



## **Legal Experts Affirm Constitutionality of Achieving DC Voting Rights Through Legislation**

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[www.dcvote.org](http://www.dcvote.org)

*"Granting the District of Columbia a voting representative is so clearly within Congress' power that the more appropriate question for us all to ponder might be: 'Why has it taken so long?'"*

**Harvard Law Professor Charles Ogletree, May 2007**

*"The use of the word 'state' [in the Constitution] cannot bar Congress from exercising its plenary authority to extend the franchise to District residents."*

**Judge Kenneth Starr, June 2004**

### **Legal Scholars in Agreement**

Judges **Kenneth Starr** and **Patricia Wald**, Professors **Viet Dinh** and **Charles Ogletree**, DC lawyers **Walter Smith** of DC Appleseed and **Rick Bress** of Latham & Watkins are among legal experts who agree that Congress has the authority to pass simple legislation giving District residents voting representation in Congress. All have written legal analyses confirming that authority, and all the analyses make the same key points.

### **Disenfranchisement Not Intended by Framers**

First, all the analyses conclude that the Framers of the U.S. Constitution plainly did not intend to deprive citizens of our nation's capital of the most basic right of the democracy they created – the right to vote.

*"There are no indications, textual or otherwise, to suggest that the framers intended that Congressional authority under the District Clause, extraordinary and plenary in all other respects, would not extend also to grant District residents representation in Congress."*

**Professor Viet Dinh and Adam Charnes, November 2004**

*"There certainly is no evidence in the text or history of the Constitution signifying the Framers wanted to deny the District the franchise forever for any legitimate reason."*

**Judge Patricia Wald, May 2007**

Because the nation's capital was not created until several years after the U.S. Constitution was written, the Framers left it to Congress to provide voting representation for citizens of the capital once it was created.

*"Congress has authority to enact the DC Voting Rights bill and, indeed, this legislation is what the Framers would have expected and embraced today as fulfilling their democratic vision for the Nation."*

**Rick Bress, May 2007**

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## **Congress Is Given Sweeping Powers to Provide for DC**

Second, all the legal analyses conclude that the Framers meant Congress to use its sweeping authority under Article I (described by Judge Starr as “*majestic in its scope*”) to make all rules necessary to provide for the welfare and well-being of the capital and its citizens.

*"While the Constitution does not affirmatively grant District residents the right to vote in congressional elections, it does affirmatively grant Congress plenary power to govern the District's affairs."*

**Senator Orrin Hatch, May 2007**

## **Congress Already Treats DC Like a State and Can Do So for Voting Representation**

And third, all the analyses conclude that Congress has authority under the District Clause power to confer on the District certain rights and responsibilities of states; that Congress has often done so in the past; that such exercises of Congress’s power have been repeatedly upheld by the courts; and that Congress can use that power now to confer on District residents the most precious right already enjoyed by citizens of the States – the right to vote.

For these reasons, the DC House Voting Rights Act is plainly constitutional. **For the complete text of the opinions by Starr, Dinh, Smith, Bress and others, please visit [www.dcvote.org](http://www.dcvote.org).**