



U.S. HOUSE OF REPRESENTATIVES
COMMITTEE ON GOVERNMENT REFORM

HEARING ON

“COMMON SENSE JUSTICE FOR THE NATION’S CAPITAL:
AN EXAMINATION OF PROPOSALS TO GIVE DC RESIDENTS DIRECT
REPRESENTATION”

TESTIMONY OF
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CHAIRMAN, COUNCIL OF THE DISTRICT OF COLUMBIA

JUNE 23, 2004



Introduction

Chairman Davis, Representative Waxman, Congresswoman Norton, and members of the Committee on Government Reform, good morning. Let me begin by thanking you, Mr. Chairman, for holding this important public hearing on the provision of voting representation in Congress for the American citizens who live in the District of Columbia. The good is that this hearing is being held today. The bad is that in 2004 the over 500,000 citizens in the District of Columbia who pay \$3 billion in federal taxes are denied voting representation in Congress. The Council and the citizens of the District of Columbia very much appreciate this opportunity to urge you and your colleagues to use your power to bring to the nation's capital the same democracy the United States demands of foreign governments. If democracy is good for foreign countries is it not also good for the District of Columbia?

There is nothing in the Constitution that precludes granting the citizens of the District of Columbia voting representation. Article I, Section 8, Clause 17 of the Constitution only provides for Congress' authority over the District as a federal territory. That clause does not deny citizens of the federal territory voting representation.

Throughout the world other capitals model themselves after the United States except for one important matter. They recognized the flaw in the United States model, that of disenfranchising a large segment of their population. They knew the importance of granting the citizens of their federal enclaves voting representation.

My testimony today will cover:

- The right of District residents to congressional voting representation;
- Recent action by the Council of the District of Columbia; and
- Comments on current legislation pending in Congress.

The Right to Representation for the Citizens of the District of Columbia

It continues to be unconscionable to citizens of the District of Columbia that they are denied the basic right held by every other citizen of the United States, that is, the constitutional right to be represented – to have a voice – a vote - in the Congress of the United States. The denial of this basic right to citizens who pay the second highest per capita federal income tax in this country - \$3 billion dollars, and who have lost more residents in wars protecting the nation than 20 other states is unjust and should be rectified by this Congress.

Article I, Section 8 of the United States Constitution gives Congress "exclusive jurisdiction" over the District of Columbia. We believe that this same broad jurisdiction provides Congress with the constitutional authority to enact a bill to provide congressional voting rights to District citizens. The Congress and the Constitution treat the District as a state for numerous purposes, e.g., housing, transportation and education, why not for the most precious and fundamental right in a free and democratic society, the right to voting representation. The Supreme Court, while sympathetic, has essentially stated that it is the Congress that has the authority to remedy this problem.

Council Resolution Supporting Voting Rights Advancement in Congress

The Council is committed to achieving full voting representation for its citizens. The Council urges Congress to pass H. R. 1285, "No Taxation Without Representation Act of 2003," introduced by Congresswoman Eleanor Holmes Norton, the District's non-voting delegate to Congress and the Senate companion bill S. 617 introduced by Senator Joseph Lieberman, which would grant District citizens voting representation in the House and the Senate. On behalf of the Council and the citizens of the District of Columbia I would like to thank these two members of Congress for introducing legislation that would finally give District residents the right of representation that all other citizens of the United States have been granted. I have attached to my testimony the Council's resolution adopted in 2002 supporting these two bills (Resolution 14-435, May 7, 2002).

The Council's objective is to achieve full voting representation for the citizens of the District of Columbia. The Council recognizes, however, that there may be several ways to achieve its objective. Full voting representation may be achieved in incremental steps, such as, obtaining representation in one of the two chambers first and in the other chamber at a later time. The Council has recently adopted a resolution supporting such an interim step. I have attached to my testimony the Council's resolution adopted June 1, 2004, supporting the incremental approach to achieving full voting representation (R15-565). I want to thank you Mr. Chairman for the legislation that you have proposed that would grant full voting representation in the House and your comments in support of the Council's resolution. Full voting representation in the House would provide an interim first step in allowing the citizens of the District of Columbia to have a voice

in their federal government. Votes taken on the House floor ultimately impact the legislation in the Senate and those bills that become law. The Council looks forward to working with you toward the obtainment of representation in Congress for the District of Columbia.

Again, let me be clear. While the Council is willing to consider interim steps, our objective remains to obtain full voting representation for the citizens of the District of Columbia. We believe this is a right too long denied.

Comments on Alternative Representation Proposals

The Council greatly appreciates the interest of the members of Congress who have introduced or have proposed legislation that would provide some form of voting representation in Congress for the citizens of the District of Columbia. It is reassuring to know that congressional members of both parties understand the importance of and the need to correct this long-standing injustice to United States citizens who happen to reside within the District of Columbia.

Representative Regula has introduced H. R. 381, "District of Columbia-Maryland Reunion Act." I want to thank Representative Regula for his interest and efforts on this very important issue for citizens of the District of Columbia. This proposal would cede the District of Columbia back to the State of Maryland. While recognizing the origins of the land creating the District of Columbia, I believe that the reunification of the two jurisdictions would present many difficult problems. The District of Columbia has been

separated from Maryland since the early 1800s. Since that time institutions of government, business and residential citizenship have fully developed.

It would be extremely difficult and quite time consuming to make the changes necessary to cede the District back into Maryland. For example, changes would be necessary in the rules and regulations for the operation of businesses, the procedures of government, the payment of taxes and basic services like trash collection. Breaking down and reconfiguring these institutions seems unwarranted and unnecessary.

Cession of the District back into the State of Maryland would require redistricting that could ultimately change the political boundaries known today as the District of Columbia and the affected counties in Maryland. Therefore, ultimately changing the representation of the citizens residing in the newly defined congressional districts. As with redistricting in other states, the citizens often find the realignment inconsistent with their interests.

The magnitude of change necessary to implement this proposal seems enormous. I ask whether making this drastic change is necessary in order to grant citizens of the United States a basic right?

Representative Rohrabacher has introduced H. R. 3709, "District of Columbia Voting Rights Restoration Act of 2004." I want to thank Representative Rohrabacher for his understanding of this important issue and his efforts in drafting this legislation. This proposal would allow the citizens of the District of Columbia for purposes of representation in the

House and Senate to vote as residents of Maryland. This proposal would also allow District residents to vote in presidential elections as Maryland residents and provides for the eligibility of District residents to run for the elected congressional offices and presidential electors as inhabitants of the State of Maryland. For all other purposes the District of Columbia would operate as it does today, as a separate legal entity.

While this proposal is well intended and provides District residents with an opportunity to vote and be represented through the State of Maryland, it does not give the citizens what they truly desire. The citizens of the District of Columbia want their constitutional right to vote and to be represented, to be granted to them as residents of the District of Columbia, not of another state. The creation of the District of Columbia from territory formerly belonging to the State of Maryland did not remove this land from the United States nor did it remove from the people residing in this territory their inalienable rights. So, the question becomes why is it necessary to create a special entity only for voting purposes. If the District of Columbia has the right to exist as a legal governmental entity for all other purposes, it should also have the right to exist as a separate legal governmental entity for voting representation.

In order to determine the number of representatives from the State of Maryland this proposal would incorporate the population of the District with the population of Maryland. The apportionment of representatives and creation of new congressional districts will initially create confusion. It will also be confusing for residents of the District to be part of Maryland for

voting purposes but for all other functions of government to be part of the District.

I again ask is it necessary to create this level of confusion when all we are asking for is the right to voting representation for the people currently living within the District of Columbia?

Conclusion

As stated earlier, the Council and the citizens of the District of Columbia truly appreciate the interest and the efforts of the members of Congress in granting voting representation to the District. While, I know that these efforts are well intended they fail to recognize the basic argument of the residents of the District. Why should the residents of this jurisdiction, who are citizens of the United States, be denied their inalienable right to voting representation solely because they reside in the District of Columbia? This is a right that has been too long denied. The United States is the only democracy in the world in which residents of the capital city are denied representation in the national legislature equal to that enjoyed by their fellow citizens.

The members of the Council of the District of Columbia and I, look forward to working with you Mr. Chairman, the members of this committee and the other members of Congress in achieving this most basic and precious right – the right to voting representation.

Thank you again for the opportunity to present the views of the Council and the citizens of the District of Columbia on this very important matter.

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A RESOLUTION

14-435

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

May 7, 2002

To declare the sense of the Council on supporting Congresswoman Eleanor Holmes Norton and Senator Joseph Lieberman's No Taxation Without Representation Act of 2001.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Sense of the Council Supporting the No Taxation Without Representation Act Resolution of 2002".

Sec. 2. The Council finds that:

(1) District of Columbia residents are an exclusive group of American citizens forced to pay federal income taxes, but refused voting representation in the United States House of Representatives and the Senate.

(2) The principle of "one person, one vote" demands that citizens who have met all prerequisites of American citizenship should reap all benefits of American citizenship, including voting representation in the U.S. House of Representatives and the Senate.

(3) District of Columbia residents are refused equal representation twofold because they do not have voting representation like other taxpaying American citizens, and they are required to pay federal income taxes, unlike the Americans who live in the territories.

(4) Regardless of the refusal of voting representation, Americans in the District of Columbia are second per capita in income taxes paid to the federal government.

(5) Unequal voting representation in our representative democracy is inconsistent with the founding principles of the nation and the firm principles held by the American people of today.

(6) H.R. 1193, the No Taxation Without Representation Act of 2001, has been introduced in the U.S. House of Representatives by Congresswoman Eleanor Holmes Norton, with 111 bipartisan cosponsors. A companion bill, S.603, has been introduced in the Senate by Senator Joseph Lieberman, with 4 cosponsors.

(7) It is the intent of the Council that District of Columbia residents have equal voting rights as well as equal responsibility to pay taxes and share all the other burdens of U.S. citizenship.

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Sec. 3. It is the sense of the Council that the United States Congress should expeditiously pass H.R.1193 (also known as S.603), the No Taxation Without Representation Act of 2001, to promote District of Columbia residents having voting representation in the U.S. House of Representatives and Senate, in addition to taxation.

Sec. 4. The Secretary to the Council shall transmit a copy of this resolution to the officers of both houses of Congress, to the committee chairs which have jurisdiction over District of Columbia affairs, and to the Congresswoman for the District of Columbia.

Sec. 5. This resolution shall take effect immediately upon the first date of publication in the District of Columbia Register.

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A RESOLUTION

15-565

IN THE COUNCIL OF DISTRICT OF COLUMBIA

June 1, 2004

To declare, on an emergency basis, the sense of the Council in support of federal legislation to meaningfully advance the achievement of voting representation in the Congress of the United States for the residents of the District of Columbia.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Sense of the Council in Support of Voting Rights Advancement in the Congress of the United States Emergency Resolution of 2004".

Sec. 2. The Council of the District of Columbia finds that:

(1) Citizens of the United States who are also residents of the District of Columbia do not have voting representation in their national legislature, unlike the residents of the capitals of all other democratic countries in the world.

(2) These U.S. citizens do not have voting representation even though they pay federal income tax, their children are sent to war by authority of the Congress, and all of their laws are subject to the exclusive jurisdiction of the Congress.

(3) The District of Columbia was established as the federal seat of government through legislation adopted by the Congress over 200 years ago. At the time of the District's establishment, Congress concluded that for then-compelling reasons such a federal enclave was a sensible way of providing a location for our national government. Since then, however, the world has changed, the United States has evolved, issues that may have been relevant 2 centuries ago are not relevant today, and democracy has expanded to all corners of the world and remains a beacon to many. Yet the citizens of the United States who live in our nation's capital do not have voting representation in their national legislature.

(4) The residents of the District of Columbia – whose demographic characteristics include 60% African-American, 31% Caucasian, and 8% Hispanic/Latino - have served proudly in the Armed Forces of the United States. District residents have shouldered a heavy burden and paid the ultimate price for liberty by sending their children into war, including having to endure the loss of more lives in Vietnam than did 10 states. Yet citizens of the District have no vote in the governmental body that can send them and their children to war.

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(5) The residents of the District of Columbia pay income taxes of \$2 billion annually, which on a per capita basis is higher than every state in the Union except one.

(6) The denial of such a fundamental right as representation to accompany taxation, one of the salient rights upon which our nation was founded and one of the principles of the American Revolution, is an inequity of historic proportions.

(7) Securing the right of voting representation for the people of the District is a moral imperative that should no longer be denied through questionable excuses. All political parties should promote remedying this injustice, unconditionally, as consistent with American democratic principles.

(8) It is a reality, unfortunately, that full voting representation in Congress -- equal to that enjoyed by citizens of the 50 states - may be achieved only through stages or in a number of other ways. Accepting this likelihood allows the opportunity for the citizens of the District to achieve a substantial, meaningful, and historic advancement toward full voting representation.

(9) Such a first but important step can be achieved through any number of ways without creating a political imbalance and consequent liability in the current make-up of the House of Representatives. Therefore, concerns over such political considerations as that balance should not be used to mask this or other unjustified rationales for denying the U.S. citizens of the District representation in the House of Representatives.

(10) The words of President Abraham Lincoln are applicable to the plight of the citizens of the District with respect to their entreaty to the Congress on voting rights. President Lincoln stated: "You cannot escape the responsibility of tomorrow by evading it today." President Lincoln's words some 150 years ago are prescient to this long struggle for representation. He said, "The fight must go on. The cause of civil liberty must not be surrendered at the end of one or even one hundred defeats."

(11) One hundred years later, during the administration of President Dwight D. Eisenhower, and with his strong support, the Congress passed the 23rd Amendment to the United States Constitution granting citizens of the District the right to vote for President of the United States.

(12) Ten years later (but 30 years ago), during the administration of President Richard M. Nixon, and with his strong support, the Congress enacted limited home rule for citizens of the District.

(13) It is time now for the next step toward securing the blessings of liberty for the citizens of the District.

Sec. 3. It is the sense of the Council that:

(1) The Council urges Congress to expeditiously pass H.R. 1285 (also known as S. 617), the No Taxation Without Representation Act of 2003, to grant District of Columbia citizens voting representation in both the U.S. House of Representatives and the U.S. Senate (see Sense of the Council Supporting the No Taxation Without Representation Act Resolution of

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2002, effective May 7, 2002 (Res. 14-435; 49 DCR 4487).

(2) As a means to advance the cause, however, full voting representation in either the U.S. House of Representatives or the U.S. Senate in the near term should be supported as a way station and interim step toward full voting representation in Congress for citizens of the District of Columbia.

(3) Expanding the franchise to District citizens has been delayed too long, and Congress should act with immediacy.

Sec. 4. This resolution shall take effect immediately upon the first date of publication in the District of Columbia Register.