



D I S T R I C T O F C O L U M B I A B A R
District of Columbia Affairs Section

Statement of the District of Columbia Affairs Section of the District of

**Columbia Bar Regarding Congressional Voting Rights for the Residents of the
District of Columbia**

1250 H Street NW
Sixth Floor
Washington, DC
20005-5937

202-626-3463
FAX 202-626-3453
www.dcbar.org/sections

Sections EventLine
202-626-3455

Section Web Site Address:
www.dcbar.org/dc_affairs

Steering Committee:
James S. Bubar, Co-Chair
Charlotte Brookins-Hudson, Co-Chair
Charles K. Barber
Jon S. Bouker, Jr.
Sally B. Weinbrom Kram
Nicholas A. Majett
Thorn L. Pozen
Tonya A. Robinson
Walter A. Smith, Jr.

Bar of Governors Liaison:
John Keeney, Jr.

Standing Committees:
Legislative
Litigation
Membership/Outreach
Programs

The District of Columbia Affairs Section of the District of Columbia Bar is concerned with issues relating to the laws and government of the District of Columbia, with a particular emphasis on the complex legal relationship between the nation's capital and the federal government that resides within its borders. The Section has consistently adopted District autonomy and congressional voting rights as themes governing its work. In furtherance of these important themes, the Section adopts the following statement regarding congressional voting rights for the residents of the District of Columbia.¹

The D.C. Bar Section Guidelines and Procedures allow a Section to present Section views on proposed legislation that: "come[s] within a Section's special expertise and jurisdiction" and "relate[s] closely and directly to the administration of justice."² The D.C. Affairs Section ("the Section") is the Bar's Section of jurisdiction on matters affecting the governance of the District of Columbia and its residents. In addition, no matter is more intricately intertwined with the administration of justice in the District of Columbia than

¹ The views expressed in this statement are only those of the D.C. Affairs Section and not those of the D.C. Bar or its Board of Governors. The Litigation and the Courts, Lawyers and Administration of Justice Sections join in this Statement.

² D.C. Bar Section Guidelines and Procedures Section A, paragraph 1.

the denial of congressional voting rights. Residents of the District have no vote in Congress on federal measures that would overturn laws duly enacted by the Council of the District of Columbia; and the District's local budget containing its own taxpayer-raised revenue cannot become law until the Congress affirms it. District residents have no vote on riders that Congress proposes to add to the District budget, even if those riders would undo decisions made by local legislators accountable to District residents. The District also has no vote when Congress makes key decisions affecting both the District and the Nation – such as going to war, preparing for national emergencies, choosing federal judges, setting national priorities, imposing federal taxes, and enacting federal laws affecting District residents. These undemocratic constraints on the District and its autonomy (and many others) negatively impact upon the administration of justice in the nation's capital.

The Section is pleased that there is more interest in congressional voting rights for the District among federal lawmakers than at any time in a generation. There currently are four pending bills that would afford District of Columbia residents varying degrees of voting rights. It is important to note that three of those bills have been introduced by the majority party. A recent survey shows that 82% of Americans, regardless of race, gender or ethnicity, support congressional voting rights for the District of Columbia. The polls show that super majorities of members of both major political parties across the country support D.C. voting rights. The Section hopes that members of Congress will listen to their constituents and adopt D.C. voting rights legislation during this session of Congress.

Because the Section has adopted autonomy and D.C. voting rights as its themes, it must support the bill that provides maximum autonomy and voting rights. Congresswoman Eleanor Holmes Norton and Senator Joe Lieberman have introduced the "No Taxation Without Representation Act," which would grant the District voting representation in Congress equal to that of states with similar populations. Currently, the bill would afford District residents one Representative in the House and two Senators. The bill is constitutional and Congress has the power under the District clause and the 14th Amendment to enact it. This bill would put District residents on an even playing field with other Americans and is the most complete remedy to the denial of D.C. voting rights contained in any of the four introduced bills. Therefore, the "No Taxation Without Representation Act" is the bill that the Section would most like to see adopted.

However, the Section would also like to commend Representative Tom Davis (R-VA) for his introduction of D.C. voting rights legislation that would afford District residents a vote in the House, but not Senators, while simultaneously granting an additional seat in the House to the state of Utah, which narrowly missed gaining a seat in the last apportionment. This innovative approach is just the kind of fresh thinking that the D.C. voting rights movement needs, and helps to move the issue of D.C. voting rights forward. The Section wishes to encourage Representative Davis and the other members of the majority party who have introduced D.C. voting rights bills. The Section supports their continued fight in favor of equal rights for those who live in the nation's capital.

Particularly when the nation is at war, it is unconscionable that D.C. residents, who have fought and died in every war since the Revolution, do not possess the right to vote on

whether the nation goes to war. As the United States continues to bring democratic values and ideals to nations once governed by tyrants, the Section urges Congress to correct a lingering injustice in its own shadow, the denial of congressional voting rights for the 500,000 Americans who live in the nation's capital.