

ALBION LEGISLATIVE COMMITTEES 1900 1900

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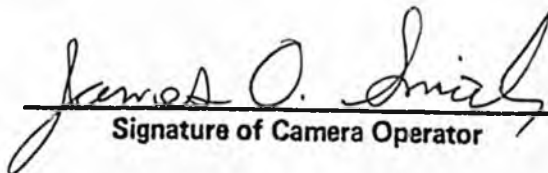
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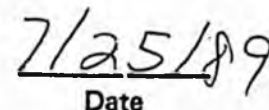


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Date

HJR

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STATE OF ALASKA
THE LEGISLATURE

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May, 1986

Copies of minutes listed below were originally included in this file. The minutes are available on the STAIRS date base CM 14. In order to save space copies of minutes have not been left in the files.

Jeanie Henry

House Judiciary

1/23/85

1:30 pm

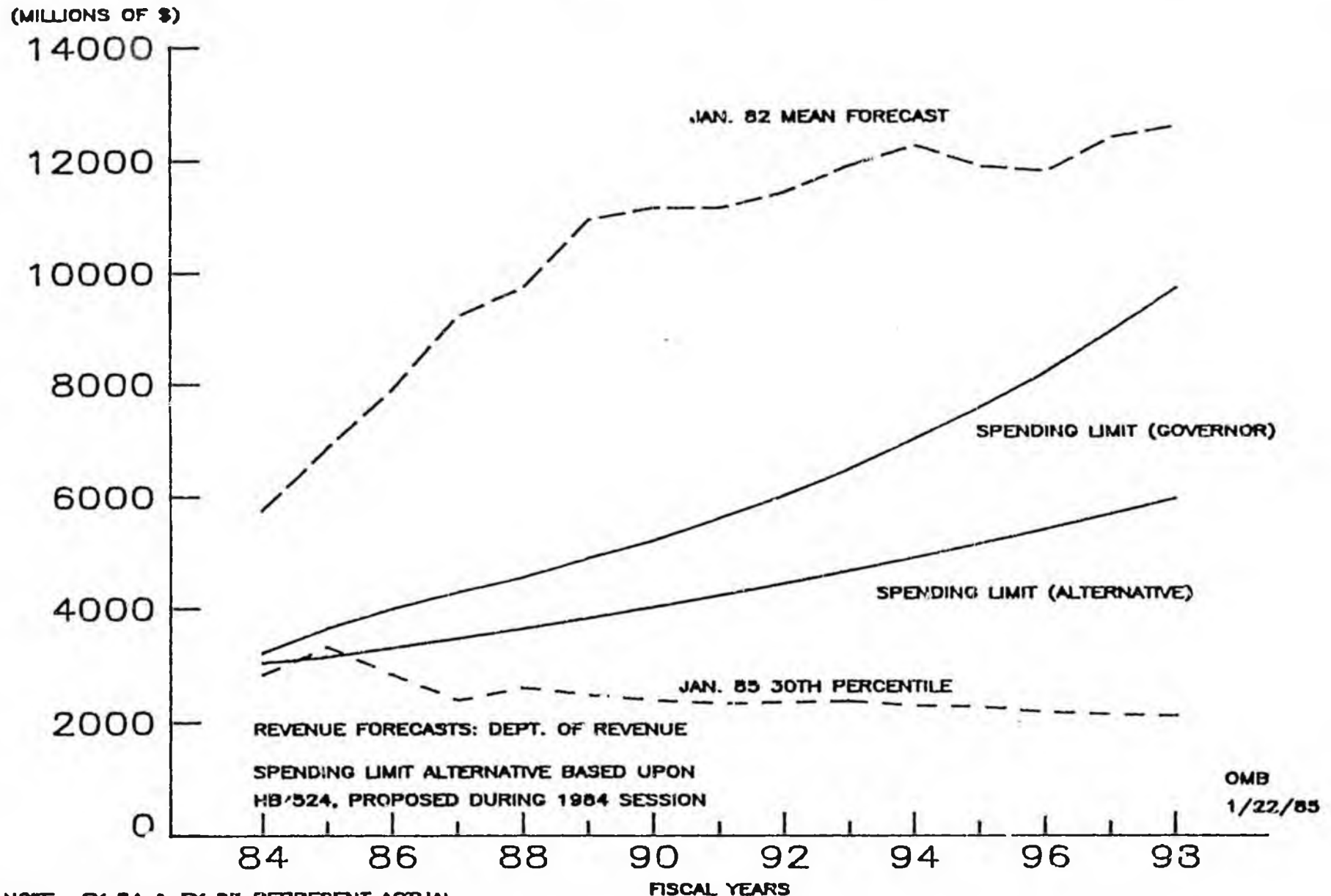
HOUSE JUDICIARY COMMITTEE

BILLS IN COMMITTEE

COMPANION LEGISLATION

<u>BILL NO.</u>	<u>SPONSOR</u>	<u>BILL TITLE</u>	<u>HEARING DATES</u>	<u>FURTHER</u>	<u>BILL NO.</u>	<u>STATUS</u>	<u>COMMENTS</u>
HJR 2	Davis	Proposing amendments to the constitution of the state of Alaska relating to appropriation of the legislature	1/23 - Judiciary 1:30 pm - 1st hearing				

SPENDING LIMIT IMPACT ON REVENUE FORECASTS OF JAN. 82 AND JAN. 85



NOTE: FY 84 & FY 85 REPRESENT ACTUAL APPROPRIATIONS

TPC/41

Bill Sheffield, Governor

DEPARTMENT OF LAW

OFFICE OF THE ATTORNEY GENERAL

POUCH K - STATE CAPITOL
JUNEAU, ALASKA 99811
PHONE: (907) 465-3600

February 7, 1983

Gene Dusek, Director of Budget
Office of Management & Budget
Pouch AM
Juneau, AK 99811

1983 Atty Gen Op #01

Re: Appropriation limit
questions
Our file: 366-374-83

Dear Mr. Dusek:

You have asked for our opinion concerning issues relating to the appropriation limit imposed by Alaska Constitution, article IX, section 16. These issues are as follows:

(1) Are appropriations to reimburse a municipality for payment of the principal and interest on general obligation school construction bonds subject to the appropriation limit? We believe they are not.

(2) If the permanent fund dividend law (AS 43.23) is amended or repealed and another plan for the distribution of permanent fund income is enacted, will appropriations to finance the new distribution program be included in the appropriation limit or will those appropriations be outside the limit? Generally, we believe that other distribution plans could qualify as dividends. However, certain limitations should be observed to make sure that the new plan satisfies the intent of the appropriation limit.

(3) How will the appropriation limit be implemented if

anticipated state revenues are less than the limit for a fiscal year? We assume that the appropriation limit will be applied with common sense to empower the legislature to act without regard to allocations imposed by the appropriation limit when economic conditions deplete the state treasury.

(4) How will multi-year appropriations be counted for purposes of the appropriation limit? We believe a multi-year appropriation will be counted against the appropriation limit for the first year in which it could be expended.

(5) What is the definition of "capital project" as that term is used in the appropriation limit? There is some history which supports a liberal interpretation of the term "capital project."

I. BACKGROUND

The appropriation limit, Alaska Const. art. IX, sec. 16, was drafted during a period of anticipated high revenue yields from oil and gas production. In June 1981, the Alaska Department of Revenue forecast that the state would earn approximately \$4,895,300,000 during FY 82. Revenue Sources, Alaska Department of Revenue (June 1981). That forecast did not include the revenue dedicated to the Alaska permanent fund under AS 37.-13.010. The revenue actually earned by the state during FY 82, less the permanent fund contribution, was \$4,108,400,000. Reve-

Revenue Sources, Alaska Department of Revenue (Jan. 1983). The legislature had exhibited a proclivity for appropriating all available revenue and more. ^{1/} Former Governor Jay S. Hammond introduced SJR 4 during the first session of the Twelfth Alaska Legislature. However, the legislature failed to enact a version of SJR 4 during the first regular session and on June 25, 1981, Governor Hammond called a special session of the legislature to consider SJR 4. In his address to the legislature, Governor Hammond cited the following circumstances which required the enactment of SJR 4:

(1) the FY 82 operating budget increased 32 percent over the FY 81 operating budget;

(2) the FY 82 capital budget increased 127 percent over the FY 81 capital budget; and,

(3) for FY 82, the legislature appropriated an amount equal to 59 percent of the total spent for capital projects since statehood. 1981 S. Jour., FSS Jour. Supp. No. 1, p. 3.

A second free conference committee (FCC) initially appointed during the regular session met to continue consideration of SJR 4 during the special session. 1981 S. Jour., p. 1744. A

^{1/} The \$1.8 billion contribution to the Alaska permanent fund (sec. 2, ch. 61, SLA 1981 as amended by sec. 68, ch. 92, SLA 1981 and sec. 16, ch. 101, SLA 1982) is a continuing operating appropriation which literally causes total unobligated appropriations to exceed available state revenues for each fiscal year since enactment.

transcript of the open meetings of the FCC exists and forms a part of the history of the appropriation amendment (the transcript). However, it is evident from review of the transcript that other discussions concerning the intent of the amendment were conducted outside of open committee meetings. While the transcript is helpful, it presents only a partial record of the deliberations of the drafters of the amendment.

The FCC purported to adopt a letter of intent to accompany its report to the house and senate. 1981 S. Jour., FSS, p. 5. However, the letter of intent is not set out in the journal. A search of the bill files of the Department of Law yielded a copy of the missing letter of intent. See Ex. 1.

The campaigns for and against adoption of the appropriation limit began in September of 1982. The Anchorage Daily News criticized the proposed amendment for the following reasons:

(1) the ceiling is too high, revenues will exceed the limit only once before the year 2000; and

(2) the one-third reservation for capital projects and loan appropriations was included because the legislature "failed to make the distinction between a wise public agenda -- on which capital projects and loans surely would appear -- and an effectively timeless state constitution -- in which no such spending demands should be dictated.

Anchorage Daily News, Sept. 3, 1982, at A14, "opinion." The

Gene Dusek, Director of Budget
Office of Management & Budget
366-374-83

February 7, 1983
Page #5

Daily News based its opinion concerning revenue forecasts on a report made public by the legislative finance division of the Legislative Budget and Audit Committee. Anchorage Daily News, Sept. 2, 1982, at 1. On September 17, 1982, the Daily News urged Governor Hammond to oppose the adoption of the appropriation limit. The Anchorage Times basically took no position on the amendment. However, on October 19, 1982, the Times reported the results of a poll sponsored by supporters of the amendment. The poll, conducted the week of September 16-23, 1982, showed that the amendment was recognized and favored by the public as a "spending limit." The pollsters asked if the respondents had heard of the proposed amendment to the state constitution which sets a limit on increases on state appropriations. By a three-to-one margin, respondents said they were not familiar with the amendment when it was described as an "appropriation limit." Anchorage Times, Oct. 19, 1982, at A-4. On October 26, 1982, the Juneau Empire editorialized in favor of adoption of the amendment. Juneau Empire, Oct. 26, 1982, at 4.

During the week of October 24, 1982, the major dailies of the state published articles on the amendment. Governor Hammond received coverage in most of those stories by saying "It [the adoption of the appropriation limit] may be our last chance to control the juggernaut which otherwise will likely crush us into bankruptcy." Anchorage Daily News, Oct. 29, 1982, at B3.

On Sunday, October 31, 1982, the Daily News in its forum section, published an article by Governor Hammond in which he again strongly advocated adoption of the amendment because revenue projections and the growing vulnerability of the permanent fund compelled him to plead for the support of the people. Anchorage Daily News, Oct. 31, 1982, at K3. On the preceding Friday, the Daily News quoted Governor Hammond as follows: "Don't let anyone tell you that passage of Proposition 4 won't limit spending." Under recently revised revenue estimates, passage of the ballot issue would bar the legislature from appropriating between \$80 million and \$380 million in fiscal 1984 alone. Anchorage Daily News, Oct. 29, 1982, at B3.

At the 1982 general election, the voters approved the adoption of SJR 4 by a vote of 110,669 for the amendment and 70,831 opposed to the amendment. State of Alaska Official Returns by Election Precinct General Election Nov. 2, 1982, Div. of Elections, Office of the Governor.

II. EXCEPTIONS FROM THE LIMIT

The appropriation limit contains seven express exceptions. Five of those exceptions are for appropriations which are completely outside the limit and do not require voter approval. They include:

- (1) an appropriation for Alaska permanent fund divi-

dends;

(2) an appropriation of revenue bond proceeds;

(3) an appropriation to pay principal and interest on general obligation bonds;

(4) an appropriation of money received from nonstate sources in trust for a specific purpose, including revenues of a public corporation that issues revenue bonds; and

(5) an appropriation to meet a state of disaster declared by the governor.

You have requested our interpretation of exceptions (1) and (3) set out above.

A. Alaska Permanent Fund Dividend Exception

The appropriation limit provides: "Except for appropriations for Alaska permanent fund dividends ... appropriations from the state treasury made for a fiscal year shall not exceed \$2,500,000,000...." A question obviously arises as to whether "Alaska permanent fund dividends" means only those cash payments provided to individuals under AS 43.23 or if the word "dividend" encompasses other concepts for the distribution of income earned by the Alaska permanent fund.

We believe the answer to your question concerning appropriations for permanent fund dividends depends on whether the exceptions will be construed strictly or liberally. Usually,

provisions in a state constitution are construed liberally using the same rules of construction prescribed for other laws with regard given to the broader object and scope of the constitution as a charter of popular government. Eghert v. Dunseith, 24 N.W.2d 907 (N.D. 1946); 168 A.L.R. 621. Professor Sutherland explains the modern view for construing express exceptions as follows:

The older rule strictly interpreted both exceptions and provisos but today the prevailing view favors determining the effects of such provisions according to the usual criteria of decision applicable to other kinds of provisions as well without the use of any artificial presumptions to the effect that qualifying language should be strictly construed.

SUTHERLAND STATUTORY CONSTRUCTION § 47.11 (4th ed. 1974)(footnotes omitted). The FCC did not express an intent to limit this exception to only appropriations to finance cash payments to individuals under AS 43.23.

The appropriation limit must be interpreted consistently with the permanent fund amendment contained in article IX, section 15. Section 15 provides that the legislature may dispose of the income of the Alaska permanent fund "as provided by law." Each legislature may reexamine existing law and enact different laws providing for the use of income earned by the Alaska permanent fund. If section 16 were interpreted so that the exception to permanent fund dividends applied only to appropriations to finance cash dividends under AS 43.23, the legislature would essentially be denied the flexibility to adjust to changing philoso-

phies concerning the propriety of making cash payments directly to residents which section 15 expressly reserves to it. ^{2/} In interpreting and applying the constitution, it must be remembered that the constitution is not a lifeless or static instrument whose interpretation is confined to conditions and outlooks which prevailed at the time of its adoption. Yakus v. United States, 321 U.S. 414 (1944); Warwick v. State, 548 P.2d 384 (Alaska 1976).

The word "dividend" has no precise legal meaning. Trustees of University v. North Carolina R. Co., 13 WORDS AND PHRASES 107 (Permanent ed.); 22 Am. Rep. 671. Webster defines "dividend" as follows: "an individual share of something distributed among a number of recipients." We are not aware of any legal principle which would preclude the characterization of other distribution programs as "dividends." Rather, the words used

^{2/} The Thirteenth Legislature may reject direct cash distribution in favor of a plan which it determines will promote public purposes more effectively. During the period of consideration and adoption of the appropriation limit, the permanent fund dividend law was undergoing considerable scrutiny and change by both the legislature and the courts. The legislature adopted the proposed appropriation limit amendment on July 15, 1981. At that time the question of the constitutionality of the permanent fund dividend program as it was then structured was on appeal to the United States Supreme Court. On June 14, 1982, the United States Supreme Court issued an opinion which found the method established for determining the amount of dividends under that program void because the method promoted discrimination based on length of residence in the state. On August 13, 1982, amendments to the dividend law took effect. The people were undoubtedly aware that the dividend law in effect on election day in 1982 was not chiseled in marble.

by the drafters of the amendment afford broad latitude to the legislature to enact new distribution programs which will not be impaired by the appropriation limit.

It is well-settled law that a provision of a state's constitution must receive a liberal, practical construction to meet changed conditions and growing needs of the people. County of Alameda v. Sweeney, 312 P.2d 419, 424 (Cal. 1957). Under the permanent fund amendment, the discretion granted to the legislature to enact, amend, or repeal the present dividend program under AS 43.23 to meet the growing needs of the people is unfettered. However, the operation of exceptions from the appropriation limit must be interpreted consistent with the intent of the framers of the organic law and of the people adopting it. State v. Lewis, 559 P.2d 630, 637 (Alaska 1977).

One important consideration should be carefully observed. The Alaska Supreme Court has found that the purpose of the existing dividend program is to force the legislature to consider the reimposition of taxes when the decline of oil revenue encourages resort to permanent fund income to finance state government. Williams v. Zobel, 619 P.2d 448, 454 (Alaska 1981), rev'd 451 U.S. 905 (1982). The people can be expected to vigilantly protect their dividends by forcing the legislature to seek sources other than the permanent fund to finance state government. If a substitute distribution program accomplishes the same

purpose, it will more likely qualify under the exception in section 16 than if it fails to achieve that purpose. If the constituency benefitted by a dividend is narrow, the dividend may not be a dividend in the sense intended by the drafters of section 16 and the people who adopted it. Proposals soon to be considered by the legislature include replacing the existing distribution to all residents with a distribution of part of the permanent fund income to municipalities and as a substitute for the existing longevity bonus and use of a part of the income to finance large capital projects.

A vast majority of the population of the state resides in or is served by municipal governments. It is also a fact that we all seek security for our "golden years." The constituents of these proposals seem broad enough to satisfy the purpose of the current dividend law. The use of permanent fund income to finance large capital projects presents a closer question. The character of each project must be considered to determine if it serves a state public purpose, rather than a local special purpose. Additionally, if the project is viewed as merely an alternate way of financing state government operations, the basic intent of the dividend law might not be served.

We cannot advise with certainty whether the financing of large capital projects with permanent fund income would constitute a dividend of the Alaska permanent fund for purposes of

the appropriation limit. Some may argue that the benefits provided by "public works" projects are too localized to approximate the benefits provided by the existing dividend law. However, in State v. Lewis, 559 P.2d 630 (Alaska 1977), the Alaska Supreme Court decided that "[l]egislation need not operate evenly in all parts of the state to avoid being classified as local or special." Lewis at 643. A definite answer will come only when the courts interpret article IX, section 16 of the Alaska Constitution. However, we believe that if the legislature enacts a distribution program which is consistent with the intent of the permanent fund dividend law, any appropriation to implement that program will be exempt from the appropriation limit.

B. Appropriations Required to Pay the Principal and Interest on General Obligation Bonds

Under AS 43.18.100 -- 43.18.135 the state, subject to available appropriations, reimburses municipalities for the payment of a percentage of principal and interest to retire general obligation bonds issued by the municipality to finance school construction costs. Although they have been amended from time to time, these statutes have been in effect since 1971. You have asked whether appropriations to retire municipal general obligation debt are within the exception stated to the appropriation limit.

The exception reads as follows: "Except for ... appro-

SENATE FINANCE COMMITTEE
JANUARY 21, 1985

GORDON HARRISON

NO, BUT THIS DOESN'T SAY THEY HAVE TO BE OF THE STATE.

SENATOR HALFORD

THE QUESTION WAS ASKED IN THE FIRST CONFERENCE COMMITTEE. I THINK DON GILMAN WAS THE ONE WHO ASKED IT, AND THE SPECIFIC POINT WAS BROUGHT OUT THAT SCHOOL DEBT RETIREMENT WAS NOT A GENERAL OBLIGATION OF THE STATE, DID NOT GO BEFORE THE VOTERS OF THE STATE, AND THE SPENDING LIMIT WAS CRAFTED IN SUCH A WAY THAT THINGS OUTSIDE THE LIMIT WERE THINGS WHICH HAD GONE TO THE VOTERS OF THE STATE EITHER IN EXCESS CAPITAL OR IN GENERAL OBLIGATION BONDS. IT DOESN'T MATTER, BECAUSE I AGREE WITH YOUR FINAL ANALYSIS THAT THE LIMIT DOESN'T APPLY.

GORDON HARRISON

WELL, I'M NOT PREPARED TO DEBATE OR ARGUE THE POINT THAT YOU MAKE. I CAN MERELY REFER TO THE ATTORNEY GENERAL'S OPINION THAT INTERPRETS IT TO EXCLUDE SCHOOL DEBT RETIREMENT.

JAY HOGAN

MR. CHAIRMAN, I THINK ONE OF THE TECHNICAL PROBLEMS WE HAVE WITH THE SPENDING LIMIT IS BEST SEEN ON PAGE 18. THE SPENDING LIMIT WAS CRAFTED AT A TIME WHEN WE WERE IN THE EXUBERANT REVENUE FORECAST MODE. WE WERE AT THE TOP LINE--JANUARY OF 1982. THE LIMIT WAS DESIGNED TO DEAL WITH THAT TYPE OF SITUATION. WE NO LONGER HAVE THAT TYPE OF SITUATION, SO THE LIMIT SUFFERS FROM THAT SITUATION.

GORDON HARRISON

IN FACT, THE SPENDING LIMIT WAS WRITTEN EVEN BEFORE THE JANUARY 82 FORECAST. IT WAS WRITTEN EVEN EARLIER WHEN THOSE PROJECTIONS WERE EVEN MORE OPTIMISTIC. SO THAT'S HOW THE SITUATION HAS GOTTEN WHERE IT IS.

MAY I POINT OUT ONE MORE THING QUICKLY. THAT IS THAT IN THE GOVERNOR'S BUDGET, THE PROPOSALS FOR CAPITAL AND LOAN APPROPRIATIONS ADD TO \$679.4--CALL IT \$680 MILLION. THAT IS ABOUT 24% OF THE \$2.8 BILLION WHICH IS SUBJECT TO THE LIMIT WITHIN THE GOVERNOR'S BUDGET. IT'S 22% OF THE RECOMMENDATION OF \$3.094, AND IT'S 17% OF OUR CALCULATION OF WHAT THE LIMIT IS. I THINK THIS SPEAKS TO THE ISSUE OF WHETHER OR NOT ONE-THIRD OF OUR ANNUAL APPROPRIATION SHOULD GO TO CAPITAL SPENDING. I THINK THAT CLEARLY IT IS IMPRUDENT TO ASSUME THAT A THIRD OF WHATEVER WE SPEND SHOULD GO TO CAPITAL PROGRAMS. IF WE NEED TO CUT ANOTHER \$500 MILLION OUT OF THE BUDGET, AS HAS BEEN SUGGESTED HERE THIS MORNING, IT EVEN MAKES IT MORE IMPRUDENT TO DO SO. WE ARE ASSUMING, AND I THINK IT IS THE ONLY PRUDENT ASSUMPTION, THAT IF WE ARE UNDER OUR APPROPRIATION LIMIT, IN THIS CASE \$4 BILLION, THE REQUIREMENT THAT AT LEAST A THIRD OF THE APPROPRIATION GO TO CAPITAL IS NOT BINDING. ALL OF THESE APPROPRIATION LIMIT ISSUES

WILL PROBABLY BE DISCUSSED IN THE CONTEXT OF THE REFERENDUM IN THE GENERAL ELECTION OF FY 86 WHERE THIS AMENDMENT IS SUBJECT TO REVIEW BY THE VOTERS.

CO-CHAIRMAN FAIKS

I HAVE A TENDENCY TO AGREE WITH YOU THAT THE ONE-THIRD FOR CAPITAL PROJECTS WOULD NOT GO INTO PLAY HERE, BUT WHAT ABOUT THE TWO-THIRDS FOR THE OPERATING BUDGET. WOULD YOU PLEASE GO THROUGH YOUR ANALYSIS OF WHY THE GOVERNOR SHOULDN'T REMAIN WITHIN TWO-THIRDS OF THE TOTAL REVENUES FOR HIS OPERATING BUDGET?

GORDON HARRISON

WELL, I GUESS THE SAME LOGIC WOULD APPLY. I THINK THE LANGUAGE OF THE AMENDMENT SAYS THAT AT LEAST A THIRD WILL BE FOR CAPITAL AND LOAN APPROPRIATIONS AND BY IMPLICATION IF WE ASSUME THAT DOESN'T HOLD, I THINK WE CAN ALSO ASSUME THAT THE TWO-THIRDS FOR OPERATING WOULDN'T EITHER. ARE YOU SUGGESTING THAT TWO-THIRD OF THE GOVERNOR'S BUDGET SHOULD BE FOR OPERATING AND . . .

CO-CHAIRMAN FAIKS

SO YOUR THEORY IS THAT IF WE DON'T NEED . . . IF OUR REVENUE COMING IN DOES NOT MEET WHAT YOUR INDICES SAY SHOULD BE OUR REVENUE, THEN THE SPENDING LIMIT IS NULL AND VOID--THAT NONE OF IT COMES INTO PLAY. THAT'S BASICALLY YOUR POSITION? OKAY.

SENATOR HALFORD

I DON'T KNOW THAT IT DOES ANY GOOD TO BELABOR IT. I DON'T THINK IT APPLIES BECAUSE OF REVENUES. I DO AGREE WITH THEIR INTERPRETATION, BUT WE'RE NEVER GOING TO GET TO THE LEVEL OF THEIR INTERPRETATIONS OR EVEN MY INTERPRETATION, SO IT DOESN'T MATTER.

CO-CHAIRMAN SACKETT

I THINK WE STARTED FROM THE WRONG BEGINNING--TOO HIGH.

SENATOR FERGUSON

MR. CHAIRMAN, I CAN'T PASS UP THIS TIME, RIGHT NOW, TO SUPPORT SJR 2 WHICH I INTRODUCED AT THE START OF THE SESSION WHICH IS A TRUE SPENDING LIMIT, ALTHOUGH I BELIEVE THERE NEEDS TO BE DEBATE ON IT AND SOME CHANGES POSSIBLY MADE. I THINK WE NEED A SPENDING LIMIT TO TAKE THE PLACE OF THE 1981 SPENDING LIMIT.

1984
ALASKA STATE
APPROPRIATIONS
BUDGET

Appropriation Limit

A 1982 amendment to the Alaska Constitution was designed to limit annual increases in appropriations. The amendment limits unrestricted general fund appropriations (exclusive of debt service on general obligation bonds¹) to \$2.5 billion per year, plus adjustments for inflation and changes in population. Capital projects in excess of the ceiling require voter approval. The amendment also reserves at least one-third of the maximum for capital and loan appropriations.

To calculate inflation and population, the amendment requires the use of federal indices prescribed by law. However, no statute defining the indices has been enacted.

The limit on FY 85 appropriations, calculated by the Office of Management and Budget, was \$3,654.0 million. This figure is based on the U.S. Dept. of Commerce price of government goods and services index and the U.S. Bureau of Census estimate of Alaska's population.

After the Governor's vetoes, 1984 session appropriations totalled \$3,866.3 million in Unrestricted General Funds. Of this total, \$264.5 million allocated to general obligation bond and local school debt service was excluded from limit calculations. The remaining appropriation total was \$3,601.9 million. Furthermore, approximately \$301.6 million of this total carried FY 84 effective dates and therefore was not subject to the FY 85 limit.

The limit, which was approved at the 1982 general election for FY 84-87 appropriations, will come before the voters for reconsideration in 1986.

1. According to an Attorney General's opinion of Feb. 7, 1983, the exclusion of debt service on general obligation bonds from the limit calculation extends to retirement of municipal general obligation school bonds under AS 43.18.

LETTER OF INTENT

2nd Free Conference Committee on SJR 4

The basic problem faced by Alaska is runaway growth in spending for state government operations and for capital projects. This growth is generated by revenues from resources which are nonrenewable and finite. Some limitation is therefore essential. The constitutional amendment proposed by the 2nd Free Conference Committee will provide a realistic limitation and yet allow, by popular approval, for expenditures in excess of the limitation for capital projects and for contributions to the permanent fund. Those who favor such expenditures can have no reasonable objection to the voters determining which capital projects and contributions are worthwhile and which are not.

The term "capital project" is used rather than the term "capital improvement" in order to have a broader reach. Capital improvements are pretty much limited to public facilities having a more or less permanent nature. Highways, airports, buildings, and ferries are examples. Capital projects include capital improvements and also other expenditures which require a multi-year investment or otherwise tend to fall into the category of capital costs as opposed to day-to-day expenses. Computers, large-scale resources inventories, and high-cost special equipment and instruments for libraries, schools, and museums are some examples.

In addition to limiting the excess appropriations to capital projects and contributions to the permanent fund, the proposed amendment requires bills for capital projects to be confined to capital projects of the same type. This is somewhat more narrow than the single-subject rule. It will require projects in a bill to be parts of an overall system. This will inhibit the packaging of diverse projects into one bill. As a further restraint on logrolling, the bills for excess appropriations are subject to the item veto, including the appropriation of general obligation bond proceeds which are in excess of the limit. Bond proceeds which are not in excess of the limit are not subject to an item veto.

There are three exclusions from the limitation. Debt service is necessarily excluded. An additional exclusion is provided for appropriations for permanent fund dividends. Non-state money, that is, money received from the United States or others to be used for specific purposes, is also excluded. This exclusion includes revenue bond proceeds, the revenues generated by the international airports, and other public enterprises which operate on revenue bonds. The first exclusion is required by the federal constitution's prohibition against impairing contracts. The other exclusions are provided because the use of the money for those purposes is not a part of the problem.

The proposed amendment requires the governor to cause any unexpended and unappropriated balance to be invested

so as to yield competitive rates to the treasury. The words "as prescribed by law" were not included so that the clause will be self-executing. However, the governor performs all executive functions in the manner prescribed by law, and the statutes on loan programs and investments will control here so long as they are consistent with the constitution's requirements.

Additionally, so as to eliminate any reasonable grounds for opposition by those who wish to relocate the capital, the resolution includes a transitional measure to exclude relocation costs, if they are approved at the 1982 general election, from the requirement of additional voter approval under the amendment. Another transitional measure provides for the amendment to take effect beginning with the budget for fiscal year 1984.

Finally, still another transitional measure places the amendment on the ballot again at the 1986 general election to allow it to be repealed by the electorate should it prove to be unworkable. If it is unworkable, the people will repeal it. If it works, they will not.

Sen. Bill Ray

Rep. Richard W. Halford

Sen. Donald E. Gilman

Rep. Robert H. Bettisworth

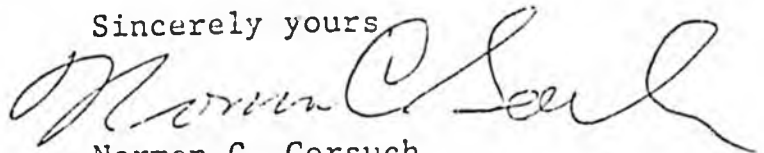
Sen. Frank R. Ferguson

Rep. Hugh Malone

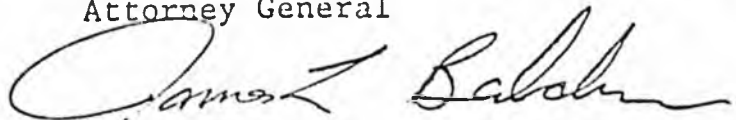
VI. CONCLUSION

The wording of the appropriation limit does not begin to live up to the high standards of clarity and simplicity adopted by the original framers of the Alaska Constitution. There are many who will regard this opinion as mere justification to exploit "loopholes" woven into the fabric of the amendment. However, we hope this opinion will provide the impetus to either adopt amendments to clarify the ambiguities noted or to enact legislation which interprets the amendment so that the ambiguities are avoided. We hope this opinion has answered your questions

Sincerely yours,



Norman C. Gorsuch
Attorney General



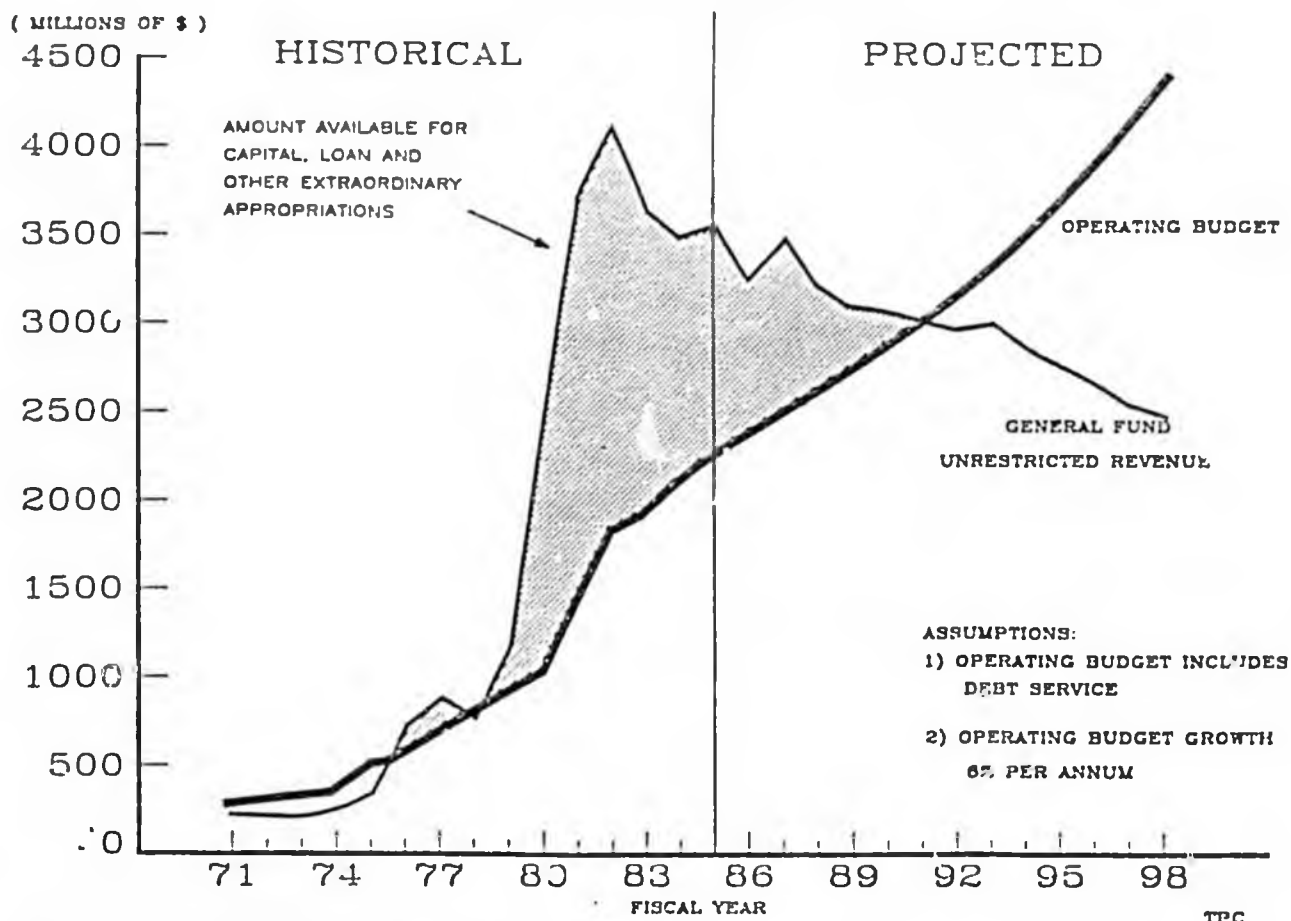
James L. Baldwin
Assistant Attorney General

JLB:NCG:pjg

Handwritten notes: N. opinion 3-7-53

REVENUE AND BUDGET TRENDS

(Unrestricted General Funds)



BASED ON DOR 50TH % REVENUE FORECAST

This figure illustrates in general terms the requirement for long-range fiscal planning by the State of Alaska. The projection of operating budget growth at 6 percent is used only for purposes of illustration (inflation is assumed to continue at approximately 6 percent) and does not represent the Governor's policy with regard to future budget growth.

Sources:

- FY 71-83 Revenues - Department of Revenue, Revenue Sources FY 1984-1987, Quarterly Update, September 1984, p. 7.
- FY 84-98 Revenues - Based on 50th percentile forecasts provided by the Department of Revenue, December 1984.
- FY 71-82 Operating Budgets - Authorization totals (Legislative Finance Memorandum, August 6, 1982).
- FY 83-85 Operating Budgets - FY 84-85 authorized, FY 86 proposed (OMB).
- FY 86-98 Operating Budgets - OMB estimates (assume annual inflation adjustment of 6 percent).

FY 86 APPROPRIATION LIMIT
Unrestricted General Funds
(\$ millions)

		<u>Totals</u>	
1	<u>FY 86 Appropriation Limit</u>	<u>\$3,998.0</u>	1)
2	<u>FY 86 Recommended Appropriations</u>	<u>3,094.3</u>	
3	<u>Not Subject to Limit (Line 4 + Line 5)</u>	<u>264.0</u>	
4	General Obligation Bond Debt Service	163.3	
5	School Debt Retirement	100.7	
6	<u>Subject to Limit (Line 2 - Line 3)</u>	<u>2,830.3</u>	
7	Operating (General Appropriations)	2,130.9	2)
8	FY 86 Supplementals (Estimated)	20.0	3)
9	Capital Projects	297.9	
10	Continuing Capital Appropriations	250.0	
11	Loans	131.5	

1) The indices and calculations for the FY 86 appropriation limit appear on the following page.

When appropriations equal or exceed the limit, at least one-third shall be reserved for capital projects and loan appropriations. However, this allocation is inoperative when revenues are below the limit, according to an Attorney General's opinion of February 7, 1983.

2) Proposed appropriations for operating expenses (\$2,394.9) less payment of interest and principal on general obligation bonds and local school debt (\$264.0) = \$2,130.9.

3) This item is not included in the Governor's general appropriations bill (see footnote 6, Table I-1).

FY 86 APPROPRIATION LIMIT CALCULATION
(Unrestricted General Funds)

Article IX, Section 16 of the Alaska Constitution establishes an annual appropriation limit of \$2.5 billion plus adjustments for changes in population and inflation since July 1, 1981. To calculate the appropriation limit for FY 86, two published Federal indices were used: 1) the mid-year estimate of Alaska's population, prepared by the U.S. Bureau of Census; and 2) the measure of change in the price of goods and services purchased by state and local governments, published quarterly in the Survey of Current Business by the U.S. Department of Commerce.

A complication in calculating the annual appropriation limit is that published rates of change are not available for all the time periods required. The latest published population numbers are for FY 84, and the latest published price index for state and local government purchases was third quarter 1984. To determine the FY 86 limit, the missing numbers were calculated from the simple arithmetic average of the published annual rates for FY 81-84, producing the appropriation limit for FY 86 of \$3,998 million.

Calculation of the FY 86 appropriation limit is shown below.

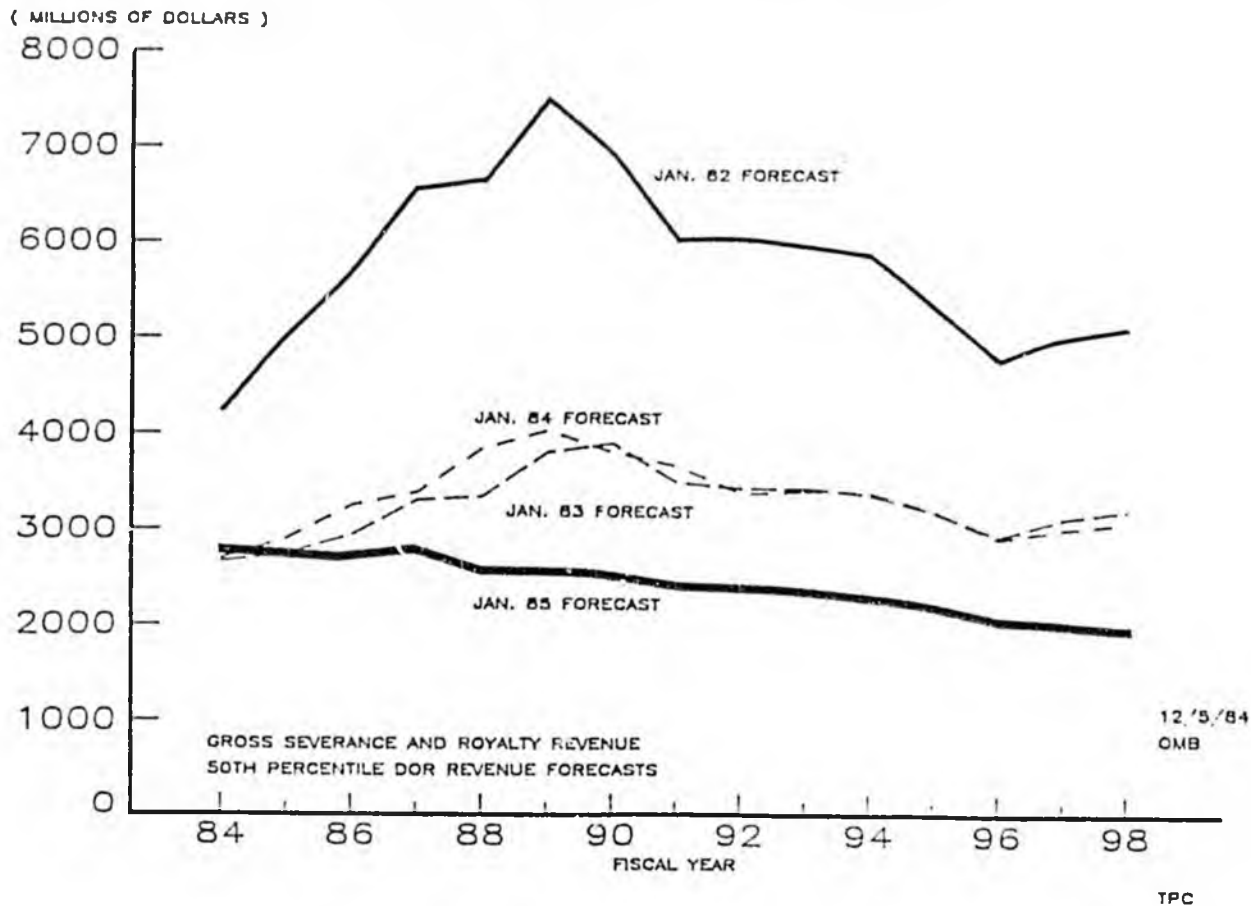
FY	Rate of Population Growth (%)	Rate of Change in the Price of Government Goods and Services (%)	
82	6.73 (actual)	7.07 (actual)	
83	8.33 (actual)	2.58 (actual)	
84	3.95 (actual)	7.68 (actual)	
85	6.34 (estimated) 1)	5.78 (estimated) 1)	

FY	(Prior year's) (base)	x (1 + Population) (growth rate)	x (1 + Inflation) (rate)	
82				\$2,500
83	2,500	x 1.0673	x 1.0707	= 2,857
84	2,857	x 1.0833	x 1.0258	= 3,175
85	3,175	x 1.0395	x 1.0768	= 3,554 2)
86	3,554	x 1.0634	x 1.0578	= <u>3,998</u>

1) FY 85 growth rates = $\frac{\text{Growth rates for (FY 82 + FY 83 + FY 84)}}{3}$

2) The appropriation limit for FY 85 is \$3,654 million. Subsequent to January 1984, when the FY 85 limit was published in the FY 85 Executive Budget Book, the federal agencies revised and updated their population and inflation index figures. These revisions produced the numbers displayed above.

Changing Revenue Forecasts (Royalty and Severance Income Only)



This figure shows changes in forecasts of State severance tax and royalty income since 1981. These two sources of petroleum income comprise approximately 85% of the State's Unrestricted General Fund revenue, as well as the Constitutionally-mandated deposit to the Permanent Fund.

These are 50th percentile forecasts.

Source: OMB, based on Department of Revenue January 1985 revenue forecast.

STATE OF ALASKA 1985 LEGISLATIVE SESSION
FISCAL NOTE

Revision Date: _____

JAN 18 1985

REQUEST
 Bill/Resolution No.: HJR No. 2
 Title: Constitutional Amendment
 Sponsor: Davis
 Requestor: _____
 Date of Request: 1/14/85

FISCAL DETAIL
 Agency Affected: Office of the Governor
 Program Category Affected: _____
 Division of Elections
 BRU, Program or Subprogram(s) Affected: _____
 Division of Elections

relating to appropriations of the Legislature.

EXPENDITURES/REVENUES: (Thousands of Dollars)

	FY 85	FY 86	FY 87	FY 88	FY 89	FY 90
OPERATING						
100 PERSONAL SERVICES						
200 TRAVEL						
300 CONTRACTUAL						
400 SUPPLIES						
500 EQUIPMENT						
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS						
800 MISCELLANEOUS						
TOTAL OPERATING	-0-	-0-	-0-	-0-	-0-	-0-

CAPITAL						
----------------	--	--	--	--	--	--

REVENUE						
----------------	--	--	--	--	--	--

FUNDING: (Thousands of Dollars)

GENERAL FUND						
FEDERAL FUNDS						
OTHER						
TOTAL						

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

ANALYSIS: Attach a separate page if necessary

No fiscal impact is anticipated if this bill is enacted.

Prepared By: Sherry Valentine, Deputy Director Phone: 465-4611
 Division: Division of Elections Date: 1/18/85
 Approved by Commissioner: *[Signature]* for Lt. Gov. McAlpin Date: 1-18-85
 Agency: Lt. Gov.

Distribution (by Agency preparing fiscal note):
 Legislative Finance
 Legislative Sponsor
 Requestor
 Office of Management and Budget
 Impacted Agency(ies)

7/1/84

LETTER OF INTENT

2nd Free Conference Committee on SJR 4

The basic problem faced by Alaska is runaway growth in spending for state government operations and for capital projects. This growth is generated by revenues from resources which are nonrenewable and finite. Some limitation is therefore essential. The constitutional amendment proposed by the 2nd Free Conference Committee will provide a realistic limitation and yet allow, by popular approval, for expenditures in excess of the limitation for capital projects and for contributions to the permanent fund. Those who favor such expenditures can have no reasonable objection to the voters determining which capital projects and contributions are worthwhile and which are not.

The term "capital project" is used rather than the term "capital improvement" in order to have a broader reach. Capital improvements are pretty much limited to public facilities having a more or less permanent nature. Highways, airports, buildings, and ferries are examples. Capital projects include capital improvements and also other expenditures which require a multi-year investment or otherwise tend to fall into the category of capital costs as opposed to day-to-day expenses. Computers, large-scale resources inventories, and high-cost special equipment and instruments for libraries, schools, and museums are some examples.

ALASKA
POLICE STATE CENTER
JUL 11 1964

In addition to limiting the excess appropriations to capital projects and contributions to the permanent fund, the proposed amendment requires bills for capital projects to be confined to capital projects of the same type. This is somewhat more narrow than the single-subject rule. It will require projects in a bill to be parts of an overall system. This will inhibit the packaging of diverse projects into one bill. As a further restraint on logrolling, the bills for excess appropriations are subject to the item veto, including the appropriation of general obligation bond proceeds which are in excess of the limit. Bond proceeds which are not in excess of the limit are not subject to an item veto.

There are three exclusions from the limitation. Debt service is necessarily excluded. An additional exclusion is provided for appropriations for permanent fund dividends. Non-state money, that is, money received from the United States or others to be used for specific purposes, is also excluded. This exclusion includes revenue bond proceeds, the revenues generated by the international airports, and other public enterprises which operate on revenue bonds. The first exclusion is required by the federal constitution's prohibition against impairing contracts. The other exclusions are provided because the use of the money for those purposes is not a part of the problem.

The proposed amendment requires the governor to cause any unexpended and unappropriated balance to be invested

so as to yield competitive rates to the treasury. The words "as prescribed by law" were not included so that the clause will be self-executing. However, the governor performs all executive functions in the manner prescribed by law, and the statutes on loan programs and investments will control here so long as they are consistent with the constitution's requirements.

.. Additionally, so as to eliminate any reasonable grounds for opposition by those who wish to relocate the capital, the resolution includes a transitional measure to exclude relocation costs, if they are approved at the 1982 general election, from the requirement of additional voter approval under the amendment. Another transitional measure provides for the amendment to take effect beginning with the budget for fiscal year 1984.

Finally, still another transitional measure places the amendment on the ballot again at the 1986 general election to allow it to be repealed by the electorate should it prove to be unworkable. If it is unworkable, the people will repeal it. If it works, they will not.

Sen. Bill Ray

Rep. Richard W. Halford

Sen. Donald E. Gilman

Rep. Robert H. Bettisworth

Sen. Frank R. Ferguson

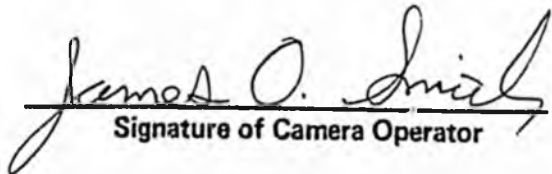
Rep. Hugh Malone

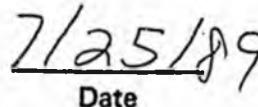
- 3 -



RECORDS CERTIFICATION

I, the undersigned, an employee of the State of Alaska, do hereby certify that the microfilm images on this microform are accurate reproductions of the original records of the State of Alaska as accumulated during the regular course of business, and that it is the established policy and practice of this State to microfilm its records and to dispose of the original records after microfilm reproductions have been made.


Signature of Camera Operator


Date

HJR

3

STATE OF ALASKA THE LEGISLATURE

LEGISLATIVE AFFAIRS AGENCY
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907-465-3800

May, 1986

Copies of minutes listed below were originally included in this file. The minutes are available on the STAIRS date base CM 14. In order to save space copies of minutes have not been left in the files.

Jeanie Henry

House Judiciary

1-31-85

1:30 pm

COMMITTEE REPORT
HOUSE

2/1
Rules

(7)

FURTHER:

1/23/85

Date: _____

The Committee on JUDICIARY has had HJR 3

Relating to the ratification of an amendment to the Constitution of the United States defining voting rights for residents of the District of Columbia.

under consideration and recommends:

- do pass do not pass
- do pass with attached amendments(s)
- replace with CS for _____ same title
- and recommends _____ new title
- AND attaches a "Letter of Intent" New Fiscal Note
- reports it back without recommendation Zero Fiscal Note Attached
- referred to the _____ Committee

MEMBERS SIGNING
DO PASS

[Signature]

[Signature]

[Signature]

[Signature]

MEMBERS HAVING
OTHER RECOMMENDATIONS.

[Signature]

[Signature] No Res

[Signature] Taylor No Res

[Signature]

CHAIRMAN

STATE OF ALASKA 1985 LEGISLATIVE SESSION
FISCAL NOTE

JUN 20 1985

Revision Date: _____

REQUEST

Bill/Resolution No.: HJR No. 3
 Title: "Relating to the ratification of an amendment to the Constitution..."
 Sponsor: Repr. M. M. Miller
 Requestor: House Judiciary
 Date of Request: 1/28/85

FISCAL DETAIL

Agency Affected: Department of Law
 Program Category Affected: General Government
 BRU, Program or Subprogram(s) Affected: Legal Services

EXPENDITURES/REVENUES: (Thousands of Dollars)

	FY 85	FY 86	FY 87	FY 88	FY 89	FY 90
OPERATING						
100 PERSONAL SERVICES						
200 TRAVEL						
300 CONTRACTUAL						
400 SUPPLIES						
500 EQUIPMENT						
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS						
800 MISCELLANEOUS						
TOTAL OPERATING	-0-	-0-	-0-	-0-	-0-	-0-
CAPITAL						
REVENUE						

FUNDING: (Thousands of Dollars)

GENERAL FUND	-0-	-0-	-0-	-0-	-0-	-0-
FEDERAL FUNDS						
OTHER						
TOTAL						

POSITIONS:

FULL-TIME	-0-	-0-	-0-	-0-	-0-	-0-
PART-TIME						
TEMPORARY						

ANALYSIS: Attach a separate page if necessary

This resolution would ratify a proposed amendment to the United States Constitution that provides that for purposes of representation in Congress, election of the President and Vice-President, and Article V of the Constitution, the District constituting the seat of government or the United States shall be treated as though it were a state. The resolution will not have a fiscal impact on the Department of Law.

Prepared By: Richard I. Pegues Director Phone: 465-3672
 Division: Administrative Services Date: _____
 Approved by Commissioner: Norman C. Gorsuch Date: _____
 Agency: Department of Law

Distribution (by Agency preparing fiscal note):

- Legislative Finance
- Legislative Sponsor
- Requestor
- Office of Management and Budget
- Impacted Agencies



NEA-ALASKA

AFFILIATED WITH THE NATIONAL EDUCATION ASSOCIATION

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JUNEAU OFFICE

147 S. FRANKLIN #207
JUNEAU, ALASKA 99801
(907) 586-3090

FAIRBANKS REGIONAL OFFICE

2118 CUSHMAN STREET
FAIRBANKS, ALASKA 99701
(907) 456-4435

January 31, 1985

TO: Representative Mike Miller, Chair
Members; House Judiciary Committee

RE: House Joint Resolution 3; Relating to ratifying an amendment to the
Constitution of the United States defining voting rights for residents of
the District of Columbia.

NEA-Alaska strongly supports and encourages passage of HJR 3.

In addition to the fundamental and basic constitutional right to be represented by voting representatives in both the House of Representatives and the Senate and to vote in the election of the President and the Vice President, the residents of the District of Columbia are taxed, serve in the military and are subject to the laws of the United States to the same degree as the residents of the fifty States.

Absent the attendant rights of other American citizens the people of the District of Columbia bear all of the responsibilities of citizenship. By their actions on various occasions both the Congress and the Supreme Court have treated the District of Columbia in the same manner as the rest of the States in making Statute applicable to the District and in the Courts' interpretation of the application of the Statute.

Since there is not a constitutional prohibition to the provision contained in HJR 3, we urge its passage.

Respectfully submitted:

Robert Manners
Executive Secretary

BOBM1:55

League of Women Voters of Alaska

HJR 3

Representative Miller and members of the committee, I am Paula Ziegler, president of the League of Women Voters of Alaska. Thank you for this opportunity to speak in favor of HJR 3 and for arranging the teleconference with Mayor Barry.

I don't want to repeat the points that he made, and so I'll raise a couple of other issues you may find interesting. One is to acquaint you with the number of groups and organizations that support ratification of this amendment. You will find the list set forth on the last page of the blue booklets in your committee folders. In most states, the League of Women Voters has been the lead agency, as it were, to spearhead the ratification effort, but we are by no means the only group working on its behalf. The plight of the District of Columbia is basic to the League because at the core of our organization is a strong belief in citizen participation in government. This participation can take many forms, except in the District of Columbia where it can take no form at all. The only two countries in the world where residents of a national capital cannot vote are the United States and Brazil. The League would like America's name taken off that list.

The other point I want to cover concerns money, which is on the minds of all of us this session. HJR 3 presents one of the few issues that does not have a fiscal impact or have anything at all to do with the world price of oil.

Money and costs do enter into the argument favoring ratification, though, and I'd like to touch on that. A myth exists in the minds of some that the District of Columbia is a federally subsidized entity inhabited by only two kinds of people: federal employees and people on welfare. The fact is that only

28% of the District's population is federally employed. (presumably, everyone else has moved to Virginia or Maryland, where they can vote). Only 9% of the total number of households there receive cash public assistance.

Another myth is that District residents are not heavily taxed. The fact is that, comparing state and local taxes, only Alaska and New York have a higher per capita rate. Comparing federal tax burdens, only Alaska and Connecticut residents pay more per capita.

What about the federal payment which is made to compensate the District for the fact that over 50% of its land is not taxable? The fact is that in 1984 this payment was \$435 million. Revenue lost as a result of being the nation's capital was estimated at twice that amount, because the federal presence not only erodes the tax base, it also greatly expands service and maintenance responsibilities. Consider, for example, the cost of a police force about 1000 persons larger than that of other cities of comparable size in order to provide services required by the presence of embassies, visiting heads of state, demonstrators and a variety of individuals drawn to the seat of government. Also, the cost of street maintenance resulting from commuter traffic from Virginia and Maryland is immense. But this, too, is a cost borne by the District because it is the site of the federal government and Congress will not allow a commuter tax. Another cost resulting from the District's special relationship to the federal government is that the District has not been authorized to issue bonds for capital financing. Its borrowing has to be from the US Treasury at current interest rates. These facts might not change with voting representation, but at least the District would have a voice.

Lastly, the question is asked as to what representation in Congress would cost. The fact is that whatever compensation and allowances a Senator receives, times two, would be the additional cost. The non-voting delegate is already

compensated at the going rate, so no additional cost results there. It should be noted, though, that through their taxes, citizens of the District of Columbia are currently paying for the salaries of Senators and Representatives for the 50 states even though they are not receiving the full benefits of such representation. The additional cost of two Senators would seem to be a small price to pay to right this wrong. There are also those who would argue that one cannot place a price on fairness.



Official Business

Alaska State Legislature

House

Pouch V
State Capitol
Juneau, Alaska 99811
January 29, 1985

House Judiciary Committee

The Honorable Marion Barry, Mayor of Washington, D.C., will address the House Judiciary Committee on Thursday, January 31, via the state teleconference network. The committee meeting will be held at 1:30 p.m. in Room 124 of the Capitol.

The committee is considering HJR 3, by M.M. Miller, Goll, Koponen, Clocksin and Furnace, "Relating to the ratification of an amendment to the Constitution of the United States defining voting rights for residents of the District of Columbia." Other testimony will be heard on the issue at that time.

The proposed U. S. Constitutional amendment provides that the District of Columbia will be treated as a state for purposes of representation in Congress, election of President and Vice-President, and Article V (amendment) of the Constitution.

This proposed amendment has been before the states for ratification for six years. This is the last year for possible ratification.



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2118 CUSHMAN STREET
FAIRBANKS, ALASKA 99701
(907) 456-4435

January 21, 1985

TO: Representative Katie Hurley, Chair
Members; House State Affairs Committee

RE: House Joint Resolution 3; Relating to ratifying an amendment to the Constitution of the United States defining voting rights for residents of the District of Columbia.

NEA-Alaska strongly supports and encourages passage of HJR 3.

In addition to the fundamental and basic constitutional right to be represented by voting representatives in both the House of Representatives and the Senate and to vote in the election of the President and the Vice President, the residents of the District of Columbia are taxed, serve in the military and are subject to the laws of the United States to the same degree as the residents of the fifty States.

Absent the attendant rights of other American citizens the people of the District of Columbia bear all of the responsibilities of citizenship. By their actions on various occasions both the Congress and the Supreme Court have treated the District of Columbia in the same manner as the rest of the States in making Statute applicable to the District and in the Courts' interpretation of the application of the Statute.

Since there is not a constitutional prohibition to the provision contained in HJR 3, we urge its passage.

Respectfully submitted:

Robert Manners
Executive Secretary

BOBM1:55

League of Women Voters of Alaska

127 N. Franklin St. #909

Juneau, Alaska 99801

HJR 3

Representative Hurley and members of the committee, I am Paula Ziegler, president of the League of Women Voters of Alaska. I am appearing before you in support of the passage of HJR 3. Before going on, I want to thank you for hearing this resolution so soon into the legislative session. Voting representation in Congress for the residents of Washington, D.C. has been at the top of the League's action agenda for many years. For almost as long, or so it seems, this ratifying resolution has been before the Alaska Legislature. It is a pleasure to have another opportunity to testify in favor of it.

In 1978, the U.S. Congress passed a constitutional amendment that would allow the District to elect two senators and a representative to our national legislature. More than the required two-thirds of the membership of the Senate and House, Republicans and Democrats, approved the amendment, and it is now before the states for ratification. To date, 16 states have ratified; the League would like Alaska's name added to the list.

The argument in favor of ratification is clear and simply stated: there are 650,000 American citizens, residing in the continental United States, who have no voting voice in Congress, just because they happen to live in something of a "no-man's land" as far as traditional thinking is concerned--not in a city, not in a state, but in the District of Columbia. Over the last 200 years, through constitutional amendment or other means, we have gradually accommodated those other Americans who originally had no representation, among them women, blacks, native Americans and those who didn't own property. It is high time we accommodated the last group: residents of the District of Columbia.

The idea does take some getting used to because it presents a departure from the current representational scheme. Constitutional experts who appeared before Congress when the amendment was passed there did not feel that this departure was in any way prohibited by the Constitution. The Framers in 1789 had no way to foresee that hundreds of thousands of people would be disenfranchised as a result of living in the then newly-created federal district. Most of those Framers had just risked their lives to overthrow a system of taxation without representation. They would not knowingly have turned around and

imposed such a system on anyone else. The ratification process we are involved in now reflects the fact that these people realized change in the constitution would be necessary from time to time. The League believes that voting representation for the District of Columbia is one of these needed changes.

The arguments opposing the notion of voting representation are based partly on constitutional interpretation but largely, they are based on fear. Fear of something different and fear as ^{to how} a District Senator and/or Representative would vote. Listen for a moment to Justice Potter Stewart, speaking for the US Supreme Court in 1965:

"Fencing out from the franchise a sector of the population because of the way they may vote is constitutionally impermissible. The exercise of rights so vital to the maintenance of democratic institutions cannot constitutionally be obliterated because of a fear of the political views of a particular group of bona fide residents."

In other words, the issue is one of fairness. Giving District residents voting representation is fair; how those representatives might or might not vote on any matter should be irrelevant.

Other arguments center around the fact that the District of Columbia is not a state and there ^{fore} is not entitled to representation. However, it is treated in all other respects as if it were a state. Residents pay federal taxes; they are subject to the draft; their commerce across state lines is regulated by the ICC. All federal laws which apply to states contain this clause: "For purposes of this legislation, the term 'state' shall include the District of Columbia."

This amendment would not turn the District into a state. It would only grant three state rights: voting representation in both houses of Congress, power to ratify or not constitutional amendments, and electoral college representation (which exists now). Its current status as a unique federal enclave would not change. Congress would still have authority over District activities. The only difference is that the District would have its proportional share of authority over Congressional activities.

A last consideration regarding states is that the District of Columbia should become part of another state, usually Maryland, and share their Congressional representation. This idea has no support in the District or in Maryland either (one of the first states to ratify). It defeats the purpose of the Framers in creating an enclave separate from any state and is tantamount to suggesting that Alaska should have become part of Washington state in order to have a voice.

In summary, there is one final point to make. For Alaskans, it has not been all that long since we shared this second-class status with the District of Columbia. More than any other group of Americans, Alaskans should sympathize and be willing to help. Alaskans rankled for years, and still do, about federal control of our affairs. Consider this: representatives of every jurisdiction in the United States except the District of Columbia vote on the District of Columbia's annual budget.

Almost every argument used to oppose statehood for Alaska is being used to oppose representation for the District of Columbia. Alaska, after fifty years or so of trying, now has three votes in Congress. The District of Columbia still has none, in spite of the fact there are half again as many people living there than here. Alaska, by ratifying this amendment, can help to correct this inequity. The League of Women Voters of Alaska urges that we do so.

Thank you.

Paula Ziegler
President
586-2660

Testimony by G. Eve Reckley
Member of the League of Women Voters, Juneau

HOUSE STATE AFFAIRS COMMITTEE

ALASKA STATE LEGISLATURE

January 21, 1985

MADAM CHAIRMAN, MEMBERS OF THE COMMITTEE, I APPRECIATE THE OPPORTUNITY TO SPEAK IN SUPPORT OF HOUSE JOINT RESOLUTION #3 TO AMEND THE CONSTITUTION OF THE UNITED STATES TO GRANT VOTING REPRESENTATION IN [REDACTED] TO THE DISTRICT OF COLUMBIA.

THE FOURTEENTH ALASKA LEGISLATURE IS BUT A WEEK OLD TODAY AND, ALTHOUGH THERE ARE MANY ISSUES FACING ALASKA AND A TIME CERTAIN IN WHICH TO COMPLETE ACTION THIS SESSION, YOU HAVE CHOSEN TO BRING BEFORE IT AN ISSUE THAT EFFECTS THE LIVES OF PEOPLE NEARLY FOUR THOUSAND MILES AWAY. SOME MAY QUESTION WHY THE VOTING RIGHTS AMENDMENT FOR THE DISTRICT OF COLUMBIA IS IMPORTANT TO ALASKANS. I BELIEVE, AS THE SPONSORS OF THIS LEGISLATION MUST BELIEVE, THAT IT IS AN ISSUE OF CONSCIENCE. AND I AM PROUD TO LIVE IN A STATE WHICH TAKES LEADERSHIP -- WHETHER ITS ENACTMENT OF THE EQUAL RIGHTS AMENDMENT, A CITIZEN EFFORT TO HELP FEED THE STARVING OF ETHIOPIA, OR CHAMPIONING THE RIGHT OF ALL AMERICANS TO PARTICIPATE FULLY IN THEIR GOVERNMENT.

WHEN I WAS A KID IN GRADE SCHOOL, I RECALL A COMPETITION TITLED; "I SPEAK FOR DEMOCRACY." THE WINNER GOT TO JOIN OTHER WINNERS FOR A TRIP TO WASHINGTON, D C. TO SEE DEMOCRACY IN ACTION. IT WAS TEXTBOOK INFORMATION TO ME THEN AND I HAD NO REAL CONVICTIONS ON THE SUBJECT. WHEN I MOVED TO WASHINGTON D.C. IN THE FALL OF 1963, IT WAS A DIFFERENT STORY. I WAS A REPORTER COVERING CONGRESS, BUT AS A RESIDENT OF THE DISTRICT OF COLUMBIA, I HAD NO REPRESENTATION IN CONGRESS.

IT SEEMS TO ME A MATTER OF SIMPLE JUSTICE TO BRING INTO THE FOLD OF DEMOCRACY, THOSE AMERICAN CITIZENS WHO LIVE IN THE SHADOW OF IT.

I HAVE HEARD TWO MAIN POINTS RAISED IN OPPOSITION TO GRANTING FULL REPRESENTATION IN CONGRESS TO THE DISTRICT OF COLUMBIA.

THE FIRST IS: THE POWER OF THE 50 STATES WOULD BE DIMINISHED BY INCREASING REPRESENTATION IN THE SENATE TO ¹⁰² 52 MEMBERS. AS A PART OF THAT ARGUMENT, THE CONCERN IS EXPRESSED THAT THIS WOULD INCREASE THE POWER OF THE EASTERN ESTABLISHMENT, WHOSE IDEALS AND PRINCIPLES ARE SOMEHOW DEEMED TO BE IN CONFLICT WITH THOSE OF WESTERN STATES.

ARE WE TO BELIEVE THAT POWER SHARED TRANSLATES TO MEAN POWER IMPAIRED; OR THAT DEMOCRACY IS SO FRAGILE THAT WE MUST FEAR ITS ENLARGEMENT? THE TEXTBOOKS TEACH THAT DEMOCRACY WORKS BEST WHEN IT ENGAGES THE HEARTS AND MINDS OF THE GREATEST NUMBER OF PEOPLE. IT CALLS FOR FULL PARTICIPATION TO BE EFFECTIVE.

THE SECOND POINT USUALLY IS RAISED BY INFERENCE, WITH THE STATEMENT: WASHINGTON IS MORE THAN 70 PERCENT BLACK, YOU KNOW. SO? ARE CITIZENS ENTITLED TO ANY LESS REPRESENTATION BECAUSE OF RACE, COLOR OR CREED? AND HOW CAN WE IN GOOD CONSCIENCE CONDEMN THE PRACTICE OF APARTHEID IN THE REPUBLIC OF SOUTH AFRICA, IF WE, BY OUR INACTION CONDONE A CONDITION AT HOME WHICH SEPARATES PEOPLE FROM THEIR OWN GOVERNMENT.

THESE ARE POINTS WHICH SHOULD BE ADDRESSED AND REJECTED. THEY RAISE FEARS UNWORTHY OF SUPPORT BY ANYONE WHO CHERISHES FREEDOM AND THE RIGHTS OF ALL CITIZENS TO PARTICIPATE IN OUR DEMOCRATIC SYSTEM.

AT THE TIME OF THE FRAMING OF THE CONSTITUTION IN 1789, THERE WERE BITTER DISAGREEMENTS AND FACTIONS THAT THREATENED TO TEAR THE CONVENTION APART. SOME DELEGATES WERE READY TO SIMPLY COMPROMISE AND GO HOME, WHEN THE CHAIRMAN OF THE CONVENTION, GEORGE WASHINGTON, ROSE WITH THESE WORDS:

"IF WE OFFER TO THE PEOPLE SOMETHING OF WHICH WE OURSELVES DO NOT APPROVE, HOW CAN WE AFTERWARD DEFEND OUR WORK? LET US RAISE A STANDARD TO WHICH THE WISE AND HONEST MAY GLADLY REPAIR. THE EVENT IS IN THE HANDS OF GOD."

WITH THOSE WORDS HE INSPIRED THE CREATORS OF THE CONSTITUTION TO PUT ASIDE THEIR DIFFERENCES AND WORK TO FRAME AN ENDURING DOCUMENT.

I BELIEVE IF GEORGE WASHINGTON WERE SITTING IN THIS CHAIR TODAY, HE WOULD MOST ELOQUENTLY SUPPORT THIS JOINT RESOLUTION FOR A CONSTITUTIONAL AMENDMENT AS A NECESSARY CHANGE TO A LIVING DOCUMENT. WHEN THE GOVERNMENT WAS ESTABLISHED ON THE BANKS OF THE POTOMAC RIVER, ITS FRAMERS BELIEVED THAT THE SEAT OF GOVERNMENT WOULD BE A FEDERAL ENCLAVE WHERE REPRESENTATIVES WOULD TEND TO THEIR GOVERNING CHORES AND GO HOME. BUT AROUND IT GREW A COMMUNITY, A CITY OF NEIGHBORHOODS, OF PEOPLE LIVING OUT EVERYDAY LIVES MUCH AS THEY DO IN EVERY OTHER COMMUNITY ACROSS THE NATION.

WASHINGTON WAS HOME TO ME TWICE FOR A TOTAL OF NINE YEARS. IT IS A CITY OF BEAUTY AND GRACE AND WILL ALWAYS HOLD A WARM PLACE IN MY HEART. WE THINK OF ALASKA AS BEING SO DIFFERENT, YET THERE ARE MANY SIMILARITIES TO WASHINGTON, D.C. CERTAINLY THE PEOPLE HOLD THE SAME HOPES AND ASPIRATIONS AS DO ALASKANS. ITS POPULATION IS SOMEWHAT LARGER THAN ALASKA'S, AT OVER 650,000. THIS NUMBER OF PEOPLE LIVE IN AN AREA LESS THAN TEN SQUARE MILES, BELTED TIGHTLY BY BURGEONING SUBURBS WHICH MORE THAN TRIPLES THE POPULATION OF THE WASHINGTON METROPOLITAN AREA. YET MASSIVE OLD GROWTH TREES, WHICH LINE RESIDENTIAL STREETS AND CEREMONIAL AVENUES AND TOWER IN NEIGHBORHOOD PARKS, MUTE THE CITY'S NOISE GIVING SPLENDOR TO ITS DAY AND SERENITY TO ITS NIGHTS.

WASHINGTON IS THOUGHT OF AS A CITY OF MONUMENTS, BUT IT ALSO IS A CITY OF NEIGHBORHOODS, OF PEOPLE OF RICH CULTURAL DIVERSITY, CONTINUOUSLY CELEBRATING THEIR CULTURAL AND ETHNIC HERITAGE. IT WOULD BE AS DIFFICULT TO DESCRIBE A TYPICAL WASHINGTONIAN AS IT WOULD BE TO DESCRIBE A TYPICAL ALASKAN. BUT IT IS THE PEOPLE WHO LIVE AND WORK AND PLAY IN THE NATION'S CAPITAL WHO GIVE THE CITY ITS VITALITY. WASHINGTON IS A CITY WITH HEART. BUT TO SEE THAT CITY, YOU HAVE TO EXPERIENCE ITS NEIGHBORHOODS -- SIT IN ITS PARKS AND LISTEN TO ITS PEOPLE.

THE MONUMENTS AND PARKS ARE THE BACKDROP FOR THE VARIED LIVES THAT WASHINGTONIANS LIVE OUT IN THAT CITY. BUT THERE IS SOMETHING VERY IMPORTANT MISSING FROM THEIR LIVES. THAT MISSING INGREDIENT IS HAVING A DIRECT VOICE IN THE GOVERNMENT THAT SURROUNDS THEM.

WHEN I LEFT WASHINGTON IN OCTOBER OF 1968 TO COME TO ALASKA, THE MAYOR OF THE DISTRICT OF COLUMBIA STILL WAS BEING APPOINTED BY THE PRESIDENT AND CONFIRMED BY CONGRESS. IT WASN'T UNTIL 1973 THAT CONGRESS GRANTED HOME RULE TO THE DISTRICT OF COLUMBIA. THERE WERE STRINGS ATTACHED. THE MAYOR, ELECTED BY THE PEOPLE OF THE DISTRICT, MUST SUBMIT THE CITY'S BUDGET TO CONGRESS FOR APPROVAL. THE CITY IS REQUIRED TO OPERATE WITH A BALANCED BUDGET AND CONGRESS RETAINS THE RIGHT TO AMEND OR DISAPPROVE ANY ACT PASSED BY THE CITY COUNCIL. THE DISTRICT'S SINGLE DELEGATE TO THE HOUSE OF REPRESENTATIVES HAS NO VOTE.

ALASKANS OFTEN VOICE THEIR FRUSTRATION OVER THE ENORMOUS FEDERAL INTEREST IN ALASKA, WHICH TRANSLATES IN DECISIONS AFFECTING THE LIVES OF ALL ALASKANS BEING MADE BY A REMOTE CONGRESS.

BY CONTRAST, WASHINGTON, DIRECTLY UNDER THE THUMB OF CONGRESS, HAS DECISIONS MADE FOR IT BY REPRESENTATIVES FROM THE FAR REACHES OF THE NATION WITH THEIR CONSTITUENCIES ELSEWHERE.

WASHINGTONIANS PAY DISTRICT INCOME TAXES AS THOUGH IT WERE A STATE, AS WELL AS LOCAL PROPERTY TAXES AND FEDERAL INCOME TAXES. AND WHILE THEIR TAXATION IS EQUAL TO, OR GREATER THAN MOST STATES, THEIR REPRESENTATION IS NOT.

Reckley Testimony/ D.C.Voting Rights

Page 6

MADAM CHAIRMAN, TODAY I SPEAK FOR DEMOCRACY. I SPEAK ON BEHALF OF THE RESIDENTS OF THE DISTRICT OF COLUMBIA THAT THEY TOO MAY ENJOY THE PRIVILEGES OF FULL CITIZENSHIP. I SPEAK OUT OF CONVICTION THAT THIS IS AN ISSUE OF CONSCIENCE -- OF FAIRNESS AND JUSTICE -- THAT DOES AFFECT US ALL, AS ALASKANS AND AS AMERICANS. AND I CONGRATULATE YOU AND THE COMMITTEE FOR MAKING THIS IMPORTANT ISSUE A PRIORITY OF YOUR COMMITTEE. WE MUST LIVE UP TO THE PRINCIPLES OF DEMOCRACY THAT ALL CITIZENS HAVE A RIGHT TO FULL REPRESENTATION IN THEIR GOVERNMENT. I URGE YOUR APPROVAL OF HJR 3 TO GRANT FULL VOTING RIGHTS TO THE DISTRICT OF COLUMBIA.

THANK YOU.

Monday, August 27, 1984

The Washington Post

AN INDEPENDENT NEWSPAPER

D.C. Voting Rights: Homestretch

AS A LETTER to the editor today from Joseph L. Rauh Jr. notes with fitting anxiety, there is not a whole lot of time left for ratification of the D.C. Voting Rights Amendment that would permit people who live here to be represented in Congress the way everybody else in this country is. Six years are up, and there's only one more to go for the ratification effort in the states. Thanks to Louisiana and Delaware earlier this summer, a total of 16 states so far have officially recognized the justice of this proposal, as did two-thirds of each house of the U.S. Congress in the first place. Can the required approvals of 22 more states be obtained before the deadline next year?

All right, so it is a long shot; but failure of the necessary state governments—not to mention the taxpayers they are elected to serve—to understand and respond to this matter of taxation without representation in the capital of the country is too sad for us to concede even now. People who live in Washington prefer to hope that others across the

land can see the issue of fairness that is involved.

That has not been easy, given the nature of too much of the opposition to the amendment, which has tended to portray the District of Columbia as some sort of government trough from which all residents gorge themselves while reaping special benefits and favors from Congress. Aside from the absolute unfairness and inaccuracy of this portrait, representation in Congress should be considered without regard to the color, party affiliation, occupations or proximity to the Capitol of the men and women who live within the boundaries of the District.

There is something shameful, too, in this country having the one capital in the Free World that cannot choose voting representatives in the national legislature. If the state legislators—some of whom surely hope to be among the national leaders of tomorrow—respond naturally and quickly enough, that shame could be removed. As they say, "Write your representatives in Congress"—and be grateful that you have some.

The Washington Post

AN INDEPENDENT NEWSPAPER

WEDNESDAY, JUNE 27, 1984

Thanks, Louisiana: D.C. Needed It

A DD YET ANOTHER little ray of hope for residents of America's last colony—the District of Columbia—who have been looking anxiously to their fellow citizens of the 50 states for urgent help on a matter of justice: Louisiana has just become the 15th state to ratify the D.C. Voting Rights Amendment, which would permit those who live here to be represented in Congress the way everybody else in this country is. The vote from the South was solid, too: approval in the state house by 57 to 38, and in the state senate by 32 to 6. Does this mean taxation without representation might finally give way to federal democracy in the capital of the republic?

Anything's possible, but the fact is that time is alarmingly short. Even though the amendment has been approved by the two-thirds of each house of the U.S. Congress and by all those states, it must have the approvals of 23 more states by August of next year. Close to impossible, maybe—but with the kind of grass-roots understanding that people in Louisiana have shown, and with help from the peo-

ple of the First State—Delaware—in the coming days, maybe other state legislatures will see the justice in following suit swiftly enough to count.

In every state where the amendment has been approved, those who worked for its passage had a similar explanation for the support: after all was said and done, it was a simple matter of fairness. This, finally, is the issue, without regard to the color, party affiliation, occupations or proximity to the Capitol building of the men and women who live in the District of Columbia. All they ask, and deserve, is a chance to participate in the decisions by which they and everyone else in the country must live—be it raising taxes or making war.

That is why—despite now-terrible odds—we are not ready to let this long, tough and important effort die. You like to believe that Americans elsewhere might be upset at having the one capital in the much-vaunted Free World that cannot choose voting representatives in its national legislature. The pace can pick up if legislators in the state capitals will only respond naturally—and soon.

State shouldn't ignore voting rights of others



guy martin

WASHINGTON — In the next session of the state legislature, Alaskans will have the opportunity to demand that the residents of a distant, lightly populated, and often politically ignored part of this country must have the same fundamental democratic rights and ability to influence insensitive federal decision-makers as do the citizens of this country's most populous and powerful states.

These are familiar issues for Alaskans, who fought an uphill battle for statehood, and who struggle even today to be effective in a federal environment which is often unresponsive.

But, this time, those deprived of basic rights are not downtrodden Alaskans, but the nearly three-quarters of a million residents in the District of Columbia who are as disenfranchised today as Alaskans were in territorial days.

For these citizens, the main hope for democratic equity is the ratification of a constitutional amendment providing voting rights.

Amazingly, Alaska is not among the 13 states that already have ratified the amendment. Amazing because Alaskans have established a tradition of vigorously supporting constitutional amendments guaranteeing the basic rights of democracy to Americans.

Alaska has been in the forefront on the Equal Rights Amendment, the 26th Amendment guaranteeing the vote to

18-year-olds, and the 24th Amendment striking down poll taxes. Now, with approximately two years remaining in which to obtain the goal of ratification in 38 states, there exists no conceivable reason for the Alaska Legislature to avoid the ratification of the D.C. voting rights amendment during this session.

The debate on the issue rages hot and heavy, but it fundamentally comes down to the issue of political fear: how D.C. voters, or their representatives in the House and Senate, might vote if only they had the right. Some have summarized it as a fear that the District of Columbia is "too urban, too liberal, too black, and too Democratic." Alaskans who now enjoy sending two senators and a representative to the Congress might ponder briefly whether they should have been denied representation in 1958 because Alaska was "too rural, too poor, and too Native and too Democratic" to be trusted with the vote.

The simple fact is that nearly 650,000 people in the District of Columbia do not

have the right to vote for representatives in the Senate or House of Representatives.

In addition to the purely democratic values of voting for all Americans, these citizens have important reasons to vote.

The total federal tax burden for D.C. in 1982 was heavier than 12 states, and the per capita federal tax burden (\$4,274) was higher than that of the citizens of every state in the United States except one — Alaska. Ten states had fewer of their children die in the Vietnam War than did the District of Columbia.

For those Alaskans who remember territorial days as a time of federal domination, they would feel right at home in the district, where Congress establishes the budget and imposes its will when necessary on most things that matter.

The D.C. situation doesn't set an example of international democracy either. Of 115 nations in the world with elected national legislatures, only two — the United States and Brazil — deny representation in the national legislatures for citizens of their capitals. This includes many nations which, like the United States, have created special capital districts.

The fallacies about D.C. voting rights are many and varied, and virtually all false. These include the perception that Senate representation can only be based on statehood; that Senate representa-

tion for D.C. would be a precedent for other territories; that the district should be returned to Maryland; or that statehood is a preferable or attainable alternative to bestowing voting rights.

Support for the amendment at the national level is strong, diverse and bipartisan, including Senators Strom Thurmond, Edward Kennedy, Howard Baker, Robert Byrd and Barry Goldwater, along with others too numerous to mention.

Would the amendment hurt Alaska? Detailed political analysis might result in the conclusion that Alaska's 1/50th share of influence in the Senate, or 1/435th share of the House might be diluted by adding new representation for the hundreds of thousands of people in D.C. But it is certain that such a calculation 25 years ago would have doomed Alaska's statehood as well.

The Constitution, if it guarantees anything, guarantees the right to participation in our governmental system and representation for all citizens whose interests are affected by federal activities.

It is an embarrassment for Alaska to be among those states which are associated with denial of these voting rights. 1984 is an ideal time to set the record straight.

Guy Martin is a former Alaska commissioner of natural resources who now practices law in Washington, D.C., and Alaska.

Home Rule—or Plantation Deals?

FOR ALL the high-sounding lip service it pays to democracy, patriotism and home-town independence, the Reagan administration is treating Americans who live in this capital city as if they were incompetent to govern themselves, incapable of making laws or enforcing them and willing to sell out what home rule they do have for the right financial price. That, quite bluntly, is the message from the White House as reported today by staff writer Sandra Evans Teeley. And if Congress has any concern for its prerogatives on this score, it should object just as vehemently as the city to the administration's gross assault on established oversight authority.

What the White House is saying through a spokesman is that the administration wants more control of all criminal laws in this city, offering the District in return some additional authority over its financial affairs. But since when was home rule—local self-determination—something to be bought off by the federal government? And what are people around the rest of the country supposed to conclude from the Reagan administration's insistence on tightening its controls on all local law enforcement efforts here? Is this a city full of mindless people hellbent on wrecking their own city or incapable of controlling themselves?

Oh, but you see, the administration has been kind

to people here, the spokesman says, citing large annual increases in the federal payments to the city. But since when in the long history of this federal payment did it become an allowance, a buy-out of local democratic authority? Maybe a bagful of old shoes and overcoats for each family would make everybody happy enough to forget what local freedoms they waited so long to enjoy...

No. This retrogressive effort by the White House is offensive not only to the people who live here, but also to Republicans and Democrats in both houses of Congress who worked long and carefully on a home rule charter for the District of Columbia that would allow locally elected people to perform local lawmaking functions. That charter still reserves general oversight to Congress, anyway.

For the benefit of people all around the rest of this country, it is worth restating that District of Columbia residents pay taxes and serve their country without representation in any votes on the floors of the House or Senate. They are, in many senses, still wards of Congress. But they are adult citizens with the ability to enact and enforce laws just as well as any other local village town or city in America. They deserve equal treatment under the Constitution, not offers of money and certain privileges in exchange for bondage of the most offensive kind.

More Plantation-Style Punishment

BECAUSE THE nastiest blows against the government and people of the District of Columbia are being struck behind the scenes, the patronizing colonial attitude of the White House toward local democracy here may not seem as menacing as it has been in recent months. But look out: time and again, from efforts to usurp congressional and local lawmaking authority to last-minute sabotage of an agreement on what to do with St. Elizabeths Hospital, the administration is giving the District the back-of-the-hand treatment. And as the southern congressional segregationists of yesteryear knew all too well, beating up on the District is a good cheap sport for national consumption.

The latest White House abuse involves a bait-and-switch game at the last minute, right before leaders in the House of Representatives were about to proceed with what everyone thought was an agreement on how to transfer St. Elizabeths from the federal government to the city. It was a delicately fashioned plan, worked out over months with representatives of Congress, the D.C. government, the hospital employees' union and—yes—the White House. As we noted in this space last Saturday, representatives of all sides had indicated they would not object to the measure—and it was scheduled for House floor action last Monday.

But that day, the administration stunned local and congressional leaders with word that it would seek to kill the plan in the Senate unless a \$35 million annual federal subsidy to smooth the transition were removed from the measure that everyone thought had been agreed to. (Translation: we're dumping this big, expensive federal facility on you and hang the cost; D.C. taxpayers can pick up the tab.)

Now, it isn't as if the District had been poor-mouthing or trying to pawn off legitimate costs of local self-government on the federal government. The whole transition has been the subject of years of negotiations, working toward an orderly and financially sound transfer. That is what this measure calls for. Ultimate authority—and operating costs—would still be the District's to bear, after 1991.

Another attempt at House consideration is tentatively set for Monday; but unless the Reagan administration plays fair, the agreement will fail, the congressional session will end and a nagging federal issue will drag into the future. If the administration wants Americans everywhere to keep on footing the bills for St. Elizabeths, so be it. But frugality and fairness would be far better served if the agreement were left alone and enacted with White House blessing.

As a
state legislator,
you now face
a decision on
the future of
640,000
Americans...

A Special Report to State Legislators on the Constitutional Amendment to grant the residents of the District of Columbia full voting representation in the U.S. Congress.

JOINT RESOLUTION

Proposing an amendment to the Constitution to provide for representation of the District of Columbia in the Congress.

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

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

Passed the House of Representatives March 2, 1978.

Passed the Senate August 22, 1978.

You face a decision. . . .

on ratifying the Constitutional amendment granting the men and women of the District of Columbia full voting representation in the U.S. Congress.

In the words of Senator Robert Dole:

The District of Columbia is not just a plot of land full of big white buildings and people who have come here temporarily to work for the Federal Government. Rather, it is home to almost three-quarters of a million people. . . .

This report presents the facts about the amendment and those people and separates the District of Columbia as their home from the myth of the District of Columbia as simply the seat of our national government.

What the Amendment Will Do

The Amendment Will:

- Give American citizens who make their home in the District of Columbia full voting representation in the U.S. Congress—two Senators and the number of Representatives proportionate to the District's population (at least one).

- Give the men and women of the District of Columbia representation in the Electoral College proportionate to the District's population.

- Give the citizens in the District of Columbia a voice in ratifying Constitutional amendments, just like Americans in the 50 states.

- Repeal the 23rd Amend-

ment, which gave residents of the District of Columbia representation in the Electoral College no greater than that of the smallest state.

The Amendment Will Not:

- Make the District of Columbia a state.

- Change the unique status of the District of Columbia envisioned by the framers of the Constitution.

- Provide "home rule"—local self government—for the District of Columbia or in any way alter the control which the U.S. Congress exercises over the District.

Who Supports the Amendment?



Supreme Court Justice William H. Rehnquist (as Assistant Attorney General in 1970)

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



The Republican Party (National Party Platform, 1976)

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



The Democratic Party (National Party Platform, 1976)

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



Bill Brock, Chairman, Republican National Committee

"I join the Republican Congressmen and Senators who sponsored and supported [this] constitutional amendment in urging Republicans all over the Nation to assist in implementing this plank of our 1976 party platform."

Who Supports (cont.)



Senator Robert Dole
(R-Kansas)
(on the Republican Platform)

"The time has come for action, and if this platform means anything it means the Republican Party supports this resolution.

"Republicans rallied to that platform in great numbers. Our most distinguished leaders enthusiastically adopted it as an excellent expression of Republican principles and ideals. By all accounts, it was a platform that conservatives could be proud of.

"The Republican Party supported D.C. voting representation because it was just, and in justice we could do nothing else."



Senator Edward M. Kennedy
(D-Massachusetts)

"In matters of fundamental justice and human rights involving the

citizens of our nation, there is no left or right, liberal or conservative . . .

"The issue is one of simple justice. . . . 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."



Senate Minority Leader Robert Byrd (D-W. Virginia)

"The people of the District . . . suffered more lives lost in the Vietnam war than 10 states. . . . (This is) conscription without representation."



Senate Majority Leader Howard Baker
(R-Tennessee)

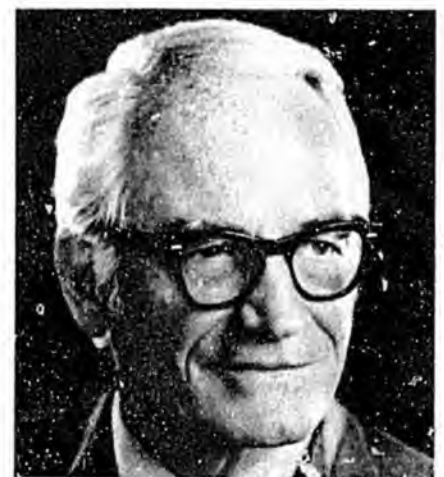
" . . . we simply cannot continue to deny 700,000 American

citizens their right to equal representation in the national government, . . . this basic right is a bedrock of our Republic that cannot be overturned."



Senator Strom Thurmond
(R-South Carolina)

"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."



Senator Barry Goldwater
(R-Arizona)
(in a "Dear Colleague" letter)

"We urge your support for this fundamental principle of justice for the citizens of the nation's capital, . . ."



Senator Charles McC. Mathias
(R-Maryland)

Certainly, the issue of equal representation for the District arouses all of the unhappy political emotions. Racism plays a part, diffusion of power is involved, the selfish side of human nature—"I've got mine, and I'm going to keep you from getting yours"—is revealed. So the issue is fraught with difficulty.

But, as I lived with the problem as a member of the House and then the Senate District of Columbia Committee, I became acquainted with it in a way that made it impossible for me to avoid some deeper contemplation of what was right. That inevitably led to the conclusion that our ideal of equality before the law for every American citizen could not be achieved without giving the people of the District the same rights, including representation, that citizens of the states enjoyed. . . .

The responsibility to brush aside the cobwebs of selfish interest that blind us to the moral law within is not the unique burden of the politician. It is every man's burden. It falls a little more heavily on a politician than on a private person . . . but we all share this responsibility and we must help each other carry it.

How Will the Amendment Affect Your State?

The amendment will have no detrimental effect on the people of your state, their voice in their national government, or upon any state's rights. Specifically:

In the U.S. Congress

The amendment will not deprive the people of any state of their equal suffrage in the U.S. Congress. The number of U.S. Senators will be increased from 100 to 102, with the people of every state still being represented by two Senators. The people of the District will elect the number of Representatives to the U.S. House proportionate to District population (at least one Representative). U.S. House Districts will be reapportioned after the 1990 census; between now and 1990 the House has the power to add additional seats and has traditionally done so when new Representatives are added. The House also has the statutory power to add additional seats permanently.

In Election of President and Vice President

No state's representation in the Electoral College will be decreased. Presently, the people of the District are entitled to three electors. The amendment simply guarantees that the people of the District will have the number of electors due them by population. If the number of the District's electors increases, the Electoral College will increase in size.

In Ratifying Amendments to the U.S. Constitution

The amendment will not change the method of ratifying Constitutional amendments nor weaken states' rights in ratifying amendments. The proportion needed to ratify an amendment will remain at three-fourths. Presently 38 states must ratify; when the people of the District of Columbia are granted a voice, the number will be 39.

The record clearly shows that members of Congress from metropolitan areas vote just as often for programs to help rural and farm people as members from rural areas. I wouldn't be for this amendment if I thought it would hurt the people in my home state of North Dakota.

Charles Conrad, Affiliate Coordinator
Rural America, Inc.

Why Ratify—

a message from the
men and women of the
District of Columbia



"In World War II, I served in the China-Burma-India and Pacific Theatres for five years and survived," John Hechinger says. "Despite my military service, I was—and still am—denied a say in war or peace for America." John, a fourth-generation Washingtonian, is president of a 73-year-old lumber and hardware firm. He was the first chairman of the District's Council.

We men and women who live in the District of Columbia are no different from the Americans who live in your state. We share your constituents' concerns and face the same problems they face. We are equally worried about inflation, unemployment, wasteful government spending, high taxes, crime. We are equally concerned about the growth of the federal government and its impact on our individual lives. Federal laws, regulations, policies affect us just as they do your constituents.

Like the Americans in your state—and unlike those in U.S. territories such as Puerto Rico and Guam—we bear *all* the responsibilities of citizenship. We

pay our full share of federal, as well as state/local, taxes. Our fathers, sons, and husbands have been subject to military draft and have served in every war since the Revolution.

With a population of 640,000 (1980 census), the District of Columbia has more residents than four states. But, unlike Americans across the country, we bear the responsibilities of citizenship without a voice in our national legislature. While the Americans of your state are guaranteed their fair voice and vote in the U.S. Congress, an equal vote in ratifying Constitutional amendments, and equal representation in the Electoral College which chooses our Presi-

dent, we in the District are not.

Lacking our just voice in our national government, we lack a voice in the matters which concern us and all other Americans. For example:

- *Inflation.* An NBC News poll of voters on November 7, 1978 showed that inflation was the problem which most concerns Americans. Voters also said that the best way to end inflation was to cut federal spending and that they most blamed the U.S. Congress for inflation. We suffer just as much from rampant inflation as the people of your state. But we have no one in the U.S. Congress to vote against inflationary government spending.

- *The Panama Canal Treaty.* During 1978, Senate debate over ratification of the Panama Canal Treaty was long and intense. Citizens all across the country felt strongly about this issue and told their Senators how they felt. Citizens in the District felt just as strongly—for and against—the treaty. But we had no Senators to communicate with.

- *Taxes.* We in the District are just as affected by the federal taxes levied by Congress as the men and women of your state. In 1977 the U.S. Congress passed the social security tax increase—the largest peacetime tax hike ever. Men and women all across the country let their Senators and Representatives know how much the tax bite hurt. It hurt us in the District just as much. But we had no one to complain to, no one to hold accountable for his or her vote.

As explained on the previous pages, this amendment in no way infringes upon the rights of your constituents. It simply extends to us who live in the District of Columbia the full voice in our

federal government which our citizenship demands.

Under the Constitution, the decision to ratify this amendment rests with you, as a state legislator. On Constitutional matters your constituents have entrusted you with the responsibility of casting your vote based on thorough, thoughtful consideration of the merits of each amendment.

By voting to ratify this amendment, you say to those constituents, "I believe that no American should bear the full responsibilities of citizenship without the full rights of citizenship." You say to them, "I realize that denying any Americans their full rights endangers your rights because it endangers the rights of all Americans." You say to them "I will not deny the full rights of citizenship to any group, be they farmers or businessmen; retirees or students; residents of Wheeler County, Nebraska; Helena, Montana; or Washington, D.C."

The people of the District of Columbia are not asking you to rush to judgment on this amendment. Rather we are asking that you study the facts and the merits of the amendment carefully, that you give it full and impartial consideration. We especially ask that you consider the arguments pertaining to the Constitutionality of representation for the people of the District. We direct your attention to the testimony of Constitutional experts such as Charles Allen Wright (University of Texas), Stephen Saltzburg (University of Virginia), Patricia M. Wald (Department of Justice), and others who have studied this issue at great length and who agree that there is no Constitutional bar to granting us representation.

The Case for the Amendment

Population

One of the strongest arguments in favor of this amendment 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—640,000 as of the 1980 census. This population is greater than that of the 1980 census population of four states:

District of Columbia	638,333
Delaware	594,317
Vermont	511,456
Wyoming	469,557
Alaska	401,851

The District of Columbia has a voting population larger than the above four states and North Dakota and South Dakota.

The Americans living in your state and in each of these states have their full voting representation in Congress and full participation in their federal government. Each of your constituents can vote for two Senators and one Representative. But the Americans living in the District of Columbia have no such representation.

Taxes

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

The American citizens who live in Washington, D.C. must pay large amounts in taxes each year to the federal government. But they are denied representa-

tion in the U.S. Congress which levies those taxes. In 1982 the people of the District paid out more than \$2.7 billion in taxes to the federal government. That tax burden was heavier than that of 12 states:

There is simply no justification for denying three-quarters of a million people, paying more than \$1 billion in Federal Taxes per year, a vote in deciding how that money is allocated.

Representative
Stewart B. McKinney

	(\$ Billion)
District of Columbia	\$2.697
Nevada	2.591
Rhode Island	2.438
New Hampshire	2.387
Maine	2.224
Idaho	1.981
Montana	1.906
Alaska	1.808
Delaware	1.751
North Dakota	1.684
Wyoming	1.542
South Dakota	1.440
Vermont	1.092

On a per capita basis, people in the District paid more federal taxes in 1982 than residents of 49 states. The average taxpayer in the District of Columbia paid \$4,274 in federal taxes in 1982; that is \$1,691 above the national average of \$2,583. The average taxpayer in only *one state*—Alaska—paid more in federal taxes that year.

The Case (cont.)

War Casualties

In 1971 a District of Columbia Gold Star mother wrote of her pain and frustration to Senator Thomas Eagleton. She said:

I have lost one son. I may well lose another. Yet I have no voice in voting on how far this war should go, or how long it should go on, . . . I am hopeless, and in that sense I am voiceless.

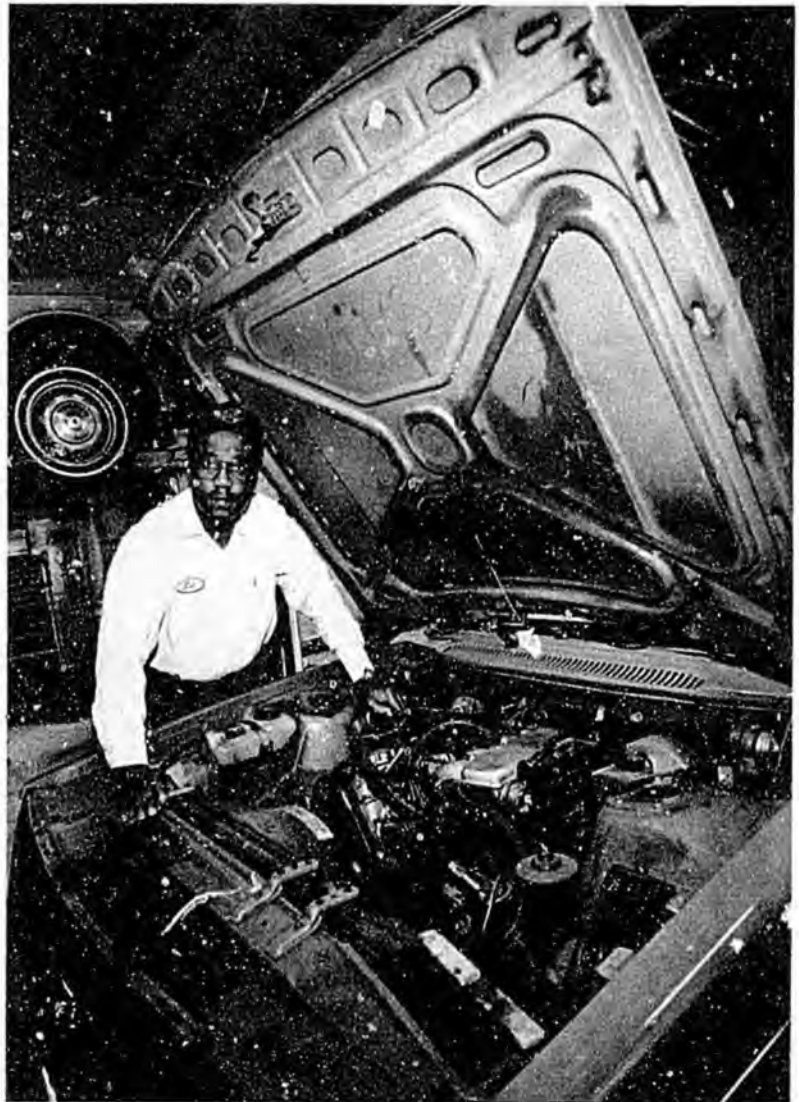
Men from the District of Columbia have served America in every war since the Revolution. In the Vietnam War, 237 District residents lost their lives. That is a loss greater than that of ten states:

District of Columbia	237
New Hampshire	218
Idaho	210
Rhode Island	200
North Dakota	194
South Dakota	187
Nevada	144
Delaware	120
Wyoming	117
Vermont	100
Alaska	55

Like the men in those states, and in all other states, the men of the District were subject to the draft. Like those men, the men of the District fought and died for their country. But unlike the men from your state and other states, the men of the District, and their families, had no voice in the U.S. Congress which sent them to fight for their country.

Federal Control

Americans are becoming more and more concerned about the increasing impact of the federal



"I wish I had someone in Congress to talk to about OSHA," says Bob Smith. Bob has owned his small auto repair shop in the District since 1970. "OSHA requires me to follow the same rules as repair shops in the huge auto dealerships. I'm all for safety, and I follow the rules, but some of them just don't make sense for my shop," Bob adds.

government on their lives. State government officials, too, are increasingly concerned about federal control of states' actions. And yet, this federal control over the states is miniscule compared to Congress' control over the lives of the men and women in the District of Columbia.

Although the people of the District have their own elected representative body—the Council of the District of Columbia—the U.S. Congress has direct and powerful control over the District's people. The Congress reviews and sets the local budget. The Congress imposes many restrictions on

commerce in the District, such as a building height maximum of 160 feet which severely limits commercial tax revenues by limiting density of commercial offices. The Congress must pass on certain plans such as the location of a new convention center.

The framers of the Constitution established this federal capital district because they did not want the nation's capital to be controlled by any single state. This amendment *will not alter* this status. What the amendment *will* do is give the people of the District of Columbia the same fair voice in the federal govern-

ment which controls their lives even more than the lives of your constituents.

World Precedent

Among 115 nations in the world with elected national legislatures, only two—the United States and Brazil—deny representation in the legislature for citizens of their capitals.

The virtually universal practice in nations with elected legislatures—whether democracies or totalitarian systems—is to accord representation to the residents of their capitals equal to that of their other citizens. Significantly, 14 out of 16 nations with federal systems of government like the United States follow this principle of equality:

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.

Senator Strom Thurmond

• Nine federal nations (Austria, Canada, West Germany, India, Nigeria, Pakistan, Switzerland, the Soviet Union, and Yugoslavia) have capitals which are not special federal districts whose residents have equal representation.

• Seven federal nations (Argentina, Australia, Brazil, Malaysia, Mexico, Venezuela, and the United States) have national capitals which are federal districts with special status similar to the District of Columbia. Residents of five of these special districts—all but the United States' and Brazil's—have voting representation in their national legislature.

History and Intent— in creation of the District of Columbia

It is clear that the founding fathers, who struggled so hard for liberty and equality, never intended to deprive the people living in the District of Columbia of their full rights of citizenship. In the Federalist papers, written in 1787-88 to explain and present the proposed Constitution to the states, James Madison says that the inhabitants of the District would be willing for the area to be ceded because, "... they will have had their voice in the election of the government which is to exercise authority over them; ..."

The concept of a federal district separate from any state developed as the response to the "Philadelphia Mutiny" of June 21, 1783 during the Continental Congress being held in Philadelphia. On that occasion, angry Revolutionary Army soldiers demanding back pay marched on Independence Hall where the Congress was meeting. The Congress requested protection from the Pennsylvania militia, but the request was refused; the Congress was forced to flee the city.

Largely as a result of that incident, in 1787 the framers of the Constitution approved Article I, Section 8, Clause 17 of the Constitution, giving Congress the power to create as the seat of government a federal district totally independent from any state.

Until the official transfer of the federal government to the District of Columbia in 1800, area residents were subject to Maryland and Virginia laws and voted in federal elections as residents of their respective states.

This practice ended in December of 1800 when Congress took over exclusive jurisdiction of the District without making provisions for voting representation for the residents of the area.

The framers of the Constitution did not need to concern themselves with representation in Congress for residents of the District because at that time the population was simply too small. According to the census of 1800, the population of the entire District of Columbia was 14,000—far fewer than the 50,000 then

Not a man in the District would be represented in the government, whereas every man who contributed to the support of a government ought to be represented in it; ...

Representative Smilie
1800

required of territories which wanted to enter the Union and thus have national representation.

Congress at that time was concerned that the people of the District not receive representation until the District's population warranted it. During the 1801 debates on District suffrage there was much discussion of providing representation for the District when its population reached the appropriate size.

This Amendment— Not a Radical Change

The Constitutional amendment to grant the men and women of the District of Columbia full voting representation in Congress and their other full rights of citizenship is not a revolutionary alteration to a document unchanged in 191 years. It is simply one more step in the orderly process of amendment envisioned as necessary by the framers of the Constitution and provided for by them.

Although the amendment is new to many state legislators and other Americans across the country, it is not a sudden "brainstorm" or the product of hasty and ill-considered action. The U.S. Congress has considered how to grant District residents their full rights since 1800. Since then Congress has debated this issue 24 times. Both the 94th and 95th Congresses held extensive hearings, did in-depth research, and spent many hours of debate on this amendment. After this exhaustive deliberation, Congress ruled out other means for granting the District representation—such as statehood or retrocession to Maryland—as unconstitutional, unworkable or politically unfeasible and adopted this proposed Constitutional amendment.

This amendment does not depart from the spirit of the Constitution or the other amendments enacted over the years. Rather, it is a logical extension of the principle of widened suffrage embodied in six other Constitutional amendments. Since ratification of the Constitution in 1788, six amendments have ex-

tended and broadened the right of suffrage. These amendments are:

• *The 15th Amendment*—Universal Male Suffrage (1870). This amendment guaranteed suffrage to male citizens, regardless of "race, color, previous condition of servitude."

• *The 17th Amendment*—Popular Election of Senators (1913). This amendment removed the selection of U.S. Senators from the hands of the state legislatures and placed it with the people. As a result, each Senator represents not his or her state or state legislature, but the *individual citizens* in the state.

• *The 19th Amendment*—Women Suffrage (1920). This amendment guaranteed suffrage to female, as well as male, citizens.

• *The 23rd Amendment*—Presidential Electors for the District of Columbia (1961). This amendment granted Americans in the District of Columbia the right to vote in Presidential elections, giving the District the number of Electoral College members no greater than that of the smallest state.

• *The 24th Amendment*—Qualifications of Electors; Poll Tax (1964). This amendment made unconstitutional any state's requiring payment of a poll tax or other tax as a qualification for voting.

• *The 26th Amendment*—Right to Vote; Citizens Eighteen Years of Age or Older (1971). This amendment guaranteed suffrage to all citizens 18 years old or older.



"I'm terrified that my income won't cover my medical bills," retiree Edna Crusemire says. Rising costs of housing, medicine, and food worry her. "Medicare helps enormously," she says, "but Congress uld cut my benefits." Edna has lived in the District for 45 years.

The Constitution is a living document, an embodiment of America's ideal of equality for all. The six amendments described above have kept the Constitution alive by reflecting in it Americans' growing conviction that all citizens, regardless of race, sex, creed, place of residence, or economic condition, deserve a voice in their national government. The proposed amendment to grant the men and women of the District of Columbia full voting representation is one more step in that process.

Fallacies—

about the Constitution and the Voting Representation Amendment

Fallacy #1

Senate Representation Based on Statehood

The fallacy that the people of the District should not have Senate representation because the Constitution bases such representation on statehood ignores several clear facts:

- Senators do not represent their states; they represent the *people* of their states. A state is a geographic, legal, and governmental entity. Before 1913, Senators could be said to represent their states since they were chosen by the legislatures, a branch of state government. But since ratification of the 17th amendment establishing their popular election, Senators have represented the *people* of their states, not the states themselves.

During Senate debate on this amendment, Senator Barry Goldwater (Arizona) said, "It has long ago been established by court decrees, as well as by American political tradition, that the right to vote in federal elections is a right that flows directly from the Constitution to *each citizen* [emphasis added] of the United States. This right is one belonging to national citizenship and it arises out of the very nature and existence of the nation itself."

- The U.S. Supreme Court, the ultimate arbiter of Constitutionality, has treated the District of Columbia as a state in four decisions:

In 1820 the Court ruled that Congress has the authority directly to tax D.C. residents.

The right to vote in federal elections is a right that flows directly from the Constitution to each citizen of the United States.

Senator Barry Goldwater

even though the Constitution says that taxes are to be apportioned "among the several *states* [emphasis added] . . ."

In 1887 the Court affirmed that District residents had the Sixth Amendment right to trial by jury, even though that amendment refers only to "an impartial jury of the *state* [emphasis added] . . . wherein the crime shall have been committed."

In 1889 the Court ruled that Congress could exercise the power to regulate business across District borders, despite the fact that Article I of the Constitution refers only to "commerce . . . among the several *states* [emphasis added]."

In 1949 the Court upheld a federal law which included the District under a specific jurisdiction in federal courts, along with the *states*.

- The U.S. Congress has regularly treated the District as a state many times. For example, the District has been treated as a state in virtually every major law authorizing federal grants. In program after program, statute after statute, the following words appear: "For the purposes of this legislation, the term 'state' shall

include the District of Columbia."

- The United States has a *bi-cameral* legislature. On most questions of national defense, taxation, spending, etc., passage by both the House and Senate is required. The Senate alone has the power to ratify treaties and to try impeachments.

Fallacy #2

D.C. Senate Representation a Precedent for Territories and Cities

Some people have asked, "If the people of the District of Columbia can have representation in the Senate, why not the people of Puerto Rico, or New York, or Des Moines, or Spokane?" This fallacy ignores the uniqueness of the District and the basic differences between residents of the District and those of American territories and cities.

The District of Columbia is *not* a U.S. Commonwealth like Puerto Rico. The people of Puerto Rico *do not* pay federal income taxes; the people of the District do. The men of Puerto Rico have not been subject to military draft; the men of the District have. The people of Puerto Rico voted for commonwealth status. They chose not to have all of the rights of American citizens in return for not bearing all the responsibilities of American citizens. The people of the District of Columbia can make no such choice; they now bear the responsibilities without the rights.

The people of New York and all U.S. cities, on the other hand, have both the full responsibilities and the full rights of their citizenship. They pay federal taxes and have been subject to the draft. But they *also* are represented in both houses of Con-



"Risking my own safety to protect others is part of my job," says Captain Bernard Johnson. "But I put my life on the line to protect a Congress in which I don't even have a vote. It's just not fair." Bernard, a 20-year veteran in the District fire department, is a third-generation Washingtonian. He has lived all his life here.

gress. They have a large say in the election of the Senators from their states. As Senator Ted Kennedy (Massachusetts) said during Senate debate on this amendment, "I speak for Boston, I speak for Springfield. I speak for Lowell and Lawrence, and New Bedford and Fall River, Mass. I speak for all of them. . . . I challenge anyone . . . to say that either Senator Javits or Senator Moynihan does not speak for New York or that any other Senators do not speak for any of the other cities."

Fallacy #3

Constitutional Ratification Clause Too General or Unfair to States

Concern has been expressed that the amendment is not specific enough about how District residents would have a voice in ratifying Constitutional amendments or that Congress may have an undue influence over ratification. Some people have asked whether District residents could vote on amendments in a referendum, a process not available to the states under the Constitution. These concerns are readily answered by a close look at the amendment.

Section 1 of the amendment specifically says that "For purposes of . . . article V of this Constitution [ratifying amendments] the District . . . shall be treated *as though it were a State* [emphasis added]." There are two methods of ratification open

to states—ratification by the state legislature and by Constitutional convention. The method of ratification is determined by Congress at the time each amendment is submitted to the states. Congress specified, for example, that the repeal of the 18th Amendment be ratified by Constitutional conventions.

Section 2 of the amendment states that "The exercise of the rights and powers conferred under this article shall be by the *people* [emphasis added] of the District . . . , as shall be provided by the Congress." Thus the Congress has the power to specify the *method* of ratifying Constitutional amendments—just as it does for the states—but it *does not* have the power to

influence the vote on ratification or in any way "rig" the process.

Furthermore, these clauses of the amendment were left somewhat general on purpose. Presently the structure of the elected governing body of the District—the Council of the District of Columbia—is dissimilar from that of most state legislatures. For this reason, the members of Congress, who represent the people of states, may decide it is fairer to have a Constitutional convention consider ratification by the District. If the structure of the Council or the District government changes in the future, this wording ensures that the people of the District will have a voice in ratifying Constitutional amendments. It also ensures that that voice will be no greater or less than that of citizens in the 50 states.

Fallacy #4

Other Solutions to the Problem

Over the years, plans other than the amendment now before you have been drawn up to grant residents of the District of Columbia their full rights. The U.S. House and Senate carefully considered each of these solutions and rejected them because of their inherent Constitutional and practical problems. The three most widely proposed plans are:

• *Statehood* The suggestion has been made that if the people of the District of Columbia want representation in the U.S. Congress, then the District should seek statehood. The argument has been heard, "If the District wants all the rights of a state, let it assume all the responsibilities of a state."

This statehood fallacy is based

No less precious than the right of free speech, or the right to privacy, or the right to due process under the law, is the right to be represented in the elected bodies which determine the course of this country's future. To be excluded from this process, to have no voice when the votes are cast that may determine peace or war, depression or prosperity, is to be truly deprived.

Senator Charles McC. Mathias, Jr.

on misconceptions of both the District and our Constitution. First, the District of Columbia *does* now bear all the responsibilities and carry out all the functions of a state. The District government collects and imposes taxes and provides all services for its residents, just as a state does.

Second, and more importantly, making the District a state would destroy the original concept of the seat of national government as independent from any state which the founding fathers so purposefully set forth.

• *Full Retrocession to Maryland* The idea of retrocession (giving back) the District of Columbia to Maryland ignores the fact that retrocession would require the approval of the Maryland legislature, if not the residents of Maryland at large through a referendum. Over the years Maryland elected officials have declared that such a proposal is politically preposterous and would stand virtually no chance of passage.

Most importantly, however, retrocession also would destroy the unique character of the seat of government. As Professor Charles Alan Wright, professor of law at the University of Texas Law School, has said, retrocession

"would completely destroy the unique character of the District, a character that was contemplated by the Framers [of the Constitution] . . ."

• *Partial Retrocession to Maryland* Partial retrocession—simply turning District residents into Maryland residents for the purpose of voting in Senate and House elections—raises complicated, perhaps unsolvable, legal and governmental problems. For example, should not District residents then be entitled to send representatives to Maryland's capital, Annapolis, to participate in drawing new Congressional District boundaries? Should not District residents then have a vote for the Governor of Maryland who has the power to fill vacancies in the Senate delegation? Should not District residents then vote in Maryland's primary elections that determine the political parties' candidates for the U.S. Congress?

Enabling District residents to vote in Maryland's Congressional elections without granting them these further rights would deny them full participation in government. But granting them these rights would seriously infringe upon the political rights of Maryland residents.

Myths about the District of Columbia



"When we moved from North Dakota to the District, we lost our right to representation in Congress. That shouldn't have happened," say Charles and Joyce Conrad. Charles works for Rural America, Inc.; Joyce for the National Farmers Union. They plan to make the District home for the rest of their lives.

Although thousands of Americans visit their nation's capital each year, there are many myths about the District of Columbia which have persisted. Some of these myths are:

The Tax Myth

Many Americans believe that District residents do not pay federal taxes or do not pay local

taxes. District residents pay more federal taxes per capita than residents of 49 of the 50 states. And District residents pay local income, real estate, sales, and other taxes to support their government, just as the people do in the states. In fact, the average per capita state/local tax paid by District residents in 1981 was \$1,771—\$692 above the national average and higher than that paid in 49 states.

The Federal Subsidy Myth

Some Americans believe that because the District receives a special federal payment each year District residents get a "free ride" on the tax dollars paid by the rest of the country. The federal payment is not a "free ride", but a payment by Congress to the District to compensate for the services which the District must provide and the loss in revenue to the District because of the federal presence.

The size of the District's special federal payment often has been exaggerated by lumping with it financial assistance from federal programs which operate in states. Here are the facts:

The District provides innumerable services, such as police and fire protection, building and maintenance of streets and roads, and utilities, to the federal government. Many of these services are of an extraordinary nature. The District police force, for example must be prepared to handle traffic control and other problems caused by marches and demonstrations.

In addition, the District loses enormous amounts of tax revenue because of the federal presence. Federal government offices occupy blocks of what would otherwise be taxable commercial property. For example, the new J. Edgar Hoover FBI building replaced an entire five-acre plot of revenue-generating shops, restaurants, and other businesses. The FBI building and grounds are officially assessed at \$270 million. If the FBI paid taxes, it would owe the District \$5,751,000 a year. The tax value of all the exempt federal property was \$259,965,268 for Fiscal Year 1983.

The District loses other revenue because of the special restrictions on taxes and commerce the federal government imposes. The government restricts the income and sales taxes paid by military and foreign diplomatic personnel. The building height limitation of 160 feet imposed by the federal government severely limits the density of taxable commercial space. The Congress has refused to allow the District to issue tax exempt bonds.

It is true that the District also gains economic benefits such as revenues from tourism from the federal presence. The granting of a special federal payment is recognition that those benefits do not compensate for the economic burdens placed on the District by the federal government.

The amount of the federal payment to the District in Fiscal Year 1982 was \$336 million. Any federal money which the District received in addition to that amount—in revenue sharing, federal grants or loans—was received through the same process of application and award which each state must follow.

Beyond these misconceptions, the idea that the Americans living in the District of Columbia are "well paid" for their lack of representation is abhorrent. The notion that money is a proper compensation for depriving citizens of their full rights contradicts every principle of equality and just representation that our forefathers fought so hard to establish.

The Federal Employee Myth

The myth that the District of Columbia is a "one-interest town" whose residents are all federal government workers dissolves in the light of the facts.



"How do I tell these children that they are 'second class citizens' just because they live in our nation's capital?" asks Verona Meeder, a 4th grade teacher. Verona has taught for 12 years in the D.C. public schools; her husband Andrew is a Methodist minister. "My class knows that decisions in Congress affect their lives; they don't yet know that they can have no say in those decisions."

Over 70% of the District's work force is employed outside the federal government. Virginia, Texas, and California have more federal workers than the District.

The District's population is quite diverse, consisting of businessmen, construction workers, bankers, teachers, the elderly, and virtually all the other occupational groups found in the various states. Many District residents were born and raised here and have never worked for the federal government. Other residents have come across the United States to make the District their permanent home. Accordingly, a wide range of interests and values is reflected in the District's people.

The Federal Bureaucracy Myth

The presumption that Senators and Representatives from the District would vote to enlarge the federal bureaucracy because the federal government is here ignores the fact that District residents pay \$1,691 above the national average in federal taxes. Any expansion of the federal government would necessarily mean increased federal income taxes. Representatives of the District are most unlikely to vote to expand the federal bureaucracy and increase their constituents federal taxes.

Myths (cont.)



"Congress decides how the local taxes I pay are spent," Delano Lewis, a C&P Telephone Co. executive says. "They decide whether my boys will have a park down the street to play in. But there's no one on Capitol Hill to vote for my family when they pass the D.C. budget." Del is on the boards of 16 community associations, including the Red Cross, the Board of Trade, and Friendship House.

The Urban Area Myth

The assumption that Senators and Representatives from the District would automatically vote against rural programs or farm programs also is a myth. Many District residents have family or other strong ties to rural and farm areas.

This myth also is proven false by the record of the District's

present non-voting delegate to the House of Representatives. During the 95th Congress Delegate Walter Fauntroy co-sponsored The Emergency Farm Act of 1978, proposed to aid farmers in their fight against inflation and low market prices. During the farmers' march on Washington in 1978, Del. Fauntroy's office was flooded with farmers thanking him for his support. Unfortunately, under the present system, Del. Fauntroy could not vote for that bill on the floor of the House; he could only sponsor it.

The "Four Toos" Myth

The idea that the men and women of the District of Columbia should not have Congressional representation because their elected representatives might be "too urban, too liberal, too black, and too Democratic" is not only false but also injects into a Constitutional debate questions unworthy of consideration.

As stated above, the fact that the District is an urban area does not mean that its representatives will have no sympathy for rural problems. Sen. Patrick Leahy, during debate on this amendment, said, "I represent the most rural State in the United States, the State of Vermont. We do not have one single urban area, by Federal standards. Yet I am here arguing to give this [representation] to a virtually exclusively urban area."

The issues concerning the elected Council of the District of Columbia belie the idea that the District's representatives will be too liberal. During the 1982 Council and Mayoral election, candidates' platforms concentrated on such issues as crime prevention, reductions in taxes, and efficient management of government. Like Americans in

all other areas of the country, District residents are tired of paying for government waste, tired of paying the high cost of crime, and tired of escalating taxes.

The makeup of the District's Council also refutes the assumptions that District representatives automatically will be black and Democratic. The Council is a racially mixed group of men and women, with Republican and Independent members as well as Democrats.

The District of Columbia Republican Committee supports this amendment. Says Republican Committee Vice-Chairman Mel Burton, "District residents' increasing concern over high taxes and wasteful government spending are the historical concerns of the Republican Party. I think there is a bright future for Republicans in the District, and ratification of this amendment will strengthen our two-party system."

The history of admission of states to the Union shows that the residents of many territories shared the same burden of misconceptions and injustice that the people of the District of Columbia now face. For example:

The admission of Oregon was hindered by Republican fears that it would be a Democratic state. But Oregon now has two Republican Senators.

In that case, the goal was statehood. But statehood is not readily available to the people of the District of Columbia because of the unique character of the District as the nation's capital. In a larger sense, however, the people of the territories and the people of the District of Columbia share the same goal—full and equal participation in our national government.

Beyond the Myths

The debunking of these myths about the District of Columbia and its potential representatives is important. But far more important is the fact that these political and social judgments have no place in the consideration of an amendment to the Constitution. Refusing representation to the people of the District because it is an urban area is no different than denying representation to the people of Idaho because they live in a rural area. Denying the Americans who live in the District their full rights because their representatives might be liberal, or black, or Democratic is the same as denying those rights to the Americans who live in Utah because their two Senators are Republican, conservative, and white.

Both conservatives and liberals in the U.S. House and Senate recognized the justice of this amendment and gave it their support. Both the Republican and Democratic 1976 party platforms support full voting representation. Republican and Democratic Presidents since 1915 have supported full voting representation for the men and women of the District.

It is now up to state legislators to examine this amendment and cast their votes.

All the men and women of



"If it weren't for the federal tax deduction for mortgage interest, we couldn't afford to own a home," says Peter Hobbs. The recent tax changes passed by Congress didn't help Peter and his wife Maggie; with the Social Security increase, they are worse off than in 1977. Maggie adds, "I am a seventh-generation Washingtonian. Since we bought our first home, I've seen how much the tax decisions made in Congress affect us. It really hurts to be paying all that income tax and have no one to vote for us."

the District ask is that each legislator give full consideration to the merits of this issue, and that each legislature give this amendment full and just deliberation. Once all the

facts have been considered, the men and women who make the District of Columbia their home are confident that they will be granted their full rights of citizenship.

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Supporters of the Amendment to Grant District of Columbia Residents Full Voting Representation in Congress Include:

AFL-CIO

American Association of University Women

American Civil Liberties Union

American Federation of State, County, and Municipal Employees

American Federation of Teachers

American Jewish Committee

American Nurses Association

American Veterans Committee

Americans for Democratic Action

Anti-Defamation League of B'nai B'rith

B'nai B'rith Women

Catholic Archdiocese of Washington

Common Cause

Communications Workers of America

Delta Sigma Theta Sorority, Inc.

Democratic National Committee

Disciples of Christ (Christian Church)

District of Columbia Bar Association

District of Columbia Chamber of Commerce

District of Columbia Democratic State Committee

District of Columbia NOW

District of Columbia Republicans for Self-Government

The Episcopal Church

Friends Committee on National Legislation

Frontlash

Greater Washington Central Labor Council

Greater Washington Board of Trade

Interfaith Conference of Metropolitan Washington

International Association of Machinists

International Union of Operating Engineers

Leadership Conference on Civil Rights

League of United Latin American Citizens

League of Women Voters

National Alliance of Postal and Federal Employees

National Association for the Advancement of Colored People

National Association of Counties

National Association of Cuban-American Women

National Association of Ecumenical Staff

National Capital Union Presbytery

National Coalition of American Nuns

National Conference of Christians and Jews

National Council of Churches

National Council of Jewish Women

National Council of La Raza

National Council of Senior Citizens

National Education Association

National Jewish Community Relations Advisory Council

National Urban League

National Women's Political Caucus

The Newspaper Guild

The Ripon Society

Southern Christian Leadership Conference

Unitarian Universalist Association of Churches

United Auto Workers

United Church of Christ

United Methodist Church, Board of Church and Society

United Presbyterian Church

United States Jaycees

United States Student Association

United Steelworkers of America

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Originally written
by Laura Lawson

1983



“The District of Columbia is not just a plot of land full of big white buildings and people who have come here temporarily to work for the Federal Government. Rather, it is home to almost three-quarters of a million people who should be granted congressional representation just as the citizens in all of our States are.”

Senator Robert Dole