

CURING DISENFRANCHISEMENT IN THE DISTRICT OF COLUMBIA: WHAT HASNT WORKED AND WHY?

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The residents of the District of Columbia have never had more than limited representation in Congress since the District was established in 1790. The District lacks representation in the Senate, and has restrictive representation in the Federal Government through a nonvoting Delegate in the House of Representatives for thirty-three years in a total of 217 years of existence. The current debate is surely notable for the growingly visible slogan seen on the license plates of many of the District's residents, bearing the motto "No Taxation without Representation." This renown American slogan revives the colonial era objection raised against the British Crown. Like all American citizens, the District of Columbia's residents pay taxes, serve in the armed forces and contribute to the overall success of the nation. Certainly there is a collective sense among scholars and elected officials that the District of Columbia should have appropriate representation in Congress. However, there are several obstacles and uncertainties that must be tackled before representation can be attained.

In her book *National Representation for the District of Columbia*, Judith Best claimed that there is no real need for a federal district; rather, she contended that it is Americans' sentimental attachment that is holding voting representation back. Edward M. Meyers examined this sentimental attachment by examining public opinion polls on voting reform for the District. He concluded that until there is a "creedal passion period" for the District and its disenfranchisement, there will be no "break through." In John Miller's article, "Hail, New Columbia?," he points to political motives for the District's disenfranchisement. It is his belief that Republicans are prolonging the District's chances of obtaining representation due to a considerable Democratic constituency. Gloria Danziger claims that racism is the reason for the denied statehood of the heavily African-American populated district. Adam Kurland of Howard University refutes this position, arguing that the District's disenfranchisement does not bring up civil rights issues; instead he proposes the constitutional structure as the largest obstacle.

There are many proposals put forth that attempt to work through the limitations of the Constitution. The District of Columbia's delegate to Congress, Eleanor Holmes Norton, has established in *Yes: A Denial of Human Rights* and in her proposed legislation, that a 51st state will be necessary. In doing so, the District would have one representative in the House and two in the Senate, where the District would be reduced into a small enclave. Virginia Congressman Thomas Bliley Jr. opposed this idea of statehood. In his work, *No: Insurmountable Barriers*, he argued that a new state would create constitutional problems that proponents are light-years away from resolving. He claimed that this would violate the "district clause," which breaches Congress' right to exercise exclusive jurisdiction over the district, while making the 23rd Amendment "absurd." Lawrence M. Frankel concluded that Congress should pass an amendment so that the District be treated as a state for voting purposes only. He asserted that this will circumvent the need to have a three-fourths ratification by the states. Dewitt Davis argued that the District of Columbia should have representation, yet it should not be given statehood. He believed that as a new state the District would not be able to sustain itself and could only do so with the assistance of massive Federal funding. Davis's conclusions are based on the District's lack of population, diminutive land size, and insufficient natural and economic resources.

There are many debates on the future of the District of Columbia but in general there is a consensus that it is the right of Washingtonians to have representation in Congress. Article I, Section 8, Clause 17 of the U.S. Constitution confers upon Congress the responsibility for governing the seat of the Federal government. Conversely, among the core principles on which the United States was founded, is that of governance can only prevail with the consent of the governed, i.e., participation of the citizenry in the governing process.

Background

In a time where representative democracy is highly demanded and profoundly demonstrated by the United States it seems ironic that the very capitol of the "defenders of the free world" is a city with approximately 600,000 residents (larger than the state of Wyoming) lacking democratic representation. Despite this fact, the residents of the District of Columbia who are United States citizens continue to pay federal taxes, and are under the direct control of the national government. They have been denied the right to vote for representatives in Congress and are thus, effectively disenfranchised.¹ Hence, America even 200 years after inauguration, is still a nation separated from the standard practices of democracy of which it eloquently preaches. As President John Tyler put it, "it is an anomaly in our system of government, where the lawmakers are chosen by others than those for whom they make the laws."²

The Founding Fathers surely intended to allow the District to be locally self-governed. James Madison's *Federalist Paper #43* was utilized by "home rule" proponents to justify that the framers of the Constitution had never intended to deny D.C. residents self-government. As Madison wrote,

the inhabitants will find sufficient inducements of interest to become willing parties to the cession [of the land by the States]: as they will have had their voice in the election of the government which is to exercise authority over them; as a municipal legislature for local purposes, derived from their own suffrages, will of course be allowed them.³

However, it is not clear if Madison intended the District to become a state. Regardless, making the District of Columbia a separate entity was a decision based solely on the circumstances facing a new country. Madison realized there needed to be exclusive national authority through a separate federal district, finding it unsuitable for the nation's security "to be in any degree dependent upon a particular member of it."⁴ Best claims that the existence of a special district is not a function of the form of government; rather it is merely a function of the particular circumstances of the time and place, a new and untried government.⁵ However, now it is evident that the United States is a mature state with a strong foundation and the independence of the national government no longer needs the shelter of a "special district."

The United States Supreme Court in *Loughborough v. Blake* (1820) affirmed Congress' power to impose a direct federal tax on the District, refuting the principle of the American Revolution that called for "no taxation without representation." Two consolidated lawsuits, *Adams v. Clinton* (2000) and *Alexander v. Daley* (1998), were heard by the U.S. District Court for the District of Columbia. Both complaints that were filed alleged that the inhabitants of the District of Columbia were being unconstitutionally deprived of their right to vote for voting representation in the House of Representatives and the Senate. That court held that inhabitants of the District were not being unconstitutionally deprived of this right and, therefore, the District was not entitled to be apportioned seats in the House commensurate with its population. On March 20, 2000, the Supreme Court voted 8-1 to not hear the cases; upholding lower court rulings that said the district's half-million residents are not entitled to a voting member of Congress because the District is not a state. Instead they determined that the question of voting rights for the citizens of the District was a legislative issue. Consequently, proposals put forth for the franchisement of the District of Columbia must proceed through Congress.

The 600,000 District of Columbia residents have been without voting rights for over 200 years. Yet, Washingtonians continue to comply with officials even if they did not elect them. The United States of America is the only democratic nation where the residents of the capital city do not have representation in the national legislature equal to that enjoyed by their fellow citizens. The political leaders of the federal republics of Australia, India, Venezuela, Mexico and Brazil appear to be light-years ahead of the United States in comprehending the systematic disenfranchisement of the residents of their own federal districts. The United States, an ardent champion of democracy and human rights may have something to learn about full political participation and fundamental rights from its democratic neighbors around the globe.

Under Article I, Section 8, Clause 17 of the Constitution, Congress was granted the power “to exercise exclusive Legislation in all Cases whatsoever, over such District (not exceeding ten miles square) as may, by cession of particular States, and the acceptance of Congress, become the Seat of the Government of the United States.” As a result, citizens that had been living in the district were no longer citizens of a state and, according to the Constitution, all forms of national representation require state citizenship. Thus, as indicated by the Supreme Court, the Legislative Branch controls the fate of national representation for the District. Over the years legislation has been introduced in Congress that would convey voting rights to the citizens of the District of Columbia.

In Part I, this paper will examine past and current legislation that would give national representation for the District of Columbia. These pieces of legislation will fall into four categories:

- (1) bills seeking full voting representation in Congress;
- (2) bills granting statehood to the non-federal portion of the District of Columbia;
- (3) bills that would retrocede the non-federal portion of the District of Columbia back to Maryland;
- (4) bills allowing city residents to vote in Maryland for their representatives to the Senate and House.

Each of these solutions has inherent political and/or constitutional flaws which have prevented their implementation. Part II will consist of two sections, the first (Section A) will examine the arguments for voting representation for the District of Columbia; the second (Section B) will explain the arguments against each category of legislation. Lastly, Part III will conclude with a pragmatic solution that would have the least impact socially, economically and politically, while giving Washingtonians the voting representation they constitutionally deserve.

PART I: Four Options

Option 1: Voting Representation in Congress Equivalent to that of the States

Legislation involving this option would treat the District as if it were a state: the District would have two Senators and one or more Representatives in proportion to its population, with a minimum of one Representative. Article I, Section 2 of the Constitution provides at least one Representative to each state. Congress has adopted a formula to allocate seats in the House among the states based upon population.⁶

Congress pursued this option through the constitutional amendment process. In March of 1967, President Lyndon B. Johnson forwarded to Congress a proposal that would amend the Constitution to expand District voting in Congress. The proposal, House Joint Resolution 396, introduced into the House by Representative Emanuel Celler, sought to authorize one voting representative and granted Congress the authority to provide by legislation for additional representation in the House and Senate, up to that which the District would be entitled were it a state. The House Committee on the Judiciary held hearings on the Johnson proposal, as well as others, in July and August 1967.⁷ The committee reported out an amended version of the resolution on October 24, 1967, which allowed full representation for the District of Columbia: two Senators and the number of Representatives to which it would be entitled if it were a state (two with its 1967 population of 763,000).⁸

Representative Don Edwards introduced the proposed constitutional amendment as House Joint Resolution 554 in the 95th Congress on July 25, 1977.⁹ It passed the House on March 2, 1978, by a 289-127 margin. On August 22, 1978, the Senate approved the resolution by a 57-32 vote. The proposed amendment, having been passed by at least two-thirds of each house, was sent to the states. The amendment provided that – for the purposes of electing members of the U.S. Senate and House of Representatives and presidential electors, and for ratifying amendments to the U.S. Constitution – the District of Columbia would be considered as if it were a state. Under the Constitution, a proposed amendment requires ratification by three-fourths of the states to take effect. In addition, Congress required state legislatures to act on ratification in a seven-year period. The D.C. Voting Rights Amendment was ratified by 16 states, but expired in 1985 without winning the requisite number of states (38).

On June 3, 1992, Representative James Moran introduced House Joint Resolution 501 (102nd Congress), a proposed constitutional amendment that declared the District, which constituted the seat of government of the United States, be treated as though it were a state for purposes of

representation in Congress; affording the ability to elect the President and Vice President. The resolution was referred to the House Judiciary Committee where no action was taken. On July 14, 1998, Delegate Eleanor Holmes Norton introduced H.R. 4208 (105th Congress), a bill to provide for full voting representation in Congress for the District of Columbia. The bill was referred to the Committee on Judiciary, Subcommittee on the Constitution, where no action was taken.

Option 2: Statehood

Statehood for the District of Columbia would settle the question of congressional representation for District residents. As a state, the District would have two Senators and at least one Representative, depending upon its population. Local efforts to have the District admitted as a State are long-standing, and legislation to do so has centered on making the non-federal land in the District of Columbia the nation's 51st state.

As the seven-year ratification period for the constitutional amendment proposed by H.J. Res. 553 drew near – with sufficient evidence that it would not succeed – the attention and efforts of local leaders shifted to an effort to make the District the 51st state. The District's critics of “home rule” contended that the attempts of expanding the local autonomy and formulating congressional representation through the 1978 Voting Rights Amendment did not go far enough toward bringing the District full self-determination.¹⁰ After the 1978 Voting Rights Amendment, scholars and elected officials concurred that statehood was the only way that Washingtonians could enjoy national representation on par with the other fifty states. As a result, there has been a pressing effort to bring statehood to the District, which was clearly seen from 1987 to 1993. Since the 98th Congress, thirteen statehood bills have been introduced. On two occasions, House bills were reported out of the committee of jurisdiction, resulting in one floor vote.¹¹

In 1987, former D.C. Delegate Walter E. Fauntroy introduced House Resolution 51 to create a state that would attempt to encompass the non-federal land in the District of Columbia.¹² While the bill was reported out of the House District Committee, no vote was taken on the House floor. In 1993, a second statehood bill, ironically also titled H.R. 51, was introduced by Delegate Eleanor Holmes Norton. The measure was reported from the Committee on the District of Columbia, and a vote was taken on the House floor on November 21, 1993 resulting in a tally of 277-153 against its passage.

Option 3: Retrocession

Retrocession of the non-federal land currently located in the District of Columbia to Maryland would make the District eligible to select congressional representatives as citizens of the state of Maryland. An example of retrocession was seen in 1846; District territory that lay west of the Potomac River (now the surrounding area of Arlington County and the city of Alexandria) was retroceded to the state of Virginia. The motivation for the retrocession came from residents of the retroceded area. Largely because Virginia agreed to the retrocession, there was no constitutional challenge to the change. In the case of the current District of Columbia, however, some D.C. residents and some in the state of Maryland oppose this type of retrocession.¹³ Yet, this proposal would afford District residents voting representation in the U.S. House and Senate through the state of Maryland.

Since the 101st Congress, there have been a total of eight bills introduced that would retrocede the District to the state of Maryland. All of these pieces of legislation have been proposed by Representative Ralph Regula, who introduced the last piece of the District of Columbia retrocession legislation in the 108th Congress. This bill, known as the ‘District of Columbia-Maryland Reunion Act’, was submitted to the Subcommittee on the Constitution in March of 2004 where it remains. In fact, none of Representative Regula's retrocession bills have ever made it out of committee. In addition, no state has ever been forced to accept retrocession (the West Potomac retrocession had a consensus); the question is judicially and politically untested. Accordingly, it is not known if the state of Maryland can be forced to take on its former territory.

Option 4: District Residents Voting in Maryland

This option would allow District residents – for the purpose of representation in Congress and the election of the President and Vice President – to be treated as citizens of, and vote in federal elections in the state of Maryland, in accordance with state law. It would allow residents of the District of Columbia to have a Representative from the District in the House of Representatives and have their vote counted in the election of the two Senators from Maryland. Further, for purposes of determining eligibility to serve as a member of the House of Representatives or the Senate, a resident of the District of Columbia would have been considered an inhabitant of the state of Maryland.

One such bill was introduced, H.R. 4193, that proposed to allow District residents a right to vote in federal elections as Maryland residents. H.R. 4193 was introduced on March 6, 1990 by Representative Stanford Parris. The bill would have given the District a seat in the House of

Representatives and given its residents the right to cast ballots in Maryland's Senate elections. It would have also maintained the District's governmental structure. The resolution was referred to "as a workable way to change the [status quo] which represents taxation without representation."¹⁴ However, Congress took no action on the bill.

PART II: The Arguments in Favor of...

It is evident that there is conformity amongst elected officials and scholars that District residents warrant national representation. As such, legislators have put forth many attempts for voting reform in the District. The lack of success for these proposals is due to the many constitutional barriers that stand in front of the reforms. Yet, there are still many well-founded social, political and economic arguments for congressional representation in Congress.

Proponents of voting reform claim that socially it would elevate District residents to a level of participatory democracy on par with their fellow American citizens living in the United States. Washingtonians have no voice on issues such as ratification of treaties and the confirmation of presidential appointees (Cabinet Secretaries & federally appointed Justices). Additionally, no other democracy in the world denies voting representation in the national legislature to residents of its national capital.¹⁵

Advocates of voting reform argue that giving the District national representation would more fully symbolize the fundamental representative democracy that was envisioned by the framers of the constitution. The founding fathers promoted representative democracies because they resided on the principle that authority must be derived from the consent of the governed. Moreover, the American Revolution was fought on this principle, where colonial citizens felt basic political rights was necessary regardless of where they made their residence. As mentioned earlier, residents of the District pay federal income taxes, but have no voting representation in the legislative body that sets its national tax policy. Additionally, the District's residents fight and shed blood in America's battles, yet those citizens have no voting representation in the declaration or war. For instance, D.C. was fifth per capita in troops in the Persian Gulf War and fourth per capita in casualties in Vietnam.¹⁶ National legislators are not directly accountable to District residents; therefore, members of Congress do not need to exercise any discretion when dealing with the future of the District.¹⁷

In terms of economic viability, the District compares favorably with many states. As shown in Table 1, earnings by industry within the District are

diverse and rank higher than many states in several categories: total gross state product, gross market value of goods and services attributable to labor, and property located in the state. Plus the District ranks higher than eleven states in business startups and generates more general local governmental revenue than seventeen other states.

Table 1. Selected D.C. Economic Indicators
(In millions of \$)

Economic Attribute	District of Columbia	DC ranked higher than the following in 1997
Total Gross State Product	\$ 44,000.1	AK, DE, HI, ID, ME, MT, NH, NM, ND, RI, SD, VT, WV, WY
Business Starts	696 Starts	AK, DE, ME, MT, NE, ND, RI, SD, VT, WV, WY
General Local Governmental Revenue (1996)	\$ 5, 675.0	AK, AR, DE, HI, ID, ME, MT, NV, NH, NM, ND, RI, SD, UT, VT, WV, WY

Part II B: The Arguments Against...

Each of the legislative measures proposed have had inherent political and/or constitutional flaws which have negated their implementation. However, some have encountered more success than others. The legislative success of each category is dependent on the ability of the legislation to circumvent the many constitutional barriers. Furthermore, there are many logistical questions that are untested or unresolved for each type of proposal.

The Constitution limits voting in Congress to representatives of the states. As the District is not a state, it is constitutionally prohibited from voting in Congress. Article V of the Constitution prohibits representation for the District providing that "no state, without its consent, shall be deprived of its equal suffrage in the Senate." This proviso was included to assure the smaller States that the larger States would not change the mode of representation in the Senate and thereby deprive them of their equal voice in that body. District voting in Congress would surely contravene this proviso.¹⁸ This constitutional barrier would most likely affect legislation that would allow voting representation in Congress equivalent to that of the fifty states, but without making it a state.

Oponents of statehood argue that the District cannot be viable as a state, constitutionally and economically. Also, adversaries to this idea note the District's size, population, and the economic viability of a proposed state. In addition, there are many questions on the future of a smaller reapportioned federal enclave that would remain within the state.

First, opponents argue that granting statehood would violate Article I, Section 8, Clause 17, which designates a federal district to house the national capital. Accordingly, a neutral federal district was created to provide a jurisdiction in which Congress would have exclusive control.¹⁹ Second, some opponents argue that Article IV, Section 3, Clause 1, which provides that no new state shall be created within an existing state without the consent of the state legislatures concerned, implies that the consent of Maryland would be necessary to create a state out of its former territory. Further, Maryland ceded the land to create a federal district for the national seat of government, not for another state. This point is illustrated in Maryland's constitution:

That all that part of the said territory, called Columbia, which lies within the limits of this state, shall be and the same is hereby acknowledged to be forever ceded and relinquished to the congress and government of the United States, in full and absolute right, and exclusive jurisdiction, as well of soil as of persons residing, or to reside, thereon, pursuant to the tenor and effect of the eight section of the first article of the constitution of the United States.²⁰

Third, there are constitutional concerns that center on the 23rd Amendment, which requires that the District of Columbia appoint three electors to the Electoral College. Statehood for the District would require the amendment to be repealed or amended. Edward Meyers writes that to reduce the District to a small federal enclave with virtually no one living there “would effectively nullify the twenty-third amendment, which only another constitutional amendment could do.”²¹ This, according to Howard University Law Professor Adam Kurland in his testimony to the Committee on the District of Columbia, would “cheapen the constitutional amendment process.” Yet, he did find that it was constitutionally mandated.²²

Statehood would also put the District in a complex position because of its small population and land mass would not render a sufficient economic base; especially one large enough to build and run a state capitol, and other state administrative buildings. Davis concludes that the District as a new state would not be able to sustain itself and could only do so with the help of massive Federal funding. This inability to sustain itself is due to the District's lack of land, natural resources, population and economic resources. Davis states, “More land means a greater abundance of natural resources [...] D.C. is at a disadvantage because of its small size.”²³ As further concern has been raised about the District's economy being so closely tied to the presence of the Federal government. Washington receives a far greater amount of federal funding than many of the smaller states. In this regard, critics of D.C. statehood contend that the district

does not have a sufficiently diversified economy as can be found in other states.

In the case of retroceding the lands of the District back to the state of Maryland, both D.C. residents and Maryland residents would most likely oppose.²⁴ As such, the desires and wishes of the District's and Maryland's residents would surely be honored by members of Congress. Charles Harris writes:

The affinity between the District and its suburban Maryland counties may be strong, but this relationship does not extend to other parts of the state. Both Maryland and the District are justifiably proud of their own historic political communities and boundaries and probably would not be willing to give them up. Consequently, this approach receives a low rating in terms of political feasibility.²⁵

Furthermore, the Maryland State Legislature would need to approve the District's retrocession, which public opinion would surely damage as well. The Congressional Delegate for the District, Eleanor Holmes Norton, further concludes that Maryland and the District are among the oldest independent jurisdictions, and as such would make the possibility of absorption untenable.²⁶ Consequently, Norton feels that two separate municipalities would be necessary.

It also must be recognized that the government of the District of Columbia provides the range of public services found in any other metropolitan city. Retroceding the non-federal portion of the District to Maryland may leave the federal enclave without such services. While there are numerous federal police forces currently available that could be utilized to protect the federal enclave, an administrative body would probably need to be created to oversee public services. These services include firefighting, water and sewer service, road construction and rehabilitation. Some services could be contracted for while others may not.²⁷

Legislation that provides the option to allow District of Columbia residents to vote in federal election by voting in the state of Maryland would also face some constitutional barriers. Also, this type of proposal would change the apportionment of House seats and alter House procedure. The amount of seats in the House would either need to be raised to 436 or a state must give up one of their apportioned seats.

As the measure would have left the District intact as a congressional District “one-person, one-vote” concerns could be raised, regardless of its population.²⁸ The District's population is less than each of Maryland's

congressional districts, which would give District voters more voting representation than citizens in other districts. Furthermore, if this type of proposal were enacted it would not make the District a state. As such, this proposal would go against Article I, Section 2, requiring representatives to be chosen by the states. In addition, this could violate the 14th Amendment on the basis of “one-person, one-vote” rulings on states’ redistricting.²⁹ In 1910, Congress limited the size of the House to 435 members by statute. In terms of House procedure, the proposal would have had to address the issue of size of the House and whether it would be expanded, temporarily or permanently, in order to accommodate a Representative from the District.

Conclusion

There is no doubt that there exists an overwhelmingly strong campaign for equal voting rights in the District of Columbia. The case for national representation is simple and has been endorsed by both Republicans and Democrats, yet they have disagreed on the proper method to achieve this goal. The congressional approval of the 1978 amendment, which provided that the District be considered as a state for representation purposes, suggests that progress can be made towards this reform. And as this resolution was the only one to pass both the House and the Senate, makes it the most likely proposal to achieve the goal of national representation for the District compared with bills seeking statehood, retrocession, and having residents vote in Maryland. However, it did not become an amendment due to the inability of three-fourths of the states to pass the amendment. Thus, to achieve equal representation for the District one must find a way to circumvent the barriers that the 1978 amendment could not.

Legislation like the 1978 amendment seem to be better proposals than the other three option for franchisement because it would not only provide effective representation in both Houses of Congress, but it would also preserve the District’s separate and independent political status. In this sense, Frankel claims that legislation treating the District as a state for purposes of congressional representation would be constitutional- making it similar to statehood and vastly superior to retrocession. This solution would not only preserve a separate federal district, but would also maintain the exclusive federal jurisdiction over it (as would other proposals); it eliminates any constitutional problem in this regard.³⁰ This would also agree with tradition and history, making it more acceptable to the residents of the District and Maryland, as well as the people of the United States and their congressional representatives.

The proposal is economically viable because the District would be much better off and would not lose the special federal subsidies that it would in

becoming a state. Also in staying as a district, it would not need to create new jobs that its land could not otherwise produce. In addition, there would not have to be a new administrative entity created to protect and oversee the federal enclave and other important public services.

The 23rd Amendment would not be affected by this proposal because the District would be afforded the same three electoral votes as before. Yet, if this plan is so ideal how come it has not passed into law and why was it not ratified in 1978? It is apparent that proponents of voting rights in the District underestimate their competition: the bureaucracy. On top of the many constitutional barriers that each proposal encounters, there is a slow bureaucratic network that each must undergo. First, legislation must be proposed, go through sub-committee and committee, then pass both the Senate and the House with a two-thirds majority, and eventually contract passage by three-fourths of the states’ legislatures. From the self- interested legislator’s perspective, working for voting rights on behalf of those who have no affect on their re-election chances makes it more difficult to stir up much enthusiasm amongst most politicians. Seemingly, the chances of voting representation for the District of Columbia would encounter much better odds if the there was no need to get the approval of three-fourths of the states.

The Constitution in the exclusive legislation clause grants Congress power to exercise, “exclusive Legislation in all Cases whatsoever” in the District. The federal courts have already reaffirmed Congress’ high level of power in *Adams v. Clinton* (2000) and *Alexander v. Daley* (1998). Yet, Congress has still not made any progress towards curbing disenfranchisement.

Frankel proposes a new idea for legislation that would treat the District as a state for voting representation. He states, “If the exclusive legislation clause allows Congress to treat the District as a state for purposes of article III and federal jurisdiction, then it should also allow Congress to treat the District as a ‘state’ for purposes of article I, the seventeenth amendment, and congressional representation.”³¹ This outcome would certainly be consistent with constitutional policy that allows Congress to provide for the general welfare of the District of Columbia residents. With this in mind, what is next for the District of Columbia?

Allowing the District to have representation in Congress equivalent to that of the states is a practical approach; maintaining the uniqueness of the District while preserving the American belief that everyone has the right to participate in their democratic government. As such, there needs to be more public support in favor of national representation for the district to persuade elected officials. This would need to come from better public education regarding the District’s disenfranchisement and

the proposals needed for reform so as to expose the issue. Solving this problem is composed of diverse political problems and complex constitutional issues, but is nevertheless something well within Congress' capabilities. It is apparent that legislation giving the District equal representation equal to that of the fifty states can be successful, which was indicated in 1978. However, legislation will need to be carefully drafted and its support must stay well-garnered in order to repair the tragic injustice that resides in our political system today.

Endnotes

- ¹ Lawrence M. Frankel. "National Representation for the District of Columbia." University of Pennsylvania Law Review June 1991, 1659.
- ² James Hugh Keeley Jr., Democracy or Despotism in the American Capital (Princeton: Princeton University Press, 1939) 59.
- ³ James Madison, *The Federalist Papers*, No. 43 (New York, 1961), 272.
- ⁴ *ibid.*
- ⁵ Judith Best. National Representation for the District of Columbia. (Frederick: University Publications of America, 1984) 17.
- ⁶ United States, CRS, District of Columbia Voting Representation in Congress (Washington: CRS) 3.
- ⁷ "Major Legislation: D.C. Reorganization," 1967 CQ Almanac (Washington: Congressional Quarterly Inc, 1968) 1026.
- ⁸ U.S. Congress, Committee on the Judiciary, *Representation of the District of Columbia Report*, H.J. Res. 396, 90th Cong., 1st session (Washington: GPO, 1967).
- ⁹ "District of Columbia Representation in Congress," *Congressional Record*, vol. 124, March 2, 1978, 5263-5273.
- ¹⁰ United States, CRS, District of Columbia Voting Representation in Congress (Washington: CRS) 6.
- ¹¹ *Ibid*, 6.
- ¹² U.S. Congress, *New Columbia Admission Act Report*, H.R. 51, 103rd Cong., 1st session (Washington: GPO, 1993).
- ¹³ *Report to the Attorney General on the Question of Statehood for the District of Columbia*, 5-6.
- ¹⁴ Kent Jenkins Jr., "Parris Bill Would Let D.C. Vote in Maryland Senate Race," *The Washington Post*, March 7, 1990, D1.
- ¹⁵ Charles W. Harris, Congress and the Governance of the Nation's Capital: The Conflict of Federal and Local Interests (Washington: Georgetown University Press, 1995) 239-262.
- ¹⁶ Eleanor Holmes Norton, "Yes: A Denial of Human Rights" ABA Journal. August 1993, Vol. 71, Issue 8, 46.
- ¹⁷ United States, CRS, "District of Columbia Voting Representation in Congress." (Washington: CRS) 6.
- ¹⁸ *Ibid*, 3.
- ¹⁹ Judith Best. National Representation for the District of Columbia. (Frederick: University Publications of America, 1984) 16-17.
- ²⁰ Laws of Maryland 1791, ch. 45, 2 (Kitty 1800).
- ²¹ Edward M. Meyers. Public Opinion and the Political Future of the Nation's Capital. (Washington: Georgetown University Press, 1996) 77.
- ²² U.S. Congress, *New Columbia Admission Act Report*, H.R. 51, 103rd Cong., 1st session (Washington: GPO, 1993).

²³Dewitt Davis Jr. "Washington, D.C. Statehood: A Geographical Analysis," *Focus*. Summer 1994 Vol. 44, Issue 2, p. 21.

²⁴ See Note 13.

²⁵ Charles Wesley Harris. *Congress and the Governance of the Nation's Capital: The Conflict of Federal and Local Interests*. (Washington: Georgetown University Press, 1995) 203.

²⁶ Eleanor Holmes Norton, "Yes: A Denial of Human Rights" *ABA Journal*. August 1993, Vol. 71, Issue 8, 49.

²⁷ United States, CRS, "District of Columbia Voting Representation in Congress." (Washington: CRS) 11.

²⁸ Benjamin Sheffner, "Gingrich Plan to Give District Seat in Maryland Opens Pandora's Box: 436 Members? No Electoral Votes?" *Roll Call*. April 20, 1995, 1.

²⁹ United States, CRS, "District of Columbia Voting Representation in Congress." (Washington: CRS) 11-12.

³⁰ Lawrence M. Frankel. "National Representation for the District of Columbia." *University of Pennsylvania Law Review* June 1991, 1675.

³¹ Lawrence M. Frankel. "National Representation for the District of Columbia." *University of Pennsylvania Law Review* June 1991, 1689.

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