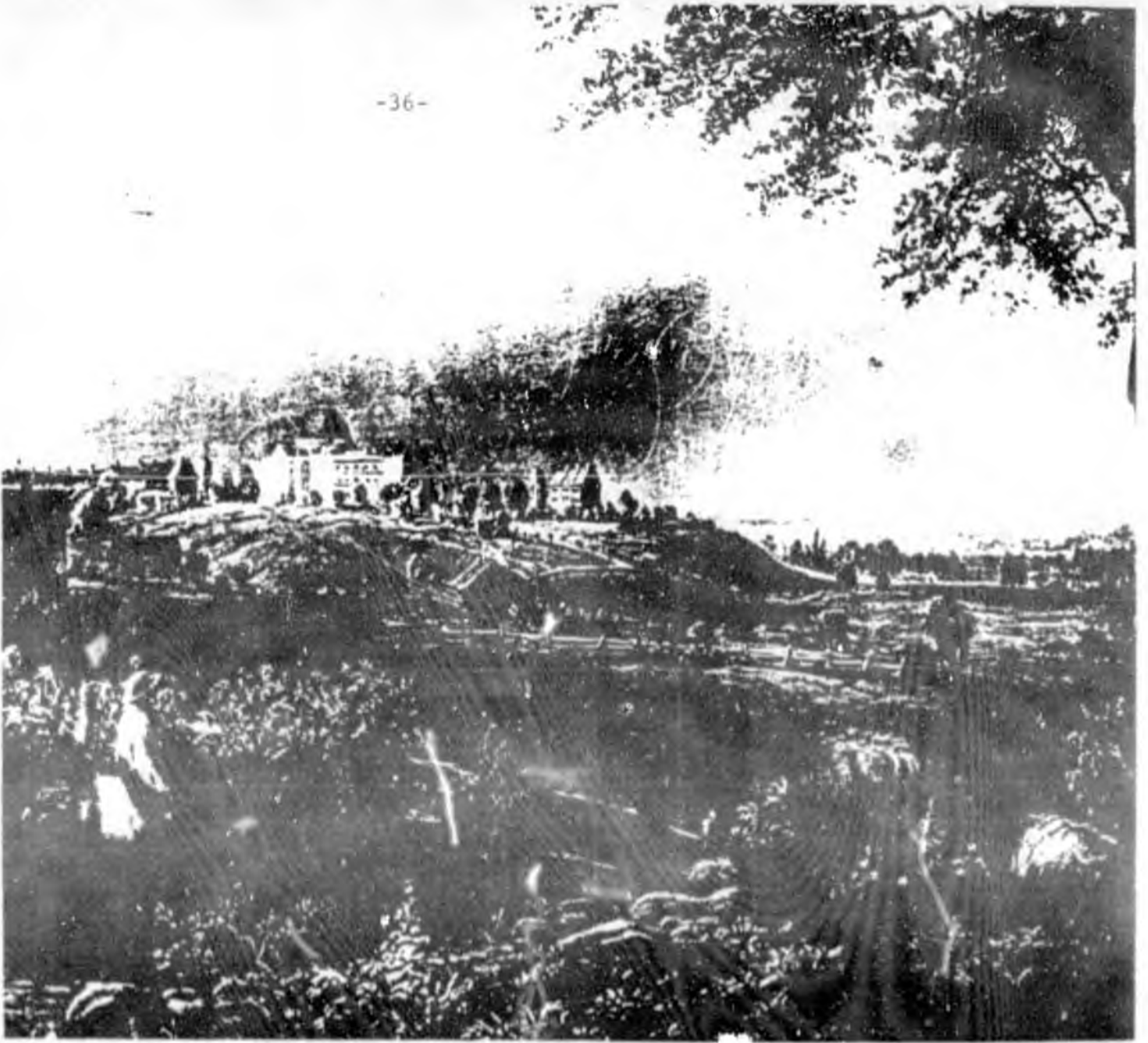
Industry	Number of employees for week including March 12				
Total	318 388				
Agricultural services, forestry, fisheries	328				
Agricultural services	274				
Landscape and horticultural services	196				
Mining	27				
Contract construction	11 940				
General contractors and operative builders	3 785				
General building contractors	3 065				
Operative builders	506				
Heavy construction contractors	(0)				
Highway and street construction	(0)				
Heavy construction, except highway	1 647				
Special trade contractors	5 485				
Plumbing, heating, air conditioning	1 425				
Painting, paper hanging, decorating	421				
Electrical work	1 371				
Masonry, stonework, and plastering	450				
Masonry and other stonework	(0)				
Plastering, drywall and insulation	(0)				
Carpentering and framing	260				
Carpentering	192				
Floor laying and floor work, nec.	158				
Roofing and sheet metal work	207				
Concrete work	233				
Misc. special trade contractors	1 120				
Structural steel erection	(0)				
Glass and glazing work	137				
Excavating and foundation work	158				
Wrecking and demolition work	110				
Installing building equipment, nec.	298				
Special trade contractors, nec.	210				
Manufacturing	18 341				
Food and kindred products	960				
Dairy products	(0)				
Condensed and evaporated milk	(0)				
Bakery products	(0)				
Bread, cake, and related products	(0)				
Beverages	(0)				
Bottled and canned soft drinks	(0)				
Misc. foods and kindred products	80				
Food preparations, nec.	(0)				
Apparel and other textile products	712				
Misc. fabricated textile products	183				
Curtains and draperies	(0)				
Lumber and wood products	188				
Sawmilling and planing mills	(0)				
Lumber and planing mills, general	(0)				
Millwork, plywood & structural members	(0)				
Millwork	(0)				
Furniture and fixtures	123				
Miscellaneous furniture and fixtures	(0)				
Drapery, curtains & shades & shades	(0)				
Paper and allied products	(0)				
Misc. converted paper products	(0)				
Die-cut paper and board	(0)				
Paperboard containers and boxes	(0)				
Printing and publishing	12 910				
Newspapers	(0)				
Periodicals	1 888				
Books	921				
Book publishing	530				
Book printing	443				
Miscellaneous publishing	(0)				
Commercial printing	2 528				
Commercial printing, letterpress	454				
Commercial printing, lithographic	2 074				
Engraving and plate printing	82				
Spiralbinding and bookbinding	87				
Spiralbinding and related work	87				
Printing trade services	535				
Typesetting	430				
Lithographic platemaking services	(0)				
Chemicals and allied products	(0)				
Miscellaneous chemical products	(0)				
Printing ink	(0)				
Stone, clay and glass products	204				
Concrete, gypsum and plaster products	(0)				
Ready-mixed concrete	(0)				
Fabricated metal products	306				
Fabricated structural metal products	276				
Fabricated structural metal	(0)				
Fabricated plate work (other than steel)	(0)				
Sheet metal work	(0)				
Architectural metal work	52				
Machinery, except electrical	183				
Office and computing machines	(0)				
Office machines, nec.	(0)				
Electric and electronic equipment	143				
Communication equipment	112				
Radio and tv communication equipment	(0)				
Instruments and related products	63				
Miscellaneous manufacturing industries	100				
Miscellaneous manufactures	80				
Signs and advertising displays	80				
Administrative and auxiliary	1 110				
Transportation and other public utilities	27 000				
Local and interurban passenger transit	1 073				
Local and suburban transportation	588				
Local and suburban transit	234				
Local passenger transportation, nec.	332				
Taxis	207				
Locally highway transportation	(0)				
Bus terminal and service facilities	(0)				
Bus terminal facilities	(0)				
Trucking and warehousing	1 205				
Trucking, local and long distance	1 104				
Public warehousing	100				
General warehousing and storage	87				
Water transportation	57				
Transportation by air	3 007				
Air transportation	2 634				
Air transportation services	267				
Air transportation services	(0)				
Arrangement of transportation	645				
Passenger transportation arrangement	534				
Freight transportation arrangement	111				
Rental of railroad cars	(0)				
Communication	12 131				
Telephone communication services	(0)				
Telephone communication services	2 000				
Communication services, nec.	10 700				
Electric, gas and sanitary services	(0)				
Electric services	(0)				
Gas production and distribution	(0)				
Communication utility services	(0)				
Gas and other services combined	(0)				
Administrative and auxiliary	200				
Wholesale trade	12 001				
Wholesale trade-durable goods	6 091				
Motor vehicles & automotive equipment	732				
Automobiles and other motor vehicles	80				
Automotive parts and supplies	550				
Tires and tubes	84				
Furniture and home furnishings	484				
Furniture	(0)				
Home furnishings	(0)				
Lumber and construction materials	132				
Construction materials, nec.	(0)				
Sporting goods, toys and hobby goods	271				
Photographic equipment and supplies	(0)				
Metals and minerals, except petroleum	54				
Miscellaneous services, nec.	(0)				
Retail trade	927				
Electrical apparatus and equipment	257				
Electronic apparatus, tv and radio	183				
Electronic parts and equipment	377				
Hardware, plumbing & heating equipment	608				
Hardware	207				
Plumbing & heating & air conditioning supplies	107				
Machinery, equipment and supplies	2 201				
Commercial machines and equipment	2 007				
Industrial machinery and equipment	100				
Industrial supplies	77				
Professional equipment and supplies	119				
Service, maintenance equipment	224				
Transportation equipment & supplies	100				
Miscellaneous durable goods	446				
Brass and waste materials	264				
Durable goods, nec.	(0)				
Wholesale trade-nondurable goods	4 890				
Paper and paper products	673				
Printing and writing paper	253				
Stationery supplies	320				
Industrial & personal service paper	82				
Drugs, proprietaries, and sundries	210				
Apparel, goods, and notions	121				
Men's clothing and furnishings	71				
Groceries and related products	1 932				
Groceries, general line	201				
Frozen foods	(0)				
Dairy products	(0)				
Farming and poultry products	138				
Fish and seafoods	50				
Meats and meat products	693				
Fruit, nuts and vegetables	364				
Groceries and related products, nec.	265				
Petroleum and petroleum products	294				
Petroleum bulk stations & terminals	(0)				
Beer, wine and distilled liquors	(0)				
Beer and ale	(0)				
Wines and distilled beverages	631				
Miscellaneous nondurable goods	601				
Tobacco and tobacco products	178				
Fats, varnishes and supplies	(0)				
Nondurable goods, nec.	724				
Administrative and auxiliary	1 258				
Retail trade	57 201				
Building materials & garden supplies	337				
Lumber and other building materials	255				
Hardware stores	330				
General merchandise stores	7 646				
Department stores	6 751				
Variety stores	844				
Misc. general merchandise stores	211				
Food stores	4 261				
Grocery stores	2 400				
Meat markets and freezer provisions	208				
Meat and fish (fresh) markets	208				
Fruit stores and vegetable markets	(0)				
Candy, nut and confectionery stores	133				
Dairy products stores	(0)				
Bread bakeries	141				
Meat markets	87				
Automotive dealers & car rentals	1 620				
New and used car dealers	1 379				
Used car dealers	(0)				
Auto and home supply stores	321				
Gasoline service stations	1 771				
Apparel and accessory stores	2 373				
Men's & boys' clothing & furnishings	641				
Women's ready-to-wear stores	1 148				
Women's accessory and specialty stores	(0)				
Children's and infants' wear stores	110				
Family clothing stores	832				
Shoe stores	185				
Furriers and fur shops	(0)				
Miscellaneous apparel & accessories	144				
Furniture and home furnishings stores	1 881				
Furniture and home furnishings stores	1 136				
Furniture stores	815				
Furniture covering stores	84				
Drapery and upholstery stores	94				
Misc. home furnishings stores	(0)				
Household appliance stores	147				
Radio, television and music stores	(0)				
Radio and television stores	(0)				
Music stores	409				
Lumber and building supplies	20 800				
Building supplies	10 703				
Building glass	1 402				
Miscellaneous retail	6 285				
Drug stores and proprietary stores	7 268				
Liquor stores	1 541				
Used merchandise stores	211				
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.

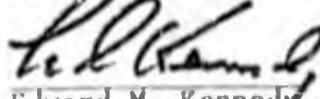
^{*/} "... no State, without its Consent, shall be deprived of its equal Suffrage in the Senate."

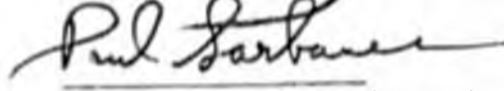
For your interest, we are attaching a staff briefing paper prepared in the House in support of H.J. Res. 554. It deals with all of the major issues and makes a solid case for approval of the Resolution.

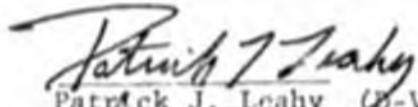
We urge your support for this fundamental principle of justice for the citizens of the nation's capital, and we look forward to favorable Senate action on this Resolution.

Sincerely,

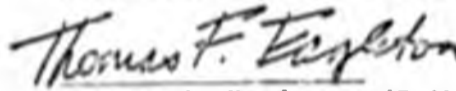

Birch Bayh (D-Ind.)


Edward M. Kennedy (D-Mass.)

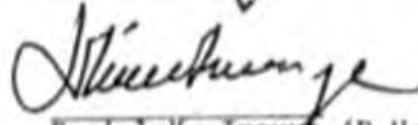

Paul S. Sarbanes (D-Md.)


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.)

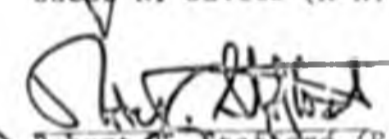

Daniel Patrick Moynihan (D-N.Y.)


Charles McC. Mathias (R-Md.)



Edward W. Brooke (R-Mass.)


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

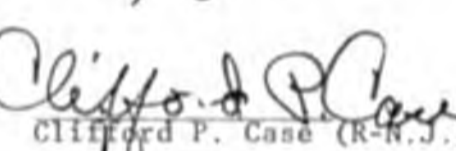

Jacob K. Javits (R-N.Y.)


Robert T. Stafford (R-Vt.)


John C. Danforth (R-Mo.)


John Heinz, II (R-Penna.)


Harry Goldwater (R-Ariz.)


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

May 23, 1978

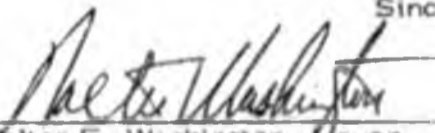
Dear Senator:

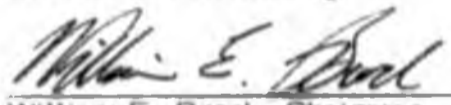
Full voting representation in Congress for the District of Columbia as embodied in House Joint Resolution 554 is a legislative matter which is a top priority for all of us. We urge you to support the measure when it comes to a vote in the Senate.

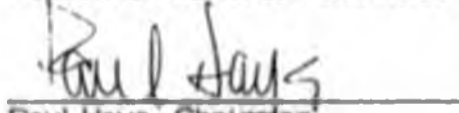
As you know, the House of Representatives on March 2nd, passed H.J. Res. 554 by a two-thirds vote, 289-127. This historic vote marked the first truly significant step forward in an effort which began in December, 1908. Since that beginning there have been more than 150 joint resolutions introduced to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

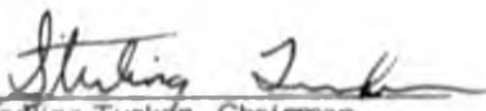
A two-thirds vote in the Senate will send this measure on to the states for a final decision. We believe the state legislatures should have the opportunity to vote on H.J. Res. 554. The arguments in favor of this fundamental principle need not be repeated here. We ask only that you voice your support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

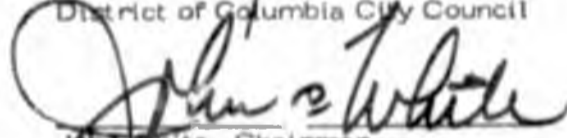
Sincerely,


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		
Casper	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		
Stevens	Y	
Perot	Y	
INDIANA		
Bryce	Y	
Logan	Y	

IOWA		
Clark	Y	
Culver	Y	
KANSAS		
Dole	Y	
Parkinson	Y	
KENTUCKY		
Ford	Y	
Huddleston	Y	
LOUISIANA		
Jahner	N	
Long	N	
MAINE		
Hathaway	Y	
Muskie	Y	
MARYLAND		
Sabatos	Y	
Mathias	Y	
MASSACHUSETTS		
Bayh	Y	
Brooks	Y	
MICHIGAN		
Bagley	Y	
Griffin	Y	
MINNESOTA		
Anderson	Y	
Humphrey	Y	
MISSISSIPPI		
Eastland	Y	
Strom	N	
MISSOURI		
Fullerton	Y	
Donohoe	Y	
MONTANA		
Mohr	N	
Malone	N	
NEBRASKA		
Zorinsky	N	
Curry	N	
NEVADA		
Cannon	N	
Leahy	N	

NEW HAMPSHIRE		
Durbin	Y	
McNire	Y	
NEW JERSEY		
Williams	Y	
Cass	Y	
NEW MEXICO		
Udall	N	
Schmitt	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		
Carlisle	N	
Ball	N	
OREGON		
McCall	Y	
Perkins	Y	
PENNSYLVANIA		
Mohr	Y	
Schweiker	N	
RHODE ISLAND		
Perkins	Y	
Chafee	Y	
SOUTH CAROLINA		
McClure	Y	
Thurmond	Y	
SOUTH DAKOTA		
Abourezk	Y	
McClure	Y	
TENNESSEE		
Sasser	Y	
Baker	Y	

TEXAS		
Bentsen	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		
Montoya	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

STATE OF ALASKA
THE LEGISLATURE

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

LEGISLATIVE AFFAIRS AGENCY

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. Chenoeth
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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October, 1978

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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.

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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.

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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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CON

"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."

(Prox, continued on page 250)

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."

(Continued on page 251)

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

(Continued on page 252)

"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.

(Continued on page 253)

"... 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

(Continued on page 254)

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."

(Cons. continued on page 255)

"... 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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Pro & Con

The Congressional Digest

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

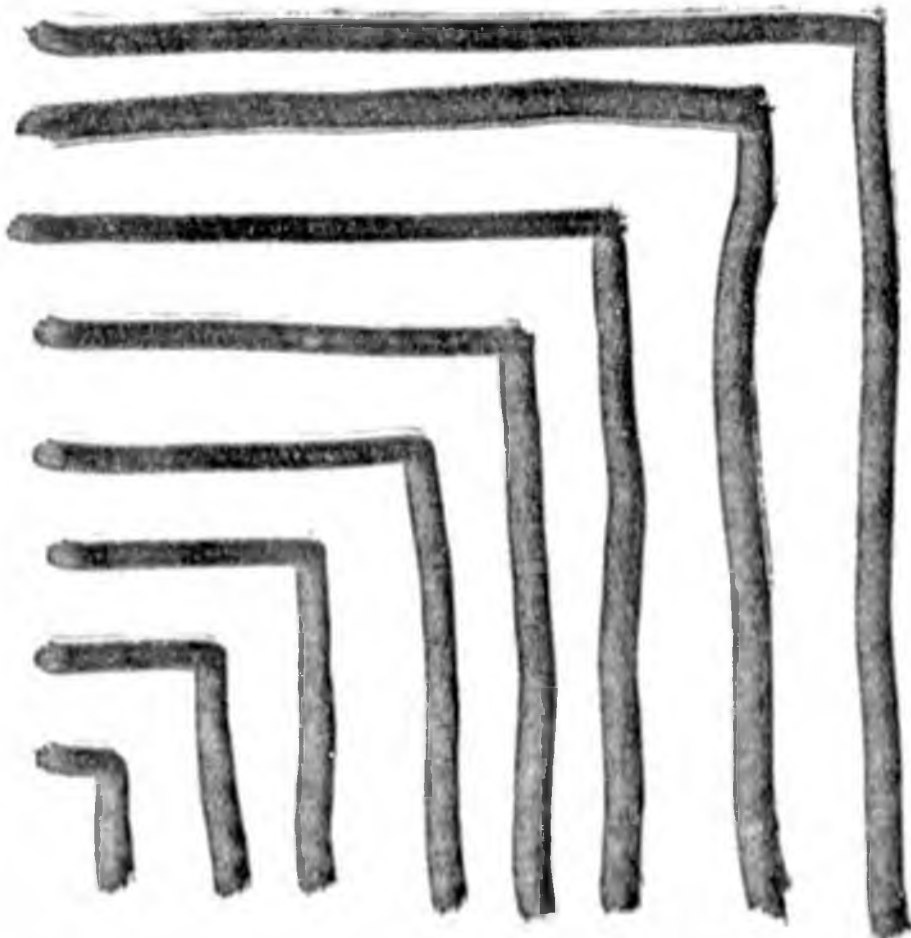
Ohio From C-1

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

HJR

71

Client: United States Department of Agriculture - Forest Service

Project: Begich, Boggs Visitor Center at Portage Glacier

Location: Portage Lake, Alaska

Description:

The Begich, Boggs Visitor Center at Portage Glacier in Alaska is expected to serve 300,000 visitors annually and will contain a theater and approximately 5,000 square feet of display area. Kramer, Chin & Mayo, Inc. (KCM) has done the conceptual design, preliminary engineering, and preliminary design for the center. KCM also evaluated the existing wastewater facilities at the visitor center site to determine their capability to handle additional waste loads. Final design and construction documents will also be prepared.

The building will be situated on the lake shore on a terminal moraine (the mound of earth and stones deposited by a glacier as it begins to recede). From an observation platform constructed in the lake and reached by pedestrian bridges, visitors will have an exceptional view of icebergs and of the glacier.

During the preliminary design, KCM considered architecture, landscape, mechanical and electrical systems, and site utilities. KCM's design includes a large exhibit area, a 200-person-capacity theater, and an orientation area with a refrigerated display space to contain a piece of Portage Glacier ice for visitors to see and touch. Because the visitor center will be on a very prominent site, careful consideration was given to the relationship between the physical structure and its surrounding environment. The terminal moraine left by the glacier will be extended and sculptured to surround the building and parking areas and to help them blend into the physical site. Earth mounds will soften the transition from nature to manmade objects. The building's architectural design continues this harmonious feeling. Walls will be rough-textured concrete, colored to be compatible with the surrounding landscape. Rounded corners will further soften the building forms.

KCM recommended that landscape plantings be of seedlings grown from cones gathered at the site and of root cuttings from indigenous plants so as to blend with the stark natural landscape and to adapt to the site's poor soil and severe wind and temperature conditions. In addition, nursery-grown Sitka spruce will be planted for immediate effect in the area of the building and parking median.

KCM found that, in order to treat the visitor center wastewater, a new pump station, force main, aeration system, and subsurface drainfield will have to be built. A polishing pond/seepage pit also will have to be built to handle maximum monthly summertime flow.

Exhibit-related design work for this project will be done by Gideon Kramer, a subconsultant to KCM.

Preliminary Design Completed: January 1979



The Juneau Marine Park is the first glimpse tourists arriving by tour ship have of the city. The park is seen locally as an important project that sets the pace for diversification of Juneau's economic base. The marine park, designed by Kramer, Chin & Mayo, Inc. (KCM) to attract tourists and serve local community groups, has become the focal point of Juneau's waterfront business district.

KCM, which provided design development, schematic designs, and construction cost estimates, began with a complete study of the topography, existing utilities, drainage, and environmental and visual considerations. Zoning, building codes, and ordinances affecting the project were researched. Planning also included gathering information on community and tourist needs.

Central to the park design is an outdoor amphitheater which supports and stimulates the activities of the diverse Juneau community groups. The partly covered facility is the scene of art fairs, concerts, and dramatic productions. The surrounding two-thirds-acre park site is extensively filled and elevated to allow a better view of Gasteneau Channel. Much of the park consists of lawn area landscaped with natural building materials, such as heavy timbers. Four

colorful banners suspended from timbers depict symbols of Alaskan heritage: an eagle, a native design, a Russian church, and an Alaskan crab.

Despite Juneau's location in the midst of the Alaskan wilderness, the city has few parks. This piece of city-owned property is adjacent to the city hall, the Sealaska native corporation building, and new tour-ship-docking facilities. The park has become a lunchtime attraction for central-business-district office workers who often enjoy noon-time musical entertainment performed in the amphitheater.

The city of Juneau and the federal Historic Conservation and Recreation Service are jointly funding the project which was dedicated in the summer of 1979.

The Begich, Boggs Visitor

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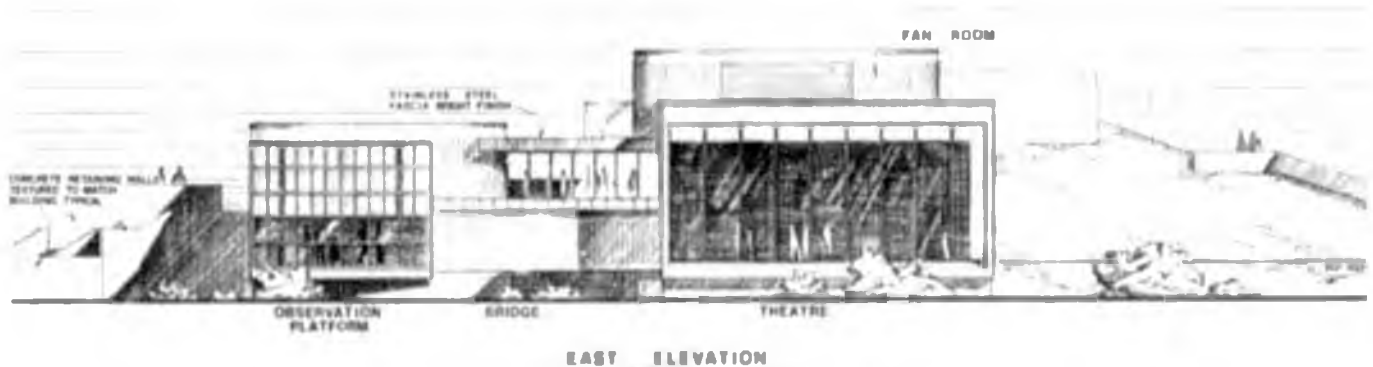
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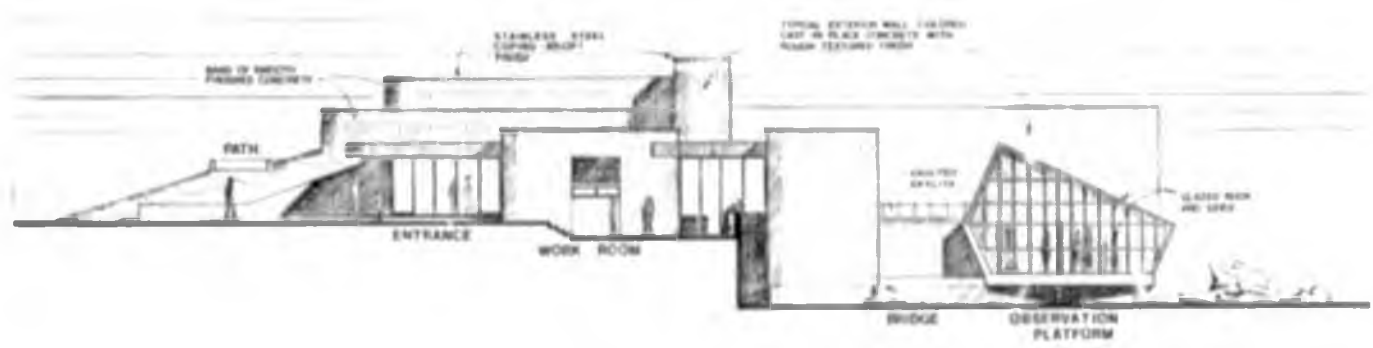
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EAST ELEVATION



SOUTH ELEVATION